

Organised Interest Representation and the European Parliament

David John Marshall

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Declaration

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Abstract

This thesis is comprised of three papers, each making a distinctive theoretical and empirical contribution to our understanding of interest representation within the European Parliament (EP). The papers are unified by two assumptions: first, the strategic behaviour of organised interests is significantly determined by the distribution of legislative influence, and second, the opportunity to become influential is a function of the EP's decision-making rules. Each paper addresses a different aspect of this opportunity structure, which together provides a coherent explanation of the link between lobbying and the EP's decision-making process. In so doing, insights are provided into the distribution of legislative influence within the EP and the legitimacy of the European Union's policy process. The first paper explains how organised interests' strategic behaviour is considerably altered in response to changes in the political opportunity structure afforded by each phase of the committee process. The second paper presents and tests a theory of indirect lobbying of the rapporteur. Here the institutional context is shown to be such that rapporteurs come to rely upon officials from their committee's secretariat for relatively independent policy advice. But the policy expertise required by officials to carry out this role turns out to be endogenously derived from amongst the same lobbyists whose informational submissions the rapporteur seeks to verify. The final paper draws on longitudinal survey data to assess the impact of institutional rules and European party group membership, in the context of uncertainty amongst lobbyists as to whether their most closely aligned large party group will form part of a given legislative majority. This uncertainty provides an incentive for organised interests to lobby MEPs from opposing party groups in addition to more natural allies. But crucially, in performing this action

lobbyists defer to their hard-wired principle and lobby the most closely aligned members from the otherwise unfriendly party.

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1 Introduction

The incorporation of societal interests into the democratic political processes is vital for the legitimisation of public policy. Organised interests¹ play a central role in facilitating this activity through the articulation and very often aggregation of segments of these wider interests. Their objective, which is common to all organised interests active in the political process, is to influence policy-making. Political parties and in particular their more influential members are important targets for this attention when they are at the centre of decision-making. Yet invariably parties are also willing recipients of organised interests' policy information, given that their political success is highly dependent upon demonstrating credible linkages between their policy platform and multiple sections of societal interests. But in addition to the potential for mutual benefit, the same opportunity structure that defines important aspects of the party system also explains much of the strategic behaviour and composition of the population of organised interests. Such demand-side incentives include the distribution of competences and agenda-setting power within and between institutions as well as the asymmetric growth in institutional and regulatory authority. Taken as whole, this picture makes clear that organised interests are integral to the functioning of an effective political system. Therefore, it is essential that political science explain the

¹ Organised interests are taken to be organised societal interests that seek to influence aspects of public policy, but without ambition to hold public office. In contrast to the term interest group, the category organised interest captures single membership organisations and individual firms that become drawn into a given policy domain.

causal mechanism underlying organised interests' interactions with the policy-making process.

The political system of the European Union (EU) is the most important agent for policy change within Europe. Decision-making in the EU directly affects the regulatory framework that applies throughout the single market and beyond, whilst its scope permeates the individual policy actions of member states. Partly reflecting this extensive policy reach, the lobbying traffic that passes through the EU's principal institutions has long been greater than that found within any of its member states (Judge and Earnshaw, 2002). Indeed, lobbying in Brussels is more commonly likened to the densely populated and relatively plural landscape of Washington, DC (Streeck and Schmitter, 1991; Coen, 1997; Mahoney, 2008). This outcome is perhaps surprising given that the development of a genuine European civil society, which may be thought of as an essential precondition for the large scale representation of societal interests, remains a remote prospect. In this context the lobbying population's early domination by transnational business interests and then business more generally is a logical corollary, particularly given the then limited policy focus. But, over time a broad range of civil society interests has found its voice (Coen, 2007), albeit through a further step(s) in the organised aggregation of policy preferences, i.e. national and European organisations.

In many instances the Commission has been the catalyst for this change in behaviour by privileging both the role and access of civil society interests to policy-making. This has gone some way to creating what might be thought of as a quasi-pluralist form of policy formulation. The underlying issue that these measures have attempted to address are charges of opaque policy-making and clientelism. These

issues are fundamental to the legitimation of the political system and by implication to the EU itself given its particular dependence upon policy information provided by organised interests. The Commission's on-going response has been to increase the transparency of its interactions with outside interests. This was reflected in the European Transparency Initiative (launched in 2005). Here the presumption was that transparency was a necessary prerequisite for democratic legitimacy, which in this case would be achieved by allowing the public scrutiny of its interactions with organised interests, or at least to a greater extent than had been the case (Greenwood, 2011).

Legitimacy and transparency concerns are not confined to lobbying activity within the Commission. This is because the EU's institutional structure and mode of operation provide organised interests with multiple opportunities to access its legislative process. In particular, organised interests' policy demands have found a responsive audience from an ever more assertive European Parliament (EP). Organised interests have willingly met this demand, as ultimately it has corresponded with successive advances in the EP's legislative power, both in absolute terms and relative to the Commission and Council. So much so, that today the EP is generally regarded as an equal co-legislator alongside the Council across a considerable range of policy areas (Tsebelis and Garrett, 2000; Crombez, 2001). Indeed, the latest in a series of surveys indicates that firms would allocate 19% of a hypothetical addition to their lobbying resources to the EP or members thereof, which is comparable to the now falling allocation that they would award to the Commission (21%) (Coen, 2010). There is also reason to believe that the EP may be an even more inviting venue for civil society interests, given that its directly elected members have a strong incentive to take account of publicly salient issues (Hausemer, 2006).

It is therefore tempting to suggest that, in contrast to the Commission, the EP as the EU's sole directly elected institution derives its legitimacy from a liberal concept of representative democracy. However, although this concept of EP legitimacy continues to find favour, it is subject to challenge as part of the on-going debate over the EU's alleged democratic deficit. The fundamental claim in respect to the EP is that there is a lack of connectivity between citizens and MEPs in comparison to that found in domestic political systems. European elections, whilst nominally fulfilling this function, are in fact a misnomer as they are fought out on the basis of domestic mid-term policy concerns rather than upon European issues (Weiler et al., 1995; Føllesdal and Hix, 2006). As a consequence of these 'second order elections' (Reif and Schmitt, 1980), the EP is deprived of a genuine democratic contest. This, coupled with falling public support for the EU even among the more ideologically committed founding six, creates a sense of uncertainty as to the source of the EP's democratic legitimacy i.e. whether the EP's legitimacy is derived from a representative ideal of democracy, as is the case within national parliaments; or a participatory conception, as may be thought to be the case for the European Commission. This anxiety was evident in the rhetoric surrounding Alexander Stubb's report, the Green Paper for a Transparency Initiative (2008), and also accompanied the launch of the EP and Commission's joint 'European Transparency Register' (2011) of lobbyists. On both occasions the explicit link between transparency and legitimacy was highlighted.

The quickening pace of the debate over the nature of the EP's legitimacy and the growing importance of the EP as a venue for the direct representation of organised societal interests make the case for developing a full understanding of the nature of lobbying behaviour within the parliament. That organised interests are increasingly

drawn to the EP in response to the shifting inter-institutional balance of power provides a useful point of departure. This action makes it explicit that lobbyists' strategic behaviour is at least partially conditioned by the prevailing location of political power, as it is this that provides the opportunity to become influential.

The three papers in this thesis adopt this motivation, with organised interests' strategic behaviour explained in relation to the formal and informal institutional context. In doing so, full account is taken of the decision-making structure that is prevalent within the EP, including the role of its bureaucracy and of its system of European party groups. This approach is in contrast to the more fully addressed non-governmental supply-side determinants of organised interests' behaviour. These are the factors that cause interest groups to mobilize and account for disparities in their pattern of engagement, with a particular focus placed upon organisational attributes, including resources, aims and goals (Bowen, 2002; Eising, 2004). These factors undoubtedly contribute to our knowledge of interest representation, as although interest groups become active in response to political authority, this is contingent upon their capacity to negotiate and organise (Eising 2004). But, without a nuanced understanding of the political opportunity structure, the picture that we have remains incomplete.² Indeed, McAdam et al. (2001) highlight the dynamic relationship between an institution's decision-making rules and practices on the one hand and groups' ability to influence decision-making on the other. Moreover, if we fail to take account

² Princen and Kerremans (2008) highlight a series of approaches that they broadly categorise as adopting a 'political opportunity structure'.

of the political opportunity structure and instead focus solely on issues of internal organisation, the danger exists that the study of interest representation could become ever more detached from the core of political science.

The three papers each deal with distinct and substantive aspects of the political opportunity structure, and in so doing address a number of specific literatures. However, the papers are also unified by the incorporation of approaches informed by literatures developed in the Congressional context and later applied to the EU, including signalling (Berry, 1989; Parker, 2004; Bernhagen and Bräuninger, 2005), informational exchange (Potters and Van Winden, 1992; Austen-Smith, 1993), and informational approaches to legislative organisation (Cooper, 1970; Gilligan and Krehbiel, 1987, 1989; Krehbiel, 1991; Bowler and Farrell, 1995; Whitaker, 2001; Kaeding, 2004; McElroy, 2006; Yordanova, 2009).

Particular attention is given to the more or less accepted wisdom that organised interests overwhelmingly lobby legislators that share their own policy preferences, but hardly ever undertake this activity with their opponents (Baungartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998; Crombez, 2002). The theoretical approach adopted indicates that within the EP, at least a series of institutionally imposed constraints significantly limit this otherwise dominant behaviour. The first paper (chapter 2) demonstrates this through highlighting the differences in the opportunity structure between distinct phases of the committee process. Essentially, with first phase agenda setting power delegated to a single rapporteur, organised interests are prompted to make the strategic calculation to lobby irrespective of whether the office holder is a friend or foe. This decision is made easier with the knowledge that rapporteurs have an incentive to incorporate certain otherwise

unwelcome information into their report in order to secure a sufficient committee majority. The third paper (chapter 4) approaches this same issue, but through the EP party group literature, and in particular the uncertainty surrounding which of the dominant groups will form any given winning coalition. Here the essential insight is that because there is uncertainty as to which parties will be involved in the legislative decision, an incentive is provided for organised interests to lobby MEPs that are not natural policy allies rather than risk that their message goes unheard at the negotiating table.

The second paper (chapter 3) builds on insights developed in the first, in particular on the first phase agenda-setting power of the rapporteur, and the selective incorporation of new policy information. The theoretical framework also draws on research into the role of expert knowledge in EU policy-making (Hass, 1992; Radaelli, 1999; Peterson and Bomberg, 1999; Zito, 2001), and adapts these to the EP policy-making phase. The principal finding is that in addition to the direct forms of lobbying that take place in the EP, i.e. those that form the cornerstone of the transparency debate, rapporteurs are also the subject of a hitherto unknown form of indirect lobbying via officials from the EP's 'independent' committee secretariat. Essentially, because rapporteurs lack the resources commensurate with their considerable legislative task, a demand is created for technical expertise for the evaluation of lobbyists' competing informational submissions. With few available options, rapporteurs come to rely on secretariat officials for the independent verification of lobbyists' submissions. However, it turns out that these EP officials are considerably less expert and independent than the rapporteur supposes, given that their policy

expertise is often endogenously derived from the lobbying process that they are asked to provide advice upon.

The theoretical approach and empirical analysis, although seeking to illuminate the interface between lobbyist and legislator, is considerably informed by the EP's political opportunity structure. It is this that determines which legislators are more influential than others, and as a consequence the relative value of MEPs as lobbying targets to the population of organised interests. Therefore considerable attention has been given to the prevailing set of institutional rules, both formal and informal, as well as to the role of party groups in decision-making. Through this approach, in addition to explaining important aspects of organised interests' strategic behaviour, new insights have been provided into the distribution of influence within the EP. To illustrate this, paper one establishes, first, that an influential subset of committee members play a disproportionate role in defining the committee's final policy position and, second, that the act of becoming influential is a pre-condition for holding office. The second paper highlights the institutional rules and conditions that place permanent secretariat officials and seconded national experts in a position of influence. The final paper explores the effect of unstable winning coalitions on decision-making.

The empirical investigations carried out for the first two papers benefitted directly from the responses to 177 structured interviews carried out with organised interests (94), MEPs/assistants (34), committee secretariat officials (39), party group policy advisors (8), and former MEPs (2). In addition, the first paper benefitted from information (unofficially obtained) on committee stage vote outcomes and compromise agreements. Similarly, in paper two interview results have been combined with the results of a questionnaire carried out by Alexander Stubb in his capacity as rapporteur

for the green paper on the European Transparency Initiative. The final paper combines MEP survey data, carried out by the European Parliamentary Research Group during the 5th, 6th and 7th directly-elected European Parliaments (Farrell et al, 2011), with data on the activities of the 724 MEPs who responded to the survey (Høyland et al, 2009).

Together, the three papers make an important contribution to explaining the dynamic relationship between organised interests' lobbying behaviour and the EP's institutionally induced political opportunity structure. This directly relates the lobbying process to the decision-making in the EP and hence to the legitimacy of the European Union's policy process.

2 Who to Lobby and When: Institutional Determinants of Interest Group Strategies in European Parliament Committees³

2.1 Abstract

This paper explains how institutional conditions in the European Parliament's committees shape lobbyists' strategic behaviour. Committees' informal organisation and formal procedures structure both the distribution of legislative influence and the opportunity to obtain advocacy. It is demonstrated how influence and, by implication, lobbying activity are skewed in favour of a committee elite. Here new evidence is provided to highlight the significant impact that open amendments play in a committee's final report. The theory also emphasises the role that message quality plays in the decision of who to lobby, and defines the limits to lobbyists' preference to obtain advocacy from friendly legislators. Analysis is carried out on data obtained from 94 structured interviews combined with a unique data-set of committee-stage voting outcomes.

Keywords: Committee organisation, European Parliament, Influence, Lobbying

³ Paper published in European Union Politics, 2010.

2.2 Introduction

The European Union has become an increasing focus for interest group research. Yet, despite the European Parliament's elevation to co-legislator across a range of policy areas (Tsebelis and Garrett, 2000; Crombez, 2001), research has remained largely confined to examining lobbying within the Commission. This is in contrast to our more fully developed understanding of legislative behaviour within the Parliament (Kreppel and Tsebelis; 1999; Hix et al, 2007; König et al, 2007). For example, there is a gap in our knowledge of what prompts EP committee members to provide legislative advocacy on behalf of organised interests, and indeed whether *ordinary* committee members are equally effective in influencing legislative outcomes. In short, the way the research agenda has developed means that we know very little about the institutional interface between Members of the EP (MEPs) and the activities of lobbyists.

This article explains how the EP's formal procedures and its informal organisation determine the distribution of legislative influence amongst MEPs and hence the strategic behaviour of regularly participating organised interests. The institutional hub for this activity is the EP's strong committee system. Through the adoption of a unitary actor model of lobbying it is shown how lobbyists compete to secure legislative change through the incorporation of their informational messages into a final report.

By highlighting the informal organisation of EP committees, the article demonstrates how a subset of highly influential committee members exercises informal quality control over technically deficient or overtly biased information. As a consequence, these legislators bring to bear considerable influence over the outcome of

the committee process, and by implication the final legislative outcome. Throughout the analysis, influence is defined as the relative impact of an individual (legislator) on the final outcome, which necessarily assumes both winners and losers (Dahl, 1961). Crucially, lobbyists understand how influence is distributed, and that associated with greater influence is a requirement for higher-quality information. In addition lobbyists acquire complete information on the policy preferences of the rapporteur and other committee members. The formal procedures provide lobbyists with distinct opportunities to influence the final report, defining the set of possible legislative advocates. This creates the circumstances in which lobbyists readily lobby their legislative foes, a practice generally considered counterproductive. In addition, the open amendment phase, following the presentation of the draft report, is shown to be a highly significant venue for lobbying activity with at least as great an impact on a committee's final position as the rapporteur's draft report.

These ideas are tested through structured interviews combined with an original data set comprising both official and unofficial information on the outcome of 2,155 amendments, submitted to the draft reports of five co-decision legislative proposals during the 6th parliament. The expectation is that the findings will also hold for consultation, given the committee-stage procedural similarities. Interviews with 94 actively participating lobbyists are reported, with a further 40 corroborative interviews undertaken within the parliament. The interviews encompassed the scope of three EP committees, with a particular focus placed on the Economic and Monetary Affairs Committee.

The remainder of the paper is organised as follows. Initially, pertinent aspects of the interest group literature as well as that on committee organisation are reviewed.

Subsequently, an argument is developed to explain the means through which EP committees assess lobbyists' informational submissions prior to the committee vote; the implications for lobbying behaviour; and the part that institutional rules play in the process. Thereafter, the methodological approach is discussed ahead of an empirical examination of the core implications.

2.3 Existing research

A precondition for advancing our understanding of lobbying behaviour in legislative committees is to achieve a synthesis between the distinctive literatures on EP committee organisation and EP lobbying. As such this necessarily limited review is directed towards establishing what remains to be done to bridge the literatures.

The principal aim of lobbying within the EP is to influence the Parliament's inter-institutional negotiating position, which is defined through the process of adopting a legislative report. The report is central to the Parliament's decision making process (Bowler and Farrell, 1995; Selck and Steunenbergh, 2004; Høyland, 2006), forming the bedrock of committee power. Tsebelis (1995) has argued that if the final report has a level of committee support commensurate to that required for an 'effective' plenary majority, the report's rapporteur will present it as a 'take it or leave it offer'. In practice, this means that the EP generally defines its negotiating position during the committee stage in advance of the first reading in plenary (Mamadouh and Raunio, 2003).

Moreover, the power of EP committees relative to both the Council and Parliament has increased owing to the growing tendency for it to conclude informal

agreements, ahead of the first reading.⁴ These trialogues are an indirect and informal consequence of the provision within the Treaty of Amsterdam (effective 1999) allowing co-decision legislation to be concluded in the first reading. The EP supports these agreements even though they implicitly diminish the role of the plenary and hence the legitimacy of parliament. The Council, as the more impatient legislature, compensates the EP for this loss with policy concessions that are in excess of what it would have secured in conciliation (Farrell and Héritier, 2003; Häge and Kaeding, 2007).

The centrality of the committee system to the parliamentary process is plain to see. But the distribution of influence within the committee is far less clearly defined. Considerable emphasis is placed on the power of the rapporteur (Kaeding, 2004; Benedetto, 2005). Yet the extent to which *ordinary* committee members are able to challenge this power, and the distribution of influence amongst these legislators, remains uncertain. As a consequence, our understanding of the pathways that lobbyists take to influencing a committees' final position is limited.

Research on lobbying the EP has for the most part focussed on explaining the attributes and differences in the composition of organised interests (Kohler-Koch, 1998; Wessels, 1999). Bouwen (2004) linked this approach with the practice of taking *access* to decision makers as a measurement of influence (Coleman and Grant, 1988; Austen-Smith, 1993). His analysis showed that the informational characteristics associated with European associations means that they command the greatest level of parliamentary access and hence influence. However, Dür and De Bièvre (2007) have

⁴ So far the Parliament has not rejected a co-decision agreement made in trialogue.

highlighted the empirical hazards associated with taking access as a proxy for influence. Eising (2007) demonstrates that access to MEPs in general is not contingent on the provision of policy information, although such knowledge maybe a prerequisite for securing advantageous policy outcomes. Mahoney (2008) suggests that in practice the pattern of lobbying in the EP is driven by a scarcity of predetermined options. As a consequence lobbying is largely confined to the rapporteur and perhaps the shadow rapporteur and committee chair

Where the research agenda has begun to address lobbyists' strategic behaviour within the EP, it is through the adoption of the by now widespread consensus that organised interests overwhelmingly lobby their legislative allies, occasionally engage with fence-sitters, but only rarely interact with their opponents (Baumgartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998). Crombez (2002) applied this underlying logic to the plenary. His model confirms that organised interests lobby policy makers that hold similar preferences at the proposal stage. But he suggests that this behaviour is later modified, with lobbyists switching their focus at the vote stage to pivotal legislators.

The extent to which this switch in focus is likely to occur within EP committees has not been investigated. But it has been demonstrated elsewhere that lobbyists have a strong interest in developing a reputation for providing trustworthy information (Berry, 1989). This might suggest that this more opportunistic form of lobbying behaviour may be less effective in stable policy communities. Building on the signalling literature, Bernhagen and Bräuninger (2005) demonstrate that the reputational costs are such that, under certain conditions, business interests are prepared to abandon their short-term policy goals in favour of maintaining their

reputation. Hall and Deardorff (2006) explain the lobbying process in terms of a *legislative subsidy*. Here lobbyists provide costly information to carefully selected likeminded legislators, in support of shared policy objectives.

The literature has provided certain expectations about lobbying behaviour, but we continue to lack a clear understanding of how these apply within EP committees. To overcome this, research must build on what we know about the organisational dynamics of legislative committees. However, because institutional rules vary between parliaments, it remains the case that theories of congressional committee organisation continue to inform our understanding of EP committees. The informational theories of legislative organisation suggest that committees operate as agents of the floor, providing expertise on policy outcomes (Cooper, 1970; Gilligan and Krehbiel, 1987, 1989; Krehbiel, 1991). In contrast, distributive benefits approaches offer a more self-serving account based on the desire of high-demanding legislators to secure re-election through the delivery of constituency benefits (Shepsle and Weingast, 1987; Weingast and Marshall, 1988).

Consistent with the informational approach, we observe that the composition of EP committees is comparable to the plenary in terms of party group membership and nationality, as well as in its ideological congruence (Bowler and Farrell, 1995; McElroy, 2006). Perhaps surprisingly, certain research showing committee membership to be at variance with the plenary is also commensurate with the informational explanations. This is in terms of individuals members' higher levels of germane prior policy interest (Whitaker, 2001) and relevant policy expertise (McElroy, 2006). Indeed, MEPs make their choice of committee appointment on this basis rather

than on whether a particular appointment is of relevance to their constituency (Whitaker, 2001).

Evidence of constituency demands is indirectly provided by the high level of EP committee lobbying undertaken by national interests (Wessels, 1999; Bouwen, 2004), with constituency benefits presumably gained often enough to account for the continuance of such demands. There is also evidence to suggest that what we know for the committee as a whole may not account fully for its output, given that it has been shown that the policy preferences of rapporteurs are skewed from the committee mean (Kaeding, 2004). Interestingly, Yordanova (2009) has demonstrated that MEPs formally associated with a given interest are more likely to be assigned to a committee that reflects this involvement.

The picture that emerges is, on the one hand, of a committee system where constituency and other partial demands, along with the associated claims for regulatory pork, are woven into the fabric of committee politics, and where the preferences of agenda setters systematically diverge from the median member of the floor. On the other hand, the extent that a committee can act on these demands and remain effective is highly contingent on the maintenance of its legitimacy vis-à-vis its principal, the plenary. This raises the questions of how committees are able to exercise control over their final position, in the face of their members' wide-ranging demands for the incorporation of lobbyists' informational messages into the final report, and what effect this has on lobbyists' strategic behaviour.

2.4 A theory of interest group influence in EP committees

The strategic behaviour of lobbyists in committee and the extent to which their information submissions are successful depend on a committee's formal rules of operation, along with its informal principle of organisation. Together they determine how legislative influence is distributed amongst committee members, which determines the structure of lobbying activity. The formal rules provide a temporal punctuation to a report's passage, dividing the legislation into three phases, with agenda-setting power shifting at each turn. This provides lobbyists with distinctive opportunities to influence a committee's evolving legislative position. The committee's informal rules cross-cut the formal procedures, skewing the distribution of influence in favour of policy-contingent elites. What follows is a fuller explanation of these institutional characteristics, in advance of defining the implications and expectations for lobbying behaviour.

2.41 Formal operating procedure

The committee stage of the legislative process begins when a proposal is received from the Commission and concludes when the committee adopts its final report. The agenda for the first phase is provided by the Commission's legislative proposal. At this phase a rapporteur prepares a *draft report* on the proposal. By convention the rapporteur is left to write the report in isolation from her legislative peers.⁵ The rapporteur's principal source of information is the avalanche of information submissions made by

⁵ The rapporteur generally writes the report in conjunction with her administrative assistant and a member(s) of the committee's secretariat.

organised interests, as well as by the more active national representations and regulators. The draft report, together with un-amended sections of the Commission's proposal, forms the agenda for the second, *open amendment* phase, where committee members (and other MEPs) are free to submit amendments. These open amendments expand the agenda for the third stage of the process: the *compromise phase*. More commonly referred to as the vote stage, this is the period when backroom deals are agreed ahead of the final vote, often reducing the latter to a formality.⁶ The three phases are summarised in Table 2.1.

Table 2.1 Developing the Agenda

Agenda Phases	Origin of the Agenda
1. Draft Report	The Commission
2. Open Amendment	Rapporteur (and Commission)
3. Compromise	Members that submitted amendments, including the rapporteur

2.42 Informal organisation

In common with standard information assumptions, committees seek to minimise their uncertainty over the outcome of policy changes proposed in their final reports. In addition to undermining a committee's ability to achieve its policy goals, a failure to minimise uncertainty would harm its reputation with the plenary, thereby reducing future policy discretion and hence power. If uncertainty is minimised, committees are

⁶ Prearranged compromise agreements occur on the most contested areas of legislation (as measured by the density of amendments).

free to conduct the transaction of *normal* left/right politics as well as a transparent trade in territorial demands. Uncertainty is reduced through the acquisition and interpretation of private policy information.

However, the scale of the challenge faced by legislative committees is considerable. This is because, for reports that matter, committee members generally add an enormous amount of new information to an already complex legislative agenda in the form of amendments. Moreover, in comparison to parliamentarians back home, EP committee members are less well resourced yet are typically responsible for legislative procedures that are more technical.

As a consequence, relatively small clusters of legislators are able to exert disproportionate control over sections of a committee's legislative output. This is because committees respond to the risk of unforeseen policy implications through a form of *de facto* subcommittee specialisation. This is an informal unorganised practice whereby influential members provide a level of scrutiny that lessens the likelihood of a committee adopting a technically deficient or overtly biased negotiating agenda.

For an MEPs to reach this position of *relative influence*, the decision would first have been taken to become an *active* participant in a given policy arena. This action further improves their existing expertise, thereby advancing their command of the prevailing technocratic discourse. In short, MEPs become formidable advocates for their own policy positions and are able to mount challenges to others, including the rapporteurs. This behaviour is consistent with Corbett et al's (2005) observation that there is a considerable difference in impact between active and inactive members. Wawro (2000) provides a theoretical explanation for this phenomenon in the US context.

The forums for this activity include committee meetings before and after the draft report phase; compromise meetings during the compromise phase; and within party group meetings throughout the process.⁷ Commensurate with these actions, influential members are more likely to be granted associated positions of authority. These include the formal party group roles of coordinator and rapporteur or shadow rapporteur (when they fall within their field of interest), as well as committee chair and vice chair, all of which provide additional opportunities to apply influence.

In comparison, a committee member outside the influential set is less likely to have the capacity to undertake this form of advocacy, lacking the contextual knowledge and reputation to withstand the spotlight, which burns brighter for the outsider. Here direct participation in the process is often limited to faxing amendments to the Parliament's secretariat. Even so, some success will be achieved, albeit when opposition from the more influential members is weakest, with party coordinators and rapporteurs anxious to maintain cohesion and dispel accusations of cartel behaviour.

2.43 The implications for lobbying behaviour

Organised interests lobby committees when there is uncertainty over salient aspects of a report's outcome. This activity takes place irrespective of whether an organised interest was a winner or loser at the Commission stage. If they were successful at the Commission stage, they will lobby the relevant EP committee in order to defend the

⁷ Opposing amendments are frequently fielded by members of the same group, with party positions fixed after these encounters.

agenda (Commission proposal) from opposing lobbyists. Similarly, organised interests that were either unsuccessful at the commission stage or only became active following unforeseen changes to the agenda will lobby the committee in an attempt to secure a more advantageous outcome. This sense of an unrelenting campaign was expressed by a lobbyist from the German chemical industry who stated that, ‘it is of course better if they [the Commission] take up our position. But in the parliament you always begin again, we don’t know what happens. First we convince the rapporteur’ (Interview, 25 February 2009). This is not to say that lobbyists’ argumentation or framing of an issue is unaffected by the outcome of an earlier round. Indeed, it seems probable that lobbyists will alter their strategy accordingly.

Essential to this process is the decision over which legislator(s) to lobby, and at what point in the committee process this should occur. Lobbyists are assisted in this task by the hard-wired operating mantra that is common across all lobbying communities:

- lobby at the earliest available point in the legislative process (framing the debate);
- lobby those with the most influence over the policy outcome; and
- lobby legislators that are likely to be sympathetic to your position (friends/allies), as opposed to the possibly counterproductive action of lobbying legislative foes.

However, when lobbyists seek to challenge or support the agenda set by the Commission, the formal procedures are such that lobbyists’ operating logic is frequently challenged. This is because the earliest practical point at which lobbying can begin is at the draft report phase but, with agenda setting power concentrated in the

hands of a single individual, it is far from certain that the rapporteur will be a legislative friend. Therefore, if organised interests are faced with an unfriendly rapporteur, they will be forced to choose between the otherwise compatible logics of lobbying only their legislative allies or to lobby at the earliest available point.

For lobbyists, the cost of foregoing early participation is higher than the cost associated with lobbying a legislative foe. This is because *unfriendly* lobbyists realise that a rapporteur has a strategic incentive to incorporate certain otherwise disagreeable information into the draft report, and consequently compete for this concession. Rapporteurs are normally prepared to compromise their policy position up to the point at which they have secured a sufficient committee majority to ensure their report's passage.⁸ As such, we should observe that:

*H₁. Organised interests lobby rapporteurs that they know
to be against their policy position.*

The second, open amendment, phase provides organised interests with considerably more scope to influence a committee's agenda. This is because, with the procedural bottleneck removed, i.e. with the rapporteur as sole gatekeeper, lobbyists are free to seek advocacy from all committee members. So, for the most part, lobbyists will be able to find *legislative friends* that are willing to act as advocates.

*H₂. During the open amendment phase, lobbyists do not ask
unfriendly legislators to advance their policy position.*

⁸ Failure to build sufficient committee support can result in the rapporteur losing agenda-setting power, hence on occasion rapporteurs vote against their own report.

At this phase in the process, lobbyists continue to pursue their first phase goals, which may be unchanged from those conveyed to the Commission. But, in addition, they act in response to the newly revised agenda. This leads to an increase in the level of lobbying activity compared to that which would have taken place at the draft report phase. The allocation of such extensive resources is made with the rational expectation that, as a pathway to influence, the open amendment phase is as important as the draft report phase.

H₃. More lobbying takes place at the open amendment phase than occurs at the draft report phase, and,

H₄. Open amendments play a significant part in determining the outcome of a committee's final report.

Throughout both the open amendment and compromise phases, the informal system of subcommittee scrutiny comes to the fore. The direct effect of this phenomenon is to mitigate the threat of unforeseen policy consequences. The indirect effect is to shape lobbyists' strategic behaviour. This is because actively participating lobbyists act in response to their comprehensive understanding of the asymmetric distribution of committee influence. Their shared knowledge is gained first hand, primarily in the course of their attendance at committee meetings. Through their presence, which invariably outnumbers attending members, they directly observe the hierarchy of influence in what is the EP's most adversarial formal setting. In addition, information becomes shared through the steady flow of staff between competing organisations, as well as from the offices of influential committee members. As a result, the following hypotheses should hold:

H₅. Within the committee, the distribution of influence is skewed in favour of an influential elite, and crucially;

H₆. Lobbyists understand the distribution of influence that exists between committee members.

But, for lobbyists, it is not simply a question of picking out an influential and friendly legislator to act on their behalf. This is because committee members that are influential and hence relatively well informed demand higher quality information than their less influential colleagues. This can be thought of as being analogous to a *legislative subsidy*. The consequence of this additional informal constraint is that lobbyists with poor-quality information seek to avoid the risk to their reputation associated with approaching an influential ally, an action commensurate to that outlined in the signalling literature. As a result, they diminish their pool of potential legislative advocates. This constraint was expressed succinctly by a lobbyist from the insurance industry who stated that: ‘it is never a problem to find a legislator to put forward your amendment, but it is a different matter when it comes to finding one that is capable of convincing others to vote for it’ (Interview, 23 October 2008).

Lobbyists with poor-quality information nevertheless continue to seek advocacy, but from a non-influential friend, i.e. someone that is likely to be broadly sympathetic yet relatively unconcerned about their reputation on such issues. The explanation for why lobbyists approach legislators with seemingly little chance of affecting the committee position is because lobbyists are simply the outward representative of their organisations, and as such have no choice over whether to put information forward. But, through their knowledge of the legislative hierarchy, which is unlikely to be widely known within their organisation, they are able to exercise a

form of quality control over which amendments they put forward to which legislator, thereby allowing them to maintain their personal reputation.

H7. Lobbyists refrain from submitting poor quality messages to their influential friends, in favour of their less influential allies.

During the final compromise phase the role of new information is to provide the arguments that enable friendly legislators to win the debate. This is either through buttressing existing information submissions or by counteracting unwelcome changes to the agenda made during the previous phase. In either scenario, it remains advantageous to secure the support or neutrality of the rapporteur, who remains influential at the final vote and beyond. But in contrast to the previous phase, all lobbyists are faced with a diminished pool of potential legislative allies. In this case, the less influential members will have faded from view, leaving negotiations to those better equipped. Therefore, both courses of action are largely confined to lobbying an influential friend, which necessarily requires the provision of relatively high quality information. In the case of counteracting newly revealed opposing positions, this activity is contingent on a lobbyist locating a likeminded influential legislator. The foregoing explanation is summarised in Figure 2.1.

Figure 2.1 Who to lobby at each committee phase

Committee Phases	Who to Lobby		
Draft Report	<i>Rapporteur</i>		
↓	friend lobby		foe lobby
Open Amendment	<i>Committee member</i>		
↓	friend influential lobby	non-influential lobby*	foe don't lobby
Compromise	<i>Committee member</i>		
	friend influential lobby	non-influential don't lobby	foe don't lobby

*if the quality of the information is poor.

2.5 Research design

To overcome the limitations associated with explaining informal behaviour, a mixed research strategy was adopted. This combined a programme of face-to-face surveying with data collected for five co-decision reports.⁹ In all, 134 interviews (plus a pilot) were conducted, of which the 94 that were undertaken with lobbyists are reported, with the remainder indirectly facilitating the research. The data analysis combines information on committee-stage vote outcomes and compromise agreements, with survey data and information on the submissions of committee-stage open amendments. The final voting lists and compromise agreements were informally obtained from officials closely involved with the procedures, because the EP does not retain this documentation.

⁹ The interviews were conducted between 2007 and 2009.

The 94 survey interviews were conducted with lobbying practitioners defined as regular and prominent participants. The initial objective was to capture a population of lobbyists active in a substantive policy sector. To this effect, of the 65 organised interests defined as highly active in the area of financial services (Econ Committee), 63 agreed to be interviewed. The study was then broadened to include 18 lobbyists from the environment and chemicals sectors of the Environment, Public Health and Food Safety Committee, and a further 13 practitioners from the Internal Market and Consumer Protection Committee. Together, these three committees are representative of the EP's legislative output, accounting for a third of all co-decision reports.

The selection of lobbyists was conditional on the verification of their status by at least two individuals from differing sectors of the policy community (average 3.01), i.e. two from the following three: MEP/MEP's assistant; member of the EP secretariat; or a previously verified organised interest. In total, 40 corroborative interviews were conducted across the three committees. These institutional interviews included thirteen MEPs, representing six member states and four party groups; two former MEPs; six assistants to MEPs; seven party group advisors, from the three principal party groups; and twelve mid-ranking officials from the EP's secretariat who were directly involved with the preparation and passage of committee-stage legislative reports. In addition to providing direct insights, these interviews were conducted in order to corroborate or expose disjuncture in lobbyists' responses. It was found at the pilot stage that lobbyists tended to be reticent about disclosing information that implied that they made rational calculations about the relative influence of MEPs. As a result, several of the questions were rephrased.

A possible implication of excluding the more episodic lobbying participants from the theory and hence the empirical analysis is that differing strategic behaviours may have been overlooked. This is because these more transient participants are less likely to have acquired the otherwise shared strategic knowledge, particularly with regard to a committee's informal organisation.

2.6 Findings

The theory makes plain that both the formal procedures and informal organisation of EP committees, play a vital role in determining which legislators are lobbied by organised interests and when. The empirical analysis follows the procedural timeline, initially testing the procedural implications for lobbying behaviour, ahead of an assessment of the hypotheses in support of the informal aspect of the theory.

2.61 The draft report phase

The initial step was to establish whether the draft report phase can be taken as the starting point for committee-stage lobbying. To assess this, interviewees were simply asked:

'In an ideal world at which point in the committee process would you begin concerted attempts to influence the legislative outcome?'

Through the use of the phrase 'in an ideal world', the question solicited responses that controlled for factors that might prevent such early interventions. The result was clear. All of the lobbyists that responded (81/94) stated that they would want to lobby at the draft report phase, i.e. the rapporteur. This result gives relevance to the more interesting premise that *organised interests lobby rapporteurs that they*

know to be against their policy position (H_1). To test this hypothesis, the following question was asked:

‘If you know in advance that the rapporteur opposes the position of your organisation, to what extent if any does this fact prevent you from directly putting forward your policy position?’

The results, which are summarised in Table 2.2, confirm the expectation that lobbyists only occasionally defect from lobbying a rapporteur that happens to be a legislative foe. For more than half of all lobbyists that answered, the policy position of the rapporteur had no bearing on their decision to lobby, with no lobbyists claiming that it always structured their decision.

Table 2.2 How often organised interests lobby a rapporteur that is a legislative foe?

	Interests Non Financial	Interests Financial	All Interests	Percentage of respondents making an assessment
Always (100%)	9	16	25	52.1%
More than 50% but less than always	4	12	16	33.3%
Less than 50%	2	5	7	14.6%
Never	0	0	0	0
Unable to assess	3	6	9	-
Total	18	39	57	100%

This situation was confirmed through interviews with MEPs and members of the secretariat, with several committee members expressing surprise that whilst they were acting as rapporteur they were frequently approached by lobbyists from sections of the policy spectrum that they had openly criticised in the past. One member from the Socialist group complained that, on occasions, ‘they threaten that if I don’t include

their position, the report will be picked apart during committee' (Interview, 21 March 2007). The implication from this *threat* is that not only is the lobbyist confident of gaining influential support from elsewhere in the committee, but if the rapporteur fails to incorporate the lobbyist's demands, the integrity of the entire report could be compromised. This mode of behaviour is conditional on a lobbyist not having a *friendly* relationship to maintain, i.e. has nothing to lose, and the likelihood that a rapporteur will be alert to the need to make strategic compromises.

2.62 The open amendment phase as a pathway to influence

The theory places considerable emphasis on the open amendment phase, and in particular the role of the committee floor. In so doing, as a pathway of influence this second phase is elevated to a level of significance comparable to that of the draft report. Therefore, the first condition we should observe is that *more lobbying takes place at the open amendment phase than occurs at the draft report phase (H₃)*.

To assess this hypothesis, lobbyists were asked to define the proportion of informational messages that they ultimately conveyed to the committee that were first communicated to the rapporteur at the drafting phase. The question explicitly takes account of the dynamic nature of the process, inviting lobbyists to consider their responses to the evolving agenda:

'With regard to the co-decision legislation that your organisation has been actively involved with, what percentage of your legislative concerns, that you were ultimately able to raise in committee, were you able to

directly convey to the rapporteur prior to the completion of the draft report?’

The results are summarised in Table 2.3. They show that, when lobbyists were asked to consider the full range of their legislative concerns raised in the course of the committee process, the majority of respondents (58.2%) stated that less than half of these issues were conveyed to the rapporteur prior to the completion of the draft report, and no lobbyist claimed 100% success. What is more, this result is likely to understate the level of second phase lobbying activity, given that the structure of the question was such that interviewees were not invited to include the occasions when they resubmitted information that they had previously presented to the rapporteur.

Table 2.3 Percentage of informational messages that were conveyed by lobbyists during the committee stage, that were first conveyed during the preparation of the draft report

	Interests Non Financial	Interests Financial	All Interests	Percentage of respondents making an assessment
Above 75%	3	10	13	19.4%
More than 50%, but less than 75%	3	12	15	22.4%
Less than 50%, but more than 25%	7	13	20	29.8%
25% or less	6	13	19	28.4%
Unable to assess	12	15	27	-
Total	31	63	94	100%

Nevertheless, it remains possible that this result simply measures the overall volume of traffic, rather than the substantive effect of lobbying. Therefore, the second condition that should hold is that *open amendments play a significant part in determining the outcome of a committee’s final report (H₄)*.

Through analysing committee-stage voting data on all amendments that were made to the five legislative procedures, i.e. those made by the rapporteur in the draft reports as well as the subsequent open amendment phase, the relative importance of the two phases can be more clearly assessed.

In total, 2,854 amendments were submitted to the five legislative procedures under analysis. Of these, just 699 were contained within the rapporteurs' draft reports, and many of these were of a purely administrative nature. However, it remains possible that even this higher level of second-phase activity is simply background noise. But when the number of ultimately successful *open amendments* (1,330) is compared with the raw total submitted at the draft report stage, successful *open amendments* exceed those put forward in the draft report by a ratio approaching 2:1. This suggests that, at the very least, the lobbying activity that takes place during the open amendment stage is comparable in its effect on a committee's final position to that which takes place during the draft report phase.

Furthermore, these results are likely to understate the importance of the committee floor, and by extension the role of more influential legislators. This is because the rapporteur's revised agenda (draft report) would have already taken account of certain opposing positions.

2.63 Informal organisation

Through establishing how a committee's formal procedures determine important aspects of lobbying behaviour, the foundation is laid to analyse the existence and impact of informal behaviour on committee organisation. The open amendment phase

and the results thereof represent the only opportunity to directly observe the relative impact of ordinary MEPs on a committee's final report, albeit with the benefit of hitherto unavailable voting data. Two hypotheses are tested to establish whether, *within the committee, the distribution of influence is skewed in favour of an influential elite (H₅); and crucially, that lobbyists understand the distribution of influence between committee members (H₆).*

To assess these conditions, a model is presented that measure the extent to which lobbyists' assessment of influential committee members correlates with MEPs' actual levels of influence. The dependent variable *interest group rank* captures who lobbyists believe to be the most influential legislators in the policy field. It was derived from the responses of lobbyists to the question:

'Which MEPs would you say have the most influence over the content of the Econ committee's final report, in the area of financial services regulation?'

In all, 52 organised interests provided results. The scores for each MEP are detailed in Table A of Appendix I. The variable is made up of 57 observations, of which 33 have positive values, and 24 take the value 0 (mean = 4.58). With these characteristics, the dependent variable is most accurately described as a count outcome, as such the Poisson distribution is most appropriate for data analysis. The Negative Binominal variant of the Poisson model was not used following a test for over dispersion, which failed to reject the null hypothesis that conditional variance equals the conditional mean (Long, 1997). A comparison between predicted and observed probabilities further implies that the model selection is appropriate (see Figure A, Appendix I).

The independent variable of particular interest to the theory is *successful amendments*. It was constructed to provide a measure of actual MEP success and hence legislative influence. The variable measures an MEP's total number of *successful amendments*. A possible drawback of this approach is that an MEP's level of failure is not taken into account; the emphasis is placed firmly on an MEP's relative impact on the final report. The variable is logged because its relationship with the dependent variable *interest group rank* was found to be approximately linear (see Figure B, Appendix I).

In the absence of roll-call data, information on vote outcome was compiled through unofficial access to committee compromise agreements and final notated voting lists. This is the first time that such documents have been analysed. In total 2,155 open amendments were submitted to five co-decision reports: The Capital Adequacy of Investment Firms and Credit Institutions - Basel II; Payment Services in the Internal Market; Solvency II; Undertakings for Collective Investment in Transferable Securities (UCITS); and Capital Requirements. The procedures were all completed in their first reading, which is increasingly the norm; in four separate years; by different rapporteurs from the EP's three principal party groups.

The range of individual submissions was between 1 and 178. If an amendment was adopted at the vote stage it is coded as 1, and if it failed it is coded as 0. Joint submissions are attributed in proportion. For the significant number of amendments later incorporated in compromise agreements, the outcome was not always discernable. To overcome this problem, these amendments were individually assessed in conjunction with individuals closely involved in the procedure. If an amendment was

only partially included in the compromise, a coding value of 0.5 is awarded. The total of *successful amendments* was 1,330, with a range between 1 and 146 for each MEP.

A series of dummy control variables is added to the model. The first two relate to positions of authority within the committee and take the value of 1 if an MEP is an office holder. Here the position of *party co-ordinator* is included because this role specifically involves brokering legislative agreements within the respective European party groups. The variable *committee chair/vice chair* is included in order to capture the effect of seniority within the formal committee structure. The remaining dummy variables are confined to party membership. Here the two principal transnational party groups are reported: *EPP* (European Peoples Party) and *PES* (Party of European Socialists). The party reference category is made up of all other European party groups, including the ELDR (Liberals).

Table 2.4 presents the results. They show that of the five explanatory variables, two have significant explanatory power in explaining the variance in the perceived level of MEP influence. The independent variable that is of particular interest to the theory, *successful amendments*, is both highly significant and in the right direction. The results indicate that for a one percentage point increase in the number of *successful amendments* that, an MEP achieves, her expected mean *interest group rank* increases by a factor of 1.01 (one percentage point), holding all other variables constant.¹⁰

¹⁰ = $\exp(\beta_{\text{successful amendment}})^{\log(1.01)} = 3.087^{\log(1.01)} = 1.01$

Table 2.4 Poisson model: organised interests' assessment of the most influential MEPs in the Economic and Monetary Affairs Committee

	<i>Incident rate ratio (exponential β)</i>	<i>Z-Score</i>
Successful Amendments (log)	3.087*** (0.252)	13.82
Party Co-ordinator	1.326* (0.221)	1.69
Committee Chair/Vice Chair	1.132 (0.208)	0.68
EPP	0.965 (0.161)	-0.21
PES	0.893 (1.098)	-0.58
Constant	0.115*** (0.042)	
Number of Observations	57	
Log-likelihood	-81.11	
LR χ^2 (6)	470.14***	
Pseudo R ²	0.74	

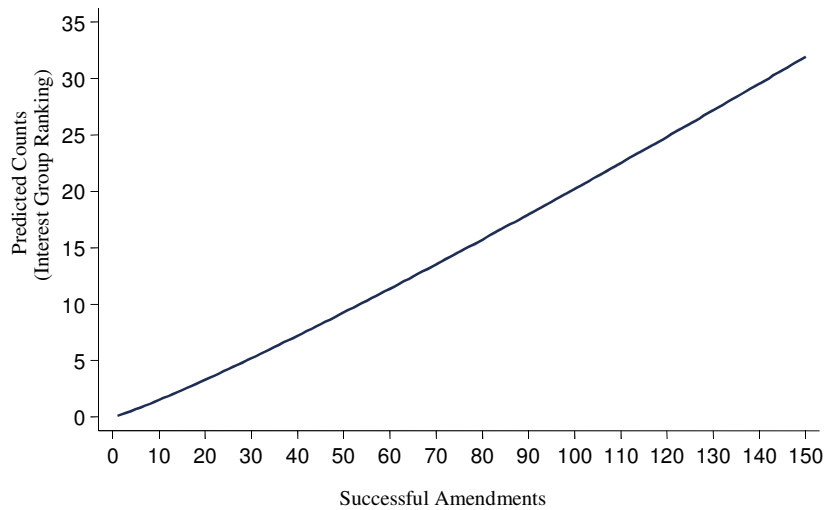
Notes: ***significant at 0.01 level, **significant at 0.05 level, *significant at 0.1 level.
Standard errors in parenthesis

To put this in context, if the number of *successful amendments* that an MEP achieves is at the level of the mean for those submitting amendments (23.3), a hypothetical doubling of the number of *successful amendments* to 46.6 would result in the predicted number of lobbyists that cited the MEP increase by a factor of 2.18, from 4.58 to 10.0. This would cause the MEP to move from a position of the nineteenth most cited individual to a position of the ninth.

This result supports the assertion that the assessment made by organised interests when considering the legislative influence of MEPs is commensurate with the observable actions of legislators. Organised interests understand which legislators have the most influence over a committee's negotiating agenda, and it follows that there

exists a subset of influential committee members. This relationship is further illustrated in Figure 2.2, which shows the predicted count as a function of the number of successful amendments, with all other values held at their means.

Figure 2.2 Predicted counts: interest group rank and number of successful amendments



The control variable *party coordinator* is significant at the .1 level. This indicates that the effect of holding office for one of the three major party groups increases the expected *interest group rank* by a factor of 1.33 (33%), holding all other variables constant. The result for *committee chair/vice chair*, although not significant, is in the same direction. Taken at face value these results appear to indicate that lobbyists overestimate the influence that *party co-ordinators* have over the committee process. But the more likely reading, which is consistent with the theoretical explanation, is that

lobbyists take account of the often decisive yet unobservable role that party coordinators play in defining their party's position over which amendment to support.

One concern with this conclusion might be that the influential set is simply comprised of officeholders (*party coordinators and committee chair/vice chair*). A final probe into the data sheds some light on the profile of influential committee members. Consistent with the theory, it comes as no surprise that just 10 MEPs account for 56% (752) of all *successful amendments*. More interestingly, the majority of these amendments (52%) come from members that are not officeholders, showing that influence is not simply a product of office.

Moreover, there is some evidence to suggest that, although a committee member's influence may increase with office, a precondition to obtaining office is to be a member of the influential set. This can be illustrated with regard to the three most influential committee members, who together account for 28% of all *successful amendments*. Of the three, only Wolf Klinz was an office holder when the reports were written (party coordinator for ELDR). However, the remaining two influential members, who were not office holders at the time, subsequently became so.¹¹

2.64 Who not to lobby

What remains to be examined is how lobbyists navigate their way through the informal landscape. The initial expectation is that, once the draft report has been completed, the

¹¹ Jean-Paul Gauzès, who submitted the highest number of *successful amendments*, took over as party coordinator for the EPP. Sharon Bowls was appointed as committee chair at the start of the 7th parliament. The expectation is that their respective *interest group rank* relative to their observable performance will increase, as we observed for Wolf Klinz.

pool of legislators is sufficiently wide that, during the open amendment phase, lobbyists do not ask unfriendly legislators to advance their policy position (H₂). This impression was frequently communicated; for example, a lobbyist from a regional banking association stated of one influential MEP that she ‘would always take the line of the international banks’ and was therefore off limits, whereas for another it was claimed that he would ‘first seek the opinion of the city of London institutions before agreeing to act’. To systemise these responses the following direct question was asked:

‘When seeking to change an aspect of a draft report once it has been presented, do you find yourself seeking assistance from legislators that are likely to be sympathetic to your position or are you typically seeking assistance from MEPs that you know in advance to be unsympathetic?’

The results, presented in Table 2.5, support the hypothesis. The majority of lobbyists (61%) that responded never ask legislative foes to submit amendments on their behalf. Further investigation suggested that, when lobbyists deviate from this position, it is often because they find themselves politically isolated and therefore without legislative allies to approach.

Table 2.5 How often lobbyists ask a legislative foe to submit an amendment, following the submission of the draft report?

	Interests Non Financial	Interests Financial	All Interests	Percentage of respondents making an assessment
Always (100%)	0	0	0	0
More than 50% but less than always	4	5	9	11.7%
Less than 50%	5	16	21	27.3%
Never	15	32	47	61.0%
Unable to assess	7	10	17	-
Total	31	63	94	100%

What remains to be ascertained is whether *lobbyists refrain from submitting poor-quality messages to their influential friends, in favour of their less influential allies (H₇)*. To establish this, a final direct question was asked:

'Was the content of your requests for legislative action ever such that it was more appropriate to seek action from legislators outside the group of committee members that you defined as influential?'

The response rate was comparatively low, with several lobbyists expressing annoyance at the suggestion that they made such cynical calculations. Nevertheless, further investigations did not reveal any response bias. Of the 88 lobbyists questioned, 44 answered. Of these respondents, 38 (86.4%) revealed that there were occasions when they preferred to deliver their informational message to MEPs outside the set of most influential legislators. This suggests that when lobbyists are in possession of poor-quality information they are likely to defect from the otherwise optimal strategy of obtaining advocacy from their most influential legislative allies. Furthermore, given that we know that once the draft report phase has passed only friendly legislators are lobbied, we can infer that it is less influential friends that receive these relatively poor-quality submissions.

2.7 Conclusion

This article contributes to our understanding of the institutional interface between MEPs and the activities of organised interests. In so doing, a response is provided to the call for the literature to explain more fully how lobbying behaviour is shaped by specific institutional rules and practices (Coen, 2007). Through directly linking

lobbyists' strategic behaviour to the institutional setting, a decisive break is made with the analysis of interests based on a narrow categorisation of their organisational form. This has made it possible to provide fresh insights into the question of which interests actually lobby and when; an issue that has vexed political science for a period approaching half a century.

The study advances our understanding of the organisation of EP committees by explaining the hitherto unknown role that an influential subset of committee members plays in defining a committee's final position. The collective actions of an informal and influential elite minimise the risk of a committee adopting technically deficient or explicitly biased information. It is further shown that committee influence is not simply a factor of holding office, and that becoming influential is likely to be a prerequisite to obtaining office. Through this approach it has also been established that the open amendment phase has at least as much impact on a committee's final outcome as the rapporteur's report. This demonstrates that influential committee members pose a credible counter weight to the acknowledged power of the rapporteur.

Furthermore, this analysis is consistent with informational theories of legislative organisation (Cooper, 1970; Gilligan and Krehbiel, 1987, 1989; Krehbiel, 1991). The study sets out the mechanism which prevents committees from adopting policy positions that threaten their legitimacy vis-à-vis the plenary. This is particularly relevant given that the policy position of rapporteurs is generally unrepresentative of the committee mean (Kaeding, 2004). This contributes to the explanation of why parliament is increasingly willing to allow its committees to conclude seemingly binding legislative agreements (trialogue) on its behalf.

I have also demonstrated that, although lobbyists have a strong preference to lobby their allies, within EP committees the formal constraints are such that organised interests routinely lobby their opponents. This finding is in contrast to both Crombez's (2002) model for the plenary and the consensus found in the US literature. However, by highlighting the open amendment phase it has also been shown that lobbyists do not remain limited in their choice of viable lobbying targets, as Mahoney (2008) suggests. Here lobbyists are free to revert to their default position of lobbying their friends. Nevertheless, constraints persist but this time they are self-imposed, based upon the quality of their information. Through demonstrating that, in order to maintain their reputation, lobbyists refrain from submitting poor quality information to high demanding influential friends, some findings from previous research are further consolidated (Berry, 1989; Bernhagen and Bräuninger, 2005; Hall and Deardorff, 2006).

The paper also provides several implications for future research on lobbying and legislative politics. For a long time EP legislative scholars have benefitted from a stream of insights empirically tested with the aid of roll-call data. However, with the majority of co-decision legislation now agreed ahead of the first reading, it seems that this approach is losing some of its former resonance. To maintain the momentum, we need to build on this paper's comparatively modest data-collection effort and pay more attention to the outcomes of committee-stage votes. In addition, there is scope to extend the model to address the extent to which lobbyists' argumentation or framing of an issue is contingent on their previous success or failure at the Commission stage. Finally, it seems likely that this paper's principal theoretical insights will have meaning outside the context of the EP. This is because at the core of this paper is the

impact of institutional procedures and informal organisation on lobbying behaviour, and it is precisely these institutional variables that differ between legislatures.

3 Do Rapporteurs Receive Independent Expert Policy Advice?

Indirect Lobbying via the European Parliament's Committee

Secretariat¹²

3.1 Abstract

Rapporteurs rely on secretariat officials to provide policy information that is independent from vested interests. They require this information to be provided quickly, so that lobbyists' policy claims ahead of the completion of the draft report. However, it turns out that officials' accumulation of specific policy expertise is endogenous to the lobbying process. Secretariat officials are generalists lacking the detailed policy information that they are called upon to supply. Entrenched interests including the Commission fill the void by providing officials with policy information and on occasion even loan their experienced staff, thereby indirectly lobbying the rapporteur. This activity directly affects the content of EU legislation, as the information that rapporteurs receive and act upon is less independent than might have been expected. These ideas are analysed with the aid of responses from over 150 structured interviews with policy actors and the results of an EP internal questionnaire.

Keywords: committee secretariat, European Parliament, lobbying, rapporteur.

¹² Paper published in the Journal of European Public Policy, 2012.

3.2 Introduction

The structure and determining factors for lobbying Members of the European Parliament (MEPs) are now very well understood (Wessels, 1999; Crombez, 2002; Marshall, 2010). The epicentre for this activity is the European Parliament's (EP) strong committee system and, above all its rapporteurs. This paper builds on these insights to explore the extent to which committee rules have unintentionally provided entrenched interests with an additional opportunity to influence the legislative outcome. Through this approach a further dimension to lobbyists' strategic behaviour is revealed. This is the strategic practice of indirectly lobbying rapporteurs via their principal source of independent policy information: the committee secretariat. Consequently, policy information that rapporteurs receive from secretariat officials turns out to be endogenous to the lobbying process for which objective verification is sought.

The role of policy information is central to this analysis. In general, legislators fear unintended policy outcomes, and seek policy information that diminishes this risk. This function is normally performed by a closed network of likeminded lobbyists (Baumgartner and Leech, 1996). However, this practice is insufficient for the rapporteur to carry out the delegated and fundamentally more complex task of agenda setting. In this role, rapporteurs are obliged for strategic reasons to engage with the entire population of actively participating lobbyists; they selectively incorporate information from opposing interests - at the possible exclusion of aspects of their own policy aspirations. This creates a demand by the rapporteur for independent policy expertise.

They seek this information with the expectation that it will increase their political leverage both inside their party group and in negotiations with shadow rapporteurs and other influential committee members. With limited own resources, rapporteurs invariably turn to the mid-ranking committee official(s) assigned to their legislative report. Rapporteurs perceive these administrators to be independent, at least relative to the available options, and in possession of relevant policy expertise. The formal rules support these assumptions. However, secretariat officials are policy *generalists*, with severely limited in-house informational resources. Therefore, in order for them to fulfil their role and maintain their reputation for independent expertise, they are themselves obliged to make demands for policy information. These demands are fulfilled by actively participating organised interests as well as by officials from the Commission. Indeed these stakeholders anticipate the demand and actively seek to influence the policy position of secretariat officials.

Through this process it is shown that despite the demands of rapporteurs for independent expertise, the information they receive is likely to be derived from a subset of entrenched policy interests. As such, there is limited scope for new and independent information to enter the policy arena. Instead the position of entrenched interests is further privileged, with other perhaps equally valid interests excluded.

This argument is tested with the aid of both structured interviews and responses to a written questionnaire. The interviews were conducted during the 6th and 7th parliaments (2007-2010) comprising 94 actively participating lobbyists, 39 mid-ranking officials from committee secretariats, and 34 MEPs/assistants. The focus was on respondents' behaviour in the context of the co-decision procedure. The questionnaire was carried out in 2007 by then MEP Alexander Stubb, in his capacity as

rapporteur for the green paper on the European Transparency Initiative. Responses are reported for 80 MEPs and 31 secretariat officials.

In the following section a brief exploration of salient aspects of the literature on EP lobbying and decision making is carried out. This underpins the theoretical argument, which is fully specified in the subsequent section. Thereafter the research design is explained ahead of a thorough examination of four derived hypotheses.

3.3 Theoretical considerations

There is a growing understanding of the strategies that organised interests deploy to influence public policy in the European Union (Beyers et al, 2009; Coen and Richardson, 2009). Integral to this process are lobbyists' informational advantages, with both Commission bureaucrats and EP legislators demanding specific expertise from reputable organisations (Bouwen, 2002).

The most important mechanism for the inclusion of new information into the parliamentary phase of the legislative process is the formal development of the committees' negotiating position: the legislative report. This legislative activity is central to decision-making within the EP (Bowler and Farrell, 1995; Mamadouth and Raunio, 2003; Selck and Steunenburg, 2004; Ringe, 2010). What is more, the relative power of EP committees vis-à-vis the plenary continues to grow, as it becomes increasingly common for them to make *de facto* legislative agreements with the Council (Farrell and Héritier, 2003; Häge and Kaeding, 2007). Therefore, in a very direct sense, EP committees operate as agents of the floor (Gilligan and Krehbiel,

1987). As a consequence, the committee system is the main focus for lobbying activity within the EP (Wessels, 1999).

Research indicates that relatively few committee members exert significant influence on the final report, with these MEPs necessarily becoming the principal focus for organised interests' policy demands. Mahoney (2008) suggests that these viable lobbying targets are limited to the rapporteur, shadow rapporteur and committee chair. Marshall (2010) demonstrates that the distribution of influence, although skewed, extends to a wider pool of committee members from which rapporteurs are drawn. But for each proposal, the rapporteur remains the single most influential EP actor, with over a third of all amendments that later make it through committee originating from his or her draft reports.

Our understanding of how lobbyists influence legislative behaviour within the EP is increasingly informed through the adoption of an information approach (Crombez, 2002; Marshall, 2010). The essential insight is that by giving legislators credible yet selective information on the anticipated effects of a policy, organised interests can alter legislators' preferred policy options (Potters and Van Winden, 1992; Austen-Smith, 1993). The underlying assumption is that information is required by policy-makers to evaluate a range of possible policy outcomes. But, this information is unevenly distributed between policy-makers and outside interests. As a result, legislators are often highly dependent on organised interests for policy expertise.

The signalling literature offers an explanation for this interaction by demonstrating that lobbyists' strategic use of information is subject to severe reputational constraints imposed by the legislator. Lobbyists seek to protect their reputation for providing reliable information (Berry, 1989). So much so that under

certain conditions private interests forego their short term policy goals in order to protect their reputation (Bernhagen and Bräuninger, 2005). It is therefore not surprising that policy-makers are in the main lobbied by organised interests with policy preferences close to their own (Baumgartner and Leech, 1996). Hall and Deardorff (2006) identify a variant of this behaviour as a form of legislative subsidy. Here the costly information that is provided to selected legislators acts as a substitute for their own staff, thereby directly affecting the budget line. This practice varies from the provision of policy expertise to the formalised secondment of staff.

The literature only partially explores indirect channels for lobbyists to influence the content of a rapporteur's draft report. Lehmann (2009) suggests that the primary conduits in this process are the committee secretariat and the rapporteur's own staff. There seems little doubt that rapporteurs' office assistants play an often vital role in the preparation of the draft report. After all, they are generally the only own resource available. However, it is analytically problematic to make a distinction between a rapporteur and their staff, given that in contrast to secretariat officials these assistants are formally subordinate.

This leaves the committee secretariat as the likely target for indirect lobbying, although it remains conceivable that the respective party group secretariats may also act as channels for this activity. However, through Neunreither's (2006) insider perspective it made clear that the party group secretariats do not normally provide such direct assistance to rapporteurs. Their role appears to be centred on developing a coherent party line inside their group, and then marketing this position both within and to a wider audience outside of the group (Winzen, 2011). In contrast, the literature

makes clear that officials from committee secretariats are actively involved at the draft report stage (Neuhold and Radulova, 2006; Neunreither, 2006; Winzen, 2011).

The appropriate analytical approach for understanding the committee secretariat's role in the policy process is not immediately apparent. There is of course a substantial formal literature on the role of bureaucracy in policy formation. Yet its applicability to the committee secretariat appears doubtful given that, for example, there is no bureau to maximise (Niskanen, 1971) and hence no formal discretionary power granted, which in turn limits the scope for agency drift (Weingast, 1984; McCubbins et al, 1987). Yet information asymmetry, which is commonly seen as the basis for bureaucratic as well as interest group power, remains central to the analysis. Simply put, officials attain legitimacy by providing technocratic solutions to policy making (Majone, 1996; Radaelli, 1999). This necessitates an understanding of how expert knowledge is utilised within the EU's policy process.

Emphasis has been placed on the authoritative role of epistemic communities, comprised of professionals with a reputation for policy-relevant expert knowledge (Hass, 1992). However, the impact of such communities is likely to be most pronounced at the initial phase of EU policy making when private and public actors are first brought into the process (Peterson and Bomberg, 1999). Indeed Zito (2001) suggests that to achieve substantial policy change across veto points a particularly robust form of entrepreneurship is required. But even at the Commission's evaluation and consultation stage it remains unclear whether shared technocratic considerations of epistemic communities are a salient feature of policymaking.

Boswell's (2008) analysis suggests that there is an instrumental use of knowledge within the Commission: policy-makers selectively draw from a wide pool

of expertise in order to legitimise or validate exogenously held policy positions. Similarly, Erickson et al (2010) provide evidence of a politicisation of EU policy formulation, extending to the analysis of risk. Again expertise is explicitly called upon, but this time in support of competing lobbies and ideologies. The explanation advanced for whether policy development is dominated by a politicisation of technical expertise, as opposed to a policy-relevant epistemic community, lies in the comparative strength of active advocacy alliances coupled with the associated framing of the political agenda. The inference from both of these studies is that within the Commission, there may be limited scope for the inclusion of unbiased policy information. However, this analysis is absent from the literature on the EP. What we know is that in comparison the EP is a more explicitly political institution. This suggests that there may be greater opportunities for political entrepreneurship, with ‘losers’ seeking to unpick the agenda and others seeking to preserve or extend their gains.

But what role do officials from the committee secretariat play during this phase of the policy process? We know that secretariat officials operate at the heart of the legislative process. One or perhaps two mid-ranking officials are assigned to each legislative report, very often participating in the frequent private meetings between the rapporteur and individual lobbyists. In addition they typically prepare their rapporteur for meetings with actors from other EU institutions; meetings that they would have taken a lead role in orchestrating, including the identification of appropriate participants (Winzen, 2011). These officials are also invariably involved in the many policy related side-events; attending alongside the more influential committee members, Commission officials and other well-established interests. Moreover, they

often play an active part in the increasingly decisive inter-institutional dialogues, as well as the many off-record discussions ahead of these meetings.

Inevitably the extent to which officials become drawn into the legislative process is dependent on the rapporteur's demand for policy information, which we know to be high, and an administrator's willingness to supply such information. Certainly the official position of DG Internal Policies leaves administrators free in 'promoting and coordinating all activities relating to better law-making in Parliament' (2010). Neuhold and Radulova (2006: 57) suggest that typically 'committee staff not only provide scientific and technical information, but also give(s) advice on *political* issues'. Neunreither (2006: 49) illustrates this with the aid of an EP internal survey which showed that in over 80% of reports the secretariat provides assistance that is 'beyond technical and procedural questions'. Neuhold and Radulova (2006) also emphasise the role that committee assistants play in drafting reports, although they make clear that final responsibility remains with the rapporteur.

Secretariat officials also occupy a prominent position during the committee's open amendment stage. In addition to fulfilling the rapporteur's demand for *independent expertise*, officials typically take the lead in preparing compromise agreements ahead of the vote (Winzen, 2011), thereby providing the rapporteur with a further opportunity to reset the agenda for the most highly contested aspects of the legislation. Thereafter, officials take responsibility for the order in which amendments appear on the voting list. Indeed, an official from the Environmental committee explained that 'with large dossiers it can be quite difficult for [committee] members to place individual amendments in the context of the entire procedure' (Interview, 18 October 2007). The discretionary consequences of this action are difficult to assess,

but the potential exists to directly affect aspects of the committee's final legislative report.¹³

Yet, despite what might be considered a politicisation of an essentially bureaucratic function, previous research indicates that the secretariat operates in a politically unbiased fashion (Judge and Earnshaw, 2002; Corbett et al. 2007). Indeed secretariat officials are anxious to preserve their reputation for neutrality, as this underpins their policy role (Neunreither, 2006). Certainly the Code of Conduct is unambiguous on the issue of independence, stating that officials 'shall neither seek nor take instructions from any government, authority, organisation or person outside his institution' (DG Internal Policies, 2010).

Nevertheless, bias has been observed on the pro/anti integration dimension (Westlake, 1994). What is more, even though anecdotal accounts of political bias within particular EP directorates-general abound, the relationship between party affiliation and secretariat behaviour has escaped investigation. Although the persistent suggestion from the secretariat officials that were interviewed was that their party affiliation matters,¹⁴ with one apparently unaffiliated official claiming that her Head of

¹³ To illustrate this, the insertion of the words 'if adopted all others fall' against one of several amendments on a particular issue ensures that if a majority is reached for the 'chosen' amendment, the remainder will not be put to the vote.

¹⁴ To established whether political affiliation plays a part in the selection of committee administrators two direct questions were asked to 39 secretariat officials. Over a quarter of respondents (10/39) agreed that their '.....appointment (was) influenced by party affiliation', and almost one half (18/39) confirmed that 'party affiliation plays a significant role in the recruitment of secretariat staff'.

Unit stated that ‘without party support your career options will be severely limited’ (Interview, 1 October 2009).

A further unexplored avenue of potential bias is the career background of committee staff, given that a previous learning environment may have biased the accumulation of policy knowledge. Perhaps understandably, the EP does not divulge information regarding this. However, upon request the EP provides information on the significant and rising number of committee officials that are seconded from organisations that have an explicit interest in influencing the legislative outcome (13.4%, in the 6th parliament). Although these seconded national experts (SNE) are formally subject to the same constraints as their permanent colleagues, it is apparent that they parachute in with a preformed legislative perspective. This gives them a knowledge advantage over many of their permanent colleagues. A situation that has been accentuated following the implementation of a mobility policy limiting time in office to 3-years (22 months in practice), which has had the unintended consequence of causing a severe loss to the secretariat’s institutional memory. This concern was expressed by an administrator from the Internal Market and Consumer Protection Committee, who noted that ‘it is difficult to find anyone from within with an understanding or memory of the context in which a legislative discussion takes place’ (Interview, 19 November 2009). The number and duration of service of these two formal categories of secretariat official are detailed in Table 3.1.

Table 3.1 Composition of the European Parliament’s Committee Secretariats in the 6th and 7th Parliaments

		Administrators (EU Civil	Seconded National Experts (temporary administrators)
Number of staff	7th	102	18
	6th	127	17
Average time served	7th	18 months	8 months
	6th	22 months	14 months

Note: figures for the 7th parliament are for the 1st year
Source: EP response to request, June 2010

To illustrate the potential for a conflict of interests, consider that in the Economic and Monetary Affairs Committee (Econ), SNEs (three out of the six serving officials), home organisations are consistently the central banks and national regulators of the three largest member states. These institutions are themselves amongst the most active lobbyists of the Econ committee. As such, it is not surprising that Lehmann (2009) suggested that a challenge remains to assess the impact of SNEs. Similarly, Pervenche Berès (Econ Committee Chair) commented that ‘the influence of national experts is a cause for serious concern, and we will need to look at what can be done’ (Interview, 1 December 2008). As well as highlighting the role of SNEs, these observations make clear that secretariat officials are in a position to influence legislative outcomes.

3.4 Theoretical framework

Rapporteurs are delegated a considerable opportunity to redefine their committee’s legislative agenda, and generally remain pivotal throughout the process. In order to fulfil this task in a credible yet strategically advantageous way, the rapporteur must

critically evaluate and verify information from across the policy spectrum over a short period of time. This means that the rapporteur must overcome legislative uncertainty derived from lobbyists' competing claims, as well from the information contained in the Commission's proposal. As a consequence, the rapporteur generates an exceptional demand for expert policy information. This information requirement is made in addition to the more general practice of simply ensuring that a given policy is compatible with the policy preferences of likeminded policy stakeholders. The rapporteur's more complex demand for independent expert policy information, or at least independent relative to the available options, is principally fulfilled by officials assigned from the committee secretariat. However, although these officials adopt an independent approach, it turns out that they are policy generalists. Therefore, to fulfil the rapporteur's demand as well as protect their own reputation, officials rapidly acquire information from entrenched interests. This provides the opportunity for selected interests to indirectly lobby the rapporteur, whilst limiting the scope for new independent information to enter the process via the secretariat. As a result, the information that secretariat officials supply to rapporteurs is endogenous to the lobbying process that they are asked to provide independent information on. What follows is a fuller specification of this framework, along with testable implications.

The rapporteur receives policy information from lobbyists, seeking to change or defend aspects of the Commission's legislative proposal, and is delegated the task of evaluating these submissions. The decision process takes into account the strategic fit between lobbyists' requests for action, the position of the Commission, the probable position of the Council, and the rapporteur's own policy objectives. These latter objectives represent the extent to which the rapporteur has adapted her own policy

position to take into account both the position of its party group and the overarching need to secure a sufficient committee majority.

However, under conditions of uncertainty it remains unclear where rapporteurs turn for help for the evaluation of the plethora of often contradictory policy information, particularly given their extremely limited level of own resources. Here a distinction can be drawn between the requirements for *objective* and *subjective* advice. The demand for objective information is a function of rapporteurs' agenda-setting role. The latter demand, which is shared by all committee members, is for subjective information that clarifies whether a particular policy prescription is consistent with a legislator's own prior policy position. This demand is met by sources with policy preferences close to their own on salient policy dimensions, or at least from sources that they deem it unwise to ignore. Typically this information is provided by closely aligned organised interests, political parties, and national governments. But this relatively narrow policy perspective is insufficient for rapporteurs to assess the credibility and wider effects of policy options that are either not salient to friendly lobbyists or require a broader policy perspective in order to be in a position to forge minimum winning compromises between competing interests.

It is *objective* policy information, i.e. trustworthy, independent and expert information that encompasses the breadth of the legislative dossier which underpins the agenda-setting power of the rapporteur. This information enables the presentation of a strategically advantageous report that is sufficiently acceptable to the committee majority. The accumulation of this type of information also serves to enhance the reputation of rapporteurs for policy expertise, which increases their political leverage both within their respective party groups and in subsequent negotiations with other

influential committee members. This demand is met primarily by the one or two officials assigned by the committee secretariat to a legislative report. The committee's formal rules reinforce the perception of secretariat independence, with officials anxious to preserve this status. The expectation of the rapporteur is that by taking account of this independent and expert information, the level of policy uncertainty will be reduced, enabling them to effectively make otherwise difficult political choices. This leads to the following expectations:

a rapporteur's principal source for objectively verifying lobbyists' information is the committee secretariat (H_1); and

rapporteurs assume that secretariat officials provide independent and expert policy advice (H_2).

It follows that rapporteurs are more likely to trust policy information provided by what is perceived to be an independent expert from the EP's secretariat than from an unfamiliar lobbying source. This provides an incentive for organised interests to lobby officials from the committee secretariat. Organised interests, although free to lobby rapporteurs and other MEPs, will seize any opportunity to bias the rapporteur's principal source for independent policy advice: the secretariat. Similarly, the Commission has an interest in limiting changes to its initial legislative proposal, but is constrained from entering into formal dialogue with MEPs until the report is finalised. As such Commission officials readily take the opportunity to indirectly lobby the rapporteur via the secretariat officials that they already have a working relationship with.

Secretariat officials also have an incentive to engage with policy stakeholders. This is because, contrary to the expectations of rapporteurs, these officials are policy

generalists. Therefore to preserve their reputation for policy expertise they engage in a round of information catch-up. But, secretariat officials are not under the same obligation to demonstrate openness as MEPs and Commission officials. It is rather the case that these administrators restrict access in order to maintain their reputation for independence. As a result, they build relationships with policy actors in a cautious way. This privileges entrenched interests, especially regularly participating organised interests and Commission officials. Therefore, the following hypothesis should hold:

secretariat officials are lobbied by both Commission officials and actively participating organised interests (H₃).

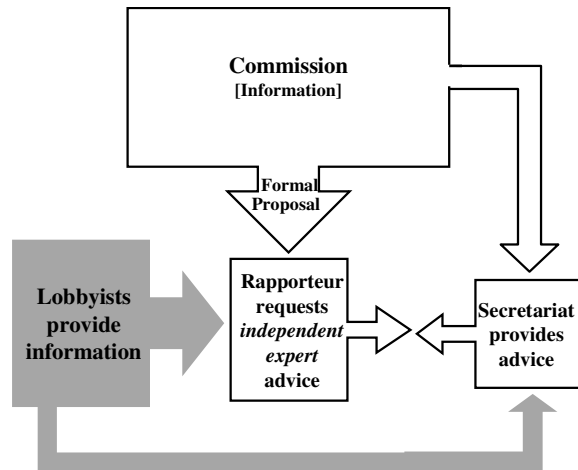
However, given that secretariat officials are eager to buttress their policy expertise, the relationships that they form with lobbyists are not simply one-way. Secretariat officials adopt a proactive stance, demanding information to overcome instances of policy uncertainty. As a result the position of entrenched interests is solidified, thereby limiting the scope for new information to enter the process. Therefore we should observe that:

secretariat officials actively seek policy information from both Commission officials and actively participating organised interests (H₄).

The overall relationship is captured in Figure 3.1. The focus of attention is the rapporteur, given that they occupy a privileged agenda-setting role following the Commission's legislative proposal. Here we observe that lobbyists mainly provide policy information directly to the rapporteur. However, at the same time a subset of the lobbying population along with the Commission also supply policy information to the secretariat. This information is filtered and repackaged as *independent expert* advice, thereby enabling the officials to fulfil the rapporteur's demand. As a consequence,

rapporteurs' independent source of policy expertise turns out to be part of the lobbying process that verification is required for.

Figure 3.1 The rapporteur's information sources



3.5 Research design

The process of indirect lobbying is particularly opaque. This is because unlike direct lobbying, where the actions of those on the receiving end may be determined, the activities of policy advisors are less readily discernable. Therefore, to explain the process, the only viable research strategy is based on information provided by policy actors. But despite this obvious constraint, it has been possible to synthesise two research approaches. An extensive programme of structured interviews, conducted by the author, is combined with a written questionnaire produced within the EP. The structured interviews were carried out in two waves; the first in the 6th parliament between 2007 and 2008, and then again in the 7th parliament during 2009 and 2010. The interviewees encompass political, institutional and societal actors. The

questionnaire was conducted by Alexander Stubb MEP in September 2007, whilst acting as rapporteur for the European Transparency Initiative (Green Paper). The survey was sent to both institutional and political actors.

In total 39 secretariat officials, 94 lobbyists and 34 MEPs/assistants gave up their time to participate. The 39 interviews with secretariat officials (AD category) encompassed all of the EP's legislative committees, and included at least two administrators from each. The interviews with organised interests were with lobbyists defined as regular and prominent participants across three legislative committees:¹⁵ Economic and Monetary Affairs; Environment, Public Health and Food Safety; and the Internal Market and Consumer Protection. The MEPs/assistants that participated were committee members from the same three committees, which together account for over a third of all co-decision reports; they were members of five different party groups, from 12 member states. The assistants to MEPs answered in respect to the activities of their MEPs. A further eight interviews were held with senior policy advisors from the three largest party group secretariats, which although too small a sample to report, remain a necessary source of additional corroboration.

The questionnaire asked for responses to nine questions and was sent to both secretariat officials and MEPs. In total 80 MEPs and 31 secretariat officials responded. The completion of the questionnaire ahead of interviewing enabled three of the questions to be incorporated in the structured interviews, two with administrators and

¹⁵ The criteria for a lobbyist's inclusion in the sample was identification by at least two actors from different sections of a policy community (average 3.01), i.e. MEP, secretariat official or an already established active lobbyist.

one with MEPs. As a result, the sample size that is reported for these questions is 66 for administrators, and 114 for MEPs.

3.6 Findings

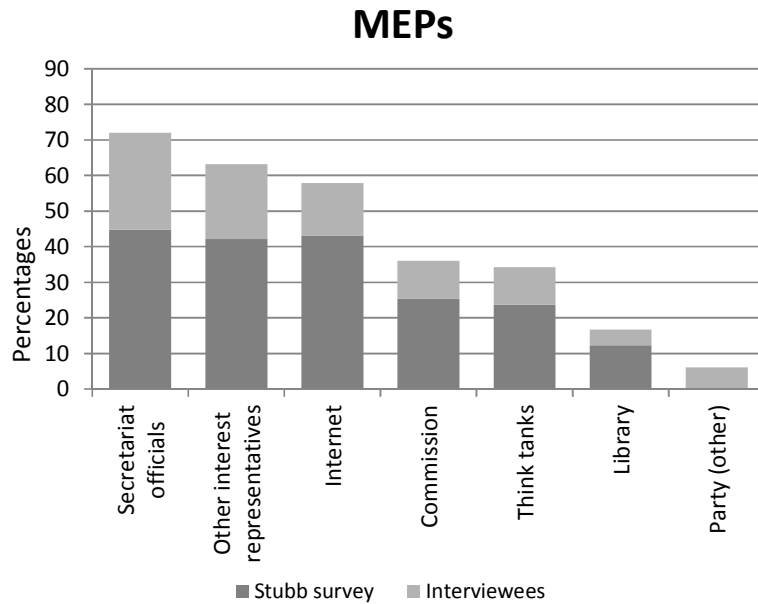
The theory places secretariat officials at the centre of a process of indirect lobbying. Integral to this system is the behaviour that has been ascribed to lobbyists, rapporteurs and committee administrators. These expectations, in the form of four hypotheses, are tested with the aid of interview and survey data from within these diverse sets of policy actors.

The starting point for the analysis is the rapporteur's demand for independent policy expertise. The expectation is that a *rapporteurs's principal source for objectively verifying lobbyists' information is the committee secretariat (H₁)*. This hypothesis is assessed primarily through a question from the questionnaire that was asked of MEPs, both interviewed and surveyed (n = 114). The MEPs were requested to specify their '*main sources for checking information given by special interests?*'.¹⁶ They were asked to select any of the six specified categories that they felt were appropriate, with an option to specify 'other'. The results, detailed in Figure 3.2, conform to the expectation that the committee secretariat represents MEPs' principal venue for checking lobbyists' information, with 72% of respondents making this choice. The second most cited source for corroborating lobbyists' information was 'other interest representatives' (63%). This finding remains consistent with the

¹⁶ When the question was posed to the interviewees, they were asked to answer in their capacity of rapporteur. This may account for the relatively high score awarded to secretariat officials.

theoretical expectation that MEPs seek subjective verification from sources that include closely aligned organised interests, whereas objective verification is sought from the *independent* secretariat.¹⁷

Figure 3.2 MEPs self-defined sources for verifying lobbyists' information



To assess the expectation that *rapporteurs assume that secretariat officials provide independent and expert policy advice (H₂)*, the following questions were asked to all 34 MEPs that were interviewed: ‘do the administrators from the committee’s secretariat provide independent advice?’¹⁸ and ‘do the administrators from a

¹⁷ The results show that the internet is an important source of information, but the category is not sufficiently nuanced to consider more fully

¹⁸ Independent expertise was qualified by the term ‘relatively’, as prior to this interviewees invariably stated that no information source is independent.

committee's secretariat provide expert advice?'. Respondents were asked to reply under the following headings: always, most of the time, some of the time, and never. The results for the two questions are displayed respectively in Tables 3.2 and 3.3. In both cases they lend support to the hypothesis, with over two thirds of interviewees indicating that committee administrators provide them with 'independent' and 'expert' advice at least most of the time, with the largest response category for both questions indicating that this is always the case.

Table 3.2 Do officials provide independent advice?

	Rapporteurs
Always	13
Most of the time	11
Some of the time	7
Never	2
Unable to assess	1
Total	34

Table 3.3 Do officials provide expert advice?

	Rapporteurs
Always	16
Most of the time	13
Some of the time	5
Never	0
Unable to assess	0
Total	34

Given the size of the sample it is problematic to infer much more than this, but nevertheless the results suggest that rapporteurs recognise the expertise of committee administrators rather more than their independence. This might be indicative of awareness that these assistants pay a cost for their rapid acquisition of policy expertise.

To put these responses in a wider context, two similar questions to those asked of the rapporteurs were posed to the population of lobbyists defined as 'active participants' in the policy process. The results are displayed in Tables 3.4 and 3.5. When they are compared with those from the rapporteurs, they indicate that lobbyists generally have a less favourable impression of secretariat officials' work. This is particularly so with respect to policy expertise: over two thirds of respondents (68.3%)

stated that this quality was lacking in the majority of officials. But taken together, the two sets of results are consistent with the argument that secretariat officials, although initially lacking in policy expertise (generalists), rapidly gain sufficient knowledge to retain their legitimacy with the rapporteur. In this respect Table 3.5 might be thought of as an *ex ante* representation of secretariat officials' expertise.

Table 3.4 Are secretariat officials independent?

	Lobbyists	
Yes	18	21.4%
Most of them	28	33.3%
Some of them	26	31.0%
No	12	14.3%
Unable to assess	10	
Total	94	100%

Table 3.5 Are secretariat officials policy experts?

Yes	12	14.1%
Most of them	15	17.6%
Some of them	36	42.4%
No	22	25.9%
Unable to assess	9	
Total	94	100%

Percentages are for respondents making an assessment

However, the extent to which secretariat officials obtain and then apply their newfound *expertise* in an independent manner remains uncertain. Yet, this question is of enormous normative interest. From the rapporteur's perspective, the indication is that the secretariat represents the most independent option available to obtain policy information. But, the extent to which this advice affects outcomes, although touched upon in this paper, remains open to future research. To set the scene, and to assess Neuhold and Radulova's (2006) claim that on occasion officials draft entire legislative reports, this suggestion was put to the population of interviewed secretariat officials. The result was that over a quarter of officials (12/39) claimed to have entirely written at least one draft report on behalf of a rapporteur, with seven interviewees declining to give an answer. The same officials were asked about the consequences of their

discretionary authority to order amendments on the final voting lists. The interviewed officials overwhelmingly claimed (31/39) that through this role they are often instrumental in shaping aspects of final reports.¹⁹

This leaves the question of how secretariat officials meet their demand for policy information. An indication of how this demand is met is provided through the expectation that *secretariat officials are lobbied by both Commission officials and actively participating organised interests (H₃)*. If this is the case, and we assume that lobbyists including the Commission allocate their resources rationally, then there must be a real chance that through lobbying the secretariat the content of the rapporteur's report will be affected. This hypothesis was assessed in two ways. Firstly, the 94 actively participating lobbyists were asked:

*'with regard to the co-decision legislation that your organisation has been involved with, what percentage of your legislative concerns that you raised with the rapporteur were you also able to convey to the committee secretariat?'*²⁰

The results are summarised in Table 3.6. They indicate that when lobbyists were asked to recall their legislative concerns that they raised with the rapporteur, the majority of respondents (77.7%) stated that they had more often than not made the relevant committee official aware.

¹⁹ Secretariat officials were asked 'is it common that the way in which you choose to order the voting lists affects the outcome of the final report?' Five administrators declined to answer.

²⁰ It became clear that secretariat administrators are often present when rapporteurs are lobbied.

Table 3.6 Percentage of information that lobbyists conveyed to rapporteurs that they also conveyed to the secretariat

	Lobbyists	Percentage of respondents making an assessment
Above 75%	43	50.6%
More than 50%, but less than 75%	23	27.1%
Less than 50%, but more than 25%	12	14.1%
25% or less	7	8.2%
Unable to assess	9	
Total	94	100%

To further verify this hypothesis, the secretariat officials that were interviewed were asked: *‘during the preparation of a draft report that has been assigned to you, how often are you contacted by organised interests that are seeking to influence your opinion?’* This question was repeated with the words ‘organised interests’ substituted for ‘Commission official’. Of the 39 interviewees, 32 gave a response to the two questions. The average number of lobbying contacts was 52.6, with responses ranging from 4.5 to 100.²¹ The average number of Commission *lobbying* contacts was 25.6, with a range of 10 to 50. It is apparent from these figures that committee administrators are frequently lobbied by both the Commission and outside interests. The survey approached the organised interest aspect of this issue by asking administrators: *‘on average, how often are you contacted by special interests?’* The average was three times per week which, if we assume that there are 40 effective

²¹ Respondents often gave a range, for example 20-25. In these instances the median was taken.

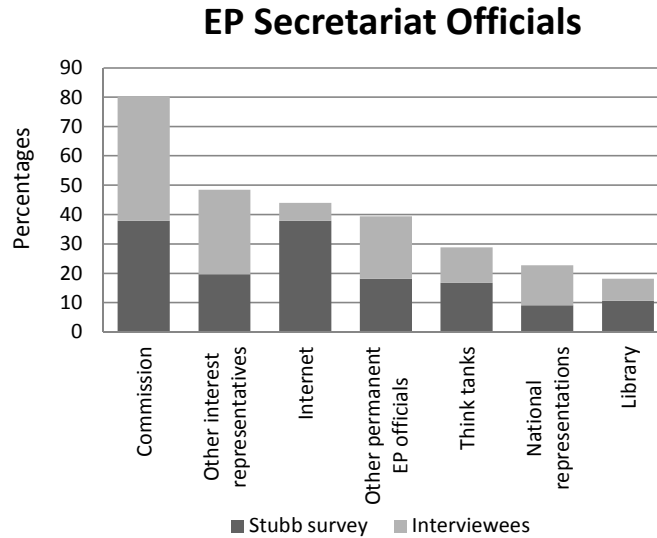
weeks in a year, then we are looking at perhaps 120 lobbying contacts. This seems broadly comparable to the responses given by the interviewees, given that secretariat officials would normally oversee two to three reports per year.

Further evidence for the value of lobbying the secretariat is provided by the growing prevalence of SNEs within the secretariat staff, given that it is reasonable to assume that their home organisations anticipate a policy benefit for the loan of their experienced staff. This suggests that a form of indirect ‘legislative subsidy’ may be taking place, with sponsoring organisations acutely aware of the value of both direct and indirect pathways to influence EP committees.

The final element in the puzzle is the establishment that *secretariat officials actively seek policy information from both Commission officials and actively participating organised interests (H₄)*. To assess this condition, the same question that has been reported for MEPs was asked to secretariat officials: ‘*what are the main sources for checking information given by special interests?*’. The results, detailed in Figure 3.3, confirm the expectation that secretariat officials’ two main sources for verifying lobbyists’ information are the Commission (80%) and other interest representatives (48.5%). This further conveys the sense that indirect lobbying is a process of recycling the same policy information.

The results also show that secretariat officials (39.4%) regularly seek policy information from their colleagues. This finding is particularly interesting in light of the discussion on SNEs as an indirect form of ‘legislative subsidy’. In addition 27.3% of respondents added the category ‘national representations’, as a source of information. This finding, although unexpected, remains consistent with the expectations for indirect lobbying, and is indicative of closed policy-making.

Figure 3.3 Secretariat officials' sources for verifying lobbyists' information



3.7 Conclusion

The analysis has yielded additional insights into decision-making in the EU, revealing an alternative and indirect pathway to influence the rapporteur. It has been shown that secretariat officials play an often important role in the legislative process, but rather than serving as the source of independent policy expertise, they act as conduits for the interests of entrenched policy actors. As a consequence, it turns out that the independent advice sought and received by rapporteurs in order to overcome policy uncertainty is in fact endogenous to the lobbying process they seek to illuminate. This suggests that there may be only limited opportunity for unbiased expert knowledge to enter the legislative process during the EP's draft report stage. This is particularly so, given that Boswell's (2008) analysis of the Commission phase indicates that if independent expertise is incorporated into the initial proposal, it is likely to be as a means of reinforcing exogenous formed policy positions.

The EP's formal committee rules create the conditions that enable indirect lobbying to flourish. It is the delegation and concentration of early stage agenda-setting power in the hands of a single inadequately resourced individual that generates the exceptional need for objective policy information. Secretariat officials, as the best available option, meet this demand which remains commensurate with their formal duties. This sets in train a parallel and largely unseen process of information catch-up. It follows, that for entrenched interests, i.e. actively participating lobbyists and Commission officials, the secretariat represents an additional and viable pathway to seek legislative influence by biasing the rapporteur's source of independent expert policy advice. These channels are contingent on informational asymmetries between policy stakeholders and the rapporteur, or at least the latter's perception of such. But in addition, there is likely to be variation in the extent to which rapporteurs seek independent expertise from committee administrators and to which officials are willing to meet this demand.

The analysis shows that in the main, secretariat officials opt to act as adjuncts to a rapporteur's limited staff. This raises the question of the extent to which seconded national experts are, in effect providing a direct *legislative subsidy* to the rapporteur, although in contrast to Hall and Deardorff (2006) perhaps to an unwitting recipient. This issue highlights the downside of imposing strict limits to the time bureaucrats remain in office, which with some irony was designed to prevent the cosy dominance of entrenched policy actors. The clear effect on the secretariat has been a loss to both its institutional memory and level of in-house policy expertise, thereby increasing the influence of lobbyists and privileging the position of SNEs.

Demands for increased openness in the relationship between organised interests and both legislators and bureaucrats feature prominently in the debate over transparent governance. This was the case in the European Transparency Initiative (2005), where lobbying regulation was the most prominent theme of the three-pronged reform. Here attention was particularly focussed on the relationship between the Commission bureaucracy and outside interests. Within the EP, attention has naturally been placed on the relationship between elected officials and lobbyists. Yet the relationship between the EP's bureaucracy and elected officials has been largely ignored. This paper has demonstrated that any future regulation of lobbying activity within the EP should pay attention to the role and consequences of indirect lobbying.

4 Explaining Interest Group Interactions with MEPs: Dominant Party Groups, Coalition Formation and Committee Membership

4.1 Abstract

This paper contributes to our understanding of how the European Parliament's (EP) decision-making process shapes interest group interactions with legislators. Interest groups' behaviour is highly conditional on two motivations: lobby powerful MEPs, and lobby friendly MEPs. Friendliness is based on ideology, with power shaped by institutional rules and seat share. These goals can mutually reinforce each other. However, because these two motivations exist, and because political power is not fully predictable, there are also strong incentives for interest groups to lobby non-natural allies. Through this action they ensure that their policy information reaches the winning side. But crucially, it is shown that when interest groups engage in this behaviour, they retain their preference to lobby those closest to themselves ideologically. The mode of decision-making is such that these interactions are played out within committee, with the imperative to lobby the rapporteur regardless of her party epitomising the ascribed behaviour. The analysis is carried out on nine policy-related categories of interest group, with MEP data from three parliaments (1999-2011) combined with information on the parliamentary role of 724 respondents.

Keywords: Committees, European Parliament, Party Groups.

4.2 Introduction

The motivation behind interest groups' incentive to lobby particular Members of the European Parliament (MEPs), whilst increasingly understood (Kohler-Koch, 1998; Wessels, 1999; Bouwen, 2004; Eising, 2007; Mahoney, 2008; Marshall, 2010), does not yet amount to a unified explanation. As such, the challenge for interest group research is to more fully interact with the larger and relatively developed body of legislative literature. Through adopting this approach, the paper addresses several of the more salient areas of uncertainty in the lobbying literature, offering a cohesive explanation for the determinants of interest groups' choice of lobbying target. Central to the investigation is the effect of institutional constraints on interest groups' otherwise dominant strategic behaviour.

The analysis highlights several obstacles to our understanding of interest groups' strategic behaviour, each relating directly to the European Parliament's (EP) decision-making process. In particular, the effects of party group membership on lobbying behaviour are largely unexplained. This is surprising given that we know that party groups are an important factor in explaining legislative outcomes within the EP (Attinà, 1990; Hix and Lord, 1997; Raunio, 1997; Hix et al, 2006). Similarly, much of the more recent interest group literature makes the implicit assumption that lobbying MEPs is contingent upon their membership of a germane committee (Bowen, 2004; Marshall, 2010), yet the empirical foundations for this claim are disputed (Eising, 2007). In a similar vein, the extent to which the transitory but highly influential position of rapporteur affects a committee member's relative viability as a lobbying target has been only partially explored (Mahoney, 2008; Marshall, 2010). Finally, although research indicates that MEPs engagement with the legislative process is

positively correlated with their level of policy influence (Kreppel, 2002; Yoshinaka et al, 2010), the effect on lobbying behaviour remains to be fully explained.

The theoretical framework to address these questions is underpinned by two straightforward assumptions. Interest groups seek to influence policy outcomes; and, at the core of their strategic behaviour is the calculation that to achieve a desirable policy outcome, it is more effective to lobby legislators that are natural allies than those that are likely to be against their policy position. These assumptions are compatible with the consensus in the literature which suggests that legislators with broadly congruent policy preferences to a given interest group are more likely to make successful policy advocates (Baumgartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998).

However, the analysis demonstrates the limits that the EP's institutional arrangements impose on this otherwise optimal behaviour. Here several mechanisms are identified. Firstly, the EP's rules of procedure position European party groups at the centre of the political web, and in particular privilege the largest party families. Secondly, since there is no permanent voting majority in the EP, decision-making is contingent on the formation of several possible voting coalitions which must contain at least two of the three largest political groups. Thirdly, the EP's strong committee system provides the opportunity for members to exert considerably more influence over their committee's legislative output than non-members. Finally, the legislative process is sufficiently complicated that it privileges sustained engagement by MEPs. This activity, as well as providing a direct opportunity to participate in the decision-making process, can over time contribute positively to a legislator's reputation, thereby magnifying the impact of future participation.

The expectation for the effect of these institutionally imposed conditions on interest groups' strategic behaviour is that lobbying attention will be concentrated on the most influential legislators: members of the largest party groups; members of policy relevant committees; and in particular the more active MEPs. However, all of these categories pose challenges to the assumption that interest groups lobby their natural allies. Amongst the most influential committee members are the rapporteurs, but here there is no guarantee that these gatekeepers will be sympathetic. But with no viable alternative options, it is anticipated that interest groups will be willing to violate their preference to lobby friends in favour of their preference to influence policy outcomes. In the case of the largest party groups, the expectation for interest group behaviour is that they factor in the potential for the party group that most closely represents their policy goals to be excluded from the winning majority on any given vote. This means that in order to ensure they build a relationship with members of the winning coalition they are prepared to lobby members of unfriendly parties. But in contrast to the decision to lobby the rapporteur, there are lobbying options, albeit constrained. As such, when interest groups lobby members of unfriendly parties they lobby the most sympathetic members of the population of otherwise off-limits party members.

These ideas are examined through several sources of information, including responses by MEPs to surveys carried out by the European Parliamentary Research Group (EPRG) during the 5th, 6th and 7th parliaments (Farrell et al, 2011). This information is combined with parliamentary data on the activities of the 724 MEPs that responded to the surveys (Høyland et al, 2009). The starting point for the analysis was selected to coincide with the point that the EP can unambiguously be described as a co-

legislature alongside the Council, following the reform and extension of the co-decision procedure (Crombez, 2001).

The following section of the paper synthesises salient aspects of our knowledge about the role of both European party groups and the EP's committee system, with the literature explaining the pattern and causal mechanism of organised interests' interactions with MEPs. Together this investigation underpins the theoretical expectations and testable hypotheses presented in the second section. The methodological approach is set out in the third, including a clear explanation of the variables later used. Thereafter, the results are presented in two blocs, with the first reporting the effects of committee rules, followed by an assessment of the role of party.

4.3 Party groups, Committees and Lobbying in the European Parliament

European party groups play a vital role in structuring political debate and coalition formation in the EP (Hix and Lord, 1997; Kreppel, 2002). Indeed, the rules of procedure were designed to facilitate this outcome. This is not to say that national parties are unimportant, because in instances of policy conflict MEPs' loyalty towards their national party invariably takes precedence (see Whitaker 2011, for a discussion of the role of national parties within committees). However, with increasingly high levels

of vote cohesion within the large party groups, it is clear that these occasions are far from the norm (Hix and Noury, 2010).²²

The reason for the increased tendency for party groups to vote on bloc appears to be a consequence of the growth in the EP's institutional power rather than a function of ideological congruence (Raunio, 1997; Hix et al, 2007).²³ Each new treaty since the implementation of the Single European Act (1987) has given the EP more power, which has led party groups to increase the incentives for their members to adhere to the party whip. Members are rewarded for their loyalty through promotions to particular committees (McElroy, 2006), as well with the assignment of important legislative reports (Hausemer, 2006).²⁴

The inclusion of at least two of the three largest political groups, i.e. the European Peoples Party (EPP), the Party of European Socialists (PES),²⁵ or the Alliance of Liberals and Democrats for Europe (ALDE), is essential for a winning coalition to form in plenary. This is because to date no party has secured a majority of seats, and with no government to support there is no necessity for permanent coalitions

²² Hix & Noury (2009) note that the voting records of the EP's main party groups is more cohesive than the Democrats and Republicans in Congress.

²³ Ideological congruence within the principal party groups has actually diminished with successive enlargements.

²⁴ Ringe (2010) rejects this notion of hierarchical control and suggests that party group cohesion is simply a product of the committee decision-making process.

²⁵ In the 7th parliament, in order to incorporate the Italian Margarita Party, the PES party group became the Progressive Alliance of Socialists and Democrats. However, for simplicity the PES/S&D group will be referred to as simply the PES.

to be formed. Although in the past there was a tendency for ‘grand coalitions’ to form between the PES and the EPP, these have become less common since the early 1990s, and by the 6th parliament the two largest parties voted independently with the liberals more often than they did with each other (Hix and Høyland, 2011). This trend towards fluidity in coalition formation is facilitated in part by the rapid increase in first reading agreements, which do away with the need to form oversized majorities.

This analysis makes clear that party groups are at the centre of decision making in the EP, yet research on interest group behaviour has largely overlooked the role of parties. The exception is Wessels’ (1999) study conducted during the 4th parliament, which tackled the issue through a two-dimensional map illustrating the density of exchanges between specific categories of interest group and European party groups. Three alignments were identified: a ‘bourgeois alliance’, associating business interests with Liberal, Christian Democrat, and Conservative party groups; a ‘labour alliance’, linking trade unions with Communists and Socialist party groups; and an ‘alliance of the weak’, connecting environmental and consumer interests with Green and radical party groups.

Although this focus on party groups remains to be built upon, some important contributions have been made in explaining how organised interests discriminate between MEPs based upon their policy preferences. The question of whether it is strategically advantageous for interest groups to lobby legislators who are known to be unsympathetic to their cause has received attention. This approach is rooted in the Congressional literature, where this once live debate appears settled: organised interests hardly ever lobby their opponents; they occasionally interact with those yet to decide; but, overwhelmingly, they lobby their legislative allies (Baumgartner and

Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998). To account for this perhaps counterintuitive strategic behaviour, the signalling literature stresses the importance of a lobbyist's reputation for providing good quality policy information in overcoming information asymmetries (Berry, 1998; Parker, 2004). The implication is that such a reputation is built over time, and is more likely to be fostered with likeminded policy makers.

Crombez's (2002) model of these interactions within the EP suggests that at the proposal stage organised interests attempt to influence policy makers that hold similar preferences to their own. Their aim is to create fully conversant advocates. The expectation for the vote stage is that the lobbying focus switches towards MEPs that occupy pivotal positions.

However, a contrasting explanation to both Crombez's model and the US experience has been put forward to show that organised interests often lobby their opponents at the proposal stage, although thereafter they almost always lobby their friends (Marshall, 2010). The explanation for these contradictory findings is that the latter study incorporated institutional features of the EP's committee system, which significantly differ from that of Congressional committees and are absent from Crombez's model. The analysis showed that the formal rules are such that early stage agenda-setting power is concentrated in the hands of a single rapporteur, thereby severely constraining lobbyists' choice of viable target. What is more, the rapporteur has a strategic incentive to take account of certain opposing positions in her report in order to forge a winning committee majority. In subsequent stages of the process interest groups are less constrained, allowing them to lobby their friends. However, by drawing upon insights from the signalling literature it is shown that although friends

are lobbied during the open amendment stage, the decision to lobby highly influential friends remains contingent on the quality of an organised interest's information.

The relevance of committee membership to interest group behaviour was highlighted by Wessels (1999) through a further two-dimensional analysis, this time with party group replaced by EP committee. Committee membership was not directly linked to an interest group category, but nevertheless four broad contact patterns were identified: consumer interests; industrial interests; trade and transport interests; and agriculture and fisheries. However, more recent research carried out during the 6th parliament found that in the case of business interests, committee membership made no significant difference to the likelihood of an MEP being lobbied (Eising, 2007).

This is surprising given that the EP's institutional structure has evolved in such a way that its policy output has become increasingly defined through the scrutiny carried out by its 20 standing committees (Corbett et al, 2005). This trend has accelerated following the implementation of the Amsterdam treaty (1999), which made it possible for co-decision legislation to be finalised in the first reading. The effect has been to facilitate *de facto* legislative agreements between EP committees and the Council prior to the first reading in plenary, thereby privileging committees (Farrell and Héritier, 2003; Häge and Kaeding, 2007) and in particular the rapporteurs (Héritier, 2007; Costello and Thompson, 2010).²⁶ As such, the EP's inter-institutional negotiating position invariably reflects the policy agreed within committee, which is reached through a simple majority of attending members.

²⁶ To date, no co-decision agreement made in trialogue has been rejected in plenary.

The EP's rules of procedure specify that 'the composition of committees shall, as far as possible, reflect the composition of Parliament' (Rule 177; 2010). This has been shown to be the case in regard to nationality, party group membership, and ideology (Bowler and Farrell, 1995; McElroy, 2006; Yordanova, 2009). Where committee composition deviates from this principle, it is in the intensity of members' commitment to the policy issue. Of particular relevance is Yordanova's (2009) finding that MEPs are more likely to join a committee that covers a policy area with salience to special interests that they are already associated with.

The institutional framework is constructed in such a way that for a committee member to exert particular legislative influence, sustained engagement with the policy process is required. This was found to be the case in the Economic and Monetary Affairs committee, where the majority of successful amendments were proposed by a subset of highly active non-office holding MEPs (Marshall, 2010). This relationship is reflected in the allocation of legislative reports, where MEPs' relative level of activity in plenary votes is one of several explanatory factors (Kreppel, 2002; Yoshinaka et al, 2010).

A further strand of interest group research has addressed the intra-institutional dimension. Here Bouwen (2002) focused on the differential demands for information from the EU's main institutions, as manifested through their preference for specific organisation forms of business interests. In the case of the EP, the expected primary demand was for information that aggregated the interests of all member states, which was anticipated to be provided by European peak associations. The results, based upon 27 MEPs involved in the area of financial services, were in the expected direction although the difference between European associations and national associations was

actually marginal (Bouwen, 2004). Here the relative importance of the EP's committee system is not questioned but rather assumed. Eising's (2007) analysis, whilst supportive of the primacy of European associations, placed far greater emphasis on both the relevance of business interests' perception of the EP as an important institution, and their relative level of financial resource. The implication is that if access to MEPs is sought, increasing the frequency of contacts comes at a cost.

This brief review has highlighted the increasingly decisive role that both the committee system and the largest party groups play in defining the EP's legislative position. The relationship between these two institutional forms is one of interdependence. Party authority and hence power is at least partially contingent upon their control of committee spoils; in particular the supply of legislative reports (rapporteurships) and membership itself. At the same time committee power, which is delegated from the committee floor, is contingent on the support of a winning coalition that must include two or more of the largest party groups. As such it is puzzling that party groups barely feature in the lobbying literature, and that the relevance of MEPs' committee membership to interest group behaviour remains ambiguous. It is also surprising that the trend in the literature has been to focus solely on the activities of business interests instead of generalising these findings across the wider lobbying population.

4.4 Explaining interest group interactions

Interest groups are alert to the decision-making process in the EP. They observe the passage of legislation at close quarters. It is therefore expected that they will adapt their strategic behaviour to take account of the nature of winning coalition formation and the presence of strong legislative committees.

As such, interest groups will concentrate their lobbying attention on active members of the three largest party groups. In particular members that belong to a policy-relevant committee are preferred to non-members, and amongst these agenda-setters are targeted above ordinary members. However, lobbying of the three dominant party groups is not confined to members that are from the most closely aligned party, it is also systematically directed towards members of party groups that are least aligned to their policy preferences. But crucially, in this action they pick out the ‘friendliest’ members from a relatively unfriendly grouping. What follows is a more explicit development of these ideas.

4.41 Committee membership

The relevance of committee membership to lobbyists’ strategic behaviour is straightforward to understand, although it remains to be fully examined. Essentially committee members are likely to exert greater influence over related policy outcomes than non-members, thereby increasing their potential value to interest groups seeking to influence policies within this sphere. The resultant propensity to target committee members is likely to have accelerated in line with the growing importance of EP committees to the final legislative outcome. As such, we should observe a more systematic allocation of interest groups’ lobbying effort than is indicated by Wessels’

(1999) pre-Amsterdam analysis, thereby directly addressing the uncertainty thrown up by Eising's (2007) contrasting findings:

H₁. Interest groups are more likely to lobby MEPs that are members of a committee with responsibility for their area of policy concern than non-members.

This apparent restriction to the field of viable lobbying targets remains conducive for interest groups to maintain their instinctive strategy of lobbying natural allies. This is because committee membership closely resembles the composition of the plenary (Bowler and Farrell, 1995; McElroy, 2006; Yordanova, 2009). Therefore, rather than constraining lobbying choice, the effect of committee membership is simply to provide interest groups with a road map to influential MEPs with a strong interest in their policy area.

Committee rules, both formal and informal, provide for a considerable delegation of agenda-setting and negotiating authority to individual rapporteurs. Their legislative reports form the agenda for the committee debate, and typically the rapporteur plays an active role in constructing committee wide agreements. Once the report is adopted in committee they take the lead in both plenary debates and in the now crucial inter-institutional negotiations (trilogues). The expectation is that because of the extraordinary pivotal position that rapporteurs occupy, they represent 'irresistible' lobbying targets. As such, interest groups are prepared if necessary to violate their normal strategic principal of lobbying legislative allies in favour of attempting to influence these agenda-setters. This approach is facilitated by rapporteurs' high demand for policy information, and the need to incorporate certain

otherwise unpalatable policy preferences into their report in order to secure its safe passage (Benedetto, 2005; Marshall, 2010). This leads to the following expectations:

H₂. Interest groups' principal lobbying target is the rapporteur; and,

H₃. Interest groups lobby the rapporteur even when she is not a natural ally.

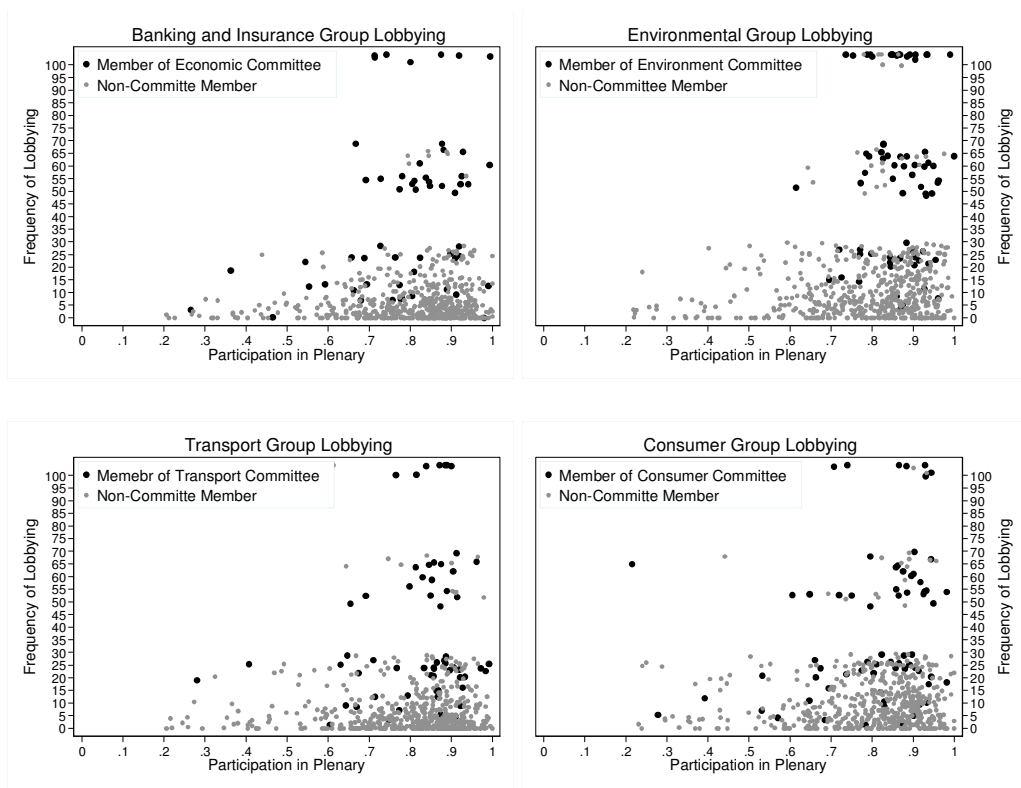
The relative level of legislative participation undertaken by an MEP is an important factor in determining their level of influence (Kreppel, 2002; Marshall, 2010; and Yoshinaka et al, 2010). Interest groups put themselves in a position to observe legislators relative level of participation in debates, side-events and in voting. Their differentiation of MEPs' performance is of course made easier because the least active/effective members fail to show-up, and are less likely to be available to lobby. Therefore, we should observe that:

*H₄. Interest groups are more likely to lobby committee members
that are active in parliament.*

Some preliminary evidence for the above hypotheses is provided below in Figure 4.1.²⁷ This plots the frequency of lobbying contacts reported by MEPs (jittered) in four policy sectors across participation, differentiating between membership of the relevant EP committee and a base category (non-committee member). There appears to be a distinguishable pattern both across levels of participation as well as between committee members and non-committee members which will be tested formally in the results section.

²⁷ The variables for both figures 1 & 3 are fully explained in the Data section. These figures are presented as an early non-parametric indication of the relationship between some of the variables.

Figure 4.1 Lobbying Committee Members and Activity in Parliament



4.42 European Party Groups

Given the central role played by the political groups in both assignments and decision-making, it would be extraordinary if interest groups’ lobbying decisions were party blind. Here the ‘elephant in the room’ is the dominant position held by the three main party groups: EPP, PES, and ALDE. The effect of their hold on decision-making is to constrain interest groups’ choice of viable parties to lobby. For example, interest groups which in other circumstances may not be drawn to these pro-integration centrist parties have a strategic incentive to redirect at least part of their lobbying effort to parties at the centre of coalition formation, both formal (voting) and informal (comprise agreements). Therefore, it is anticipated that:

H₅. MEPs from the three dominant party groups are lobbied more often than members from other party families.

This interpretation just about remains consistent with two of Wessels' (1999) three categories of party/interest group alignments: 'bourgeois alliance' and 'labour alliance'. It also allows for a constrained version of the 'lobbying your friends' orthodoxy to hold (Baumgartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998).

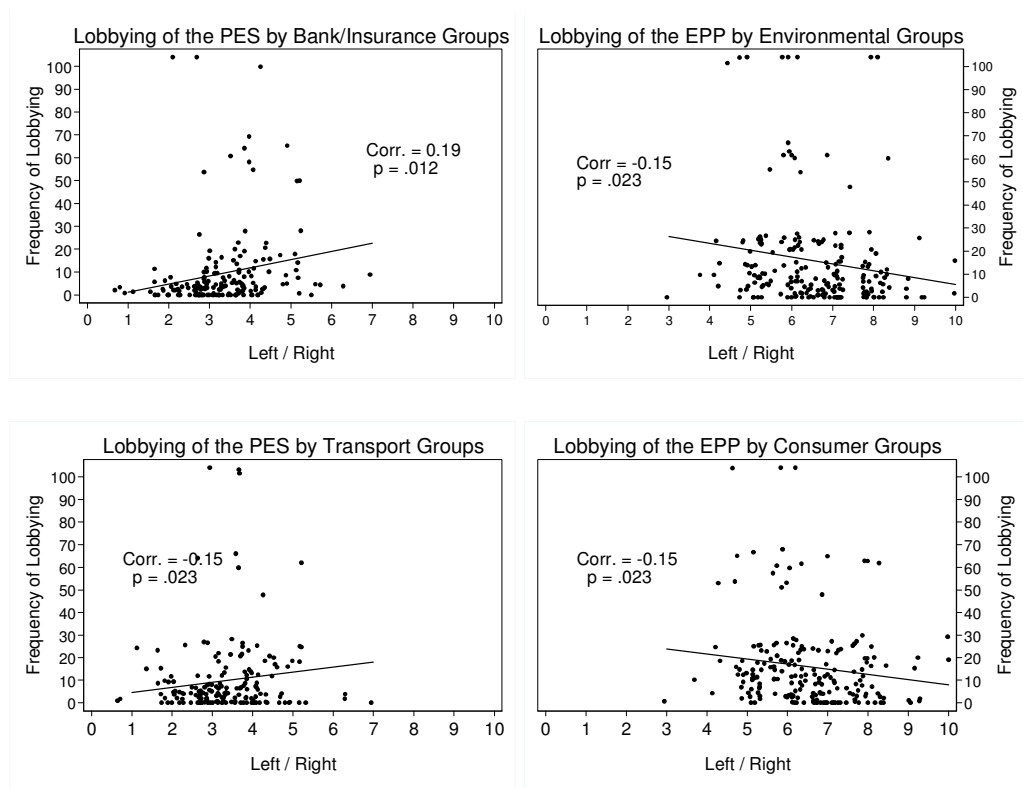
However, the fluid nature of winning coalition formation has an additional effect on interest groups' strategic behaviour. They intentionally engage in lobbying MEPs from the least friendly of the dominant political groups. The reason for this surprising yet theoretically consistent behaviour is that unlike most national parliaments, where voting coalitions are broadly stable and therefore known in advance, in the EP it is uncertain which party groups will be on the winning side. This creates a powerful incentive for interest groups to 'hedge their bets' and divert at least some of their lobbying effort away from the party group that they are naturally more associated with to a party that is a non-natural ally.

This latter activity is at odds with Wessels' interpretation of interest group behaviour, which can be thought of in part as a lobbyist's unconstrained default position. But when fully specified this activity remains consistent with the underlying assumption that interest groups seek to lobby their friends. This is because when for strategic reasons an unfriendly party is lobbied, interests groups apply their normal operating logic but in this case within the population of non-friendly party members and lobby the friendliest of this subset. As such we should observe:

H₆. When interest groups attempt to influence dominant party groups that are naturally less supportive, they lobby those members with relatively close policy preferences.

An initial impression of this relationship is set out in Figure 4.2. The assumption is that producer interests, i.e. banking/insurance and transport groups, are naturally more closely aligned to EPP members than they are to members of the (left of centre) PES. Similarly it is assumed that the opposite relationship holds for civil society interests, i.e. consumer and environmental groups. Again the frequency of lobbying across four committees is plotted, but this time in relation to a left/right ideological measure for members of the corresponding non-naturally aligned party group. The predicted lobbying counts, whilst seemingly consistent with H₆, will be formally assessed in the results section.

Figure 4.2 Lobbying members of ‘unfriendly’ Party Groups



4.5 The Data

Testing the hypotheses represents a challenge given that lobbying is a phenomenon that is not directly observed, and as a consequence there is no available data. To address this problem the analysis incorporates responses to several large scale surveys, which includes MEPs’ self-reported contacts with lobbyists. Overall the analysis draws on several sources of MEP data covering three European Parliaments (1999-2004; 2004-2009; and 2009-14). The population under analysis is defined by responses to three surveys of MEPs (2000, 2006, and 2010) conducted by the EPRG (Farrell, 2011). The number of individual observations is 724 (35%), out of a possible 2,094 MEPs that were in office at the time the respective surveys were conducted. The sample of

MEPs for each survey is comparable, and reasonably representative of the EP as a whole in terms of party group membership and nationality (Hix et al, 2011). The survey results provide information on MEPs' contacts with specific categories of interest group, on their policy opinions and on the self-assessment of their ideological position. Information on MEPs' seniority and committee membership was obtained from Høyland et al's (2009) MEP database, with the remaining data collected via the EP's website.

The dependent variables are the number of contacts that MEPs report to have had with nine categories of interest group.²⁸ There are six possible responses to this question which are coded in the manner previously adopted by Wessels (1999). Responses of 'at least once a week' are taken as 52 on an annual basis; 'at least once a month' as 12; 'at least every three months' as 4; 'at least once a year' as 1; with both 'less often' and 'no contact' represented as 0. The questionnaire, although defining 11 interest group policy sectors, asked respondents to answer for both national and European group variants for 10 of these categories. However, with the paper's focus on lobbying within specific policy arenas, this distinction serves only to muddy the waters. Therefore these variants have been combined, allowing a clearer picture of MEPs interaction across policy sectors to emerge.²⁹ The independent variables are as follows:

²⁸ Two categories of interest group have been excluded from the analysis because it is not immediately apparent which committees provide a good policy fit.

²⁹ This means that there are 13 possible values that these variables can take: 0, 1, 4, 5, 12, 13, 16, 24, 52, 56, 64, and 108.

Committee membership: this is a dummy variable. Committees are included based on their responsibility for a given policy sector, as defined by its occurrence within the set of dependent variables. With committee responsibilities sometimes shifting between parliaments, these changes have been tracked. This means that committee definitions refer to the policy sector. For example, consumer interests were combined with Environmental policy in the 5th parliament, but became part of IMCO in the 6th and 7th parliaments. Here the discussion and analysis refers to the committee with responsibility for consumer interests.³⁰ This means that the categories are not exclusive, with committees generally encompassing additional policy areas. The direction of any misalignment is such that the results presented are unlikely to overstate the effect. The assignment of committees is detailed in Table 4.1. The timing of each survey facilitated the analysis, as this came ahead of the mid-term reallocation of committee membership. The status of committee substitutes proved more problematic. This is because many of them are amongst the more prominent committee members,³¹ yet it appears that more commonly substitutes play a less meaningful part in a committee's life. To reconcile this, committee substitutes are taken to be *de facto* members if they have written a legislative report, thereby demonstrating a high level of engagement with the committee.

³⁰ As a consequence the committees on Budget, Budgetary Control and Employment & Social Affairs are excluded from the analysis.

³¹ Yoshinaka et al (2010) note that for the 4th and 5th parliaments, 15% and 14% of all reports were assigned to committee substitutes.

Table 4.1 The assignment of interest group categories

Interest Groups Categories	Relevant Committee by Parliamentary Term		
	1999-2004	2004-2009	2009-
Consumer groups	Environment, Public Health, Food Safety, Consumer Affairs	Internal Mkt & Consumer Affairs (IMCO)	Internal Mkt & Consumer Affairs (IMCO)
Environmental groups	Environment, Public Health, Food Safety, Consumer Affairs	Environment, Public Health & Food Safety	Environment, Public Health & Food Safety
Women's organisations	Women's. Rights & Gender Equality	Women's. Rights & Gender Equality	Women's. Rights & Gender Equality
Agriculture & Fisheries groups	Agriculture & Rural Develop '+' Fisheries	Agriculture & Rural Develop '+' Fisheries	Agriculture & Rural Develop '+' Fisheries
Industry organisations	Industry, Research, Energy and Trade	Industry, Research, Energy '+' IMCO	Industry, Research, Energy '+' IMCO
Transport groups	Transport, Tourism & Regional Policy	Transport & Tourism	Transport & Tourism
Trade/Commerce associations	Industry, Research, Energy and Trade	International Trade	International Trade
Banking and Insurance groups	Economic & Monetary Affairs	Economic & Monetary Affairs	Economic & Monetary Affairs
Human rights groups	Foreign Affairs '+' Civil Liberties, JHA	Foreign Affairs '+' Civil Liberties, JHA	Foreign Affairs '+' Civil Liberties, JHA

Rapporteur: this continuous variable picks up the frequency that a committee member acts as rapporteur in a particular committee within a given parliament for either the Co-decision or consultation procedures.³²

Participation: This measures MEPs attendance at plenary (roll-call) voting sessions, for the appropriate parliament; it is coded between 0 and 1, with 1 indicating 100%

³² Procedures in which the EP has relatively little legislative power were excluded from the analysis.

This task was made easier by the exclusion of the committee on Budgetary Affairs, and its associated procedures. The Consultation procedure was included in the analysis following Kardasheva's (2009) insight that the EP often exerts significant influence.

attendance. The mean for the sample is 0.8 (80%), which is somewhat higher than the population mean of 0.73 (73%).³³

Left/Right self-placement: this variable measures an MEP's perception of his or her ideological position on a 10-point left/right spectrum: extreme left = 1, and extreme right = 10.³⁴

Party dummies: for the four largest European party groups, i.e. EPP, PES, ALDE and the Green party, so all other party groups form the reference category.

Opinions (on specific policies): MEPs responses to policy questions that have a good fit to five of the nine dependant variable categories are reported. There are two distinct question formats, with the first asking MEPs if they 'think there should be more or less EU regulation in the following [two] areas': 'environmental protection standards'; and 'discrimination' (on the grounds of gender, race, religion, age disability, and sexual orientation). The second question type asked MEPs if they 'think there should be more or less of the EU budget spent on the following [three] areas': 'agricultural price support'; 'scientific research and development'; and 'support for refugees'. The questions allowed for five possible responses, coded 1-5; with preferences for 'a lot more' of a given policy, coded as 1; 'a little more' as 2; 'about the same' as 3; 'a little less' as 4; and 'a lot less' as 5.

³³ This may suggest that MEPs who turn-up to vote less often are also less likely to reply to surveys, which of course has implications for survey data in general.

³⁴ MEP responses for the 7th Parliament have been rescaled, as in this instance respondents were asked to place themselves on an 11 point scale (1-11).

Parliament Dummies: for the 7th and 6th parliament, with the 5th parliament as the reference category.

Member State Dummies: for the four largest member states; Germany, France, Italy, and the United Kingdom.

4.6 Specification

Each of the nine interest-specific dependent variables is tested in one general model specification, which is subsequently constrained by membership of the two largest party groups. Because the dependent variable is effectively a count of the number of times an MEP has been lobbied, the equation is fitted following a Poisson distribution of the form:

$$\begin{aligned} \ln(\widehat{y}_{ij}) = & \alpha_j + \beta_{1j} * committee_{ij} + \beta_{2j} * rapporteur_{ij} + \\ & \beta_{3j} * participation_{ij} + \beta_{4j} * left/right_{ij} + \beta_{5j} * epp_{ij} + \\ & \beta_{6j} * pes_{ij} + \beta_{7j} * alde + \beta_{8j} * green + \beta_{9j} * opin_{ij} + \\ & \beta_{10j} * 6th\ parl_{ij} + \beta_{11j} * 7th\ parl_{ij} + \beta_{12j} * germy + \\ & \beta_{13j} * itly_{ij} + \beta_{14j} * fr_{ij} + \beta_{15j} * uk_{ij} + \varepsilon_{ij} \end{aligned} \quad (1)$$

For $\forall j = 1, \dots, 9$

Where:
$$\Pr(y_{ij}|x_{ij}, \delta_{ij}) = \frac{e^{-\ln(\widehat{y}_{ij})} \ln(\widehat{y}_{ij})^{y_{ij}}}{y_{ij}!} \quad \text{For } \forall j = 1, \dots, 9$$

Testing for over-dispersion in each of the models ($H_0: \delta = 1$), the results suggest that the model under-fits the amount of dispersion in lobbying for all categories. As a result it is appropriate to adopt the negative binomial model specification. In the case of some categories, there are also a significant number of

zero counts.³⁵ For these categories, a zero inflated negative binomial specification is used, where the count outcome is weighted by the probability of that count being zero.³⁶ The first model specification measures responses for each of the nine interest categories using a negative binomial specification with bootstrapped standard errors. The second and third model specifications include all explanatory variables except the party groups, but are constrained respectively by membership of the EPP (2nd model) and PES (3rd model). This enables the effect of interest group lobbying of non-natural allies (and allies) to be assessed given that of the three dominant party groups, the EPP and PES occupy the most clearly contrasting positions on the dominant left/right political dimension. This distinction is replicated amongst the population of interest groups through the same simplifying assumption introduced earlier, that the five producer interests (agriculture, industry, transport, trade, and banking & insurance) are likely to be allied more closely to the EPP, and are therefore non-natural allies of the PES. This logic is then applied to the four civil societal interests (environment, human rights, gender, and consumer interests), with the expectation that their interest are more closely aligned with the PES.

³⁵ For each category, these are: Environment: 9.8%; Transport: 16%; Economic and Monetary Affairs: 15.5%; Consumer Affairs: 8%; Agriculture and Fisheries: 17.3%; Women: 7.6%; Industry: 18.7%; Trade: 12.7%; Human Rights: 16.4%.

³⁶ A Vuong test is used to compare the zero inflated negative binomial with the negative binomial baseline specification (see Long and Freese 2006 and Greene 1994)

4.7 Results

The EP's institutional rules and party group seat share define much of the opportunity structure for MEPs to become influential. As a consequence these constraints coupled with interest groups' ideological alignment determine the strategic nature of lobbying behaviour. This section tests the ideas presented thus far, first in the committee setting, followed by the effects of party group membership.

4.71 Committee rules

To assess the first hypothesis, that *Interest groups are more likely to lobby MEPs that are members of a committee with responsibility for their area of policy concern than non-members (H_1)*, the results for the *committee membership* dummy variable reported in model 1 (Table 4.2) are assessed. The coefficients for all 9 committees are in the expected direction, and significant at the .01 level. This can be interpreted as the effect of *committee membership* in the committee with responsibility for consumer policy, for example, is to increase the expected number of consumer group lobbying contacts by 176.2 percentage points (%), holding all other variables constant.³⁷

However, regardless of the apparent uncertainty in the interest group literature, this finding should not surprise us. We know interest groups are attracted to the locus of political power, and research on decision-making in the EP has attributed a privileged and even dominant position to its committee system. Nevertheless, the strength of the association makes clear that the delegation of legislative power by the

³⁷ The percentage figures, as reported in models 1, 2 and 3, are derived from exponential^β. In this example a factor change of $2.762 = 176.2$ percentage points, holding all other variables constant.

plenary has had a considerable impact on interest group strategic behaviour. The next step is to assess whether this logic extends and is applied within committee.

The temporary office of rapporteur is generally considered to be the most influential position within committee. In order to determine the extent to which *interest groups' principal lobbying target is the rapporteur (H₂)*, the explanatory variable *rapporteur* is considered for each committee. Here the results for seven of the nine committees are significant at the .1 level and in the direction anticipated, lending reasonable support to the hypothesis. Holding all other variables constant the effect of each report that a committee member writes is to increase the expected number of lobbying contacts by a policy relevant interest group by between 13.1% (environmental groups) and 100.6% (women's organisations). This indicates that interest groups apply the same operating logic that they apply to targeting MEPs from relevant committees, within committee. They are attracted to the strong signal of legislative influence that the office of rapporteur appears to provide.³⁸

³⁸ It would have been ideal to also assess the effect of Committee Chair on lobbying behaviour.

However, the number of observations per committee was too low to report.

Table 4.2 Model 1: Explaining interest group contacts with MEPs

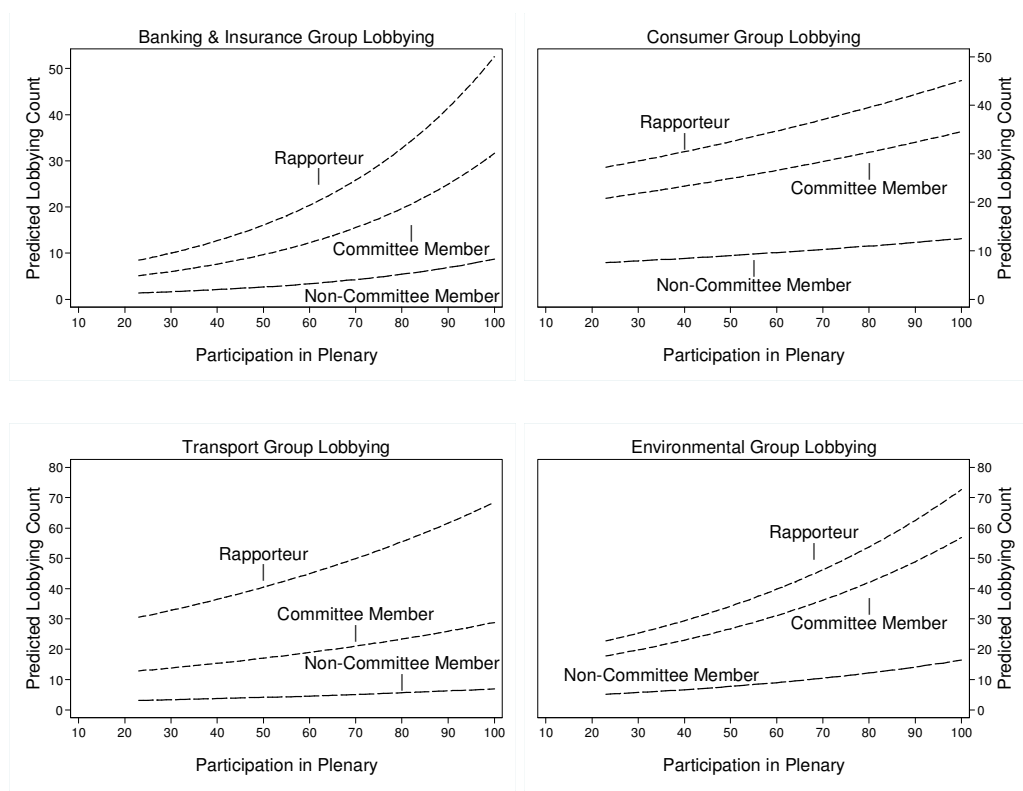
Independent Variables	Environ	Human	Women's	Consumer	Agriculture	Banking &	Industrial	Trade &	Transport
	Groups	rights	Organis-	Groups	Fisheries	Insurance	Organis-	Commerce	Groups
		Groups	ations		Groups	Groups	ations	Associations	
	<i>Civil Societal Interests</i>				<i>Producer Interests</i>				
Specification	NBREG	NBREG	NBREG	NBREG	Zero Inflated NBREG	NBREG	Zero Inflated NBREG	NBREG	NBREG
Committee membership	1.24*** <i>246%</i> (0.123)	1.29*** <i>262.4%</i> (0.161)	1.98*** <i>623.7%</i> (0.264)	1.02*** <i>176.2%</i> (0.178)	1.49*** <i>344.2%</i> (0.153)	1.29*** <i>263%</i> (0.279)	0.97*** <i>164.4%</i> (0.133)	1.50*** <i>347.8%</i> (0.214)	1.42*** <i>314.3%</i> (0.227)
Rapporteur	0.12** <i>13.1%</i> (0.059)	0.22** <i>24.8%</i> (0.093)	0.70* <i>100.6%</i> (0.381)	0.13** <i>14.2%</i> (0.064)	-0.03 <i>-3.2%</i> (0.113)	0.25** <i>28.9%</i> (0.103)	0.24** <i>26.9%</i> (0.106)	0.14 <i>15.6%</i> (0.135)	0.43*** <i>54.1%</i> (0.134)
Participation	0.02*** <i>1.5%</i> (0.002)	0.01** <i>0.9%</i> (0.004)	0.00 <i>0.3%</i> (0.00)	0.01** <i>0.7%</i> (0.003)	0.01** <i>0.9%</i> (0.003)	0.02*** <i>2.4%</i> (0.004)	0.01* <i>0.5%</i> (0.003)	0.01 <i>0.6%</i> (0.004)	0.01** <i>1.1%</i> (0.004)
Left/Right Self-Placement	-0.11 <i>-10.1%</i> (0.032)	-0.25*** <i>-22%</i> (0.038)	-0.08* <i>-7.5%</i> (0.048)	-0.07** <i>-6.8</i> (0.310)	0.03 <i>3%</i> (0.035)	0.11** <i>11.3%</i> (0.04)	0.60* <i>6.1%</i> (0.032)	0.7** <i>7%</i> (0.034)	0.07* <i>7.7%</i> (0.041)
EPP	0.48*** <i>61.2%</i> (0.147)	0.71*** <i>102.8%</i> (0.19)	0.49** <i>63.6%</i> (0.204)	0.62*** <i>86%</i> (0.142)	0.29* <i>33.2%</i> (0.164)	0.49** <i>62.8%</i> (0.180)	0.43** <i>54.4%</i> (0.153)	0.80*** <i>121.7%</i> (0.160)	0.59*** <i>80.5%</i> (0.183)
PES	0.17 <i>18%</i> (0.151)	0.35* <i>42.2%</i> (0.194)	0.62** <i>85.1%</i> (0.222)	0.34** <i>40%</i> (0.150)	0.49** <i>62.5%</i> (0.178)	0.60** <i>81.8%</i> (0.189)	0.37** <i>45.3%</i> (0.156)	0.57*** <i>76.1%</i> (0.168)	0.65*** <i>90.6%</i> (0.189)
ALDE	0.41** <i>51%</i> (0.165)	1.15*** <i>214.2%</i> (0.220)	0.45* <i>56.1%</i> (0.232)	0.27* <i>30.6%</i> (0.160)	0.44** <i>54.7%</i> (0.190)	0.57** <i>77.2%</i> (0.203)	0.39** <i>47.4%</i> (0.166)	0.55** <i>73.2%</i> (0.180)	0.31 <i>36.4%</i> (0.205)
GREENS	0.81*** <i>123.7%</i> (0.215)	0.54 <i>72.3%</i> (0.314)	0.30 <i>35.5%</i> (0.298)	0.59** <i>80.5%</i> (0.209)	0.59** <i>79.8%</i> (0.277)	0.00 <i>0%</i> (0.277)	-0.01 <i>-1.2%</i> (0.248)	-0.21 <i>18.5%</i> (0.25)	0.28 <i>31.9%</i> (0.275)
Policy Opinion	-0.26*** <i>-13%</i> (0.053)	-0.16** <i>-14.4%</i> (0.057)	-0.35*** <i>-29.2%</i> (0.066)	n/a <i>n/a</i> (0.066)	-0.34 <i>-28.8%</i> (0.052)	n/a <i>n/a</i> (0.052)	-0.26*** <i>-23.3%</i> (0.051)	n/a <i>n/a</i> (0.051)	n/a <i>n/a</i> (0.051)
Parliament: compare 6th/5th	0.12 <i>0.109</i> (0.109)	0.12 <i>0.141</i> (0.141)	n/a <i>n/a</i> (0.141)	-0.11 <i>0.106</i> (0.106)	-0.13 <i>0.125</i> (0.125)	-0.13 <i>0.135</i> (0.135)	-0.01 <i>0.110</i> (0.110)	0.24** <i>0.120</i> (0.120)	0.21 <i>0.137</i> (0.137)
Parliament: compare 7th/5th [Note: Women org: compare 7th/6th]	0.04 <i>0.119</i> (0.119)	-0.01 <i>0.158</i> (0.158)	-0.23* <i>0.131</i> (0.131)	0.03 <i>0.118</i> (0.118)	-0.19 <i>0.138</i> (0.138)	-0.04 <i>0.146</i> (0.146)	-0.3 <i>0.119</i> (0.119)	0.28** <i>0.132</i> (0.132)	0.11 <i>0.153</i> (0.153)
Germany	0.05 <i>0.141</i> (0.141)	-0.20 <i>0.179</i> (0.179)	-0.29 <i>0.204</i> (0.204)	0.04 <i>0.136</i> (0.136)	0.22 <i>0.172</i> (0.172)	0.17 <i>0.173</i> (0.173)	0.21 <i>0.144</i> (0.144)	0.42** <i>0.154</i> (0.154)	-0.08 <i>0.183</i> (0.183)
France	0.09 <i>0.165</i> (0.165)	0.17 <i>0.212</i> (0.212)	0.08 <i>0.230</i> (0.230)	-0.21 <i>0.154</i> (0.154)	0.16 <i>0.186</i> (0.186)	0.12* <i>0.207</i> (0.207)	-0.19 <i>0.165</i> (0.165)	0.06 <i>0.179</i> (0.179)	0.07 <i>0.201</i> (0.201)
Italy	0.3** <i>0.146</i> (0.146)	0.24 <i>0.19</i> (0.19)	0.55** <i>0.201</i> (0.201)	0.57*** <i>0.142</i> (0.142)	0.14 <i>0.165</i> (0.165)	0.52** <i>0.180</i> (0.180)	0.38** <i>0.143</i> (0.143)	0.32** <i>0.162</i> (0.162)	0.77*** <i>0.183</i> (0.183)
United Kingdom	0.50*** <i>0.141</i> (0.141)	0.58** <i>0.188</i> (0.188)	0.24 <i>0.216</i> (0.216)	0.42** <i>0.137</i> (0.137)	0.50*** <i>0.158</i> (0.158)	0.34** <i>0.170</i> (0.170)	0.47*** <i>0.139</i> (0.139)	0.53*** <i>0.154</i> (0.154)	0.63*** <i>0.175</i> (0.175)
Number of Observations	560	471	358	578	543	583	552	572	577
Log-likelihood	-2000.42	-1378.40	-1095.17	-2022.83	-1682.65	-1689.68	-1959.42	-1849.51	-1725.50
Test for overdispersion: $\chi^2 =$	5120.02***	2909.34***	2207.42***	4417.28***	3611.19***	3712.2***	4735.49***	4470.08***	3811.82***
Vuong Statistic (Zero inflated) z =	1.07	1.08	0.82	1.23	2.38**	2.35	1.53*	1.56	2.02

Notes: ***significant at 0.01 level, **significant at 0.05 level, *significant at 0.1 level. Standard errors in parentheses. Percentage change in the dependent variables (discussed), for of a one unit change in the explanatory variable (derived from expβ), in *italics*.

In contrast to the opportunities to be influential that are derived from holding formal committee roles within the EP, a more opaque measure of potential influence is provided by MEPs' relative level of legislative activity. To take account of this activity, interest groups require a particularly nuanced grasp of every-day decision-making in the EP. The explanatory variable that measures *participation* in plenary is used to assess the extent to which *interest groups are more likely to lobby committee members that are active in parliament (H₄)*. The results presented in the first model lend support for the hypotheses from among seven of the nine interest groupings at the .1 level of significance. For a 1% increase in an MEPs attendance at a roll-call vote, their likelihood of being lobbied increases by between 1% and 2%. This level of increase is substantial when put in the context of the 12% to 100% range in MEP's level of attendance (mean = 80.2).

Predicted counts for H₁, H₂ and H₄ are projected in Figure 4.3, for four categories of reported interest group lobbying. The values for rapporteur are set to their median, with party group as EPP, and Germany as large country. All other values are set to their mean. The graphs are consistent with the analysis completed thus far.

Figure 4.3 Predicted lobbying counts for rapporteurs, relevant committee membership, across participation in the plenary



To test the related hypothesis that *interest groups lobby the rapporteur even when she is not a natural ally (H₃)*, the variable *rapporteur* is again assessed but this time only in response to non-natural allies (model 2). The model is constrained by the corresponding party group. Hence the lobbying activities of civil society interests (4 categories) are reported only for members of the EPP. Similarly, the lobbying activities of producer interests (5 categories) are reported only for members of the PES. The results for eight of the nine relevant categories are in the anticipated direction, with agriculture/fishing groups as the outlier. The results for the four committees with significant results lend support to the expectation that even when a rapporteur is from a party that is a non-natural ally to an interest group, they are lobbied more than their

colleagues by between 24.3% (banking/insurance lobbying of PES rapporteurs) and 92.3% (transport groups lobbying of PES rapporteurs), for each additional report they write holding all other variables constant. Within these committees, the substantive effect of lobbying rapporteurs that are non-natural allies is comparable to the effect for the whole population (model 1) with respect to the five significant findings.

Table 4.3 Model 2: Explaining interest group contacts with party groups that are not natural allies

Independent Variables	Environ Groups	Human rights Groups	Women's Organis- ations	Consumer Groups	Agriculture Fisheries Groups	Banking & Insurance Groups	Industrial Organis- ations	Trade & Commerce Associations	Transport Groups
	<i>EPP Lobbying by Civil Societal Interests</i>				<i>PES Lobbying by Producer Interests</i>				
Specification	Zero Inflated NBREG	NBREG	NBREG	NBREG	Zero Inflated NBREG	NBREG	NBREG	NBREG	NBREG
Committee membership	1.00*** <i>171.9%</i> (0.374)	0.90*** <i>145.5%</i> (0.252)	2.08*** <i>702.9%</i> (0.356)	0.73** <i>108.4%</i> (0.352)	1.47*** <i>336.70%</i> (0.318)	1.33*** <i>279.1%</i> (0.510)	1.07*** <i>191.2%</i> (0.249)	1.29*** <i>261.80%</i> (0.459)	1.23** <i>242.7%</i> (0.433)
Rapporteur	0.12 <i>12.4%</i> (0.099)	0.42** <i>51.9%</i> (0.165)	0.30 <i>34.8%</i> (0.171)	0.10* <i>11%</i> (0.050)	-0.13 <i>-12.2%</i> (0.135)	0.22* <i>24.3%</i> (0.121)	0.11 <i>12.1%</i> (0.125)	0.10 <i>10.2%</i> (0.186)	0.65** <i>92.3%</i> (0.303)
Participation	0.01* <i>1%</i> (0.006)	0.01* <i>1.3%</i> (0.007)	-0.01 <i>-0.6</i> (0.009)	0.02** <i>1.6%</i> (0.006)	0.01** <i>1.3%</i> (0.006)	0.02*** <i>1.8%</i> (0.007)	0.00 <i>0.2%</i> (0.005)	0.01 <i>0.6%</i> (0.007)	0.00 <i>0.2%</i> (0.007)
L/RSelf-Placement	-0.23*** <i>-20.8%</i> (0.072)	-0.41*** <i>-33.9%</i> (0.077)	-0.29*** <i>-24.8%</i> (0.094)	-0.21*** <i>-19.3%</i> (0.071)	0.17* <i>18.1%</i> (0.081)	0.52*** <i>67.5%</i> (0.115)	0.47*** <i>59.5%</i> (0.086)	0.29*** <i>33.6%</i> (0.103)	0.17* <i>18.2%</i> (0.085)
Policy Opinion	-0.32*** <i>-27.5%</i> (0.087)	-0.35*** <i>-29.8%</i> (0.083)	-0.37*** <i>-30.7%</i> (0.097)	n/a <i>n/a</i> n/a	-0.31*** <i>-26.8</i> (0.106)	n/a <i>n/a</i> n/a	-0.46*** <i>-37%</i> (0.124)	n/a <i>n/a</i> n/a	n/a <i>n/a</i> n/a
Parliament: compare 6th/5th	0.44** <i>(0.188)</i>	0.61*** <i>(0.218)</i>	n/a <i>n/a</i>	-0.07 <i>(0.185)</i>	0.31 <i>(0.268)</i>	-0.27 <i>(0.235)</i>	-0.03 <i>(0.195)</i>	0.47** <i>(0.235)</i>	0.07 <i>(0.262)</i>
Parliament: compare 7th/5th	0.27 <i>(0.209)</i>	0.30 <i>(0.257)</i>	0.51** <i>(0.218)</i>	0.16 <i>(0.209)</i>	0.16 <i>(0.271)</i>	-0.24 <i>(0.248)</i>	-0.01 <i>(0.209)</i>	0.29 <i>(0.244)</i>	0.33 <i>(0.292)</i>
[Note: Women org: compare 7th/6th]									
Germany	-0.04 <i>(0.204)</i>	-0.09 <i>(0.243)</i>	-0.72** <i>(0.307)</i>	-0.02 <i>(0.204)</i>	0.42 <i>(0.396)</i>	0.14 <i>(0.305)</i>	0.26 <i>(0.277)</i>	1.01*** <i>(0.312)</i>	-0.33 <i>(0.375)</i>
France	0.21 <i>(0.333)</i>	0.28 <i>(0.373)</i>	0.22 <i>(0.424)</i>	0.44 <i>(0.332)</i>	0.40 <i>(0.298)</i>	-0.03 <i>(0.314)</i>	-0.17 <i>(0.248)</i>	0.57** <i>(0.290)</i>	0.24 <i>(0.341)</i>
Italy	0.02 <i>(0.226)</i>	0.23 <i>(0.254)</i>	0.54* <i>(0.303)</i>	0.72*** <i>(0.230)</i>	0.67** <i>(0.359)</i>	0.57 <i>(0.349)</i>	-0.12 <i>(0.291)</i>	0.66** <i>(0.336)</i>	0.27 <i>(0.383)</i>
United Kingdom	0.81*** <i>(0.268)</i>	1.27*** <i>(0.314)</i>	1.06** <i>(0.467)</i>	0.61** <i>(0.265)</i>	0.75** <i>(0.325)</i>	0.16 <i>(0.318)</i>	0.63** <i>(0.253)</i>	0.93*** <i>(0.303)</i>	0.64* <i>(0.354)</i>
Number of Observations	194	173	116	198	160	171	164	167	170
Log-likelihood	-663.72	-460.61	-332.67	-719.11	-467.34	-484.11	-560.79	-517.50	-505.13
Test for overdispersion: $\chi^2 =$	1518.65***	480.69***	416.44***	1655.3***	1000.27***	969.75***	946.66***	959.73***	1157.47***
Vuong Statistic (Zero inflated) z =	1.94**	z = 0.78	z = 0.91	z = 0.85	z = 1.64*	z = 0.97	z = 1.28	z = 1.02	z = 0.87

Notes: ***significant at 0.01 level, **significant at 0.05 level, *significant at 0.1 level. Standard errors in parentheses.

Percentage change in the dependent variables (discussed), for of a one unit change in the explanatory variable (derived from $\exp\beta$), in *italics* .

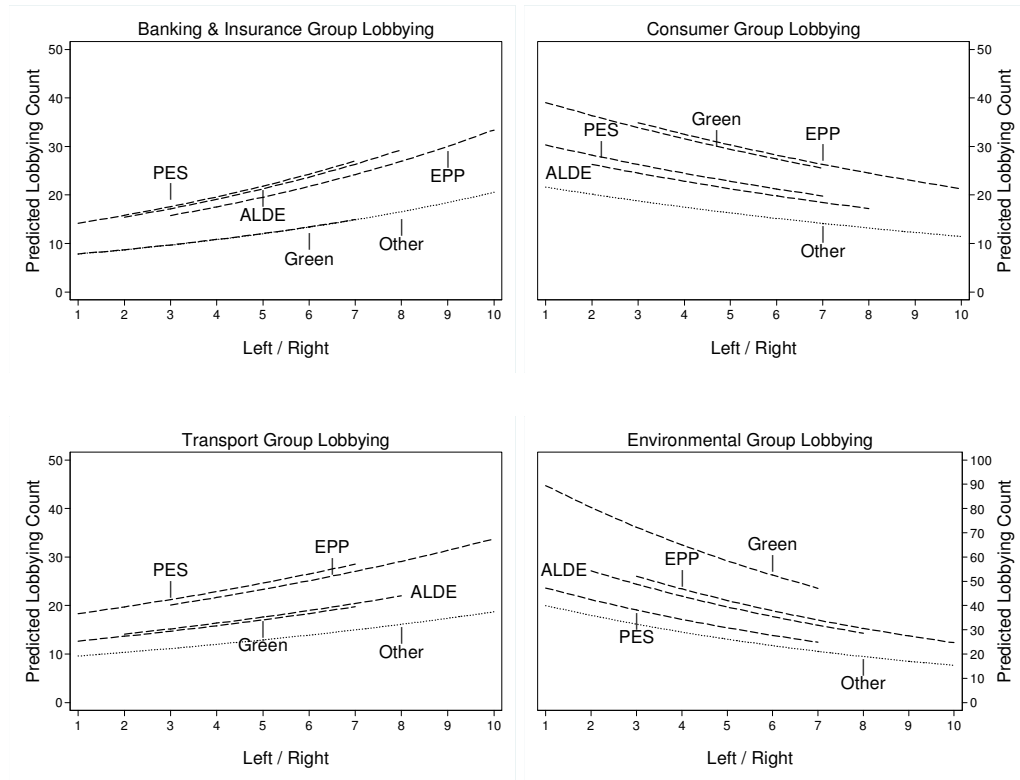
4.8 European Party Groups

The initial party group hypothesis is that *MEPs from the three dominant party groups are lobbied more often than members from other party families (H₅)*. This is assessed through the first model specification (Table 4.2). The results lend considerable but qualified support to the theoretically derived claim. If we first consider the results for the EPP (all significant at 0.1 level), when holding all other variables constant, party members are more likely to be lobbied than non-members by between 33.2% (agriculture & fisheries groups) and 121.7% (trade & commerce associations). A similar pattern is reported for the PES, with significant results found for eight of the nine categories of interest groups, with the expected increase in reported lobbying contacts ranging from 40% (consumer) to 90.6% (transport). This effect is also closely replicated for the liberals (ALDE). Again significant results are found for eight of the nine categories of interest groups, indicating an increase in lobbying of party members ranging from 30.6% (consumer groups) to 214.2% (human rights groups).

However, what was unanticipated by the theoretical framework is the strong focal point provided by the Green Party for environmental lobbyists. In retrospect this seems unsurprising and indicative of the Green Party's strength in this policy field. The Green party also appears to draw attention from agriculture/fisheries groups and consumer groups. Perhaps most interestingly, the results suggest that in the policy areas where the Green Party receives significant lobbying attention, the PES in comparison to other policy areas appears to be somewhat less favoured. This may be indicative of a reallocation of the portion of lobbying attention that is directed to 'friendly' left of centre parties.

Predicted lobbying counts for four categories of interest are displayed in Figure 4.4. They are for the corresponding committee member, non-rapporteur, with large country set to Germany and all other values held at their mean.

Figure 4.4 Predicted lobbying counts across party membership



The illustrations provided in Figure 4.4 make it clear that the underlying assumption that interest groups prefer to lobby their friends holds. For example, with reference to the left/right self-placement scores (x-axis), the intensity of both banking/insurance and transport lobbying increases as MEPs move away from the left side of the ideological spectrum. The mirror-image of this effect can be observed for environmental and consumer groups. This picture is provided for all groups in Table

4.2 (model 1), which makes clear that the observable behaviour does not exhibit a central tendency.

The predicted counts along with a corresponding baseline and confidence intervals for the three largest party groups are presented in Table 4.4. The table also includes the same comparative information for committee membership and for the office of rapporteur, across four categories of interest group. All other variables are set to their mean.

Table 4.4 Predicted counts with confidence intervals for committee member, rapporteur and dominant party groups

Independent Variable	Predicted Contacts		Confidence Intervals 95%	
	No	Yes	No	Yes
<i>Banking & Insurance groups</i>				
Committee Member	5.57	20.47	4.90, 6.24	10.23, 30.70
Rapporteur	19.46	40.92	9.13, 29.79	25.21, 56.63
EPP member	5.31	8.81	4.45, 6.17	6.58, 11.01
PES member	5.28	9.71	4.46, 6.09	6.99, 12.44
ALDE member	5.81	10.23	5.09, 6.52	6.67, 13.84
<i>Transport Groups</i>				
Committee Member	6.08	24.75	5.37, 6.80	14.50, 35.01
Rapporteur	15.46	40.92	7.13, 23.79	25.21, 56.63
EPP member	5.8	10.22	4.85, 6.75	7.58, 12.86
PES member	5.82	11.03	4.92, 6.72	7.96, 14.11
ALDE member	6.69	9.27	5.86, 7.52	5.96, 12.57
<i>Consumer Groups</i>				
Committee Member	10.34	28.87	9.37, 11.31	19.69, 38.06
Rapporteur	20.52	42.09	11.08, 29.96	30.27, 53.92
EPP member	9.4	17.53	8.19, 10.61	14.04, 21.01
PES member	10.55	14.79	9.28, 11.83	11.49, 18.09
ALDE member	9.25	14.43	8.23, 10.26	10.40, 18.47
<i>Human Rights Groups</i>				
Committee Member	5.01	17.84	4.45, 5.58	13.71, 21.97
Rapporteur	17.01	38.39	12.88, 21.15	22.71, 54.08
EPP member	4.97	10.33	4.19, 5.74	7.96, 12.70
PES member	5.9	8.56	5.08, 6.71	6.73, 10.90
ALDE member	5.54	16.35	4.92, 6.17	11.00, 21.70

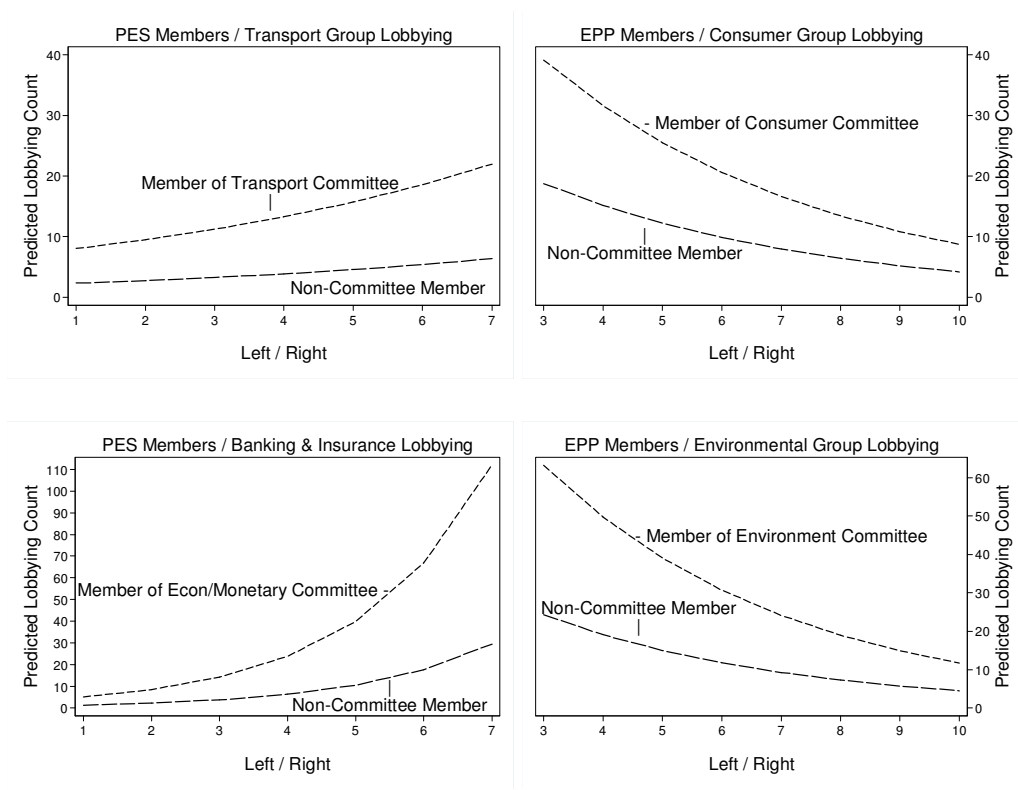
Note: Rapporteur set to median values

The expectation for the final hypothesis is that *when interest groups attempt to influence dominant party groups that are naturally less supportive, they lobby those members with relatively close policy preferences (H₆)*. The same approach that was taken to assess the lobbying of rapporteurs irrespective of their policy preferences is again adopted, but in this case with reference to the party specific (PES or EPP) left/right self-placement variable. Here the results for all nine committees are significant and in the anticipated party contingent direction. As such, holding all other

variables constant, a 1 place move to the right in an EPP member's *left/right self-placement* score (range 1-10) is associated with a decrease in lobbying by civil societal interest of between 19.3% (consumer groups) and 33.9% (human rights groups). In line with expectations, the inverse effect is observable for the relationship between PES members and producer interest. Here the percentage change in producer interest lobbying associated with a 1 point move to the right, ranges from 18.1% (agriculture & fisheries groups) to 67.5% (banking & insurance groups), holding all other variables constant.

The predicted counts are graphed in Figure 4.5 for four categories of interest, with country values set to Germany, rapporteur at zero, and all others held at their means. The two producer interests (banking/insurance & transport) are placed on the left hand side to ease comparison with the lobbying of non-natural allies by civil society interests (environmental & consumer).

Figure 4.5 Predicted effects for lobbying unnatural allies and policy preferences



The seemingly high level of support for hypothesis H_6 on the party contingent left/right ideological dimension is also found through the alternative measure of MEP policy positions. The effect of the five policy opinion variables are tested through model 2 (Table 4.3). Here EPP members' opinions on civil societal issues are assessed (environmental, discrimination and refugee), along with PES members' positions in respect to producer interests (agriculture and research & development). The results for all five party contingent policy opinion variables were found to be significant and in the anticipated direction. That is to say, as the self-defined policy score of members of a relatively unfriendly large party group increases, i.e. their desire for more of the related policy decreases; they are less likely to be lobbied by associated interests. For example, the likely effect of an EPP member's one unit decrease in support for

environmental protection standards (1-5 scale) is to decrease environmental groups' lobbying by 27.5%, holding all other variables constant. A similar magnitude of effect is observable for a PES member's position on agricultural support with respect to lobbying by agricultural (and fishing) interests.

4.9 Discussion

The analysis has addressed several key areas of uncertainty in our understanding of what determines which interactions take place between MEPs and interest groups. Fundamental to the explanation is the significance of the EPs institutional rules for the distribution of legislative influence, and hence on interest groups' strategic behaviour. Three key drivers in this process are identified: increasingly cohesive European party groups; non-permanent winning coalitions; and the delegation of agenda-setting power to policy specific committees. The empirical examination of these ideas was conducted across the policy spectrum, which is in contrast to the more common practice of confining explanations to a sub-section of business interests. This has provided a relatively complete picture of lobbying behaviour in the EP, particularly given that the research is conducted across three parliaments.

The relevance of committee membership to lobbying decisions has been clarified. In contrast to Eising's (2007) findings, interest groups take full account of the institutionally imposed division of influence, differentiating between committee members and non-members within their policy sphere. What is more, it has been demonstrated that this same reasoning holds inside committees, with members that

take on the short-lived office of rapporteur receiving still greater lobbying attention than their less influential colleagues.

These results show a much stronger linkage between committee membership and policy relevant interest group lobbying than had been indicated by Wessels' (1999) broader typology. The reasons for this disparity probably lie in the timing of the research. Wessels' study took place prior to the implementation of the Amsterdam Treaty (1st May, 1999), which, in addition to the well-documented growth in the EP's relative intra-institutional power, also had a profound effect on the relative inter-institutional influence of EP committees. In particular, considerable formal and informal agenda-setting and negotiating authority has been transferred from the plenary to the committee level. Interest groups seeking to influence the EP's legislative output will have quickly adapted their lobbying strategy to reflect these changes to the distribution of influence within the EP.

The paper has also highlighted the dominant position of the European party groups which is compounded by the atypical nature of coalition formation. A winning coalition can and does frequently exclude either of the two largest party families but must include one or both of them. This creates uncertainty for both societal and producer interests as neither can be confident that the influential party that they most clearly identify with, and would ideally seek to persuade, will not be excluded from a winning coalition. As a consequence, a powerful incentive is created for interest groups to insure against this possibility, which means deviating from their otherwise optimal strategy of lobbying only natural allies and seeking at least a hearing from 'unfriendly' yet potentially influential legislators.

However, evidence for this structurally induced behaviour does not falsify the primacy of the logic of ‘lobbying friends’ (Baumgartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998). The crucial insight is that when interest groups lobby MEPs from large influential political groups that are non-natural allies, they seek out legislators that are the most closely aligned from the population of unsupportive party group members.

These findings may well have implications for interest group behaviour in national parliaments, although a different pattern of lobbying is anticipated. The key distinction is that in the national setting winning coalitions are generally stable owing to the presence of a permanent governing majority.³⁹ Therefore interest groups for whom at least one governing party is an ally will have little or no incentive to lobby opposition parties. In contrast those IGs that are aligned with a party in opposition will have a strong incentive to build relationships with governing parties. Therefore in the national context an asymmetric version of that shown for the EP is anticipated, one that flips in line with clear changes in government and opposition.

³⁹ In most national parliaments, individual MPs are far less lobbied than their counterparts in the EP. This situation is largely because of government dominance, but it is also as a consequence of generally weaker committee systems.

5 Conclusion

This thesis has demonstrated that organised interests' choice of lobbying target is significantly determined by the distribution of legislative influence. The theoretical contribution has been to explain the dynamic relationship between MEPs' political opportunity structure and the strategic actions of organised interests, but also to define the limits to this otherwise causal relationship.

Each of the three papers has contributed empirically, theoretically and normatively to our understanding of interest representation in the EP. These contributions are summarised in this concluding discussion, along with an assessment of how future research might build on these findings.

5.1 Empirical Findings

The three papers in this thesis each provide a rigorous empirical examination of lobbying behaviour in the EP. The cogency of the findings has benefitted from the adoption of a range of methodological approaches incorporating new and improved measures of lobbying activity, through which hitherto unknown relationships between variables have been revealed. This has enabled certain existing assumptions to be challenged whilst providing evidence for a series of new theoretical insights.

The literature makes clear that the EP is an increasingly important venue for interest representation. Yet there is limited discussion of when this activity occurs, whether certain legislators are targeted more than others, and if so, what characteristics might single them out. The foregoing empirical enquiries have made considerable

headway in overcoming this lacuna through a combination of in-depth committee analysis (paper one), as well as a large-n examination encompassing nine legislative committees (paper three). The analysis makes clear that the EP's powerful legislative committees are the overwhelming focal point for organised interests' policy demands. It is shown that organised interests aim to commence their EP lobbying with the rapporteur, at the initial draft report phase of the committee process.

However, the results of an examination of amendments submitted by committee members, including the rapporteur, shed new light on the committee stage of the legislative process. They suggest that the open amendment phase of the committee process is at least as important a point of access for policy information to enter the EP's decision-making process as the preceding draft report phase. Moreover, through a unique analysis of committee voting data, it is shown that open amendments submitted from the committee floor have a greater influence over the EP's final legislative position (i.e. the report) than all amendments submitted by the rapporteur. It is also demonstrated that the distribution of ultimately 'successful' open amendments, and hence legislative influence, is skewed in favour of what has been defined as an informal committee elite. Additionally, it is suggested that the act of becoming influential, i.e. being part of this informal subset, is a natural pre-condition for holding office. Taken together these decision-making revelations have made a telling contribution to our understanding of legislative behaviour within the EP.

The relevance of these insights for lobbyists' strategic behaviour is firmly established through papers one and two. They each show that organised interests have a nuanced understanding of how legislative influence is distributed within the EP, and crucially, that this knowledge directly affects their decisions over which committee

member(s) to target. This is demonstrated in relation to the formal decision-making rules, i.e. membership of a relevant committee and the occupation of the transient office of rapporteur. However, it is also shown in relation to the outcome of MEPs' private decisions to become actively involved in the decision-making process, i.e. where MEPs lie along a committee's skewed distribution of legislative influence, and indeed the extent to which they participate more generally in the legislative activity of the parliament.

The results also indicate that the ex-ante policy position of the rapporteur does not markedly affect his or her value as a lobbying target. Yet, when organised interests have an equivalent choice in lobbying target between an MEPs that has closely aligned policy preferences and one with opposing preferences they refrain from targeting the former. However, cross-cutting this preference is an apparent aversion to submitting poor quality information to influential legislators that have similar policy preferences to their own.

A further set of findings connects the increasingly well-understood activities of European Party Groups with interest group behaviour (paper three). Here it is shown that in general, members of the four largest party groups report more lobbying attention than members of other party families. For the largest party group (EPP), this result holds across all nine categories of interest group that were analysed: It also holds for all bar one for the next two largest parties (PES and ALDE). In contrast, the appeal for the Greens (4th largest party group) appears less broad, and is apparently concentrated in those policy areas, specifically the environment, agriculture and fisheries, and consumer affairs, that are directly related to their political specialisation.

The results also confirm that organised interests display a strong tendency to lobby MEPs with policy preferences close to their own. Hence it was observed that as MEPs move to the right along an ideological spectrum, they report an increased number of contacts with producer interests. Conversely, a move to the left is associated with a greater level of lobbying contacts with civil society groups. A similar effect was demonstrated when MEPs relative support for a given policy was assessed in conjunction with their level of interaction with associated interest groups. However, despite these results, an analysis of lobbying contacts with members of the EP's two most dominant party groupings (EPP and PES) established that actively participating interest groups frequently lobby members from the party group that they are least aligned with. Yet when this activity occurs, it is those members within that group that nevertheless have relatively closely aligned policy preferences to the lobbyist that receive attention.

The second paper explores a distinctive aspect of the relationship between rapporteurs and organised interests. This was achieved by introducing the committee secretariat as an intervening variable. The analysis showed that, commensurate with their role, rapporteurs rely on secretariat official(s) assigned to them in order to overcome legislative uncertainty, which stems from their need to evaluate a plethora of competing policy claims. It was also established that rapporteurs assume that the policy advice they receive from officials is at least relatively expert and independent. A further strand of the analysis focussed on the nature of secretariat officials' expertise. Here it was found that lobbyists' perception of officials' policy expertise is lower than that perceived by the recipients of this knowledge, the rapporteur. In addition, it was found that committee administrators are intensively lobbied by both

the Commission and organised interests. However, the most actively engaged lobbyists appear to be pushing against an open door, as secretariat officials actively seek policy information from both Commission officials and participating organised interests.

5.2 Theoretical Contributions

The thesis has made a number of theoretical contributions to our understanding of organised interests' strategic behaviour. Insights have been provided which directly connect the institutionally induced activities of MEPs with organised interests' lobbying decisions. Theoretical contributions have been made to both the legislative and lobbying literatures on the EP. In so doing, an interface between what were two largely unrelated research tracks has been established. At the same time, our understanding of interest representation in the EP is placed firmly within, and contributes directly to, the wider literature on interest representation.

Many of the arguments put forward in this thesis have been informed by the prevailing assumption that for strategic reasons organised interests have a strong preference for lobbying legislators that share their ex-ante policy preferences (Bauer, et al, 1963; Baumgartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998). The point of departure was to identify and explain the limitations to this assumption. The initial insight was to place the underlying motivation for this activity into a wider context. This shows that organised interests are also motivated to lobby at the earliest point in the legislative process and to lobby those with the most influence over the policy outcome. As none of these assumptions are mutually exclusive, it follows that if they fall into conflict, a choice will have to be made. In the EP, the

institutional procedures and the system of coalition formation create conditions in which organised interests regularly face such a choice. These conditions are shown to be such that lobbyists frequently subordinate their preference for lobbying ‘friends’ to their otherwise compatible preferences to lobby those with most influence, at the earliest available opportunity.

In paper one these ideas are explained in relation to the formal and informal rules that concentrate early stage agenda-setting power in the hands of a single rapporteur. Here the conditions to lobby early and to lobby an influential policy-maker are satisfied, but the chances of the rapporteur being an ally, and hence fulfilling the final condition, are uncertain. For the lobbyist, the costs of foregoing early access to an influential legislator are shown to be greater than those associated with lobbying a legislator with conflicting policy preferences. This outcome is further weighted in favour of lobbying a legislative foe because organised interests realise that rapporteurs have an incentive to include otherwise unacceptable submissions into their report in order to facilitate its passage through committee.

The paper also explains how a change in committee rules, within the same committee process, provides lobbyists with a fresh set of choices. This is shown to be the case with the second open amendment phase, when the non-availability of legislative allies ceases to prompt a choice between otherwise optimal strategies. Instead, organised interests become constrained in their choice over which allies to lobby. Drawing on insights developed in the signalling literature (Berry, 1989; Bernhagen and Bräuninger, 2005), it is explained that although lobbyists have little choice but to submit their organisation’s policy information to a legislator, they nevertheless manage to avoid the reputational costs associated with providing poor

quality information. This is achieved by discriminating between their legislative allies on the basis of relative policy influence, and thereafter selectively delivering poorer quality information to less influential MEPs. This works because less influential legislators, who are necessarily engaged less in the policy process, do not care as much about the quality of the information as their actively engaged influential colleagues. As such the paper identifies the quality of the lobbying message as an intervening variable that limits the extent to which organised interests lobby their friends.

The paper also provides additional theoretical insights into committee organisation. In common with information theories of legislative organisation (Gilligan and Krehbiel, 1987, 1989; Krehbiel, 1991), it is shown that committees have an interest in limiting the extent to which their policy decisions deviate from the position of the plenary. This is because as long as the plenary remains broadly satisfied with the policy positions taken by its legislative committees, it will continue to delegate to them the authority to make legislative agreements with the Council. It is the comparatively high level of policy specialisation of certain committee members that provides the mechanism to explain how committees' inter-institutional negotiating position is kept in line with that of the plenary. The collective effect of small clusters of relatively expert committee members is to limit the possibility of their committee adopting technically deficient or explicitly biased amendments. It is because their reputation and knowledge is comparatively high that they are able to overcome, for example, lobbyists' poor quality information submitted via less engaged committee members. As a further consequence of their reputation, it follows that legislative influence within the committee is skewed in favour of the more engaged MEPs.

The final paper presents a further limitation to the ‘lobbying your friends’ thesis, but like paper one it also provides an explanation for its resilience. A distinctive theoretical approach is adopted that takes account of party group behaviour, coalition formation, as well as the policy preferences of both party group members and organised interests. The catalyst for organised interests to deviate from their otherwise optimal strategy of lobbying legislators with similar ex-ante policy preferences to their own is provided by the fluidity of winning coalition formation. Since voting coalitions frequently exclude one of the two largest party groups, it is difficult for lobbyists to predict which leading party family will be on the winning side of a given vote. This provides a strong incentive for organised interests to make certain that their policy position is registered with both of the ideologically distinct dominant party families, thereby modifying their strategic approach.

The additional theoretical insight provided by this paper is to show that organised interests’ hard-wired operating logic persists even when the strategic decision is taken to lobby members of an unfriendly party group. This is because organised interests continue to discriminate on the basis of policy preferences, but in this instance within the population of least aligned large party group members. Here they choose to lobby the most ideologically aligned MEPs from amongst an otherwise unfriendly party group.

The second paper incorporates the same behavioural assumption, namely that organised interests prefer to lobby influential friends, but defines the limit of its utility rather than delineating the limits to its applicability. The explanation put forward is underpinned by a further assumption derived from the signalling literature. This is that legislators demand high quality policy information from closely aligned organised

interests in order to assess whether a particular policy prescription is consistent with their own policy stance. It is explained that this reciprocated demand, whilst sufficient for the requirements of 'ordinary' legislators, proves insufficient for rapporteurs to perform their altogether more complex agenda-setting task. Rapporteurs' additional informational demand is for objective and independent policy expertise across a range of possible policy outcomes. This information is necessary to write a strategically advantageous draft legislative report. It is further explained that this requirement is a condition for the previously unspecified theory of indirect lobbying.

The theory highlights the consequences for lobbying behaviour of committee rules that delegate early stage agenda-setting power to a single inadequately resourced committee member. The model that is developed reveals how rapporteurs come to rely on secretariat officials to fulfil their requirement for independent policy expertise. But, although permanent officials may seek to act independently, it turns out that their accumulation of policy expertise is endogenous to the lobbying process that rapporteurs seek to verify. Moreover, the information sources that officials rely upon are from amongst the more entrenched sections of the lobbying population. Prominent amongst these are members of the Commission and the national regulators of the larger member states, with the former taking additional advantage of the institutionally sanctioned revolving door, and the latter formally seconding members of their own staff to the secretariat. As a consequence, it is demonstrated that there is little opportunity for new and unbiased expert knowledge to reach the rapporteur via their most commonly used source of 'independent' information.

5.3 Normative Implications

Collectively, the theoretical and empirical explanations of this thesis serve to increase our understanding of how lobbying behaviour is shaped in response to specific institutional rules and practices. As a consequence, a fuller and more dynamic picture of interest representation in the EP has emerged, giving rise to a number of normative implications for the legitimacy of decision-making in the EU.

Here it is helpful to take Dahl's (1961) concept of pluralism as a starting point for the discussion. Despite the real-world limitations of this approach (Olson, 1965), its normative value continues to have traction with commentators, regulators and political scientists. In this framework, organised interests and concerned citizens, which seek to directly influence political outcomes, are granted complete and open access to policy-makers, including politicians. Here it is supposed that unbiased policy-makers arbitrate between countervailing policy opinions on behalf of society.

This aspiration directly affects how the Commission interacts with organised interests, as it is mindful that its legitimacy is substantially derived from a participatory conception of democracy. Hence the Commission actively seeks to redress the situation, originally highlighted by Olson, whereby concentrated producer interests are better able to mobilise than the diffuse interests of civil society. As a result, through the direct funding of certain NGOs and measures to increase the transparency of its interactions with societal interests, a form of what Lindblom (1977) called 'neo-pluralism' has been created. However, it remains uncertain that pluralist countervailing pressures, induced or otherwise, can really have an impact within more technical policy fields (Greenwood, 2011).

The thesis offers insights into the extent to which countervailing policy pressures are prevalent within the EP. The empirics suggest that at the level of the individual legislator there is limited scope for neutral arbitration, given that organised interests predominantly seek and gain access to like-minded legislators. Where deviation from this principle was observed, it involved the ‘cherry picking’ of softer, relatively likeminded targets, i.e. the most friendly members of an otherwise unfriendly party. Nevertheless, the relatively open access that MEPs grant lobbyists suggests that the information they receive, while possibly biased, is unlikely to be derived solely from elites.

This leaves the possibility that, at the aggregate level, decision-making may take place between countervailing interests via likeminded MEPs. Certainly, Hausemer (2006) suggests that the EP’s directly elected members have a strong incentive to take account of publicly salient issues. However, despite open access to decision-makers that together encompass a range of policy perspectives, the inference from the analysis is that this aspiration remains largely unfulfilled. If we take the Economic and Monetary Affairs Committee, which featured prominently in paper one, none of the 65 organised interests that were identified turned out to be representing the public good. This is in spite of a research design aimed at defining the entire population of actively participating interests. This is not to say that there was an absence of countervailing pressure. This was very evident, but it was exerted entirely from within the financial services sector, albeit from very distinct positions. Indeed, reflecting a seemingly widely acknowledged sentiment amongst MEPs, as well as Hausemer’s observation, the then committee Chair Pervenche Berès stated that “our role is to speak for the

ordinary citizen, which finds no other representation in our committee” (Interview, 1 December 2008).

The voice of civil society may be absent because, as Greenwood observes within aspects of Commission policy-making, the technical bar is simply too high for these interests to overcome. This may be the case, particularly given that EP policy-making is often considered to be of a more technical nature than that which takes place in national parliaments (Majone, 1996). But, in contrast to the Commission, the EP has taken much more modest neo-pluralist steps to redress the under-representation of civil society interests.

The examination of the role of committee secretariat officials in policy-making has yielded additional normative implications for the pluralism of interest representation in the EP. These officials share many rules of operation with their bureaucratic colleagues in the Commission (i.e. desk officers), with staff regularly moving between institutions. However, it is the difference in how they fulfil their respective roles which is of particular interest. In comparison to bureaucrats in the Commission, secretariat officials are not encumbered by the same drive towards transparency in their actions, and are reluctant to engage with unfamiliar lobbyists. Similarly, in contrast to elected politicians, secretariat officials’ perception of their role does not include redressing the under-representation of civil societal interests.

However, what makes this assessment of committee officials run counter to a pluralist conception of policy-making is the empirical analysis: this has shown that they are active participants in the legislative process. As such, the effect of their engagement with entrenched interests is to push EP policy-making further away from the pluralist ideal. Moreover, what amounts to a backdoor route to influence the policy

process is incompatible with recent attempts to monitor and indeed regulate lobbying behaviour with the EP.

The analysis has also cast doubt on the extent to which the potential gains of introducing a 3-year staff rotation policy outweigh the pitfalls, particularly within specialised bureaucracies that have limited administrative capacity. Here it may be difficult to assess the extent to which bureaucratic capture has been reduced, or indeed to which it was a problem. But nevertheless the research has highlighted the need for future reform to take account of the hollowing out of bureaucratic capacity in terms of institutional memory and expertise. It is shown that such diminished capacity leads to a distinctive form of capture, partly by entrenched interests, but also as a consequence of a reliance on the policy expertise of experienced colleagues that are necessarily seconded national experts (SNEs). Indeed, this constellation of policy actors approximates a form of elite pluralism, particularly given that SNEs are often drawn from regulators and agencies of the more influential member states.

However, these issues, whilst troubling for the legitimacy of policy-making, may in fact stem less from bureaucratic design than from the legislative rules that invest considerable authority in the rapporteur yet provide them with minimal resources for the task of assessing the large volume of policy information. Whilst this legislative approach is not unique, in comparison to a rapporteur in, say, the French *Assemblée nationale*, an office holder in the EP receives less support and is likely to deal with a more technical report.

Through this focus on pluralism's shortcomings, the extent to which interests representing the public good are at a disadvantage in the EP phase of the EU's decision-making process is highlighted. Moreover, with reference to the on-going

debate over the EP's alleged democratic deficit, this discussion not only has resonance for a participatory concept of democracy, but also for representative one. This is because, as Dahl suggests, there is a need for a constant supply of countervailing policy input in the space between elections in order to prevent elites or interests seeking private goods dominating the policy process.

The committee system also serves to moderate policy outcomes through its informal system of informed scrutiny. Here requests for policy action that are either technically deficient or deviate significantly from the EP's political centre are likely to be filtered away. As such, successful lobbying in the EP is not a 'free for all' in which lobbyists simply find a compliant MEP. Instead, it is rather a case of finding a competent MEP that is actively engaged in the relevant policy area. The implication here is that if an MEP chooses to specialise, and is a member of one of the larger dominant party groups, she can make a difference to certain legislative outcomes. This opportunity may be less likely to arise at the national level, unless the legislator happens to be from the government or governing party(s). Hence Nick Clegg noted, when asked to contrast his experience as an MEP with his then status as a UK backbencher, that "in the European Parliament I was able to make a difference to the way legislation was made. This isn't the case in the House of Commons, and yet people now recognise me" (interview, 10.10.07).

5.4 Future Research

The thesis has thrown up a number of avenues for future research. These concluding remarks simply sketch out the most prominent of these, both within the EP and in a comparative context.

The analysis has made a modest contribution to our understanding of how organised interests' strategic behaviour alters between distinct phases of the committee process. But what remains to be explored here is the extent to which the nature of the policy information that organised interests provide MEPs is affected by their success or failure, or indeed non-participation, at the Commission stage of the legislative process. Does this experience change the way arguments are framed and as a consequence affect lobbyists' perception of which legislators might be friendly? Does the intensity or sincerity to which informational messages are delivered alter in response to previous activity? Answers to these questions would more directly link the interest group literature on the Commission with that on the EP.

Explanations have been given for the role of European party groups in the lobbying process. These were long overdue given the breadth of understanding that we have on the prominent position that party groups occupy in the decision-making process. However, the research focus has not so far explained the equally pressing research question of the extent to which MEPs' membership of their respective national party affects the interaction that takes place with organised interests.

Furthermore, given that at the core of the thesis is an explanation of how decision-making rules affect lobbyists' strategic behaviour, the next step is to apply the same theoretical approach across legislative settings. Here we should observe distinct forms of behaviour based on the interaction between lobbyists' hard-wired operating

logic and variations in national political opportunity structures. A sense of how one aspect of this research might develop was provided in the final paper. Here the effect of party group membership on lobbyists' strategic behaviour in the context of non-permanent voting coalitions was highlighted for its relevance for research at the national level. This is because coalition formation in the EP appears to be at variance with that found within national parliaments, where a permanent governing voting majority is the norm. The suggestion from the analysis is that, in contrast to the EP, interest groups for whom at least one governing party is an ally will not have an incentive to lobby opposition parties. In contrast, interest groups that are allied to opposition parties will have an incentive to lobby governing parties.

Finally, this thesis has shown that the strategic actions of organised interests are significantly determined by the institutional incentives that MEPs receive at different stages in the decision-making process; a finding that has important empirical and normative implications. Future research should continue to investigate how interest groups choose to carry out their lobbying and what effects this has on policy outputs and the nature of democracy.

6 Bibliography

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Appendix

Table A Interest Group Rank
Most Influential MEPs: Number of Independent
Citations given by 52 Organised Interests

Name of MEP	No. of Independent Citations
KLINZ, Wolf	34
GAUZÈS, Jean-Paul	28
BOWLES, Sharon	22
PURVIS, John	19
RADWAN, Alexander	19
KAUPPI, Piia-Noora	18
BERÈS, Pervenche	13
van den BURG, Ieke	11
GOTTARDI, Donata	10
GARCÍA-MARGALLO Y MARFIL, José Manuel	8
HOPPENSTEDT, Karsten Friedrich	8
KARAS, Othmar	7
LULLING, Astrid	7
BECSEY, Zsolt László	5
FERREIRA, Elisa	5
STARKEVIČIŪTĒ, Margarita	5
ETTL, Harald	5
VISSER, Cornelis	5
PITELLA, Giovanni	4
GOEBBELS, Robert	3
MITCHELL, Gay	3
RYAN, Eoin	3
SÁNCHEZ PRESEDO, Antolín	3
SKINNER, Peter	3
EVANS, Jonathan	2
LAUK, Kurt Joachim	2
RAPKAY, Bernhard	2
WARTMANN-KOOL, Corien	2
BULLMANN, Udo	1
HÖKMARK, Gunnar	1
SCHMIDT, Olle	1
de VITS, Mia	1
LIPIETZ, Alain	1
Total	261

Figure A

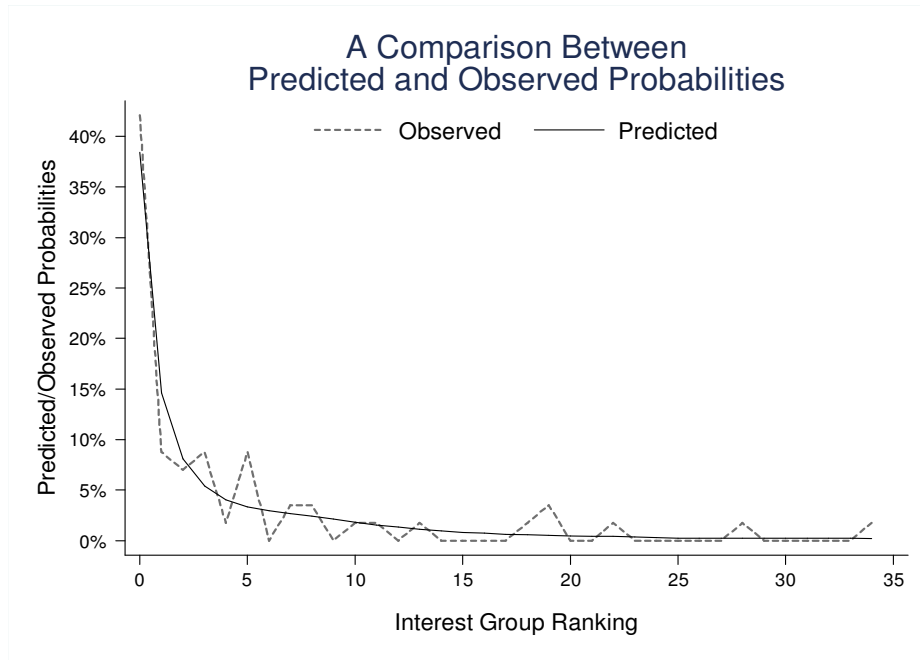


Figure B

