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Meeting expectations in the EU regulatory state? Regulatory communications amid conflicting institutional demands

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ABSTRACT


European Union agencies are crucial institutional agents of the EU regulatory state. As such, they are faced with multiple expectations from a broad array of audiences. Reputation literature teaches us that the process of how organisations manage the expectations of their multifaceted audiences is central to organisational reputation. However, there has been little research about the diverse aspects of organisational reputation that EU agencies communicate to legitimise their existence. And how does this vary over time, across agencies, and why? More broadly, the study reflects on the implications of these attempts at self-presentation for the regulatory state's legitimising credentials. It introduces a novel measurement of reputational dimensions and draws on a quantitative analysis of all EU regulatory agencies' annual reports across time. Our findings indicate that agencies are becoming more reputationally-astute over time, expanding their reputational repertoire. However, this expansion is consistent with the tenants of the EU regulatory state.

KEYWORDS EU agencies; legitimacy; organisational reputation; regulatory state; reputation-management; self-presentation

Introduction

European Union (EU) agencies are crucial institutional agents of the EU regulatory state. Collectively, EU agencies' inputs span the full range of the regulatory process from collecting and supplying technical information (*information-gathering*) to rule-making (*standard-setting*) and supervision/enforcement roles so as to ensure consistent and coherent implementation of regulatory policy (*behaviour-modification*). To deliver on these mandates, EU regulatory agencies are faced with multiple expectations from a broad set of audiences, at different levels of governance, ranging from EU

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institutional actors (e.g., the European Commission, the European Parliament), corresponding national regulators, national political actors, interest groups to media, NGOs, or the general public.

Assessed by manifold audiences, EU agencies need to engage in complex 'juggling acts' to maintain support from their environment by responding to, and prioritising among, an array of – often conflicting – audience expectations. For instance, to perform their supervisory roles, agencies such as the European Financial Supervisory Authorities (ESAs) need to display 'vigor and assertiveness' (Carpenter 2010: 47) towards national authorities. At the same time, EU agencies are heavily dependent on these very same audiences – in terms of capacity, resources and expertise – to effectively deliver on their mandates. Yet, we know little of how EU agencies reconcile the competing expectations placed upon them within a multi-level governance system, as well as how reputational management strategies reflect their complex institutional status.

Reputation literature teaches us that this process – i.e., how organisations manage the expectations of multi-faceted audiences – is crucial to organisational reputation and regulatory authority (Carpenter 2010). What legitimates an organisation is a perception of competence (i.e., a positive reputation) among audiences 'that matter', i.e., that are relevant to the organisation's reputation. In other words, when it comes to reputation-building, not all audiences are equally of consequence. Formal, as well as *informal*, audiences shape the power of regulatory organisations above and beyond formal fiat.

However, there has been little research that speaks to the question of which aspects of organisational reputation EU agencies communicate and emphasise to legitimise their existence to relevant stakeholders. How does the communication of different aspects of organisational reputation vary over time and across EU regulatory agencies? Can different regulatory roles (information-gathering, standard-setting, behaviour-modification) account for their organisational reputation cultivation strategies? While the study of regulatory communications in relation to bureaucratic reputation has been a subject of growing interest (Gilad et al. 2015; Maor et al. 2013), these aspects remain largely unexplored in the EU regulatory context.

To answer our questions, we carry out a quantitative analysis of all EU regulatory agencies' annual reports across time (from the year of set up to the last available report [2017]). To that end, we develop a novel operationalisation of reputation-management strategies that agencies use to legitimise their roles and day-to-day activities vis-à-vis relevant audiences. We introduce a unique dictionary to capture the different dimensions and quantify their impact. Empirically, we map out what aspects of their reputation EU agencies emphasise, how these vary over time, and why. We introduce and examine several expectations accounting for the variance in reputation-management across

time and as agencies age. Such an approach allows us to disentangle how organisations operating in different regulatory areas attempt to legitimise themselves during their lifespan and on which specific dimensions, providing us with a more differentiated understanding of legitimation processes in EU multi-level governance. Importantly, it allows us to study to what extent EU agencies' attempts at self-presentation are consistent with the discourse of the EU regulatory state, or to the contrary, whether organisational pressures are leading them to diverge from their declared *raison d'être*.

Organisational reputation

Bureaucratic reputation scholars have shown that successful attempts to cultivate strong reputations bring crucial benefits to public organisations such as regulatory agencies (e.g., Carpenter 2001, 2010; Carpenter and Krause 2012; Gilad 2009; Maor and Sulitzeanu-Kenan 2013). The successful cultivation of organisational reputation may build public support, further agencies' autonomy from political actors and/or help protect the agency from external attacks (Carpenter 2010; Carpenter and Krause 2012; Maor et al. 2013). Fundamentally, reputation-building efforts have been shown to be intimately linked to the *legitimation of regulatory power*, and to the deference and authority that regulatory bodies come to enjoy, beyond and above legal fiat.

As a valued 'organisational asset', public organisations attempt to cultivate a positive reputation. To that end, they carefully assess their regulatory audiences and 'court' their support, emphasising specific competencies – for instance, 'niche competencies' or those that place them in a particularly positive light (Busuioc and Lodge 2016) – and/or 'selectively responding to reputational threats that can potentially harm their distinctive organisational reputation' (Rimkutė 2018a: 72; see also Gilad 2009; Gilad et al. 2015; Maor et al. 2013). Organisations adapt behaviour in light of audience expectations as well as deploy rhetoric and efforts at self-presentation to shape not only audience *perceptions* but also audience *expectations* of organisational behaviour. The 'presentation of self' (Goffman 1959), i.e., the management of appearances to audiences – '[a]ppearing to be successful in a successful way' (Busuioc and Lodge 2016: 250) – is part and parcel of reputation-building efforts.

However, successful reputation-building is no easy feat. Scholars in the field emphasise the multi-dimensional nature of reputation (Carpenter 2010): an organisation does not hold a good reputation *per se*, but rather a good reputation for its technical conduct (technical reputation), for effective action (performative reputation), for following due process(es) (legal-procedural reputation), and/or for its commitment to ethical values (moral reputation), as assessed by different audiences. Although the four dimensions of

reputation are not mutually exclusive (i.e., organisations can cultivate more than one dimension simultaneously), they are conceptually distinct.

Organisations may choose to cultivate their reputation by stressing their 'scientific expertise' and 'technical' aspects of their organisational conduct. An emphasis on the *technical dimension* is regarded as a powerful tactic enabling organisations to appeal to multiple audiences and even fight against aggressive attacks by influential interest groups or other organised actors (Maor 2007). To address their technical reputation, organisations may, for instance, choose to send strong professional signals by emphasising their scientific capabilities, underlining their scientific rigour, expertise, methodological prowess, or analytical aptitude (Carpenter 2010).

The *performative dimension* pertains to an organisation realising its tasks and 'execut[ing] charges on its responsibility in a manner that is interpreted as competent and perhaps efficient' (Carpenter and Krause 2012: 27). The capacity of organisations to effectively achieve declared ends and objectives – to deliver on their mandates – can be a powerful tool to gain, maintain, or enhance organisational reputation (Carpenter 2010). An important feature of performative reputation also lies in the agency's power to coerce some of its audiences, to display sufficient strength and assertiveness in the pursuit of its aims and declared duties. To that end, 'the ability to intimidate' is regarded as an important characteristic of performative reputation (Carpenter 2010: 46).

An emphasis on *legal-procedural* appropriateness may also be an effective strategy to foster a good organisational reputation (Carpenter 2010). According to Carpenter, 'an organisation's legal-procedural reputation relates to the justness of the processes by which its behaviour is generated' (2010: 47). Organisations can attempt to placate audiences – that are unhappy with specific regulatory outcomes – and legitimise said outcomes, through underscoring that these were reached through fair, predictable, and rigorous procedures.

An organisation producing scientifically sound outputs, delivering on its mandate efficiently, or following due processes may still, however, have a dubious *moral reputation*. To cultivate this aspect of their reputation, organisations may choose to pay special attention to protecting the interest of constituents, members, users, or consumers: 'Does the organization exhibit compassion for those adversely affected by its decisions or those in its environment who are less fortunate or more constrained? Is the organization flexible with respect to human needs?' (Carpenter 2010: 46). Organisations focusing on the moral aspect of their reputation will attempt to demonstrate their organisational openness, flexibility, inclusiveness, integrity, and/or commitment to the public interest. Furthermore, to emphasise their moral and ethical roles, organisations may send strong signals communicating their commitment to prevailing social values.

EU agencies and reputation

Ideally, to uphold a strong reputation, organisations would perform strongly on all these reputational dimensions. Organisational realities, however, suggest that delivering on all four dimensions would become a difficult balancing act: focusing on one dimension potentially detracts from another, leading organisations to prioritise among reputational dimensions rather than attempting to maximise across all dimensions (Carpenter 2010; Carpenter and Krause 2012). How do EU regulators prioritise among these dimensions?

On the one hand, the EU regulatory state discourse presents an obvious answer. At both the academic and institutional levels, the EU regulatory state has emphasised technical aspects as the defining legitimisation criteria for EU regulators. The EU institutional-level discourse has stressed the expert-based nature of EU regulators, leading to higher quality regulatory outputs, as a key rationale for their creation: 'The independence of their technical and/or scientific assessments is, in fact, their real *raison d'être*. The main advantage of using the agencies is that their decisions are based on purely technical evaluations of very high quality and are not influenced by political or contingent considerations' (European Commission 2002: 5). This rationale has similarly been emphasised in the academic literature on the EU regulatory state and EU agencies. As famously argued by Majone: 'Regulation depends so heavily on scientific, engineering and economic knowledge that (...) *expertise has always been an important source of legitimisation of regulatory agencies*' (1997: 157). And reiterated:

EU agencies are often created to answer the call for independent expertise of a highly technical or scientific nature, not readily available in the Commission (...) They are delegated the technical and scientific functions of the Commission, leaving the 'unbundled' Commission to focus on the political dimension. (Groenleer 2009: 101)

This emphasis is consistent with regulation literature, more generally. Much of this literature conceptualises regulation as a technical exercise, where the regulator, much like a 'technician', can choose the optimal approaches from the regulatory 'toolbox' to achieve desired outcomes.

On the other hand, EU agencies' legitimacy and reputation are cultivated in a context of a broad trans-national span of (political, professional, and lay) audiences. EU agencies necessarily face up to different pressures and expectations of agency activities and performance, depending on the coalition of audiences interested in/affected by the agency's performance. For all the discourse on de-politicisation, their areas of operation are often heavily politicised. The European Food Safety Authority (EFSA) assessments on GMOs and pesticides (most recently glyphosate), for instance, have been the subject of heavy public controversy (Groenleer 2009; Rimkutė 2015, 2018b).

The ideological ‘camps’ consist of a mix of advocacy groups, EU political actors, national authorities, and national political actors (dependent, among others, also on the sensitivity of the topic in the national context) on either side (see, for instance, Rimkutė 2018a). In other words, rather than strictly neutral experts, organisational realities demand that EU agencies act as ‘political entrepreneurs’ (Wood 2018).

How do EU agencies navigate the array of external expectations placed upon them? Are their communications consistent with the formal institutional discourse of the EU regulatory state or, to the contrary, are organisational efforts at self-preservation leading organisations to depart from these? Are we witnessing a move away from a focus on technical expertise toward greater politicisation in terms of how EU regulators present themselves to their audiences?

Expectations

As noted above, in the context of the EU regulatory state, expertise (the *technical* dimension of agencies’ tasks) has been a dominant justification for their creation. Expertise becomes not only an important rationale for the creation of EU regulators (Busuioc 2013; Groenleer 2009) but also a key ‘source of legitimisation for regulators’ (Majone 1997: 152). In line with this logic, we therefore *expect the technical dimension to be the core focus of EU agencies’ legitimisation efforts across agencies, and that this would be stable over time.*

In line with the EU regulatory state discourse, we also *expect the moral reputational dimension to be, and to have been, the most under-developed aspect among EU agencies.* The moral dimension refers to the extent to which the agency is compassionate and protective of constituency interests: ‘Does the organization protect the interests of its clients, constituencies, and members? Does the organization exhibit compassion for those adversely affected by its decisions (...)?’ (Carpenter 2010: 46). Such an emphasis directly contradicts the discourse of the EU regulatory state on de-politicisation: to signal credible commitment, agencies are meant to embrace the value of *neutral expertise*. They are meant to operate at arm’s length from political considerations, guided solely by technical rather than political considerations (‘not influenced by political or contingent considerations’, in the words of the European Commission [2002: 5]).

At the same time, however, in light of audience multiplicity, Carpenter and Krause (2012) have noted that focusing solely on one dimension might be difficult for organisations. This rings particularly true in the case of EU agencies and the (national, EU-level, and international) networks of audiences they are faced with. This suggests that organisations might need to rely on multiple sources of legitimisation and satisfy multiple audiences at once and that with time organisations become more reputationally-astute, i.e., aware of the

need to cultivate broader support, beyond the immediate stipulations of their mandates.

In this respect, insights from regulation literature – i.e., the life-cycle perspective (Bernstein 1955) – would lead us to expect that with time agencies shift their reputational repertoire beyond the strict focus of their young days. In Bernstein's account, the regulator's early days, characterised by youthful zeal and campaigning for the public interest slowly give way to a regulator that, as it ages, eventually settles in a pattern of 'cosy' relationships with the industry. While the theory pertains to accounts of regulatory capture, it more broadly also speaks to the relevance of a temporal dimension to regulatory development/evolution: youthful regulators that begin with a strict interpretation of, and adherence to, formal mandates, with time settle into more established (and co-operative) patterns of interaction with their stakeholders. And such accounts, have been empirically reported for EU agencies. EU agencies interact with relevant actors in the environment and develop over time, with varying success in this regard (Groenleer 2009). Bodies such as the European Environment Agency (EEA), for instance, which reportedly started off in its early days with hostile, competitive relationships with the European Commission – its main client and resource-provider – settled into becoming 'a more loyal partner to the Commission (...) balancing the ability to have a credible voice on the one hand and the need for stability and secure resource supply on the other' (Martens 2010: 881).

Following this logic, we expect that with time agencies become aware of their co-dependence with their environment and the need for (political) support as a 'licence to operate', leading them to move towards cultivating new sources of support, beyond their initial focus. We therefore expect that a focus on the technical dimension, with time, will make way to a diversification of their reputational repertoire. *We anticipate that over time EU agencies broaden out their reputational focus* (by emphasising not only technical aspects but also increasingly cultivating other dimensions such as performative and/or legal-procedural).

Following Carpenter and Krause (2012), we further expect task specialisation to play a role in agencies' reputation-management strategies. While across-the-board we expect the patterns outlined above, at a more fine-grained organisational level, we anticipate some more differentiated patterns. Although all EU agencies are technical bodies, they carry out a variety of tasks as identified in their basic regulation: Some agencies are advisory in nature (provide scientific advice to the Commission without the ability to adopt binding rules), others are decision-making (can adopt binding decisions by applying general rules to specific situations: grant permits, approve substances such as medicines or chemicals), whereas others carry out supervisory and enforcement tasks towards national authorities (see Busuioac 2013 for one such task typology). We therefore expect that *agencies' reputational focus will*

reflect task specialisation/differentiation, i.e., that over time EU agencies carrying out different regulatory tasks will be more skewed towards the reputational aspects aligning with their task specialisation, as specified below.

We expect *advisory agencies to emphasise technical aspects of their reputation* (i.e., *advisory agencies as the baseline category*). The main output of advisory agencies (e.g., EEA, EFSA) is scientifically-based information, analyses or opinions, which the Commission or Member States can use for subsequent policy-making. Such agencies collect and disseminate information and assist the Commission in its regulatory tasks, particularly through technical preparatory work on developing (or amending) EU legislation or informing decisions of the risk manager (the Commission). Given that the main ‘currency’ of these bodies is their expertise and that they are heavily dependent on the credibility of such expertise for it to be subsequently taken up by other institutional bodies, we expect such agencies to ‘stay true’ to technical aspects in their communications.

A sub-set of EU agencies apply general rules to specific situations through their role in granting market authorisations or product certifications to the industry (e.g., the European Aviation Safety Agency (EASA), the European Medicines Agency (EMA) and in approving individual applications (trademarks: the European Union Intellectual Property Office (EUIPO)). They adopt decisions that are binding on third parties. In light of their tasks, we expect such agencies to also emphasise legal-procedural aspects – i.e., that appropriate procedures were followed and decision-making processes were fair. Furthermore, as such tasks lend themselves to measurability – their outputs are easier to measure/observe (Wilson 1989), we would also expect an emphasis on the performative dimension among these bodies: applications processed, permits granted, etc. We therefore *expect decision-making agencies, compared to advisory ones, to emphasise legal-procedural and performative considerations*.

Agencies that carry out enforcement/supervisory roles are expected to expand beyond the technical dimension to emphasise performative aspects. Agencies such as the European Banking Authority (EBA), the European Maritime Safety Agency (EMSA), the European Fisheries Control Agency (EFCA) carry out monitoring, inspection, and enforcement powers towards corresponding national regulatory authorities (Busuioc 2013). The ESAs (EBA, EMSA, EIOPA), for instance, can exercise far-reaching supervisory powers towards national supervisory authorities such as being able to investigate breaches of EU law and make recommendations for remedial actions to be undertaken by national supervisors and, under exceptional circumstances, to address binding decisions to these authorities as well as even being able to overrule them. An important element of performative reputation, as discussed above, is whether ‘the organization can display sufficient vigour and aggressiveness in the pursuit of some of its aims so as to invite compliance’ (Carpenter 2010:

46). We therefore expect such agencies to expand beyond the technical dimension to more forcefully emphasise the performative dimension of their reputation.

Sources of data

In the empirical analysis, we draw on the annual reports of EU regulatory agencies to observe how they manage their organisational reputation over time. Annual reports are an important (and thus far largely untapped) source for mapping how EU agencies present themselves to a broad range of audiences ranging from citizens (annual reports are publicly available on agency websites) to institutional actors (reports are part of the budgetary discharge procedure before the European Parliament and are formally required to be approved and/or consulted by a set of internal actors – management boards, agency directors – and external actors, such as the Commission, the European Parliament, the European Court of Auditors, the Internal Audit Service). Thus, all EU agencies produce comprehensive yearly reports covering rich information about their plans and activities, which affords us comparable data not only across agencies but also over time. At the same time, agencies have room to manoeuvre in choosing which aspects of their core activities to emphasise, allowing us to study agency specificities.

Moreover, these reports are relevant not only from an external but also from an internal reputational logic. Reputation literature stresses the ‘difficulty of projecting a unified image or face’ (Busuioc and Lodge 2016, 2017; Carpenter and Krause 2012: 30) and the presence of competing claims among different internal organisational sub-units. In this context, annual reports are an ideal data source as they allow us to study precisely these organisational attempts at projecting a unified common denominator of ‘what we stand for’ despite their internal differentiation. Thus, annual reports provide insights into how the organisation not only attempts to reconcile and unify ‘internal dissent’ (Busuioc and Lodge 2016) over the different internal perceptions of an organisation’s reputation (as it contains contributions from the main units of an organisation) but also how it chooses to signal, what it prioritises – and how it reconciles – among different external expectations so as to present a consistent image. Organisational reputations are precisely about such efforts: ‘organizational images offer forceful simplifications of more complicated agency realities (...)’ (Carpenter and Krause 2012: 28).

We examine 20 EU agencies – the full group of EU regulatory agencies – and a total of 335 annual reports, spanning the period 1977–2017 (see Table 1 in Online Appendix for an overview of our data). Our definition of regulatory agencies includes not only agencies possessing direct regulation powers (i.e., enforcement and decision-making) but also agencies carrying

out indirect regulation: i.e., providing information and advice to EU institutions (advisory agencies). This choice is motivated by Majone's (1997) argumentation that 'regulation by information' is as important mode of regulation as direct regulation. These agencies can then be classified, according to their primary regulatory roles, in three different task sub-categories: information-gathering and technical advice, standard-setting, and supervision and enforcement roles.

Operationalisation and method

Our outcome variables are the four dimensions organisational reputation – technical, performative, legal-procedural, and moral – i.e., the prominence of each of these dimensions in annual reports, as captured by the relative frequency of relevant keywords for each dimension. To capture these dimensions of reputation we built a unique dictionary of keywords. These keywords were derived deductively relying on Carpenter's (2010) definitions (see Table 2 in Online Appendix for the full list of keywords). The keyword category 'technical reputation' aims to capture scientific aspects of agency conduct therefore words (and their derivatives) referring to the scientific/technical vocabulary were added: e.g., science/scientific, data, evidence, expert/expertise, knowledge, study, model, test, calculate. We added adjectives that have scientific connotations: reliable, rigorous, robust.

In the category 'performative reputation', words (and their derivatives) reflecting the proactive or even assertive role of agencies in taking decisive actions were included (e.g., deliver, improve, enforce, inspect, oblige, restrict, adopt decision) as well as words referring to the attained ends (e.g., results, achieved/achievement, objectives, outcomes, outputs, success, targets). Furthermore, we aimed to capture references to adjectives and nouns such as effective/effectiveness and efficient/efficiency, which, following Carpenter's operationalisation, pertain to the performative dimension of reputation.

Contrary to the performative dimension – exclusively focusing on organisational ends – the category 'legal-procedural reputation' aimed at capturing references to organisational processes (i.e., means) and the following of rules/formal requirements that guarantee procedurally adequate courses of action. To that end, words referring to legal and formal processes and procedures were included (e.g., protocol, rules, control standards, internal operations, provisions).

In the keyword category 'moral reputation', the aim was to include words that refer to broader moral values and ethical aspects of organisational performance and activities. Moral reputation, according to Carpenter (2010), is often associated with organisational openness, inclusiveness, flexibility, trustworthiness, honesty, credibility, integrity, as well as activities aimed at protecting consumers and users.

Before proceeding to the analysis, we scrutinised – on a sample of reports – how the theoretically-derived keywords were used. We examined our keywords-in-context to ensure that they captured what we intend to measure. This process resulted in the deletion of several keywords (e.g., fair, rational, high-quality, guidelines, binding, control) that were not capturing our dimensions accurately or those which were not mutually-exclusive. For instance, keywords that seemed theoretically-relevant to the moral dimension (e.g., ensure, guarantee, preserve, promote) were also used by agencies to refer to other reputational dimensions: e.g., the keyword ‘fair’ was used by agencies to refer to legal-procedural and moral dimensions.

Following the keyword-in-context examination, to further ensure that our keywords capture the dimensions as accurately as possible, we created several ‘conditions’ in our software for keywords that were precise otherwise, except when used in a specific word combination. The ‘condition’ function allowed us to exclude the keyword when arising in specific combinations. Examples of such conditions include excluding the keyword ‘data’ (one of our keywords for technical reputation) when used near the word ‘personal’ or ‘protection’; ‘value’ when used near ‘reference’ (‘reference value’ is technical term, rather than our moral keyword ‘value’); ‘rule’ when used near ‘general’ (to avoid capturing ‘as a general rule’).

While we cannot claim to have been exhaustive in our keywords, our focus was on the inclusion of theoretically-relevant keywords that precisely captured the respective category, and which were also not sector-specific in order to avoid introducing biases in favour of particular fields (through inclusion or accidental omission). For example, while such a keyword as ‘safety’ or ‘security’ would capture the moral dimension, it would bias the result in favour of agencies that work on these areas such as EFSA or Frontex.

While we count ‘mentions’ (‘words’), the specific keywords stand in for ‘units of meaning’ that can vary in size – we aim to calculate the incidence of references to a specific reputational dimension (qualitatively, in the actual document, one count will correspond to a string of words within the surrounding context of the keyword, or sentence/paragraph, that disambiguate the keyword). It is also important to qualify that a quantitative content analysis approach cannot capture ‘nested’ meaning within sentences: if agencies use ‘technical’ words to convey a ‘moral’ message our study would not be able to capture it. On the other hand, while the analysis might lose out in terms of ‘nuance’ behind communications, it does have the advantage of being systematic and replicable.

To analyse our textual data, the WordStat software was used. WordStat is a quantitative content analysis and text mining software suitable for handling large amounts of word-based information. Using WordStat, we obtained a frequency count for each reputational dimension, for each

agency per year. The percentages obtained in Wordstat (calculated from the total word count) as well as the actual word counts were imported in *R* to carry out the analysis.

Below we first provide a descriptive demonstration of our data to examine our first three expectations, which relate to trends in our four dimensions. We proceed to test and elucidate the drivers behind each dimension. To that end, we ran multi-level analyses, where we regressed each of the four dimensions on *age*, age^2 (we hypothesise a quadratic effect), *agency type*, and *their interactions* (as the predictors), controlling for *year*. We used random intercept linear regression models, using the *lme4* *R* package (Bates et al. 2015). This allows us to account for the variation on each dimension between the different agencies within each type.

Empirical analysis and results

We begin by exploring descriptively the trends of the four dimensions across time and agencies' age. To calculate trends over time, we took the mean percentage of each dimension for the sampled agencies for each particular year (we used the mean as the metric of the importance of each dimension) and plotted these against time to display the distribution of the different reputational dimensions. To account for agency age, we plotted the average dimensional percentage of count against existing agencies' age, on a yearly basis. For instance, data in year one would aggregate the dimensional counts for EMA (European Medicines Agency) based on its 1995 report (EMA's year of establishment), EFSA's 2003, ECHA's 2007, EBA's 2011 report. This allows us to visualise and compare all four dimensional trends over time (Figure 1), and as agencies age (Figure 2).

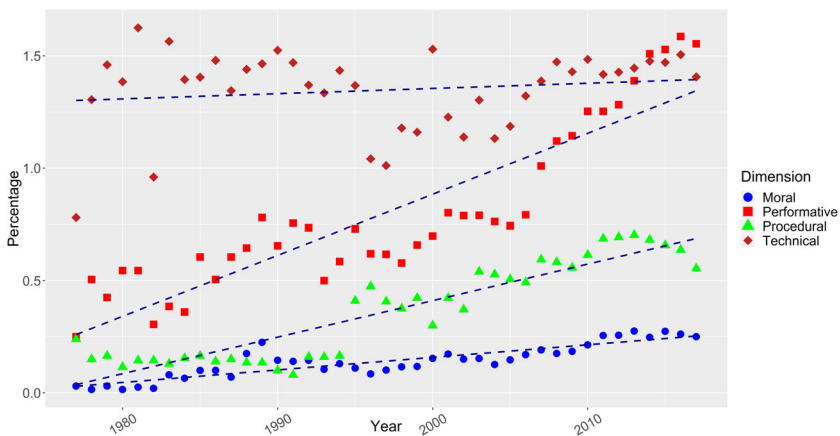


Figure 1. Dimension trends.

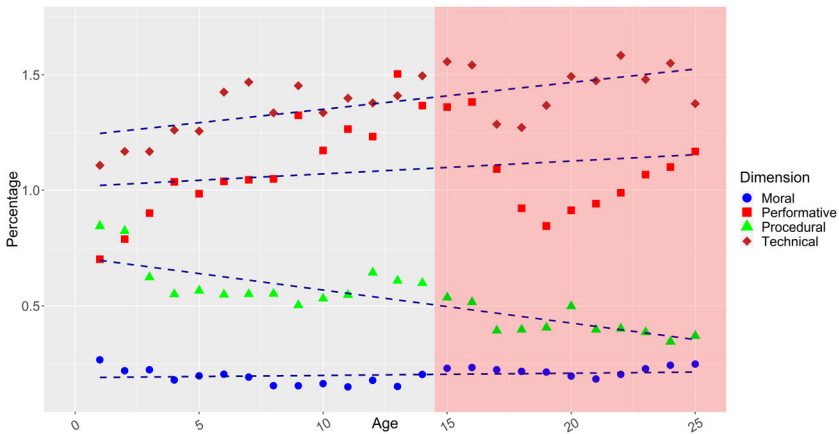


Figure 2. Trends based on age.

Our aggregated historical time trend analysis of the EU agency annual reports suggests that our first expectation holds: technical is the dominant dimension, except in very recent years (Figure 1). The data indicates a dominance of technical over performative, procedural, and moral aspects. A focus on the technical dimensions was upheld by EU agencies until 2014, when performative ‘just’ takes over (406 counts on average to performative’s 413 counts, see Online Appendix, Table 4 for specific counts).

Our data suggests that EU regulatory agencies started to pay more attention not only to their technical reputation but also to performative aspects when communicating about their activities. The plot shows a clear diversification of focus beyond technical (Figure 1): There is a shift towards more evenly distributed weightings, with a clear re-distribution of focus towards a second dimension (i.e., performative), with a third dimension (i.e., legal-procedural) too, on the rise across time. As expected, moral is the least dominant dimension reaching on average, at its highest in 2017, 83 counts over 20 agencies (1658 raw counts) (Online Appendix, Tables 3 and 4).

The plot appears to be a good approximation of the trend (Figure 1): As we move forward in time, and more agencies are created, there appears to be a stable trend – as shown by the predicted line. It is important to note that the early years fluctuate more due to there being fewer agencies in existence (pre-2003 there are fewer than 10 agencies, see Online Appendix, Table 6 for the yearly count). For more clarity, we therefore also present the descriptive trends for individual agencies and how each of them manage their reputation over time (Online Appendix, Figure 1a).

Figure 1, however, depicts trends over time rather than trends taking into account a life-cycle perspective: i.e., adjusting for where the different agencies

are in their 'lifetime' to track evolution over time. To analyse if the same reputation-management trends emerge when taking into account agency age, we aggregated the data based on agency age (Figure 2). Contrary to Figure 1, here there is less fluctuation in the early years (but more in the late years) because there are fewer 'older' agencies – only four agencies in our plot reached the 'venerable' age of 24 (Online Appendix, Table 5 for a breakdown of agency numbers by age).

Here too, we see the same broadening out of focus from technical, to include performative considerations. Both figures suggest that the broadening trend to include performative is consistent, regardless of whether we examine it across time or in terms of age. Although the supremacy of technical over performative is evident in early days, as agencies age (past year eight), the two dimensions come close to parity making it difficult to distinguish dominance, lending support, however, to an expansion in dimensional scope. Performative seems to gain at the expense of procedural, which here appears to go down as agencies age, compared to the overall trends over time (Figure 1). It should be noted, however, that this particular trend – and in fact the trends depicted in the right half of the graph (highlighted in red) – past age 14, on the horizontal axis – are characterised by higher uncertainty as the number of agencies drops to 10 or under (to seven agencies for age 17, four agencies at age 24 onwards).

Next, we present the results of our multi-level analyses, which investigate the variation in the four dimensions. For each dimension, we first examined the effect of agency *age*, age^2 , and *agency task type*, controlling for *year* (Model 1), and then added the interaction between *task type* and *age* and age^2 (Model 2), and additionally between *task type* and *year* (Model 3). We present the full regression tables for each of the four dimensions. For simplicity, in our discussion, we focus of the results on our main explanatory variables – *age*, *type*, and the interaction between them. Overall, the regression analyses confirm the patterns observed above (Figures 1 and 2). They provide a more complete assessment of these separate trends, as well as of the role of agency task. A descriptive summary of our data broken down by type and age is presented in Online Appendix, Table 7.

Performative dimension

The positive and significant coefficient of *year*, in Model 1 (Table 1), suggests that overall, *over time, this dimension became more emphasised*, in line with the descriptive demonstrations presented in Figure 1. The opposite signs for the *age* and age^2 coefficients suggest that *the dimension also increases with age, but that the increase is attenuating*. This is consistent with the descriptive age trends for the performative dimension (Figure 2). As for the agency *task*

type, the main effect of enforcement, compared with advisory agencies, is positive and close to significance ($p = .13$) (Model 1). The coefficient of the decision-making type is positive, but insignificant. In Model 2, the interaction between the two *agency types* and *age* are positive and significant, suggesting that the increase over agencies' lifetime is greater among decision-making and enforcement agencies, compared with advisory, in line with our expectations. Yet, when introducing the interaction with years, in Model 3, the interaction between *decision-making agency type* and *age* becomes insignificant, indicating that the above moderation is related to historic time trends rather than to agencies' life-cycle.

Overall, our analysis indicates that *enforcement agencies are more likely to emphasise the performative dimension*, and these trends increase over their lifetime. A comparison between the models using ANOVA indicates that adding these interactions (Model 3) has a significant contribution to the model fit ($\text{Chi}2(6) = 18.10, P < .01$ and $\text{Chi}2(2) = 8.08, P < .05$ compared with Models 1 and 2, respectively).

Table 1. Performative dimension.

	Dependent variable:		
	Performative dimension % of words		
	(1)	(2)	(3)
Age	0.031*** (0.011)	0.020* (0.011)	0.020* (0.010)
Age ²	-0.001*** (0.0002)	-0.001*** (0.0002)	-0.001*** (0.0002)
Decision-making agency	0.226 (0.199)	-0.004 (0.223)	-0.896* (0.534)
Enforcement agency	0.334 (0.222)	-0.042 (0.267)	2.578** (1.100)
Year (0 = 1977)	0.032*** (0.009)	0.031*** (0.008)	0.031*** (0.007)
Decision-making × Year			0.044* (0.024)
Enforcement × Year			-0.086** (0.036)
Decision-making × Age		0.047** (0.022)	0.004 (0.032)
Enforcement × Age		0.089* (0.049)	0.170*** (0.058)
Decision-making × Age ²		-0.002** (0.001)	-0.002** (0.001)
Enforcement × Age ²		-0.003 (0.003)	-0.003 (0.003)
Constant	-0.142 (0.212)	-0.058 (0.207)	-0.049 (0.183)
N agencies	20	20	20
Observations	335	335	335
Log Likelihood	-126.632	-121.620	-117.581
Akaike Inf. Crit.	269.265	267.239	263.163
Bayesian Inf. Crit.	299.778	313.009	316.561

Note: * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$.

Procedural dimension

In Model 1 (Table 2), the effect of *year* is positive and significant, whereas the effect of *age* is negative and significant. Consistent with the trends in Figures 1 and 2, these coefficients indicate that *overall this dimension became less emphasised over agencies' life-cycle, but on the other hand, on average, it slightly increased over the years*. The main effect of decision-making type agencies, compared with advisory agencies, is positive and significant, which entails that on average, *decision-making agencies are more likely to emphasise the procedural dimension than advisory agencies*, consistent with our expectations. The differences between enforcement and advisory agencies are insignificant.

In Model 2, the interaction between *age* and *decision-making type* is insignificant, which entails that the difference between decision-making and advisory agencies remains stable regardless to agencies' age. The interaction with *enforcement* is negative and significant and the simple effect of enforcement is positive and significant. The interpretation of this latter interaction indicates that *young enforcement agencies are also more likely to*

Table 2. Procedural dimension.

	Dependent variable:		
	Procedural dimension % of words		
	(1)	(2)	(3)
Age	-0.025*** (0.005)	-0.019*** (0.006)	-0.019*** (0.006)
Age ²	0.0004*** (0.0001)	0.0002** (0.0001)	0.0002** (0.0001)
Decision-Making agency	0.306*** (0.098)	0.422*** (0.119)	0.626* (0.333)
Enforcement agency	0.096 (0.109)	0.331** (0.143)	0.143 (0.682)
Year (0 = 1977)	0.017*** (0.004)	0.018*** (0.004)	0.018*** (0.005)
Decision-Making × Year			-0.010 (0.015)
Enforcement × Year			0.006 (0.022)
Decision-Making × Age		-0.013 (0.012)	-0.003 (0.019)
Enforcement × Age		-0.082*** (0.027)	-0.087*** (0.034)
Decision-Making × Age ²		0.0001 (0.0004)	0.0001 (0.0004)
Enforcement × Age ²		0.005*** (0.002)	0.005*** (0.002)
Constant	0.159 (0.105)	0.096 (0.109)	0.084 (0.113)
<i>N</i> agencies	20	20	20
Observations	335	335	335
Log Likelihood	71.411	79.758	80.017
Akaike Inf. Crit.	-126.822	-135.516	-132.034
Bayesian Inf. Crit.	-96.309	-89.746	-78.637

Note: * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$.

emphasise the procedural dimension, compared with advisory, yet as they age, this emphasis diminishes. While we did not anticipate this in our expectations, one explanation for this finding could be that as enforcement tasks entail, among others, direct enforcement actions ‘on the ground’ (i.e., joint investigation teams, rapid interventions teams – Europol and respectively Frontex) or directing national authorities (i.e., the financial authorities), young enforcement agencies might find it necessary to emphasise that they have followed proper procedures to bolster the legitimacy of their actions.

In Model 3, the interactions between *agency types* and *year* are insignificant, and the above interactions with age remain intact. Therefore, Model 2 represents our best model.

Technical dimension

For this dimension too, *age*, *age*² are significant predictors, while *year* is not (Table 3). This is not surprising as the technical dimension is quite flat

Table 3. Technical dimension.

	Dependent variable:		
	Technical dimension % of words		
	(1)	(2)	(3)
Age	0.033*** (0.011)	0.027** (0.012)	0.030** (0.013)
Age ²	-0.001*** (0.0001)	-0.001*** (0.0002)	-0.001*** (0.0002)
Decision-making agency	-0.194 (0.232)	-0.326 (0.258)	-0.913 (0.774)
Enforcement agency	-0.036 (0.257)	-0.033 (0.299)	-0.565 (1.567)
Year (0 = 1977)	0.006 (0.010)	0.005 (0.010)	0.002 (0.011)
Decision-making × Year			0.029 (0.036)
Enforcement × Year			0.019 (0.052)
Decision-making × Age		0.009 (0.020)	-0.019 (0.041)
Enforcement × Age		0.012 (0.044)	-0.006 (0.066)
Decision-making × Age ²		0.0002 (0.001)	0.0002 (0.001)
Enforcement × Age ²		-0.002 (0.003)	-0.002 (0.003)
Constant	0.997*** (0.244)	1.071*** (0.250)	1.134*** (0.257)
N agencies	20	20	20
Observations	335	335	335
Log Likelihood	-93.348	-89.192	-88.826
Akaike Inf. Crit.	202.697	202.384	205.653
Bayesian Inf. Crit.	233.210	248.154	259.051

Note: **p* < 0.1; ***p* < 0.05; ****p* < 0.01.

across time – it remains high throughout, in line with our theoretical expectation and the descriptive demonstration in [Figure 1](#). Age has a positive effect, whereas age^2 has a negative one suggesting, as was the case with the performative dimension, that *the technical dimension increases with age, but that the increase is slowing down as agencies age*.

The coefficients of decision-making and enforcement agencies are negative, but not statistically significant. This entails that, on average, the advisory agencies in our sample were more likely, as expected, to emphasise the technical dimension in their annual reports, yet the differences are relatively small and cannot be generalised with sufficient confidence, to support our theoretical expectation. For the interaction models (Models 2 and 3) none of the interactions are significant so our best model is Model 1.

Moral dimension

For the *moral dimension*, time (*year*) is a significant predictor and has a positive effect (Online Appendix, Table 8). Again, this is a very small dimension across all agencies and one that remains very flat throughout. Enforcement agencies appear to address this dimension less than advisory agencies to start with and even to a lesser extent as these agencies age (as evidenced by the significant interaction between *enforcement* and *age* in Model 3), an unanticipated effect.

Discussion and conclusion

This study aimed to contribute to EU agency governance scholarship by addressing critical – but thus far – understudied questions in the context of the European regulatory state: How does the communication of different aspects of organisational reputation vary over time and across EU agencies? Can different regulatory roles account for differences in organisational reputation cultivation strategies? Do such efforts at self-presentation and legitimation diverge from the logic of the EU regulatory state? Are organisational considerations and pressures leading agencies to depart from the tenants of the EU regulatory state?

To address these questions, we carried out a quantitative analysis of EU regulatory agencies' annual reports across time. We aimed to contribute to, and respond to calls from, reputation literature that '[a] critical feature of moving forward in this research is to examine not only the various dimensions of reputation, but also to assess their persistence and variability within and across administrative contexts' (Carpenter and Krause 2012: 31). It is precisely their persistence and variability – across historical time, agencies' life-cycles, multiple organisational contexts and in a so far understudied administrative context from a reputational perspective (i.e., EU regulatory governance) –

that was the focus of this study. More generally, the study also contributes to reputation literature by devising a systematic approach to quantitatively operationalise and measure reputational dimensions through the study of regulatory communications. Our dictionary approach is deductive and a possible shortcoming refers to the exhaustiveness of the dictionary. Future work could corroborate and/or contrast our approach to for instance, more inductive approaches, such as topic modelling, or to theoretically-guided manual coding approaches – the latter possibly followed by applying machine learning techniques to this coded (training) data and using the ensuing model to predict on new data.

The empirical findings provide support for our first three expectations regarding the organisational reputation dimension trends. First, we observe that consistently over time, from one year to the next, EU agencies predominantly focus on the technical dimension. Second, as expected, the data suggests that the moral dimension is engaged with least by EU agencies and it remains the least pronounced dimension for all agencies. Third, there is a perceptible move over time from agencies' original focus on technical reputation towards a broader reputational outlook. While the main emphasis, beyond technical, is on the performative dimension, we find that time (year) has a positive effect on all three dimensions (i.e., performative, procedural, moral). More generally, the broader focus towards performative aspects is very interesting and could be reflective of broader NPM-type dynamics and growing expectations placed over time on EU agencies linked to performance measurement, performance reporting, and demonstrating efficiency. The European Parliament, for instance, has been explicitly urging EU agencies in its comments in its budgetary discharge reports along the years to supply key performance indicators and information on actual results (Busuioc 2013).

The patterns of expansion in 'reputation repertoire' seem to hold not only over time but also when examined from an agency age ('life-cycle') perspective *but with a small quadratic effect*. The quadratic effect of agency age in this context appears to lend support to a life-cycle perspective: the technical and performative dimensions increase with age (suggestive of the expected expansion to other sources of legitimation, beyond technical), but the increase in both slows down slightly as agencies mature (the opposite occurs with the procedural dimension). The differentiated effects of *age* and *year* are interesting here and potentially indicative of different micro-mechanisms at stake: i.e., a life-cycle versus an isomorphic logic that could be explored more in depth in further studies.

Finally, our expectations regarding agency task are only partially met. We do find support for the expectation that *enforcement agencies* emphasise the *performative dimension* significantly more than advisory agencies. Interestingly, our analysis additionally reveals that young *enforcement agencies* also focus on the *procedural dimension*, but this emphasis diminishes with age.

While *decision-making agencies* are not more likely than advisory to emphasise the *performative dimension*, they are more likely, as expected, to emphasise the *procedural dimension*. *Advisory agencies* do not focus significantly more on the *technical dimension*.

The broad reputation-management trends encountered are consistent with the long-standing claim that the EU regulatory state is predominantly focused on output legitimisation strategies (Majone 1998), encompassing both technical and performative aspects. As discussed above, in the regulatory state discourse, EU non-majoritarian agencies are legitimated through their technical outputs: through injecting expertise in the EU policy-making processes, they are to improve the effectiveness of policy outcomes. Their technical character, however, has direct implications for (the quality of) their outputs: 'efficiency orientated policies (...) are basically legitimated by results, and hence may be delegated to such [non-majoritarian] institutions' (Majone 1998: 28). Technical goes hand-in-hand with performative within the EU regulatory state and, thus, it makes sense – within the logic of the EU regulatory state – that the emphasis on the technical dimension, would over time, broaden out to an emphasis on performative aspects. The focus on input legitimacy through process (i.e., the procedural dimension) comes in as well but more as an after-thought, while moral and re-distributive matters are strictly outside the purview of the regulatory state.

Thus, while our findings indicate that EU agencies are becoming more strategic over time by diversifying their reputational repertoire, this expansion is consistent with (/within the confines of) the tenants of the regulatory state. While it appears EU agencies become more reputationally-astute and over time expand their toolbox of reputational strategies, they are *tentative political entrepreneurs*. Agency communications remain for the most part aligned with the regulatory state discourse: while moving away from a 'strict' emphasis in their early days on the communication of technical aspects, they remain skewed towards legitimisation strategies that emphasise the core features of the EU regulatory state. Rather than boldly venturing into 'moral' legitimisation grounds, their communication efforts have expanded into performative aspects, consistent with the EU's regulatory state output legitimisation criteria for its regulators. EU regulators remain faithful to the technical emphasis of the regulatory state but are simultaneously broadening out their political roles. With time, they seem to have become attuned to the fact that the areas they operate in are politicised and require a level of reputation-management to sustain trust from one's environment.

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