

RESEARCH AGENDA

Lobbying in the European Union: From *Sui Generis* to a Comparative Perspective

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Abstract

This article reviews the literature on lobbying in the European Union. After initial surveys of the landscape of non-governmental actor participation, theoretical investigations have concentrated on the modes of network governance and later on the phenomenon of Europeanization. Yet increasingly, studies have moved away from considering EU lobbying as a *sui generis* phenomenon. Normalizing the study of interest group participation in the EU and understanding the opportunities and constraints that characterize it, however, has led more and more scholars to adopt a comparative perspective. The most interesting parallels exist between Washington, D.C. and Brussels, but unfortunately, there have been very few attempts to explore the connection between the American literature on lobbying and EU studies. This article makes a first step towards such a comparison and points to concepts common in comparative political studies that could provide considerable insight into the study of EU lobbying.

Keywords: lobbying, interests groups, European Union, United States, institutional constraints, opportunity structure

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1 Introduction¹

For over 20 years, lobbying in the European Union (EU) has drawn the interest of scholars, who have produced an impressive number of studies of interest groups at the national, supranational and transnational level.² Initially, the principal occupation was to survey those groups that interacted with supranational institutions or that attempted to influence EU policy-making. To some degree, the study of lobbying was simply a reaction to the growing number of interest groups in EU policy-making, which increased remarkably during the 1980s.

Surprisingly, the study of interest groups in the EU has only scarcely been connected to the corpus of interest group literature elsewhere that has developed since the 1920s. 20 years ago, Almond (1983) already pointed to a lack of professional memory in interest group studies in general. In keeping with his terminology, the literature on lobbying in the EU can be considered a “fourth wave” of interest group studies. A first wave examined the activities of different groups and interest coalitions in American politics (e.g. Herring, 1929; Schattschneider, 1935), which eventually led to a political theory around the concept of interest groups (Truman, 1951). In reaction to the overly optimistic assumptions in group theory about equal representation, Mancur Olson (1965) later developed a theory of collective action, which pointed to the limits of groups to defend their collective interests. After this first body of works, which was characterized by a strong American focus, a second wave of studies emphasized the role of groups in politics in other countries as well. The

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² The literature covers studies of different interest groups in the EU and research on the ways in which private actors affect policy outcomes. Since the term ‘interest groups’ excludes firms and their political influence, I refer to the whole literature as the EU lobbying literature not just the literature on interest groups in the EU. In the following, “lobbying” will be defined as all activities by private actors which aim at influencing political decision-makers. “Interest groups” refer to formally organized groups who are united by specific political objectives and who try to influence the policy-process in the pursuit of these goals. This distinction helps to separate the activities and the actors’ formal organization. When talking about private actors that are not just groups, I employ the term “non-governmental actors”, while “collective action” refers to all common activities of groups, which are not necessarily aimed at influencing the policy process. For further discussion, see Baumgartner and Leech (1998: 22-43).

interest in this tradition was implicitly comparative, although many of these studies focused on a single country (e.g. Finer, 1958; Ehrmann, 1958). Sparked by the research on corporatism in the late 1970s, a third wave was marked by its interest in neo-corporatist arrangements as well as the differences in the types of interest groups systems that exist across countries (e.g. Schmitter and Lehbruch, 1979; Berger, 1981; Wilson, 1990; Richardson, 1993).

The study of interest groups in the EU developed somewhat in isolation to these traditions, even though some articles explicitly made reference to either one of these strands. After a period of inward looking studies with an exclusively European focus, recent studies have dealt with the subject as a more “normal” phenomenon: lobbying was no longer a peculiar attribute of EU politics, it came to be seen as phenomenon that could occur in any political system. In particular, researchers have become interested in the institutional opportunities and constraints that determine who lobbies when and how in the European Union. This article argues that such a normalization of the EU lobbying literature has much to gain from a comparative perspective. A comparison between the two largest lobbying “industries”, Washington, D.C. and Brussels, is particularly insightful for a better understanding of the ways in which institutional conditions determine lobbying methods or styles. Even if the EU is not a state like the United States (US), lobbyists in both polities interact with a fixed set of institutions that are comparable in terms of the functions and the roles they play in the policy process. Comparisons between the U.S. and the EU are gradually becoming more common, but they are still in their infancy.

The article proceeds as follows. Section 2 summarizes the literature on lobbying in the EU and clarifies the theoretical ambitions behind different studies. Section 3 focuses on the most recent literature on EU lobbying and underlines how these newer studies move away from the *sui generis* assumption of earlier EU lobbying studies. In particular, analyses now use an institutionalist research perspective to examine the mechanisms producing particular interest group behaviors and outcome. As a consequence of this normalization, systematic comparisons become increasingly important. Section 4 therefore presents the nascent literature that surveys lobbying in both the US and the EU. A final section indicates directions for future research that will be particularly conducive for developing testable hypotheses from a comparative perspective. In particular, comparative studies of EU

lobbying would gain from the insights on political opportunity structures developed by the literature on social movements and the study of different policy styles.

2 Over two decades of lobbying studies in the EU

With few exceptions (Meynaud and Sidjanski, 1967; Kirchner, 1981), the bulk of studies on EU lobbying was a reaction to the growth of interest representation at the supranational level during the period following the Single European Act. Between 1986 and 1994, observers noted an explosion of lobbying activities in Brussels: a large number of European federations were founded during those years and many firms and national associations established a branch in the European capital. As a consequence, the ambition of many studies was to map the European lobbying landscape (e.g. Butt Philip, 1985; Greenwood, 1997). To a large extent, early surveys were published in edited volumes based on case studies of different policy domains or interest coalitions (e.g. Greenwood, Grote and Ronit, 1992; Mazey and Richardson, 1993; Pedler and Van Schendelen, 1994; Claeys, et al., 1998; Balme, Chabanet and Wright, 2002). By the mid-1990s, an impressive array of case- and issue-oriented studies covered lobbying and provided empirically rich descriptions of different actors and policy domains (e.g. Sargent, 1987; Jordan, McLaughlin and Maloney, 1993; Visser and Ebbinghaus, 1992; Kirchner, 1981). Some authors concentrated on the patterns of interest group intermediation that developed around the European policy-making process (Mazey and Richardson, 1993; Wallace and Young, 1997), focusing on either national interest groups (Van Schendelen, 1993) or European federations (Bindi, 1994); a different strand of research concentrated on the style of lobbying, which led to a wealth of “how to” guides for lobbyists in the EU (e.g. Mack, 1989; Gardner, 1991).

In a survey of 300 studies on EU lobbying in the mid-1990s, Andersen and Eliassen (1995; 1998) criticized the “empirical richness, [but] theoretical poverty” of the literature. While it is true that a large part of the literature remained largely descriptive, the literature was not fully void of theoretical ambitions. Besides the ‘discovery’ branch of the EU lobbying literature, the theoretically-driven literature on lobbying comprises several branches: the corporatism-pluralism debate, studies on collective action, studies on European governance and investigations into the Europeanization of interest groups.

The discovery of EU lobbying coincided with the corporatism debate in comparative politics and several studies quite naturally extended the investigation to the European level. Yet the search for corporatism at the EU level was dispelled by Streeck and Schmitter (1991): national corporatist traditions had not been transferred upward. Instead, the EU-level seemed to be characterized by “transnational pluralism”, with the exception of some “islands of corporatism” in different issue areas, such as the early common agricultural policies (Greenwood, Grote and Ronit, 1992: 5). Overall, however, most observers agree that the mode of interest representation at the supranational level should be described as pluralism, or “elite pluralism” (cf. Coen, 1997; Mazey and Richardson, 2002).

In the tradition of Mancur Olson, others have examined the collective action problems of interest groups, which are aggravated by the multi-level nature of the EU polity (Jordan and McLaughlin, 1993; Aspinwall and Greenwood, 1998; Greenwood, 2002). Most examinations conclude that effective collective action at the supranational level is difficult even for groups of large and powerful actors such as firms, which are nonetheless more successful in providing selective incentives than social or public interest associations. A consequence of the recognition of collective action problems in the multi-level system was a shift in the focus from interest groups to the lobbying of private actors more broadly. Coen (1996; 1997; 1998) has shown, most notably, that individual firms are important political actors and studies have increasingly focused on new groups and *ad hoc* alliances rather than traditional interest groups (e.g. Cowles, 2001).

A third theoretical branch has studied interest groups in order to understand the nature of the political system of the EU. Kohler-Koch and Eising (1999) have demonstrated how interest groups form part of the policy networks which characterize the highly sectoralized governance of the EU. Furthermore, the activities of groups illustrate the enduring multi-levelled nature of EU politics (Kohler-Koch, 1994; Hooghe, 2002). Studying the behavior of groups reveals the importance of supranational or national centers of decision-making, which in turn helps to determine if EU governance should be described as neo-functionalist, intergovernmentalist or multi-level decision-making (Eising, 2004). Others have looked at interest groups to evaluate the nature of the democratic deficit. In its White Paper on Governance the European Commission (2001) explicitly pointed the engagement of non-governmental actors as a way of governing in the absence of direct democracy. In this

context, scholars have tried to evaluate whether the involvement of societal actors – sometimes optimistically referred to as ‘civil society’ – can in fact contribute to democratic governance in the EU (Warleigh, 2000; Warleigh, 2003; Saurugger, 2003b; Saurugger, 2003c) and whether non-governmental organizations can help to bring EU politics closer to its citizens (Warleigh, 2001).

In the context of studies on Europeanization, a fourth branch of research examined the transformation of interest intermediation by comparing national traditions and studying how they were translated to the European level or how the EU led to convergence between national modes of interest representation (Sidenius, 1998; Coen, 1998; Kohler-Koch and Quittkat, 1999; Quittkat, 2000; Wilts, 2001; Beyers, 2002; Saurugger, 2003a). One of the broadest conclusions of these studies is that national political traditions continue to matter in the context of EU policy-making, even though some convergence may occur. However, EU politics do affect the ways in which national groups relate to their governments (Schmidt, 1996).

3 Towards an institutional analysis of interest intermediation

Particularly the latter two branches – on EU governance and Europeanization – consider the EU as a *sui generis* case, but a sense of “European exceptionalism” runs through most of the EU literature on interest intermediation. This inward looking perspective is less dominant in the most recent directions in the EU lobbying literature: the study of the institutional and political conditions of interest representation. Instead of studying the evolution of interest intermediation in the process of European integration, this research takes EU lobbying as a given and tries to understand its “logic”: What are the conditions that shape who lobbies where, how and to what effect?

At the heart of this investigation is the desire to understand who is in a position to influence the policy-process, although few studies actually try to measure influence (for an exception, see Michalowitz, 2004). Instead, authors have tried to identify the phases of the policy process where lobbying will be effective (Crombez, 2002), the reasons for using different channels of representation (Eising, 2004), or the conditions which enable private actors to gain access to the policy process (Bouwen, 2002; Bouwen, 2004a; Bouwen, 2004b). Since

direct contact and formal consultation are not the only means of lobbying, others have studied the determinants of lobbying techniques by private actors such as insider, outsider or legal lobbying strategies (Beyers, 2004; Bouwen and McCown, 2004). Again others have tried to explain more generally when and how interest groups decide to mobilize by looking at governmental activity and the demand for interest group involvement (Wessels, 2000; Mahoney, 2004).

All of these studies share the view that EU lobbying cannot be understood without looking at the institutions and policy context in which groups are trying to act (cf. also Grossman, 2004). The goal of this new strand of research is to identify the opportunities and constraints that make up the institutional logic of interest intermediation in the EU.³ This attempt is rooted in the earlier comparisons between different national systems and EU lobbying (e.g. Richardson, 1993), but many of these accounts remained fairly descriptive. An exception is Scharpf's (1988) comparison of federalism in Germany and the European Union, where he indicates that the joint decision-making in both systems shelters policy-makers from interest group pressure. Based on this work, Grande (1996) demonstrates that the distance of policy-makers from interest groups enable decision-makers to select only those proposals that fit into their public programs and to avoid a stalemate over a specific directive. One might thus hypothesize that federalist systems with shared authority creates policy debates where interest groups contribute constructive proposals, since they would otherwise be excluded from the process. In systems where policy-makers are not insulated from interest groups, we should therefore expect more direct confrontation and bargaining over policy proposals. For the testing of such institutional hypothesis, it is useful to compare the EU with other cases. The United States in particular is an instructive example, because it is a federal system, but one where policy authority is divided not shared. Furthermore, it exhibits institutional structures that can in part be compared to the EU, without sharing the same cultural background.

³ It is quite probable that institutions are not the only component explaining lobbying behavior, as Beyers (2005) argues with respect to ideas and their effect on advocacy coalitions.

4 Lobbying in a transatlantic comparative perspective

Increasingly, EU scholars have therefore turned their attention to the United States and more and more references include American literature and findings. The choice between different access points in the EU multi-level system, for example, is similar to the “venue-shopping” that Baumgartner and Jones (1993) have observed in the US (e.g. Mazey and Richardson, 2002; Princen and Kerremans, 2005).

However, despite the wealth of the lobbying literature in both the US and the EU, few studies have compared the two directly (but see Thomas and Hrebendar, 2000). While an analysis of individual institutional mechanisms might be well studied by comparing the different EU institutions only, an EU-US comparison is necessary for questions about particular lobbying styles. Indeed, several authors make reference to a European way of lobbying or a typically American lobbying style (e.g. Cowles, 1996). Yet those interested in these styles rarely attempt to explain them, but instead examine the degree to which these different lobbying traditions diffuse across different countries (Coen, 1999; Coen, 2004; Thomas, 2002).

Before trying to explain potential differences, what actually distinguishes lobbying in the US from activities in the EU? According to most studies, lobbying in the US is much more direct and aggressive than in the EU, where lobbyists take a more subtle and consensus-oriented approach. Coen (1998; 1999) indicates that the two approaches correspond to the different role played by trust in the relationship between private interests and public officials. EU lobbying is more strongly rooted in long-term relationships than is the case in the US. As Vogel (1996: 11) points out for the case of business lobbyists, the relationship among firms in the US is characterized by an “adversary culture”. In the absence of cross-industry associations comparable to European peak organizations, the political market in the US encourages short-term thinking and fragmented, often competing political activities of individual actors. This is manifested in different lobbying approaches (see McGrath, 2002). “No one expects the ‘full on’ US style lobbying tactics to work in Europe; rather, we can expect an increasingly subtle style [...],” suggests Coen (1999: 41). Thomas (2002: 31) underlines that “unlike the situation in the US where ‘defensive lobbying’ is a widely used tactic, it is not in the nature of EU lobbying to stop something, to kill it.” Similarly, a member of the European Parliament deplores the “gangster style of American lobbyists”, while an EU

lobbyist explains that “in Brussels, you must learn to speak softly, softly,” (Gardner, 1991). Somehow, all analysts seem to agree that EU lobbying is less confrontational and consensus-oriented than US lobbying.⁴

What could be the reasons for these distinct styles? Certainly, differences exist both in lobbying traditions, the instruments used and the policy process in the US and the EU. In the US, professional lobbying has a longer tradition and is more regulated. The lobbying industry is at least twice the size of the European industry, and it has legal and financial instruments at its disposal (most notably campaign financing) that do not exist to the same degree in Europe. However, important similarities exist as well. Lobbying on both sides of the Atlantic has experienced a considerable boom in the last fifty year, which corresponded to the increase in the governmental activity in Washington, D.C. and Brussels. Direct representation of companies co-exists with associational representation in both cases, even though peak associations play a much greater role in Europe. While financial and legal tactics are crucial for interactions with Congress, lobbying during the agenda-setting phase and the elaboration of a legislative proposal requires contacts based on consultation in both the US and the EU. In other words, for the formulation of objectives and the policy design, lobbyists need to rely on informational lobbying (see Potters and Van Winden, 1990; Bennedsen and Feldmann, 2002). In both cases, the lobbyists of associations or firms also has a dual role in trying to influence the policy process and simply monitoring the policy process to inform the group they work for.⁵ It is often the latter which consumes most time for the lobbyists (Heinz, et al., 1993).

[TABLE 1 ABOUT HERE]

Table 1 summarizes the similarities and differences of lobbying in the US and the EU, but all of these observations only add up to a descriptive comparison. What we are lacking is theory-oriented research that connects differences in the two political systems with the divergent behavior. In the few comparative studies, there is a sense that both culture and

⁴ Further information on lobbying styles in the two polities can be found in Milbrath (1963), Rosenthal (1993) and Van Schendelen (1993).

⁵ Schmitter and Streeck (1999) have termed the reasons for this dual role “logic of influence” and “logic of membership”.

institutions are important (Thomas, 2002), but neither one of these explanations has been specified sufficiently to provide a testable hypothesis. Thomas and Hrebendar (2000), for example, conclude that “cultural and institutional factors overlap and in some ways may be inseparable.” This premature conclusion is unfortunate, since the recent institutional analyses of the EU and studies of the US policy-process might have much more to say about specific mechanisms that can lead a certain type of ‘national’ behavior.

Inversely, if we worked with more concrete hypotheses, we might find that the perceived differences are not in fact ‘national traits’, but merely strategic reactions to the requirements of different institutional settings. It is quite possible, for example, that lobbying in the agenda-setting phase in the US and the EU displays more similarities than differences, while agenda-setting in both cases is quite distinct from lobbying during the decision-making phase. In order to take a cut at these intuitions, comparisons of lobbying across countries and regimes have to be more systematic. How one can study the effects of ‘institutions’ and ‘culture’ on lobbying in the US and the EU?

5 Future research: opportunity structures, policy styles and comparative research

Studying institutions has been more common than studying culture in recent years. In fact, the new EU lobbying literature has already advanced on identifying how different mechanisms lead to a particular type of behavior. Broscheid and Coen (2003), for example, show that the incentives for lobbying provided by the European Commission affect the degree to which lobbyists will express their immediate interest or comply with the demand for encompassing information on the part of the Commission. Grande (1996) has called attention to the fact that joint-decision creates a ‘paradox of weakness’ which allows public actors to withdraw from the pressure of constituency interests. More generally speaking, the opportunities and constraints of institutional arrangements for non-governmental actors have been studied in the literature on social movements under the label “political opportunity structures” (e.g. Eisinger, 1973; Kitschelt, 1986), which has recently been applied to EU politics (e.g. Kriesi, et al., 1992; Marks and McAdam, 1996; Nentwich, 1996; Imig and Tarrow, 2001).

Despite the lack of agreement on the exact meaning of political opportunity structure, it seems promising to include the concept into the study of lobbying (cf. Princen and Kerremans, 2005) in order to map which types of access and participation exist in the US and the EU and how they differ. For example, the fact that the US administration depends on a directly elected government could open up lobbying opportunities immediately prior to elections that do not exist in the EU, where Commissioners are simply designated. Another hypothesis that remains to be tested is that lobbyists in the US have a greater impact, because members of Congress depend on their immediate constituencies, while members of the European Parliament are often elected based on national issues in so-called second order elections. It is furthermore important to look at sectoral variation. For example, what institutions do lobbyists turn to on a specific policy issue, such as trade policy, in the US and in the EU? If we find that the Commission's DG Trade is as important as the US Trade Representative, we can compare the importance of the Commission to another case of sectoral lobbying in a less integrated policy area to find out how the integration of a domain affects the behavior of lobbyists compared to the behavior of their US counterparts. Examining these issues is necessary to understand the differences in the institutional setting in which lobbyists evolve, which could then in turn explain their divergent behavior.

The second set of explanations for lobbying variation can be grouped as 'cultural differences'. Culture, however, is a concept difficult to operationalize, especially since it has become somewhat of a catch-all for observations of country-specific behavior. A more promising way of tapping the effect of traditions or 'ways of doing things' might be to explore the degree to which non-governmental actors adapt to an existing kind of policy style. For Richardson (1982), policy styles include the standard operating procedures for policy-making, but also the legitimizing norms for policy activity. Policy styles describe tendencies or probabilities of governmental behavior in individual countries, but arguably also at the supranational level (e.g. Mazey and Richardson, 1996). Certainly, policy styles might be linked to institutional arrangements, but they are a useful concept for the study of lobbying, because the governmental activity can be compared to the activity of private actors. For example, do British lobbyists use different lobbying techniques in the London and in Brussels? How does supranational lobbying of French lobbyists differ from Dutch or Greek lobbyists? By studying national traditions and identifying specific styles within and

beyond Europe, such research would help to combine the central questions of the Europeanization literature with a more general research on the importance of policy norms.

In opting for either one of these directions, as in the recent EU literature, a comparative perspective that goes beyond the empirical juxtaposition of different issue areas is central to developing and testing hypotheses. Until recently, the literature on EU lobbying has paid a considerable amount of attention to the description of the new European phenomenon. It seems that now the field has matured and offers itself for interesting comparisons with other political systems.

Table 1: Trends in US and EU lobbying

	United States	European Union
<i>Organization of interest representation:</i> How do individual actors organize?	direct representation, issue-specific coalitions, which may take the form of long-standing associations	national and sectoral peak organization, which tend to form European platform, recently also direct representation
<i>Instruments:</i> What methods and resources are available?	financial contributions, legal representation, formal and informal consultation, media and grassroots tactics	mainly consultation, both formal and informal, some legal advice, outsider strategies limited
<i>Policy process target:</i> Where and when do lobbyists decide to act?	from contributing to the formulation, affecting revisions to blocking decision	concentrating on formulation and revision at supranational level, concerning decisions through national route
<i>Characteristics of consultative lobbying:</i> What kind of relationships develop between public and private actors?	competitive, fragmented, both short-term and long term	long-term and trust based, multi-level strategies
<i>Style of consultative lobbying:</i> How do lobbyists express their demands?	defensive, direct, focus on immediate interests	constructive, cautious , consensus-oriented

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