

Interest groups as important actors for the European Commission: Stronger voice of diffuse interest groups

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Introduction

People in society have different interests, values and norms. In democratic countries these are reflected in the way institutions are structured and run. People express their preferences and interests during elections, which determine the ruling élite. However, expressing interests every four or five years during elections is not enough, and therefore many institutions listen to the voice of interest groups that through their membership have a close connection to people.

The mutually beneficial relationship between the European institutions and interest groups have become a conventional wisdom of European studies. The field of different interest representation is well mapped and researched by scholars like Eising (2003), Mahoney (2004) and Mazey and Richardson (2005). They analyse the complex relationships between interest groups themselves, their relations to the EU institutions as well as public. The European Commission has always been particularly receptive to interest groups and played an important role as a target institution for lobbying.

Some interest groups have established strong stable relationships with the Commission and are consulted on a regular basis. For this reason authors like Cowles (2001) and Coen (1997) believe that there are élites among interest groups that are more influential. The élite is made of so-called structured or business interest groups that outweigh the diffuse interest groups like for example environmental non-governmental organizations (NGOs). The creation of this elitist structure makes it easier for the institution to take into account the interests of these privileged groups.

In recent years, authors like Hix (1999) and Eising (Cini 2003) claim there have been clear attempts by the Commission to create more balanced interest representation in order to increase the legitimacy of the Commission's decisions and to fight the democratic deficit. The Commission started to sponsor certain groups and created institutional structures for more equal interest participation (CONECCS database, website Your Voice in Europe and Civil Society Contact Group). The neo-pluralist framework suggests that if some interests do not have equal access to the political process, then institutions could deliberately subsidize and give privileged access to underrepresented interests (Hix 1999, p.190).

Some Directorates General (DGs) are open to diffuse interest representation (like DG Environment) more than others (like DG Enterprise and Industry) depending on the policy areas. While the particular approach of different DGs can differ, there is still an official institutional approach to the interest group representation. Some authors see the approach as elite-pluralist, others as neo-pluralist or even corporatist. However, so far there has been a lack of attention to the fact that the Commission's approach is not static and that it might have been changing. The salient question of this paper is: Has the European Commission shifted its approach to interest groups from elite pluralism to neo-pluralism?

To identify whether this policy shift has occurred is important, because if the Commission is using a neo-pluralist approach to interest representation, it means that its decision-making process reflects the views of the wider population. Neo-pluralist policy implies taking into account more interest groups and therefore having a bigger constituency behind the Commission's decisions. This is especially important because in

this way the Commission's policy proposals and decisions can be more legitimate and therefore such a policy shift can be an effective way to fight the EU democratic deficit.

This paper is embedded in the pluralist framework that suggests that interest group representation should reflect the reality of the interests in the field. It assumes like Mazey and Richardson that bureaucracies have a tendency to construct stable and manageable relationships with interest groups in each policy domain in order to secure a stable environment for dialogue. Another assumption is that interest groups tend to exploit new opportunity structures as a means of maximizing their capacity to shape public policy to their own advantage (2005, p.248). This creates a mutual dependence and a need for cooperation.

In order to answer whether there has been a shift from élite pluralism to neo-pluralism at the Commission, this paper starts with justifying and explaining its theoretical framework – pluralism. It further introduces a typology of interest groups and explains why interest groups have become important actors for public institutions. It outlines the national and Brussels strategy they use for pursuing their goals. Particular attention is given to the Commission and explanation why interest groups are crucial for its policy-making process. The Commission is aiming to increase balance between business and diffuse interests. Whether this means a shift from élite pluralism to neo-pluralism will be analyzed through the example of interest representation at DG Trade and its Civil Society Dialogue. Based on the institutional structures for interest groups introduced by the Commission and mainly the observations from DG Trade this paper concludes that a shift from élite-pluralist to neo-pluralist model has taken place.

1 Pluralism as a theoretical framework

This chapter concentrates on explaining which models of interest representation exist. It starts with the acknowledgement that there can be different models coexisting at one institution, but at the same time it recognizes the corporatist model is generally preferred at the national level, while pluralist at the supranational. It particularly concentrates on elite pluralism and neo-pluralism in order to give the basis for identifying the possible policy shift between these two models at the Commission. Furthermore, the methodology of research is explained in the light of the framework.

1.1 Corporatism at the national and European level

The European Commission has always been open to interest groups' representation for many different reasons, which will be addressed in the subsequent chapters. While the structure of the Commission can be roughly compared to the structure of the national government – a ministry in a government has similar functions to a Directorate General (DG) – the structure of consultation with interest groups differs. There is a general preference for corporatism on the national level and pluralism on the supranational level. However, this does not mean that other forms of interest group structures do not appear. In fact both corporatism and pluralism exist to some extent in the EU (Hix 1999, p.188; Yee

2004, p.517) and while negotiations about environmental policy are pluralistic, agricultural policy is rather corporatist (Richardson 2001 in Yee 2004, p.517).

Most European governments prefer a corporatist model of interest representation (with the exception of Britain and France – Yee 2004, p.507) especially after the creation of the Single European Market and European Monetary Union (*ibid.*). Corporatism aims to cut down the number of groups that have access to the government. It “privileges economic or functional groups, because it leads to a form of tripartism that binds government to business and organized labour” (Heywood 1997, p.257). Governments therefore create their policies in cooperation with hierarchically structured business associations and labour unions. This structure makes it easier for the governments to shape their policies because the interest groups need to negotiate and agree on a common position. The interest groups are forced by the hierarchical structure of the main representative body to agree on priorities and clear visions which they later present to the national government.

The European Commission does not exercise corporatism as most national governments do, although “a clear attempt was made to introduce a European variant of corporatism to the policy process” (Coen 1997, p.92). Hix explains that the corporatist element was the establishment of the Economic and Social Committee by the Treaty of Rome, which represented “a variety of social interests” (1999, p.195). However, despite the desire to build a clear political hierarchy and well-structured interest consultation “the reality was a less formalized and pluralist policy-making system” (Coen 1997, p.92-3). The European level policy-making is more diverse than the national level and therefore the corporatist framework with clear hierarchies is hard to establish. The pluralist

framework on the other hand reflects more the reality as well as the diversity of interest representation. The above mentioned reasons are an explanation why this whole paper is embedded in the pluralist framework.

1.2 Pluralism, élite pluralism and neo-pluralism

After explaining especially the national tendency to prefer corporatist arrangements, this subchapter outlines the different types of pluralism. It mainly explains the élite pluralism and reasons why the business interests have a privileged position. Further more, it shows that the neo-pluralism is a way for institutions to influence interest group representation and include for example diffuse interest groups in the policy-making.

The central assumption of a pluralist theory is that “all groups and interests have the potential to organize and gain access to government” (Heywood 1997, p.256). This is rather an idealist assumption that does not function in practice, because it does not explain why some interest groups have more power than others and does not take into account that resources matter. Therefore the EU interest representation is nowadays perceived by some authors like Coen (1997) and Cowles (2001) rather as an élite-pluralist structure, which could be understood as a hybrid of corporatism with more flexibility.

In an élite-pluralist structure the Commission can be more selective about whom it offers access and establish “a core of insiders” (Broscheid and Coen 2003, p.168). Coen explains élite pluralism as “a system where access is generally restricted to a few policy players, for whom membership is competitive and strategically advisable, but not compulsory or enforceable as in the corporate model” (1997, p.98). In this structure

especially the business groups represent the *élite* negotiators. This is not something new for the EU because according to Yee “cozy relations between business and government have emerged since 1980s” (2004, p.503). Cowles explains more what *élite* pluralism brings: “Multinational firms and key industry groups now enjoy strong working relations, particularly during the drafting state of the European Union (EU) legislation... allowing Commissioners an opportunity to demonstrate their own “business constituency” vis-à-vis the member states” (2001, p.159). The relationship between the Commission and the business sector is beneficial for both sides and has a long history.

Business group representation has a long tradition at the EU. It stems from the fact that the EU started as an economic union and therefore businesses were the first to use the opportunity that had appeared and they wanted to influence the policies. Their influence also comes from “the key role they play in the economy as producers, investors and employers” and also the “widely held public belief that business interests coincide with the national interests” (Heywood 1997, p.263).¹ Most importantly, business interest groups as a type of concentrated interest have more resources (Dür and Bièvre 2007, p.6); therefore they can invest and organize at a new level of politics (Hix 1999, p.205). In this way they have a comparative advantage over other interest groups.

It is generally recognized by scholars that large firms have a better access to the EU institutions (Eising 2007, p.390). The business groups create a certain *élite*, as explained above, and they are primarily consulted by the institutions. Greenwood illustrates this point:

¹ The extreme example of this belief could be a remark made by Eisenhower’s Defence Secretary: “What is good for General Motors is good for the United States” (Wilson 1990, p.14).

Although none of the EU schemes currently in circulation deliberately seek to create an “inner circle” of groups with consultative circles status (as in the United Nations), in practice something like this exists for resource rich groups (1998, p.597).

Based on Greenwood’s argument the élite pluralism is not necessarily preferred by the Commission, but it is still a reality that cannot be overlooked. For an institution it is easier to deal with an élite representing the interests of a society than with a diversity of interest groups that can be even contradicting themselves on the same topic.

The policy development in the last decade led to changes in the communication strategy with the European constituency and stakeholders in the European level politics. These changes could have been caused by for example the failure of the European Constitutional Treaty referenda, the legitimacy struggle of the European institutions (especially the European Parliament and the European Commission) as well as the EU enlargement process. The Commission consciously aims to widen the scope of its consultation process and in this way increase the support of its policy proposals and thus also its legitimacy because consultations with many different interest groups bring the Commission closer to the European citizens.

In the pluralist framework, interest groups with competing interests create “societal ‘checks and balances’ against powerful state officials and/or special interest groups” (Hix 1999, p.188). This arrangement should lead to a natural balance in interest representation and offer groups an equal access to political process. However, as it was illustrated above, the business interests dominate the EU institutions and form an élite that is primarily consulted. This means that the institutions are to a certain extent captured by special interest groups with the superior resources at the expense of society and other groups (Hix 1999, p.189). Therefore in order to increase its legitimacy and the legitimacy of its

decisions the Commission's recent decisions suggest that there might be a move from élite pluralism to neo-pluralism, which would mean the consultation of a bigger number of interest groups.

Based on the neo-pluralist theory, institutions can use their power to influence interest representation (unlike in a pluralist framework) and seek certain interests over others in order to increase interest group participation. Institutions can “subsidize and give privileged access to underrepresented public interest” (Hix 1999, p.190). This activist role of the state within the model of open access to the policy process is the essence of neo-pluralism (Dunleavy and O’Leary, 1987 and Petracca 1994 in Hix 1999, p. 190). The European Commission’s recent initiations and decisions suggest that it tries to include especially diffuse interest groups in policy-making and increase their possibilities to impact its decisions and balance the dominating business groups.

The EU is a complicated arena of interest representation, which results in a “sophisticated and complex system that has elements of pluralism, neo-pluralism and corporatism” (Hix 1999, p.201). However one framework is more dominant than others and generally preferred by the Commission. So far business interests have had the main word (élite pluralism), but the recent involvement of diffuse interest groups could suggest a deliberate change of frameworks towards neo-pluralism. Hunold seems to argue the same:

Old style pluralism is giving way to new forms of interactions between public and private actors... Where classic pluralism was based on adversarial norms and closed structures of interest representation, the new model champions cooperation and the probing of volitions among a larger number of affected groups and actors (2001, p.162).

This quotation mentions the shift within the pluralist framework and the fact that a larger number of interest groups are consulted, which can be interpreted as a shift from elite pluralist to neo-pluralist model of interest representation. The question is whether this policy shift has taken place at the Commission in the last few years.

1.3 Methodology

The aim of this paper is to analyse a possible policy shift at the European Commission to interest representation. Most of the literature on interest groups has presented the Commission's position on them as static. A generalization about an institutional approach to interest groups is not easy, because, as stated above, the reality is rather a coexistence of different frameworks. Therefore it is more realistic to make a general statement about a particular policy field at one institution and bear in mind the complexity of EU decision-making.

The Commission's cooperation with interest groups has a long history and incorporates a variety of approaches. While industrial and trade policies have been rather corporatist or elite pluralist, social and environmental policies have been more inclusive (neo-pluralist). Trade policies have been dominated by business groups for a long time and therefore the policy shift and inclusion of new policy actors would be more visible here than in other policy areas. The impact of global trade has attracted the attention of NGOs and trade has become a policy arena of competing business and diffuse interest groups. DG Trade is a frontrunner in the relations to interest groups and therefore a single case study at this DG is particularly insightful. A comparative case study can be an option

for a future research, when the institutional approach to interest groups becomes more standardized.

This paper has been based mainly on document analysis. The materials cited range from academic research papers to documents of the Commission (white and green papers as well as different communications) and also statements and articles published by NGOs. The use of internet and electronic information played an important role, because consultation with NGOs (particularly at DG Trade) is an ongoing process with many interesting changes being introduced just in the last months. Therefore the literature review has a salient role and is completed with a descriptive analysis of the ongoing consultation process accessible through internet.

This chapter has shown that while the institutions on the national level generally prefer corporatist interest representation, those on the European level rather the pluralist. However, pluralism in a pure form cannot exist and therefore there are different forms of pluralism. The general dominance of business groups suggests elite pluralism and a possible capture of the EU institutions by special interest groups. Some authors however recognize that the Commission needs to increase its legitimacy and therefore it is increasing the diffuse interest representation. Whether this means a shift from elite-pluralism to neo-pluralism will be analyzed in the remaining chapters based on the methodology introduced here. In order to be able to tackle the research question, the next chapter explains why interest groups are important actors for the institutions and it deals with the differences among interest groups.

2 Interest groups as important actors for public institutions

Democratic societies are founded on the idea of equal participation of all people. Therefore public institutions seek a contact with the population, so they can choose policies that best fit the social environment. This idea is embedded in the Universal Declaration of Human Rights, which states that: "The will of the people shall be the basis of the authority of government."² This is the main reason why interest groups are important actors for public institutions: they act as a direct connection to the people and represent their needs, concerns and preferences. This chapter explains the historical roots of interest groups and their recent boom; it introduces the typology of interest groups and the main differences between business and diffuse interest groups that are the focus of this paper.

2.1 Roots of interest representation

Interest group representation has been an attractive research topic for different generations of students of political science, because it is perceived as an important element in democracy. Some authors like Cornelia Woll (2006) and Suzanne Berger (1981 in Almond 1983, p.245) speak about different waves of interest group studies. Woll claims that nowadays there is already a "fourth wave" that concentrates on the EU interest

² See Office of the United Nations High Commissioner for Human Rights, text on Democracy: <http://www.ohchr.org/english/issues/democracy/> [accessed 19 June 2007].

groups.³ Particularly the beginning of 1990s brought a boom in interest representation at European level. This happened mainly after the signing of the Single European Act in 1986 (Woll 2006, p.458) and the consequent transfer of responsibilities to the EU level (Broscheid and Coen 2003, p.167). Furthermore, the role of the interest groups became more important for the democratic states after the fall of the communist block, which was generally in the West considered as a result of the bottom-up pressure of civil society organizations.⁴ Despite the more recent revival of interest representation, the notion has a much longer history.

Already in the first half of 19th century, Alexis de Tocqueville talked about the importance of possibility for people to gather in different associations (interest groups in current Euro-jargon) and that in this way associations compliment the role of the government. He claimed that “In our own day freedom of association has become a necessary guarantee against the tyranny of the majority” (Tocqueville 2000, p.192). By this Tocqueville meant that civic associations are a counterbalance to the power of the state that is selected by the majority vote. Interest groups as representatives of civil society are a middle ground between a private life – a family, clan, or traditional community – and a political state. They serve as a connection of the public institutions to their constituency. Thus, the recent interest mobilisation on the EU level only revived and reconfirmed the role of the interest representation for democratic countries.

³ According to Woll the first wave concentrated on activities of interest groups in American politics; the second wave emphasized the role of interest groups in other countries; the third wave examined neo-corporatist and other types of interest groups systems; and the fourth wave concentrates now mainly on the interest groups in the EU. Furthermore, the most recent research tendencies use comparative approach and analyze the EU and US lobby environment (Woll 2006, p.457).

⁴ The most known example is the Solidarity Movement in Poland.

2.2 Typology of interest groups

Although much has been written about interest groups (e.g. Wilson 1990, Mazey and Richardson 1993, Greenwood 1997), it is still hard to generalize about them, since there are vast differences in their structure and aims. Heywood introduced a useful typology of interest groups. He distinguishes between sectional and promotional groups and also between insider and outsider groups in democratic industrial societies (1997, p.253-5).⁵ Sectional groups (in the US called private interest groups) represent a section of a society and exist to advance or protect the (usually material) interests of their members. Such groups could represent for example workers, employers and consumers. On the other hand, promotional groups (in the US called public interest groups) help groups other than their members and are set up to advance shared values, ideas or principles. They could promote general interests like civil liberties, clean environment, religious values, etc. (Heywood 1997, p.354). Despite these contrasting approaches, there can be groups that are both sectional as well as promotional.

The other way to classify interest groups is based on their relation to government and the tactics they adopt in order to exert pressure. Insider groups “enjoy privileged and usually institutionalized access to government through routine consultation or representation on government bodies” (ibid. 254; Broscheid and Coen 2003, p.168). Often there is an overlap between sectional and insider classification. An example could be business groups or trade unions that can exert pressure on government if they are ignored. In contrast, outsider groups are either only consulted irregularly or not consulted by

⁵ Heywood clarifies that there is also interest representation in non-democratic and developing countries, but unlike in industrial democratic societies where you have associational groups that this paper refers to, there are rather communal groups founded on the bases of heritage, traditional bonds and loyalties (ibid.).

government at all (Heywood 1997, p.254; Grant in Greenwood 1997, p.15-17). They do not have access to government and therefore they have to “go public” and use an indirect influence on policy process. They tend to use the so-called “voice strategy” and attract media together with public as opposed to the “access strategy” that characterizes insider lobbying (Beyers 2004, p.213) and concentrates on direct access to public institutions. An example of an interest group that uses the access strategy is Greenpeace, which avoids any government sponsorship in order to be impartial.

This paper is focused on interest groups that are insiders and seek an influence on an institutional level. They can be either sectional, like business groups that have a strong position at both national and international institutions, or promotional, like civil society organizations that institutions want to listen to more in order to have a direct connection to the citizens. Therefore for the purposes of this paper, Woll’s general definition of interest groups that seek influence will be used. Woll defines interest groups as “formally organized groups who are united by specific political objectives and who try to influence the policy process in the pursuit of these goals” (2006, p.465). This is a straightforward definition that requires the interest groups to have a political objective as well as structure, which excludes social movements and is broad enough to include even opposing interests.

2.3 Business and diffuse interests

For the clarity of argumentation it should be stressed that this paper will primarily address the two main competing groups within insider interest groups – business and

diffuse interest groups.⁶ The clear distinction between these two interest groups is in their constituency, the amount of resources they have, the values they follow and the way in which they address the public and institutions.

Differences between diffuse and business groups are reflected also in the terminology the EU literature uses for them. Business interest groups (called also “socioeconomic”, “producers” or “corporate” interest groups) have a clear stake in the production process and “defend the interests of well circumscribed and concentrated constituencies” (Beyers 2004, p.216). They primarily defend and monitor the commercial interests of their members, unlike diffuse interests. Diffuse interest groups (called also “non-producers interests”, “public interest groups” or “promotional interests”) are linked to general broad segments of society and can represent the interests of future generations or distant problems. An example of a diffuse interest group can be an environmental, human rights or consumer organization.

While a business interest group is a straightforward category, the diffuse interests deserve more explanation. They have some specific features that other interest groups do not have – namely a fragmented constituency and free-rider problem. Both of these features make them weaker in comparison with other groups, because they make it harder to mobilize (Beyer 2004, p.216). The diffuse or fragmented nature of constituencies means that for example if a European organization tries to raise awareness about the problem of AIDS on the African continent in order to make the government increase a development aid, it can experience trouble in finding clear direct supporters for its goal. Although people can feel empathy with developing countries, AIDS in Africa remains a distant

⁶ This paper uses the term business groups because it reflects better the for-profit orientation than a more general term sectional groups used by Heywood. The term diffuse interest reflects the difficulties these groups have to face (as explained further) and therefore it fits better than promotional interests.

problem with no clear impact on the life of people in Europe. Different scholars identified a strong incentive to free-ride on the collective goods that diffuse interest groups provide (Cini 2003, p.202; Hix 1999, p.189 and Pollack 1997, p.573). If for example an environmental NGO manages to limit pollution by policy lobbying at the EU, everyone who would have been influenced by the pollution profits from the cleaner air without having to participate in the policy advocacy.

Apart from the fragmented constituency and free-rider problem there is one important issue that diffuse interest groups have to face, which is the lack of resources that disadvantages them. The difference in resource availability between diffuse interest groups and business interest groups makes it easier for business interests to raise their voice. However despite the lack of resources, it is important to note that diffuse interest groups have a particular strength. They do not primarily want to increase profit like their business counterparts, but advocate for public good and shared values (Keck and Sikkink 1998, p.2). This is what makes their role in society important, since they raise public concerns, which are “grounded in personal values and ideological views... [they] give expression to the values and views they pursue... mobilizing in defence of public good” (Beyers 2004, p.216-7). Therefore the diffuse interest groups are usually successful in attracting media and use a “voice strategy” to attract public in pursuing their goals, because people generally feel sympathetic to their concerns as opposed to those of business groups.

To illustrate how business and diffuse interest groups persuade their constituencies and policy-makers it is useful to look at the Beyers’s analysis. He interviewed 157 EU-level private and public actors in order to compare the strategies of diffuse and business

groups, he distinguished between specific and diffuse interests. Beyers came to the following conclusions that show how these two groups frame their policy events and arguments:

In 70.5% of cases, specific interests referred to the benefits and costs of constituency encountered. Diffuse interests used this argument in only 25.0% of cases. Furthermore, compared with diffuse interests, specific interests made more use of arguments related to employment (44% versus 20%), competitiveness (47% versus 13%) and relations with trading partners (20% versus 7%). In contrast, diffuse interests referred more to concerns such as public health (27% versus 14%), the environment (41% versus 19%) and relations with developing countries (20% versus 12%) (2004, p.222).

The figures clearly illustrate the wider constituency and general public interests of diffuse groups, which advocate for public health, clean environment and the developing countries. Business groups on the other hand use a market-oriented argumentation that reflects particular needs of their members. Both stands are valid in general and reflect what the people that form these interest groups value and find important to address. Diffuse groups stress general interests, while business groups rather self-interests of their members.

This chapter has shown the importance of interest groups for public institutions in democratic societies. By defining and explaining the typology of interest groups it narrowed down the focus to mainly business and diffuse interests that usually act as competing actors on the advocacy scene. It further explained the difficulties and value of diffuse interest groups in particular, which will help to understand the unbalances in interest representation. Scholars in general recognize that not only institutions seek interest groups input but also visa versa – interest groups look for opportunity windows at different institutions in order to influence their policies and stress their concerns. Interest

groups can exert influence in different ways and at different levels. Two main paths can be distinguished – national and Brussels strategy.

3 National and Brussels strategy

Interest groups use different strategies to influence institutions. This chapter looks at how interest groups nowadays look for several venues to influence public institutions and frame issues accordingly. In order to have a bigger influence, many interest groups have recently started to build coalitions as well as transnational networks to strengthen their point. They use national and Brussels strategies to advocate policy change at different institutions, which have diverse approaches to interest representation. Venue shopping, using multiple strategies and coalition building are among the most popular ways that interest groups use to increase their chances for a successful policy advocacy.

3.1 Venue shopping, multiple strategies and coalition building

Interest groups have to work hard in order to differentiate themselves from other groups that are in big numbers lobbying in Brussels. In order to understand their behaviour it is valuable to know what environment they are facing and what options they have in approaching EU institutions. The following section explains the tendency of interest groups to use many different venues, combine strategies and connect with other groups.

The EU is a system of multilevel-governance, where policies are made by regional, national and European authorities and in an interaction between these levels (Hix 1999, p.200; Greenwood 1997, p.31). This is an important fact for interest groups because it

allows them to explore new opportunity structures. Baumgartner and Jones express the theory of venue shopping: “if interest groups are not successful in gaining support at a lower level, they can bring their interest to a higher or different level and search in a variety of arenas at once” (1991, p.1048). Venue shopping opens more possibilities and chances to get support for their cause.

Venue shopping according to Baumgartner is closely related to issue-framing. This is mainly for two reasons: first, because an issue can be assigned to one venue rather than another depending on how it is framed; and second, different venues reinforce different ways of considering the issue (2007, p.484). This means that certain issues like for example agricultural subsidies for European farmers will be dealt with primarily by DG Agriculture at the Commission, however for example DG Development also looks at the issue but from a somewhat different perspective, since the European subsidies disadvantage the import of agricultural products from developing countries. Therefore depending on the venue priorities, the issue is framed or considered in different ways. However, the possibility of changing the issue-frame helps the actors to bring the issue to multiple venues and thus increase the chances for a successful advocacy. Despite the general possibility of interest groups to “go venue-shopping” it should be noted that “[f]or most issues, most of the time, venues appear quite fixed” (ibid.). Therefore most of the interest groups have a stable set of venues they are trying to influence and they keep in touch with.

As was already mentioned above, interest groups aim to always increase their influence and therefore apart from using different venues and framing issues in a new way, they also try different tactics or even a combination of them. This was usually not the case

before 1990s when the boom of interest groups arrived. In the past the interest groups concentrated their forces at the national level and therefore they used primarily a single strategy, since the regulatory powers were concentrated in the national parliaments. Nowadays the delegation of power to Brussels caused that multiple strategies are preferred, because they increase chances of success. Interest groups lobby at the national levels as well as at different venues in Brussels. According to Beyers, the EU system by itself makes the interest groups combine their tactics: “the EU system of multi-level governance, and the uncertain nature of influence (e.g. shifting alliances, multiple points of access), stimulate the combination of different tactics” (2004, p.215).

The current scene of interest group representation in Brussels shows that a very popular tactic and a tool for increased influence is the formation of advocacy coalitions. Forming coalitions with groups with similar concerns and goals helps to strengthen the arguments, unite the scattered influence, use resources more effectively and it also creates a clear pole to the opposing interests. Therefore coalition building is good for the interest group as well as for the institution that they lobby, because it makes the interest representation more structured. An example could be so-called Euro-groups that represent all different kinds of interests from business interests (e.g. UNICE – The Union of Industrial and Employer’s Confederations of Europe) to diffuse consumer interests (e.g. BEUC – European Bureau of Consumer’s Union). Some authors see coalition building as a key factor determining the interest group influence. Michalowitz claims: “The degree to which interest groups are part of or outside a strong coalition of interests is likely to influence the strength of an opinion voiced to alter a legislative act” (2007, p.135). The

strength of the group's opinion is crucial and therefore building coalitions is a well established practice.

Although interest groups can try to influence decision-making on the regional level (in the context of European issues it would be through the Committee of the Regions created by the Maastricht Treaty) the most important approaches are still the national and Brussels strategy. Different interest groups can persuade their national government especially if their interests are mainly linked to the local population. If the exerted pressure is not effective at the domestic level, they can also try to get support from a different national government and still follow the national strategy (Greenwood 1997, p.32). However, if interest groups have the resources to do so and are not too embedded in their immediate national environment (Beyers and Kerremans 2007b, p.463), they increasingly aim at Brussels directly (Lavdas 2005, p.310). Therefore direct lobbying in Brussels is becoming more and more popular across interest group representation.

The Brussels strategy is essential for interest groups that have a European dimension. This is the reason why in Brussels there are active mainly European organizations that stress a European cooperation or coalitions of national organizations. Moreover, the Brussels strategy can be a way to bypass the national government as well as indirectly force it to take certain steps. Keck and Sikkink in their book *Activists beyond Borders* identified the importance of advocacy networks, which deliver action independently from the state and therefore are "helping to transform the practice of national sovereignty" (1998, p.2). They claim that particularly diffuse interests like NGOs tend to organize on the international level and through forming advocacy coalition they can insert pressure on the national government. Keck and Sikkink define this so-called

“boomerang effect” as follows: “domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside” (1998, p.12). The boomerang effect is used as a leverage especially when the national government is not receptive to the interest group’s demands. Lobbying in Brussels therefore can be a way to skip the national level or influence it and can be done at different EU institutions.

3.2 The EU institutions and lobbying

Interest groups can lobby for their interests at different institutions including the European Parliament, European Commission, Council of Ministers and European Court of Justice. The EU institutions are important to interest groups because they influence their environment and activities through formulation and implementation of European policy (Eising 2003, p.198). Interest groups are listened to by the EU institutions and therefore can act independently of states and thereby “shape international policy agendas and outcomes” (Mazey and Richardson 2005, p.251). Each of the European institutions has a slightly different approach to interest group representation, which will be described and compared in order to increase the understanding of the interest groups dynamics and venue preferences.

The European Parliament (EP) is the only directly elected body in the EU and therefore it has a more direct connection to popular demands. Furthermore, the recent changes in the Treaties increased the EP’s powers by co-decision procedure and therefore also attractiveness of this institution for interest groups. Many authors like Pollack (1997, p.581), Beyers (2004, p.219) and Michalowitz (2007, p.141) recognize that the EP, unlike

other institutions, is more open to wider set of interests and therefore the diffuse interest groups have a better position at the EP. This is true in particular for electorally popular causes like the environment, consumers, and women (Pollack 1997, p.581). The EP attempted to make the interest group lobby more transparent and therefore introduced a regulation. The interest groups that want to lobby in the Parliament need to pay an administrative fee and sign a code of conduct, which grants them passes allowing permanent access and requires them to make an annual declaration of activities (Greenwood 1998, p.595). This approach demonstrates an institutional interest group regulation that for example the European Commission disagrees with.

The European Commission has a different approach to interest groups, also because it is more dependent on them than other EU institutions. The Commission is the “guardian of Treaties” and has an important role in agenda-setting and policy initiation. The Commission is a non-elected body that enjoys relative freedom concerning its decision-making; although the EP can sanction the Commission as a whole, “general parliamentary and public control over individual Commissioners remains relatively weak” (Beyers 2004, p.219). In general, there has been a preference of structured interests over diffuse interests especially in comparison with other institutions (Marks and McAdams 1999, p.105 in Beyers 2004, p.219). The reasons behind the preference for structured interest at the Commission will be dealt with in the coming chapter.

It is interesting to note that there are differences among Directorates General (DGs) as well as cabinets. Beyers claims that cabinets are “more receptive to the mobilization of diffuse interests” than DGs (2004, p.230). As an institution that is dependent on the outside input, the Commission decided not to introduce a regulation of interest

representation. It promotes the equality of access to a wide group of interests and a compulsory registration or other form of access regulation from the Commission's perspective can become an obstacle for some groups. In 1997, it established a database of interest groups active at the European level called CONECCS (Consultation, the European Commission and Civil Society). Inclusion in this database is voluntary and does not imply any official recognition by the Commission nor access to any privileges (Greenwood 1998, p.593-4). The Commission is identified by the interest group literature as the main access point for lobbying.

The Council of Ministers and the European Court of Justice are not as important as the two above mentioned institutions for interest groups, but both are still worth mentioning. The Council of Ministers is the EU main legislator, where ministers of all member states meet to agree on a particular policy. The Council is an intergovernmental body where different national views are competing, although the previous possibility to veto decisions is diminishing with the increased number of areas decided by the qualified majority voting (QMV). The interest groups aim to influence the Council mainly through the national strategy.

Moreover, the meetings of the Council are not public and are therefore harder to influence. Mazey and Richardson write about them as "secret and closed" meetings to which "groups have no direct access" (1993, p.14). Most of the details and tuning of the legislation is done before the ministers meet by other officials in working groups and most importantly the Committee of Permanent Representatives (COREPER). At this level lobby groups can again use a national strategy, although direct lobbying is rare (Eising in Cini 2003, p.195). In general the Council is not a popular venue for interest groups undertaking

Brussels strategy, although it shares decision-making powers with the EP through co-decision procedure. The interest groups rather concentrate on the Commission because it drafts the regulations (Pollack 1997, p.579) instead of the direct lobbying at the Council and try to influence the policy before it reaches it.

The European Court of Justice (ECJ) is responsible for interpreting and enforcing the EU law. It can even enforce sanctions on a member state if it does not follow the Treaties. The supremacy of the EU law over national legislation has been a tool used by interest groups, when they believed that a state violated their rights based on the Treaties. In many cases the ECJ has set precedence in interpretation of the Treaties and played an important role in the EU integration process, when extending the implication of the Treaties beyond the intentions of the member states (Stone Sweet and Caporaso in Pollack 1997, p.582). For example the UK branch of Friends of the Earth took the UK government to the ECJ in 1992 because of a “failure to implement directives relating to the level of nitrates in drinking water” (Mazey and Richardson 1993, p.16). Overall, despite the use of the Council of Ministers and ECJ as lobbying venues, both institutions remain rather secondary targets for interest groups.

This chapter has shown that the interest groups use different venues for pursuing their goals and because of the power delegation to Brussels tend to use multiple strategies to influence institutions. By demonstrating the importance of advocacy coalitions it has highlighted the increased importance of Brussels strategy. The overview of different roles interest groups have at EU institutions has led to the conclusion that the EP and the Commission are the most important venues for interest group lobby. The next section concerns interest groups with Brussels strategy and concentrates in more details on the

relationship of the Commission and interest groups, because of the Commission's strong institutional position and a decisive role on the EU development.

4 Interest groups and the European Commission

The European Commission is the most important venue for interest groups and therefore it is analysed in detail. This chapter explains the reasons why the Commission needs interest groups and also how the interest groups benefit. Beyond, it outlines the picture of the lobbying environment in Brussels and suggests pros and cons interest groups embody for the Commission. The most important venues for policy influence are identified based on the policy cycle and finally, the preferences of the Commission between the business and diffuse interest groups are discussed.

4.1 Why the European Commission needs interest groups

The interaction between interest groups and the Commission is particularly important because of the Commission's monopoly over policy initiation, which grants it a pivotal role in agenda setting and policy formulation (Eising in Cini 2003, p.194). Furthermore, it has been apparent for several years that the Commission is seriously understaffed (Hix 1999, p.201) and has a "management deficit" (Greenwood 1997, p.40). Therefore it is dependent on resources from outside and those interest groups following the Brussels strategy can have a significant impact on its policies. It is also because in the Commission's own words it "has a long tradition of consulting interested parties from

outside when formulating its policies” (COM (2002) 704, p.3). Both the Commission and the interest groups are mutually dependent and profit from cooperation.

The Commission needs interest groups because it has limited resources and a strong need for information from every member state, so it can accurately interpret the outside world and facilitate efficient policy formulation (Richardson 2005, p.248). “Without the high degree of interest mobilization... the EU governing élites would have much less contact with their peoples” (Mazey and Richardson 1999, p.124-5). Interest groups are important for the Commission as useful sources of information, expertise, support and being good satellites for monitoring social changes (ibid. p.249; Hix 1999, p.201 and Eising in Cini 2003, p.198). All these functions of interest groups are important and enhance democratic policy-making.

By including interest groups in the policy-making process, the Commission aims to increase its legitimacy and have a direct constituency behind its decisions. The Commissioners and their teams are cut off from the local situation and world outside of Brussels and therefore the Commission’s contact with interest groups is very useful. It is important for the success of a policy to have a direct constituency, because it ensures that the policy can be implemented later. Policy areas that are decided in Brussels can be dealt with in many different ways on the national level and therefore it is hard to choose a European model that should be followed and usually the policy has to be based on minimum standards and the lowest common denominator. Interest groups working on the European level can be especially helpful in finding the right solution. On the other hand, the interest groups benefit from gaining access to first-hand information by participating in the policy process. By establishing a close relationship with the DGs and the

Commissioners they have an opportunity to represent and fight for the interests of their members. The fact that they know that a policy might be initiated before it is drafted gives them a power to influence policy-making from the very beginning.

4.2 Lobbying environment – pros and cons of interest groups

After outlining the reasons why the interest groups are important actors for the Commission, this paper can now concentrate on the lobby environment in general and suggest what pros and cons interest groups embody in the policy-making for public institutions.

The interest groups in Brussels have to win and keep their place in a tough competition with others. Many authors agree that the EU policy arena is overcrowded with interest groups (Greenwood 1998, p.587), which is also because of their boom in the early 1990s. The oversupply of interest groups means that the groups have to keep high standards for themselves and watch their reputation very carefully. Therefore if an interest group establishes successfully a contact with the Commission, it already has to have a good reputation and its input in any way should not suffer from unreliable or manipulated information (Eising 2007, p.387), because the group would be quickly replaced by another one. The big variety of information sources and the wide use of the internet increase the chances to quickly verify information. Furthermore, with the tendency to form advocacy coalitions, the different members of the network check on each other, because their reputations are interlinked. The practice of verifying the information is more complex, but

this example should illustrate that there are some filters ensuring quality information from interest groups in Brussels.

The Commission and interest groups can have the same policy interest, but their different structures make them look at situations and solutions in different ways. In contrast to public administration, interest groups can be considered as “more democratic, more decentralized, more effective, and less bureaucratic” (Eising in Cini 2003, p.199). These are definitely pros that are repeated in the literature on lobbying at the EU. Interest groups also provide a means of communication between the Commission and the people (Heywood 1999, p.259). Despite these positives that the interest groups embody for many authors, some people still warn that interest groups could represent certain dangers to democratic decision-making and that these should not be overlooked.

For example, Eising mentions different ways to look at interest groups. They could be understood as “schools for democracy,” where citizens are socialized as political beings, but for some also as groups undermining legitimacy and accountability of the European institutions by “pursuing only very narrowly defined interests” (Eising in Cini 2003, p.193). A similar argument that interest groups rather undermine democracy was made by Öberg: “Interest groups... are not represented in proportion to their numerical strength and cannot, in that sense, be democratic” (2002, p.463). An equal representation of all interest groups at an institutional level is unrealistic, but the argument that interest groups have very narrow interests that do not represent public interest does not count for all types of interest groups. As explained before in the second chapter, particularly diffuse interest groups represent public interests concerning issues like gender equality, environment, and

consumer protection. Interest groups can have a narrow interest area and unclear constituency, but it does not mean they are a danger to democracy.

The Commission has many options when choosing the stakeholders for consultation. It is undergoing an “ongoing bargaining process” (Hix 1999, p.201) with the representatives of the state and non-state national interests as well as other institutions and its own DGs. It is fully aware of both pros and cons concerning interest groups and it tries to make the best out of them in order to create good policies. This situation creates a complex network of relationships and the Commission acts as a “bourse” (or garbage can) “where problems, policies and interests are traded” (Mazey and Richardson 1999, p.112). The process of policy-making is complex and the Commission uses its hard as well as soft powers to push for a certain position or finding a compromise throughout the whole policy process.

4.3 Policy cycle and venues for influence

The policy-making process is very complex, but it can be divided into certain phases that form a policy cycle. Dividing the whole policy process in this way helps to increase the understanding of what needs to be taken into account for the right policy decisions. For the purposes of this paper, explanation of the policy cycle helps to clearly identify the possible venues of influence for interest groups.

The policy cycle can be divided in different number of stages. Young and Quinn use a six stage model, when advising how to write effective policy papers. This division

can be well applied to the interest group lobby at the Commission. The stages that follow one another and form an enclosed circle are (2003, p.12):

1. Problem definition/Agenda setting
2. Constructing the policy alternatives/Policy formulation
3. Choice of solutions/Selection of preferred policy option
4. Policy design
5. Policy implementation and monitoring
6. Evaluation

While the policy cycle is definitely a simplification of the whole policy-making process, the model “informs the context within which the policy specialist should act in order to follow best practice” (ibid. p.13). It also helps the interest groups to structure the arguments on a specific topic in an effective way. Authors can differ in opinions on where it is best and most effective for the interest groups to exert pressure.

Mazey and Richardson expressed the opinion that the most successful place for inserting influence for diffuse interests “may be at either end of the policy process: influencing the construction of the policy agenda, and highlighting implementation deficiencies” (1993, p.44). Many interest groups in fact do pursue the first stage of the policy cycle called problem definition or agenda setting as well as evaluation – the last stage. When lobbying at the Commission a strong stress is put on the agenda setting, since (as mentioned above) the Commission has a role of a policy-initiator. It is easier for the groups to lobby at this stage than latter at the EP or the Council of Ministers that make the decisions and pass the legislation.

Apart from the agenda setting stage, many interest groups have a long tradition in influencing policy formulation – the following stage. Interest groups can suggest looking at the status quo in a new way and they help to analyze different policy alternatives based

on their viewpoint. The EU institutions are rather detached from the situation at the domestic level (Eising 2007, p.386) and since the interest groups are believed to be closer to the citizens they can help with mapping the situation on the ground. Interest groups can provide overview studies of different regions that the Commission does not necessarily have capacities to do by itself. Based on the needs identified by them the final policy formulation is much easier for the decision-makers. In this way interest groups try to ensure that their preferences are taken into account.

More recently, however, interest groups have also been involved in the implementation of EU policy (Mazey and Richardson 1993, p.4; Hix 1999, p.207), which follows agenda setting, policy formulation, choice of solutions and policy design. The fact that interest groups are being involved in policy implementation suggests a shift in the role of interest groups that have become not only policy-consultants but now also policy-partners. If interest groups help with policy implementation it simply means an easier process for a policy change directed from Brussels, because interest groups are able to influence its members (Greenwood 1997, p.19-20). Furthermore, interest groups are important for monitoring the implementation of policies and also “whistle-blowing” activities (ibid. p.30; Mazey and Richardson 1993, p.42). They can become watchdogs of governments and help the Commission with achieving its objectives. The policy cycle closes with the evaluation which is again a starting point and a basis for a new problem definition. An evaluation of the policy is important for interest groups when justifying its preferred policy option and framing the issue.

Apart from those authors that suggest that there are effective ways and venues for influencing policy within the policy cycle, there are some that are rather sceptical about

possibilities of interest groups to influence institutions. Authors like Michalowitz for example do not recognize the power of interest groups, but rather the power of institutions in choosing the interest groups. Based on her research of interest group associations, Michalowitz came to the conclusion that interest groups can exert influence mainly when their interests merge with the interest of the lobbied institution. She believes that they are able to exert a “technical influence” (meaning offer concrete details for a policy), but the possibility to have a “directional influence” (i.e. change the general preferences or policy aims) seems highly unlikely in the EU (2007, p.149, also 2004, p.165). Although the congruence of interests helps in gaining support, it is not the only factor that determines the success of an interest group’s influence. The policy changes in the field of gender and environment demonstrate that even policy suggestions that were first in conflict with the policy of the Commission can be adopted. The EU is in fact a learning institution and its stated goal is to serve the good of all people in Europe.

4.4 Diffuse and business interest groups at the Commission

Despite the noble goal to serve all the people, interest representation has not been balanced. In general, the literature on interest groups claims that there is an overrepresentation and dominance of business interests (Hix 1999, p.192; Greenwood and Thomas 1998, p.488; Eising 2007, p.384) that have been given more power at the Commission. The following section explains the power of business interests and outlines why the Commission recently tends to widen its consultation with interest groups and support diffuse interest representation.

As explained in the second chapter, diffuse interest groups face the problems of a lack of resources, fragmented constituency and free-riding, therefore it is harder for the Commission to get a clear opinion and quick feedback from them. Furthermore, it is difficult for diffuse interests to establish a common position, because they often compete with each other (Eising in Cini 2003, p.202). Among other reasons that explain the strong position of business are a clear goal to earn profit, ability to organize well, enough resources and the historical role of the EU as an economic community. These give some insight into why the Commission “listens carefully to economic groups” (Marks and McAdams in Porta et al. 1999, p.105) and why the business groups have greater power at the EU institutions in general.

The decision-makers in Brussels face growing responsibilities with the European harmonization of different policies, which initially were dealt with only on the national level (e.g. common regulations for workplace safety or equal pay). This together with the lack of personnel causes an overload of administration (Mazey and Richardson 1993, p.4) and the need to use outsourcing for different tasks. Therefore well-constructed information by interest groups is very useful if it deals with the recurrent topics the particular office needs. Business interests are ready to react on this need and are effectively using the direct influence that the Commission is open to.

Although the estimated percentage of the business groups represented differs slightly from author to author, they clearly make up an overwhelming majority of interest group representation. According to Eising about “82 per cent of EU organizations listed on the Commission’s database may be categorized as producer or employer interest organizations” (Eising in Cini 2003, p.200). Mahoney investigated 125 Commission

Consultative Committees with 685 different organizations represented. She found that business makes up approximately 72 per cent of the interest groups (2004, p.450). This illustrates the power and strength of the business representatives.

Mazey and Richardson write about business power with a sense of understanding: “Almost against their will it seems, Commission officials are in danger of being drawn into quasi-clientelist relationships with the limited number of groups which are really able to keep pace with and respond to Commission proposals” (1993, p.22). This implies that there is an élite pluralist framework at the Commission as outlined in the first chapter. As a result of the dominance of business interests, there is an “unequal access to political power, the capture of state officials by groups with the most resources, and outputs that benefit special interest at the expense of society” (Hix 1999, p.189). That is why the Commission has started to seek a wider interest representation when preparing its policies. It wants to listen to underrepresented diffuse interests, which is reflected in its policy approach to consultation.

4.5 Steps to wider consultation

The Commission wants to widen its consultation in order to increase its legitimacy and improve policy-making. This can be clearly detected in different communications it published as well as in the fact that it offers funds to diffuse interest groups. In order to increase transparency the Commission identified general principles and minimum standards for consultation and took concrete steps to increase the number of interest groups consulted.

The EU like many other institutions has called for civil society organizations as representatives of diffuse interest groups to be active at the European level and influence its policies. In 1997, the Commission adopted a communication *Promoting the Role of Voluntary Organizations and Foundations in Europe*, which states that the development of a dialogue and partnership between the Commission and voluntary organizations “will contribute to a better understanding and building of European integration at all levels” (p.13). This clearly shows that the Commission (representing the public sector) wants to negotiate and hear opinions of the “second sector” – business – as well as the “third sector” – civil society – in order to have balanced policies.

Balanced policy-making is important, because - as stated in the *White paper on European Governance* - it helps to “reduce the risk of policy-makers just listening to one side of the argument or of particular groups getting privileged access” (COM (2001) 428, p.17). Even though business and promotional groups do not advocate for the same policies, both positions are useful for the Commission. Based on the neo-pluralist framework it is clear that “spanning both sides of a policy debate strengthens the credibility of [the]... supranational actor(s)” (Hix 1999, p.208). Therefore the Commission would like to listen to even opposing opinions and not just traditional business groups.

Primarily business groups have advantages of resources over other groups. Therefore the Commission as well as the European Parliament have sought to “improve the organizational capacities of diffuse interest groups so as to enhance their standing in the policy process, and have offered financial support” (Eising in Cini 2003, p.202). The Commission offers funds to “59 per cent of EU associations representing diffuse interests” (Eising in Cini, p.2003). In 1994, funding to diffuse interest groups amounted to a total of

€7 million (Greenwood 1997 in Hix 1999, p.197). The financial support aims to help organizations to improve their organizational capacity and relevant expertise that can be used by the Commission.

There are different steps that the Commission has taken in order to bring balance to interest representation apart from offering funds. In order to increase the consultation quality and transparency it identified general principles and minimum standards for consultation. Five *general principles* for good governance stem from the Commission's *White Paper on European Governance* (COM (2001) 428) and are considered to be also the general principles for consultation: participation (from conception to implementation), openness and accountability (EU institution must explain and accept their responsibility), effectiveness (policies must be effective and timely), and coherence (consistency of policies and actions). The general standards are spelled out more concretely in five minimum standards for consultation.

The five minimum standards for consultation are: clear content of the consultation process (clarity and conciseness stressed), consultation target groups (ensure that relevant parties can express their opinion), publication (mainly online at a “single access point” to ensure awareness rising), time limits for participation (at least 8 weeks), and acknowledgement and feedback (provided by the Commission and available to public scrutiny) (ibid.). Particularly the minimum standards for consultation have been welcomed by the interest groups, because for the first time they clarify and make transparent how consultations should look like.

In order to widen the scope of consultation not only general approach was explained but also more concrete steps were put into practice. Among them is the use of

so-called green papers, which is a British practice of publishing preliminary legislative proposals and a way to “open up the debate about EU policy to wider audience” (Hix 1999, p.206). Other concrete examples are the launching of the CONECCS database, opening a “single access point” for a consultation online, and creation of the EU Civil Society Contact Group. These will be developed further below because they illustrate a general tendency of the Commission to broaden consultation.

CONECCS is a web-based database of “formal and structured consultative bodies in the field of civil society” (Mazey and Richardson 2005, p.257). As it was mentioned in the third chapter, it was established by the Commission and the inclusion is voluntary with no obligations. In March 2007, a communication adapted as a follow up of the *Green Paper on European Transparency Initiative* (COM (2006) 194) decided to stop the possibility to register in CONECCS, because in spring 2008 a new database for interest representatives will replace it.⁷ However, as posted on the website there will still be a chance to search CONECCS.

The use of internet for participating in policy-making is more and more popular. In 2001, the Commission launched a website Your Voice in Europe, which is a “single access point” to enable citizens to play an active role in the European policy-making. It was set up in the context of the *Interactive Policy Making* initiative and helps people to participate in a wide variety of consultations, discussions and other tools.⁸ It is available in many European languages, is very easy to orient in and visitors can sign up for a mailing list to be informed about forthcoming consultations.

⁷ See CONECCS website: http://eu.europa.eu.civil_society/coneccs/index_en.htm.

⁸ See Your Voice in Europe website: <http://ec.europa.eu/yourvoice>.

The consultations with the Commission are not only impersonal, although internet is a major connecting tool. Policy-makers meet interest representatives also face-to-face. Since 2002, the position of NGOs is represented at the Commission by the Civil Society Contact Group (CSCG).⁹ It brings together “eight large rights and value based NGO sectors – culture, environment, education, development, human rights, public health, social and women”.¹⁰ The different sectors form a huge network of European NGOs. The CSCG publishes bulletins, studies and toolkits that all to an extent deal with participatory democracy and the future of the EU.

All in all, the above structures and communications are just a few examples of how the Commission wants to attract new interest groups. The rationale behind these steps is to “ensure that all relevant parties are properly consulted” (COM (2002) 704, p.3). That’s why the Commission actively tries to influence interest representation and encourage the voices that have not been listened to yet to actively participate.

This chapter has clearly explained why interest groups are crucial for the Commission. It sketched the picture of the lobby environment in Brussels as a highly competitive field where good reputation and quality information are a must for a successful lobbying. It deepened understanding of the best venues for influence for interest groups by explaining a policy cycle. Most importantly it has shown that although in general there has been a preference for business lobby, in the recent past the Commission has been supporting diffuse interest groups through structural changes like CONECCS database in order to create balance in interest representation and thus increase the legitimacy of its decisions. The next chapter concentrates on a possible shift in policy

⁹ CSCG initiated for example a study: Fazi E. and Smith J. 2006. *Civil Society Dialogue: making it work better*.

¹⁰ See EU Civil Society Group website: www.act4europe.org.

approach of the Commission to interest group representation. It explores the DG Trade's Civil Society Dialogue as an example of possible shift from élite pluralism to neo-pluralism.

5 DG Trade and its civil society relations

The EU is the world's largest merchandise exporter as well as largest services exporter (Young and Peterson 2006, p.796) and therefore good quality trade policy proposals are crucial. This chapter concentrates on the DG Trade as a frontrunner in a structured dialogue with civil society that apart from other goals aims to improve trade policies and increase transparency in decision-making. The DG Trade's involvement of civil society stems from broader EU policies concerning good governance and democratic participation, but also from a concrete development in international trade negotiations. Trade cannot be viewed anymore only through economic lenses, but rather through an interdisciplinary perspective.

DG Trade established a unique example of civil society involvement – the Civil Society Dialogue, which has been developing and shaping since its creation in 1998. This dialogue brings the EU closer to the needs of its citizens and therefore can be understood as one way to fight the democratic deficit and to increase Commission's legitimacy. Thus the Civil Society Dialogue can become a benchmark for a wider Commission's approach to consultation and therefore it deserves special attention.

5.1 Trade as an interdisciplinary field

The EU decision-making is not solely based on governments, but rather on governance, which means participatory decision-making that involves more actors in order to bring better policies for the benefits of the whole society. This idea underlines the *White Paper on European Governance* that was quoted in the previous chapter. The so-called “good governance” has become crucial for many international institutions in the recent years across all policy areas and it reflects the neo-pluralist tendency to include more actors in policy-making.

Good governance implies stakeholders’ involvement in policy-making and a real dialogue on what should be the policy direction. Dialogue has become crucial for the Commission. In the aftermath of the Constitutional Treaty rejection in France and the Netherlands in 2005, the Commission published its *Plan D for Democracy, Dialogue and Debate*, which should enable the EU to “act on the concerns expressed by its citizens” (COM (2005) 494 final, p.4). The institutions should therefore carefully listen to the needs of the people they represent. As explained in the previous chapters, the consultation of the Commission has been generally dominated by business groups, while other voices were overheard. The history of the EU as an economic union supporting trade liberalization explains the business elitist negotiating position.

However, time has shown that market liberalization (although it was a cornerstone for the EU) does not always bring economic development and growth for society, even if it brings benefits for business. The Commissioner of DG Trade Peter Mandelson says: “There is no automatic rule that trade liberalization will lead to greater economic growth,

never mind long-term sustainability” (speech in Brussels 2006). The long-term sustainable development is the EU goal and therefore the DG Trade for example has initiated Sustainable Impact Assessment (SIA) studies¹¹ since 1999. The aim of SIA is valuable, but many NGOs identified that the studies have often economic and pro-liberalization bias (Statement of European Civil Society 2006, p.3 and 6). In order to bring sustainability, trade cannot be viewed from only the economist perspective, but also from an environmental and social standpoint.

Interdisciplinarity reflects the interconnectivity of topics in the global world and in the context of the EU the need to include more stakeholders in public decision-making – namely diffuse interest groups. Participatory democracy is important, because many European citizens feel distant from what is happening in Brussels. Including citizens through interest groups (or even directly¹²) brings a difficult decision between expertise, effectiveness and broader participation. The EU made a clear decision to involve more interest groups and particularly NGOs to balance the business overrepresentation.

In the field of trade the decision to include civil society as new policy actors¹³ was a result of the need expressed on an international level. The impulse came when the developing countries refused to launch a new round of negotiations at the 1999 Seattle WTO Ministerial (Young and Peterson 2006, p.802), supported by many NGOs in the developed world.¹⁴ The NGOs became issue-entrepreneurs and attracted media, public and

¹¹ Trade SIA studies are undertaken by independent expert consultants during trade negotiations and aim to design “possible accompanying measures to maximise the positive impacts of an agreement and to reduce any negative impacts.” See http://ec.europa.eu/trade/issues/global/sia/index_en.htm [Accessed 21 Jul 2007].

¹² Citizens are in fact encouraged as individuals to express their opinions and contribute to the consultations through Your Voice in Europe website.

¹³ The new trade actors are according to Young and Peterson not only NGOs but also parliaments and non-trade agencies like for example ministries (2006, p.795).

¹⁴ The developing countries felt that Uruguay Round (1986-94) was not a good deal for them. They accepted Trade Related Investment Measures (TRIMs) concerning investment and new obligations to protect

consequently political élites (Beyers and Kerremans 2007a, p.270). This development encouraged many other NGOs to try to influence international decision-making and express their contempt with globalization and trade liberalization at all costs. A creation of the network called Seattle to Brussels Network – Taking Action Against Corporate Globalisation (S2B)¹⁵ that includes different types of NGOs, farmers’ organizations, trade unions, social movements as well research institutes in Europe is a good example of the impact of the Seattle meeting.

After Seattle diffuse interest groups have become not only critics of trade development but also partners for better policies. The mobilization of NGOs prompted decision-makers to provide the new actors with “access to the political system” (Dür and Bièvre 2007, p.85). The former DG Trade Commissioner Pascal Lamy established the Civil Society Dialogue in the wake of Seattle but also the failed Multilateral Agreement on Investment (MAI) negotiations headed by the DG Trade at the Organization for Economic Cooperation and Development (OECD) (Fazi and Smith 2006, p.67). The Trade Dialogue with interested stakeholders is a way to overcome opposition, take the NGO positions into account and create an ownership of policies.

intellectual property rights (TRIPs) in “exchange for greater access to developed countries’ agricultural and clothing and textile markets” (Young and Peterson 2006, p.802). However, they realized that the agricultural markets in developed countries were extremely limited and further that the benefits from textile market were limited by the China’s accession to the WTO in December 2001 (ibid.).

¹⁵ Seattle to Brussels Network (S2B) see: www.s2bnetwork.org. Members of this network include e.g. Attac, Friends of the Earth Europe and Women in Development Europe (WIDE).

5.2 Civil Society Dialogue

The Civil Society Dialogue (CSD) of DG Trade was launched in 1998 with an officially stated aim to “develop a confident working relationship between all interested stakeholders in the trade policy field and to ensure that all perspectives to EU trade policy can be heard”.¹⁶ This statement indirectly shows that the trade relations have been dominated by business elites and therefore it is necessary to now also listen to other views – those of diffuse interests. The key CSD objectives identified by the NGOs that take part in meetings are four: consult widely, address civil society concerns on trade policy; improve EU trade policy-making through structured dialogue; and improve transparency (Bizzarri and Iossa 2007, p.5). The underlying reasons behind the established structure are to bring people (represented by interest groups) closer to the decision-makers.

DG Trade officials are responsible for organizing the CSD and they also moderate the discussions. The groups represented include trade unions, consumers’ and farmers’ associations, business and service associations as well as NGOs from the development, health, social, and environmental sector (Fazi and Smith 2006, p.68). Beyond, CSD is also open to representatives from developing countries if they enhance the dialogue. The database for participants registers more than 800 organizations (Slob and Smakman 2007, p.11). For an easier communication a Contact Group¹⁷ for CSD was created in 2000 that serves as a facilitator and sounding board for the DG Trade (it includes e.g. Eurocommerce, Eurogroup for Animals, Union of Industrial and Employers’ Confederation of Europe – UNICE, and World Wildlife Fund – WWF). The CSD is

¹⁶ See Civil Society Dialogue website: <http://trade.ec.europa.eu/civilsoc/index.cfm>.

¹⁷ This Contact Group for CSD should not be confused with EU Civil Society Contact group mentioned earlier. Although some organizations are members of both groups they perform different functions.

“currently the largest and most structured stakeholder forum in the EC” (Bizzarri and Iossa 2007, p.5) and therefore could be viewed in the future as a good practice to be replicated.

There are three types of different meetings of CSD – general, thematic and ad hoc. General meetings take place at least twice a year and are attended by the Trade Commissioner with the aim to give a broad overview of trade issues. Meetings of “thematic groups” are focused on a particular topic and technical issues, while ad hoc meetings are on emerging issues that would not be otherwise covered (Fazi and Smith 2006, p.68). The topics so far have been from fair trade, environment, access to medicines to competition, TRIPs and investment. In the period of 2002-2006 there were approximately 150 meetings attended by some 350 organizations (Slob and Smakman 2007, p.40). Based on the CSD website the ad hoc meetings appear to be the most popular recently, because they offer probably the most flexibility (14 out of 16 meetings that have taken place in 2007 so far were ad hoc).

After describing the logic, history and technical arrangements, the CSD meetings can be evaluated. While NGOs express critique and take an active part in improving the CSD, business groups seem rather content with the status quo and do not consider the meetings to be crucial for their lobby. The criticism has come from NGOs especially in the recent years. The Trade Commissioner Mandelson provoked scepticism among NGOs, because it seems that civil society involvement is not high on his agenda as it was for Lamy (ibid, p.69), who was more supportive of civil society groups and was even meeting them when travelling abroad. Participants of CSD expressed that the meetings take form of a briefing and therefore should not be called a dialogue (Kohler presentation 2006). The

feedback on NGO arguments from EU officials is generally missing (Bizzarri and Iossa 2007, p.26). Furthermore, participants also may not be representative of the NGO sector (Dür and Bièvre 2007, p.86), because despite the travel reimbursement offered by the Commission, it is harder for NGOs than for business groups to take part. Although the DG Trade invites more groups, the participants are mostly Brussels-based. Some NGOs also perceive business gained another venue for influencing the Commission (Fazi and Smith 2006, p.69) keeping their privileged position.

Despite the above arguments, there are also important reasons, why the CSD has been useful. The participants get a direct access to policy-makers and policy aims before drafting, which increases their chances to have an impact (although some are rather sceptical about it). Moreover, CSD is a meeting place for different stakeholders, where they exchange views and therefore it helps to create more complete picture on trade issues. CSD is a valuable update on trade and EU position and it established an important network, which otherwise would not exist. The business and NGO representatives can have a discussion and list their arguments, while the EU officials are listening to both sides. However, the tension and lack of trust between business and diffuse interest groups persists. The CSD meetings are “generally regarded as useful and time-efficient” by NGOs (Fazi and Smith 2006, p.70). Therefore people involved in the CSD believe it should definitely continue.

The CSD is evolving and most participants are strongly motivated to make it work better. In 2007, two evaluation studies were published after almost a decade of CSD existence. DG Trade initiated the study *A Voice not a Vote*,¹⁸ while NGOs presented their

¹⁸ Slob A. and Smakman F. 2007. *A Voice not a Vote: Evaluation of the Civil Society Dialogue at DG Trade*, ECORYS.

views in the study *From Hearing to Listening*.¹⁹ Both of them bring an overview of the whole CSD process, but also recommendations on how to take it forward. Suggestions for change include for example clarifying the role of the Contact Group, diversifying the structure of meetings and mainly improving feedback. There was a meeting on 3 May 2007,²⁰ where DG Trade has given preliminary reply on the feasibility of proposals, but the discussion about CSD future changes is currently continuing. This development shows a positive example of how a cooperation of DG Trade with different and diverse stakeholders can look like.

This chapter has shown a concrete need in the trade negotiations to include civil society – a trend not limited to trade issues. The need was addressed by DG Trade that created Civil Society Dialogue in order to include diffuse interest groups in the decision-shaping process. Although the business groups still have a strong negotiating position, CSD is a good example of how to include more stakeholders and increase transparency of decision-making. It can become a benchmark for the EU to follow, bring the citizens closer and in this way decrease democratic deficit and increase its legitimacy.

¹⁹ Bizzarri K. and Iossa M. Mar 2007. *From Hearing to Listening: Improving the dialogue between DG Trade and civil society*, Friends of the Earth Europe, Solidar and Action Aid.

²⁰ *Civil Society Dialogue: Suggestions on how to take the dialogue forward* [online]: http://trade.ec.europa.eu/doclib/docs/2007/may/tradedoc_134649.pdf [accessed 21 Jul 2007].

Conclusion

This paper has discussed the role of interest groups for public institutions in democracy in general and with a specific focus on the European Commission. The main purpose has been to identify a possible shift in approach of the Commission to interest groups from élite pluralism to neo-pluralism. If this shift has taken place then it would have important implications for the Commission, because a wider consultation with interest groups can be a way to increase its legitimacy and to decrease the democratic deficit.

Pluralism has served as a theoretical framework, because it reflects the reality of diverse interests at the European level, although corporatism is still preferred at the national level. The first chapter has further explained that it is easier for institutions to deal with a small group of interest representatives and therefore there has been a general preference for structured business interests that formed an élite. The élite pluralism is challenged by neo-pluralism that gives institutions the right to influence interest representation and offer privileged access to diffuse interest groups representing public interests. The evidence presented here has shown that business groups have a powerful negotiating position and therefore élite pluralism seems to be the preferred option.

The second chapter has pointed out the longer history of interest groups as representatives of civil society and the recent boom of interest mobilization. The typology introduced has narrowed down the types of interest groups in this paper to insider interest groups that are promotional (diffuse interests) or sectional (business interests). By

clarifying the difference between these two types and listing the disadvantages of diffuse interests (fragmented constituency, free-rider problem, lack of resources and competition between diffuse groups), the dominance of business groups was further illustrated suggesting still the *élite* pluralist model.

The third chapter has deepened the understanding of the interest groups' means to increase influence (venue shopping, multiple strategies and coalition building) and the two most popular paths – national and Brussels strategies. By outlining the approach of different EU institutions to interest groups, it has become clear that the Commission is the most important target institution for lobbying. While this chapter has not intended to contribute the discussion of a possible shift between the competing *élite* pluralist and neo-pluralist models, it has significantly deepened the understanding of the lobbying environment. It has suggested that institutions can differ in what type of interests they prefer listening to.

The fourth chapter has brought the focus to the Commission and explained why the cooperation between this institution and interest groups is beneficial for both sides. Interest groups can be not only sources of information and expertise, but also a direct connection to the European constituency. Best places for influence have been identified based on the policy cycle, clarifying that the most effective lobbying is at the agenda setting, evaluation and policy formulation stage. Furthermore, more recently interest groups have taken part in implementation and thus have become not only policy consultants but also policy partners. Many different Commission's communications and white papers have called for a wider consultation – the inclusion of more diverse interest groups. Therefore the Commission has started to fund diffuse interest groups, which is in

line with neo-pluralism. Clarifications of the consultation process and concrete steps like offering funding and creating CONECCS database have further supported the neo-pluralist approach.

The last chapter has identified international events and development that lead to a need at DG Trade to include NGOs as new policy actors. This brought the establishment of the Civil Society Dialogue that comprises of a variety of stakeholders interested in trade policies. By analyzing the meetings of CSD this paper came to the conclusion that they are a good practice that could become a benchmark for the Commission's model for interest group consultation. The CSD has brought NGOs to the negotiating table together with business groups, so as to balance interest representation. The CSD is a clear example of practicing neo-pluralist policy at DG Trade, which suggests a policy shift from elite pluralism to neo-pluralism.

Based on the findings from the CSD a policy shift to neo-pluralism has been identified at DG Trade. Further extensive research would be required to analyze to what extent this can be generalized to other DGs and EU institutions. It is rather probable that the policy and openness to interest groups would differ in different policy fields. The future research possibilities therefore include an overview of how and why different DGs deal with interest groups, a comparative study between different institutions or countries. It seems to be a general trend to include new policy actors as suggests the standardization of the consultation process and launching of the website Your Voice in Europe. Any further development is hard to predict, because the EU is learning by doing and adjusts its approaches to the changing environment with no similar organization as a model.

Interest groups and particularly diffuse interest groups can be the key to people's hearts. The participative democracy and open consultation process bring citizens closer to Brussels. Furthermore, when people feel that their opinion counts they will be more responsible for what is happening in the community, which can strengthen the EU and even help the creation of the European identity. This is very well known to the institutions because Article 47 of the European Constitutional Treaty clarified the Principle of participatory democracy. Based on the findings of this paper, there are strong indicators that a real participatory democracy is just a matter of time and the CSD has been the first step in a new direction of increased transparency and legitimacy in EU policy-making.

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