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Is That a Threat? How Types of Stakeholder and Reputational Threat Matter for Gaining Influence in Regulatory Rulemaking

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ABSTRACT

This paper assesses what type of comments are most useful to what type of stakeholder in gaining influence during public consultations. Theoretically, the paper approaches stakeholders' consultation comments as reputational threats from key audiences that the agency needs to respond to. Different types of threats are expected to carry different weights depending on the type of stakeholders. The analysis is based on a dataset of 73,283 consultation comments left by stakeholders in EASA rulemaking consultations. The findings indicate that it matters what interests pose what kind of threat in regulatory rulemaking. Certain group types become more influential while others lose out when making specific kinds of threats. This extends our understanding of how stakeholders gain influence and what reputational threats are seen as credible by regulatory agencies.

1 | Introduction

Literature on stakeholder engagement has assessed whether and why certain stakeholders influence what public actors decide. By and large, it employs a resource dependence perspective (Bouwen 2002; De Bruycker 2016) and sees the efforts of stakeholders as offering goods that public authorities might exchange for access and influence. As agencies look for expertise, studies often find that businesses are able to exchange their expertise for more influence (Golden 1998; Yackee and Yackee 2006).

Bureaucratic reputation literature has, however, proposed that agencies do not merely act based on exchanges of goods when dealing with stakeholders. In their stakeholder engagement, agencies aim to uphold a certain image of themselves (Bunea and Nørbech 2023; Fink and Ruffing 2020). Studies have explored the importance of strategic communication and decision-making by regulatory agencies in their reputation management efforts (Binderkrantz et al. 2023; Maor 2021; Müller 2023; Rimkutė 2018), finding that regulators are more sensitive to some threats than others and prioritize responding to them (Rimkutė and van der Voet 2023).

This study extends these findings by explaining stakeholder influence resulting from reputational threats. This broadens the more commonly used resource dependence perspective. Beyond exchanges between two parties, allowing stakeholders to influence an agency also becomes a matter of how that comes across to political principals, the public, and other key actors. Depending on which stakeholder makes a threat, it can be more or less credible to an agency (Rimkutė and van der Voet 2023). The credibility of a threat in turn affects a regulator's inclination to respond (Gilad et al. 2015). Furthermore, the consequences of ignoring a threat differ from stakeholder to stakeholder (Rimkutė and van der Voet 2023; van der Veer 2021). I argue that this also has implications for whether and which stakeholders influence the agency.

This study explores these assumptions by answering the question:

> What type of stakeholder posing what type of reputational threat is most successful in gaining influence in consultations of regulatory agencies?

Using automated text analysis of consultation documents, the paper focusses on the consultations of the European Union Aviation Safety Agency (EASA). The findings show that the type of threat indeed affords different stakeholders different levels of influence.

This paper offers at least four contributions to the literature. First, it combines insights from interest group and bureaucratic reputation literature. These literatures often focus on similar dynamics, but rarely integrate each other's theoretical underpinnings (but see Arras and Braun 2018; Joosen 2021). Second, in line with Boon et al. 2020), I focus on what audiences matter to agencies, which provides insights on how reputational threats for agencies emerge. Third, the paper further unpacks the multidimensionality of organizational reputation (Binderkrantz et al. 2023). Similar to Rimkutė and van der Voet (2023), the paper combines the two latter contributions to establish the differences in dimensionality for specific types of audience. Fourth, this paper extends this combination to the study of stakeholder influence. Other consequences of reputational threats from specific audiences, such as prioritizing actors (Rimkutė and van der Voet 2023) and communicating about specific competencies or dimensions (Fink 2024; Fink and Ruffing 2020), may also imply efforts to fend off audiences rather than having them affect the decisions regulators take. Looking at influence shows if reputational threats benefit the ones that make them. Understanding stakeholder influence as part of a complex set of dynamics that include the preservation of reputation and autonomy when faced with potential threats, furthermore, is a contribution to interest group literature.

2 | What Matters in Gaining Influence in Consultations?

A key focus of the literature on interest groups and stakeholders (hereafter referred to as 'stakeholders') is what determines their influence over public policy (Lowery 2013), often pointing to stakeholder type is a key determinant. Business stakeholders gain influence on regulation while diffuse interests, such as NGOs and citizens, lose out (Golden 1998; Yackee 2019). Only looking at stakeholder type is, however, found to be too simplistic and leaves out within-type differences (De Bruycker and Colli 2023; Willems 2020). Others have therefore also assessed *why* it is that *certain* businesses are dominant. Having sector specific expertise offers businesses leverage that diffuse actors often do not have (Ossege 2015). Other arguments include, for instance, that closer ties to public actors lead to more influence in consultations (Albareda et al. 2023).

The nature of the concerns stakeholders have is not often evaluated, although some assess whether groups ask for more or for less regulation (De Bruycker and Colli 2023; Yackee 2006). The literature on bureaucratic reputation offers a promising avenue to further unpack whether what stakeholders ask for matters for their influence.

Reputation literature has looked at how regulators communicate in the face of reputational threats (Binderkrantz et al. 2023; Bustos 2021). For instance, regulators respond more quickly in areas where their mandate is still growing (Müller and Braun 2021) or acknowledge problems in order to shift blame (Gilad et al. 2015). Another part of the literature focuses on how reputational threats affect organizational practices such as decision-making, enforcement, and approval (Binderkrantz et al. 2023; Bustos 2021). For instance, to maintain their reputation as technically or socially competent, regulators assess risks differently (Rimkutė 2018) and the risk of being perceived as incompetent decreases regulators willingness to investigate incidents (Etienne 2015). While these studies are specific about what kind of reputational threats regulators face, the source of the threat is often diffuse and refers to broad audience populations (Boon et al. 2021).

Others have focused on specific sources of threats, such as stakeholders in consultations. Authors find that energy regulators convey a technical reputation in engaging with stakeholders in consultations but also respond more to moral concerns when the agency has limited technical capacity (Fink and Ruffing 2020). Similarly, the European Commission responds more actively to substantive stakeholder comments to maintain its reputation of responsibility (Bunea and Nørbech 2023). Energy regulators respond with more nuance when faced with overly technical or legal strategies of private businesses (Fink 2024). Furthermore, EU agencies are found to prioritize responding to audiences differently depending on their concerns. Notably, political principals are prioritized when they express technical and procedural concerns, and the general public is prioritized when they have moral concerns (Rimkutė and van der Voet 2023). These findings show changes in communication and audience priority but not influence on regulatory policy. The latter is the innovation this study brings.

3 | Theory and Hypotheses

Following bureaucratic reputation literature, I approach input from stakeholders to regulatory agencies as potential reputational threats. Stakeholder comments address an aspect of the agency's current conduct that the stakeholder has concerns or preferences about and, by making a comment, actively challenges or supports. The agency then has the possibility to resolve the comment and even use it to strengthen its reputation. A threat, as such, may thus result in reputational damage or reputation building depending on how the agency responds.

Many expect that agency communication itself affects its reputation among its wider audience due to its accessible nature in an online platform (Bunea and Nørbech 2023), through the media (Gilad et al. 2015) or in formal statements (Müller and Braun 2021). Given, however, the detailed technical rules that agencies hold consultations on, the fact that a threat originating from it is public does not directly affect its reputation.

Instead, others take note of agencies' response to a consultation comment and may use it against the agency. For instance, if the agency rejects citizen groups' many suggestions on a policy, this may lead politicians to hold the agency accountable through, for instance, parliamentary questions (Leidorf-Tidå 2023). Reputational threats need not be intended as such by stakeholders for these mechanisms to work. When stakeholders aim to cooperate with the agency and their input is ignored, the agency may nonetheless face consequences if these or other stakeholders follow up on it. The agency would also forgo an opportunity to strengthen ties with key audiences that, if on board, may bolster their authority (Bertelli and Busuioc 2021; Bunea and Thomson 2015; Carpenter and Krause 2015). Responding to stakeholders' reputational threats in consultations is thus an exercise both in fending off possible harm and pursuing opportunities for the agency. Agencies prioritize between threats (Carpenter 2010; Gilad et al. 2015; Maor 2014; Maor and Sulitzeanu-Kenan 2016) and select the one most urgent or credible given the circumstances (Rimkutė and van der Voet 2023). This goes beyond the assumption that stakeholder engagement is only geared towards attaining key resources (central in most research looking at stakeholder influence; Bouwen 2002); gaining (bargaining) power (Bunea and Thomson 2015), a positive reputation, and increasing capacity (Arras and Braun 2018). Consultation comments may indeed result in benefits from the information the agency has managed to gather, for instance, key expertise. However, research using resource dependence perspectives has neglected the possibility that consultation comments may also harm the agency if unaddressed, for instance, by alerting key audiences to shortcomings of the agency.

To differentiate between reputational threats, I refer to the four dimensions of bureaucratic reputation: performative, technical, moral, and legal-procedural[1] (Carpenter 2010). Stakeholders' demands may be directed to distinct aspects of the agencies' proposal, and their input is meant to convey preferred changes or lack thereof on these dimensions to the agency.

Performative threats focus on the effectiveness of the agency in achieving its mandate (Busuioc and Rimkutė 2020; Carpenter 2010; Overman et al. 2020). Those who make threats on this dimension question whether the agency does what it is supposed to do and is expected to do, for instance, whether the proposed rule contributes to the effectiveness of the agency. Technical threats focus on the level of expertise in agencies' conduct and output (Busuioc and Rimkutė 2020; Carpenter 2010; Overman et al. 2020). Reputational threats that address this dimension are meant to change the agency's technical analysis or offer evidence that the agency has neglected, for instance, by suggesting a different risk analysis method. Moral threats focus on the extent to which the agency is trustworthy and operates in an ethical way (Busuioc and Rimkutė 2020; Carpenter 2010; Overman et al. 2020). Stakeholders that make reputational threats on the moral dimension aim to show that the agency does not act in the public interest through their proposed policy direction, for instance, by showing how it may harm consumers' rights. Legal-procedural threats, lastly, focus on whether the agency follows due process and existing legal principles (Busuioc and Rimkutė 2020; Carpenter 2010; Overman et al. 2020). Threats on this dimension point towards procedural defects of the proposed policy and incompatibility with other legislation, for instance, rules adopted by UN coordinating bodies.

Not only do agencies prioritize between reputational dimensions, so do stakeholders (Maor 2021). They make different types of threats because of what interest they represent (Fink 2024). Agencies take stakeholders' efforts more seriously if they make threats that fit their particular interest and role (Rimkutė and van der Voet 2023), which should also make it more likely that a stakeholder focuses on that dimension. The mechanisms that make a stakeholder more influential should, therefore, also make them make a specific threat more frequently. I distinguish between four stakeholder groups: business stakeholders (firms and business associations[2]), citizen groups, individuals, and public actors (national regulatory agencies, ministries, and inter- and transnational organizations).

The first set of hypotheses is on the likelihood that actors pose performative threats and that performative threats lead to influence on regulatory decision-making. Public actors that are principals of the regulator focus on keeping an agency accountable for its (ineffective) performance, and therefore on whether it is performing effectively (Rimkutė and van der Voet 2023). Additionally, individuals and citizen groups may pose credible performative threats as they may inform principals of insufficient performance as so-called fire alarms (Leidorf-Tidå 2023). Due to their more encompassing nature (i.e., their enhanced political capabilities; Albareda et al. 2023), citizen groups pose a more credible threat to the agency compared to individual citizens in sounding fire alarms. Business associations and firms likely pose a smaller performative threat. Part of the perceived performance of a regulator is how well it employs its enforcement capabilities towards businesses (Maor and Sulitzeanu-Kenan 2013). Therefore, performative threats from business actors may be easily set aside by the agency as undue criticism.

H1a. *Public stakeholders and citizen groups are more likely to pose performative threats in consultations compared to individuals and business stakeholders.*

H1b. *Performative threats from public stakeholders and citizen groups are more likely to result in influence on agencies through consultations compared to individuals and business stakeholders making performative threats.*

The second set of hypotheses is on the likelihood that actors pose technical threats and that technical threats lead to influence on regulatory decision-making. Businesses can offer technical information required in regulation (Bouwen 2002; De Bruycker 2016). Research has also shown that businesses are highly influential when it comes to regulators' decision-making (Golden 1998; Joosen et al. 2022; Yackee and Yackee 2006), often pointing towards their expertise as an explanation. Technical threats from business actors can therefore be expected to be particularly credible and damaging if not met. Public stakeholders are often also highly specialized. The assumed information asymmetry between public actors and businesses (Etienne 2015) means, however, that firms and business associations should still pose a more credible technical threat than public stakeholders. Individuals and citizens groups are often assumed to be lacking technical information (Bouwen 2002, but

see Flöthe 2019). Technical threats coming from them are therefore likely less credible.

H2a. *Business stakeholders are more likely to pose technical threats in consultations compared to public stakeholders, citizen groups and individuals.*

H2b. *Technical threats from business stakeholders are more likely to result in influence on agencies through consultations compared to public stakeholders, citizen groups and individuals making technical threats.*

For the third set of hypotheses, on the moral dimension, citizen groups and individuals are more likely to make credible threats (Rimkutė and van der Voet 2023). Organizations such as environmental groups and citizens are in a prime position to challenge whether regulators' conduct is in line with public interest. Their threats on this dimension also carry substantial weight, as those from the general public are observed to be prioritized over those from political principals (Rimkutė and van der Voet 2023). If their threats in consultations are unmet, they may speak out publicly as citizen groups are more likely than others to use outside lobbying (Dür and Mateo 2013). Outside lobbying is particularly damaging in cases where the morality of the agency is at stake, for instance claims of corruption and regulatory capture (Yackee 2022). Public stakeholders can also be viewed as credible defenders of the public interest, especially in highly salient EU agencies, where they defend respective national interests (Weinrich 2021). Moral threats are, however, less likely to come from business stakeholders as these provide less information on public preferences compared to citizen groups (Flöthe 2019).

H3a. *Public stakeholders, citizen groups and individuals are more likely to pose moral threats in consultations compared to business stakeholders.*

H3b. *Moral threats from public stakeholders, citizen groups and individuals are more likely to result in influence on agencies through consultations compared to business stakeholders making moral threats.*

Lastly, on legal-procedural threats, stakeholders that represent (national) public organizations likely care particularly about this dimension of a regulator. National regulators and ministries want consistency between domestic and EU rules and procedures (Princen et al. 2024) and defend the interests of their own organizations in engaging with EU agencies (Weinrich 2021). An EU regulator needs them to be on board with the same procedural setup to move forward with new regulation, as EU agencies rely mostly on national actors for enforcement (Versluis and Tarr 2013). This makes it more likely that public stakeholders pose a successful threat on the legal-procedural dimension, which is consistent with existing evidence on stakeholder prioritization (Rimkutė and van der Voet 2023). This is less so for individual citizens and citizen groups who likely care more about the outcome and the moral standing of the regulator. Research has, namely, shown that agencies' democratic legitimacy depends less on the procedure through which policy is made and more on the quality of output and alignment with public preferences (Beyers and Arras 2021; Schmidt 2012). Firms and business actors likely also pose a credible legal-procedural threat as these may be grounds to challenge rules they do not agree with, either through informing political principals or legal action, in line with several legal challenges to EU agency decision-making power (Scholten and van Rijsbergen 2014). The highly specific rules make it more credible that business actors follow through on these compared to individual citizens and citizen groups[3] with more diffuse interests (Wilson 1980) and business actors therefore pose a higher threat to the agency.

H4a. *Public stakeholders and business stakeholders are more likely to make legal-procedural threats than citizen groups and individuals.*

H4b. *Legal-procedural threats from public stakeholders and business stakeholders are more likely to result in influence on agencies through consultations compared to citizen groups and individuals making legal procedural threats.*

Some of the hypotheses are consistent with and partially rely on assumptions from resource dependence literature. The expectations that superior technical expertise and knowledge of legal-procedural aspects allow for more participation and influence (H2a/H2b and H4a/H4b) can also be found in that literature (Bouwen 2002; De Bruycker 2016). However, other expectations such as the credibility of performative and moral threats (H1a/H1b and H3a/H3b), emphasize what groups are a credible threat given the adverse consequences they can cause for the agency. These hypotheses, therefore, show the added value of the reputational perspective.

The hypotheses (and results) are summarized in Table 4 at the end of the results section.

4 | Methods

This paper looks at the European Union Aviation Safety Agency (EASA). EU agencies are aware of the effect stakeholder engagement has on their reputation (Arras and Braun 2018) and focus most on their technical and performative reputation in their external communication (Busuioc and Rimkutė 2020). Finding evidence for influence resulting from moral or legal-procedural threats would therefore make these findings generalizable to non-EU contexts.

Within the population of EU agencies, EASA is an interesting case for this research given the hypotheses. As regulatory failure in aviation can result in deadly crashes, moral appeals for (passenger) safety carry much weight. Results that misalign with H3a and H3b on moral threats would therefore make the results generalizable to other EU agencies. Furthermore, EASA replaced a strong transnational network of national regulators, the JAA (Pierre and Peters 2009). It therefore likely faces substantial pushback from national regulators on alignment with their existing procedures and legislation. This causes evidence against H4a and H4b on legal-procedural threats from public stakeholders to be generalizable to other EU agencies.

The paper looks at a particular activity of EASA: its rulemaking procedure, where stakeholders respond to the agency's drafts for regulatory rules. This is an approach taken by many agencies,

such as EBA, EFSA, EIOPA, EMA, ERA, ESMA, and US federal agencies, which improves the generalizability of the findings. Agencies, however, face reputational threats in other ways, such as through the media or when interacting with stakeholders in different procedures. The rulemaking procedure featured in this study is less publicly salient than most activities, making it a less likely case for reputation management and improving the generalizability of findings in line with the hypotheses.

4.1 | Data

The data were collected from EASA's open consultations using an automated web scraper. A rule-based extraction script retrieved the relevant data from the documents. I excluded consultations that were not available in a machine-readable format and cleaned the data by addressing automatic extraction errors.

Overall, the data contain 73,283 comments from 1743 stakeholders on 226 consultations, spanning a period of 11 years from 2007 to 2017. All machine-readable data at the time of data collection are included.

Data are available via: 10.6084/m9.figshare.25429693.

4.2 | Operationalization

To measure influence from stakeholders, I relied on the agency's responses. These indicate whether it agrees with the suggestions made in a comment and whether it intends to adopt the proposed changes. EASA uses four standardized answers to respond to stakeholders: (1) accepted, indicating full agreement and adoption of the comment in the resulting decision; (2) partially accepted, indicating partial agreement or partial adoption of the comment; (3) noted, indicating acknowledgment of the comment without requiring any changes to the text; and (4) not accepted, indicating disagreement with the comment and refusal to change the text.

For the influence variable, not all data were usable. EASA sometimes responded collectively to comments, for instance when there are a lot of them (7695 for CRD 2009-02b and 6323 for CRD 2008-22c/2009-02c), indicating that EASA's capacity limits explain the majority of missing data.

To provide the most complete picture, I include all 73,283 observations to assess the kind of threat made by different types of stakeholder (Hxa). For 20,778 comments the agency provided no individual response. These are left out of the analysis of influence (Hxb). I, furthermore, focus on comments where stakeholders clearly challenged proposed rules as, in line with the conceptualizations above, these constitute the most evident reputational threats. I thus leave out endorsements from stakeholders, which are typically responded to with "noted". Additionally, the agency also uses "noted" for editorial remarks, instances where the comment does not require a regulatory change, or when stakeholders have misunderstood certain rules and comments do not focus directly on the rule. I exclude such 'noted' comments from the analysis of influence as they constitute less of a threat to the agency. See Table 1 for an overview.

In the accepted cases, EASA agrees to amend the regulatory rule accordingly. I, therefore, use this as an indicator for influence. Not accepted comments are not transferred to the revised text. Partially accepted comments may not result in a revised text, although this is possible. Both not accepted and partially accepted comments are counted as no influence to avoid overestimating the influence of stakeholders. Issues raised in the comments vary in importance and impact. As such, not all accepted comments indicate the same level of influence, which is a limitation of this approach to measuring influence.

To assess what dimension stakeholders pose a threat on, I employ automated dictionary analysis using an adapted version of a dictionary on reputational dimensions developed for coding EU agency output (Busuioc and Rimkutė 2020). A similar approach was employed by Fink and Ruffing (2020) and Fink (2024) to code consultation comments and responses. The original codebook was adapted for the EASA context by evaluating all words occurring at least 1000 times in the 73,283 comments for potential indicators of the four dimensions. Comments with the highest relative frequency of keywords were then evaluated to spot any additional connotation with EASA or aviation-specific words, which were removed from the codebook. For instance, assess* and examin* from the original codebook flagged a pilot examinations consultation rather than technical threats. The codebook and comment examples can be found in Appendices I and II. The analysis results in a word frequency for each dimension per comment.

Stakeholder type was assessed through hand coding using web resources. An intercoder reliability test showed that the agreement between two coders was high when coding 10% of the data (Krippendorff's Alpha of 0.87). Stakeholders were coded as individuals when the name was not that of any organization. I could not unambiguously determine whether comments of these individuals were made as private citizens or on behalf of an organization, which is a shortcoming of this research. In addition to the categories in the hypotheses, I present results on institutions (semi-public organizations such as universities), labor unions, and professional associations for context. As these are less pronounced in (the literature on) stakeholder engagement of regulatory agencies, I did not develop hypotheses for them. Relative use of each dimension and the number of comments per stakeholder type are shown in Figures 1 and 2.

TABLE 1 | Frequency of different responses from the agency.

Agency response	Used to test		Frequency
Accepted	Hxa & Hxb	Influence	9523
Partially accepted	Hxa & Hxb	No influence	7167
Not accepted	Hxa & Hxb	No influence	10,307
Noted	Hxa		25,508
No response	Hxa		20,778

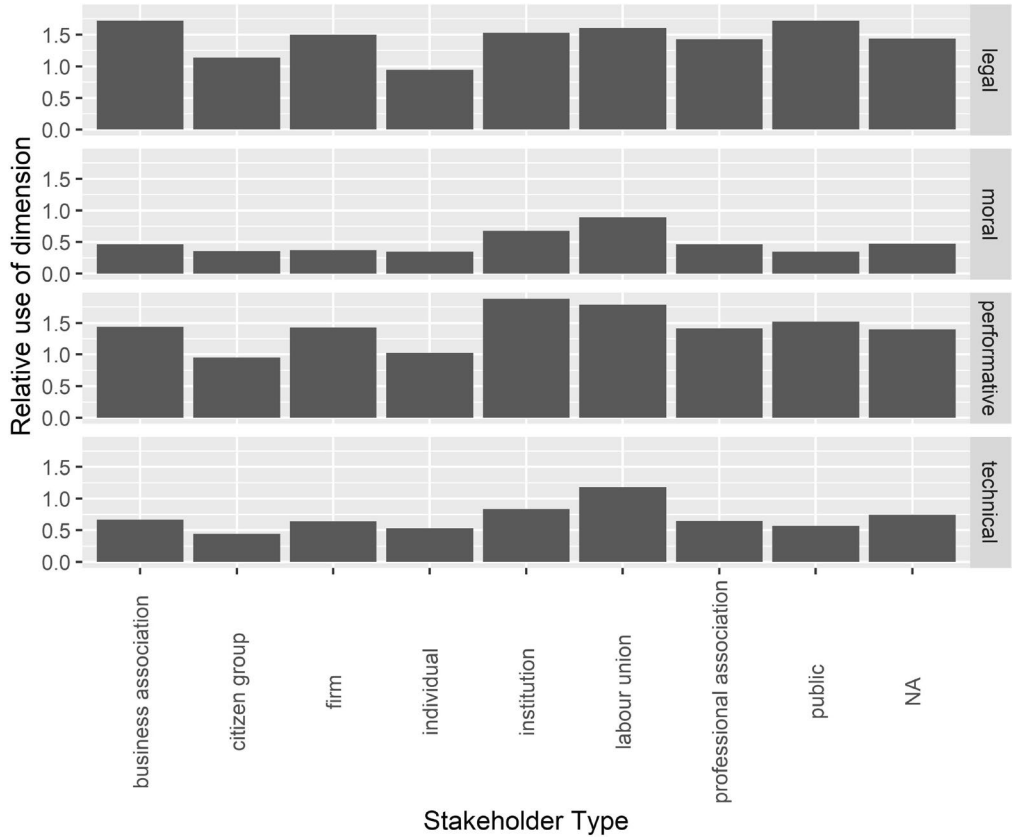

FIGURE 1 | Relative use of keywords associated with a threat, per stakeholder type.

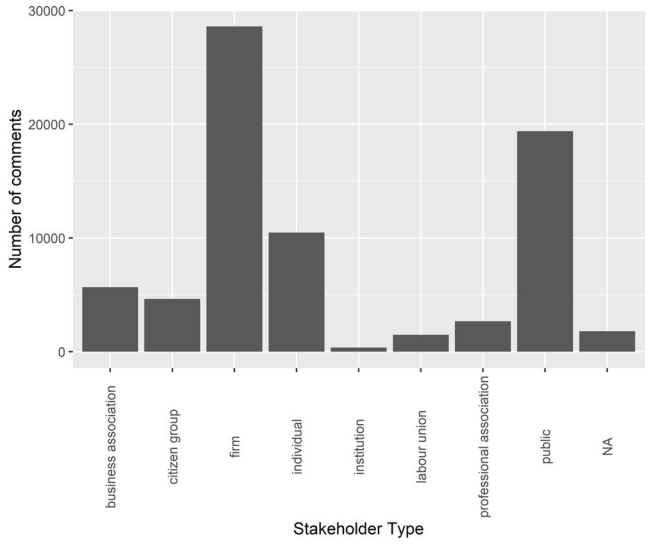

FIGURE 2 | Number of comments per stakeholder type.

4.3 | Models

The 'a' hypotheses are tested with negative binomial regression models as the word count data were highly dispersed. The total word count of a comment is used as an exposure parameter in the model as using more words increases the chance of using a keyword. Although it is not theorized, the many zeros in the data may be the result of a separate data generating process, requiring zero-inflated models. For performative and legal-procedural threats, the zero-inflated models were indeed a better fit for the data. They are included in Table A1 in Appendix III and have nearly identical results to the non-zero-inflated models presented in the main analysis. The number of stakeholders that responded to a consultation (stakeholder density, mean center and scaled) is included to control for salience. The model also controls for instances where consultations were also on Delegated and Implementing acts where the scope of proposed changes to the regulatory framework is wider, likely leading to different kinds of threats.[4] Due to the multilevel structure of the data (comments nested in both consultations and stakeholders) a cross-classified multilevel setup is used with random intercepts for consultations and stakeholders.

The 'b' hypotheses are tested using a logistic regression model as the dependent variable (stakeholder influence) is binary. The keyword frequencies are mean centered and scaled for each dimension. The same control variables and cross-classified multilevel setup is used as with the 'a' hypotheses. The centered and scaled wordcount is used as a control variable.

5 | Results

The results first discuss outcomes for the 'a' hypotheses on differences in threats used by the stakeholder types. Then the results for the 'b' hypotheses on stakeholder influence from their use of certain threats are given.

5.1 | Use of Different Threats Per Stakeholder Type

The results in Table 2 provide no support for H1a. According to model 1, firms make more performative threats compared to citizen groups and individuals, contrary to the expectation. There is, however, mixed support for H2a in model 2. Firms make significantly more technical threats compared to citizen groups and individuals, as hypothesized. The size of the effect is substantial, with firms making 21% more technical threats than citizen groups and individuals[5]. Public stakeholders, furthermore, do not make significantly more or less technical threats than firms, resulting in partial support for H2a.

The results, furthermore, provide mixed support for H3a. Individuals do, as expected, make substantively more moral threats compared to firms. They use 15% more moral keywords. However, firms make 23% more moral threats compared to public stakeholders, contrary to the expectations in H3a. For citizen groups, there was no significant difference with firms in their rates of moral threats.

H4a finds full support in the analysis. As expected, firms make significantly more legal-procedural threats than citizen groups and individuals, 27% and 37% more, respectively. The lack of a significant difference between firms, business associations, and public stakeholders is also in line with the expectations formulated before. The low non-significant estimates provided in model 4 of Table 2 are strong evidence that these are equally active in making legal-procedural threats.

TABLE 2 | Negative binomial regression results for the use of different dimensions by different stakeholder types.

	Dependent variable			
	Performative	**Technical**	**Moral**	**Legal procedural**
	(1)	**(2)**	**(3)**	**(4)**
Stakeholder type				
Firm	ref	ref	ref	ref
Business association	0.004	0.047	0.026	0.045
	(0.062)	(0.085)	(0.081)	(0.074)
Citizen group	−0.237***	−0.201***	−0.030	−0.239***
	(0.053)	(0.074)	(0.073)	(0.061)
Public	−0.062	−0.029	−0.203***	0.043
	(0.050)	(0.068)	(0.068)	(0.058)
Individual	−0.169***	−0.194***	0.138***	−0.317***
	(0.032)	(0.046)	(0.047)	(0.036)
Institution	0.030	−0.083	0.200	−0.214*
	(0.103)	(0.142)	(0.146)	(0.118)
Labour union	−0.049	0.088	0.006	−0.201*
	(0.090)	(0.120)	(0.119)	(0.109)
Professional association	0.016	0.078	0.297***	−0.021
	(0.077)	(0.103)	(0.101)	(0.089)
Interest group density	0.014	−0.204*	0.070	0.093
	(0.083)	(0.122)	(0.138)	(0.081)
EC regulation	0.064	−0.144*	−0.074	0.141**
	(0.058)	(0.085)	(0.098)	(0.057)
Constant	−4.607***	−5.333***	−5.920***	−4.591***
	(0.077)	(0.112)	(0.126)	(0.077)
Observations	73,283	73,283	73,283	73,283
Log Likelihood	−91,465.6	−58,797.9	−44,237.3	−97,732.7
Akaike Inf. Crit.	182,957.2	117,621.9	88,500.5	195,491.4
Bayesian Inf. Crit.	183,076.8	117,741.5	88,620.2	195,611.0

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

[Table 2 here]Despite the (partial) support for H2a, H3a, and H4a, differences in using specific kinds of threats between stakeholder types are smaller and fewer than expected. Even if there were differences in the influence specific stakeholders have using specific threats, they do not seem to be aware of it. As most stakeholders seem to stick to mostly legal procedural and performative threats (see Figure 1, not accounting for wordcount, which biases against longer comments that may make, for instance, more technical threats), these may result in success regardless of what type of stakeholder makes them. This is the question we turn to next.

5.2 | Success of Different Threat Dimensions Per Type

The findings on the success of different threats for different groups are drawn from Table 3, which shows the results from a single model where the stakeholder type is interacted with the type of threat and where control variables are included. A first, general finding is that on all dimensions, public and business actors make a significantly different impact from one another. These likely form the two main camps, in line with EASA having a relatively high level of national regulator involvement along with the more common business actor involvement (Beyers and Arras 2019).

The findings on the hypotheses confirm that the ability to make a credible threat depends on what type of stakeholder makes it. In line with H1b, public stakeholders benefit more from making performative threats than firms. The top left pane in Figure 3 shows that it is not so much that public stakeholders are increasingly influential when they make more performative threats, but that firms are very ineffective. Public stakeholders can get away with them more easily than firms, but they don't help them. For other hypothesized actors, no difference was found. Furthermore, in line with H2b, public stakeholders were found to be less influential than firms when both make technical threats. No such difference was, however, found for citizen groups and individuals, despite expectations in H2b. As such, business groups do not seem to be more credible when they make technical threats than most other groups. The results on H3b are inconclusive as citizen groups and individuals are not found to make more effective moral threats. In line with the hypothesis, public stakeholders' moral threats are more influential than firms. Figure 3, however, shows that these differences are small as the confidence intervals overlap, especially at levels around the mean number of keywords (0 on the x-axis). Finally, regarding H4b, public stakeholders are more effective in making legal-procedural threats, but again, Figure 3 shows no distinct difference between public stakeholders and both business stakeholder types. This is in line with the expectation that both business stakeholders and public stakeholders benefit from legal-procedural threats. However, they do not benefit them more than citizen groups and individuals, despite expectations in H4b. The difference between firms and business associations implies that, while both benefit from legal-procedural threats, business associations are more credible when doing so.

A final, more general finding comes from model 2 of Table A2 in Appendix III. While controlling for stakeholder type, technical

TABLE 3 | Logistic regression results for the influence of different stakeholder types using threats on different dimensions.

	Dependent variable: influence			
Type of threat	**Performative**	**Technical**	**Moral**	**Legal-procedural**
Stakeholder type				
Firm	ref	ref	ref	ref
Business association	0.120	−0.121	−0.038	0.322***
	(0.122)	(0.100)	(0.100)	(0.099)
Citizen group	0.090	−0.098	0.133	−0.316
	(0.195)	(0.203)	(0.158)	(0.195)
Public	0.259***	−0.361***	0.146**	0.105*
	(0.061)	(0.065)	(0.057)	(0.059)
Individual	−0.056	0.042	−0.111	0.074
	(0.146)	(0.120)	(0.120)	(0.132)
Institution	−0.325	−0.011	−0.299	0.514
	(0.443)	(0.413)	(0.402)	(0.421)
Labour union	0.164	0.110	−0.659*	−0.752
	(0.398)	(0.240)	(0.394)	(0.459)
Professional association	−0.152	−0.115	−0.025	−0.106
	(0.265)	(0.206)	(0.179)	(0.236)

Note: The above are interaction variables from model 4 in Table A2 in Appendix III. Other variables included: Stakeholder type (main terms), Threat type (main terms), Wordcount, Interest Group density, EC Regulation. *$p < 0.1$, **$p < 0.05$, ***$p < 0.01$.

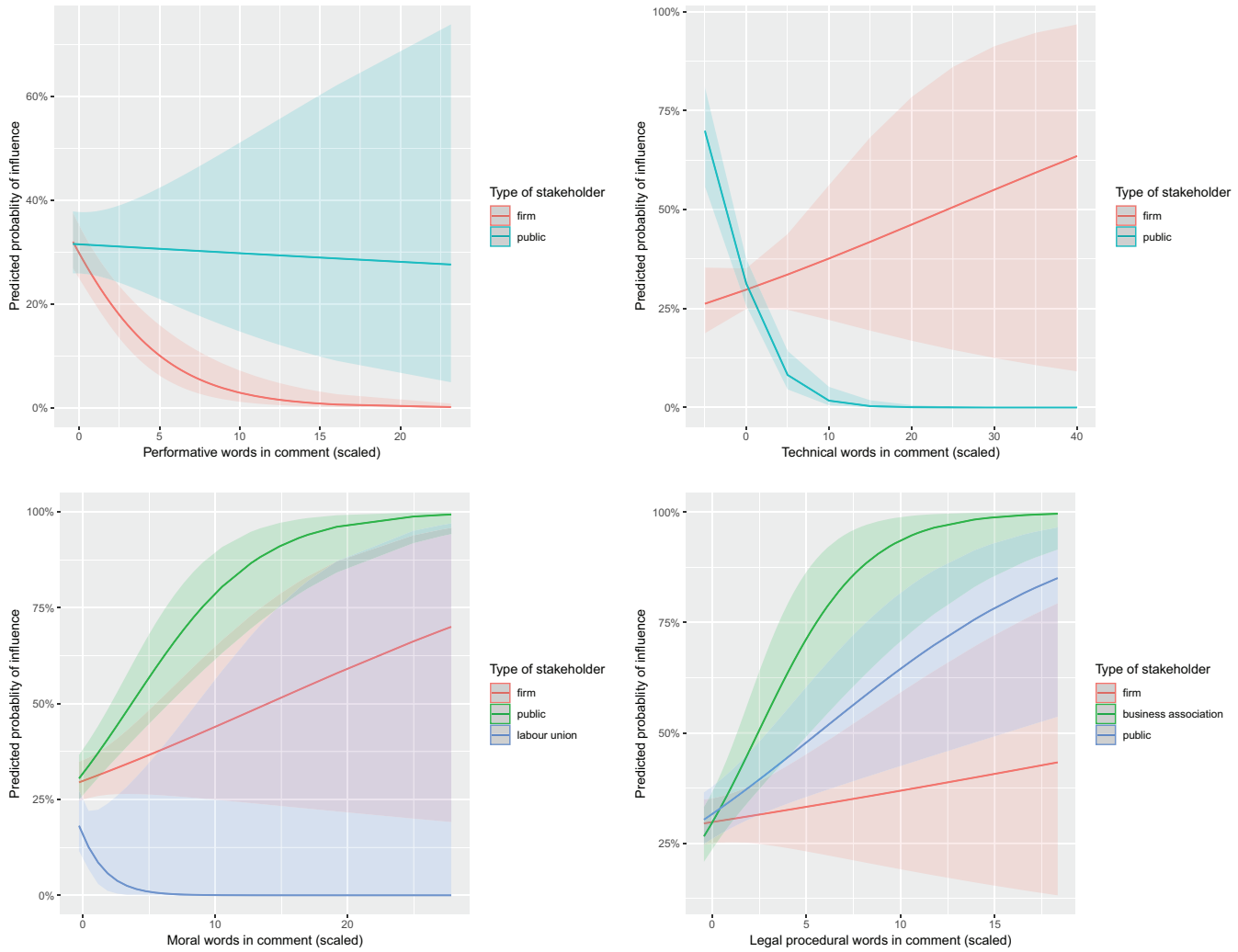

FIGURE 3 | Predicted probability of influence from model 4, Table A2 Appendix III.

TABLE 4 | Summary of hypotheses and results, '+' = larger likelihood compared to '−' group types; '−' = smaller likelihood compared to '+' group types; '±' no clear difference. Gray are results in line with hypotheses.

	Performative				Technical				Moral				Legal-Procedural			
	H1		Result		H2		Result		H3		Result		H4		Result	
	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b
Business	(−)	(−)	(+)	(+)	(+)	(+)	(+)	(+)	(−)	(−)	(−)	(−)	(+)	(+)	(+)	(+)
Citizen group	(+)	(+)	(−)	(±)	(−)	(−)	(−)	(+)	(+)	(+)	(±)	(±)	(−)	(−)	(−)	(±)
Public actor	(+)	(+)	(±)	(+)	(−)	(−)	(±)	(−)	(+)	(+)	(−)	(+)	(+)	(+)	(+)	(+)
Individual	(−)	(−)	(−)	(±)	(−)	(−)	(−)	(+)	(+)	(+)	+	(±)	(−)	(−)	(−)	(±)

and performative threats lead to less influence for stakeholders, while legal procedural and moral threats do contribute to stakeholders' influence. Especially, the detrimental effect of technical threats and effective use of moral threats are interesting, as these go against what authors often claim is important in regulatory settings in the EU (Arras and Braun 2018; Busuioc and Rimkutė 2020).

The hypotheses and results are summarized in Table 4.

6 | Discussion and Conclusion

This paper set out to understand what kind of issues stakeholders bring to the table when responding to consultations from

(EU) regulatory agencies. Specifically, whether different types of stakeholders raise different issues and whether this focus affects their success in gaining influence. Using the bureaucratic reputation literature (Carpenter 2010; Maor 2014; Maor and Sulitzeanu-Kenan 2016), these issues were approached as different threats pertaining to different aspects of agencies' proposals. The differences in threats made by different types of stakeholders and in the effectiveness of the different types of threats were less striking and sometimes in different directions than hypothesized. There was only partial support for most hypotheses. We can nonetheless learn much from this partial support and other explorative differences found. Importantly, making different threats does matter in gaining influence as a stakeholder, with clear differences between types of stakeholders. Many successful threats seem to rely, in line with existing assumptions in resource dependence literature (Bouwen 2002; De Bruycker 2016), on the resources held by stakeholders, such as the success of technical threats from businesses and legal-procedural threats from business- and public actors. Others rely more on the adverse consequences for the reputation and autonomy of the agency unique to the reputational perspective, in particular the successful performative and (with lesser certainty) moral threats from public actors. The results, therefore, show that a reputational approach to stakeholder influence builds on and does not necessarily contradict existing approaches. Additionally, it provides mechanisms and conceptual tools, such as the different dimensions, that enriched the analysis of interest group influence.

The results show that, in line with other accounts of stakeholder consultations (Arras and Braun 2018; Binderkrantz et al. 2022; Fink 2024; Fink and Ruffing 2020), many threats speak to the legal-procedural and also the performative nature of regulatory agencies' conduct. Technical threats are, overall, not as frequent as assumed, likely because it is not possible to directly compare the word frequencies of the dimensions based on this codebook (Fink and Ruffing 2020) as the codes are not exhaustive (Busuioc and Rimkutė 2020). We should therefore mostly focus on comparisons between stakeholder types. An important difference from previous findings is that where business actors employ a more one sided set of dimensions than national agencies in ACER's consultations (Fink 2024), they do not in EASA's. For EASA, public actors differ only from business actors in that they focus less on moral issues. Businesses' more extreme reputational strategy in ACER's rulemaking could be due to their specific role there. They propose the first draft rather than respond to a draft from the agency, as is the case with EASA. Being a first mover may make business actors more one-sided in order to compromise towards their actual position later. Future studies should thus dive into how the nature and sequence of decision-making, such as agenda setting and consultation, affect reputation management strategies of actors.

The predominant strategies that actors employ in EASA's consultations, namely making performative and legal-procedural threats, can benefit all actors as these lead to more influence when controlling for interest group type. But businesses and public stakeholders are still more successful in making these threats than citizens groups and individuals. This emphasizes the importance of taking into account both actor type and dimension in studying reputational incentives of agencies (Fink 2024; Rimkutė and van der Voet 2023), but that some strategies work for anyone. Again, different findings from similar studies point to the importance of looking at context. Rimkutė and van der Voet (2023) show that the legal-procedural dimension is less important in gaining priority from the agency and it depends more on what type of actor employs it. Their experiment, however, is not explicit about the decision-making context the threat is made in. The legal and procedural competence of the agency is likely more at stake when developing (EASA's) regulatory rules and hence these threats are more impactful when compared to a more general context. Furthermore, the lower priority for business than for political principals found in a more general context (Rimkutė and van der Voet 2023) compared to this study implies that the esoteric nature of rulemaking consultations and the focus on influence rather than gaining priority in agencies' attention matter for what reputational threats work. When developing specific rules, agencies may value businesses' technical expertise more than that of others. Alternatively, while technical threats from both political principals and businesses are prioritized by the agency (Rimkutė and van der Voet 2023), only businesses' technical expertise may warrant the agency to change the substance of its regulation. This strengthens the call to further investigate the role of decision-making context on what reputational dimensions matter. Differences may, however, also reflect the use of an observational instead of experimental design (Rimkutė and van der Voet 2023).

The established reputation of a particular agency may also matter here. When agencies have strong existing reputations, they may be less likely to be swayed by reputational threats (Maor and Sulitzeanu-Kenan 2016; Müller and Braun 2021). Future research should address how established reputations affect stakeholder influence.

An important contribution of this study is the focus on stakeholder *influence* from making a specific reputation threat. The findings point to strategies that could help stakeholders in gaining influence and help agencies and those keeping them accountable in unraveling why agencies prefer certain stakeholders over others. The results provide mixed evidence for the assumption that stakeholders (consciously) use strategies that work best for them. On the one hand, citizen groups make fewer performative threats than other group types, maybe because they are less influential than other stakeholder types when they do so. The same goes for business groups making moral threats. Business groups make more technical and legal procedural threats, which are an effective strategy for them. The same goes for public actors making legal-procedural threats. For other observations, however, this does not add up. For instance, public stakeholders make technical threats relatively often, while these do not lead to more influence than businesses. Citizen groups and individuals would benefit from making technical threats, but they make them less often than business actors. Public stakeholders do not tap into their ability in making moral threats. Whether stakeholders make threats consciously based on how well they work would need to be established through follow-up research using interviews with stakeholders and agency officials. Within-group differences may account for the disconnect between strategy and ability. It is likely that only a few citizen groups and individuals have the capacity to make credible technical threats and hence few of them go that route.

Lastly, the methodological boundaries of this study should be expanded in future studies. A comparison between (EU) agencies

may show between-sector variation. Alternative approaches to quantitative text analysis, such as manual and crowd coding and (supervised) machine learning (van Atteveldt et al. 2021) could serve as an alternative to measure the threat made by stakeholders. The findings show that, at least for certain groups, what language they use matters in gaining influence. This may, however, be the result of reframing arguments, as framing is an important strategy of stakeholders in gaining influence (De Bruycker 2017). Future research should assess whether comment's text fits the substantive meaning of the argument or whether stakeholders formulate arguments to give them a favorable frame and, crucially, if that results in more influence.

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Conflicts of Interest

The author declares no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are openly available in Figshare at https://doi.org/10.6084/m9.figshare.25429693, reference number 25429693.

Endnotes

[1] Authors questioned whether stakeholders differentiate their view of agencies along these dimensions (Binderkrantz et al. 2023; Overman et al. 2020). I include them for another purpose: to account for variation in substantive concerns.

[2] I have no separate a priori expectations for firms and business associations. However, to explore possible differences, I present results for both.

[3] These stakeholders are, however, likely to address the consultation procedure itself. As this goes beyond the rule, EASA does not address their concerns in its response (see more on these 'noted' comments in the Section 4).

[4] Other issues for which consultations are held are guidance documents and compliance standards with limited legal power.

[5] Calculated by dividing 1 by the exponentiated estimate from Table 2.

References

Albareda, A., C. Braun, and B. Fraussen. 2023. "Explaining Why Public Officials Perceive Interest Groups as Influential: On the Role of Policy Capacities and Policy Insiderness." *Policy Sciences* 56: 191–209.

Arras, S., and C. Braun. 2018. "Stakeholders Wanted! Why and How European Union Agencies Involve Non-State Stakeholders." *Journal of European Public Policy* 25, no. 9: 1257–1275.

Bertelli, A. M., and E. M. Busuioc. 2021. "Reputation-Sourced Authority and the Prospect of Unchecked Bureaucratic Power." *Public Administration Review* 81, no. 1: 38–48.

Beyers, J., and S. Arras. 2019. "Who Feeds Information to Regulators? Stakeholder Diversity in European Union Regulatory Agency Consultations." *Journal of Public Policy* 58, no. 4: 836–855.

Beyers, J., and S. Arras. 2021. "Stakeholder Consultations and the Legitimacy of Regulatory Decision-Making: A Survey Experiment in Belgium." *Regulation and Governance* 15, no. 3: 877–893.

Binderkrantz, A. S., J. Blom-Hansen, M. Bækgaard, and S. Serritzlew. 2022. "Stakeholder Consultations in the EU Commission: Instruments of Involvement or Legitimacy?" *Journal of European Public Policy* 30, no. 6: 1142–1162.

Binderkrantz, A. S., J. Blom-Hansen, M. Bækgaard, M. Müller, and S. Serritzlew. 2023. "The Core of Organisational Reputation: Taking Multidimensionality, Audience Multiplicity, and Agency Subunits Seriously." *Journal of European Public Policy* 31, no. 7: 1927–1954.

Boon, J., H. H. Salomonsen, and K. Verhoest. 2021. "A Reputation for What, to Whom, and in Which Task Environment: A Commentary." *Regulation & Governance* 15, no. 2: 428–441.

Boon, J., K. Verhoest, and J. Wynen. 2020. "What Determines the Audiences That Public Service Organisations Target for Reputation Management?" *Policy & Politics* 48, no. 2: 295–314.

Bouwen, P. 2002. "Corporate Lobbying in the European Union: The Logic of Access." *Journal of European Public Policy* 9, no. 3: 365–390.

Bunea, A., and I. Nørbech. 2023. "Preserving the Old or Building the New? Reputation-Building Through Strategic Talk and Engagement With Stakeholder Inputs by the European Commission." *Journal of European Public Policy* 30, no. 9: 1762–1792.

Bunea, A., and R. Thomson. 2015. "Consultations With Interest Groups and the Empowerment of Executives: Evidence From the European Union." *Governance* 28, no. 4: 517–531.

Bustos, E. O. 2021. "Organizational Reputation in the Public Administration: A Systematic Literature Review." *Public Administration Review* 81, no. 4: 731–751.

Busuioc, E. M., and D. Rimkutė. 2020. "Meeting Expectations in the EU Regulatory State? Regulatory Communications Amid Conflicting Institutional Demands." *Journal of European Public Policy* 27, no. 4: 1–22.

Carpenter, D. P. 2010. *Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA*. Princeton University Press.

Carpenter, D. P., and G. A. Krause. 2015. "Transactional Authority and Bureaucratic Politics." *Journal of Public Administration Research and Theory* 25, no. 1: 5–25.

De Bruycker, I. 2016. "Pressure and Expertise: Explaining the Information Supply of Interest Groups in EU Legislative Lobbying." *Journal of Common Market Studies* 54, no. 3: 599–616.

De Bruycker, I. 2017. "Framing and Advocacy: A Research Agenda for Interest Group Studies." *Journal of European Public Policy* 24, no. 5: 775–787.

De Bruycker, I., and F. Colli. 2023. "Affluence, Congruence, and Lobbying Success in EU Climate Policy." *Journal of Public Policy* 43, no. 3: 512–532.

Dür, A., and G. Mateo. 2013. "Gaining Access or Going Public? Interest Group Strategies in Five European Countries." *European Journal of Political Research* 52, no. 5: 660–686.

Etienne, J. 2015. "The Politics of Detection in Business Regulation." *Journal of Public Administration Research and Theory* 25, no. 1: 257–284.

Fink, S. 2024. "Balancing Reputational Strategies in the European Administrative Space: How Private Actors and Agencies Talk About Regulation." *Journal of European Public Policy* 32: 1–26.

Fink, S., and E. Ruffing. 2020. "Stakeholder Consultations as Reputation-Building: A Comparison of ACER and the German Federal Network Agency." *Journal of European Public Policy* 27, no. 11: 1657–1676.

Flöthe, L. 2019. "The Costs of Interest Representation – A Resource Perspective on Informational Lobbying." *European Political Science Review* 11, no. 2: 161–178.

Gilad, S., M. Maor, and P. B.-N. Bloom. 2015. "Organizational Reputation, the Content of Public Allegations, and Regulatory Communication." *Journal of Public Administration Research and Theory* 25, no. 2: 451–478.

Golden, M. M. 1998. "Interest Groups in the Rule-Making Process: Who Participates? Whose Voices Get Heard?" *Journal of Public Administration Research and Theory* 8, no. 2: 245–270.

Joosen, R. 2021. "Persuading the Independent: Understanding Why Interest Groups Engage With EU Agencies." *Interest Groups & Advocacy* 10, no. 1: 19–46. https://doi.org/10.1057/s41309-020-00110-z.

Joosen, R., M. Haverland, and E. de Bruijn. 2022. "Shaping EU Agencies' Rulemaking." *Comparative European Politics* 20, no. 4: 411–442. https://doi.org/10.1057/s41295-021-00268-z.

Leidorf-Tidå, B. 2023. "Reputational Drivers and Deterrents of Accountability: Why Are Some EU Agencies Subject to More Intense Account-Holding Than Others?" *Journal of European Public Policy* 30, no. 12: 2739–2763.

Lowery, D. 2013. "Lobbying Influence: Meaning, Measurement and Missing." *Interest Groups & Advocacy* 2, no. 1: 1–26.

Maor, M. 2014. "Theories of Bureaucratic Reputation." In *Organizational Reputation in the Public Sector*, edited by W. Arild and M. Maor. Routledge.

Maor, M. 2021. "Taking Stokes: Strategic Communication by Regulatory Agencies as a Form of Reputation Management." In *Handbook on Regulatory Authorities*, edited by M. Maggetti, F. di Mascio, and A. Nalalini. Edward Elgar.

Maor, M., and R. Sulitzeanu-Kenan. 2013. "The Effect of Salient Reputational Threats on the Pace of FDA Enforcement." *Governance* 26, no. 1: 31–61.

Maor, M., and R. Sulitzeanu-Kenan. 2016. "Responsive Change: Agency Output Response to Reputational Threats." *Journal of Public Administration Research and Theory* 26, no. 1: 31–44.

Müller, M. 2023. *Cultivating the Art of Hearing and Being Heard: How Regulators Strategically Use Public Communication in Regulatory Governance*. Leiden University.

Müller, M., and C. Braun. 2021. "Guiding or Following the Crowd? Strategic Communication as Reputational and Regulatory Strategy." *Journal of Public Administration Research and Theory* 31, no. 4: 670–686.

Ossege, C. 2015. "Driven by Expertise and Insulation? The Autonomy of European Regulatory Agencies." *Politics and Governance* 3, no. 1: 101–113.

Overman, S., E. M. Busuioc, and M. Wood. 2020. "A Multidimensional Reputation Barometer for Public Agencies: A Validated Instrument." *Public Administration Review* 80, no. 3: 415–425.

Pierre, J., and B. G. Peters. 2009. "From a Club to a Bureaucracy: JAA, EASA, and European Aviation Regulation." *Journal of European Public Policy* 16, no. 3: 337–355.

Princen, S., F. Schimmelfennig, R. Sczepanski, H. Smekal, and R. Zbiral. 2024. "Different Yet the Same? Differentiated Integration and Flexibility in Implementation in the European Union." *West European Politics* 47, no. 3: 466–490.

Rimkutė, D. 2018. "Organizational Reputation and Risk Regulation: The Effect of Reputational Threats on Agency Scientific Outputs." *Public Administration* 96, no. 1: 70–83.

Rimkutė, D., and J. van der Voet. 2023. "When Do Bureaucrats Respond to External Demands? A Theoretical Framework and Empirical Test of Bureaucratic Responsiveness." *Public Administration Review* 84, no. 6: 1095–1116.

Schmidt, V. A. 2012. "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'." *Political Studies* 61, no. 1: 2–22.

Scholten, M., and M. van Rijsbergen. 2014. "The ESMA-Short Selling Case: Erecting a New Delegation Doctrine in the EU Upon the Meroni-Romano Remnants." *Legal Issues of Economic Integration* 41, no. 4: 389–405.

van Atteveldt, W., M. A. C. G. van der Velden, and M. Boukes. 2021. "The Validity of Sentiment Analysis: Comparing Manual Annotation, Crowd-Coding, Dictionary Approaches, and Machine Learning Algorithms." *Communication Methods and Measures* 15, no. 2: 121–140.

van der Veer, R. A. 2021. "Audience Heterogeneity, Costly Signaling, and Threat Prioritization: Bureaucratic Reputation-Building in the EU." *Journal of Public Administration Research and Theory* 31, no. 1: 21–37.

Versluis, E., and E. Tarr. 2013. "Improving Compliance With European Union Law via Agencies: The Case of the European Railway Agency." *Journal of Common Market Studies* 51, no. 2: 316–333.

Weinrich, M. R. J. 2021. *Controllers, Profiteers or Enablers?: The Role of National Representatives in EU Agencies*. European University Institute.

Willems, E. 2020. "Politicized Policy Access: The Effect of Politicization on Interest Group Access to Advisory Councils." *Public Administration* 98, no. 4: 856–872.

Wilson, J. Q. 1980. *The Politics of Regulation*. Basic Books.

Yackee, J. W., and S. W. Yackee. 2006. "A Bias Towards Business? Assessing Interest Group Influence on the U.S. Bureaucracy." *Journal of Politics* 68, no. 1: 128–139.

Yackee, S. W. 2006. "Sweet-Talking the Fourth Branch: The Influence of Interest Group Comments on Federal Agency Rulemaking." *Journal of Public Administration Research and Theory* 16, no. 1: 103–124.

Yackee, S. W. 2019. "The Politics of Rulemaking in the United States." *Annual Review of Political Science* 22: 37–55.

Yackee, S. W. 2022. "Regulatory Capture's Self-Serving Application." *Public Administration Review* 82, no. 5: 866–875.

Appendix I

Codebook for Reputational Dimensions

Original by Busuioc and Rimkutė (2020). Gray: added to fit case. Dark gray: found in the analysis but already included. removed after assessing the highest ranking comments. added to fit the EASA case, removed after assessing the highest ranking comments.

Dimension	Keywords
Performative	"achieved", "achievement*", "adequate," "adopt* decision*", "appropriate," "audit," "better," "competent," "deliver*", "duties" "enforce*", "evaluat*," "result*", "action*", "application*", "assertive*", "complianc*", "comply", "effecti*", "efficien*", "fail*," "goal*", "improv*", "inspect*", "intended," "KPI*", "monitor*," "objectives", "oblige*", "outcome*", "output*", "oversight," "performance*", "restrict*", "success*", "timely*", "target*", "review"
Technical	"analy*", "*", "calcul*", "complex*," "data", "evidence*," "expert*", "fact," "investigat*", "likelihood*", "method*," "model*", "profession*", "qualitat*", "quantify*", "quantitat*", "reliab*", "research", "rigo*r*", "robust*", "science*", "scientif*", "studi*", "study", "technic*," "valid*"
Legal-procedural	"access to document*", "access to information", "*," "annual*," "applicable," "appeal*", "conflict* of interest*", "consisten*," "consult*", "control standard*", "control system*", "declaration* of interest*", "faa," "formal*", "independen*", "internal control*", "internal operation*", "internal system*", "judicial*", "legal*", "liability", "management standard*", "management system*", "manual," "procedur*", "protocol*", "process*", "provision*", "requirement*", "rule*", "scope," "stakeholder*"
Moral	"benefit," "committed to", "common interest*", "consumer*", "credibility", "dialogue*", "engagement*", "environment*," "ethic*", "flexibl*", "good governance", "health," "honest*", "inclusiv*", "individual," "integrity*", "moral", "openness*", "passenger*", "people," "precaution*", "protect*", "public interest*", "respect for", "safeguard*", "responsibilit*," 'societal*, "transpar*", "trust*", "users," "values."

Appendix II

Examples of Stakeholder Comments

Below, 10 comments per dimension are shown where the relative frequency of keywords is the highest. These are only comments with more than 30 words and from unique consultations to show the most variety.

Performative

ATCO.AR.C.001 Oversight b3 The term when appropriate should be incorporated into this rule otherwise then the Competent Authority will be obliged to make unannounced inspections in every oversight cycle. The Competent Authority should be allowed to determine when they wish to carry out unannounced inspections Suggested amendment: 3 be based on audits and inspections, including when appropriate, unannounced inspections
Relevant text: 2. The safety manager. b. The functions of the safety manager should be to: xii. monitor compliance. c Comment: We propose that this item be deleted as compliance monitoring is the responsibility of the Compliance Monitoring System. Proposal: delete xii. monitor compliance.
7 Performance of ramp inspections preferably by at least two inspectors ... Text suggested: 7 Performance of ramp inspections preferably by at least two inspectors. Inspections performed by solo inspectors shall be limited to exceptional cases, such as last minute unavailability of a team member, very short time to prepare a spot inspection, etc.
****AMC1 BTO.GEN.210 ANNUAL INTERNAL REVIEW page 47 I support the requirement to have an annual internal review and support the contents of the review. This review should help the BTO assess it's performances and safety records and lead to a better safety culture without excessive oversight from the competent authority.
Verkehrsflughäfen Article Change f Take enforcement 3 measures as appropriate to require the authority to take Danger of staff taking on the spot action. Should be addressed through the B.I enforcement measures as appropriate
An effective continuous reporting system to the competent authority on the safety performance and regulatory compliance of the organization could be a set of 3 KPI shared with the competent authority, reflecting the inherent risk complexity of concerned operations, the operator s compliance and the operator s performance. These KPIs could apply to Organization SMS, Flight time limitations, Training, Procedures and SPA DG. Sharing these KPIs in an annual meeting with operator s accountable manager and competent authority could be an effective continuous reporting system's
F13 was updated to reflect changes. In all the Parts of F13 there is the Competent Authority Inspector who signs the respective part, except in Part 3 where it is audit staff instead of Competent Authority Inspector.
[actor] suggests to change the term aerodrome inspector to inspector of the Competent Authority. Reasoning: Certain arrangements within the Competent Authority would be compromised by limiting the use of available inspectors to aerodrome inspectors, especially if the apron management service is provided by an ANSP.
****Comment Change f Take enforcement measures as appropriate to require the authority to take enforcement measures as appropriate Justification Danger of staff taking on the spot action. Should be addressed through the responsible authority and not through individuals

****GM1 ADR.AR.B.005a2 Management system AERODROME INSPECTORS DUTIES as An aerodrome inspector is considered to be any person to whom the competent authority has formally assigned tasks related to the safety oversight of aerodromes. b Apart from the aerodrome oversight tasks, an aerodrome inspector may also undertake other tasks that the competent authority finds necessary g1. g1 Hier sollte doch ein etwas objektiverer Maßstab gewählt werden z.B. as appropriate

Technical

GM2 ATMANS.OR.A.080 h Aeronautical data and aeronautical information VALIDATION AND VERIFICATION TECHNIQUES We are not sure why this is separate to GM1 to 6. Data verification and validation DATA PROCESSING as GM1 to 6. Data verification and validation DATA PROCESSING covers techniques.

DAT.TR.100 2 Proposed text 2 shall use data from an authoritative sources and if required other aeronautical data verified validated by the DAT provider itself and or other DAT providers Justification Non authoritative data should be validated, not verified only.

AMC E 650 paragraph 14a Modeling and Analysis, Baseline Test Paragraph 14ai states that a validated analysis based on the first model of a type certificate TC may be used on derivative engines within the same TC. This statement suggests that analysis may be used regardless the differences between the first model on the TC and the derivative model and regardless of the domain of applicability for the validated analysis. This paragraph appears to contradict section 14b guidance. Recommend adding the clarification that the engine model for which validated analysis was shown and the engine model being certified should be sufficiently similar and that the demonstrated domain of applicability for the validated analysis should be inclusive of the engine being certified.

With reference to the comment on point 28, the regulation 20962005 mandates risk assessment and mitigation exercises based on either qualitative or quantitative analysis. Quantitative analysis is considered the best option, once a common Risk Classification Scheme has been defined.

****Appendix I ANSP.P.13, page 418 Para 2 Change to The role of ANSPs safety investigators is essential in developing a Just Culture within the organization. The way they conduct day to day investigations, collect data, undertake analyses.

Comment Summary Clarify analysis includes comparative analysis between the good service experience of previous designs and the new design Comment Resolution For Snow condition replace By test, analysis or combination of the two with By test, analysis, comparative analysis or combination of these.

for CO.dd the sentence Test shall be preferred to other verification methods whenever technically possible seems to Too excessive Proposed text is: Test should be preferred to other verification methods nevertheless verification by Analysis method is possible for item that cannot be tested Could be also valid in other parts of the document.

Transfer of personal data should be limited according to data privacy rules. The type and destination of data to be transferred should be stated exactly. The collection of confidential data by authorities should be explicitly forbidden.

COMMENT: In this context what exactly is a validation data road map In context with the JIPs the term was used as a timeline for providing data. We suggest to define the term or perhaps use a more appropriate term, such as validation data matrix.

Comment Summary Clarify analysis includes comparative analysis between the good service experience of previous designs and the new design Comment Resolution For Large Drop Glaze Ice condition replace By test, analysis or combination of the two with By test, analysis, comparative analysis or combination of these.

Legal-Procedural

OR.GEN.210 Personal Requirements e: The organization shall ensure that all staff is aware of the rules and procedures relevant Suggestion: The organization shall ensure that all staff is aware of the legal and regulatory requirements and procedures relevant to the exercise of their duties Argument: The internal rules are already contained in the procedures. Therefore, it is redundant to specify Rules and procedures, if refer to internal rules. If refer to external rules, it should clearly specify legal and regulatory requirements

GM3 FPD.TR.100 Flight procedure design criteria INSTRUMENT FLIGHT PROCEDURE CONSTRUCTION Additional guidance for the construction of instrument flight procedures can be found in ICAO Doc 9368 Instrument Flight Procedures Construction Manual. ICAO Doc 9368 guidance or requirement

[actor] comments to NPA 2013 07 The FAA already mandated the NPA requirements per FAA 1999 5401 Aging Airplane Safety Final Rule and FAA 2006 24,281 WFD Final rule. If there is a difference between EASA rules and FAA rules, it will burden all stake holders. To reduce any impact, harmonization process will be required and some work shop activities will be helpful to all stake holders.

[actor] suggest to make the provisions of para 5 and 6 even more descriptive by adding word documented such in: 5 a formal documented process to identify circumstances 6 a formal documented process to consider changing

B.I.4. 4.2, Subpart E: SPO.SPEC.MCF.100 b1: Definition of a level a flight is unclear. Question: is meant as standard operating procedure the flight manual procedures or the maintenance manual procedures. The procedures may be different example for OEI performance checks, etc.

Subpart A Section 3 Data Quality Requirements AIS.OR.250 Consistency requirement Consistency between a State's range of publications is not addressed by this requirement although it may be that AIS.OR.300 is trying to address this.

It is appropriate to transfer this provision into GM All rules concerning slopes fall into the scope of good practices and not certification rules. It is more appropriate to have these rules in GM.

Brutal transposition of requirements and procedures from airworthiness to environment seems to border on the overkill. Care must be taken to adapt requirements to consequences. Implementing Rules have to contain safeguards against unrealistic requirements.

ANNEX I PART ATCO REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS SUBPART A General requirements should be in upper case letters to ensure consistency with EASA house style. Amend to: GENERAL REQUIREMENTS

7, page 26 In the title USE OF EUROCAE ED 12C AND RELATED DOCUMENTS AND SUPPLEMENTS PROCEDURES, the word PROCEDURES is not appropriate these documents define objectives and guidance on process, not procedures. Suggestion it to remove PROCEDURES.

Moral

b Insert a hyphen between passenger and carrying to read All passenger carrying aeroplanes instead of All passenger carrying aeroplanes, to avoid imposing doors on passengers however disruptive such passengers might be

0. Preamble: Safety Environment protection precedence 0.a. Environment protection has to be considered as an essential objective, nevertheless Safety keeps precedence on environment protection. No environment protection rule may lead to any safety reduction. 0.b. In case of unexpected situation, safety rule prevails against other rules even environment protection ones. 0.c. An environment protection rule must be applied even in case of unexpected event without safety consequences. B. DRAFT ESSENTIAL REQUIREMENTS II. Essential Requirements 1. Product design, manufacture and maintenance

.....TOPIC PEN 1 FAMILIARIZATION PROFESSIONAL ENVIRONMENT Subtopic PEN 1.1 Study visit to aerodrome Topic PEN 2 AIRSPACE USERS Subtopic PEN 1 2.1 Contributors to civil ATS operations Subtopic PEN 2.2 Contributors to military ATS operations Topic PEN 3 CUSTOMER RELATIONS Subtopic PEN 1.2 3.1 Customer relations Provision of services and user requirements Subtopic PEN 1.3 Environmental protection Topic PEN 4 ENVIRONMENTAL PROTECTION Subtopic PEN 1.3 4.1 Environmental protection

ECA thinks that the Authority shall verify that the cleared operation, including the use of particular alternate aerodromes, doesn't pose health or safety risks to Passengers and Crews. It is Regulatory matter issue rules that safeguard Passengers.

We provide remark to the following paragraph: SUBPART C ADDITIONAL OPERATOR RESPONSIBILITIES ADR.OR.C ADR.OR.C.005 Operator responsibilities Aerodrome operator responsibilities stated in ADR.OR.C.005 are the basic operator s responsibilities and should be placed in part ADR.OR.A rather than in subpart C dealing with additional responsibilities.

Page 4053 CS 23.2415 Proposal to change titletext from powerplant ice protection to propulsion system ice protection. Rationale: The entire system must be protected form ice and snow likely to affect a flight. response

Consider reviewing RFFS category between passenger aircraft, freight aircraft and training aircraft. Can we review the requirement for a training aircraft with no passengers to have the same RFFS category as one full of passengers.

With regard to: f. This GM is not intended to be used to determine the applicable environmental protection requirements aircraft noise, fuel venting and exhaust emission requirements for changed products. It is recognized that similar text exists in the current GM. However, since this GM is not meant to apply to environmental protection requirements, it would be helpful if reference were made to those texts which are applicable to environmental protection requirements.

**** 8.b: Error detection techniques do not apply to an integrity level. They apply to data, in order to maintain or guarantee integrity. Rewording proposal: Digital data error detection techniques shall be applied in order to maintain integrity.

Pilatus believes there is an inconsistency in the first paragraph. It should not state better environmental impact than the single engined turbine aeroplanes but rather worse environmental impact since twin engine aircraft have a worse environmental footprint.

Appendix III

Additional Tables

TABLE A1 | Zero-inflated negative binomial regression for performative and legal procedural threats.

	Performative	Legal procedural
	(1)	(4)
Stakeholder type		
Firm	ref	ref
Business association	0.004	0.045
	(0.062)	(0.074)
Citizen group	−0.235***	−0.238***
	(0.053)	(0.061)
Public	−0.060	0.041
	(0.050)	(0.058)
Individual	−0.167***	−0.317***
	(0.032)	(0.036)
Institution	0.029	−0.216*
	(0.103)	(0.118)
Labour union	−0.049	−0.204*
	(0.090)	(0.108)
Professional association	0.015	−0.024
	(0.077)	(0.089)
Interest group density	0.015	0.093
	(0.083)	(0.081)
EC regulation	0.064	0.139**
	(0.058)	(0.056)
Constant	−4.598***	−4.575***
	(0.077)	(0.076)
Observations	73,283	73,283
Log Likelihood	−91,463.9	−97,724.8
Akaike Inf. Crit.	182,955.9	195,477.5
Bayesian Inf. Crit.	183,084.7	195,606.3

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

TABLE A2 | Logistic regression models for stakeholder influence.

	Influence			
	(1)	(2)	(3)	(4)
Stakeholder type: (ref = Firm)				
Business association		−0.048	−0.031	−0.008
		(0.118)	(0.121)	(0.119)
Citizen group		−0.499***	−0.634***	−0.559***
		(0.123)	(0.133)	(0.133)
Public		0.061	0.088	0.088
		(0.093)	(0.094)	(0.093)
Individual		−0.541***	−0.600***	−0.555***
		(0.085)	(0.089)	(0.089)
Institution		0.518*	0.379	0.526*
		(0.274)	(0.284)	(0.284)
Labour union		−0.616***	−0.899***	−0.853***
		(0.205)	(0.250)	(0.251)
Professional association		−0.446***	−0.542***	−0.502***
		(0.169)	(0.178)	(0.177)
Technical		−0.078***	−0.060*	0.035
		(0.028)	(0.034)	(0.036)
Performative		−0.152***	−0.455***	−0.267***
		(0.032)	(0.045)	(0.047)
Legal procedural		0.100***	−0.124***	0.032
		(0.030)	(0.042)	(0.044)
Moral		0.103***	−0.040	0.061
		(0.027)	(0.040)	(0.042)
Wordcount comment		−0.640***		−0.640***
		(0.050)		(0.050)
Interest group density		−0.272		−0.277
		(0.295)		(0.297)
EC regulation		−0.027		−0.027
		(0.136)		(0.137)
Technical × Business association			−0.093	−0.121
			(0.100)	(0.100)
Technical × Citizen group			−0.191	−0.098
			(0.198)	(0.203)
Technical × Public			−0.361***	−0.361***
			(0.065)	(0.065)
Technical × Individual			−0.002	0.042

(Continues)

TABLE A2 | (Continued)

	Influence			
	(1)	(2)	(3)	(4)
			(0.120)	(0.120)
Technical × Institution			−0.352	−0.011
			(0.402)	(0.413)
Technical × Labour union			−0.061	0.110
			(0.233)	(0.240)
Technical × Professional association			−0.179	−0.115
			(0.205)	(0.206)
Performative × business association			0.080	0.120
			(0.122)	(0.122)
Performative × Citizen group			0.093	0.090
			(0.194)	(0.195)
Performative × Public			0.256***	0.259***
			(0.061)	(0.061)
Performative × Individual			−0.078	−0.056
			(0.146)	(0.146)
Performative × Institution			−0.177	−0.325
			(0.427)	(0.443)
Performative × Labour union			0.267	0.164
			(0.388)	(0.398)
Performative × Professional association			−0.199	−0.152
			(0.267)	(0.265)
Legal-procedural × Business association			0.228***	0.322***
			(0.088)	(0.099)
Legal-procedural × Citizen group			−0.398**	−0.316
			(0.194)	(0.195)
Legal-procedural × Public			0.087	0.105*
			(0.059)	(0.059)
Legal-procedural × Individual			0.034	0.074
			(0.134)	(0.132)
Legal-procedural × Institution			0.402	0.514
			(0.407)	(0.421)
Legal-procedural × Labour union			−0.716	−0.752
			(0.444)	(0.459)
Legal-procedural × Professional association			−0.120	−0.106
			(0.232)	(0.236)
Moral × Business association			−0.039	−0.038
			(0.100)	(0.100)
Moral × Citizen group			0.122	0.133
			(0.155)	(0.158)
Moral × Public			0.143***	0.146**
			(0.055)	(0.057)
Moral × Individual			−0.122	−0.111
			(0.120)	(0.120)
Moral × Institution			−0.305	−0.299
			(0.408)	(0.402)
Moral × Labour union			−0.833**	−0.659*
			(0.413)	(0.394)
Moral × Professional association			0.003	−0.025
			(0.176)	(0.179)
Constant	−0.946***	−0.943***	−0.752***	−0.963***
	(0.073)	(0.248)	(0.079)	(0.250)
Observations	26,997	26,450	26,468	26,450
Log Likelihood	−15,831.350	−15,215.410	−15,269.710	−15,166.730
Akaike Inf. Crit.	31,668.700	30,464.820	30,623.410	30,423.450
Bayesian Inf. Crit.	31,693.310	30,603.930	30,967.130	30,791.690

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