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Panel “New frontiers in EU business lobbying?”
by Beate Kohler-Koch and Christine Quittkat

Competition, Cooperation, and Campaigning – Blurring lines in EU interest representation?

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Abstract

Enlargement, institutional reforms, and governance change have brought about new constraints as well as new opportunities regarding the repertoire of interest representation in the EU. In an ever larger concert of opinions and as a response to the demands of the Commission which is pushing for aggregated positions in order to avoid information overload, interest groups instead of being lone fighters representing competing interests, are pressured to cooperate. In addition, modern communication (Internet, Social Media, etc.) and the upgrading of the EP, which traditionally is far more sensitive to public pressure than the Commission, can be expected to lead to a broader use of outsider strategies than a decade ago. Similarly, it is perceivable that the Commission’s consultation instruments also serve as lobbying instruments for interest representatives – with distorting effects on their original objective. On the basis of two genuine datasets from 1999 and 2012 (EUROLOB-project), this paper analyses changes in the EU lobbying repertoire of business interest associations. Altogether it is expected that these changes blur traditional cleavage lines in EU interest representation, at best resulting in new patterns of competition; but they might as well make the EU system of interest representation more opaque than ever, counteracting the Commission’s (and EP’s) efforts to render EU decision-making more transparent.

Competition, Cooperation, and Campaigning – Blurring lines in EU interest representation?

Introduction

Today we can look back on more than half a century of European integration, its gravity centre long being economic integration and thus accompanied from its very beginning by activities of economic interest groups. Despite its long history, interest intermediation in the EU is, like the EU itself, in a constant flux, adapting to new structures, opening up to new or different actors and creating new characteristics. In the 1990s the discussion focussed on the question whether a “European model” of interest intermediation has evolved (Mazey/Richardson 1993). The empirical analysis of European strategies of interest intermediation of (national) business interest associations at the turn of the century brought a clear answer: Some general traits of European interest intermediation could be detected resulting from the EU’s multi-level system, the specific configuration of its institutions and its processes of policy making. But the overall picture was one of variance: Strategies of European interest intermediation differ significantly, relevant factors for variation being resource endowment, national background, or economic branch, to name just a few (Eising 2009, Quittkat 2006).

In recent years, enlargement, institutional reforms, and governance change have again considerably altered the structures of the EU and brought about new constraints as well as new opportunities for business interest associations. The main argument of this paper is that (1) the appearance of more, new and different interest groups in the arena of EU interest representation, (2) the institutional reforms of the EU and especially the new role of the EP as well as (3) the turn to new modes of governance have changed the strategies and repertoire of business interest associations in the last decade, the catchwords competition, cooperation and campaigning summarising the expected developments and changes.

The interrelation between these developments and their effects on BIA interest intermediation in the EU can be summarised in a number of working hypothesis. Since 1999 and the first EUROLOB I survey, the number of EU-member countries has increase from 15 to 27. Enlargement has multiplied the number of actors which not only increases competition in numbers as regards direct EU-level interest representation, but also adds to the heterogeneity of interests to be consolidated. Furthermore, the philosophy of ‘participatory governance’ has upgraded those associations which claim to represent the ‘value and rights based NGO sector’¹ and resulted in the broadening of the spectrum of interests represented at EU-level, with business interest associations and non-governmental organisations (NGO) being likewise present in Brussels (Quittkat 2011b). The strengthened presence of NGO together with the arrival of interest representatives from the new-member countries add up, so *hypothesis I*, to a highly competitive environment. Indeed, with “ear-time” become scarce for interest representatives, we expect EU-level associations to have gained – or increased – their preferential position as contact partner of

¹ This is the common denominator of the member associations of the Civil Society Contact Group (<http://www.act4europe.org/code/en/default.asp>; accessed 22.12.2010).

the Commission, bundling their members' interests to a (single) common position and abiding to their role as interest intermediary (*hypothesis II*); in addition, we expect scarce "ear-time" to result in more alliance building (*hypothesis IIIa*), including more outsourcing to professional public affairs consultants than before (*hypothesis IIIb*).

Further, it can also be expected that the development of interest intermediation is affected by institutional reforms of the EU. Especially the expansion of decision making by majority in the Council and the upgrading of the EP in the so called "ordinary legislative procedure" through the Treaty Reforms of Nice (2001) and Lisbon (2009) should have visible effects on the strategies of BIA (see the paper by Beate Kohler-Koch). Especially the new relevance of the EP could have an impact on the repertoire of BIA. As parliaments generally are more receptive than other institutions to the mobilisation of the public and the media (Eising 2009: 186) and because outsider strategies of NGO could serve as a role model and/or provoking analogical counteraction, it might well be that BIA are more open to outsider strategies today than a decade ago (*hypothesis IV*).

Finally, we not only expect that the institutional reforms have multiplied the access points for interest groups in the EU, but also that the Commission's new consultation regime has effects on the interest intermediation strategies of BIA. As the Commission's consultation regime today has successfully lowered the threshold of access and resulted in the broadening of the spectrum of interests represented at EU-level, we assume that EU NGO, to which usually an outsider status is ascribed to, appreciate the Commission's new consultation instruments like online consultations² or policy forums and platforms for the purpose of interest representation more than EU BIA (*hypothesis V*).

Altogether it is expected that changes in the EU lobbying repertoire blur traditional cleavage lines in EU interest representation, at best resulting in new patterns of competition. But they might as well make the EU system of interest representation more opaque than ever, counteracting the Commission's (and EP's) efforts to render EU decision-making more transparent.

Methodological remarks

For the empirical analysis I draw on the 1999 EUROLOB I database and the 2012 EUROLOB II database.³ While EUROLOB I was addressed to business interest associations and selected companies in Germany, Great Britain, France, and the EU, the EUROLOB II database additionally addressed business interest associations in Poland as well as EU-level non-governmental organisations. Both databases consist of a comprehensive quantitative survey. They included questions on the frequency of contacts that business interest associations maintain with European and national political institutions, the quality of their relations with these political institutions and other organizations, and the characteristics of the associations' organization, their members, their economic sector, and their organizational activities as well as their instruments of interest representation. The size of the datasets is indicated in Table 1. As the data for Poland will be presented in a separate paper by Urszula Kurczewska and because Poland was not part

² Online consultations are consultations that are announced on the Internet and that allow for answers by electronic mail or online questionnaires.

³ For information on the research strategy of the EUROLOB projects see Beate Kohler-Koch (2012).

of the EUROLOB I project, for the purpose of this paper the analysis of the strategies of national BIA is restricted to BIA from Germany, France and the United Kingdom, all of which are analysed “en bloc”.

Please note that the EUROLOB II survey has not been fully completed at the time of the writing of this paper. Later revisions of this paper or any other publication of the EUROLOB II project might show (minor) divergences in outcomes; yet, it can be expected that the overall results will remain stable.

Table 1: Size of dataset EUROLOB I and dataset EUROLOB II (as of 20th August 2012)

	British BIA	French BIA	German BIA	Polish BIA	EU-level BIA	EU-level NGO	Companies	Total
EUROLOB I	196	113	289	--	182	--	34	814
EUROLOB II	110	100	190	37	98	30	31	596

The analysis will proceed in three steps.⁴ First, I concentrate on the question of competition between interest groups and the access opportunities for different interest groups to (different) EU institutions. Second, cooperation patterns between actors will be analyzed, and finally the repertoire of lobbying tools will be at the center of my study. In the last part of the paper my findings with regard to the working hypotheses will be summarised.

Competition and access

Competition

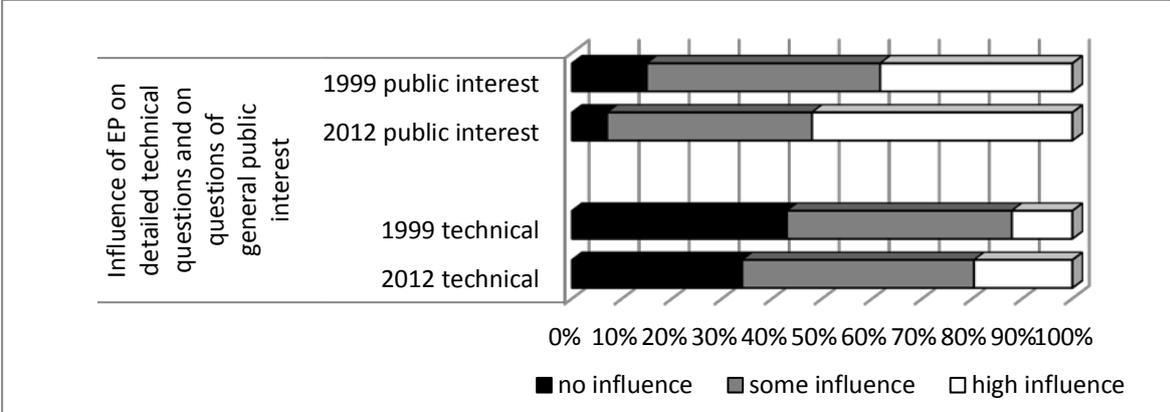
It has often been pointed out in the research literature that the number of interest representatives has increased considerably in the EU over the years (Greenwood 1997, 2005; Berkhout/Lowery 2008). For our research project we can confirm this with regard to business interest associations, as the number of addressees of our questionnaire in Germany, France, Great Britain and at EU-level has increased from roughly 2000 in 1999 to 3300 in 2012. But not only the number of associations in the EU-member states and at EU-level has increased; the number of EU-member states itself has augmented since our research project in 1999 from EU-15 to EU-27. Adding to this the Commission has undertaken considerable efforts to strengthen the (rights and value based) NGO sector (Smismans 2003), inter alia by providing financial support to EU-level organizations.

Behind this background it comes to no surprise that interest groups perceive considerable changes in the conditions of EU interest representation since the 1990s (national BIA: 81,36 %, EU BIA: 94,74 %, EU NGO: 85,71%). These changes are mainly attributed to an increase in the competition between interest groups (see Figure 2). In addition, albeit to a lesser degree, changes in the conditions of EU interest representation are also attributed to the new role of the EP. This is well reflected in the comparison of the influence attributed

⁴ As this is the very first data analysis of the new EUROLOB II data set, the empirical analysis in this draft version is predominantly descriptive.

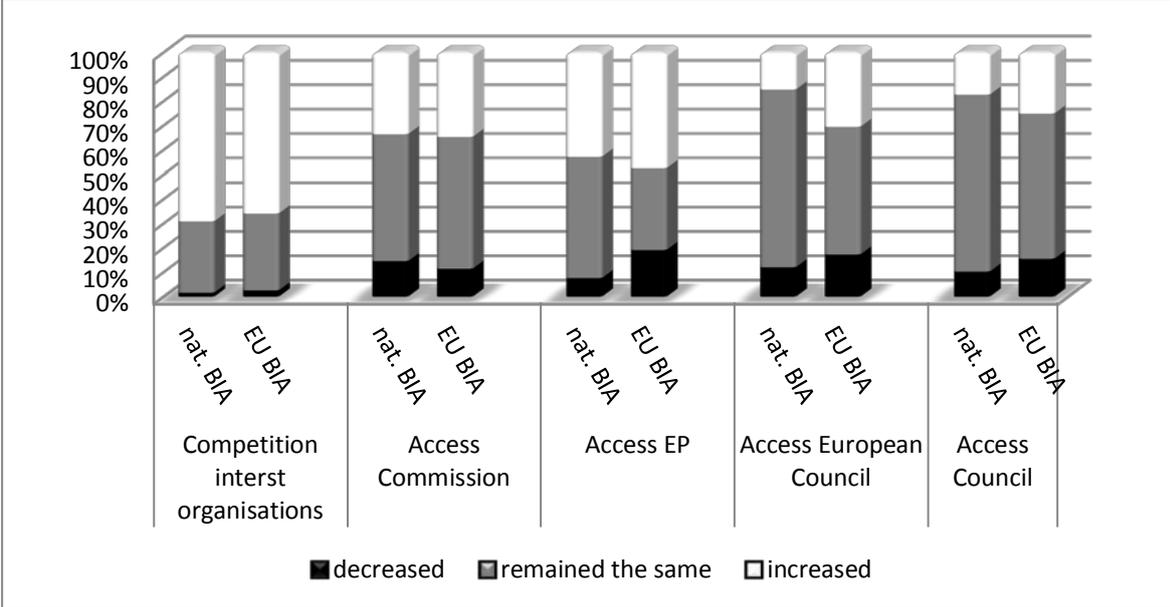
to the EP regarding technical questions as well as questions of general public interests. For both the EP is perceived of having gained relevance as an actor and thus addressee for lobbying (see Figure 1).

Figure 1: Influence of EP on detailed technical questions and on questions of general public interest



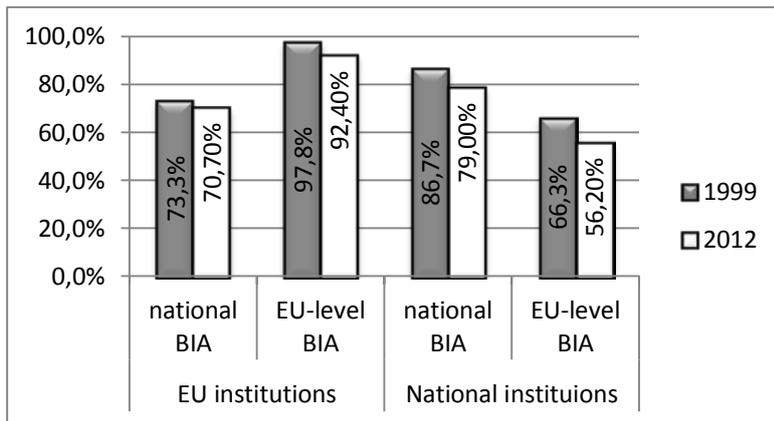
Hand in hand with the new role of the EP we find that BIA perceive an increase in the access opportunities to the European Parliament (see Figure 2). But access opportunities to the Commission, and in the case of EU-level BIA, to the European Council and to the Council have also increased in the perception of roughly a third of BIA.

Figure 2: Changes in the conditions of interest intermediation in the EU



Although access opportunities are considered to have increased, the number of national as well as EU-level associations having *direct* contact with EU-level and/or national level public actors in the context of EU-lobbying has diminished slightly since 1999 (see Figure 3). But those who engage in EU-lobbying today do so more intensively than those a decade ago (see the paper by Beate Kohler-Koch).

Figure 3: Contacts of BIA with EU-level and national institutions 1999 and 2012



The institutional reforms of the EU are well reflected in the assessment of the importance of contacts to the different EU-level and national institutions in the context of EU-lobbying. Roughly we find that the importance of contacts to the Commission remained stable, the Council as well as the EU regulatory and standardisation authorities have lost importance, and the EP has gained relevance for EU-lobbying.⁵

Access

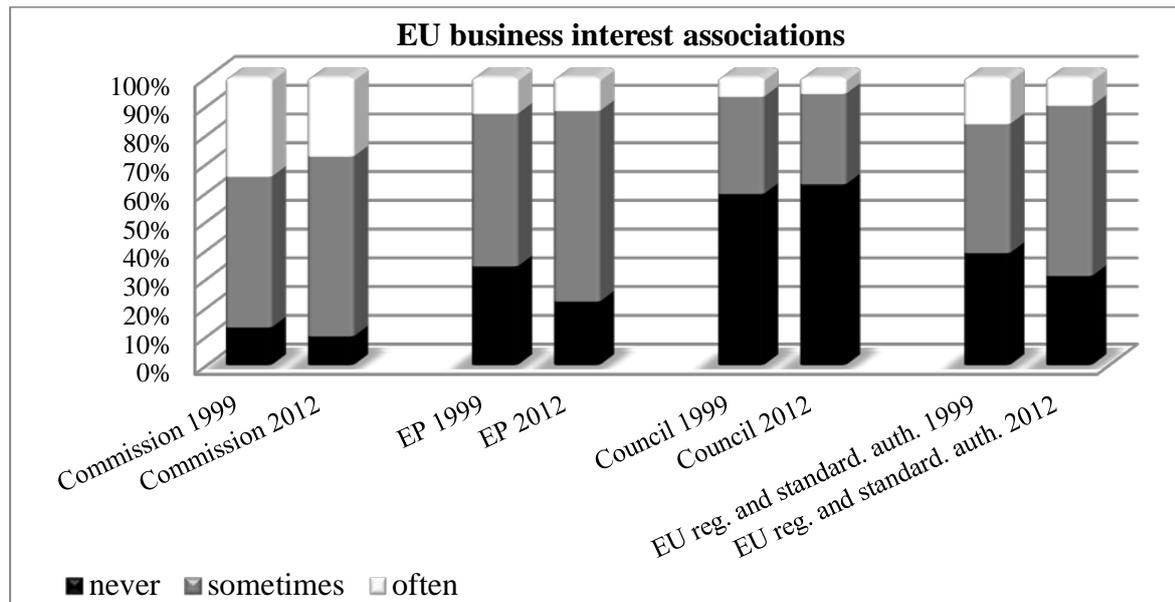
BIA not only experience increased competition between interest representatives; this also has an effect on the relative position of EU BIA as contact partners for EU institutions. Comparing our survey results from 2012 with the data from 1999, the number of EU BIA indicating that their contacts with EU-level public actors are sometimes or often initiated by the EU institutions themselves, has increased (see Figure 4). Obviously EU institutions attribute to EU BIA a pivotal role as interlocutors. By aggregating their members' interests and articulating a common view, EU BIA help to reduce transaction costs and therefore are relevant contact partners for EU institutions. In 2012 90 percent of the EU BIA declared that contacts with the Commission were sometimes or often initiated by the Commission itself, compared to 67,3 percent of national BIA, which however only implies an increase by 3,10 percent compared to 1999. Similarly, 77,9 percent of EU BIA indicated that contacts with the EP were sometimes or often initiated by the EP itself, the proportion of national BIA only lying at 57,5 percent. The increase of 12,3 percent since 1999 underlines that both, the EP itself as well as EU BIA, have gained importance in the process of EU policy making.

A considerable role as intermediary is also played by EU BIA with regard to EU-level regulation and standardization authorities. Compared to 1999 the number of EU BIA

⁵ Contacts with national public actors play the same role for national BIA as a decade ago. As regards national parliaments, however, we find that parliamentary parties have gained importance while the single members of the national parliaments have lost importance for EU-lobbying of national BIA. For the lobbying of EU-level BIA, contacts to all national institutions have lost importance, but here again national parliamentary parties are those which suffered least from this development (see the paper by Beate Kohler-Koch).

which are contacted by EU-level regulation and standardization authorities has increased by 11,0 percent and now lies by 69,0 percent. In comparison: Merely 49,8 percent of national BIA are sometimes or often contacted by EU-level regulation and standardization authorities. Only in the case of the Council, national and EU BIA declared to a similarly proportion to be contacted sometimes or often by this EU institution in 2012 (EU BIA: 37,1%; nat BIA: 34,9%). Indeed, the Council is even more reluctant today than in 1999 to initiate contacts with business interest associations (EU BIA: decrease of 3,3 percent; nat. BIA: 3,5 percent).

Figure 4: Percentage of EU BIA which are never, sometimes or often contacted by the following EU institutions



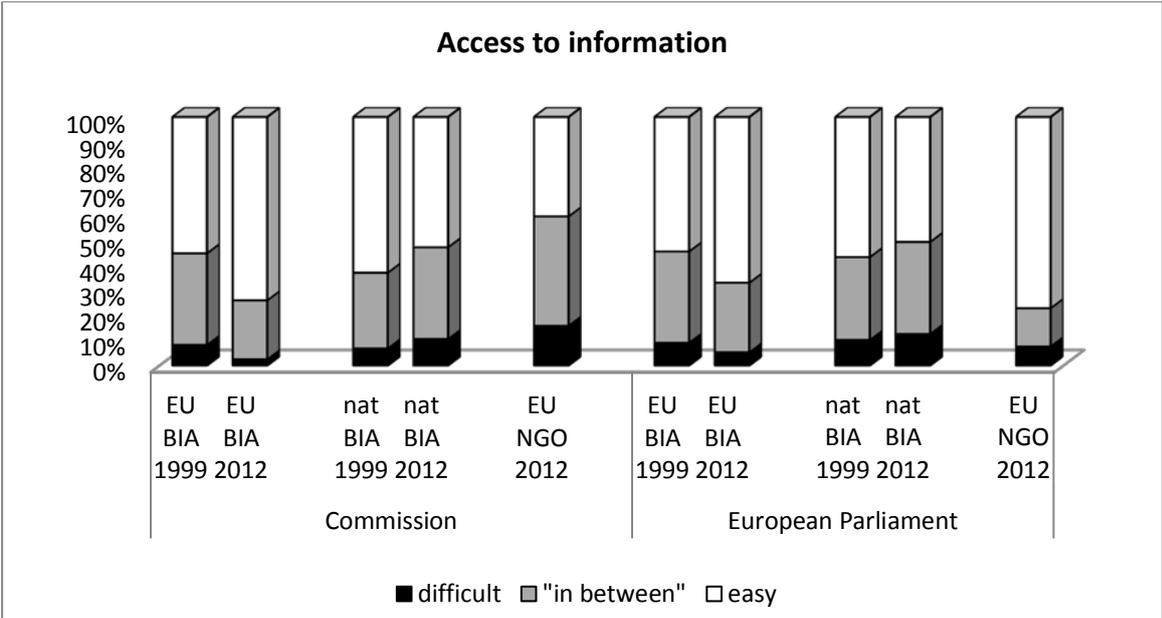
While it is clear that EU BIA have gained relevance as a contact partner for EU institutions and especially so for the EP with its new legislative role, it becomes also clear that EU institutions spread their contacts at EU-level much wider than they used to in 1999: More EU BIA are *sometimes* contacted by EU institutions than in the past, whereas the number of those contacted *often* has decreased. Yet, as regards national BIA, 2012 fewer are often contacted by the Commission, the Council, or by EU regulation and standardisation authorities than a decade ago. Only the EP has also broadened its contacts to national BIA and this to a considerable degree: While in 1999 only 43,6 percent of the German, French and British trade associations were sometimes or often contacted by the EP, today their share has raised to 57,5 percent.

Summarising these developments we can state that while the Commission increasingly concentrates on EU BIA, it has dismissed its focus on “preferential partners” and today many different EU BIA are contacted by the Commission. A similar development can be observed for the EU regulation and standardisation authorities. The EP has broadened its spectrum of contact partners on both, the EU- and the member state level. The Council, in contrast, has reduced its active contacts to EU as well as to national BIA.

Changes in access opportunities can not only be measured by the attention interest groups arouse in EU institutions. The access to information is a second indicator which needs to

be considered. As regards the access to information I concentrate on those two EU institutions which not only play a decisive role in EU policy making, but which are also known for being especially open to interest groups, the European Commission and the European Parliament. Here it is of interest whether the transparency initiative has had any effect on the access to information. In addition, for the analysis it has to be kept in mind that BIA – in difference to NGO – orbit around the Commission and the EP ever since these institutions exist. Thus, already in 1999 access to information has been rather easy for BIA because they look back on a very long experience with information gathering at EU level.

Figure 5: Characterization of the access to information from the EP and the Commission



What we find with regard to the access to information from the European Commission is that EU and national BIA grow apart. EU BIA today assess their access to information from the Commission much more positively than national BIA (see Figure 5). This result is even more astonishing as in 1999 national BIA and EU BIA perceived access to information from the Commission similarly easy. And a corresponding picture arises if we look at the assessment of access to information from the EP. Behind the background of the transparency initiative, this result comes to a surprise because we would expect that access to information should have become easier for everybody. On second thought, the initiative might as well have resulted in an overload of information which to access might have become an art of its own and which is especially well mastered by EU BIA, not least thanks to their specific EU-level task profile.

Turning to our 2012 survey and EU NGO, we find that they perceive access to information from the Commission not as easy as their counterparts, namely EU BIA, which might be the result of their rather new arrival at EU level. However, with regard to the EP, the situation is inversed. Here the large majority of EU NGO (76,9 percent) agree that access to information from the EP is easy compared to 66,7 percent of EU BIA. This certainly

reflects the traditional strong relationship between the EP and (EU-level) NGO (Eising/Kohler-Koch 2004).

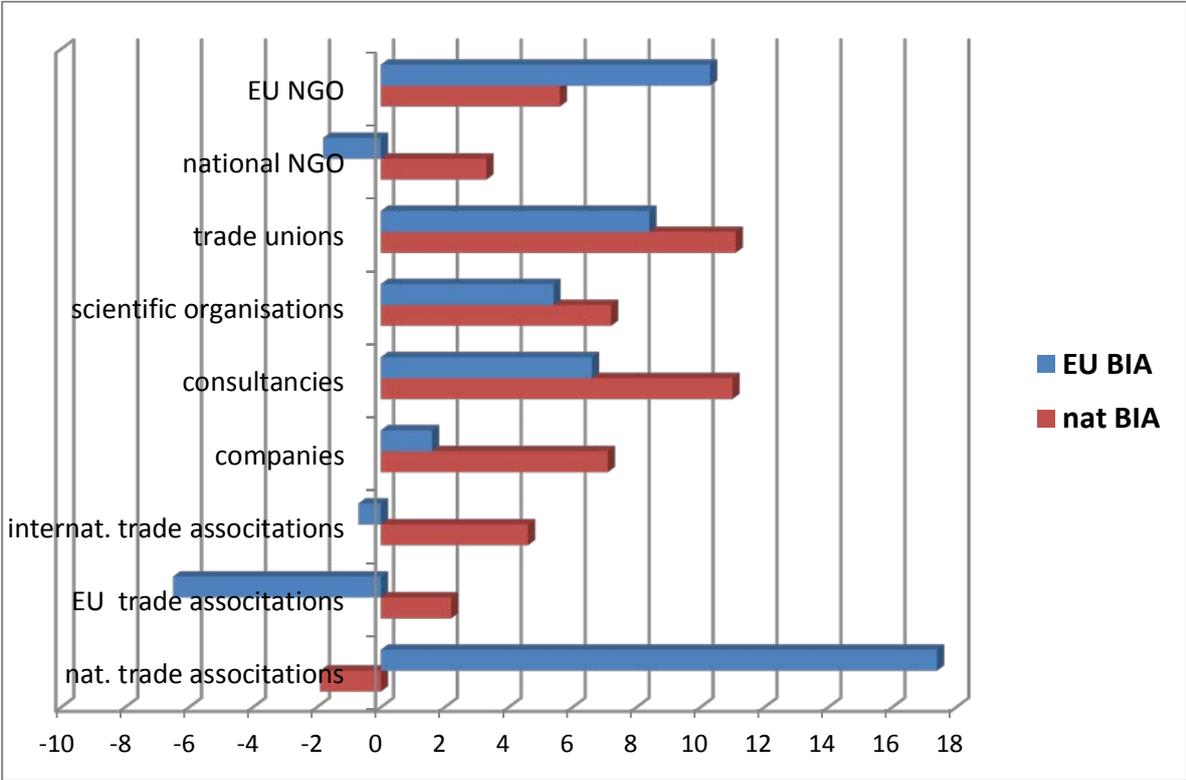
Cooperation with other actors

Competition and reduced “ear time”, but also the growing importance of EU market integration (see paper by Beate Kohler-Koch), have changed the action field of BIA. In the following I want to test whether a) we find a quantitative increase in alliance building since 1999 and b) how alliances with different partners are valued by national BIA and EU BIA for EU interest intermediation and whether this has changed between 1999 and 2012.

Increase in cooperation

As regards quantitative changes in alliance building, the overall picture is quite clear and straight forward (see Figure 6): The number of BIA which co-operate with other actors has augmented considerably. Increased has the number of EU BIA and national BIA, which cooperate with trade unions, with EU NGO, with scientific organisations and with consultancies. As cooperation between BIA and consultancies can be interpreted as a trend towards the outsourcing of lobbying activities, it is worth mentioning that indeed the number of EU BIA, which cooperate with professional public affairs consultants has increased by 6,6 percent and the number of national BIA doing so has even augmented by 11 percent. To what degree this cooperation is considered as useful by these actors will be analysed below.

Figure 6: Change of numbers of BIA, which cooperate with other organizations (cooperation yes – no; 1999 - 2012; in %)



As regards cooperation with single companies, this pattern of collaboration has only increased considerably for national BIA (7,1 percent); the number of EU BIA which cooperate with companies has augmented only by 1,6 percent compared to 1999. Cooperation with other actors has as well developed differently for national BIA and EU BIA. The number of national BIA, which have contacts with EU NGO has increased, but also the number of those which cooperate with national NGO, although to a lesser degree. Interestingly, the only cooperation pattern which has decreased for national BIA, though only by two percent, is cooperation among each other. Considering that this change is very small and in addition the number of EU BIA cooperating with national BIA having increased noticeably (17,4 %), it can be assumed that in the context of EU lobbying the collaboration of national BIA among each other takes place within EU BIA, rather than in a bilateral setting. In addition, the extreme rise of EU BIA cooperation with national BIA again supports the hypothesis that EU BIA have strengthened their role as intermediate actors between national BIA and EU public actors.

The usefulness of cooperation with other interest representatives

Changing the focus from simple quantitative developments of cooperation to the qualitative assessment of alliance building, we find that national BIA and EU BIA diverge quite considerably regarding the usefulness of cooperation with different actors. Divergences in preferences are certainly related to different context conditions for national BIA and EU BIA. In order to receive a full picture of changes in cooperation assessment, I will analyse changes from 1999 to 2012 for each actor group separately (EU BIA; nat. BIA) and only then compare cooperation preferences of national BIA and EU BIA in 2012, including a short look at EU NGO, which – to forestall the key result – mainly prefer to remain among their EU level and national level peers. In Table 2 mean values for the usefulness of cooperation are presented (1 = cooperation not useful at all; 6 = cooperation very useful). This rather straight-forward measurement not only helps us to easily detect changes between 1999 and 2012, it also allows for a ranking of cooperation partners (see Table 2).

Starting with national BIA from Germany, Great Britain and France, the most important message is: From the perspective of national BIA, cooperation with EU BIA has bypassed the usefulness of cooperation with other national BIA, EU BIA now ranking on place one. However, although cooperation with national BIA is the only cooperation partnership which has lost some of its value, it still ranks second. Cooperation with international BIA ranks third and the latter form the only group cooperation with is considered by national BIA equally useful in 2012 than in 1999 (mean: 3,87). As regards cooperation with companies, its usefulness has increased from 1999 to 2012 and today is considered similarly useful as cooperation with international BIA. For all other alliances we find that national BIA today value their usefulness higher than they did in 1999 and no changes have occurred in their ranking (descending order: scientific organisations, consultancies, national NGO, EU NGO, trade unions).

The situation is quite different in the case of EU BIA. Here we find that alliances with all possible partners are considered more useful today than in 1999. The only exception to this pattern is national NGO, which ranked second-last in 1999 and rank last today. The most

eye-catching development of the assessment by EU BIA is that cooperation with national BIA is not only considered much more useful today than in 1999, it also ranks place 4 today compared to place 5 in the past. In consequence, for EU BIA cooperation with scientific organisations, which again is considered more useful today than in 1999, now ranks behind cooperation with other business representatives, be it BIA or companies. Turning to EU BIA cooperation with EU NGO (rank 6) and with consultancies (rank 7), their ranking has remained stable, although their usefulness today is more valued than in 1999.

Table 2: Usefulness of cooperation with other interest representatives 2012 (mean; 1= not useful at all; 6 = very useful)

	nat. BIA	foreign BIA	EU BIA	internat. BIA	companies	consultancies	scientific org.	trade unions	nat. NGO	EU NGO
EU BIA 2012										
Mean	4,05		4,96	4,15	4,16	3,18	3,88	2,48	1,97	3,72
Ranking	4		1	3	2	7	5	8	9	6
EU BIA 1999										
Mean	3,14		4,97	3,95	3,93	2,81	3,34	2,10	2,17	3,05
Ranking	5		1	2	3	7	4	9	8	6
nat BIA 2012										
Mean	4,68	3,87	4,73	3,36	3,87	2,59	3,06	2,13	2,51	2,47
Ranking	2	3	1	4	3	6	5	9	7	8
nat BIA 1999										
Mean	4,88	3,87	4,51	3,19	3,43	2,27	2,52	1,62	2,13	1,92
Ranking	1	3	2	5	4	7	6	10	8	9
EU NGO 2012										
Mean	1,00		1,14	,82	1,95	2,38	2,87	2,61	4,33	5,44
Ranking	8		7	9	6	5	3	4	2	1

Rather than the esteem for consultancies it is the usefulness attributed by EU BIA to alliance building with EU NGO, which turns out to be striking. From the point of view of EU BIA cooperation with EU NGO is quite useful (mean 2012: 3,72), but this “affection” is not at all returned. On the contrary, we find that EU NGO only consider cooperation with their EU and national peers as useful. Indeed, even if we include the cooperation assessment of national BIA and EU BIA with their peers into our analysis, no other alliance pattern is as highly appreciated as the cooperation of EU NGO among themselves (mean 2012: 5,44). While cooperation with national NGO is also considered as highly useful by EU BIA (mean 2012: 4,33), cooperation with (in descending order) scientific organisations, trade unions and consultancies from the perspective of EU NGO is only considered of average use. And cooperation with BIA, irrespective of their level of origin (national, EU, international), is from the perspective of EU NGO – to put it in high words – useless; even direct cooperation with companies ranks before cooperation with BIA.

Summarising our findings, it is clear that not only the number of BIA which cooperate with other interest representatives has increased, but that cooperation in general is considered more useful today than in the past. Further, the 1999-data statement that business interest associations “have a strong preference for dealing with ‘likes’ and with like-minded actors” (Eising 2009: 184) is also valid in 2012. In addition we can report that EU NGO have an even stronger preference for dealing with ‘likes’ than business representatives. Finally, our cooperation-data shows that EU BIA have experienced an ‘upgrading’ as regards national BIA: While in 1999 national BIA still considered cooperation within their own actor group as the most useful alliance, today cooperation with EU BIA has taken this position.

As regards the outsourcing of lobbying to professional public affairs consultants we find that the relative number of BIA cooperating with consultancies has increase, not only within the group of EU BIA but even more so within the group of national BIA. And for both actor groups we find that cooperation is considered more useful in 2012 than in 1999. Our data, however, does not clearly support the expectation that cooperation with consultancies has gained considerable importance. Cooperation has increased, but this increase has not resulted in a new quality attributed to this cooperation pattern. In order to be fully able to assess the appreciation of consultancies by BIA in the context of EU interest intermediation, interviews are need.

Instruments of EU lobbying

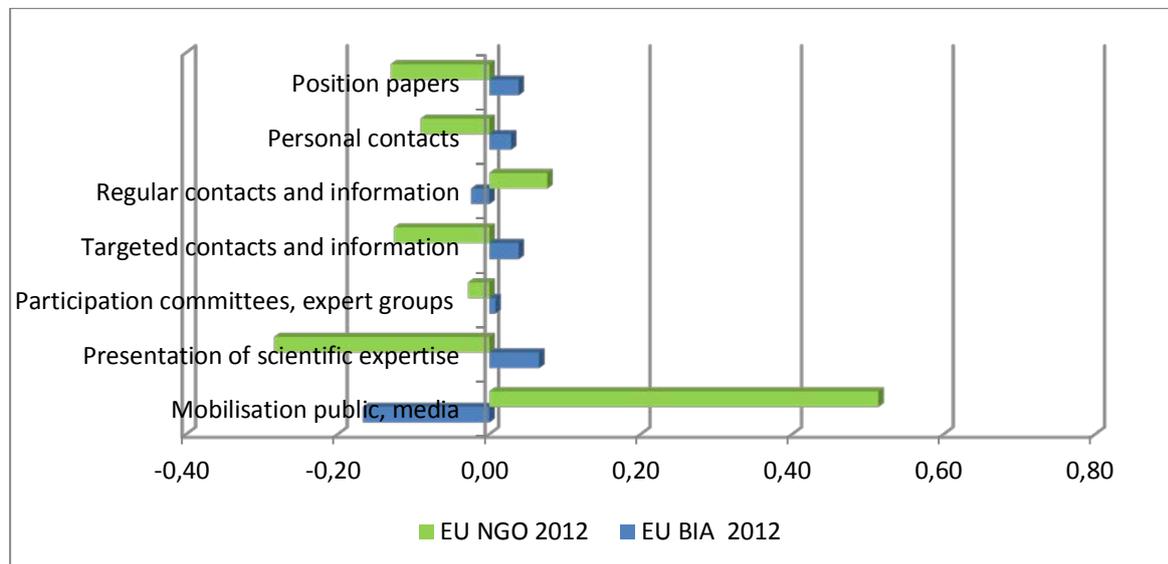
Turning to the instruments of lobbying, I will proceed in three steps. To start with, I will compare EU BIA and EU NGO with regard to their assessment of the usefulness of “classical” instruments of interest intermediation. The aim is to obtain an idea of the relative value of “campaigning”, i.e. the mobilization of the public and the media, in the repertoire of these two groups. In a second step I will focus on business interest associations, offering an overview of the usefulness national BIA and EU BIA attribute to “classical” lobbying instruments and of changes between 1999 and 2012. Here I will also analyse whether or not the new consultation regime and the support for NGO which has provoked a change in the competitive environment of business interests, has altered their strategic repertoire. In a final step the concentration is on three newly introduced consultation instruments and their utility as lobbying instruments from the perspective of national BIA, EU BIA and EU NGO. Consultation instruments are of interest as they were introduced in the context of the Commission’s aim to become more open, transparent and participatory and were hoped to improve the access to the Commission.

EU BIA and EU NGO: Classical instruments of interest representation

Comparing EU BIA and EU NGO with regard to their assessment of the usefulness of “classical” instruments of interest representation we find that both groups consider personal, targeted and regular contacts as the key to successful lobbying (see Figure 7). Participation in committees and expert groups, their composition usually being regulated by the Commission and thus offering preferential access to EU decision making, is also highly useful in the eyes of both actor groups. Likewise, written position papers as classical lobbying tools are commonly cherished. Indeed, analysing the usefulness

attributed to different instruments in the context of EU lobbying by EU BIA and EU NGO, we find that these two actor groups differ only with regard to two instruments in any significant way, the presentation of scientific expertise and the mobilisation of the public and the media (see Figure 7).

Figure 7: EU BIA and EU NGO 2012: Usefulness of lobbying instruments (comparison of means)



The presentation of scientific expertise ranks low for both groups and as it is highly resource-dependent, it comes to no surprise that this instrument has even less value for EU NGO (lowest mean: 4,05) for than for EU BIA (second-lowest mean: 4,40).⁶ Not only is scientific expertise expensive, irrespective whether it consists of in-house research or contract research; moreover there is always the risk of a “counter assessment”. Further, in the last decade the EU has established EU agencies in a considerable number of policy fields, which has reduced the relevance of scientific expertise when lobbying political institutions: The presentation of scientific expertise is the instrument which has lost most of its (perceived) usefulness since the 1999 survey.

The mobilisation of the public and the media ranks differently for both groups. From the perspective of EU BIA it is the least useful instrument (mean: 3,52), but EU NGO esteem it, as expected, quite useful (mean: 4,20) and value it more than the presentation of scientific expertise, the participation in conferences or online consultations (in this order; see below). Of course it comes to no big surprise that EU NGO, compared to EU BIA, consider the mobilisation of the public and the media more useful than their counterparts. Nevertheless the high appreciation of outsider strategies by EU NGO is remarkable, considering both, the Commission’s new consultation regime which is oriented towards the involvement of civil society (organisations), as well as the observed “professionalization” of EU NGO (Kohler-koch/Buth 2009; Saurugger 2006). In their self-conception EU NGO

⁶ For the methodological problems concerning the assessment of the demand for and provision of expertise see the paper by Beate Kohler-Koch (2012). Further, we are also confronted with a definition problem regarding the distinction between scientific expertise and expert knowledge.

or NGO networks are often anchored in grass-roots movements (or protest movements) and thus the mobilisation of the media and the public is considered a “legitimate” instrument of interest representation. In addition, compared to business interest representatives non-governmental organisations still have a rather weak position in the EU system of interest intermediation which explains their recourse to outsider strategies.

As regards EU BIA, the most prominent insider group in the EU lobbying arena, it also comes to no surprise that they consider the mobilisation of the public and the media as the least useful instrument for EU lobbying. The more interesting question is, whether or not qualitative changes in the competitive environment of business interests have altered the perceived usefulness of the mobilisation of the public and the media and other classical lobbying instruments.

National BIA and EU BIA: Classical instruments of interest representation

For a general overview, I again sorted the lobbying instruments included in our questionnaire for EU BIA and national BIA by mean (see Table 3; 1 = not useful at all; 6 = very useful). The first finding is that while the relative usefulness of traditional lobbying instruments in the context of EU interest intermediation is similarly assessed by national BIA and EU BIA, the latter consider them all as more useful than do their national counterparts. Further, national BIA, like EU BIA and EU NGO, consider targeted contacts, personal contact and regular contacts as the most useful lobbying instruments in the EU context.

To be a bit more precise: In relative terms EU BIA value targeted contacts higher than national BIA. National BIA prefer personal contacts to targeted contacts which can be attributed to the geographical remoteness of national BIA from Brussels. Being only randomly on the spot, it might be easier to contact those already well-known than those which are at the center of attention of EU BIA and other EU-level interest representatives. For EU BIA, participation in committees and expert groups ranks fourth, followed by the presentation of position papers. National BIA consider position papers more useful than participation in committees and expert groups. This can be explained by the fact that participation in expert groups and committees is usually delegated by EU BIA to their members. In consequence, national BIA (or companies) have to represent in such bodies rather an aggregated view than their specific national perspective. A specific national perspective, of course, would clearly be the content of a position paper written by a national BIA. For both, EU BIA and national BIA, the presentation of scientific expertise ranks second-last and the mobilization of the public and the media closes the list of instruments.

Table 3: EU BIA and national BIA 2012: Usefulness of interest representation instruments (mean; (1 = not useful at all; 6 = very useful)

	EU BIA 2012	Ranking	nat BIA 2012	Ranking
Targeted contacts and information	5,44	1	4,88	2
Personal contacts	5,43	2	5,09	1
Regular contacts and information	5,17	3	4,78	3
Participation in committees, expert groups	5,04	4	4,42	5
Position papers	4,93	5	4,60	4
Presentation of scientific expertise	4,40	6	3,95	6

Mobilisation of the public and the media	3,52	7	3,68	7
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Turning to the changes in the appreciation of classical lobbying instruments between 1999 and 2012, two points are worth mentioning. First, the assessment of most classical lobbying instruments has remained stable for both, EU and national BIA. But a few relevant changes can be noted: The appreciation of targeted contacts has increased for EU BIA whereas it remained stable in the case of national BIA. Both actors groups consider the participation in committees and expert groups more useful today than in the past. Finally, national BIA esteem the presentation of scientific expertise and the mobilization of the public and the media slightly more today than in 1999. Taken these developments together we find that EU BIA and national BIA today converge more in their assessment of the usefulness of different lobbying instruments than they did in 1999 (compare Figure 8 with Figure 9), which might be evidence for the emergence of a “European model” of interest intermediation (Mazey/Richardson 1993) after all.

Figure 8: EU BIA and national BIA 1999: Usefulness of lobbying instruments (comparison of means)

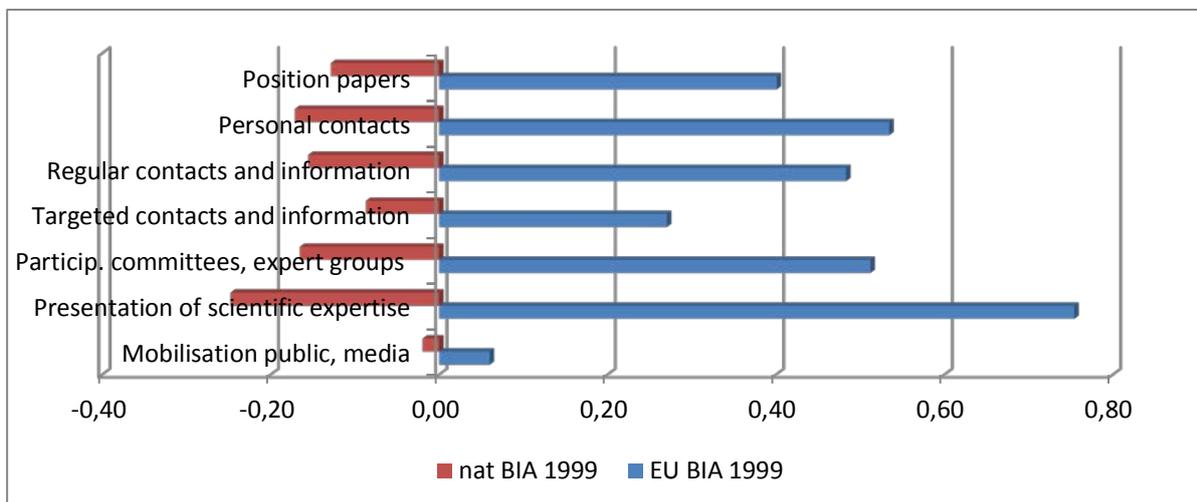
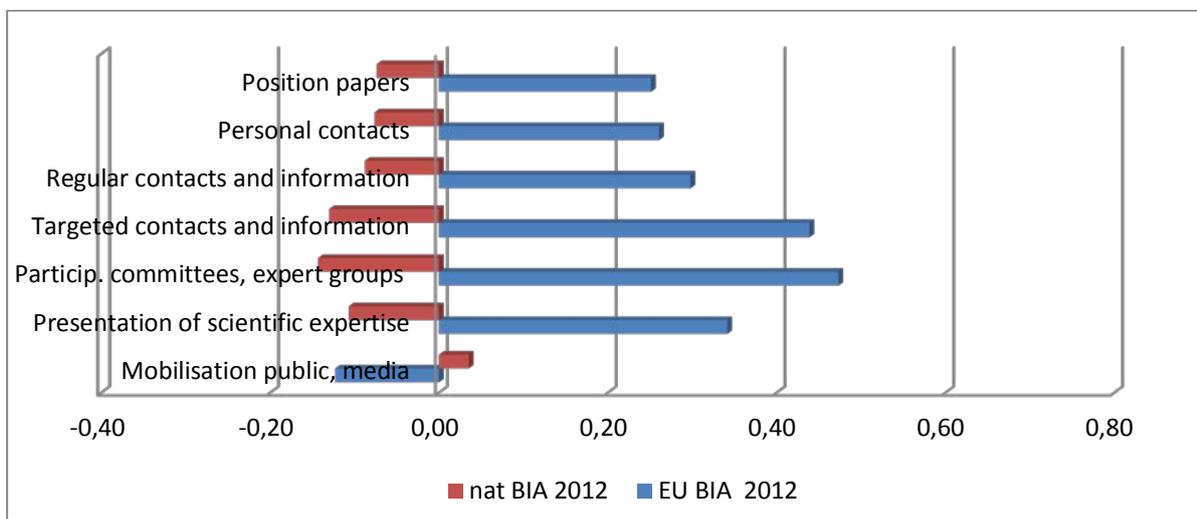


Figure 9: EU BIA and national BIA 2012: Usefulness of lobbying instruments (comparison of means)

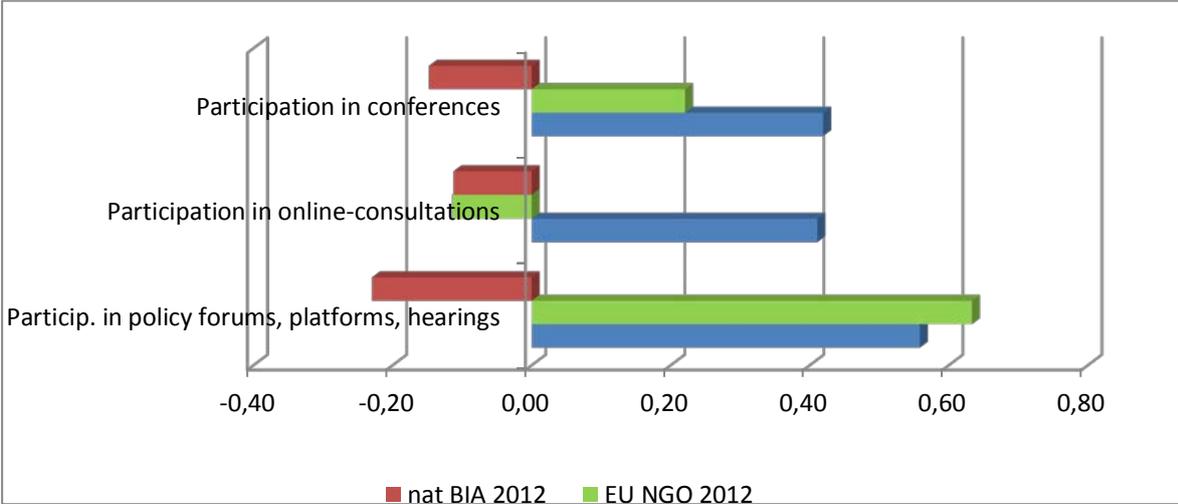


Second, as regards the key instrument of outsider strategies, the mobilization of the public and the media, we find that this is the most contested instrument within the group of BIA and the assessment of its usefulness follows – on a very low level – an opposing trend over time. Today national BIA appreciate this instrument more, while EU BIA appreciate it less than a decade ago. Therefore we can state that the assessment by business interest associations of the usefulness of outsider “campaigning”, i.e. the mobilisation of the public and the media, has not changed since 1999 (minimal increase for national BIA, minimal decrease for EU-level BIA). Thus, even if there might be an increase in the use of outsider strategies by BIA (not asked in our survey), this instrument continues to range rather low in the lobbying repertoire of BIA.

National BIA, EU BIA, and EU NGO: The usefulness of consultation instruments as lobbying tools

Turning to some consultation instruments introduced by the Commission in the context of its turn to new governance, we find that their usefulness as lobbying tools is by no means unambiguous. Rather we find a clear opposing assessment of these instruments from national BIA, EU BIA and EU NGO (see Figure 10). Hereby the EUROLB II results mainly confirm our results from another research project (DemoCiv).⁷ The most obvious finding is that national-level interest representatives (German, British and French BIA) systematically consider the Commission’s consultation instruments as less useful for EU lobbying than EU-level interest representatives (EU BIA and EU NGO). Further, all actor groups agree that from the newly introduced consultation instruments participation in policy forums, platforms and hearings is the most useful for EU lobbying. This comes to no surprise as the number of participants in these consultations is limited and access is regulated – directly or indirectly – by the Commission in order to assure a balanced spectrum of interests represented (Quittkat/Kotzian 2011: 404).

Figure 10: EU BIA, EU NGO, national BIA 2012: Usefulness of consultation instruments for EU lobbying (comparison of means)



⁷ Democratic Legitimacy via Civil Society Involvement? The Role of the European Commission (DemoCiv).

Although national BIA attribute less usefulness to online-consultations and to the participation in conferences than EU BIA, both actor groups consider these two instruments as useful for lobbying. This is not the case with EU NGO: In their assessment, participation in conferences (mean: 3,88) outrivals participation in online-consultations (mean: 3,56). At least three plausible explications can be put forward for the – in relative terms – higher significance of conferences than online consultations for EU NGO: (1) As outsiders, it might well be that EU NGO value conferences for their quality as a networking and coalition-building forum. (2) It also might be that our current dataset, which in August 2012 only includes 30 EU NGO, is biased towards EU NGO that have often been invited as conference *speakers*. This role is only offered selected actors, it is more accessible to EU-level than to national-level organisations, and it is significantly more often played by NGO than by BIA (Quittkat/Kotzian 2011: 412). (3) Finally, as online-consultations are quite frequent but highly resources-consuming, some observers have found signs of “consultation fatigue” with EU NGO (Fazi/Smith 2006), which in turn could also explain the relatively low appreciation of online consultations by this actor group in our dataset. Whether only one of these explanations is valid or whether they all have an influence on the EU NGO evaluation of online consultations and conferences (and to what degree), has to be left to interviews.

Conclusion

This paper started off with the argument that (1) the appearance of more, new and different interest groups in the arena of EU interest representation, (2) the institutional reforms of the EU and especially the new role of the EP, as well as (3) the turn to new modes of governance have changed the strategies and the repertoire of business interest associations in the last decade. The analysis of the EUROLOB data makes clear that there are indeed differences between the EU lobbying strategies of business interest associations today (2012) compared to 1999 which can be attributed to the changed institutional environment. All actor groups included in the EUROLOB II survey perceive a considerable change in their environment, which they mainly attribute to an increase in competition between interest groups (*hypothesis I*). The analysis also makes clear that while lobbying strategies of national BIA and EU BIA have become more similar in many aspects, these actor groups still differ, not least due to the highly pronounced role of EU BIA as intermediators, transmission belts or mouthpieces (*hypothesis II*). EU BIA today are not only contacted actively by EU institutions more often than national BIA, they are also more often contacted by EU institutions today than they were in 1999. Further, EU BIA also have the best access to information from the Commission, the EU regulation and standardisation authorities, and the Council. Only in their access to information from the European Parliament EU BIA are outrun by EU NGO, but compared to national BIA they still take the lead and they do so more strongly than in 1999.

One of the reasons, why EU BIA have managed to consolidate their role as intermediary is of course that with competition in numbers and in interests, “ear-time” has become scarce. As expected this has resulted in more alliance building (*hypothesis IIIa*) – but rather along

old cleavage lines than across. The hypothesis that for BIA outsourcing of lobbying to professional public affairs consultants has gained importance (*hypothesis IIIb*) is not (clearly) confirmed. The number of BIA which cooperate sometimes or often with consultancies has definitely increased, but so has the cooperation of BIA with nearly any other kind of interest group. More importantly, the usefulness attribute to the cooperation with consultancies by BIA today does not differ from 1999.

While cooperation has become a considerable component of the repertoire of business interest associations, this is not the case with outsider strategies, i.e. the mobilisation of the public and the media (*hypothesis IV*). Considering the rather harsh assessment of the usefulness – or rather: uselessness – of cooperation with BIA by EU NGO and their high esteem for the mobilisation of the public and the media, I arrive at the conclusion that we can still, and despite of all the Commission's and European Parliament's efforts, reasonably distinguish between BIA as insiders and NGO as outsiders in EU policy making.

To be sure, like EU BIA and national BIA, EU NGO consider personal, targeted and regular contacts to EU institutions as the key tools of lobbying. All actor groups also agree that written position papers are still an important part of their interest representation repertoire. Finally, all actor groups agree that from the newly introduced consultation instruments participation in policy forums, platforms and hearings is the most useful for EU lobbying. From a wider perspective, EU NGO have – in relative terms – a strong preference for “lobbying instruments” like committees or policy forums and platforms, to which access on the one hand is highly restricted, but on the other hand to which access is regulated and thus ensured even for “outsiders”, the Commission acting as a gatekeeper and safeguarding representativity in composition.

To take up the final hypothesis of this paper, the survey data brings to the open that while the participation in policy forums and platforms serves EU NGO fine as lobbying tools, this is not the case with other consultation instruments included in our survey. Although mainly geared towards the increase of participation of “outsider groups”, conferences and online consultations are not appreciated more (*hypothesis V*), but less by EU NGO than by EU BIA. The difference is negligible as regards the participation in conferences and both actor groups certainly appreciate the aspect of networking when visiting conferences. But the difference between these two actor groups is considerable with respect to online consultations and has further implications with respect to the repertoire of BIA lobbying. When newly introduced, online consultations were advertised as an ideal tool for reaching out to a wider public because of their simple accessibility. However, as an affected observer stated already in 2008, online consultations made access more easy, but EU NGO do not have the (human) resources to use this instrument regularly and meaningfully.⁸ While “consultation fatigue” is the diagnosis for EU NGO, for EU BIA online consultations obviously provide an ideal platform for (insider) campaigning. With

⁸ “Ironically, since the consultation process has been developed and there is more easy access, the influences of civil society are less and industry is dominating the consultations. The reason is that the doors have opened, but civil society does not have the resources to step up. But the people that do have the resources have stepped up and that is industry. With resources it is meant especially physical resources (people).”; interview with a representative from an EU NGO in the context of the DemoCiv project in 2008.

amplified competition and the increased requirement for cooperation as a result of increased competition, online consultations offer a convenient stage for public profiling and positioning.

Altogether it can be stated that changes in the EU lobbying repertoire have not blurred traditional cleavage lines in EU interest representation. While national BIA and EU BIA resemble each other more than a decade ago with respect to the appreciation of classical lobbying instruments, they have also become more distinct because EU BIA have consolidated their role as intermediary. This development, of course, touches on competition patterns of national BIA within EU BIA and of EU BIA among each other – enough tissue for interviews and another paper. The most pertinent cleavage line, the one between EU BIA and EU NGO, is far from getting opaque. Neither is cooperation across cleavage lines appreciated by EU NGO, nor do outsider strategies, the realm of NGO, enthrall EU BIA. If anything, we find the deepening of cleavage lines and the strengthening of old coalition patterns in form of a certain distance between the EP and EU BIA and a more intensive cooperation between the EP and EU NGO.

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