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**Who has The Ear of The Commission?
Determinants of Access to the European Commission**

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**ESADEgeo-CENTER
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0 Executive Summary

- Understanding interest groups' level of access to the European Commission is of vital importance to ensure a balanced and representative policymaking process.
- In this paper, we empirically explore whether resources, type of actor or an actor's sector affect business actors' access to the Commission.
- We find that significantly more meetings were organized by actors who had more lobbying resources at their disposal, by individual firms as opposed to business associations, and actors belonging to highly regulated industries and industries where new legislation was being debated.
- The EU's Transparency Registry, the publicly available agendas of cabinet Commission members, and a well-organized civil society (i.e. Transparency International), make it possible to carry out research such as the present paper and demonstrate a high level of transparency and traceability of the European policy level.

1 Introduction

This paper explores which business actors are able to organize direct meetings with senior policymakers at the European Commission. Approximately 1,000 expert groups, composed of 30,000 professionals in total, guide and assist the European Union throughout the formulation of new legislative proposals and policies (Metz, 2013). Yet, not every actor enjoys the same level of opportunities within this landscape. In the recent case of the General Data Protection Regulation, intense lobbying by internet companies such as Facebook and Google led to more than 3,000 proposals being forwarded to the European Parliament to amend the initial proposal (Dür, Bernhagen and Marshall, 2015). This paper aims at understanding the factors that may explain the differences in levels of access to senior policymakers.

Understanding the extent of differences in access levels between interest groups is of vital importance to ensure a balanced and representative policymaking process. Indeed, if policymakers fail to recognize the imbalances, policy outcomes could be biased and the oft-cited criticism of Schattschneider – which highlights that “the flaw in the pluralist heaven [of interest representation] is that the heavenly chorus sings with a strong upper-class accent” (1960, p. 35) – could unfold. On the other side of the spectrum, corporate actors could also benefit from insights into access patterns. Awareness of the factors that enhance the likelihood of organizing direct meetings with senior policy officials can help a firm to drive favorable changes in its non-market environment.

Our empirical analysis shows that the level of resources available to an organization greatly affects its ability to directly meet senior policymakers. In addition, the results show that individual corporate actors and European business associations enjoyed a higher access level than domestic business associations. Lastly, the analysis shows that there are sectorial differences in activity levels of interest groups: cabinets working on Internal Market-related issues organized the highest number of direct meetings.

2 Non-market strategy & corporate lobbying activities

A firm’s *non-market strategy* is the set of decisions it takes with regard to institutional or societal actors in order to enhance its performance and to drive favorable changes in its business environment (Lux, Crook and Woehr, 2011; Eising, 2007; Baron, 1995). *Corporate political activity* consists of “corporate attempts to shape government policy in ways favorable to the firm” (Hillman, Keim and Schuler, 2004, p. 838) and focuses on resolving specific issues. One such activity is *lobbying*, defined as “the provision of information to policymakers by individuals representing the firm’s interests” (Hillman and Hitt, 1999, p. 83).

Gaining direct access to the policymakers appears to be the most essential prerequisite for influencing public policy outcomes (Baumgartner et al., 2009; Binderkrantz, 2005, 2008; Beyers, 2004; Bouwen, 2002; Kollman, 1998). In other words, “[n]ot being at the table [puts you] on the menu” (Schlozman et al., 2008, p. 309; Eising, 2007). Obtaining direct access is driven by, on the one hand, a politician’s demand for policy input goods such as information or expertise, and, on the other hand, an actor’s capability to produce and deliver these goods (Beyers and Kerremans, 2007; Bouwen, 2004). This capability depends mostly on resources and type of actor: a firm, a national association of firms, a European association, or a global association (Beyers and Braun 2014).

Each type of actor provides a specific kind of information: individual firms are the principal providers of expert knowledge about markets and technologies; EU associations mainly provide information on European-level interests; and national associations are the key advocates of national business interests (Bouwen 2002, 2004).

3 Mapping the different access points to the European Commission

Due to the multi-layered governance system in Europe and the wide range of actors involved in it, the most fruitful lobbying activities take place in the early phase of the policy cycle (i.e. agenda setting and formulation) (Coen and Richardson, 2009; Bouwen, 2002; Cram, 2001). As a result, the European Commission, with its (near) monopoly over policy initiation, acts as a prominent gatekeeper for advocacy from interests groups. Moreover, in later phases or for more established issues there is less room to maneuver due to the “consolidated interest cleavages and well-established relations between policy-makers” (Quitkat and Kotzian, 2011, p. 416). The European Commission’s consultation regime operates through a wide range of mechanisms, but there are three key access points at which businesses exchange information with policymakers in the early phases of policy formulation: i) public consultations, ii) expert groups and iii) direct meetings.

Direct meetings are organized between members of the Commission and representatives of interest groups. No empirical research exists on the patterns of access to the Commission. Transparency International is the only organization to provide a graphical overview of the actors that participate in meetings with the Commission. They find that almost 82% of them were business representatives. Transparency International builds its dataset on information from the personal websites of Commissioners, their cabinets and DGs, who have been obliged to disclose their meeting agendas since December 2014. Furthermore, these policymakers are only allowed to talk to actors who are registered in the EU Transparency Register (TI, 2016). The Commission under Juncker has pledged to work on a better-balanced representation (EC, 2014).

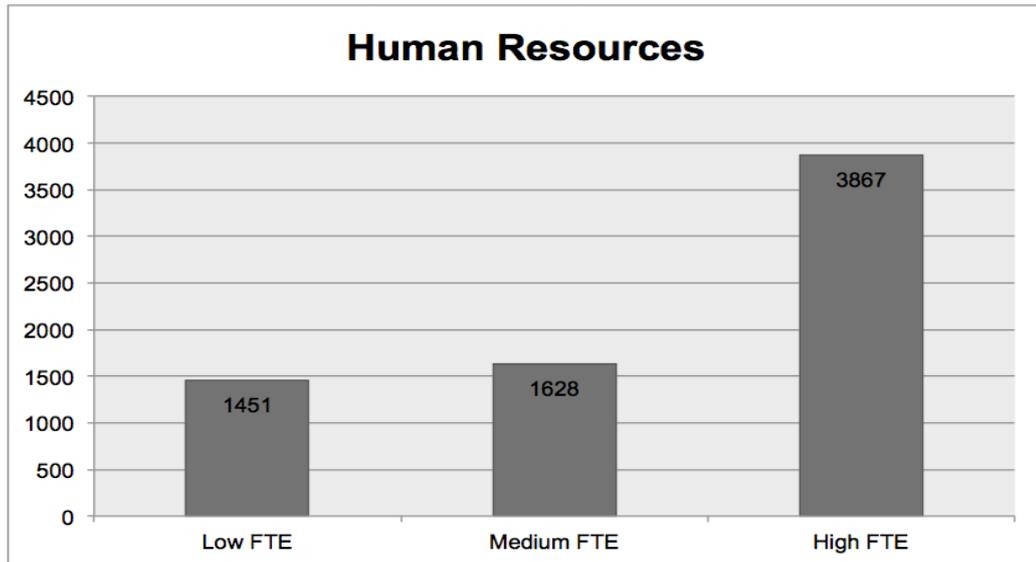
4 Exploring the determinants of access

In this section, we empirically explore how an actor’s level of resources, type or sector affect its access to the Commission. In order to conduct the analysis on the access patterns in direct meetings, we use two comprehensive datasets. The data on direct meetings between staff of the European Commission and interest groups comes from Transparency International (TI, 2016)ⁱ while the data on the interest groups comes from the Transparency Register (TR) of the European Union.

4.1 Actor resource levels as a determinant

Figure 1 below illustrates the number of meetings per human resource endowment, which is used as a proxy for resourcefulness. It is observed that better-endowed actors have more frequent access to senior officials in direct meetings. More specifically, those actors that have more than 2.5 full time employees (FTE) dedicated to lobbying organized 3,867 meetings between November 2014 and April 2016. This is in sharp contrast with actors with fewer human resources at their disposal: the actors with fewer than 2.5 FTE (medium and low human FTE) had only 3,079 meetings combined. This descriptive analysis highlights the importance of resources in differences in access.

Figure 1: Number of direct meetings (y-axis) across business actors with varying levels of human resources endowments (TI, 2016; TR, 2016)



4.2 Actor types as a determinant

Figure 2 below illustrates that individual firms were able to organize more direct meetings with senior officials than business associations. Moreover, there is a clear hierarchy, with European business associations also dominating their domestic counterparts.

Figure 2: Number of direct meetings (y-axis) across different types of actors (TI, 2016; TR, 2016).

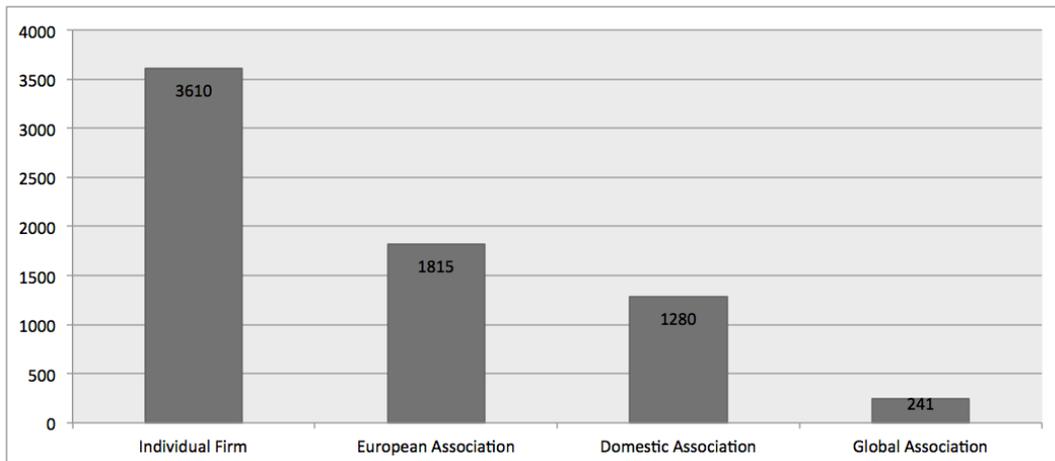


Table 1 below highlights the 10 most active actors within each actor type. Actors which addressed issues related to internal market – such as digital market (Google, Microsoft), competition (GE, Airbus) and regulated markets (Telefonica, Engie) – are very prominent in this list.

Table 1: Top 10 of business groups, according to their organizational level (TI, 2016)

Individual Firm		European Association		National Association	
Name	Frequency	Name	Frequency	Name	Frequency
Google	76	BUSINESSEUROPE	99	Confederation of Finnish Industries EK	38
Airbus Group N.V.	53	DIGITALEUROPE	52	Bundesverband der Deutschen Industrie e.V.	34
Microsoft Corporation	45	The European Steel Association	43	Zentralverband des Deutschen Handwerks	31
General Electric Company	43	EuroCommerce	40	Le Cercle de l'Industrie	27
IBM Corporation	38	European Chemical Industry Council	37	Confederation of British Industry	27
Telefonica, S.A.	37	Association des Constructeurs Européens d'Automobiles	36	Confederazione Generale dell'Industria Italiana	27
Orange	36	Confederation of European Paper Industry	34	Federacion bancaria francesa	24
Deutsche Telekom	35	Eurochambres	33	Verband der Automobilindustrie	23
ENGIE	34	European Agri-Cooperatives	31	Deutscher Industrie- und Handelskammertag	22
Vodafone Belgium SA	32	European Wind Energy Association	31	Bundesverband deutscher Banken e.V.	20

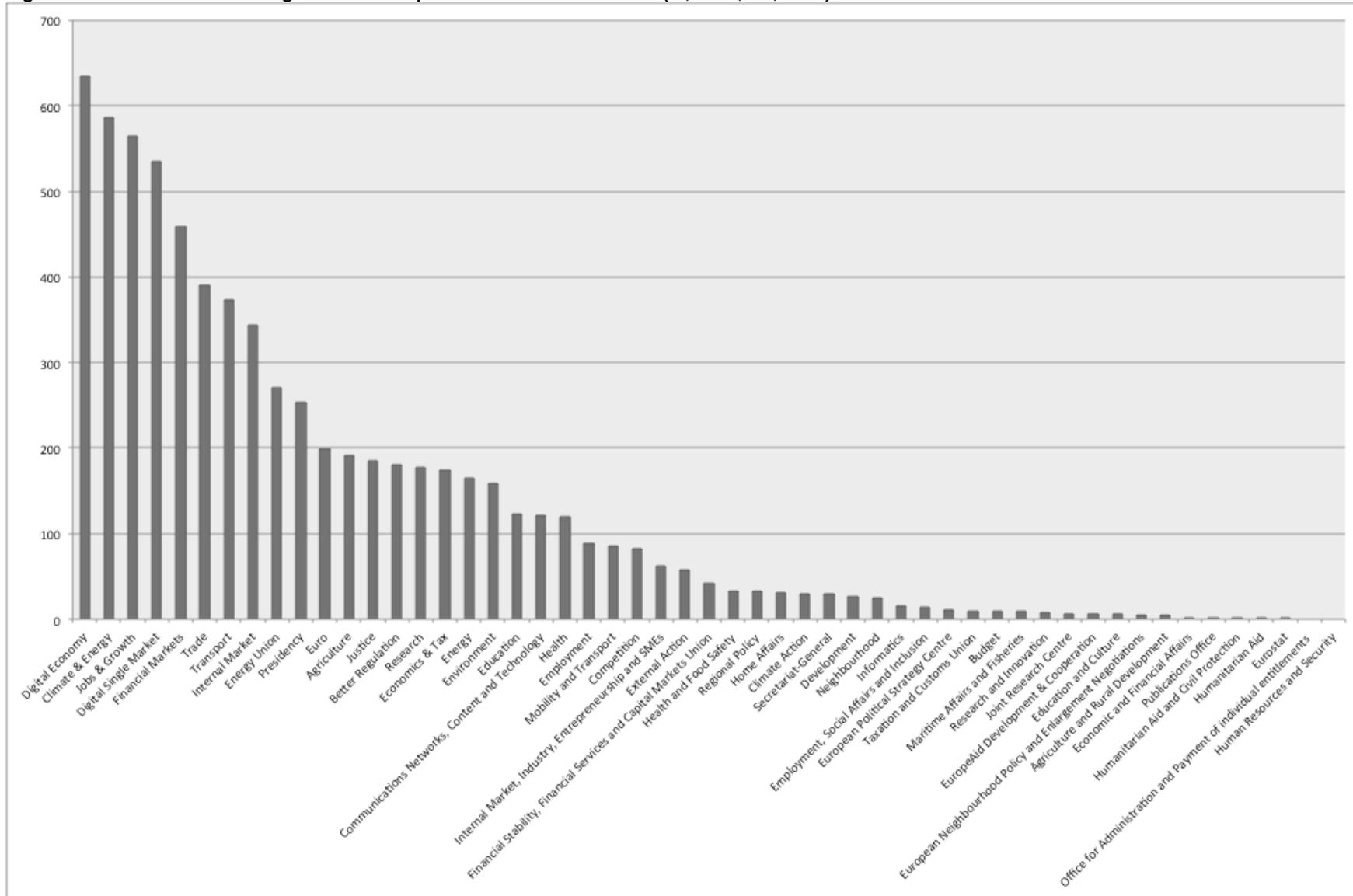
4.3 Actor sectors as a determinant

The literature suggests that lobbying strategies and their potential success depends on the institutional or policy-related characteristics of each issue (Baumgartner et al. 2009; Klüver 2013; Mahoney, 2008). More heavily regulated sectors feature more direct meetings with corporate actors (Hillman and Hitt 1999). Additionally, sector complexity and salience determine the density of interest groups within a policy domain (Klüver et al. 2015, p. 450). For example, for extremely complex issues, the Commission will rely more heavily on external expertise. Furthermore, the intensity of the legislative activity in one policy domain at a given moment in time will influence the size and density of interest group populations.

The above factors are not independent of each other: highly regulated sectors tend to entail greater complexity and higher levels of legislative activity (Berkhout et al., 2015).

Figure 4 below provides an overview of the Commissioners' cabinets and their respective number of meetings. We observe some sectors drawing a limited number of interest groups, while others are densely populated by a diverse set of actors that compete intensely. In cabinets covering policy domains that are either highly regulated or highly integrated at the EU-level, such as Digital Economy and Internal Market, a high number (>300) of direct meetings takes place between senior officials and business actors. On the other hand, portfolios such as Humanitarian Aid and Education and Culture attracted fewer corporate political activities, given that their policy sections affect business actors less—though they probably attract quite some non-profit advocacy activity.

Figure 4: Distribution of meetings across European Commission cabinets (TI, 2016; TR, 2016).



5 Conclusion

In exploring determinants of access by business actors to senior EU commissioners in direct meetings, we find that:

- Significantly more meetings were organized with actors who had more lobbying resources at their disposal.
- In absolute terms, the Commission met most with individual firms, followed by European and domestic business associations, respectively.
- However, the top ten European business associations met with the Commission more frequently than the top ten individual firms did.
- Lastly, highly regulated industries (e.g., telecoms, energy...) and industries where new legislation was being debated (e.g., digital market), organized a higher number of direct meetings with the Commission.

These findings may be relevant for various audiences. First of all, for policymakers it is important to be aware of the risk that business interests may be overrepresented at the expense of other interests. This paper illustrated that within the context of direct meetings, certain business actors are able to organize more such meetings with senior commissioners. Whether this higher access level results in more influence remains a tough question to answer for the literature. Nonetheless, the imbalance should be addressed to ensure that less-endowed actors are also able to advocate their interests.

Secondly, the focus on the determinants of gaining successful access to the European Commission also offers useful insights for corporate actors. For example, the descriptive statistics show that better-endowed actors are able to arrange more direct meetings. As a result, less-endowed actors need to either address their resource limitation or go through a European association, as these actors also enjoy a high level of access.

Lastly, the fact that it has been possible to carry out this research shows the level of transparency and traceability of the European policy level.

6 Bibliography

Aguinis, H., & Glavas, A. (2012). What We Know and Don't Know About Corporate Social Responsibility: A Review and Research Agenda. *Journal of Management* , 38 (4), 932-968.

Baron, D. (2013). *Business and its environment* (7 ed.). Boston: Pearson.

Baron, D. (1997). Integrated Strategy, Trade Policy, and Global Competition. *California Management Review* , 39 (2), 145-169.

Baron, D. (1995). Integrated Strategy: Market and Nonmarket Components. 37 (2), 47-66.

Baumgartner, F., Berry, J., Hojnacki, M., Kimball, D., & Leech, B. (2009). *Lobbying and Policy Change: Who Wins, Who Loses, and Why*. Chicago, IL: University of Chicago Press.

Berkhout, J., Carroll, B., Braun, C., Chalmers, A., Destrooper, T., Lowery, D., et al. (2015). Interest Organizations across economics sectors: explaining interest group density in the European Union. *Journal of European Public Policy* , 22 (4), 462-480.

Beyers, J. (2004). Voice and Access: Political Practices of European Interest Associations. *European Union Politics* , 5 (2), 211-240.

Beyers, J., & Braun, C. (2014). Ties that count: explaining interest group access to policymakers. *Journal of Public Policy* , 34 (1), 93-121.

Beyers, J., & Kerremans, B. (2007). Critical resource dependencies and the Europeanization of domestic interest groups. *Journal of European Public Policy* , 14 (3), 460-481.

Binderkrantz, A. (2005). Interest group strategies: Navigating between privileged access and strategies of pressure. *Political Studies* , 53 (4), 694-715.

Binderkrantz, A. (2008). Different groups, different strategies: How interest groups pursue their political ambitions. *Scandinavian Political Studies* , 31 (2), 173–200.

Binderkrantz, A., Christiansen, P., & Pederson, H. (2015). Interest Group Access to the Bureaucracy, Parliament and the Media. *Governance* , 28 (1), 95-112.

Bouwen, P. (2002). Corporate lobbying in the European Union : the logic of access. *Journal of European Public Policy* , 9 (3), 365-390.

Bouwen, P. (2004). Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions. *European Journal of Political Research* , 43, 337-369.

Bunea, A. (2014). Explaining interest groups' articulation of policy preferences in the european commission's open consultations: An analysis of the environmental policy area. *Journal of Common Market Studies* , 52 (6), 1224–1241.

Coen, D. (2016). Lobbying the European Union. *Round Table Discussions CIDOB, 26th May 2016*. Barcelona: Coen, D.

- Coen, D., & Richardson, J. (2009). *Lobbying the European Union: institutions, actors, and issues*. Oxford: Oxford University Press.
- Cram, L. (2001). Whither the Commission? Reform, renewal and the issue-attention cycle. *Journal of European Public Policy* , 14 (3), 384-403.
- Dür, A., Bernhagen, P., & Marshall, D. (2015). Interest Group Success in the European Union. *Comparative Political Studies* , 48 (8), 951-983.
- EC. (2010). *Communication from the President to the Commission: Framework for the Commission expert groups: horizontal rules and public register*. Brussels: EC.
- EC. (2014). *The Working Methods of the European Commission 2014-2019*. Brussels: EC.
- Eising, R. (2007). The Access of Business Interests to EU Institutions: Towards Élite Pluralism. *Journal of European Public Policy* , 14 (3), 384-403.
- Gray, V., & Lowery, D. (1996). A niche theory of interest representation. *The Journal of Politics*, 58 (1), 91–111.
- Halpin, D., & Thomas, H. (2012). Evaluating the breadth of policy engagement by organized interests. *Public Administration* , 90 (3), 582–599.
- Hillman, A., & Hitt, M. (1999). Corporate Political Strategy Formulation: A Model of Approach, Participation, and Strategy Decisions. *Academy of Management Review* , 24 (4), 825-842.
- Hillman, A., Keim, G., & Schuler, D. (2004). Corporate political activity: A review and research agenda. *Journal of Management* , 30 (6), 837-857.
- Klüver, H. (2013). Lobbying as a collective enterprise: winners and losers of policy formulation in the European Union. *Journal of European Public Policy* , 20 (1), 59-76.
- Klüver, H., Braun, C., & Beyers, J. (2015). Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union. *Journal of European Public Policy*, 22 (4), 447-461.
- Kollman, K. (1998). *Outside Lobbying. Public Opinion and Interest Group Strategies*. Princeton, NJ: Princeton University Press.
- LaPira, T., Thomas, T., & Baumgartner, F. (2013). *The Two Worlds of Lobbying: Washington Lobbyists in the Core and on the Periphery*. Chicago: The American Political Science Association.
- Lux, S., Crook, R., & Woehr, D. J. (2011). Mixing business with politics: A meta-analysis of the antecedents and outcomes of corporate political activity. *Journal of Management* , 37, 223-247.
- Lux, S., Crook, T. R., & Leap, T. (2012). Corporate political activity: The good, the bad, and the ugly. *Business Horizons* , 55 (3), 307-312.
- Mahoney, C. (2008). *Brussels versus the Beltway: Advocacy in the United States and the European Union*. Washington, DC: Georgetown University Press.
- Mellahi, K., Frynas, J. G., Sun, P., & Siegel, D. (2016). A Review of the Nonmarket Strategy Literature : Toward a Multi-Theoretical Integration. *Journal of Management* , 42 (1), 143 –173.

Metz, J. (2013). Expert groups in the European Union: A sui generis phenomenon? *Policy and Society* , 32 (3), 267–278.

Quittkat, C., & Kotzian, P. (2011). Lobbying via Consultation — Territorial and Functional Interests in the Commission's Consultation Regime. *Journal of European Integration* , 33 (4), 401-411.

Rasmussen, A., & Alexandrova, P. (2012). Foreign Interests Lobbying Brussels: Participation of Non-EU Members in Commission Consultations. *Journal of Common Market Studies* , 50 (4), 614–631.

Rasmussen, A., & Gross, V. (2014). Biased Access? Exploring selection to advisory committees. *European Political Science Review* , 7 (3), 343-372.

Schattschneider, E. (1960). *The semisovereign people: A realist's view of democracy in America*. New York: Holt, Rinehart & Winston.

Schlozman, K., Verba, S., Brady, H., Jones, P., & Burch, T. (2008). Who sings in the heavenly chorus? Political inequality and the pressure system. *Annual Meeting of the APSA 2008, Hynes Convention Center*. Boston.

Transparency International. (2016). *Integrity Watch*. Retrieved April 20, 2016, from <http://www.integritywatch.eu/about.html>

TR. (2016). European Commission.

van Schendelen, R. (2013). *The Art of Lobbying the EU: More Machiavelli in Brussels*. Amsterdam: Amsterdam University Press.

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