

Doris Dialer
Margarethe Richter
Editors

Lobbying in the European Union

Strategies, Dynamics and Trends



Springer

Lobbying in the European Union

Doris Dialer • Margarethe Richter
Editors

Lobbying in the European Union

Strategies, Dynamics and Trends

 Springer

Editors

Doris Dialer
Department of Political Science
University of Innsbruck
Innsbruck, Austria

Margarethe Richter
European Parliament
Bruxelles, Belgium

ISBN 978-3-319-98799-6

ISBN 978-3-319-98800-9 (eBook)

<https://doi.org/10.1007/978-3-319-98800-9>

Library of Congress Control Number: 2018960943

© Springer Nature Switzerland AG 2019

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Springer imprint is published by the registered company Springer Nature Switzerland AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Contents

1	Lobbying in Europe: Professionals, Politicians, and Institutions Under General Suspicion?	1
	Doris Dialer and Margarethe Richter	

Part I Theoretical and Empirical Implications

2	Interest Representation in the EU: An Open and Structured Dialogue?	21
	Justin Greenwood	
3	Improving Interest Group Accountability. LogFrame: A Framework for Evaluating Lobbying Campaigns	33
	Paul A. Shotton	
4	International Dynamics in Lobbying Regulation	49
	Michele Crepaz, Raj Chari, John Hogan, and Gary Murphy	
5	Informational Lobbying in the EU: Mechanisms of Probity, Dissembling, and Transparency	65
	Adam William Chalmers	
6	Theoretical Implications of EU Funding of Advocacy Activities	81
	Rosa Sanchez Salgado	
7	Reshaping European Lobbying: How to Be One Step Ahead	93
	Daniel Guéguen	

Part II Influencing European Decision-Makers

8	Lobbyists' Appeal and Access to Decision-Makers: Case Study European Services Forum	105
	Pascal Kerneis	

9	Reconciling Logics of Organizational Behaviour in the EU Public Consultations	115
	Adriana Bunea	
10	Lobbying in the European Parliament: Who Tips the Scales?	133
	Maja Kluger Dionigi	
11	Lobbyism in the EU Comitology System	149
	Rikke Wetendorff Nørgaard, Peter Nedergaard, and Jens Blom-Hansen	
12	Lobbying EU Agencies from Within: Advocacy Groups in Frontex Consultative Forum on Fundamental Rights	165
	Leila Giannetto	
13	European Regions and Their Interests	185
	Riccardo Trobbiani	
 Part III Artists of Advocacy and Political Persuasion		
14	The Food Sector: Mondelēz International in Brussels	207
	Franz Kraus	
15	Lobbying and “Economic Diplomacy” in China	215
	Markus Klingler	
16	SOLIDAR: NGO Advocacy for Social Justice in Europe	229
	Conny Reuter	
17	The European Consumer Organisation: Pioneer in Advocacy and Lobbying	239
	Johannes Kleis	
18	Insights from Practitioners: How to Improve Cooperation Between Ukrainian and EU Think Tanks	251
	Olena Carbou (Prystayko) and Oleksandra Kryshtapovych	
 Part IV Scandals, Ethics and Transparency		
19	The European Ombudsman: Promoting a Transparent and Ethical EU Administration	265
	Richard More O’Ferrall	
20	The European Union’s Revolving Door Problem	273
	Margarida Silva	

21	Getting Past the Lobby! The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)	291
	Femi Oluwole	
22	Legal and Ethical Rules in EU Decision-Making: “Soft Law” for Targets and Actors of Lobbying	305
	Julian Grad and Markus Frischhut	
23	Navigating the Gray Zones of Third-Party Lobbying via Nonprofits: Transparify’s Experiences with Think Tanks and Fake News	329
	Till Bruckner	

Part V Trade Agreements and Interest Representation

24	Outside Lobbying and the Politicization of the Transatlantic Trade and Investment Partnership	339
	Niels Gheyle and Ferdi De Ville	
25	Shaping Globalization: Trade Policy and the Role of US Business	355
	Timothy Adamson	
26	The Representation of SME Interests in the TTIP Negotiations: A German Case Study	363
	Matthias Götz	
27	Transatlantic Trade Negotiations, Civil Society Campaigns and Public Opinion	375
	Leif Johan Eliasson	
28	Business Lobbying in International Investment Policy-Making in Europe	389
	Robert Basedow	

Part VI Trends and Perspectives

29	British Interest Representation in the European Union After Brexit	403
	Doru Frantescu and Andrei Goldis	
30	Shaping Lobbying Impact: How Everything from Seating Arrangements to Natural Disasters Makes a Difference	415
	Glenn Cezanne	
31	Lobbying and Interest Group Influence in EU Foreign Policy	425
	Natalia Shapovalova	

32	Silicon Valley Meets Brussels: ICT Lobbying on the Fast Lane	435
	Jakob Kucharczyk	
33	EU Think Tank Lobbying Strategies: Between Theoretical Advice and Practice	445
	Jesper Dahl Kelstrup and Doris Dialer	

List of Figures

Fig. 3.1	Example logic trees showing “means to end”	40
Fig. 3.2	Example of a LFA matrix	40
Fig. 3.3	Example of a LFA matrix with indicators	44
Fig. 5.1	Reasons why decision-makers speak with lobbyists	71
Fig. 5.2	Poor lobbying practices in the EU (%)	72
Fig. 5.3	Inappropriate influence peddling by lobbyists a problem (%) . .	73
Fig. 5.4	Are rewards for compliance/penalties for violations effective? (%)	74
Fig. 5.5	Should transparency be mandatory or voluntary? (%)	75
Fig. 7.1	The Community Method	94
Fig. 7.2	Transformation in all three phases of the decision-making process	95
Fig. 7.3	New methodology for public affairs	98
Fig. 9.1	Inter-organizational linkages in the consultation on CO ₂ emissions where diamond and box shapes are business interest organizations; triangle, environmental NGOs; plus sign, national authorities; and circle, local authorities. The size of the node corresponds to the number of ties an interest organization has with other stakeholders. On the left-hand side, interest organizations that are isolates. Description of name acronyms: made available upon request by the author	124

Fig. 9.2	Inter-organizational linkages in the consultation on including aviation activities in the ETS scheme where diamond and box shapes are business interest organizations; triangle, environmental NGOs; plus sign, national authorities; and circle, local authorities. The size of the node corresponds to the number of ties an interest organization has with other stakeholders. On the left-hand side, interest organizations that are isolates. Description of name acronyms: made available upon request by the author	125
Fig. 9.3	Inter-organizational linkages in the consultation on the revision of the WEEE directive where diamond and box shapes are business organizations; triangle, environmental NGOs; plus sign, national authorities; and circle, local authorities. The size of the node corresponds to the number of ties an interest organization has with other stakeholders. On the left-hand side, interest organizations that are isolates. Description of name acronyms: made available upon request by the author	126
Graph 12.1	Use of “human rights” or “fundamental rights” in Frontex annual reports	178
Fig. 22.1	Overview stakeholders	308
Fig. 22.2	Overview stakeholders, relevant documents, and key terms	313
Fig. 27.1	Youtube.com searches for TTIP June 2013–November 2016. Source: Google Trends	381
Fig. 27.2	Web searches ISDS June 2013–November 2016. Source: Google Trends	381
Fig. 27.3	Public opinion on TTIP 2014–2016. Source: Standard Eurobarometers 82–85	383
Fig. 28.1	World inward FDI stock in trillion US Dollars (1980–2012). Source: UNCTAD (2016b)	390
Fig. 29.1	The matching rates between the UK Conservative Party and other right-wing parties within the European Parliament . . .	408
Fig. 29.2	The matching rates between the UK Labour Party and other left-wing parties within the European Parliament	409

List of Tables

Table 4.1	CPI scores for 17 lobbying regulations found internationally	56
Table 4.2	Features of the three classifications of the robustness of lobbying laws	57
Table 6.1	Funding of interest groups and state	83
Table 6.2	Three models of interest representation and the EU funding of CSOs	86
Table 11.1	Overview of hypotheses	153
Table 11.2	List of informants	162
Table 12.1	From mobilisation to lobbying strategy choice	168
Table 12.2	Cooperation: How to allocate resources among the two types of strategies?	169
Table 12.3	Resources of CSOs sitting in the CF	174
Table 13.1	Channels of interest representation	191
Table 13.2	Lobbying through networks	195
Table 22.1	Overview of relevant EU documents concerning targets and actors of lobbying	309
Table 22.2	Challenges in lobbying and corresponding principles	311

Chapter 1

Lobbying in Europe: Professionals, Politicians, and Institutions Under General Suspicion?



Doris Dialer and Margarethe Richter

Today, an ever-greater number of political decisions are being taken at the international and as a consequence at the European level. As part of the process of European integration, we have seen a shift from lobbying efforts from the national to the European level. Even EU foreign and especially security and defense policy—the last bastion of nation-state sovereignty—attracts more and more advocates (Shapovalova, part VI, Chap. 31). The question is thus what lobbyists and advocates have been doing to adjust their strategies and techniques to influence post-Lisbon and pre-Brexit EU decision-making?

Literature and practitioners generally agree on the assumption that inside lobbying strategies directed at EU policy-makers or administrative personnel are the first best option for interest groups vis-à-vis outside lobbying, even though a mix of the two strategies is usually preferred. While issuing reports and media strategies are certainly important, direct access to policy-makers seems to count most (Dür and Matteo 2013; Beyers and Braun 2014; Weiler and Brändli 2015). To be exhaustive on this and of course other research questions, this edited volume focuses on four interdependent contextual factors framing EU lobbying strategies and their success.

Firstly, the policy- and decision-making process is characterized by complexity and heterogeneity. The polity of the EU is particularly complex due to its institutional triangle, its numerous multinational actors, and multiple levels of decision-making. This complexity derives primarily from the vertical and horizontal separation of powers as well as from the five different categories of EU decision-making: the community method, the EU regulatory mode, the EU distributional model,

D. Dialer (✉)

Department of Political Science, University of Innsbruck, Innsbruck, Austria
e-mail: doris.dialer@uibk.ac.at

M. Richter

European Parliament, Bruxelles, Belgium
e-mail: margarethe.richter@ep.europa.eu

© Springer Nature Switzerland AG 2019

D. Dialer, M. Richter (eds.), *Lobbying in the European Union*,
https://doi.org/10.1007/978-3-319-98800-9_1

intensive transgovernmentalism, and policy coordination (Drachenberg and Brianson 2016, 202). Moreover, the world of comitology committees remains one of the least illuminated aspects of the EU political system although comitology continues to be a standard control mechanism in EU delegated decision-making. Nedergaard et al. (part II, Chap. 11) partly filled this research gap with their contribution on outside business lobbying in the comitology.¹

In Chap. 7 (part I), Guéguen argues that since “Lisbon” the whole law-making process has become even more complex. As a consequence “modern” European lobbying requires adaptability to procedural reforms introduced by the Lisbon Treaty as well as new interinstitutional practices such as the systematic use of first reading trilogues,² an undemocratic, non-transparent method development that leads to a serious depletion of the EU decision-making process. The European Court of Justice (ECJ) has recently ruled that there should be more transparency during trilogue procedures, especially as regards four-column documents which are distributed internally ahead of each negotiating round and contain the negotiating mandates of the three institutions and compromise proposals.

Apart from its complexity, the EU still has both a public sphere deficit and a democracy dilemma. Greenwood argues that the EU is dependent on “secondary ‘participatory’ channels because of core weaknesses in the ‘representative’ channel,” i.e., a low electoral turnout and lack of identification with its institutions (Greenwood 2011). In addition, the “blame Brussels” phenomenon, which misrepresents the reality of how EU legislation is agreed, leads to alienation and, inevitably, growing dissatisfaction with the European project in general.

The constant tension between supranational centralization and interstate bargaining creates a system that relies on consensus building along different policy areas. Thus, the type of policy field determines interest group activeness and influence because access of lobbyists to supranational institutions and its stakeholders largely depends on their ability to provide problem-solving policy approaches that lead to consensus (Woll 2012, 193). As Bouwen (2002, 2004) argues, lobbying in the EU is marked by an exchange logic, where lobbyists gain access in exchange of—in a way—selling their expertise. Lobbying therefore sees interest groups providing information to decision-makers in exchange for legitimate access to the EU policy-making process and hence the opportunity to impact legislative outcomes and future policy developments in their favor.

Secondly, the public attention a policy issue gains among stakeholders and citizens frames lobbying success. Legislative proposals that raise considerable public attention and generate conflict tend to trigger collective lobbying efforts, while highly technical policy fields only mobilize expert knowledge from individual

¹Their comparative analysis consists of two cases of rules (CO₂ quotas and air safety) adopted by the Commission under the regulatory procedure with scrutiny.

²Trilogues are informal tripartite meetings behind closed doors in the framework of the ordinary legislative procedure attended by representatives of the European Parliament (EP), the Council, and the Commission (COM). The purpose is to get an agreement on amendments to a COM proposal acceptable to Council and the EP.

interest groups. However, the harshly contested General Data Protection Regulation (GDPR)³ which came into force on 25 May 2018 is a good example for both collective lobbying and individual lobbying based on technical expertise. Nonetheless, two other aspects matter: the possible effects that lobbying on one policy issue would have on other policy decisions and the possible effects of general lobbying, i.e., lobbying aimed at influencing the decision-makers' views on a policy *field*.

Hence, thirdly, institutions matter! The institutional setting in the EU thus facilitates long-term and trust-based relationships between stakeholders and lobbyists. Apart from the focus on the law-shaping institutional triangle with its different competences and interinstitutional agreements, Trobbiani (part II, Chap. 13) shifts academic attention to channels of regional interest representation and to the Committee of the Regions (CoR), together with the European Economic and Social Committee (EESC),⁴ the two consultative bodies.

Besides, this edited volume also takes a closer look at a process known as *agencification*, the growing importance of the 45 EU agencies in the EU executive space. In Chap. 12 (part II), Giannetto studies Civil Society Organizations' (CSOs) access to Frontex, the European Border and Coast Guard Agency (EBCG), via the Consultative Forum (CF) and what results these advocacy groups achieve in influencing the evolution of Frontex's understanding of fundamental rights. Apart from fast-growing and highly contested Frontex, two other agencies have inevitably seen rising fame in recent months: the European Medicines Agency (EMA) and the European Banking Authority (EBA). With the UK exiting the EU, these two London-based agencies need a new home. In this context Teffer (2017, 12) argues that the history of how EU agency seats were established shows that political deal making rather than logic or objective criteria is the decisive factor.

Fourthly, this book also brings added value by making the practitioner's voice heard and translating academic findings into practical lobbying styles. According to Shotton (Chap. 3, part I), lobbying styles are determined by the EU's political system and its logics. As a consequence, mastering institutional logics is a prerequisite for lobbying success and survival in shark-filled EU waters. Though, this book is besides state-of-the-art contributions of academia also concerned with the ongoing changes experienced by public affairs practitioners in post-Brexit Brussels (Goldis and Frantescu, part VI, Chap. 29). Thus, more than one third of the contributions provide practitioners insight-knowledge about the so-called Brussels bubble, whereby the information gap between business and academia should be closed. In line with Shotton and Nixon (2015, 3), the editors stress the necessity that academia and the "public affairs practitioners community" should mutually learn and profit from one another.

³Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

⁴The European Economic and Social Committee (EESC) is the voice and also the representative of organized civil society in Europe. The EESC has traditionally considered the social partners to be CSOs (Dialer, 2017).

Finally, the papers collected in this volume shed light on the complexity of EU lobbying from multiple perspectives. Not only do the approaches vary in regard to scholarly discipline; the authors come from different European and third countries and as a consequence represent a kind of lobbying expert family, which reflects the motto of the European Union *United in diversity*.

Beyond that, empirical research into the numbers and types of lobbyists active in Brussels helps to identify actual lobbying trends within the EU institutional setting. Why do we find a large number of interest representatives in EU trade policy and only a few in EU neighborhood policy? And does industry lobbying really cement the control of the wealthiest 10% over the EU economy? Many people might think so, but this edited volume boasting 33 chapters and 42 contributing authors puts this assumption into perspective by drawing a differentiated picture, proving that lobbying reality in Brussels is much more complex and varied.

David Against Goliath

In terms of manpower and financial resources, the unequal lobbying battle “David against Goliath,” which means between NGOs and big multinational corporations, is a classic theme in any discussion about lobbying and manifests itself even as a part of communication strategies in specific lobbying campaigns. Big business, to which the car, energy, pharma, tobacco, food, or agroindustry are generally counted, is constantly said to buy political influence even at a pre-legislative stage. This is the notion when it comes to the question of whether all interests are represented on an equal footing.

Among the 25 biggest spenders are, according to an overview provided by the platform lobbyfacts.eu,⁵ 9 companies from the energy sector (e.g., ExxonMobil and Shell) spending in total over €28 million a year on lobbying, 5 from the IT (e.g., Google and Microsoft) and the telecommunication sector (estimated spending €17.5 million), 2 railway and infrastructure companies (€12.9 million), 3 from the financial sector including Deutsche Bank (€8.1 million), 3 car manufacturers (€7.4 million), 1 from the chemical/pharmaceutical sector (€3.2 million), 1 from the tobacco (around €2.4 million), and 1 from the alcohol industry (around €2.4 million). To put it into a perspective, even single non-governmental organizations (NGOs) declare lobbying expenses up to € 8 million, while more than 60 NGOs invest more than €1 million in lobbying activities. But all in all NGOs quite rightly complain that they are massively outspent by corporate interests when it comes to influencing EU legislation.

⁵LobbyFacts is a joint project of [Corporate Europe Observatory](#) (CEO) and [LobbyControl](#). It collates information from two official sources. Firstly, data is from the EU’s [Transparency Register](#) (TR) and secondly from the Commission’s website on high-level lobby meetings of Commissioners, their cabinet members, and Directors General.

According to *Politico EU*, the top big spenders list includes pan-EU associations like the European Chemical Industry Council (€12.1 million), Insurance Europe (€7 million), the Association for Financial Markets in Europe (€4.7 million), and both the European Banking Federation and BusinessEurope both €4.2 million. Also among the big spenders are the three consultancies: FleishmanHillard (€7 million), Burson-Marsteller (€4.7 million), and Interel (€5 million). All in all 66% of lobbying spending comes either from companies themselves or law firms and consultancies, while NGO spending accounts for only 19%. The rest is made up of academic institutions, think tanks, and regional organizations and bodies. But it is the extent of the disparity between East and West what surprises most. Lobbyists and advocates spent a record € 1.7 billion to influence EU decision-making in 2016, with 95% of that amount coming from countries that joined the EU before 2005 (Cooper et al. 2017, 8–9).

Quite apart from these figures, there is undoubtedly a negative public perception about the role of interest groups and lobbying in the EU legislative system. Still, lobbying plays an important role in a healthy democratic system in terms of policy-making and is a legitimate and essential part of the law-making process. Lobbying is not inherently undemocratic; it is rather a rational response to the problems arising from any knowledge deficit faced by understaffed EU policy-makers, pressed for time and who generally lack the type of policy expertise required for complex legislative decisions (Crepaz et al., part I, Chap. 4). By contrast, interest groups tend to be experts in their specific sectors or fields of activity and possess the type of in-depth policy information required by EU staff. As a logical consequence, lobbying efforts are only undemocratic if the involvement in the process of policy development and initiation is not, at some stage, subject to democratic scrutiny, transparency, and ethical standards.

However, O’Ferrall (part IV, Chap. 19) sees public trust in the EU institutions at risk being undermined, if citizens perceive that there is not a clear separation between the administration and the private sector. Especially in view of the upcoming elections to the European Parliament in May 2019, striving to ensure the highest and most transparent standards of ethics and preventing conflicts of interest are essential for reinforcing public confidence in the EU and its institutions.

In this context, the role of whistle-blowers in ensuring a healthy and transparent democracy has been brought recently into focus by high profile cases, such as Dieselgate, LuxLeaks, the Panama Papers, or the Cambridge Analytica⁶ revelations. Whistle-blowers can play a crucial role in shedding light on maladministration and conflicts of interest but also as regards the interaction between lobbyists and public

⁶On 22 May 2018, Facebook CEO Mark Zuckerberg met with the leaders of the EP’s political groups and the Chair and the Rapporteur of the LIBE Committee in the EP in Brussels to discuss data protection issues. He apologized to European users for the data breach, admitted they were slow to identify Russian interference, but also highlighted the jobs and investment Facebook is bringing to Europe. The [90-minute live-streamed meeting](#), which came in the same week that the EU’s General Data Protection Regulation entered into force, triggered much attention but also criticism on behalf of some members and media.

administration. Thus, the Commission was proposing a new law to strengthen whistle-blower protection across the EU in April 2018.⁷

Another recurrent cause of public concern is the issue of “revolving doors”, whereby ex-Commissioners, ex-MEPs, and senior EU officials leave their posts to take up jobs in the private sector that involve lobbying their former colleagues or in policy areas directly related to their former activities. Finance is one of the prominent policy portfolios that frequently figures in EU revolving doors cases, and the financial industry has long been one of the biggest lobbies in the EU. A report recently published by CEO, for example, shows that the European Central Bank’s 22 advisory groups are dominated by 98% by representatives of some of the most influential global financial corporations.⁸

In July 2016 the revelations surrounding the appointment of former European Commission President Barroso as an adviser at Goldman Sachs have provoked an unprecedented public outcry. Beyond that, a comprehensive analysis of the new roles of Commissioners from Barroso’s second mandate showed that 9 out of 26 transitioned to big corporations or organizations with links to big business within the 18-month “cooling-off period”⁹ (Da Silva, part IV, Chap. 20). With the revised Code of Conduct of January 2018 which replaces the one of April 2011, the cooling-off period of currently 18 months was extended to 24 months for former Commissioners and to 36 months for the President of the Commission.¹⁰

Another field fast taking the forefront in revolving doors hires is the digital industry following the increased intensity of lobby battles around digital policy. In Chap. 32 (part VI), Kucharczyk points out that policy-makers have taken an ever-increasing interest in regulatory issues affecting internet giants like Amazon, eBay, Facebook, Google, Microsoft, Netflix, or Pinterest. The interests of “Silicon Valley” culminated since the Commission declared the creation of a Digital Single Market (DSM) as one of its top priorities at the beginning of the legislative period 2014–2019. According to Transparency International, spending on EU lobbying by Google, Facebook, Uber, and Apple has rocketed by up to 240% between 2014 and 2017, as Brussels tries to tackle tax avoidance, competition, data protection, and privacy issues. Besides spending, the second secret of lobbying success is hiring

⁷European Commission (2018). Proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law, Brussels, 23.4.2018 COM (2018) 218 final.

⁸Corporate Europe Observatory (2017). Open doors for forces of finance at the ECB. https://corporateeurope.org/sites/default/files/attachments/open_door_for_forces_of_finance_report.pdf. Accessed 9 May 2018.

⁹European Ombudsman (2016). Decision of the European Ombudsman closing her own-initiative inquiry into the European Commission’s handling of a former Commissioner’s occupational activities after leaving office. <https://www.ombudsman.europa.eu/en/cases/decision.faces/en/68762/html.bookmark>. Accessed 17 July 2017.

¹⁰European Commission (2018). Commission Decision of 31.1.2018 on a Code of Conduct for the Members of the European Commission, C(2018)700 final, Brussels, 31.1.2018.

staff from EU institutions. Google, for instance, hired a total of 23 individuals from the EU institutions since 2009.¹¹

Successfully Influencing EU Policy-Making

Apart from strategy, understanding, measuring, and evaluating lobbying success is a challenge for both practitioners and academia. In Chap. 3 (part I), Shotton demonstrates the need for interest groups to professionalize through the use of the Logical Framework Approach (LFA) as a means of increasing their success through transparency, accountability, and validating advocacy choices.

To date, however, research findings are often contradictory. For example, literature disagrees as to the degree to which interest group resources determine an interest group's ability to influence policy-makers (Eising 2007; Klüver 2012; Cotton 2012). Still, the size of lobbying coalitions determines an interest group's success. Small- and medium-sized enterprises' (SME) coalition building on the highly contested TTIP negotiations proves this argumentation although lobbying positions of SME representatives differ between Brussels-based SME associations (e.g., "European Small Business Alliance" and "Eurochambres") and ad hoc initiatives within single member states (Götz, part V, Chap. 27). Accordingly, Klüver et al. place emphasis on the fact that business interests are only successful where conflict is low and issues remain technical and below the radar of public saliency (Klüver et al. 2015).

The EU policy process requires the Commission to consult widely and publish policy initiatives. The underlying aim of doing so is an inclusive, participatory, and evidence-based policy-making process, in which interest organizations representing various interests and having different organizational structures, as well as citizens, participate in the formulation of EU policies. In Chap. 9 (part II), Bunea examines to what extent and in what way public consultations support the lobbying activities of European associations at this early stage of EU policy-making. According to Greenwood (part I, Chap. 2), there may be implementation deficits in some of the procedures—most notably the answerability of the Commission to consultation results—but this is part of a system in which EU institutions are carefully selecting (or avoiding) alliance partners to achieve their policy goals. The Commission's expert group system has become the target of NGOs, such as ALTER-EU (Oluwole, part IV, Chap. 21) who have criticized the privileged access of industry representatives to the expert groups.

However, once a policy initiative enters the legislative process, it is subject to scrutiny and amendment by both the Council of Ministers and the European Parliament as well as the national parliaments. Especially the European Parliament with a very wide range of highly technical issues in combination with an extensive

¹¹Kergueno, R. (2017). The Über-Lobbyists: how Silicon Valley is changing Brussels lobbying. <https://transparency.eu/uber-lobbyists/>. Accessed 18 May 2018.

workload its Members (MEPs) have to deal with gives room for interest groups and lobbyists to not only try to influence MEPs but also their assistants and policy advisors of the political groups. In Chap. 10 (part II), Kluger Dionigi argues that among MEPs those appointed rapporteur, shadow rapporteur, or committee chair have a special responsibility to be transparent about their contacts with interest representatives.

Monitoring, i.e., information gathering, is the cornerstone of all lobbying action. Hence, without knowing each stage of the legislative procedure, lobbyists would fail to influence the right decision-makers. Consequently a sound lobbying strategy requires combining technical and procedural expertise (Cezanne, part VI, Chap. 30). For years, the main tool for sectoral lobbies has been the “position paper”. This document, often too long and lacking graphical layout, expresses the point of view of a given interest group on a given legislative proposal. Yet, lobbying and advocacy have more and more become very professionalized and regulated jobs involving the implementation of skills and technical methods as well as financial means. This is also the case for NGOs which are very well organized, specialized, and structured around thematic pillars: environment, health, social issues, culture, education, etc. (Guéguen, part I, Chap. 7).

Nonetheless, criticism of the NGOs has also repeatedly arisen. As recipients of EU funds and donations from sometimes unknown private sources, they would themselves not respect the transparency rules they expect to be respected by industry lobbies and mistakenly present themselves as “the good lobbyists” serving the general public. Against the background of this debate, an own-initiative report of the Committee on Budgetary Control on financing NGOs from the EU budget (European Parliament 2017) heated the spirits in the Brussels bubble. Recognizing in general the legitimacy of public funding for NGOs, the report at the same time calls on the Commission to more strictly monitor the use of EU funds by NGOs and to introduce more comprehensive transparency guidelines.

Image, Public Attention, and Credibility

It goes without saying that both NGOs and corporate interest groups need money, manpower, and strategy tools to effectively influence EU law- and policy-making. Still, little is known about, neither the mysterious channels of political influence nor the self-perception of lobbyists. They consider themselves as “influencers” or artists of political persuasion, who communicate expertise in the form of position papers, press releases, background information, and suggestions for amendments to legislative texts, in the context of discussion and event formats and in direct discussions with the actors. That is why lobbyists rather call themselves Public Policy Manager, Head of Government Relations, Director External Liaison, EU Coordinator, Policy Director, Head of Advocacy, European Affairs Manager, Secretary General, or simply Head of Brussels Office—just to name a few examples (Dialer and Richter 2014).

In the USA, “booze, blondes, and bribes” is a popular association EU lobbyists explicitly do not want to be associated with. “I am a ‘dirty’ lobbyist but for the good cause!”—this is the slightly ironic and provocative way Reuter (Chap. 16, part III) describes his role as Secretary General at SOLIDAR, a European network of Civil Society Organizations (CSOs), working to advance social justice in Europe.

Irrespective of the ego-perception or the general image problems associated with the profession “lobbyist”, Crepaz et al. (Chap. 4, part I) argue that drastic growth in the Joint Transparency Register (JTR) registration rates resembles high levels of compliance that can be best understood by the desire of lobbyists to create a positive image of their profession and to build a solid reputation. Despite its voluntary nature, from 2008 to 2011 the register of the Commission managed a modest number of registrations peaking around 4000 in June 2011. This number, however, represents a far cry from the 11,810 (21 June 2018) organizations registered under the current system established in 2011 and amended in 2014.

Part III of this edited volume offers first-hand professional experts views. Kraus, who has been lobbying for snack giant Mondelēz International for almost 10 years, argues that there are few things in life which affect Europeans more than nutrition. However, public trust in this “evil” industry sector is rather low and demonization common sense. Even fears circulated, that leaving the EU could allow British chocolate makers to break free from regulations which demand chocolate to contain 30% cocoa compared with only 10% in the USA.¹² In general, food industry lobbyists spend a lot of time on building alliances with trade associations (e.g., FoodDrinkEurope)¹³ which are, however, often representing the “lowest common denominator” among a wide range of members’ interests. Moreover, many associations are too administrative, too consensus-oriented, and too focused on that lowest common denominator (Politico EU 2017).

In this context Kleis (part III, Chap. 17) reasons that differences between lobby associations also depend on criteria such as legitimacy and credibility. The main source of legitimacy of BEUC, the European consumer organization, for instance, is the large number of member associations and their day-to-day contact with consumers’ problems ranging from ill-working fridges to insurances, cosmetic products, and travel services. According to a recent audit, BEUC derives its credibility from being evidence-based, solution-oriented, and constructive.¹⁴ In Chap. 5 (part I), Chalmers examines a relatively understudied aspect of informational EU lobbying—namely, the question of when and why interest groups provide accurate and complete

¹²Meierhans, J. (2016). Could leaving the EU make British chocolate taste bad? <http://www.bbc.com/news/uk-politics-eu-referendum-36457903>. Accessed 12 February 2018.

¹³The food and beverage industry involves more than 4 million employees and over 280,000 businesses, most of them being SMEs. <http://www.fooddrinkeurope.eu/>. Accessed 25 May 2018.

¹⁴The debate surrounding the Transatlantic Trade and Investment Partnership (TTIP) is a good example of this. While many public interest organizations decided to oppose the negotiations, BEUC—in its position papers and public appearances—focused on advancing the consumer benefit.

information to EU decision-makers as opposed to inaccurate, incomplete, and even erroneous information.

Beyond the EU: Lobbying on Foreign Policy and Trade

Brussels has a great deal of influence even beyond the boundaries of Europe. Together, the EU and the USA constitute the biggest economic area, which significantly influences international trade with other regions via bilateral trade agreements. Kerneis highlights in Chap. 8 (part II) that trade agreements are general deals that cover a very large number of issues and sectors. Thus, business associations and NGOs do not solely use one type of strategy, but rather mix strategies or look at the possibilities of engaging in multiple strategies and policy fields.

Trade is a rather encompassing policy which directly impacts mainly two groups, business associations and NGOs. An in-depth insight in business lobbying in EU trade and investment policy-making is provided by Basedow (part V, Chap. 23). He points out that lobbying for international investment policy and International Investment Agreements (IIAs) with Investor-to-State Dispute Settlement (ISDS) provisions ranked low on the agenda of EU foreign economic policy issues before TTIP. Eliasson (part V, Chap. 27) argues that NGOs and CSOs have only until recently experienced that trade policy is similarly an important topic for them as agreements can have far going influence on interests they represent, regardless how diffuse such issues may seem. He identifies and explains how pan-European anti-TTIP mobilization was organized and how public opinion was shaped via frames. The campaign against TTIP, though sold as a bottom-up citizens' initiative, has been a highly professionalized, top-down supranational lobbying campaign where CSOs, BEUC, Friends of the Earth Europe, the Rosa Luxemburg Foundation, CEO, Attac, Campact, and many national pressure groups joined forces.

Why TTIP and CETA are of special interest for this volume is because it comprises a role model for both outside lobbying dynamics and the concept of "politicization" of EU trade policy (Gheyle and De Ville, part V, Chap. 24). Due to the long timeline of trade negotiations, which usually take many years, positions and oppositions may change from the beginning to the final conclusion. The negotiations on TTIP, for instance, were even stopped after more than 3 years and five rounds after Donald Trump's election and have remained at a standstill since Trump declared his trade war on the EU by imposing tariffs on steel and aluminum as of 1 June 2018.

In Chap. 15 (part III), Klingler draws attention to China, another powerful global player—and often difficult partner of the EU. In China, foreign trade policy has been a prior government monopoly over the past 30 years, and even in modern China, state control prevails over all economic activity. The author offers inside knowledge of the institutional, economic, and political framework, e.g., the 49 state-owned enterprises (SOEs) which account for one fifth of China's economic output or of details of the 13th "Five-Year Plan", the main target of lobbying activities.

Successful lobbying in China usually is a kind of “economic diplomacy” which involves a win-win perspective for both parties.

Clearly, China and the EU are interested in each other. This interest is based on a long-term perspective that also views Ukraine as a key link to Europe. Ukraine and EU are tied together by the Deep and Comprehensive Free Trade Agreement (DCFTA) which offers China an entrance to the EU market through the back door. In Chap. 18 (part III), Kryshtapovych and Prystayko explain advocacy strategies of the “Ukrainian Think Tanks Liaison Office” in Brussels to boost Ukraine’s integration with the EU. The Ukraine case study shows that in foreign policy think tanks, NGOs, and interest groups tend to pool resources to achieve their lobbying goals. Still, think tanks and interest groups in the EU’s neighboring countries rely on their partners with presence in Brussels and the European capitals.

Comparative studies of lobbying in areas of internal market and lobbying in EU foreign policy reveal that the institutional setting is quite different. The Commission’s and Parliament’s powers are limited in the intergovernmental policy-making of the Common Foreign and Security Policy (CFSP) and the Common Security and Defense Policy (CSDP), and there is no access to the Council. The lack of formal channels of participation and the confidential character of policy documents hinder influence and lower the chances of advocacy success (Shapovalova, part VI, Chap. 31).

Transparency, Regulation, and Participation

Lobbying regulations today represent an increasingly popular public policy capable of enhancing participatory democracy while reducing the risks of corruption often related to lobbying. Based on eight key dimensions,¹⁵ Crepaz et al. (part I, Chap. 4) classify international lobbying regulations as more or less “robust”. Yet, when compared to more robust systems found globally, the JTR currently is categorized by Crepaz et al. as medium-regulated because it falls short on the voluntary system of registration, the accuracy of the disclosed data, and the enforcement capability of the monitoring agency.

In May 2016, ALTER-EU published a report revealing that nine big international law firms had refused to sign up to the lobby register despite advertising EU lobbying services on their websites, co-organizing lobbying events, or hiring former staff from the EU institutions. Two years later in May 2018, seven (White & Case, Bird & Bird, Sidley Austin, Gibson, Dunn & Crutcher, Clifford Chance, and Van Bael & Bellis) out of nine firms are still not registered. LobbyControl argues that only a very strict incentives-based regime and a definition of lobbying which

¹⁵These are the *definition of lobbyist, individual registration, individual spending disclosure, employer spending disclosure, electronic filing, public access* (to a registry of lobbyists), *revolving door provisions* (with a particular focus on “cooling-off periods”), and *enforcement*.

includes indirect lobbying will encourage more lobbying law firms to register (Politico, March 15, 2018, 4).

With the aim of ameliorating this system, the EP and the Commission implemented a new interinstitutional agreement by the end of 2017. In the same year, European Ombudsman, O'Reilly, has also [called on the EU institutions](#) to turn the Transparency Register into a central transparency hub for all institutions (including the Council and agencies). So far, there has been only an agreement between the European Commission and the European Parliament to make life for lobbyists who do not register as difficult as possible. The European Parliament, for example, revoked the access passes of lobbyists of US agrochemical giant Monsanto after they had refused to participate in a hearing on the leaked “Monsanto Papers” and glyphosate in September 2017.¹⁶ To put the Council in line, O'Reilly was asking European Council President Donald Tusk in December 2017 to consider publishing information about meetings he and his cabinet hold with interest representatives.

Especially the European Parliament, with its directly elected members, is aware of its particular responsibility for transparency and accountability to the public, particularly since the increase in powers that accompanied the entry into force of the Treaty of Lisbon, and it is certainly exemplary in many respects. The institution was at the forefront of lobbying transparency in Brussels and set up the first transparency register in 1995—only 13 years later, in 2008, followed by the European Commission. Based on an interinstitutional agreement, the two institutions merged their registers in the EU Transparency Register in 2011. However, since 2008 the EP had been calling for a mandatory register and therefore welcomed the Commission's proposal for an interinstitutional agreement on a mandatory transparency register that explicitly covers all three EU institutions.

Lobbying is a constitutional right, and thus Commissioners and MEPs are obliged to hear citizens' concerns, in line with the rules of procedure and the codes of conduct. Markus Frischhut and Julian Grad (part IV, Chap. 22) explore public and intra-institutional expectations of ethical and transparency standards in EU law making. After several “cash-for-influence scandals” in Commission and EP, transparency and ethic rules have been tightened in both institutions—but to a larger extent in the Commission. In addition, the Commission proposed on 12 September 2017 a draft decision on the Code of Conduct for Members of the European Commission which constitutes an overall revision of the previous Code of Conduct of 2011. The most relevant changes concerned the participation of Commissioners in national politics and in European politics during the term of office and the post-term-of-office activities (the so-called cooling-off period). With regard to the cooling-off period, the Commission decision foresees a cooling-off period of 3 years for the Commission President and 2 years for the other Commissioners. Yet, a recent

¹⁶A group of 24 NGOs wrote to the EP's Committees on Agriculture (AGRI) and Environment (ENVI) to even extend the ban on Monsanto lobbyists to “all those seeking to lobby MEPs on behalf of Monsanto,” including trade associations like the European Crop Protection Association (ECPA) (Politico EU 2017, 4).

initiative report of the EP's Committee on Constitutional Affairs (AFCO)¹⁷ requests to extend the 3-year cooling-off period to all Commissioners, foreseeing appropriate safeguards related to Commissioners participating in European electoral campaigns, upgrading the legal status of the Code of Conduct and enhancing the independence of the Ethical Committee, and introducing concrete timeframes for the submission of the Commissioner-designates' declarations of interest.

By contrast, procedures related to a renewal of the code of conduct of 2011 or transparency rules for MEPs took particularly long and were often considered by external observers to be unworthy horse-trading with poor results in the end. There is still no cooling-off period for MEPs before they can take on jobs after the end of their mandate. There are not even restrictions concerning the type of job, and so the "revolving door" is still spinning. To tackle breaches of code of conducts and other ethical problems, Frischhut and Grad (part IV, Chap. 22) suggest to install an independent ethics body which promotes a common ethics program to all three major decision-making bodies.

A Look into the Crystal Ball of Lobbying

The European Union seems today navigating through a prolonged "midlife crisis". The banking crisis, migration crises, rising populism, and international challenges (e.g., Trump's economic nationalism) are weakening the European project. Especially in the trade policy realm, the EU's authority to conclude and implement trade agreements is being severely questioned (Adamson, part V, Chap. 25). But it was the outcome of the Brexit referendum in June 2016 that finally triggered a broad debate on the future of Europe with Juncker's White Paper depicting five possible scenarios¹⁸ which have remained largely theoretical until now.

The EU represents an unfinished political project with a lot of room for improvement but also interpretation. This is to be filled with a new narrative because the peace, prosperity, and security notion seems to be insufficient to restore citizens' trust. All well and good, but where should all these innovative ideas come from to "think Europe ahead" (Dialer and Fürcht-Fiegl 2014; Hoogmartens 2018)?

¹⁷European Parliament (2017). Report on transparency, accountability and integrity in the EU institutions (2015/2041(INI)), Committee on Constitutional Affairs, Rapporteur: Sven Giegold (A8-0133/2017).

¹⁸The five scenarios are offering kind of solutions for more or less integration. However, the principle of multispeed Europe is laid down in the *Rome Declaration* as follows: "We will act together, at different paces and intensity where necessary, while moving in the same direction, as we have done in the past, in line with the Treaties and keeping the door open to those who want to join later" (Hoogmartens 2018, 3).

For example, in January 2018 for the eighth consecutive year, the Brussels Think Tank Dialogue (TTD) took place. No fewer than ten leading EU think tanks¹⁹ have joined forces to exchange on the future of Europe and to develop analysis and recommendations to improve EU policies in the eve of European Elections 2019. These collective efforts show elements of think tanks' strategies to shape future EU public policy (Kelstrup and Dialer, part VI, Chap. 33).

In Chap. 23 (part IV), Bruckner argues that think tanks are in the noble business of conducting research and advocating for ideas or policies that are evidence-based, rational, and "sound". In general, EU think tanks have been experiencing a boom lately due to the simple fact that EU institutions but also companies need sophisticated solutions. In addition, academic research is often used as a tool to depoliticize a policy debate. Another way of think tanks influencing the current debate is setting up conferences where CEOs of corporate business have a platform to exchange with EU stakeholders. Kelstrup and Dialer (part VI, Chap. 33) thus argue that there is demand for more in-depth knowledge about the strategies, which think tanks employ to influence EU policy-making. The capacity of think tanks to challenge policy-making is particularly precarious among think tanks in the policy environment of Brussels, where many think tanks receive funding from the EU institutions.

Nevertheless, the future of Europe debate has opened a window of opportunities, to push toward a series of widely solicited reforms of both its institutional structure and governance. Still, the legal and regulatory uncertainty triggered by Britain's departure from the EU has sparked a lobbying boom in London and Brussels. For the first time in 40 years, EU regulation is amendable in Britain. The main lobbying target is the Repeal Bill, which will probably not become law before 2030. Hence, even the upcoming months, before the UK actually leaves the EU, will bring structural and cultural change shaping the lobbying landscape (McTague 2017, 10).

As regards post-Brexit intra-institutional dynamics, Goldis and Frantescu (part VI, Chap. 29) argue that Britain's "empty seat" in EU decision-making will on the one hand decrease British influence and on the other hand increase its dependency on Sweden, the Netherlands, and Denmark, its closest allies in the Council. However, as the UK has been a net contributor to the EU budget, there will be a € 94 billion Brexit-related hole in the EU budget for 2021–2027 if business continues as before. The informal European Council meeting of 23 February 2018 kick-started the negotiations on the post-2020 European Union budget. For the moment, the exit fee might be the UK's only contribution to post-2020 EU budgets, because in case of a Canada-style Free Trade Agreement (FTA) between the EU and UK, no budgetary contributions will be implied (Darvas and Wolff 2018).

Another arena will be lobbying activities around the numerous international trade negotiations. TTIP and CETA were in the center of attention and of unprecedented

¹⁹Jointly organized by the [Bertelsmann Stiftung](#), [Bruegel](#), the Centre of European Policy Studies (CEPS), [Confrontations Europe](#), the [Egmont Institute](#), the [European Policy Centre \(EPC\)](#), [Friends of Europe—Les amis de l'Europe](#), the [Institut français des relations internationales \(Ifri\)](#), [Madariaga—College of Europe Foundation](#), and the [Stiftung Wissenschaft und Politik \(SWP\)](#).

popular opposition across the EU. But these are only 2 out of 26 free trade agreements and other kinds of trade negotiations that are under way in 2018—among them some with entire groups of countries like the Association of Southeast Asian Nations (ASEAN) or Mercosur ([Argentina](#), [Brazil](#), [Paraguay](#), and [Uruguay](#))²⁰ and states like Mexico or difficult partners like China. As all these types of agreements cover so many economic sectors, involve so many different stakeholders and interests, and have such an impact on peoples' lives, one can be sure that there are more lobbying battles to be fought. In general, Adamson (part V, Chap. 25) attributes the public disapproval to trade agreements to an increasingly popular view that globalization has overstepped its mandate.

In addition to boiling trade disputes, the collaborative or sharing economy poses unprecedented challenges in terms of both policies and governance in almost all aspects of EU law. Of this booming sector accommodation is—with an annual turnover of €15 billion in 2016—by far the biggest player and three times outranks ridesharing giant Uber (European Commission 2016). The short-term rental accommodation platform AirBnB, for instance, heavily lobbies the EU institutions in coalition with European Holiday Home Association (EHHA), Digital Tourism Network (DTN), European Collaborative Economy Forum (EUCoLab), and the European Digital Media Association. The three main fronts of lobbying are (a) restriction by city governments (e.g., limitation of days), (b) administrative measures (e.g., registration), and (c) access to data (e.g., enforcement) (CEO 2018, 4 ff.).²¹

Contrary to consumer issues, which are mostly regulatory policies, lobbying for sustainability (e.g., sustainable production of wheat for biscuits) hardly attracts much public awareness. The EU Commission, thus, needed the results of a public consultation that took place between December 2017 and February 2018 to legitimate its fight against plastic waste or single-use plastic (SUP).²² By 2022, many non-reusable plastic products are to be banned altogether or reduced significantly. Yet, while the EU is setting the strategy, the battle against plastic waste has just begun and must be fought by the producers, by the member states, and last but not least by the consumers (European Commission 2018).

Hence, the abovementioned examples demonstrate that the backlash against Europe's institutions is not only due to massive regulation, complexity, and lack of leadership but also to a progressive disenchantment with the whole EU project in general. Additionally, recent reports from NGOs, the media, and academics have

²⁰Venezuela has been a member of Mercosur since 2012 and is an observer in the trade negotiations.

²¹From February 2015 to September 2016, for instance, AirBnB met with high level officials of DG GROW nine times, including five meetings with members of the Commissioner's cabinet. Its lobby spending is rather small, according to the Transparency Register, around € 400,000 and half a million in 2016. Still, it more than quadrupled from the preceding year (CEO 2018, 11).

²²The public consultation received more than 1800 contributions. 98.5% of respondents considered that action to tackle SUP marine litter is "necessary," and 95% consider it "necessary and urgent." More than 70% of manufacturers and more than 80% of brands and recyclers considered action "necessary and urgent" (European Commission 2018, 9).

proven that the credibility of the EU is at stake when its trade policy is not contributing to sustainable development, the eradication of poverty, and protection of human rights (Art 3 TEU).

Thus, the whole discussion about lobbying and transparency is even more important to regain citizens. Or at least that would be the conclusion looking at the Commission and Parliament's good intentions to reach an interinstitutional agreement (IIA) on a mandatory Transparency Register (TR) by the end of the ongoing legislative period 2014–2019.

Since 2011, the Parliament and the Commission have jointly operated a “lobbying register” for interest representatives, aiming to increase transparency and ethical interaction between the different stakeholders. The TR was set up as a voluntary scheme by means of an IIA of the EP and the Commission which was revised in 2014 when the Council became an observer.²³ In September 2016 Commission proposed a new IIA on a mandatory TR which has been negotiated in a transparent way since April 2018 between the three law-making institutions. Providing a high standard of transparency in the tripartite negotiations should allow citizens to be informed about every single step of the decision-making process (European Commission 2016). But, as the negotiations drag on in parallel with the difficult negotiations on the future EU-UK relationship, reaching an agreement on the TR by the end of 2019 seems to be a mission impossible.

These developments showcase that future lobbyists have to find answers to an ever-changing institutional environment and to even more complex questions. The ability to communicate via social media and to perform leadership in all three dimensions polity, policy, and politics seems to be crucial.

References

- Beyers, J., & Braun, C. (2014). Ties that count. Explaining interest group access to policy makers. *Journal of Public Policy*, 43(1), 93–121.
- Bouwen, P. (2002). Corporate lobbying in the European Union: The logic of access. *Journal of European Public Policy*, 9(3), 365–390.
- Bouwen, P. (2004). Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions. *European Journal of Political Research*, 43(3), 337–369.
- CEO (Corporate Europe Observatory). (2018). *UnFairbnb. How online rental platforms use the EU to defeat cities' affordable housing measures*. Report by Kenneth Haar, Brussels.
- Cotton, C. (2016). Competing for attention: Lobbying time-constrained politicians. *Journal of Public Economic Theory*, 18(4), 642–665. <https://doi.org/10.1111/jpet.12202>.
- Cooper, H., Hervey, G., Bauvier, E., & Antypas, I. (2017). Big East-West skew in record EU lobbying bonanza. *Politico EU*, 3(44), 8.
- Darvas, Z., & Wolff, G. (2018). *Rethinking the European Union's post-Brexit budget priorities*, Bruegel Policy Brief 1. Accessed March 28, 2018, from http://bruegel.org/wp-content/uploads/2018/03/PB-2018_01_correction.pdf

²³ Agreement between the European Parliament and the European Commission on the transparency register for organizations and self-employed individuals engaged in EU policy-making and policy implementation, OJ L 277, 19.9.2014, p. 11.

- Dialer, D., & Füricht-Fiegl, G. (2014). EU think tanks in the back seat? Perspectives for the 21st century. In M. Spindler, & T. Van der Zouwen (Eds.), *On the move: Patterns, power, politics*. COS (Challenging Organizations and Society), 3(2), 561–569.
- Dialer, D., & Richter, M. (2014). *Lobbying in der Europäischen Union. Zwischen Professionalisierung und Regulierung*. Wiesbaden: Springer VS.
- Drachenberg, R., & Brianson, A. (2016). Policy-making in the European Union. In M. Cini & N. Pérez-Solórzano Borragán (Eds.), *European Union politics* (5th ed., pp. 197–213). Oxford: Oxford University Press.
- Dür, A., & Mateo, G. (2013). Gaining access or going public? Interest group strategies in five European countries. *European Journal of Political Research*, 52(5), 660–686.
- Eising, R. (2007). Institutional context, organizational resources and strategic choices: Explaining interest group access in the European Union. *European Union Politics*, 8(3), 329–362.
- European Commission. (2016). *Proposal for a interinstitutional agreement on a mandatory transparency register*, COM(2016)627 final, Brussels, 29.9.2016.
- European Commission. (2018). *Proposal for a Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment*, COM (2018)340 final, 2018/0172 (COD). Brussels, 28.5.2018.
- European Parliament. (2017). *Draft Report on budgetary control of financing NGOs from the EU budget (2015/2345(INI))*. Committee on Budgetary Control.
- Greenwood, J. (2011). *Interest representation in the European Union*. London: Palgrave Macmillan.
- Hoogmartens, J. (2018). Between Rome and Sibiu: A trajectory for the New European Narrative. *European Policy Brief*, 50(5).
- Klüver, H. (2012). Informational lobbying in the European Union: The effect of organisational characteristics. *West European Politics*, 35(3), 491–510. <https://doi.org/10.1080/01402382.2012.665737>.
- Klüver, H., Braun, C., & Beyers, J. (2015). Legislative lobbying in context: Towards a conceptual framework of interest group lobbying in the European Union. *Journal of European Public Policy*, 22(4), 447–461. <https://doi.org/10.1080/13501763.2015.1008792>.
- McTague, T. (2017). Brexit boom for Britain's lobbyists. *Politico EU*, 3(28), 1, 10–11.
- Politico EU (2017). *Single Market. 25 years on – What's next for the food and drink industry?* A Q&A with Hubert Weber, President of FoodDrinkEurope and Executive Vice-President & President Europe of Mondelēz International. Accessed May 29, 2018, from <https://www.politico.eu/sponsored-content/single-market-25-years-on-whats-next-for-the-food-and-drink-industry/>
- Politico EU. (2018). *Lawyers or lobbyists (or both)*, March 14, 5(10), 4.
- Shotton, P., & Nixon, P. (2015). *Lobbying the European Union. Changing minds, changing times*. Burlington: Ashgate.
- Teffer, P. (2017). History of the agencies (re)shuffle. *EUobserver, Regions & Cities Magazine*, Special issue: The EU Agencies Race, Brussels, 12–17.
- Weiler, F., & Brändli, M. (2015). Inside versus outside lobbying: How the institutional framework shapes the lobbying behaviour of interest groups. *European Journal of Political Research*, 54, 745–766.
- Woll, C. (2012). The brash and the soft-spoken: Lobbying styles in a transatlantic comparison. *Interest Groups & Advocacy*, 1(2), 193–214.

Doris Dialer is an Adjunct Professor at the University of Innsbruck's Department of Political Science and Associate Professor at the Department of Knowledge and Communication Management at the Danube University and at the Jean Monnet Chair on European integration and ethics (MCI Innsbruck). Doris is Brussels-based and has been working as political advisor in the EU Parliament for more than 12 years. Much of her research focuses on the European Parliament, the Committee of the Regions, the Economic and Social Committee, EU lobbying, and EU development policy (post-Cotonou). She is co-editor of the book series *IUP/NOMOS* and the IFIR working papers.

Margarethe Richter, an economic geographer by education, is currently the head of office and political adviser to a Member of the European Parliament for the Committee on Foreign Affairs and the interparliamentary delegations with the Mashreq countries, Iraq and the Arab Peninsula. All in all, she can look back on almost 18 years of professional experience in Brussels, both within and outside the EU institutions. Besides her work in the European Parliament, she has held seminars at private universities on lobbying and the legislative process at European level and published several articles around these issues. She is also co-author of the first German-language handbook on the European Parliament and co-editor of an edited volume (also in German) on lobbying in the EU.

Part I
Theoretical and Empirical Implications

Chapter 2

Interest Representation in the EU: An Open and Structured Dialogue?



Justin Greenwood

Introduction

Since 1992 the European Commission (EC) has been in search of an ‘open and structured dialogue with special interest groups’ (Official Journal 1993, 2). The structured dialogue is as much for the benefit of EU institutions as it is a means for outside interests to engage with them, providing a plurality of technical and political information; a reservoir of potential allies to achieve the goals of different EU institutions, viz. each other and with member states; and some degree of refuge from populist criticism about a dialogue with lobby groups and their representatives. In 2001, it became cast more widely as a dialogue with ‘civil society’ as a means to provide greater legitimacy to EU policy-making (European Commission 2001). A search for legitimacy for the technical content of policy (‘output legitimacy’) and by way of participation in the formulation of policy (‘input’ legitimacy) has led to the design of a series of procedures (‘throughput legitimacy’; Schmidt 2012) to structure this dialogue. The procedures anticipate engagement in the dialogue primarily by organizations, underpinned by incentivized transparency mechanisms. Collectively, the various procedures for an open and structured dialogue help to provide EU institutions with a ‘marketplace of ideas’ from which to choose for policy-making purposes, as well as the means to identify and select allies during the course of legislative proposals. EU institutions also utilize advocacy organizations as an ‘unofficial opposition’ (see da Silva, part IV, Chap. 20) in a political system which is otherwise highly focused on consensus building.

Organized civil society in the form of advocacy organizations is frequently used by international organizations as the best available proxy for an otherwise disengaged civil society, because of the absence or weakness of mechanisms linking their

J. Greenwood (✉)

Robert Gordon University, Aberdeen, Scotland, UK

e-mail: j.greenwood@rgu.ac.uk; <http://www.rgu.ac.uk/dmstaff/greenwood-justin/>

political institutions directly to civil society. At EU level, citizens are linked to EU decision-making indirectly through their elected governments in the Council of Ministers and directly through the European Parliament (EP). The limitations of the direct linkage are reflected in voting turnout in EP elections, with the last two each producing an average turnout close to 43% (including countries with compulsory voting). The absence of a European ‘demos’, or public space, is held to originate in the absence of a common language, media (Scharpf 1998 as cited in van de Steeg 2010), or recognizable political parties, and no system of government and opposition. These structural limitations mean that EU institutions, like other international organizations sharing similar constraints, use organized interests as the best available proxy for civil society, with a nucleus satelliting around the EU institutions in Brussels (the ‘Brussels bubble’), but with procedures increasingly cast at securing wider participation. There is a debate as to whether these procedures simulate political competition and contestation by a wide range of participants or constrain civil society organizations by forcing them to operate within the confines of EU institutions (Kohler Koch 2012). In this latter view, contestation provides the essence of politics, whereas the inward-looking, consensus orientation of decision-making in international organizations (around 80% of the EC’s legislative proposals become law—Woll 2012) makes them unsuited in principle to democratic legitimacy (Kohler Koch 2012). Kohler Koch is also critical of the elite nature of EU professionalized lobby groups and the uneven nature of political participation which hardly provides for equal citizen participation, as well as finding patchy implementation of procedures for participation (Kohler Koch and Quittkat 2013). Others who share the perspective of the importance of contestation find it present in the growing engagement of social movements outside of the ‘Brussels bubble’ in EU legislative files (Crespy 2014; Dür and Mateo 2014; Leiren and Parks 2014; Parks 2015; see also Eliasson, Part V, Chap. 26). There are also contentious organizations operating within the Brussels bubble, such as the Corporate Europe Observatory (CEO) (see da Silva, part IV, Chap. 20), sharing back-office facilities with other like-minded organizations in an eco-building ‘palace of protest’, a short walk away from the EP, with an atmosphere reminiscent of a ‘well-run student union’ (Ariès and Panichi 2015). Campaigns related to internet freedom have notably involved social movements utilizing online campaigning skills, extending far beyond the ‘Brussels bubble’.

Whilst the total population of organizations seeking to influence the public policy of EU institutions, and the number of individuals involved, can never be known with any precision, the EU transparency register contains more than 11,794 (by 01/06/2018) organizations across the globe which have chosen to make an entry (two-thirds of which identify ‘European’ as their level of organization—Greenwood and Dreger 2013), including over 6000 individuals with accreditation to access the EP on a regular basis. The register contains different sections for consultancies, law firms, business associations, companies, trade unions, non-governmental organisations (NGOs), think tanks and related organizations, religious organizations, regional authorities, and public and mixed entities. The transparency register (TR) is described in further detail later in this chapter.

The fragmented nature of EU decision-making provides for a naturally pluralistic environment. The diversity of each of the three main legislative bodies insulates EU decision-making from ‘regulatory capture’, with 28 member states, 8 political groups in the EP, and over 30 different departments (Directorates General) in the EC. In consequence, this breadth requires the formation of broadly based alliances and platforms from civil society organizations. The Marine Stewardship Council is an example of a common platform (in this case between Unilever and the Worldwide Fund for Nature (WWF)) providing certification for products drawn from sustainable fisheries, helping to position a multinational company with fish food branded products as part of the solution rather than part of the problem. The diversity of EU decision-making requires any single interest to dilute its demands in a consensus-orientated system. Klüver et al. find that the size of lobbying coalitions is a good predictor of interest group success, with broadly based large coalitions enjoying an advantage (Klüver et al. 2015). NGOs, in particular, act in coalition, often with success in influencing policy outcomes by politicizing issues and bringing them to a wider audience, as described later in this chapter as well as in Part II and III of this volume.

The Dialogue Procedures

The dialogue procedures emerged from a bifocal process in 2001. One was a drive for ‘better regulation’, spearheaded by the high level Mandelkern Report with its critique of the quality of policy outputs from the European Commission (Mandelkern Report 2001). The second was the EC’s own *White Paper on Governance* in the same year, with its emphasis on input (participative) legitimacy. These two strands remain prominent to the present, although commentators differ as to where the emphasis most lies. The quality and significance of the procedures which developed following these measures is the subject of debate in the literature on interest representation.

Funding

Funding by EU institutions makes it possible for a wide variety of interests from civil society to maintain professionalized organizations in Brussels geared to dialogue with them, providing a plurality of presence. NGOs in receipt of EU grants receive an average of 43% of their income in this way (Greenwood and Dreger 2013). Many of the core European umbrella groups, such as the Platform of European Social NGOs (‘Social Platform’), as well as those in the fields of homelessness and public health, are the direct result of intervention by EU institutions in search of informed dialogue partners and allies for regulatory legislative initiatives (Kohler Koch 2012). The Social Platform receives over 80% of its income from an EU grant.

Recipients differ in the way they perceive their EU funding (Jacquot and Vitale 2014). Thus, the European Women's Lobby (funded almost 80% by the EC) has taken a policy decision not to take disputes with the EC to court, whereas the European Environmental Bureau (funded around 40% by an EU grant) have taken contention with the Commission to law (see also Sánchez Salgado, part I, Chap. 6). Larger global brand NGOs, such as Amnesty International (AI) and Greenpeace, have taken policy decisions not to seek EU funding on the grounds that it might be perceived to compromise their independence. A counterexample is provided by Friends of the Earth Europe (FoEE) who received over € 6 million in EU funding in 2014, and yet any cursory glance at its website (www.foeeurope.org) reveals substantial contention of EU policy-making. Transparency International (TI), similarly, has used EU funding to conduct and disseminate reports and activities which are highly critical of EU institutions (Transparency International 2015; see also Oluwole, part VI, Chap. 21). Highly contentious organizations, such as [Corporate Europe Observatory](#) (CEO), have successfully accessed alternative sizeable sources of independent funding from trust foundations.

The search for legislative allies intensified when the agenda of the EC shifted during the 1990s and beyond from an earlier period of market-making to a new epoch of market regulating (Dür et al. 2015). Regulating markets required the Commission to make common cause with supporters for its measures to counter-mobilize against business opposition to legislative proposals expressed through member state governments in the Council of Ministers. Regulatory proposals are likely to produce competitive interest group politics (Young 2010), either between NGOs and business, or between and within these segments and sectors. For instance, regulation of vehicle emissions by standard setting will divide car component suppliers (with the technology to produce parts which meet high standards) from car manufacturers (seeking to contain costs) and manufacturers of large vehicles (challenged by high standards) from smaller and less polluting vehicles. These differences can come down to the level of the individual firm producing different types of cars and products. For instance, IBM found that one of its product divisions used open-source software whilst another used proprietary software, making it unable to reach a common position on a legislative proposal aimed at making patenting of software easier (Gehlen and Webber 2006). Where a firm, or industry segment, is able to reach a common position which is consistent with that of an EU legislative institution, so alliances will result. These shifting sands of politics provide for a much more nuanced understanding of EU politics compared to caricatures which treat business or NGOs as if they were a homogenous and unified entity. Boräng and Naurin find that:

The common picture of Brussels—and in particular the Commission—of being in the hands of big business is not confirmed by this study. On the contrary, civil society actors are more likely to share views with the Commission officials of what is at stake in legislation compared to business. When competition is low, and a few business actors get to dominate the process and the media, the odds get to even out between the two types of actors. (Boräng and Naurin 2015, 514)

Funding thus provides the EU institutions with a ready network of supporters for legislative purposes.

Transparency

Transparency regimes vary between access to documents from EU political institutions, to the transparency of lobbying organizations and their interaction with EU institutions, and transparency in the use of expertise.

Access to Documents

The EU access to documents regime also dates from 2001, providing for access to a wide range of documents (including emails), subject to certain exceptions (such as, inter alia, maintaining the integrity of inspections, audits, and investigations). In 2014, the EC received 6227 requests for access, making a full disclosure in 73% of cases and part disclosure of a further 15% (and subsequently one-fifth of these were fully disclosed on appeal) (European Commission 2015). Dissatisfied applicants can use the appeals procedure and beyond that complain to the European Ombudsman (see More O'Farrell, part IV, Chap. 19) or pursue a case in the European Court of Justice. The process is highly politicized, including an NGO (*Access Info Europe*) dedicated to the cause and an accompanying website to facilitate requests and publish the information obtained and other activist NGOs (including Transparency International and CEO) which have made common cause with an activist Ombudsman as a source of pressure to gradually expand the release of documents over time.

The Transparency Register

The register is for groups and organizations with whom EU institutions interact, aiming to provide public information as to what interests are being represented at EU level, who is representing them and through which outlets, what legislative files are being addressed, and how much is spent in the process. Organizations publish an entry themselves on the register and agree to be bound by an obligatory code of conduct (see Grad & Frischhut, Part IV, Chap. 22) in order to be included. The Joint Transparency Register Secretariat (JTRS) of the EC and the EP oversees the register and makes random checks on data as well as unusual entries and data ranges, but in practice much of the monitoring of the register is undertaken by 'watchdog' NGOs such as TI and CEO, together with the media outlet *Politico* with its specialist *Brussels Influence* analysis newsletter on lobbying. Inclusion in the register is incentivized by measures such as a precondition to meet with a Commissioner or their cabinet or a Director General of a Commission service. TI has a dedicated website, *EU Integrity Watch*, which records these meetings from the declarations

made by those inside the Commission. In this way, there are regulatory measures to cover the activities of both the lobbied and lobbyists. Other registration incentives for lobbyists include the possibility for a 1-year accreditation to the EP for a day pass to the premises (making it easier to reach lobbying targets) and access to speaking positions in EP hearings and to the EC's expert groups, described below. The novel feature of the register is its breadth of scope, taking in:

activities carried out with the objective of directly *or indirectly* influencing the formulation or implementation of policy and decision-making processes of the EU institutions...*irrespective of where they are undertaken and the channel or medium of communication used.* (Inter-Institutional Agreement on the Transparency Register, 2016 § 7, *my emphasis*; European Commission, 2014)

This breadth of scope helps to explain the quantity of registrations, as well as the information made public. With the notable exception of law firms, watchdog groups now find it hard to identify any entity which is regularly lobbying EU institutions and has no entry on the register. Law firms have historically used 'client confidentiality' as cover not to register as to do so involves disclosure of clients as well as their activities, providing them with a competitive advantage in attracting clients, but even this is now eroding as some national law societies are removing this objection, and some law firms breaking ranks and making a registration. The emphasis of watchdog organizations has shifted to the quality of data in the register and to extending sanctioning mechanisms which currently rely on reputational measures such as suspension from the register and withdrawal of the pass to the EP. A parallel focus involves measures aimed at the lobbied and in particular the 'revolving door' phenomenon (see da Silva, part IV, Chap. 20). There are currently restrictions on Commissioners leaving up positions within 24 months of leaving office and upon senior officials for 24 months extending to 36 months for activities covering their former service. The restrictions on former Members of Parliament (MEPs) are less strict in recognition of electoral fortunes, with a lobbying position resulting in a loss of privileges in using the facilities of the EP which former MEPs are otherwise entitled to. The Ombudsman has also been active on lobby regulation measures, working with NGOs to expand the sphere of regulation (Panichi 2015; see also More O'Farrell, part IV, Chap. 19). On 28 September 2016, the Commission proposed a mandatory transparency register. The proposal followed a 12-week public consultation, concluded on 1 June 2016, receiving 1758 replies, with 975 responses from individual citizens and 783 from organizations. The case for a mandatory transparency register is made by several authors in Part IV of this volume.

Consultation

The EC publishes an annual Commission Legislative Work Programme (CLWP) which alerts stakeholders to an upcoming consultation and provides a 'consultation road map' as an integrated component of impact assessments. All Commission legislative proposals and major policy initiatives carry the requirement to publish

an integrated impact assessment, in which consultation forms a compulsory embedded component, to conform with a set of standards embedded in ‘soft law’ (Smismans and Minto 2016). A Regulatory Scrutiny Board (RSB) oversees impact assessments, with powers to require unsatisfactory consultations to be changed. The European Ombudsman forms a further independent measure of oversight (Smismans and Minto 2016). The European Commission’s *Your Voice in Europe* portal is an open consultation outlet for new policy initiatives, publicly open for 12 weeks for commentary. After the 12 weeks, the Commission rounds up the policy responses with an analysis document and listing the respondents. Mostly, the topics are highly specialized, resulting in a limited number of responses from organizations with technical expertise. There is some patchiness as to the production of these reports (Kohler Koch and Quittkat 2013), making accountability difficult.

Some topics for consultation reach a wider public, stimulated by activist organizations providing template responses through online submission portals. Activist organizations play a key role in politicizing issues, using powerful frames to simplify technical issues (Boräng and Naurin 2015). The EC’s public consultation on the Investor State Dispute Settlement Mechanism (ISDS) of the Transatlantic Trade and Investment Partnership (TTIP) produced almost 150,000 responses (see Eliasson, part V, Chap. 27). The extent of pressure in some member states, notably Germany and France, has politicized TTIP to the point of senior politicians announcing the end of the trade deal at the time of writing (von der Berchard 2016). NGOs also politicized the Anti-Counterfeiting Trade Agreement (ACTA) to such an extent as to defeat the measure in the EP after it had initially been minded to pass the measure, presenting frames suggesting that sharing music files between friends would be criminalized (Dür and Mateo 2014). And in August 2016, open internet campaigners heralded a major triumph after an EU regulatory body took measures to protect net neutrality, prohibiting Internet service providers from blocking or changing the speed of services except under strictly defined conditions (Toor 2016). Campaigners used their professionalized online skills to attract an EU record of 480,000 responses to the consultation by the Body of European Regulators for Electronic Communications (BEREC). The Transatlantic Trade and Investment Partnership (TTIP) and the Investor State Dispute Settlement mechanism (ISDS) and net neutrality provide powerful examples of the ways in which NGOs and social movements can mobilize support and channel it into EU protest using established consultation procedures for ‘an open and structured dialogue’ with civil society, achieving their intended results.

Organizations with something to say on a consultation topic, either as a core stakeholder or with an unusual position, often get selected to make a presentation in a second phase of public meeting consultation (Broscheid and Coen 2007). There are differences between the Commission services as to how this second tier of dialogue is organized, as well as different perceptions between institutions and societal actors as to the purpose of consultative meetings, summed up in evaluation reports as ‘a voice but not a vote’ (ECORYS 2007; Iusman and Boswell 2016).

Expertise

The definitive study on the use of expert groups made by the EC is provided by Gornitzka and Sverdrup (2015), who found that around 40% (500) of the Commission's advisory groups featured societal actors, with the remainder comprising national ministries and agencies. Of these, business actors were present in 29% of groups and NGOs in 28% of groups, leading them to conclude that:

the overall pattern of inclusion/exclusion of societal actors are partly consistent with a norm of participatory diversity & representation of heterogeneous interests and perspectives...business interests are more often than not matched and mixed with other non-governmental actors. (161)

Taken together, these procedures are designed to provide 'an open and structured dialogue' between EU institutions and outside interests. They are constitutionalized by Article 11 of the 2009 Lisbon Treaty, which records (my emphasis) that:

- The institutions shall, by appropriate means, give *citizens* and *representative associations* the opportunity to make known and publicly exchange their views in all areas of Union action.
- The institutions *shall* maintain an open, transparent, and regular dialogue with their *representative associations* and civil society.
- The Commission *shall* carry out broad *consultations with parties concerned* in order to ensure that Union action is coherent and transparent.

Article 11 also introduced a new component, the European Citizens' Initiative, in which one million signatories collected within 12 months and drawn from one-quarter of member states (with country quotas by size) can request the EC to bring forward a legislative proposal on a subject covered by the EU Treaties, reinforced with a hearing in the Parliament to the response of the EC. Thus, it is an agenda-setting measure; whilst the signature collection threshold has proved too challenging for most initiatives, it has served to diversify the range of issues brought to EU institutions by civil society (Bouza Garcia and Greenwood 2014) and brought campaigning away from Brussels and into the member states (Greenwood and Tuokko 2016). Often, interests follow policy initiatives introduced by the European Commission, and thus the ECI provides an institutionalized reverse mechanism.

Conclusions

Taken as a whole, there is a recognizably pluralistic dimension to the interests represented at EU level. The fragmented nature of EU decision-making already provides a degree of insulation from pressure by any one type of interest, and this pluralism is reinforced by procedures for the representation of a diverse set of interests at EU level, with interests represented in an open public arena. Whilst

there are provisions for the EC to be answerable for the policy choices it makes on the basis of policy inputs it received, there is unevenness to the extent that it follows accountability arrangements. Nonetheless, NGOs have stimulated the responsiveness of EU institutions where they have been able to raise the saliency of an issue, such that the EP will take up the cause in an effort to demonstrate its legitimacy as the people's tribune. In a striking analysis of 70 legislative files, Dür et al. find that business actors are less successful than citizen actors in EU policy-making, particularly where NGOs have succeeded in raising the saliency of an issue to the point that the European Parliament takes up the cause (Dür et al. 2015). Thus, interest group type matters; these authors found that business interests are only successful where conflict is low and issues remain technical and below the radar of public saliency to the EP, a finding echoed by others (Boräng and Naurin 2015). Klüver et al. also place emphasis upon the salience and complexity of an issue in determining interest group activities, as well as factors such as whether a change to the status quo is involved, policy type (regulatory policies producing competitive interest group politics), and the size of lobbying coalitions (Klüver et al. 2015). These contextual factors help to produce a far more nuanced account of EU interest representation than a focus upon resources or treatment of 'business' as if it were a homogenous actor. The procedures to structure dialogue between EU institutions and civil society reinforce an essentially pluralistic system in which EU decision-making is highly fragmented. There may be implementation deficits in some of the procedures—most notably the answerability of the Commission to consultation results—but this is part of a system in which EU institutions dominate the policy-making process, insulating themselves from pressure by outside interests or carefully selecting alliance partners to achieve their policy goals. In this open and structured dialogue, input is a 'voice but not a vote'. The procedures are a work in progress, but since their introduction from 2001, there have been incremental improvements to throughput legitimacy as a result of internal evaluations and external (Ombudsman, NGOs) watchdogs. They provide for an elite dialogue between EU institutions and largely Brussels-based organizations but in an environment where NGOs can raise the contention of issues and bring wider participation.

References

- Ariès, Q., & Panichi, J. (2015). Inside the EU's palaces of protest. *Politico*. Accessed August 26, 2016, from <http://www.politico.eu/article/europes-activism-lobbyists-institutions-ngos-civil-society/>
- Boräng, F., & Naurin, D. (2015). 'Try to see it my way!' Frame congruence between lobbyists and European Commission officials. *Journal of European Public Policy*, 22(4), 499–515.
- Bouza Garcia, L., & Greenwood, J. (2014). The European citizens' initiative: A new sphere of EU politics? *Interest Groups & Advocacy*, 3, 246–267.
- Broscheid, A., & Coen, D. (2007). Lobbying activity and fora creation in the EU: Empirically exploring the nature of the public good. *Journal of European Public Policy*, 14(3), 346–365.

- Crespy, A. (2014). Deliberative democracy & the legitimacy of the EU: A reappraisal of conflict. *Political Studies*, 62, 81–98.
- Dür, A., & Mateo, G. (2014). Public opinion & interest group influence: How citizen groups derailed the Anti-Counterfeiting Trade Agreement. *Journal of European Public Policy*, 21(8), 1199–1217.
- Dür, A., Bernhagen, P., & Marshall, D. (2015). Interest group success in the EU: How and why do business lose? *Comparative Political Studies*, 48(8), 951–983.
- ECORYS. (2007). *A voice, not a vote: Evaluation of the civil society dialogue at DG Trade*. Accessed August 29, 2016, from http://trade.ec.europa.eu/doclib/docs/2007/march/tradoc_133527.pdf
- European Commission. (2001). *White Paper on Governance*. Accessed August 22, 2016, from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:110109>
- European Commission. (2014). Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. OJ L 277, 19.9.2014 (pp. 11–24). Accessed October 22, 2018, from https://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.L_.2014.277.01.0011.01.ENG
- European Commission. (2015). Report on the application in 2014 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, Brussels, 6.8.2015 COM(2015) 391 final. Accessed August 23, 2016, from <http://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-391-EN-F1-1.PDF>
- Gehlen, C., & Webber, D. (2006). Lobbying in Brussels: The EU directive on the patentability of computer implemented inventions (A), European Case Clearing House case reference no. 206-062-1.
- Gornitzka, A., & Sverdrup, U. (2015). Societal inclusion in expert venues: Participation of interest groups and business in the European Commission Expert Groups. *Politics & Governance*, 3(1), 151–165.
- Greenwood, J., & Dreger, J. (2013). The Transparency Register: A strong vanguard of European lobby regulation? *Interest Groups & Advocacy*, 2(2), 139–162.
- Greenwood, J., & Tuokko, K. (2016). The European citizens' initiative: The territorial extension of a European political public sphere? *European Politics and Society*, 17, 4. <https://doi.org/10.1080/23745118.2016.1202234>.
- Inter-Institutional Agreement on the Transparency Register. Accessed August 29, 2016., from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0376+0+DOC+XML+V0/EN>
- Iusman, I., & Boswell, J. (2016). The dilemmas of pursuing 'throughput legitimacy' through participatory measures. *West European Politics*, 40(2), 459–478. <https://doi.org/10.1080/01402382.2016.1206380>.
- Jacquot, S., & Vitale, T. (2014). Law as weapon of the weak? A comparative analysis of legal mobilization by Roma and women's groups at the European level. *Journal of European Public Policy*, 21(4), 587–604.
- Klüver, H., Braun, C., & Beyers, J. (2015). Legislative lobbying in context: Towards a conceptual framework of interest group lobbying in the European Union. *Journal of European Public Policy*, 22(4), 447–461.
- Kohler Koch, B. (2012). Post-Maastricht civil society and participatory democracy. *Journal of European Integration*, 34(7), 809–824.
- Kohler Koch, B., & Quittkat, C. (2013). *De-mystification of participatory democracy: EU governance and civil society*. Oxford: Oxford University Press.
- Leiren, M., & Parks, L. (2014). When trade unions succeed: Cases of blocked liberalisation in the common market. *European Journal of Political Research*, 53(3), 465–479.
- Mandelkern Report. (2001). *Mandelkern Group on Better Regulation Final Report of 13 Nov. 2001*. Accessed June 6, 2017, from http://ec.europa.eu/smart-regulation/better_regulation/documents/mandelkern_report.pdf

- Official Journal of the European Communities. (1993). *An open and structured dialogue between the commission and special interest groups*, 93/C/63/02. Accessed August 22, 2016, from <http://eur-lex.europa.eu/legal-content/EN/TEXT/PDF/?uri=OJ:C:1993:063:FULL&from=en>
- Panichi, J. (2015). *Commission agrees to boost revolving door transparency*, Politico, 14 December 15. Accessed August 29, 2016, from <http://www.politico.eu/article/commission-agrees-to-boost-revolving-door-transparency-lobbying-juncker-ombudsman/>
- Parks, L. (2015). *Social movement campaigns on EU policy*. Basingstoke: Palgrave Macmillan.
- Schmidt, V. (2012). Democracy and legitimacy in the EU revisited: Input, output and throughput. *Political Studies*, 61(1), 2–22.
- Smismans, S., & Minto, R. (2016). Are integrated impact assessments the way forward for mainstreaming in the European Union? *Regulation & Governance*, 11(3), 231–251. <https://doi.org/10.1111/rego.12119>.
- Toor, A. (2016, August 30). Europe's net neutrality guidelines seen as a victory for the open web. *The Verge*. Accessed June 6, 2017, from <https://www.theverge.com/2016/8/30/12707590/eu-net-neutrality-rules-final-guidelines-berec>
- Transparency International (TI). (2015). *Lobbying in Europe: Hidden influence, privileged access*. Accessed August 29, 2016, from http://www.transparencyinternational.eu/wp-content/uploads/2015/04/Lobbying_web.pdf
- van de Steeg, M. (2010). Theoretical reflections on the public sphere in the European Union. A network of communication or a political community? In C. Bee & E. Bozzini (Eds.), *Mapping the European Public Sphere: Institutions, media and civil society* (pp. 31–46). Aldershot: Ashgate.
- von der Berchard, H. (2016, July 14). *The man who killed TTIP*. Politico. Accessed August 30, 2016, from <http://www.politico.eu/article/the-man-who-killed-ttip-thilo-bode-foodwatch-germany-free-trade/>
- Woll, C. (2012). The brash & the soft-spoken: Lobbying styles in a transatlantic comparison. *Interest Groups & Advocacy*, 1(2), 193–214.
- Young, A. R. (2010). The politics of regulation and the internal market. In K. E. Jørgensen, M. A. Pollack, & B. Rosamond (Eds.), *Handbook of European Union politics* (pp. 373–394). London: Sage.

Justin Greenwood is a Professor of European Public Policy at the Robert Gordon University, Aberdeen, UK, and a Visiting Professor at the College of Europe. The 4th edition of his book *Interest Representation in the EU* was published in 2017. He is the Principal Investigator for a research grant from the United Kingdom Economic and Social Research Council (2016–2019) on ‘Democratic Legitimacy and the EU: Inside the Black Box of Trilogues’, a project with a focus on civil society organisations, together with Christilla Roederer-Rynning (Southern Denmark University). He has supervised 12 PhD students through to completion and has delivered training for the European Commission and International Labour Organisation.

Chapter 3

Improving Interest Group Accountability. LogFrame: A Framework for Evaluating Lobbying Campaigns



Paul A. Shotton

Introduction

While much has been done in recent years to bring transparency to the activity of interest groups active in lobbying the institutions of the European Union (EU), and to consolidate and spread appropriate codes of conduct, there is much less published on the evaluation of their activity—whether or not their activity really translates into the agreed results and the promised influence on the decision-making process, in verified ways. This chapter presents an approach to fill this gap. It offers a planning tool for describing, in a systematic and where possible quantified way, the objectives that interest groups pursue in seeking influence to the decision-making process, the methods they use to pass messages and exert influence, and the impact of the results obtained when set against the original objectives. Agreeing with scholars such as Dür (2008a, 1227), the definition of interest groups is not limited to trade associations, but also includes all types of firms and other organizations that aim to influence EU policy making, including campaign groups undertaking advocacy.

Interest Group Transparency

To begin, it is useful to recall that ensuring the transparency of interest groups active in the EU in terms of their funding, clients, objectives, and activities continues to be an issue of great importance to policy makers, to civil society, and also to the interest groups themselves. The aim is to make known who is seeking access to the decision-making process and to have confidence that their activities are conducted in

P. A. Shotton (✉)

The Hague University of Applied Sciences, The Hague, The Netherlands

e-mail: p.shotton@hhs.nl; <https://www.thehagueuniversity.com>

© Springer Nature Switzerland AG 2019

D. Dialer, M. Richter (eds.), *Lobbying in the European Union*,

https://doi.org/10.1007/978-3-319-98800-9_3

conformity with a transparent code of conduct, either promulgated by the organizations targeted by interest groups or promulgated by the interest groups themselves to build their public reputation, and facilitate access to decision-making.

To tackle this issue, the EU has taken a number of initiatives to promote transparency, most notably the transparency register (TR) with its related code of conduct. Several organizations have sprung up to monitor the lobbying activities of European interest groups, for example, Corporate Europe Observatory (CEO) or Finance Watch. Interest groups and consultancies representing industry have adopted their own codes of conduct,¹ and interest groups more widely, whether consultancies, law firms, in-house lobbyists, trade associations, nongovernmental organizations (NGOs), think tanks, religious organization, or regional and local representatives, have also in many cases accepted to improve transparency through codes of conduct and institutional transparency registers.

However, these initiatives to improve transparency focus on which interest groups seek to gain access to and influence decision-makers and their way of working. How to evaluate and demonstrate the effectiveness and financial prudence of their lobbying activities remains much more obscure (O'Dwyer and Unerman 2008; Ri and Forder 1996). That being said, NGOs, especially campaign groups, who are increasingly active in advocacy campaigns, respond to a higher requirement of accountability of their effectiveness than other interest groups of their campaign activities. This is because many NGOs rely on financial support from international donors as well as matched funds provided by the public. These sources of funding bring with them a requirement to make careful justification of financial expenditure, and to account for results, to those providing the financial backing.

Yet, interest groups in general conducting advocacy campaigns cost money, time, and resources. Expenditure has been made in order to achieve advocacy goals. These goals are aligned with organization's leadership, with financial backers and donors, and, in some cases, used to encourage donations from the public. Accordingly, all interest groups should be held accountable for the proper use of their resources and the achievement of their stated goals.

Regrettably, though even for NGOs, this practice is far from universal. According to Chapman and Wameyo (2001, 5), "partner NGOs often perceive the need to monitor and evaluate as burdensome and extraneous requirements, rather than an opportunity to learn and improve the on-going quality of their initiatives." Given the lack of industry standard lobbying evaluation tools, this sentiment is probably also widespread among the for-profit lobbying organizations.

¹Society of European Affairs Professional. <http://www.seap.be/>; European Public Affairs Consultancies' Association. <http://www.epaca.org/>. Accessed 9 June 2017.

Toward an Industry-Wide Standard: The Logical Framework Approach (LFA)

So far, only some NGOs evaluate campaigns using LFA,² and a relevant industry-wide standard for advocacy and interest groups that clearly sets out the predefined goals, objectives, actions, and results for a lobbying campaign does not exist. Without such a framework, demonstrating the effectiveness and assessing the outcomes of a lobbying action remains at best partial, even anecdotal, and at worst based on unverifiable assertions. Fortunately, learning from the best practices in the NGO community and the wider development sector offers a way forward toward greater transparency and accountability for the wider community of interest groups, such as consultancies and in-house public affairs practitioners. The NGO community and beyond evaluate campaigns as major Western donors require this from their implementing partners in order to guarantee transparency about their results. Their use within political campaigns as, for example, by the UK government with political dialogue campaigns is a recent pre-requirement for the allocation of funds. The need for NGO's accountability to donors and supporters has resulted in the widespread use of a tool called the Logical Framework Approach (LFA or LogFrame).

LFA has its origins in the 1960s, with rapid adoption across the world since the 1970s. It is used by private companies and a majority of international development organizations, when designing, monitoring, and evaluating their projects and programs. The use of the same framework by aid recipients is also required by many multilateral and international donor agencies such as the World Bank, the UK Department for International Development (DFID), EuropeAid, the United States Agency for International Development (USAID), the United Nations Development Programme (UNDP), as well as German, Swedish, Norwegian, and Swiss development agencies. For example, the Swedish International Development Cooperation Agency (SIDA), like many other donor agencies, has decided to use and to encourage its cooperation partners to use the LFA method, to improve the planning, implementation, monitoring, and the evaluation of a development intervention, which includes advocacy components.

Results Frameworks and Theory of Change

In recent years, international donor agencies have been increasingly referring to “results frameworks” instead of LFA, although the two are the same thing. This is because international donors are seeking to emphasize that what counts is the change that the program has resulted in (i.e., the outcomes and impact and to some extent the outputs) as opposed to the inputs and activities. In the 1990s and 2000s, international

²UNICEF programs often involve campaigns. Their program documents include a LogFrame.

donors were satisfied with reporting on inputs and activities. In the current decade (2010s), western donors have started to demand evidence of change as a result of programs.

Donors such as DFID are also asking implementing partners to present a “theory of change” to supplement the LFA. The theory of change emerged in the 2000s and seeks to describe the causal pathway of how the program will result in change, the assumptions being made, and the evidence on which this theory of change is built (e.g., research). The theory of change is often represented either as a diagram or as a narrative with “if...then” statements. The theory of change contains the same information as a LFA, but it also provides some evidence to justify why an NGO expects a specific type of change to happen. A theory of change also has the advantage of presenting the information in a less linear manner than the LFA.

Interest Groups Include Campaign Groups

So far, we have referred to interest groups and their advocacy activities only. However, campaign groups also carry out advocacy activities. Before exploring the LFA approach further, it will be useful to review differences between interest groups and campaign groups. The most notable difference relates to their audiences and the sophistication of their message. Davies (2001, 14) distinguishes between lobbying and campaign groups, emphasizing that campaign organizations generally have a larger number of participants, more media and public actions, and often, simpler messages to convey.

Campaign organizations have been relatively active already in examining the question of evaluating the effectiveness of their campaigns from both a methodological perspective (Chapman and Wameyo 2001; Davies 2001) as well as in reference to specific campaigns (Cugelman and Otero 2010). However, research into advocacy evaluation remains in relative infancy. One paper particularly notes the lack of a “community practice” (Guthrie et al. 2005, 11). Indeed, according to Kelly (2002, 8), “without such assessment NGOs remain exposed to their worst and most skeptical critics.” Whelan (2008, 7) acknowledges the rapidly emerging nature of this field of research, while stressing the “efforts to link the perceptions and knowledge of participants to wider strategic and policy process theory has the potential to add significant value to the advocacy organization.”

Yet, up to now, researchers have made little connection between studies of the activities of advocacy of campaign groups and studies of similar activity by interest groups. Consequently, compared to studies of the impact of campaign groups, studies of interest groups are less advanced in proposing ways to evaluate advocacy campaigns. To date interest group research has focused mostly on identifying indicators and measures of interest group influence (for notable examples see the work of Chalmers 2011; Dür 2008a, b; Klüver 2009).

Case studies and other qualitative and quantitative research have put forward a large number of potential factors to explain interest group influence (indicators of