

BABEŞ-BOLYAI UNIVERSITY

FACULTY OF EUROPEAN STUDIES

PHD THESIS

LOBBYING AND THE EU DECISION-

MAKING PROCESS

(abstract)

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Key words: lobbying, EU decision-making process, influence, EU institutions, multilevel governance, governmental actors, non-governmental actors, lobbying campaigns, lobbying strategies and techniques, EU lobbying regulation

The present research proposes an analysis of the phenomenon of lobbying in general and the phenomenon of lobbying at the EU level, as part of the decision-making process, in particular. The paper is structured in six chapters: the first four chapters contain the theoretical part, while the fifth is the practical part focusing on a specific case study and two series of interviews with experts. The last chapter contains the research conclusions, following the bibliography and the appendices.

Before analyzing the impact of lobbying on the decision-making process, the author considers that it is necessary to, firstly, define lobbying and present a brief history of the phenomenon and, secondly, to observe its evolution in time, also the European policy-making – this is the function of the first chapter. As European lobbying is perceived in the context of the European and global governance, the second chapter deals with exposing theories of European and global governance, the new governance of the European Union and the phenomenon of Europeanization; concepts such as intergovernmentalism versus supranationalism, corporatism versus pluralism are also interpreted. An analysis of globalization and regionalization, of the G20 and BRICS - as leading examples with reference to global governance, globalization, regionalization - is also inserted into the paper. The third chapter discusses the concept of 'logic of influence', in the context of the EU lobbying, the relationship between the European institutions and the lobbying actors, as part of the EU decision making process, while also describing the routes of EU lobbying through the EU institutions. In addition, the institutionalization of the interest groups in Brussels is analyzed, in relation with the 'democratic representativeness', while other concepts like 'public relations' 'public affairs' or 'government relations' are also explained. A more detailed and nuanced picture of EU lobbying follows – so the fourth chapter highlights different lobbying strategies, techniques and tactics.

In this context, both national and European routes are being observed, with reference to the strategic planning of EU lobbying actions. Another issue that this paper addresses is lobbying regulation. For a better understanding of lobbying from a practical perspective as well, the fifth

chapter includes a case study based on a lobbying campaign conducted at the EU level (the concrete example refers to the 'biofuels' dossier), two series of interviews with experts in the field of lobbying, the decision-making process and biofuels, with the related quantitative and qualitative interpretations. The sixth chapter contains the final conclusions of the research. The bibliography of the paper and a series of annexes, containing the original version of the interviews with experts are also attached.

A clear and accurate image of the EU functioning as a whole requires good knowledge of the decision-making process with its many nuances. With each revision of the EU treaties (representing the very basis of the EU functioning itself), the goal was to improve, simplify the decision-making process and make it more efficient and transparent. However, for a better understanding of this phenomenon in its complexity, a global reference is needed not only to the European institutions and the European advisory bodies, but also to lobbying which becomes more and more developed at the EU level. In other words, in this paper the EU decision-making process is treated especially in the light of the phenomenon of lobbying.

In a democratic space, a good relationship between Power (decision-makers) and the civil society is perceived, at least in theory, as indispensable and normal. This relationship is often based on a sort of interdependence created between politicians, technocrats and interest groups (or citizens). Politicians, public officials need legitimacy, expertise, coalition partners, assistance in implementing public policies, whereas influence groups themselves need access to information about different proposed policies, access to decision-makers for providing them with expertise aiming to influence future decisions.

In the relation between Power and civil society, lobbying appears and develops as an expression of the fundamental right of citizens to express themselves and group themselves into associations for achieving some common goals. EU lobbying develops as a component of the community construction, in line with its evolution (depending on the EU treaties): as a consequence, from a rather chaotic and informal lobbying (which was the case at the beginning), now EU lobbying proves to be more and more structured, institutionalized and better regulated. Lobbying is a very active Brussels' component, both through the European advisory bodies and the various federations, organizations, associations, companies, consulting firms, NGOs, etc. These structures (interest groups) are the link between civil society and Power, providing

information coming from representatives of local, regional, national authorities, civil society organizations, different associations, technical experts and the academics or citizens, taken individually.

The consultation mechanisms are part of the very activity of the European institutions, throughout the entire decision-making process – from the legislative initiative phase to the implementation of the proposal in question. Besides, the consultation has two main purposes:

- improving, deepening the content of the policy - the European institutions need the extra information and expertise from lobbyists;
- the interest groups' involvement in the decision making.

Political credibility is essential especially in such a complex and pluralistic space as the European Union. Establishing dialogues and partnerships with various interest groups can enhance the needed credibility for maintaining a natural balance of the political system as a whole. Sometimes lobbying is perceived in a pejorative way: a number of experts associate the lobbying act with the idea of corruption, political blackmail and they also mention the risk that some interest groups may enjoy privileged rights (because of the impressive budgets some interest groups hold, there are experts who believe that these lobbyists would have greater access to the decision makers, meaning a greater influence over the political decisions). However, as already mentioned, lobbying is perceived as a natural, indispensable and necessary component of a democratic state for a better, efficient and transparent functioning of society. Without lobbying, civil society would be deprived, in an unjust way, of the fundamental democratic right to express its views, opinions, needs or arguments and solutions proposed to develop public policies that take into account not only the 'political voice', but also society, as a whole.

Obviously, for the act of lobbying to be transparent, for all interest groups - regardless of their economic force - to have equal access to decision makers, lobbying should be strictly regulated so that its transparency degree cannot be argued. Especially in the last years, there have been many EU debates about regulating lobbying and a series of measures have been taken. Even if some progress has been made, there are still many issues which remain to be resolved and a delicate challenge is whether in the coming years regulating lobbying will be on binding or voluntary basis.

What is the effectiveness of lobbying at the EU level? What is the degree of influence lobbying has in the EU decision making process?

The steps followed for the research were as follows :

- preparing the general documentation - collection of information;
- identifying the main topics of the analysis;
- collecting data for the research, development research samples, preparing the interview plans, contacting the experts selected for the interviews;
- synthesizing materials and formulating the theoretical part;
- analysing the interviews and preparing the main outcome in this sense ;
- preparing the results and conclusions of the whole research;
- preparing the list of references for the thesis;
- preparing the appendices of the paper.

The documentation for the present research focused on the following elements:

- consulting the available publications at the European Commission Library, the European Parliament Library, the Committee of Regions Library, the Social and Economic Committee Library, Brussels ;
- consulting the available publications at the 'Université Libre' Library, Brussels;
- consulting the available publications at the "Babes-Bolyai" Library, Cluj-Napoca;
- consulting official websites of the European institutions and European advisory bodies;
- consulting various official materials published by the European institutions / European advisory bodies;
- consulting various relevant materials developed by NGOs, think-tanks, European companies and consulting firms;
- consulting relevant journalistic materials published in the European press;
- conducting interviews with experts from the European institutions, Brussels;
- conducting interviews with experts in the field of European lobbying in Brussels (consulting firms, companies, associations, NGOs, research centers).

Research methods used :

The paper is based on the qualitative method and the research tools used are the case study and the interview. The author has chosen the qualitative method for an in-depth exploration of the subject and for achieving a comprehensive analysis (the qualitative method being recognized as an exploratory one). Also, the author has considered that for a better and more nuanced understanding of this phenomenon - lobbying and the EU decision making process - a specific case study and two series of in-depth interviews with experts in the field are welcome. Establishing a smaller sample was preferred (a characteristic of the qualitative method), which can lead to developing in-depth interviews, and, depending on respondents' availability and preference, answers were provided either in face-to-face interviews, by telephone or in writing.

Therefore, the practical part of the work consists of a case study on a 'Lobbying Campaign on Biofuels at the EU Level' and two types of interviews with experts on: a) 'Lobbying and the Decision-Making Process at the EU level' and b) 'Lobbying Campaign on Biofuels at the EU Level'. The first set of interviews was conducted in the interval April 2012 - September 2012, with seven respondents, and the second interview in the interval June 2013 - September 2013, also with seven respondents.

Lobbying is an extremely complex phenomenon and can be analyzed from many perspectives. The author of the research was particularly interested in testing the effectiveness of lobbying campaigns at the EU level, and, more precisely, the degree of influence lobbying has at the EU level. The books consulted, the case study and the two series of interviews with experts have led to some conclusions in this respect.

The author formulated the following research interrogations:

• *Can an intensified preventive & proactive lobbying lead to a more efficient and transparent EU decision-making ? And is able such lobbying to reduce the risk of potential major political crisis?*

• *Does the success of a lobbying action fundamentally depends on the transparency degree of the political system which is intended to be influenced and of the relevance of the information provided to the decision makers ?*

Both the case study and the interviews with experts show that all stakeholders directly affected by the European legislation on biofuels have conducted lobbying activities. In general, these were developed within strategic coalitions in order to raise interest groups' representativeness, thus aiming to maximize chances to influence decision makers. The most relevant lobbying strategies and techniques used in this case are: lobbyists approaching policy makers both at the European and national level, information gathering and monitoring, conducting scientific studies, creating key messages and transmitting them to the general public and mostly to decision makers; organizing wide strategic communication activities (seminars, conferences, debates), organizing citizens' mobilizations or analyzing how to implement the proposed legislation. Lobbying has been conducted in quite all relevant directions: lobbying the European institutions, lobbying the EU Member States, different forums and institutions such as the G8, G20 and the UN. In addition, there is the inter-institutional lobbying (developed, for example, between the European Commission and the European Parliament for formulating the proposed legislation, policy amendments, etc.) and the intra-institutional lobbying (developed between different DGs of the European Commission having a particular interest in the file, or between various committees of the European Parliament).

Each of these interest groups has had a certain degree of influence on decision makers as proved by the modifications included in the European Commission's legislative proposals, and by the political amendments included in the legislative proposals at the European Parliament, corresponding to the positions expressed by the stakeholders. The lobbying techniques and strategies developed in the 'biofuels' dossier (according to the information provided by the experts interviewed) are not to be found just in this specific lobbying case. In other words, these strategies and techniques can be found in many other cases of European lobbying (although, of

course, the techniques may be applied with more or less different nuances, on a case by case basis). Public policy-making at the EU level is therefore a comprehensive and nuanced process - a permanent interaction between decision makers and those interest groups directly affected by the respective political decision. The decision-making is a long process. This implies - both for governmental actors and (mostly) for non-governmental actors numerous debates and negotiations, intense lobbying, and - for achieving good results - impeccable strategies.

The existing literature on lobbying and most of the experts interviewed, including the case study conducted contribute to leading the conclusion that on the one hand, a preventive & proactive lobbying can make the decision making process more efficient and transparent, and, on the other hand, the transparency degree of the political system which is intended to be influenced and the relevance of the information provided to decision-makers are fundamental aspects for successful lobbying. The chronological factor is crucial in lobbying. A successful lobbying strategy is based on a very early intervention of the interest groups in their dialogue with the decision makers. It is important - it can be even crucial - that lobbying takes place before the legislative proposal is launched by the European Commission. Lobbying can be extremely influential in the preparation phase of the legislative proposal when the Commission needs the expertise from lobbyists. It is a mutual exchange, on the benefit of both sides (interest groups provide decision makers with information, and, therefore, they can gain influence in return). So this is one of the peak times of lobbyists' access to decision makers. Effective lobbying starts not with the lobbying action itself, through external communication, but with developing an effective strategy as soon as possible.

Moreover, as we have noticed, the dialogue with governmental actors is placed somewhere towards the end of the lobbying process. A concrete example of the importance of preventive lobbying led by interest groups for obtaining favorable results in the decision making process is offered by one of the experts interviewed for the practical part of the paper. As an active lobbyist on the 'biofuels' dossier, the expert highlights how a very late intervention on the European lobbying scene was a fundamental strategic mistake which their team has made in their lobbying campaign. In fact, it was imperative that the intervention took place as early as possible.

Preventive & proactive lobbying can make the decision-making more transparent due to an early access of lobbyists at the political agenda at an incipient stage or due to the ability of interest groups to contribute at formulating the political agenda. A strong preventive lobby can establish priorities for this political agenda. So, transparency of a preventive & proactive lobbying functions in two directions and refers to the fact that during the decision making process, on the one hand, interest groups have early access to the political intentions of governmental actors, while decision makers have access to the lobbyists' visions, expectations and arguments. This transparency corresponds to a global governance based on a democratic system. One of the lobbying functions refers to the political risk management. By preventive & proactive lobbying a number of issues and trends in the political arena can be identified ; in addition, not only current legislation can be analyzed, but also legislation which is in an early stage of preparation. At the same time, various ideas can be transmitted through lobbying actions to encourage taking into account possible future legislative proposals, which have been not already shaped. To avoid major political crisis, the ideal scenario is that the legislative proposal does not advance before the stakeholders have been consulted, their views filtered and, where appropriate, integrated into the given legislative text.

In general, researchers, experts believe that for a successful lobbying the political system that lobbyists try to influence must be transparent. They must provide decision makers relevant information. Through the strength, credibility, consistency, intelligence of the argument, one interest group is able to impose itself before another one, in its dialogue with the policy makers. It can win priority and can gain influence. It is of major significance the lobbyist's ability to select, from the wide variety of existing information, that particular information which may offer a real added value. It concerns information which can be adapted to the European institutions' needs and which can convince - not (only) by seducing the other side involved (this strategy being not rarely used), but (mostly) based on rational, valid arguments. In a democratic system, an opaque dialogue between state actors and non-governmental actors loses sense and consistency. Mutual trust is one of the fundamental strengths lobbying has, and, in its absence, both parties involved in the process can compromise themselves. The decision making itself may thus be severely jeopardized. In fact, this situation determines many experts to ask the European institutions the introduction of a compulsory lobbying regulation at the EU level, hoping for an increased transparency of the decision-making mechanism as a whole.

Obviously, lobbying has to be an integral part of a democratic decision-making in the European Union (as in any other democratic space, of course). This is because public policies should be deeply rooted in the civil society. Otherwise, they do nothing but to distance themselves of the healthy and natural contact with the reality which they have to reflect as precisely as possible and to a large extent. From this permanent dialogue between governmental actors and non-governmental ones, in theory, everyone has something to offer and something to gain. To create a fair and efficient governance mechanism, things should be viewed as a whole. Any crack in this respect, would create slippages without, therefore, permitting the system to develop in a constructive manner.

Ten different lobbying teams, dealing with the same case and - supposingly - even holding the same information, the same network of contacts – will bring some more or less different results. The difference will be, of course, precisely the ability to create the most effective strategy. The relationship between the European institutions and interest groups in the lobbying process is complex and nuanced. It's an endless negotiation of interests, a fabulous exercise based on power and influence, and the need of information.

I believe that lobbying can be extremely influential as part of the decision-making process, as long as each actor involved builds his strategies effectively - with tact, intelligence and perseverance. Naturally, the phenomenon of lobbying can be analyzed from many perspectives. Lobbying is like a living organism that grows, is modeled, sometimes modified, but, in essence, it keeps its basic purpose and function – that of *influencing*.

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