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**Balancing Public Health and Economic Interests:
Analyzing the EU's Hygiene Package through Embedded
Liberal and Mercantilist Lenses**

A congruence analysis of the EU's 2006 hygiene package

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Abstract

This research examines the debate on whether the European Union (EU) operates more as an embedded liberal or mercantilist power, using the 2006 hygiene package for products of animal origin as a case study. This regulation was introduced to enhance food safety standards, restore consumer confidence, and harmonize EU standards following late 20th-century food safety crises. By applying embedded liberal and mercantilist theoretical frameworks, the study reveals that the package predominantly aligns with embedded liberal principles, emphasizing transparency, scientific evidence, and consumer protection through mechanisms like the European Food Safety Authority (EFSA) and Hazard Analysis and Critical Control Points (HACCP) systems. However, it also incorporates mercantilist elements, with stringent standards and the precautionary principle acting as non-tariff barriers to protect domestic industries. This dual approach has led to trade disputes, highlighting the tension between liberal trade facilitation and mercantilist market protection. The study contributes to the discourse on EU trade policy by illustrating the complex interplay between public health and economic interests.

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List of abbreviations

Abbreviation	Full form
AGFCAPH	Advisory Group on the Food Chain and Animal and Plant Health
BEUC	The European Consumer Organisation
BSE	Bovine Spongiform Encephalopathy
CAP	Common Agricultural Policy
CIAA	Food and Drink Europe
COPA-COGECA	Farmers and Agricultural Cooperatives
EC	European Community
ECSLA	European Community Shipowners Associations
EFSA	European Food Safety Authority
EU	European Union
EUDR	EU Regulation on Deforestation-free Products
FAO	Food and Agriculture Organization
FBOs	Food Business Operators
GDPR	General Data Protection Regulation
GMO	Genetically Modified Organism
HACCP	Hazard Analysis and Critical Control Points
ISO	International Organization for Standardization
MRAs	Mutual Recognition Agreements
OIE	World Organisation for Animal Health
SMEs	Small and Medium-sized Enterprises
SPS	Sanitary and Phytosanitary Measures
UEAPME	European Association of Craft, Small and Medium-Sized Enterprises
USA	United States of America
WTO	World Trade Organization

Table 1: List of abbreviations

1. Introduction

1.1 Hygiene package

The European Union (EU) has been subject to ongoing debate and scrutiny regarding its regulatory identity, with arguments suggesting it exhibits both liberal and mercantilist traits. Central to this debate is whether the EU's regulatory measures are genuinely driven by health and safety concerns or if they serve protectionist interests. Proponents argue that the EU's regulatory framework, including the hygiene package, is designed to safeguard public health and ensure high standards of consumer protection (Knowles et al., 2007). Conversely, critics contend that such regulations act as non-tariff barriers protecting domestic industries from foreign competition, reflecting a mercantilist approach (Moon, 2010). This research examines this dichotomy through the lens of the EU's 2006 hygiene package, a set of regulations aimed at enhancing food safety standards for products of animal origin.

In the late 20th century, Europe faced significant food safety crises, including the outbreak of Bovine Spongiform Encephalopathy (BSE), commonly known as mad cow disease, and the beef hormone controversy. These events not only undermined consumer confidence in food safety but also prompted a rigorous re-evaluation of regulatory frameworks across the EU. Responding to these crises, the EU introduced the hygiene package to restore trust and ensure high standards of food safety (Vos 2000).

As a response to these and other threats to food safety, the EU enacted Regulations (EC) No 852/2004, 853/2004, and 854/2004, collectively known as the 'hygiene package', which came into force in 2006. This legislative framework emerges as a cornerstone of the EU's dedication to public health protection (European Commission n.d.). The framework specifically targets products of animal origin intended for human consumption, setting forth a rigorous set of standards and controls to guarantee that these products meet stringent food safety criteria (Pettoello-Mantovani & Olivieri 2022).

The sanitary standards established by the hygiene package encompass comprehensive measures aimed at protecting human health from risks associated with the consumption of contaminated food. Covering the entire food chain from production to consumption, these standards ensure hygiene, proper handling, and

safety at every stage (Tankosić et al., 2022). By instituting these rigorous standards, the hygiene package aims to safeguard public health, ensuring that products of animal origin meet strict safety requirements (Desta, 2008). This harmonized approach to official controls not only mitigates potential health hazards but also reinforces consumer confidence in the EU food supply chain. Working in concert with other pivotal regulations and directives within EU food law, the hygiene package creates a cohesive system addressing food hygiene, animal health, and product traceability. This underscores the commitment of Member States to carry out effective and uniform controls, ensuring the free movement of safe food products across the EU (European Parliament & Council of the European Union, 2004a, 2004b, 2004c; Charlebois et al., 2014).

Furthermore, this regulatory framework has significant implications for food business operators, delineating clear responsibilities to adhere to hygiene practices, implement the principles of Hazard Analysis and Critical Control Points (HACCP), and comply with specific production standards (Havinga 2018). Through these measures, the hygiene package plays a vital role in maintaining high levels of food safety, facilitating the international trade of animal products, and ultimately protecting public health within the European Union.

Understanding the multifaceted objectives of the hygiene package, which range from safeguarding public health to influencing international trade dynamics, requires a deeper exploration. Central to this investigation is the debate over whether these regulations are genuinely driven by health and safety concerns or if they serve protectionist interests. To engage with this debate, the study evaluates the explanatory strength of two competing theories: liberalism, and mercantilism (Josling ,1999).

Within this exploration, embedded liberalism emerges as a fundamental theory that balances free trade and open markets with governmental intervention to address social and economic impacts. Central to embedded liberalism is the belief that economic openness can coexist with social stability through regulatory frameworks, thereby supporting both economic growth and public welfare (Ruggie, 1982). In the context of the hygiene package, this perspective highlights the EU's efforts to standardize food safety regulations across its member states and with global trading partners. This approach aims to create a harmonious trading environment, ensuring that products, especially those of animal origin, meet

universally recognized safety standards without unnecessary trade barriers (Ansell & Vogel, 2006). Thus, from an embedded liberal viewpoint, the regulation is seen as an attempt to balance protecting public health with facilitating international trade, ensuring that protective measures do not become obstacles to economic collaboration and growth (Chorev, 2005).

Mercantilism, on the other hand, offers a contrasting view on the implications and objectives of economic and trade policy. Mercantilism advocates for a more pronounced role of the state in the economy, emphasizing that national economic self-sufficiency and strength are crucial. This school of thought prioritizes the accumulation of national wealth, primarily through achieving a positive balance of trade that favours exports over imports (Dales 1955). From a mercantilist point of view, the hygiene package is used as a protective measure, such as tariffs and quotas, to limit trade and shield domestic industries from foreign competition. Moreover, mercantilists argue that such strategies are crucial for national security and economic independence (Crivelli & Gröschl, 2016).

This introduction sets the stage for examining the EU's regulatory measures, focusing on whether its policies are driven by health and safety concerns or protectionist interests. By analysing the hygiene package, the study explores the balance between public health imperatives and economic interests. This analysis will provide insights into the motivations behind the EU's regulatory measures, which will be further detailed in the subsequent sections.

1.2 Research objective

This study aims to explore the motivations behind the EU's enactment of the hygiene package, which is focused on bolstering food safety and public health for products derived from animals. The research investigates the complex relationship between the EU's health regulations and its trade policies. Central to the research is the exploration of two predominant theoretical perspectives, embedded liberalism and mercantilism, and their influence on the EU's regulatory stance.

By examining the hygiene package through the lenses of embedded liberalism and mercantilism, this research seeks to understand the EU's policy decisions regarding sanitary measures. Embedded liberalism emphasizes balancing trade facilitation with public health protection, while mercantilism highlights protective

measures for domestic industries and national health security. Ultimately, this research will contribute to understanding how the EU navigates the complex interplay between public health imperatives and international trade facilitation.

Based on the research objective the following research question has been formulated:

Which theory -liberalism or mercantilism- best explains the adoption of EU hygiene package?

To answer this research question, a qualitative research approach is applied in this research. A congruence analysis is conducted to establish which theoretical framework gives a better explanation on the hygiene package. Small-N research in congruence analysis offers the advantage of deep, detailed examination of cases, enabling nuanced understanding of complex phenomena. Achieved through intensive analysis of limited datasets, it facilitates in-depth exploration of patterns and mechanisms within specific contexts, thus providing rich, contextual insights that large-N studies might overlook (Blatter & Haverland, 2014).

1.3 Research relevance

The hygiene package serves as an interesting case study to explore the motivations behind EU regulatory measures, particularly in balancing public health and international trade. It exemplifies the EU's efforts to implement stringent safety standards while facilitating international trade, making it central to the debate on protectionism versus fostering safe trade. The EU's legislative foundation is rooted in liberal principles but faces criticism in various policy domains. Comodo and Bonaccorsi (2007) discuss the hygiene package's precautionary principle¹, highlighting the conflict between necessary safeguards and potential protectionism.

¹. The precautionary principle, as outlined in Regulation (EC) No 178/2002, serves as the foundational principle guiding the development and implementation of the EU hygiene package of 2004. This principle advocates for proactive measures to mitigate potential risks to public health, particularly in cases where scientific evidence may be incomplete or uncertain. Within the context of food safety, the hygiene package integrates this principle by establishing stringent standards and regulations aimed at preventing harm and ensuring the highest level of food safety across the European Union. See European Parliament (n.d.).

Similarly, Postnikov (2020) questions whether the EU prioritizes normative ambitions or commercial gains, urging further analysis of EU trade policy motivations.

The hygiene package's rigorous standards for products of animal origin demonstrate the EU's commitment to public health and consumer protection. However, these standards also function as non-tariff barriers, protecting domestic industries from foreign competition. This dual nature raises questions about whether the EU's approach leans more towards liberalism or protectionism. The package thus exemplifies the interplay between embedded liberalism and mercantilist tendencies in EU policymaking. Studying this package provides insights into the motivations behind EU regulatory measures and the broader debate on protectionism versus fostering safe trade.

The societal relevance of this research lies in its potential to enhance public understanding and trust in EU regulatory measures. By examining whether the hygiene package is driven by genuine public health concerns or protectionist interests, this study can inform public debates on regulatory transparency and effectiveness. Insights from this research can guide policymakers in designing balanced regulations that protect public health without unnecessarily restricting trade, promoting economic well-being. Additionally, a clearer understanding of EU-policy motivations can help stakeholders, such as businesses and consumer groups, better engage with these regulations, fostering a more informed and cooperative regulatory environment.

Consequently, this research contributes to theoretical debates in political science and international relations while providing practical insights for policymakers, stakeholders in the food industry, and consumers. By clarifying the motivations behind the EU's hygiene package, this study can inform more transparent and balanced regulatory practices that better serve public health and economic objectives.

1.4 Research outline

This research dissects the hygiene package across seven concise chapters. Chapter 2 reviews relevant literature. Chapter 3 provides the theoretical framework on embedded liberalism and mercantilism. Chapter 4 outlines the methodology, focusing on the application of congruence analysis. Chapter 5 presents the findings, examining how the regulation reflects embedded liberalism and mercantilism in food

safety and trade. Chapter 6 discusses the implications of these findings, evaluating the EU's policy-making approach. Finally, Chapter 7 summarizes the research contributions and suggests future research directions.

2. Literature review

The regulation of trade in the interest of public goods such as health, safety, and environmental protection has increasingly become a contentious issue within the discourse on global trade policies. The central debate focuses on whether such regulations are genuine efforts to safeguard public interests, or they serve as covert mechanisms for protectionism. This literature review synthesizes insights from a variety of scholars, providing a nuanced perspective on this issue.

An analysis by Gregori (2021) finds an enduring application of protectionist measures in contemporary public economy; policies that generally lead to decreases in trade volumes. Despite that this might be contradictory to general understanding of the international market having a liberal undertone, these findings are not unexpected. Even the United States of America (USA), one of the strongest advocates for liberal trade, has an enduring application of economic policies that can easily be understood as protectionist. The USA has not only allowed the application trade limiting policies but has led the West in implementation of such tools (Williams, 2019).

Kim (2012) discusses how states might use regulations ostensibly designed to protect public welfare, health, safety, and environmental standards to restrict international trade, thereby engaging in disguised protectionism. Nations have the opportunity to implement such policies due to established linkages between trade regulations and other domestic policy areas. These linkages are often justified by the need to create uniform standards that prevent one nation from gaining a competitive advantage through lax regulations. However, they can also serve as a cover for protecting domestic industries. Regulatory diversity is exploited to create barriers to trade (Kim, 2012; Potter & Burney, 2002). Although it is challenging to determine unequivocally when protectionist policies are employed through Sanitary and Phytosanitary (SPS) measures, they are a likely avenue for disguised protectionism. The difficulty in distinguishing whether a regulation is protectionist offers opportunities for the misuse of SPS measures (Kim, 2016).

Building on Kim's (2012) argument about the potential use of disguised protectionist SPS measures, scholars argue that the EU indeed engages in protectionist measures in foreign trade (Kang and Ramizo, 2017; Murina and Nicita, 2017). The EU's strict technical standards and regulations function as non-tariff barriers and thereby significantly affect the ability of developing countries to export to the EU (Ismael, 2003). Moreover, the selective availability of Mutual Recognition Agreements (MRA's) and the precautionary principle are used to limit trade from third countries. The measures are used to justify export bans and restrictions, effectively acting as a protectionist measure under the guise of consumer safety (Marković & Marković, 2014).

Other scholars argue that the EU's approach to trade is motivated by (embedded) liberal principles. De Ville and Orbie (2011) find that even during economic crises, the EU reinforces its liberal stance in trade. Despite modernizing its approach to fit the complex modern trade environment, the EU's liberal stance prevails (Holden, 2017). The EU has increasingly pursued reciprocal trade relations, aligning its unilateral and bilateral trade relations more closely with the multilateral trade rules established by the WTO. In doing so, the EU actively engages in liberalizing the international market (Faber & Orbie, 2008). Moreover, it is argued that the EU actively works to limit its protectionist policies and fosters liberal economic integration internationally (Siles-Brügge, 2011; 2013). The EU views itself as an international power in trade and has taken this role on multiple occasions in WTO negotiations. The EU has even published explanatory documents to increase transparency in legislative decision-making (Leblond & Viju-Miljusevic, 2019).

Despite the debate appearing black and white, many scholars adopt a more pragmatic approach to understanding EU trade regulation. Some argue that the EU's strict regulatory measures aim to balance food safety and quality with facilitating international trade (Arvanitoyannis et al., 2005). However, the ability to adopt liberal regulations is limited by constraints from interest groups. Similarly, Member State interests can lead to asymmetrical implementation of regulations. The EU depoliticizes new regulations and strategizes a balance between broader liberal objectives and practical necessities and interests (Wagner, 2017; Bressanelli et al., 2020). Ensuring legitimacy for trade regulations is critical for the EU, as protecting welfare factors while ensuring trade liberalization is challenging (Young & Holmes, 2007). Agricultural policy, specifically the Common Agricultural Policy (CAP),

exemplifies this dynamic, illustrating the ongoing conflict between liberalization and the need to maintain social standards and protections. This is a central theme in the broader debate about the role of the state and the market in global economic governance (Meunier & Nicolaïdis, 2006; Skogstad, 2015; Santander, 2005).

This literature review underscores the debate surrounding EU trade regulation and its impact on public welfare versus protectionism. While some scholars argue that these regulations aim to safeguard public health, others suggest they may act as disguised protectionist measures. The difficulty in distinguishing these motivations highlights the need for continued scholarly debate and empirical research. This discussion is vital for analyzing the EU's trade policies, specifically the hygiene package, and their implications for international relations and trade. The following sections will explore whether the EU's hygiene package embodies embedded liberal principles or mercantilist goals, offering a clearer understanding of its true motivations.

3. Theoretical framework

In this chapter, the theoretical foundation for this study is discussed, focusing on embedded liberalism and mercantilism. These frameworks help understand the dynamics of contemporary international politics and trade, where states are increasingly interconnected globally (Potrafke, 2015). Embedded liberalism and mercantilism offer different interpretations of state interactions, which are relevant to analyzing the EU's 2004 hygiene package (Mowle, 2003). By examining EU food safety regulation through these frameworks, the study aims to elucidate the driving forces behind the EU's regulatory approach and its alignment with embedded liberalism and mercantilism.

3.1 Exclusion of realism

In the field of international relations, liberalism is generally juxtaposed against realism (Gilpin & Gilpin, 1987). In this section I argue, however, that mercantilism supplies a better frame to juxtapose liberalism against. Realism is a theoretical framework in international relations that prioritizes state power and security as the paramount objectives of national policy. Central to realism is the concept of an anarchic international system, where no central authority exists above states, leading

to a perpetual struggle for power and security among them (Morgenthau, 1948). Realists view international relations primarily through the lens of power politics, with economic policies, including trade, being subordinate to the broader goals of maintaining state security and enhancing national power (Waltz, 1979).

From a realist standpoint, economic interactions are not separate from the strategic considerations of statecraft. Rather, they are integral to achieving and maintaining power. Trade policies, for example, are assessed not merely for their economic benefits but for their potential to increase a state's strategic position. Realism suggests that states might engage in protectionist policies or economic statecraft as tools to gain a relative advantage over rivals, reflecting a cautious approach to economic interdependence (Grieco, 1990).

Realism offers valuable insights into power politics and state security but falls short in economic policy analysis, especially in international trade. Its focus on the anarchic international system and state power pursuits results in a superficial treatment of economic interactions, often overlooking the nuanced economic motivations that drive state behaviour in the global market. Realism views economic policies as tools for strategic ends to enhance state power, rather than objectives themselves (Mearsheimer, 2001; Drezner, 2010). This limits realism's applicability in analysing policies aimed at maximizing economic benefits. Modern mercantilist strategies, designed to optimize economic gain and strategic trade advantages, extend beyond realism's traditional focus on power dynamics.

Furthermore, the realist emphasis on competition and relative gains does not capture the complex interdependencies and mutual benefits of global trade. Unlike mercantilism, realism overlooks the specifics of trade policies, such as market access or balance of trade (Cesaratto, 2013). These metrics are crucial to understanding the economic underpinnings of state strategies in a globalized economy. Thus, realism, with a broad focus on state power, security, and survival, does not capture the nuanced economic calculations that underpin modern mercantilist strategies, which are specifically designed to maximize economic benefits and strategic advantages in the global market (Malmgren, 1970).

Therefore, this research excludes realism from the theoretical framework and instead applies mercantilism. Realism is excluded because it primarily focuses on state power and security rather than economic policy specifics. In contrast, mercantilism offers a more direct and nuanced lens through which to examine

European trade policy, particularly in the context of the EU's regulatory measures and economic strategies.

3.2 Mercantilism

Mercantilism is an influential economic theory and policy framework which prevailed in Western European thought from the 16th to the 18th centuries. It advocates for the state and merchant capitalists to play pivotal roles in economic activities, emphasizing the strategic use of a nation's resources. At the heart of mercantilist theory is the belief that economies often have untapped potential in idle factors of production, such as labour, land, and capital (Graz, 2004). Mercantilists believe that by effectively mobilizing these resources, a country could induce economic growth and development, leading to increased domestic wealth without necessitating a rise in prices (Uhr, 1980). Contrasting sharply with Smith's later arguments for free market economics, mercantilism argued that economic expansion was crucial for reducing reliance on imports, thereby enhancing a state's autonomy. This economic strengthening was seen not only as a way to greater wealth but also as a means to bolster military power, reflecting the theory's deep interconnection with state sovereignty and security (Peukert, 2011).

Eli Heckscher (1931) provides a comprehensive understanding of mercantilist thought, focusing on the power of the state, particularly in external affairs. He identifies four key components of mercantilism: the historical background of overcoming medieval particularism, a system of power in an international competitive environment, protectionist policies such as export subsidies, and the velocity of money (rate of money being spend again in the economy) (Uhr, 1980). In its original form, mercantilism viewed any outflow of money as detrimental to national interests, exemplified by British economic practices during the Commonwealth (Pincus, 2012). Mercantilism's approach to trade often involved protectionist measures, such as tariffs and quotas, to improve the balance of trade (Uzunidis & Laperche, 2011).

While Heckscher (1931) considered mercantilism outdated as liberalism rose to prominence, mercantilism has evolved to meet the challenges and complexities of modern global trade and national economic policies. This evolution pertains both to the theoretical framework and practical applications in economic policy. The accumulation of precious metals as a measure of wealth has become an outdated

concept. However, the underlying principle of increasing national wealth and economic security remains relevant (Conti, 2018). Other critical components of the mercantilism have been updated to fit the global economic domain. In today's global economy, mercantilism's advocacy for state control translates into comprehensive regulatory frameworks. This intervention is often aimed at protecting domestic industries, ensuring national economic security, and achieving a favourable balance of trade (Lind & Press, 2018). The modern application of these principles can be seen in comprehensive regulatory frameworks that aim to control market conditions and ensure the competitiveness of domestic sectors (Nachbar, 2005).

This updated perspective, often termed "neo-mercantilism" emphasizes state control over strategic industries and regulatory frameworks to ensure national economic security and competitiveness (Mueller & Farhat, 2022). Modern mercantilism involves strategic protectionism through sophisticated standards, shielding domestic industries from unfair competition (Shanlin, 2019). EU food safety regulations function dually, protecting consumer health while ensuring imported products meet stringent standards, thus supporting local producers. Economic interests take precedence over societal interests, with economic flourishing as the primary measure of policy success (Magnusson, 2015). Regulatory mercantilism controls information to foster economic interests, limiting transparency (Cory & Atkinson, 2020; Farrand, 2023). This nuanced protectionism aims to balance global trade obligations with internal market preservation, supporting sectors with a comparative advantage while protecting vulnerable ones. Consequently, mercantilism may diverge from international trade agreements to achieve national economic gains (Guerrieri & Padoan, 1986).

The modern adaptation of "accumulating precious metals" has transitioned towards strategic economic manoeuvres and investments in key sectors aimed at enhancing national wealth and economic resilience. This evolution characterizes modern mercantilism's approach, which, while echoing liberalism's focus on innovation as a driver of economic prosperity, diverges significantly in its methods and objectives. Despite apparent similarities in promoting economic growth, the underlying motivations and methodologies of mercantilism and liberalism are distinctly different. Mercantilism emphasizes national advantage, whereas liberalism advocates for economic prosperity through open markets and global cooperation (Uzunidis & Laperche, 2011; Ezell, 2011; Cohen & Zysman, 1983).

The modernized version of mercantilism manifests in diverse forms across contemporary economic policies (Coleman, 1980). Collins and O'Brien (2023) illustrate China's use of mercantilist strategies in its economic interactions with smaller European States, leveraging economic power and political influence to prioritize its interests. Wigell (2016) highlights the significance of regional powers in the global economy, suggesting a mercantilist approach to regional dominance. Hettne (1993) interprets these dynamics as a political desire for control within the global economy, aligning with mercantilist principles. Conti (2018) notes that the appeal of mercantilism grows in times of uncertainty, making it attractive for states navigating volatile landscapes. Similarly, Okeke, Cilliers, and Schoeman (2018) see mercantilism as a response to disparities fostered by the Western-dominated liberal international order. These insights collectively highlight the nuanced ways mercantilism influences contemporary economic policy, underscoring its enduring relevance and utility in formulating national strategies.

3.3 Embedded liberalism

Liberalism emerged during the Enlightenment in the 17th and 18th centuries and was shaped by John Locke's foundational ideas on natural rights, constitutionalism, and the social contract (Bell, 2014). This theory advocates for individual freedom and minimal state intervention, aligning with enlightenment ideals of liberty and equality. Liberalism emphasizes that individuals should freely pursue their economic interests within a competitive marketplace, free from excessive governmental control. It champions a regulated environment where fair competition prevails, ensuring that economic activities benefit society broadly. By advocating for a limited role of the state in economic matters, liberalism seeks to protect individual liberties and promote economic prosperity (Mill, 1859; Smith, 1976).

However, the complexities of modern economies and societies have highlighted the limitations of a purely free market approach. This is where the concept of embedded liberalism becomes relevant. As it describes a post-World War II economic order that combines the efficiency of free markets with the need for social stability through government intervention. Unlike classical liberalism, embedded liberalism recognizes that state intervention is necessary to mitigate the

adverse social impacts of market activities, ensuring that economic growth benefits all members of society (Ruggie, 1982).

In the context of consumer interests, embedded liberalism emphasizes the fundamental importance of balancing individual liberty and autonomy in economic decision-making with the need for regulatory frameworks that protect public welfare. This philosophical stance supports the notion that while consumers should be free to pursue their economic interests, there should be sufficient governmental oversight to ensure their right to make informed and safe choices in the marketplace (Vanberg, 1999). It acknowledges the government's role in safeguarding individual rights and delivering public goods, arguing that this involvement is essential to prevent the stifling of economic vitality and innovation due to market failures (Mason, 1990; Lacher, 1999). Moreover, the rule of law remains a critical aspect, providing a stable and predictable legal environment that supports economic transactions and investments. Such a framework is crucial not only for protecting consumer interests but also for fostering transparency and confidence in the marketplace, essential components for the successful adoption and implementation of hygiene practices in a consumer-driven economy (Slaughter, 1995; Turner, 2008).

Moreover, central to the ideology of embedded liberalism is the recognition that free markets must be supported by appropriate regulations to ensure fairness and protect public interests. Here, embedded liberalism posits that the invisible hand of supply and demand should be guided by regulatory policies that address social and economic inequalities, ensuring that the benefits of economic growth are broadly shared (Holcombe, 2006; van de Haar, 2010; Ullmann-Margalit, 2012). This understanding extends to the international realm. Embedded liberalism supports the promotion of free trade and open borders but emphasizes the need for regulatory harmonization that aligns domestic regulations with international standards, thereby enhancing cooperation and maintaining economic stability across borders (Singer, 2004).

This internationalism and regulatory harmonization are cemented in global economic integration, which is achieved through the promotion of free trade and the support for international institutions that facilitate global commerce (Cohen, 2008; Kleine & Pollack, 2018). Embedded liberalism argues that by carefully removing trade barriers such as tariffs and quotas, countries can engage in a more efficient exchange of goods and services, leading to increased economic prosperity and

interdependence among nations. This open approach to trade is bolstered by the establishment and endorsement of international bodies that oversee and encourage fair trade practices. These bodies reinforce the belief in a cooperative, interconnected global economy (Helleiner, 2003; Jahn, 2018).

The concept of comparative advantage remains central to this global economic vision, underpinning the support for free trade. Comparative advantage suggests that countries benefit most when they specialize in producing and exporting goods for which they have a lower opportunity cost compared to other nations. By focusing on what they do best and trading for what others produce more efficiently, countries can achieve greater economic efficiency and mutual gains from trade (Ricardo, 2001). This specialization, enabled by open markets, is seen as a key driver of economic growth, innovation, and wealth creation on a global scale. Building on this framework, the EU is expected to actively seek trade relationships with third countries, leveraging its specialized industries to foster deeper economic ties and expand mutual benefits on an international scale (Seretis & Tsaliki, 2016).

The 20th and 21st century witnessed significant influence of liberal economic principles, notably policies aimed at deregulation, privatization, and minimizing state intervention. This neoliberal era catalysed globalization, creating an interconnected global economy that underscores the importance of free markets in driving economic integration and growth. Through liberalised trade, economic interdependence among nations has increased, reflecting liberal influence on global economic policies (Gamble, 2019). The EU, founded on these principles, exemplifies how embedded liberalism is embodied in contemporary times (European Union, n.d.-a). Treaties such as the Lisbon Treaty have been instrumental in enhancing the EU's democratic structure, emphasizing more power for the European Parliament, and changing voting procedures in the Council, further aligning with liberal democratic principles (Plattner, 1999; Kazakos, 2010). These principles not only guide internal policies but also the EU's interactions on the global stage, promoting peace, stability, and respect for human rights (Wagner, 2017). Thus, employing embedded liberalism as a lens to examine EU policies is both logical and appropriate, considering the Union's foundational pledges to uphold economic and political freedom, democratic governance, and the rule of law (Meunier & Vachudova, 2018). This framework allows for a comprehensive understanding of the EU's aims to enhance prosperity, stability, and cooperation both within its borders and in its external relations.

3.4 Theoretical comparison

This section undertakes a theoretical comparison of the two theoretical frameworks previously discussed. By juxtaposing these paradigms, their fundamental differences are highlighted, offering clear insights into their distinct approaches.

	Mercantilism	Embedded liberalism
Core philosophy	Prioritizes safeguarding EU economic interests and domestic industries	Emphasizes free movement of goods, market efficiency, and consumer confidence while balancing free markets with social stability and public welfare.
View on trade	Focuses on protectionism to safeguard national economic interests.	Advocates for free trade and harmonization with global market standards, emphasizing the need for regulatory policies that address social and economic inequalities.
Role of regulation	Prioritizes internal standards to protect the domestic market.	Supports regulatory frameworks that ensure fairness and protect public interests, guiding market activities to benefit society broadly.
Approach towards international organisations	Prioritizes internal interests over alignment with international regulations.	Cooperative, emphasizing mutual benefits and global economic and legislative integration.
Relation to EU food safety regulation	Justifies stringent standards as means to protect domestic markets and ensure quality.	Sees the hygiene package as building trust in food safety and consumer protection while maintaining fair competition and market efficiency.

Table 2: Theoretical comparison

3.5 Propositions

Embedded liberalism and mercantilism hold significant theoretical differences regarding economy and trade. From an embedded liberal perspective, the hygiene package aligns with balancing free markets and social stability. By establishing standardized procedures and enhancing transparency in food safety regulations, the package boosts market efficiency, consumer protection, and public trust. It embodies free trade principles while integrating regulatory frameworks to harmonize internal and global market regulations, promoting economic openness and social well-being.

Consequently, the following liberal propositions are formulated:

Liberal proposition 1 (LP1): *"The hygiene package enhances consumer trust and increases transparency in food safety regulations"*

Liberal proposition 2 (LP2): *"The hygiene package is shaped by consumer interest groups aimed at protection consumer health"*

Liberal proposition 3 (LP3): *"The hygiene package harmonizes the EU's food legislative framework with that of the WTO and builds a legislative framework that simultaneously bolsters trade with third countries"*

Mercantilism adopts a different approach for the adoption of the hygiene package. The adoption of this regulatory framework is seen as crucial for safeguarding EU economic interests and protecting domestic industries. The hygiene package represents the interest of the EU's economy and predominately business interest, potentially at the cost of consumer interests. Moreover, the hygiene package establishes a legislative framework that prioritises and gold plates internal standards that diverges form WTO SPS standards. This legislative framework is aimed at protecting the internal market.

Consequently, the following mercantilist propositions are formulated:

Mercantilist proposition 1 (MP1): *"The hygiene package primarily serves to protect domestic industries, potentially limiting transparency and not significantly fostering consumer trust"*

Mercantilist proposition 2 (MP2): *"The hygiene package is shaped by predominantly national economic interests"*

Mercantilist proposition 3 (MP3): *"The hygiene package establishes an EU-centric food legislative framework that prioritizes internal standards over alignment with WTO regulations and creates a regulatory environment that safeguards the internal EU market while potentially limiting trade with third countries"*

4. Research design

This chapter outlines the research design and the methodology employed in this research. The propositions are operationalized and the method for analysis is specified. Moreover, the justification for the case selection is presented and the validity and reliability of the research are discussed.

4.1 Congruence analysis

This study utilizes the congruence analysis to examine the alignment between EU policy decisions and the theoretical frameworks of embedded liberalism and mercantilism. The congruence analysis offers a systematic approach to assessing the consistency between policy actions and underlying theoretical principles, providing valuable insights into the dynamics of EU policymaking. To apply a congruence analysis effectively, the key aspects of embedded liberalism and mercantilism are first presented (Blatter & Haverland, 2012). Embedded liberalism emphasizes principles such as minimal regulated trade, market competition, and the importance of non-state actors in shaping policy outcomes. On the other hand, mercantilism prioritizes state intervention, protectionism, and the pursuit of national economic interests.

Secondly, indicators are selected that capture the essence of these theoretical frameworks within EU policy decisions. These indicators include measures of trade openness, regulatory policies, protectionist measures, interest representation and

consumer trust. By carefully selecting indicators grounded in embedded liberalism and mercantilism theories, the degree of congruence between EU policies and these competing paradigms is assessed.

Data collection involves gathering information on EU policy decisions and economic indicators. Sources such as, WTO SPS notifications, official reports, substituted by scientific data, are utilised to obtain a comprehensive image of EU policymaking. Interpreting the results will allow for drawing conclusions about the extent to which EU policies align with either embedded liberal or mercantilist principles, as well as identifying factors influencing congruence or divergence. These findings will contribute to a deeper understanding of the ideological underpinnings of EU policymaking and its implications for European integration, economic governance, and international relations (Blatter & Haverland, 2012).

4.2 Operationalisation

Given the distinct and often contradictory perspectives of embedded liberalism and mercantilism on regulatory policies, this research contrasts these theories across three key indicators: (1) Public Trust and Transparency vs. Economic Prioritization, (2) Consumer Interest vs. Business Interest, and (3) Trade Facilitation vs. Market Protection. These topics provide the framework for a theoretical examination, testing each theory's ability to explain the adoption of the hygiene package.

	Indicator	Liberal propositions	Mercantilist proposition
1.	Public Trust and Transparency vs. Economic Prioritization	LP1: The hygiene package enhances consumer trust and increases transparency in food safety regulations.	MP1: The hygiene package primarily serves to protect domestic industries, potentially limiting transparency and not significantly fostering consumer trust.
2.	Consumer Interest vs. Business Interest	LP2: The hygiene package is shaped by consumer	MP2: The hygiene package is shaped by predominantly national economic interests.

		interest groups aimed at protection consumer health.	
3.	Trade Facilitation vs. Market Protection	LP3: The hygiene package harmonizes the EU's food legislative framework with that of the WTO and builds a legislative framework that simultaneously bolsters trade with third countries.	MP3: The hygiene package establishes an EU-centric food legislative framework that prioritizes internal standards over alignment with WTO regulations and creates a regulatory environment that safeguards the internal EU market while potentially limiting trade with third countries.

Table 3: Indicators & propositions

The juxtaposed theories represent differing motives in regulatory formation. The first indicator examines the development of consumer confidence in food safety through the lens of transparency. This includes analysing Eurobarometer reports before and after the implementation of the hygiene package. This data provides quantitative insights into consumer trust, which is key for testing the liberal proposition that regulations should be consumer-centric and emphasize transparency and public health benefits. Confirmation of the liberal proposition requires evidence that the EU prioritizes transparency-centric policies that enhance public trust. However, evidence that the hygiene package serves economic interests at the expense of consumer trust would suggest mercantilist influence. The analysis compares transparency and trust levels to determine which theoretical perspective prevails.

The second indicator assesses the interests represented by the hygiene package, focusing predominantly on the balance between consumer and business interests. This analysis explores how regulations are shaped by these two groups, identifying whether the measures primarily protect public health and consumer safety or if they are influenced by economic and corporate priorities. This inquiry delves into the legislative motivations behind the hygiene package, scrutinizing whether consumer demands for transparency and safety or business imperatives for less

stringency and regulatory flexibility are more influential in shaping the policies. This dual perspective will be instrumental in understanding the broader impacts of EU food safety regulations on different stakeholders within the market.

The third indicator examines the balance between trade facilitation and market protection by assessing the impact of the hygiene package on trade with third countries. This involves evaluating whether these regulations facilitate or hinder trade, focusing on harmonization with or deviation from WTO standards. From an embedded liberal perspective, the hygiene package should promote trade openness, reducing barriers and fostering economic growth through uniform regulations, resulting in fewer cases against the EU. Conversely, a mercantilist approach would involve stringent measures that protect domestic industries, disproportionately affecting imports and leading to more cases against the EU. This evaluation uses scientific data, expert analysis, WTO trade concerns, and reports from international trade organizations to determine if the hygiene package aligns more with embedded liberal trade enhancement or mercantilist market protection.

4.3 Case selection

Scrutinising the hygiene package through a congruence analysis, by applying embedded liberalism and mercantilism, presents an interesting study. The regulation embodies liberal principles as it streamlines official controls and promotes open markets while safeguarding public health. This development fits within the EU's commitment to free trade and consumer protection (European Commission, n.d.). Simultaneously, the regulation results in rigorous standards and controls, traits of mercantilist strategies aimed at protecting domestic industries and enhancing competitiveness in the global market. Analysing this regulation offers insights into how the EU strikes a balance between open trade policies and the protection of its internal market. As the EU positions itself as a strong advocate for the liberalization of trade (European Union, n.d.-b), it makes for a fascinating case for analysing this regulation with opposing theories.

4.4 Validity and reliability

In the concept of validity, we distinguish between internal and external validity. Internal validity refers to the accuracy of the causal inferences drawn within the

study. Due to the nature of the congruence analysis applied in this study, internal validity is more easily achieved (Blatter & Haverland, 2012). It is, however, important to note the potential risk of selecting biased or subjective indicators. To minimize subjective biases in selecting and evaluating indicators for congruence analysis, indicators are chosen based on their direct relevance to the theoretical framework. This ensures they accurately represent the concepts being studied. These indicators should demonstrate sufficient variability within the sample to allow for meaningful analysis. Moreover, careful consideration has been made to ensure that the selected indicators contribute to the study's internal validity by providing reliable and representative data (Blatter & Haverland, 2012).

On the other hand, external validity refers to the extent to which research findings can be generalized beyond the specific cases or contexts studied. In congruence analysis within small-N studies, external validity refers to the extent to which the findings can be generalized beyond the specific cases examined. Small-N studies often focus on a narrow set of cases chosen for their relevance to the research question or theoretical framework, thus making external validity limited. One approach to enhancing external validity in small-N studies is through theoretical replication. By conducting similar analyses in different contexts or with different cases, researchers can assess the robustness and generalizability of their findings. As this study focuses on one of the primary policy frameworks of the EU, it provides a solid basis for examining other EU policy areas (Blatter & Haverland, 2012). It must be noted that the salience and specificity of the hygiene package might significantly limit the generalizability beyond small-N studies in general. However, the methodologies and theoretical approaches used in this study could be applied to other EU regulations in the field of trade, providing similar insights.

Addressing the reliability of the study is essential. Reliability refers to the consistency and stability of a measure over time. In the context of congruence analysis, reliability is crucial to ensure that the findings are replicable and not dependent on idiosyncratic conditions of a particular case or moment in time. To enhance the reliability of this study, a variety of sources are used to cross-validate the results. This method reduces the impact of potential measurement errors and ensures that the findings are not the result of anomalous data points or outlier effects. Furthermore, the consistency of the methodology applied across different data sets helps to ascertain the reliability of the causal inferences. Ensuring high

reliability in this study aids in substantiating the internal validity claims by demonstrating that the results are repeatable under consistent conditions and methodologies.

5. Analysis

This chapter analyses the EU's hygiene package through the perspectives of embedded liberalism and mercantilism, focusing on three key areas: Public Trust and Transparency vs. Economic Prioritization, Consumer Interest vs. Business Interest, and Trade Facilitation vs. Market Protection. The analysis aims to assess which theoretical framework, embedded liberalism or mercantilism, better explains the regulatory objectives and impacts of the hygiene package within the EU.

5.1. Public Trust and Transparency vs. Economic Prioritization

After the formation of the EU, European citizens expressed deep skepticism toward food safety (Smith et al., 1999). Regulatory frameworks were fragmented, with varying degrees of transparency and effectiveness across member states. This fragmentation allowed for selective transparency, often protecting national interests, and limiting external scrutiny (Beulens et al., 2005; Vos, 2000). Governments maintained control over food safety information, leading to less transparency to protect domestic industries. The BSE-crisis underscored the consequences of such opacity, severely eroding public trust (Devaney, 2016; Beulens et al., 2005).

During this period, the EU also pushed for market liberalisation, reducing control over the sector. Despite anticipated economic benefits, a significant majority of EU citizens (83%) believed that food safety had not increased. This scepticism was reinforced by a growing demand for more frequent and stringent food safety controls, reflecting distrust in producers. Consumer associations gained high regard for providing accurate food safety information (INRA, 1997; 1998). By 2002, despite strong support for the CAPs goals to ensure food safety and quality, public opinion was divided on whether CAP favoured farmers or consumers, indicating a gap between expectations and perceived effectiveness. These years marked a period of evolving consumer priorities toward food safety (EORG, 2002).

Following the adoption of the hygiene package, a 2005 Eurobarometer survey highlighted significant consumer concerns about food safety (European Commission, 2005). Key issues included pesticide residues, GMOs, and food additives, reflecting

widespread anxiety over health and environmental impacts. Approximately 72% of respondents were worried about pesticide residues in produce, indicating a demand for stricter regulations and safer agricultural practices. Additionally, 58% expressed doubts about GMO safety, and only 39% felt current policies protected public health and the environment from GMO risks. This survey demonstrated a clear preference for more stringent regulation and greater EU involvement in food safety, further supported by increased regulations for food additives. Despite ongoing demands for greater transparency and rigorous scientific principles, the EU's efforts to enhance food safety were acknowledged (European Commission, 2005).

By 2010, public perception towards food safety within the EU had noticeably shifted, recognizing efforts undertaken by the Union to ensure food safety. Trust in the EU's food safety policies had grown, with a significant portion of the population feeling more confident in the safety of their food (European Commission, 2010a; 2010b). This change was partly attributed to the EU's proactive measures in addressing the concerns raised in 2005, including stricter regulations on pesticide residues, comprehensive assessments of GMOs, and tighter control over food additives (European Commission, 2010b). The emphasis on scientific evidence in the regulatory process began to yield positive results in terms of public confidence. The hygiene package introduced measures to enhance transparency, such as comprehensive traceability systems and clear labelling of food products, building public trust and supporting informed decision-making (de Boer et al., 2023; Vaqué & Segura, 2016). The establishment of the European Food Safety Authority (EFSA) was crucial for ensuring unbiased and transparent scientific assessments. By separating risk assessment from risk management, the hygiene package sought to eliminate conflicts of interest and enhance the credibility of food safety regulations (Devaney, 2016).

The EU enhanced public confidence by implementing tracking and tracing systems, enabling stakeholders to monitor and verify the quality and safety of food products throughout the supply chain. These measures supported consumer confidence and aligned with the principles of embedded liberalism, which balance market efficiency with public welfare (Beulens et al., 2005). The adoption of quality assurance systems like HACCP and International Organization for Standardization (ISO) standards demonstrated the EU's commitment to increasing food safety. The Commission's New Approach to food safety regulation introduced principles of

excellence, independence, and transparency for scientific committees. This approach ensured that scientific advice was transparent and independent, effectively separating risk assessment from political influences (Halkier & Holm, 2006; Vos, 2002)). Enhancing the accessibility of this information was crucial for improving public trust and participation, thereby increasing expert accountability (Hickey, E., & Weimer, 2022). This transparency enabled public scrutiny of scientific information underpinning regulatory decisions, ensuring the epistemic quality of public regulation, and supporting public participation. The application of the precautionary principle was designed to be based on this transparent decision-making process (Hickey, E., & Weimer, 2022; Sperber 2005).

Despite transparency-enhancing measures, economic and political considerations often led to inconsistencies in the hygiene package's application. Member States prioritized protecting domestic industries over fully disclosing food safety practices, selectively sharing favourable information to maintain a competitive edge. Commercially sensitive information was also protected, with companies withholding details under the guise of trade secrets, limiting transparency, and undermining public trust as consumers remained uninformed about potential food safety risks (Lam et al., 2020; Jensen & Sandøe, 2002). Balancing economic considerations with transparency meant information disclosure was often limited to preserve competitive advantages (Vaqué, L. G., & Segura, 2016). Traceability systems, mandated after food safety incidents, were used strategically to control information flow, and safeguard domestic industries (Lam et al., 2020).

The precautionary principle also suffered from limited transparency, with decisions protecting commercial interests by withholding information under scientific uncertainty (Sperber; 2005). Political pressure often led to disproportionate precautionary measures, reflecting a transparency-limited approach to maintain control over food safety regulations and protect national interests (Jensen & Sandøe, 2002). The EU's passive approach resulted in a fragmented transparency regime that benefited domestic industries through selective transparency, limiting broader scrutiny (Hickey & Weimer, 2022). New food safety policies and regulatory frameworks across Europe, influenced by economic considerations, aimed to protect national interests, and restore public confidence in domestic food industries. This led to reduced transparency and centralized control over food safety regulations,

shielding domestic industries from external scrutiny and competition (Halkier, & Holm, 2006).

The hygiene package, while not without flaws, represents significant progress compared to earlier, more fragmented and opaque practices. The response to the BSE-crisis marked a turning point, leading to stricter regulations, improved traceability, and the establishment of EFSA. These steps align with embedded liberalism, balancing market efficiency with public welfare. Although selective transparency and protection of national economic interests still reflect mercantilist tendencies, the overall trend shows a commitment to enhancing food safety and public trust. Notably, the continued efforts following the implementation of the hygiene package reflect the EU's enduring commitment to increasing transparency and food safety. Despite mercantilist tendencies that limit full transparency, embedded liberalism most accurately explains the progression observed in regulatory transparency and consumer trust.

5.2 Consumer interest vs. Business Interest

In forming the hygiene package, the EU placed significant emphasis on scientific evidence. The EFSA, for instance, plays a crucial role in providing scientific opinion, guidance, and advice in response to queries from the European Commission, the European Parliament, Member States, or through its own initiatives (EFSA Management Plan, 2005). This emphasis is reinforced by the involvement of expert organizations from member states (AFFSA, 2008). The European Council further underscores the importance of scientific evidence and best practices, including the application of systems like HACCP. These systems employ scientific methods to identify, evaluate, and control hazards significant to food safety throughout the production and distribution processes (Council of the European Union, 2009). Consumer interest groups, such as The European Consumer Organization (BEUC), support these measures (BEUC, 2008).

The focus on a scientific-based food legislative framework emerged in response to growing consumer scepticism and a series of food safety crises in the mid-1990s. This led to significant EU policy reforms prioritizing consumer protection and public health, influenced by both consumer and business interests. The reform

was characterized by a greater emphasis on integrating consumer interests into the policy-making process, largely driven by public distrust in the existing regulatory frameworks and the demands for transparency and accountability (MacMaoláin, 2007).

Consumer organisations have played a crucial role in shaping food safety policies. BEUC, part of the Advisory Group on the Food Chain and Animal and Plant Health (AGFCAPH) (European Commission, 2009), has consistently emphasized the need for stringent regulations and standards to protect consumers. Initially, BEUC was critical of the EFSA board, questioning its objectivity (Bergeaud-Blackler & Ferretti, 2006; Ketelings et al., 2023). However, following the implementation of new regulations, consumer associations generally responded positively, appreciating the increased transparency and commitment to high food safety standards. These changes were evident in enhanced monitoring processes and stricter controls over food safety, aligning with consumer demands for better health protection. This active participation in consultations has significantly influenced the regulatory landscape, reflecting public health concerns and consumer protection needs (Bergeaud-Blackler & Ferretti, 2006). Despite these advancements, there remains a persistent call for more rigorous and transparent food safety monitoring (BEUC, 2012).

On the other hand, business and economic interests have also been instrumental in shaping the hygiene package, particularly through the compliance requirements imposed by the EU. Business groups such as Food and Drink Europe (CIAA), farmers and agricultural cooperatives (COPA-COGECA), the European Association of Craft, Small and Medium-Sized Enterprises (UEAPME), and the European Community Shipowners Associations (ECSLA) expressed mixed opinions (European Commission, 2009). While supportive of high food safety standards and HACCP, they raised concerns about regulatory burdens, especially the multiplicity of food safety standards and the impact on small and medium-sized enterprises (SMEs) (Wendler, 2008). They advocated for more flexibility and clear guidelines to facilitate compliance without hampering business operations. Moreover, they focused on the practicality and cost implications of the regulations, calling for adaptations to make the rules more feasible for implementation, particularly in terms of risk-based inspections and operational flexibility (European Commission, 2010a; 2016). Despite these efforts, the hygiene package remained more stringent than business representatives wished for. More than a decade and a half later, the EU

amended these decisions, granting more flexibility to SMEs and other food business operators (FBOs) (European Commission, 2021; 2022).

The EU has made efforts to harmonize these interests by integrating consumer protection objectives into the broader economic framework of the internal market. This integration has facilitated a more coordinated approach to regulating food safety, where consumer confidence received priority and is reinforced by ensuring the safety and quality of food products across the EU (Ståhl, et al., 2006).

The development of the European Union's hygiene package reveals a stronger alignment with embedded liberal principles, primarily driven by a significant reliance on scientific input and consumer-centric reforms. The critical roles of scientific bodies like the EFSA and practices such as the HACCP system underscore a commitment to consumer health protection. Additionally, the reforms following the mid-1990s food safety crises highlight a shift towards increased consumer participation in policymaking. While economic considerations are also addressed, these are integrated within an embedded liberal framework that prioritizes consumer safety and confidence. Embedded liberalism, therefore, supplies a more fitting explanation for the interests that are represented by the hygiene package.

5.3 Trade facilitation vs. Market Protection

The European commission often presents the hygiene package as a liberal approach that balances rigorous safety standards with the facilitation of international trade. Saying the policy framework is crafted to ensure non-discriminatory treatment of all food products, thereby promoting equitable standards for both domestic and imported goods (Byrne, 2003a; Byrne, 2003b). In the process of facilitating the trade of animal products with third countries, the EU claims adherence to global norms set by international bodies such as the SPS agreement under the WTO, influenced by the Codex Alimentarius of the World Organisation for Animal Health (OIE), and the Food and Agriculture Organization (FAO). This harmonization includes recognizing the equivalence of diverse regulatory measures that offer similar levels of protection and employing risk assessments to formulate and implement suitable protective measures (Buzby, 2003; Knips; 2005).

Additionally, the EU exerts significant influence on international regulatory frameworks by integrating its strict standards into global practices, aiming to level the playing field in food safety. American policy analysts and industry representatives view this strategic exertion of influence as an effort to extend the EU's regulatory reach beyond its borders, enhancing trade relations with countries that align with these rigorous standards and potentially side-lining those that do not. This dynamic highlights the EU's role in shaping global trade policies, fostering alignment where possible, and creating divisions where differences persist (Kogan, 2005). However, the EU's attempts to export its regulatory standards globally have also catalysed numerous trade disputes. These conflicts often revolve around whether such measures are genuinely protective of health or veiled attempts at economic protectionism (Majone, 2002; Clavier, 2008).

Despite the EU's proclaimed alignment with international standards, in practice the EU is often more stringent. This discrepancy is greatest in the application of the precautionary principle, which shifts the burden of proof from regulators to producers. This principle requires producers to even demonstrate product safety in the absence of full scientific certainty, leading to regulations that exceed international requirements and serve as *de facto* trade barriers (Matthee, 2007; USITC, 2008). This acts as a barrier to entry for products from countries that meet international but not EU standards, thereby affecting trade relations and having significant economic implications (World Bank, 2005; Henson & Jaffee, 2006). Specifically, developing nations are asymmetrically influenced by the EU's stringent standards (WTO, 2005).

A key aspect of the debate centres on how the precautionary principle is applied in the face of scientific uncertainty. Critics argue that this can lead to overly conservative policies that hinder technological innovation and trade, especially when measures are perceived as not being based on solid scientific evidence (deFur & Kaszuba, 2002; Majone, 2002). For instance, the EU's stringent stance on GMO's and chemicals is seen as precautionary to the point of being protectionist. WTO trading partners similarly contend that these measures are more about protectionism than genuine health concerns (Mansour & Key, 2004; Henson & Jaffee, 2006). This impacts international trade, especially with countries that have less restrictive approaches to these technologies (Rigby, et al., 2005; Noiville, 2006). Moreover, critiques of the precautionary principle often focus on its potential for misuse, arguing

that it can lead to arbitrary restrictions that do more to protect domestic industries than promote health or environmental safety (deFur & Kaszuba, 2002; Majone, 2002). The principle's flexibility allows for its application even in low-risk scenarios, potentially undermining international cooperation and causing economic disruptions without clear health benefits (Mansour & Key, 2004). Additionally, the EU's initiative to internationalize its standards often appears to be an attempt to export these protectionist barriers, thereby influencing global trade dynamics and fostering economic tensions (Rigby, et al., 2006). This development has sparked disputes within the WTO, with trading partners arguing that the EU's measures are more protectionist than health-oriented (Shaw & Schwartz, 2005).

5.3.1 Thematic analysis

The first thematic analysis examines the frequency and nature of protectionism-related complaints against the EU from 1994 to 2023. Using keywords such as "tariff," "quota," "subsidy," "ban," "restriction," "trade barrier," "import duty," "export restriction," "regulation," "non-tariff barrier," "dumping," "anti-dumping," and "countervailing," it compares the average number of complaints per year before and after the 2006 Hygiene Package implementation to identify significant changes.

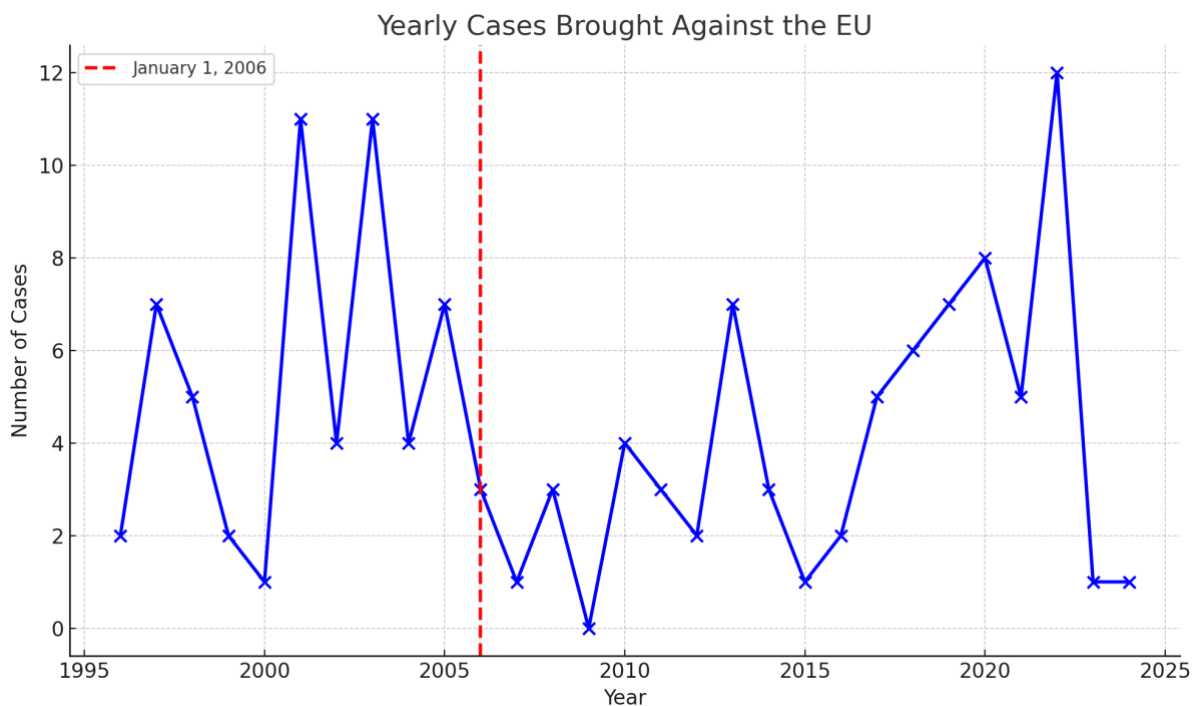


Figure 1: Yearly Cases Brought Against the EU

This analysis, based on WTO data, complements the previous assessments from secondary literature by providing a more direct evaluation of the impact of the Hygiene Package. This thematic analysis of SPS notifications against the EU reveals no significant trend before or after the implementation of the Hygiene Package in 2006 (figure 1). Interestingly, the average number of yearly cases decreased from 5.4 in the period before the Hygiene Package to 3.89 in the years following its adoption (WTO, n.d.).

The visual representation of yearly cases brought against the EU highlights three distinct trends from 1996 to 2024 (figure 2). From 1996 to 2005, there was a general upward trend in the number of complaints, peaking around 2005. The trendline slope of this period was of 0.67 complaints per year. This suggests that the pre-Hygiene Package period was marked by increasing dissatisfaction or challenges related to stringent and opaque regulations within the EU. Further analysis of the data over specific 5-year periods shows a more detailed picture of this trend (WTO, 2024). Between 2001 and 2005, the average number of cases was notably higher at 7.4 per year, with a slope of 0.67 complaints per year.

Following the Hygiene Package's implementation in 2006, the number of complaints noticeably declined. This period of 2006 to 2015 indicates that the Hygiene Package effectively addressed critical issues leading to SPS complaints, with a slope of -0.44 complaints per year (WTO, 2024). In the five years immediately following the implementation of the Hygiene Package, from 2006 to 2010, the average number of cases significantly decreased to 2.2 per year. From 2016 onwards, there was a renewed increase in complaints, peaking around 2020. This suggests the emergence of new regulatory challenges or the re-emergence of unresolved issues. The slope for the 2016 to 2024 period is 0.75 complaints per year, highlighting the dynamic nature of the regulatory environment and the need for continuous adaptation and monitoring to address ongoing and new concerns effectively (WTO, 2024).

The Hygiene Package's initial implementation appears to have significantly reduced SPS complaints against the EU, reflecting its effectiveness in addressing primary issues. However, the increase in complaints after 2015 underscores the necessity for ongoing regulatory vigilance and adaptability. The evolving landscape of SPS measures and complaints emphasizes the importance of a flexible regulatory

framework that can respond to new challenges and maintain high standards of public health and safety (WTO, 2024).

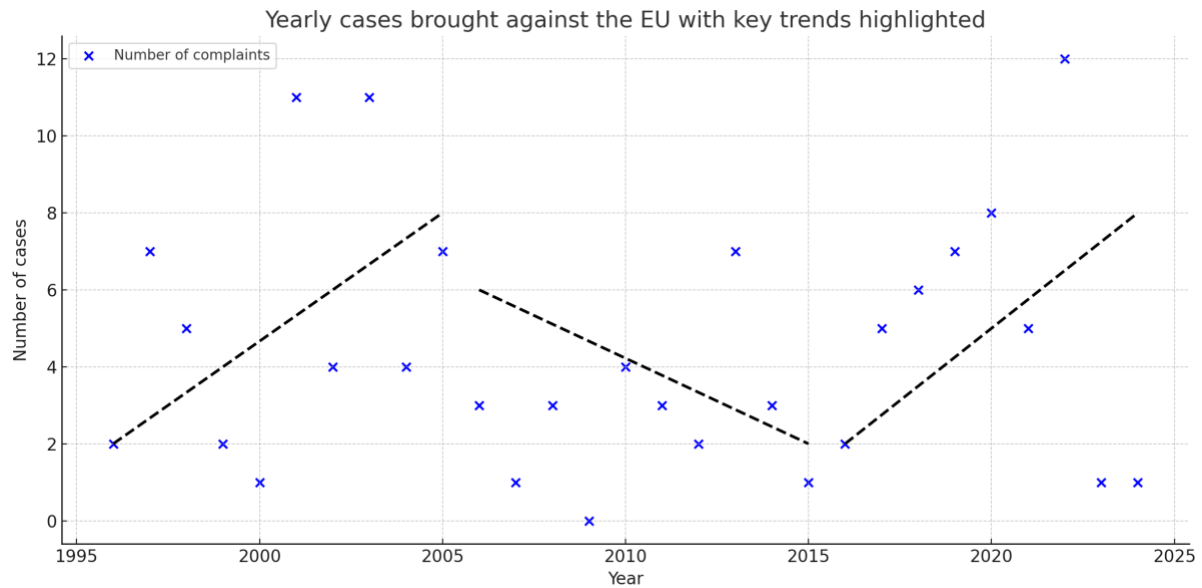


Figure 2: Yearly cases brought against the EU with key trends highlighted

The second thematic analysis focuses on complaints related to scientific disputes, particularly those citing a lack of scientific justification due to the EU's application of the precautionary principle. Keywords include "scientific justification," "scientific evidence," "science-based," "lack of scientific," and "evidence-based." It compares the average number of such complaints per year before and after 2006 to assess trends and significant changes.

Despite the overall frequency of complaints not increasing significantly, the nature of these complaints appears to have become more rigorous. The thematic analysis demonstrates a significant rise in protectionism-related complaints, from an average of 2.08 per year before 2006 to 2.83 per year after 2006. This increase in protectionism-related complaints is accompanied by a notable rise in concerns regarding the economic impact of the precautionary principle. Countries have increasingly argued that the EU's measures lack scientific justification, with the average number of such complaints rising from 0.92 per year before 2006 to 1.33 per year from 2006 onwards (WTO, n.d.).

While the EU aims for non-discriminatory treatment of domestic and imported goods, its regulations often impose stringent requirements and complicate compliance for third-country exporters (Pew Initiative on Food and Biotechnology,

2005). Despite efforts to harmonize with international standards, the EU's approach reveals a dual objective. These stringent measures can disadvantage foreign producers who struggle to meet the EU's elevated standards, protecting public health and defending domestic markets, reflecting a mercantilist strategy (Oosterveer, 2003; Veggeland & Elvestad, 2004). The rigorous application of these standards, particularly through the precautionary principle, sometimes extends into protectionism. Although the package adheres to WTO regulations and aims to enhance trade, its implementation can overshadow liberal intentions.

The thematic analysis of SPS notifications highlights the complexity of the EU's regulatory framework. Periods of heightened regulatory scrutiny often correspond to increased protectionism-related complaints, while the overall decrease in complaints following the Hygiene Package's implementation underscores its initial effectiveness. However, the subsequent rise in protectionism-related complaints indicates emerging challenges and ongoing tensions between embedded liberal principles and protectionist practices. This complexity requires continuous adaptation and monitoring to balance public health protection with trade facilitation.

Therefore, the Hygiene Package's dual approach, incorporating both embedded liberal and mercantilist elements, reflects a nuanced strategy to navigate the challenges of global trade and public health. While the package includes liberal features such as regulatory transparency and a commitment to scientific integrity, essential for fostering international trade and consumer trust, it also adopts mercantilist practices aimed at protecting internal markets. This interplay suggests that neither embedded liberalism nor mercantilism alone adequately captures the entirety of the EU's approach to food safety regulation. Instead, the EU employs a hybrid regulatory framework that strategically integrates both philosophies to manage the complexities of global trade dynamics and public health protections effectively.

6. Discussion

Based on the analysis of the EU's hygiene package, the interplay between embedded liberalism and mercantilism provides a nuanced understanding of the regulatory framework. The theoretical propositions of these economic theories offer a framework for evaluating the motivations and impacts of the hygiene package.

The hygiene package, introduced in response to significant food safety crises in the late 20th century, primarily aimed to restore consumer confidence and harmonize food safety standards across the EU. This harmonization supports the embedded liberal view that standardised regulations facilitate trade within the EU by ensuring that all products, domestic or imported, meet stringent safety criteria. By promoting a consistent regulatory environment, the EU aimed to enhance market efficiency, reduce trade barriers within the EU, and foster economic interdependence among Member States. However, these stringent safety criteria can also hamper external trade with non-EU countries by creating non-tariff barriers.

To clearly present the key findings and their theoretical implications, the following table summarizes the outcomes of the analysis according to the established indicators.

Indicator	Outcome
Public Trust and Transparency vs. Economic Prioritization	The EU's hygiene package increased public trust in food safety, emphasizing transparency and scientific integrity, despite economic interests sometimes limiting transparency to protect domestic industries. Measures like EFSA and HACCP bolstered consumer confidence and regulatory credibility, balancing public health and economic considerations in an predominantly embedded liberal framework.
Consumer Interest vs. Business Interest	The package is shaped significantly by consumer interest groups, emphasizing public health and scientific integrity. While there are elements protecting domestic markets, the primary focus remains on consumer protection and scientific basis, indicating a balanced but predominantly embedded liberal orientation.
Trade Facilitation vs. Market Protection	The hygiene package incorporates both embedded liberal and mercantilist elements. It harmonizes with WTO standards and aims to facilitate trade, but also includes stringent standards and the precautionary principle, which sometimes act as non-tariff barriers. This dual approach reflects a hybrid strategy that balances public health imperatives with economic protectionism.

Table 4: Indicator outcome

The hygiene package has significantly increased public trust in EU food safety. Surveys before and after its implementation show improved consumer confidence, with the 2010 Eurobarometer survey indicating greater awareness and trust among EU citizens. This shift is due to stricter regulations on pesticide residues, comprehensive GMO assessments, and tighter control over food additives. The emphasis on scientific evidence and transparency, including traceability systems and clear labelling, has been crucial. However, tensions persist as economic and political interests sometimes limit transparency to protect domestic industries, reflecting mercantilist tendencies.

The involvement of scientific bodies like EFSA and the adoption of practices such as HACCP underscore the EU's commitment to consumer health protection. These measures reflect liberal governance principles that prioritize transparency, scientific integrity, and public health. Furthermore, the EU's responsive approach to consumer concerns, evidenced by regulatory reforms and increased stakeholder engagement, aligns with the embedded liberalist perspective that emphasizes the importance of regulatory harmonization and the reduction of trade barriers.

However, while the hygiene package is framed as a public health initiative, its implementation reveals significant economic and trade-related interests that align with mercantilist propositions. The stringent standards set by the EU, particularly the application of the precautionary principle, often exceed international norms and serve as non-tariff barriers to trade. This principle acts as a protective measure for domestic industries by raising the compliance bar for foreign competitors. Thus, while the official narrative emphasizes consumer safety, the underlying economic motivations suggest a strategic use of regulation to protect domestic markets.

The practical application of the hygiene package often reflects mercantilist tendencies. The EU's regulatory framework, while harmonized with international standards such as those set by the WTO, frequently implements measures that go beyond these global norms. The stringent application of the precautionary principle, for example, has led to trade disputes with countries that view the EU's measures as overly conservative and protectionist. These disputes highlight the tension between the EU's stated liberal objectives and the mercantilist outcomes of its regulatory practices.

The thematic analysis of SPS notifications against the EU reveals no significant increase in the number of complaints post-implementation of the hygiene

package. However, the nature of these complaints has become more rigorous, with a notable rise in protectionism-related grievances. This increase underscores the perception among trading partners that the EU's stringent standards, particularly those lacking clear scientific justification, act as barriers to trade.

Thus, while the EU's hygiene package contains elements of both embedded liberalism and mercantilism, it predominantly aligns with liberal principles. The primary focus on enhancing public health through stringent safety standards, promoting transparency, and fostering consumer trust underscores the liberalist motivations behind the regulation. The mercantilist aspects, though significant, serve to complement the overarching embedded liberal framework by ensuring that domestic industries are not unfairly disadvantaged in the global market. This nuanced understanding acknowledges the validity of differing opinions on the hygiene package but ultimately supports the conclusion that the EU's regulatory approach is fundamentally liberal, with strategic mercantilist elements to protect internal markets.

This discussion highlights the importance of recognizing the multifaceted nature of regulatory frameworks and the strategic motivations underlying their implementation. By balancing embedded liberal and mercantilist principles, the EU effectively addresses the dual imperatives of safeguarding public health and promoting economic resilience, thereby reinforcing its position as a global leader in food safety regulation.

7. Conclusion and recommendations

This study aimed to analyse the driving forces behind the EU's hygiene package, a regulatory framework introduced to enhance food safety and public health standards for products of animal origin. Through an analytical lens, the research sought to unravel the theoretical motivations that prompted the EU to adopt this regulatory framework. It examined the balance between public health imperatives and the facilitation of international trade. Central to the research was the exploration of two theoretical perspectives: embedded liberalism and mercantilism.

The findings indicate that embedded liberalism best explains the adoption and implementation of the hygiene package. The EU's commitment to transparency, scientific integrity, and consumer protection aligns closely with liberal principles. The involvement of scientific bodies like the EFSA and the adoption of HACCP principles

underscore the emphasis on consumer health protection. The harmonization of food safety regulations with international standards further supports the embedded liberal objective of facilitating trade and enhancing market efficiency. However, the study also identified mercantilist elements within the hygiene package. The EU's rigorous application of standards often exceeds international norms, reflecting a strategic use of regulation to protect domestic industries.

This research contributes to the academic debate on the drivers of EU-policy by highlighting the nuanced interplay between embedded liberal and mercantilist principles in the EU's regulatory framework. Previous literature often frames EU trade and regulatory policies within a binary of embedded liberalism versus protectionism. This study, however, demonstrates that the EU's approach is more complex and hybridized, integrating both liberal and mercantilist strategies to achieve its dual aims of public health protection and economic resilience.

Despite these insights, several limitations should be acknowledged. The study relies heavily on secondary data sources, such as Eurobarometer surveys and WTO reports, which may carry potential biases. Limited access to proprietary data restricts the depth of analysis. The case study approach, while providing detailed insights, limits the generalizability of the findings. The evolving nature of global trade and food safety standards poses challenges in drawing definitive conclusions. Continuous research is needed to keep up with new trends and emerging data.

Future research could explore the dual nature of the EU's regulatory approach in sectors such as digital privacy and environmental regulation to gain a comprehensive understanding of how embedded liberal and mercantilist principles are balanced across different policy areas. For instance, examining the General Data Protection Regulation (GDPR) in digital privacy could reveal how stringent data protection measures coexist with cross-border data flows. In environmental regulation, studying the EU's Deforestation Regulation (EUDR) might show how the EU balances environmental goals with industrial competitiveness. Additionally, further research could also analyze the socio-economic impacts of this hybrid approach, particularly on market competition, and consumer protection, offering deeper insights into the EU's broader policy motivations and effectiveness. By examining these areas, scholars can better understand the complexities and outcomes of the EU's efforts to balance open market principles with protective regulatory measures in its frameworks.

The findings of this research highlight the need for the EU to balance public health and international trade. Enhancing transparency by making risk assessments and regulatory decisions more accessible can improve public trust. Public engagement through consultations and clear communication will ensure that regulatory processes are inclusive and transparent. To address perceptions of protectionism and facilitate trade, the EU should align more closely with international standards like those of the WTO and the Codex Alimentarius. This alignment will streamline compliance for international traders and create a fairer regulatory landscape. Strengthening collaboration with trading partners is also crucial. Recognizing the food safety standards of trading partners through mutual recognition agreements and supporting capacity-building initiatives in developing countries will enhance global food safety and trade relations. Despite the EU has already implemented measures to support SMEs, further enhancement is needed. Introducing more flexible compliance mechanisms, such as phased implementation schedules and additional technical assistance programs, will help SMEs adapt without compromising safety standards.

Implementing robust feedback systems to gather consumer opinions and conduct regulatory impact assessments is vital for ensuring regulations remain effective and proportionate. These mechanisms will help regulators understand the impact of their measures and make necessary adjustments. By adopting these recommendations, the EU can strengthen its regulatory framework, balancing public health safeguards with economic resilience. These steps will support the EU's leadership in global food safety standards and foster a more cooperative and transparent regulatory environment.

Ultimately, the EU's hygiene package demonstrates a sophisticated blend of embedded liberal and mercantilist strategies, balancing public health protection with strategic economic interest. This hybrid approach underscores the complexity of modern regulatory frameworks and the need for ongoing adaptation. By continuously refining its regulatory practices to address emerging challenges and maintain international standards, the EU can uphold its leadership in global food safety, ensuring both consumer trust and economic stability in an increasingly interconnected world.

8. References

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