Corporate lobbying in the European Union: the logic of access

Pieter Bouwen
Published online: 04 Feb 2011.

To cite this article: Pieter Bouwen (2002) Corporate lobbying in the European Union: the logic of access, Journal of European Public Policy, 9:3, 365-390, DOI: 10.1080/13501760210138796

To link to this article: http://dx.doi.org/10.1080/13501760210138796

Taylor & Francis makes every effort to ensure the accuracy of all the information (the “Content”) contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities
whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at http://www.tandfonline.com/page/terms-and-conditions
Corporate lobbying in the European Union: the logic of access

Pieter Bouwen

ABSTRACT The complexity and diversity of European interest politics is exemplified by the multitude of channels and targets that private actors use to lobby in the EU multi-level system. The aim of this article is to investigate the logic behind the apparent ad hoc lobbying behaviour of private interests. A theoretical framework is developed in order to explain the access of business interests to the European Commission, the European Parliament and the Council of Ministers. The degree of access to these institutions is explained in terms of a theory of demand and supply of access goods. Access goods concern information that is crucial in the EU policy-making process. In order to gain access to an EU institution, business interests have to provide the access good(s) demanded by that institution. Organizational form is introduced as the innovative unit of analysis. It follows that associative business action is unconventionally studied in relation to two other organizational forms: individual company action and third-party representation.

KEY WORDS Access good; critical resource; EU business lobbying; organizational forms; resource dependence; theory of access.

I. INTRODUCTION

In the field of European interest politics many empirical studies have been undertaken during the last decade (Bennett 1997; Greenwood et al. 1992; Mazey and Richardson 1993; Van Schendelen 1994). These studies often have a case study format and a sectoral focus (Cawson 1992; McLaughlin et al. 1993; Schneider 1992). One of the major lessons that has been drawn from this literature is the diversity and complexity of European Union (EU) lobbying, which make reliable generalizations very difficult (Greenwood and Ronit 1994). The challenge for every researcher to provide general knowledge still stands. Theory, being the appropriate tool for such a purpose; the aim of this paper is to develop a theoretical framework to study the interaction between business interests and the EU institutions in an EU policy area.
The new framework seeks to improve our understanding of how business interests can influence the making of legislation in a policy area at the European level. The characterization of the EU as a regulatory state legitimizes this exclusive focus on legislative lobbying (Majone 1994). Since measuring influence is a rather problematic enterprise in political science, an alternative approach is taken (Huberts and Kleinnijenhuis 1994). Instead of focusing on influence, as traditional lobbying research tends to do, the access of business interests to the EU institutions is studied. It is emphasized that access does not necessarily mean influence. Ineffective political actors might gain access to an institution without being able to translate this advantage into concrete policy outcomes. Gaining access to the EU institutions is, however, a *conditio sine qua non* to exercise influence in the EU legislative process. Studying access is therefore likely to be a good indicator of influence (Austen-Smith 1995; Coleman and Grant 1988; Hansen 1991). In his seminal work on interest group politics, Truman points to the close relationship between influence and access:

> power of any kind cannot be reached by a political interest group, or its leaders, without access to one or more key points of decision in the government. Access, therefore, becomes the facilitating intermediate objective of political interest groups. The development and improvement of such access is a common denominator of the tactics of all of them.

(Truman 1951)

The new framework is developed to answer the following research question: What determines the degree of access of business interests to the European institutions? The aim is to examine whether certain business interests (firms, associations, consultants) have a higher/lower degree of access to specific EU institutions and how this is to be explained. The analysis of this research question allows us to tackle simultaneously a traditional question in the field of European interest politics: How do business interests use the different channels available to them to lobby the EU multi-level system? Many authors have addressed this question, but the answer has remained unclear (Bennett 1997, 1999; Coen 1997; Kohler-Koch and Quittkat 1999).

The proposed framework tries to go beyond the traditional pluralist–corporatist divide (Buholzer 1998: 70). Important characteristics of both paradigms are incorporated in the new approach. The pluralist emphasis on the plurality of groups and the importance of information is combined with the corporatist attention to resource exchange and compliance. Furthermore, the approach is different from previous research on EU lobbying in at least two ways. First, whereas past studies have mainly focused on lobbying the European Commission, in this paper the European Parliament and the Council of Ministers are also analysed. The three EU institutions need to be investigated simultaneously to understand the logic of interest politics at
the European level. Second, the most important innovation in the approach is the decision to take organizational form as a unit of analysis. The various organizational forms which private interest representation can take in the EU are chosen as the unit of analysis. Not only traditional collective action but also individual company action and third-party representation are studied in this framework. This is different from traditional interest group studies, which tend to focus on collective action in isolation from other organizational forms (Olson 1965).

In addition, the literature on European interest intermediation has mainly focused on collective action (Greenwood et al. 1992; Mazey and Richardson 1993; Greenwood and Aspinwall 1998). Individual political action on the part of firms is analysed much less and almost never studied in relation to the collective action organized by firms. Only a few authors have recognized the firm as an individual political actor that can decide to lobby individually and/or undertake collectively organized political action (Grant et al. 1989; McLaughlin et al. 1993; Coen 1997). The third option available to firms is largely ignored in the literature. Instead of organizing their own lobbying through individual and/or collective action, companies can request a third party to undertake these activities for them. That is why this paper also studies the group of political consultants and lawyers specialized in the representation of business interests. Although these are often informally recognized as being important players in the lobbying game, remarkably few studies have dealt with third-party representation of business interests (Salisbury 1984; Wilson 1990).

More than one strategy has been followed to build the theoretical framework. Deductive theorizing on the basis of ideas from interest group theory, sociological exchange theory and resource dependence have laid the foundations for the new framework. However, it has been the combination and interaction of these ideas with the empirical reality of EU business interests that has been most fruitful for the development of the framework (Layder 1998). Although the EU financial services sector has been the main empirical source of inspiration, it is the aim of the paper to propose a framework that could also be useful for the analysis of other sectors. The author has conducted sixty-three exploratory interviews with both business interests (twenty-one) and EU officials and politicians (forty-two). Moreover, a five-month period spent by the author in the European Commission in Brussels has facilitated observation and participation in the interaction between private and public interests in the EU arena. The purpose of this article is to improve our understanding of this interaction. In the next section, the theoretical foundations of the new framework are presented. These foundations allow the development of a theoretical framework to explain the access of business interests to the EU institutions in the third section. In the fourth section, a number of hypotheses will be generated on the basis of the new framework. The article concludes with an evaluation of the new theoretical framework.
II. FOUNDATIONS OF A THEORY OF ACCESS

Exchange theory and resource dependence

The key to understanding the lobbying activities of business interests in the European institutions is to conceive the relation between these private and public actors as an exchange relation between two groups of interdependent organizations. It is a mistake to regard business lobbying as a unidirectional activity of private actors vis-à-vis the EU institutions. Also, the EU institutions are eager to interact because they need close contacts with the private sector to fulfil their institutional role. Insights from administrative science, organization theory and organization sociology constitute the foundations of a new theory of access. Exchange theory and resource dependence are the core of this new framework.

In the 1960s, sociologists developed exchange models for the study of inter-organizational relationships (Blau 1964; Levine and White 1961: 587). These models offer an interesting framework in which to analyse the interaction between business interests and public actors at the European level. Other authors have already – either implicitly (Greenwood et al. 1992) or explicitly (Buholzer 1998; Pappi and Henning 1999) – used exchange theories to study European interest intermediation. According to these theories, the interaction of private and public organizations can be conceptualized as a series of inter-organizational exchanges. The organizations involved in the exchange make an implicit or explicit cost benefit analysis on the basis of which they decide with whom to interact. The exchange relation is only likely to be durable when the exchange is reciprocal and both sides receive benefits from the interaction. It does not, however, necessarily mean that the benefits of the exchange are equally distributed between the exchanging parties.

The exchange model of Levine and White (1961) is closely related to the resource dependence perspective of Pfeffer and Salancik (1978). Whereas both theories emphasize the importance for organizations of exchanging resources, resource dependency focuses more closely on the ensuing interdependence between the interacting organizations (Pfeffer 1997: 63). According to the resource dependence perspective, organizations are not internally self-sufficient (Aldrich and Pfeffer 1976: 83). They require resources from the environment and therefore have to interact with those organizations or groups in the environment who control the resources they need (Pfeffer and Salancik 1978: 258). An important consequence is that organizations become interdependent with those organizations with which they interact. This interdependence can lead to the development of attempts at inter-organizational influence. Organizations can become subject to pressures from those organizations that control the resources they need. In the context of the EU decision-making process, private and public actors become interdependent because they need resources from each other. The crucial resource required by private actors is access to the European institutions. In return, the EU institutions demand
resources that are crucial for their own functioning. I call these crucial resources ‘access goods’. These goods are defined in the next section.

What are access goods?

In order to gain an insight into the process of resource exchange between private and public actors at EU level, it is crucial to study the goods that are exchanged between the two groups. In return for ‘access’ to the EU agenda-setting and policy-making process, the EU institutions want certain goods from the private actors. I call these goods ‘access goods’. Three access goods can be identified and they have a common characteristic. In the three cases, information is the basic good. It is the most important resource to study in order to understand the exchange between business interests and the EU institutions. The three access goods that are identified concern three different kinds of information and can be specified as follows:

1. **Expert Knowledge (EK):** This access good concerns the expertise and technical know-how required from the private sector to understand the market. This kind of information is indispensable in developing effective EU legislation in a particular policy area. *Example:* the technical expertise provided by Barclays Bank to help EU officials and politicians understand the particularities of new capital adequacy rules for commercial banks.

2. **Information about the European Encompassing Interest (IEEI):** This access good concerns the information required from the private sector on the European Encompassing Interest (EEI). In our sectoral approach, the EEI relates to the needs and interests of a sector in the European economic arena, i.e. the so-called Internal Market. *Example:* the information provided by the European Banking Federation on the needs and interests of its members with regard to new capital adequacy rules for commercial banks.

3. **Information about the Domestic Encompassing Interest (IDEI):** This access good concerns the information required from the private sector on the Domestic Encompassing Interest (DEI). In our sectoral approach, the DEI concerns the needs and interests of a sector in the domestic market. *Example:* the information provided by the Belgian Bankers’ Association on the needs and interests of its members with regard to new capital adequacy rules for commercial banks.

The importance of Expert Knowledge in the EU decision-making process has been widely acknowledged in the literature (Bowen 1997; Buholzer 1998; Pappi and Henning 1999; Radaelli 1995; Truman 1951; Van Schendelen 1994). Member state administrations often do not have this kind of technical market expertise. Although they have a lot of technical know-how at their disposal, they are just like the EU administration: too distant from the market.
The two so-called ‘encompassing access goods’ have not been previously identified. It is therefore necessary to study the meaning of the concept ‘Encompassing Interest’ in more detail. An interest is more encompassing when more interested parties are involved in the formulation of the interest. An aggregation of individual interests or interested parties takes place. The involved parties can be workers, firms, associations, countries, etc. A national trade association can, for example, be said to represent an Encompassing Interest because it is specialized in gathering together the needs and interests of its member companies. When the aggregation of interests takes place at the national sectoral level, the Domestic Encompassing Interest is involved. For the European Encompassing Interest, interests are aggregated at the European sectoral level. Two variables determine the ‘encompassingness’ of an interest represented by an interest group (Schmitter and Streeck 1999: 58). First, the demarcation of the interest group’s organizational domain is important. It determines the variety of interests and thus the kind of members that the association wants to represent. Second, the representativeness of the interest group plays a crucial role (Buholzer 1998: 55; Salisbury 1979: 222). It is based on the density of the interest group’s membership and is the basis for its recognition by the public authorities as a legitimate interlocutor. The ‘encompassingness’ of interest groups and their representativeness are positively correlated.

Access goods are crucial for business interests to gain access to the EU institutions. The highest degree of access is in fact granted to the private actors that can provide the so-called critical resource or critical access good. The criticality of a resource for an organization is the extent to which the organization requires the resource for continued operation (Pfeffer and Salancik 1978: 46–7). The critical resource of each EU institution will be identified later in this paper. The criticality of an access good for an EU institution determines the degree of access that institution will grant to the private actor that provides the critical good.

**Definition**: Access goods are goods provided by private actors to the EU institutions in order to gain access. Each access good concerns a specific kind of information that is important in the EU decision-making process. The criticality of an access good for the functioning of an EU institution determines the degree of access that the institution will grant to the private interest representatives.

It is interesting to observe how these access goods are related to two crucial issues in European public policy: legitimacy and compliance. While there is a direct relationship between access goods and legitimacy, they are rather loosely related to the issue of compliance. Both issues are analysed in the next paragraphs.
The transfer of political decision-making power from the national to the European level without the compensatory establishment of equally strong democratic institutions at the European level has provoked discussions about the legitimacy of European governance (Christiansen 1997: 7; Höreth 1999: 250). First, a distinction should be made between so-called input and output legitimacy (Scharpf 1999: 268). Input legitimacy concerns democratic decision-making at the EU level through the participation of citizens and interest groups. Output legitimacy concerns the EU’s general efficiency and effectiveness in dealing with problems. This is a technocratic or utilitarian source of legitimacy. Input legitimacy is directly related to the encompassing access goods. These access goods provide input legitimacy to the EU institutions because they give information about encompassing and representative interests. Different interested parties have participated in the articulation of these interests. Output legitimacy is, on the other hand, closely linked with the access good, Expert Knowledge. As will be discussed later in this paper, large firms are good at providing Expert Knowledge. Although interaction with a large firm does not substantially increase overall participation in the policy process, it provides the EU institutions with the necessary expertise to deal with their problems in an efficient way and thereby increases output legitimacy.

The issue of compliance is only indirectly related to access goods. Even though the scope of this theoretical framework is limited to the policy development and decision-making phase, it is still important to take the issue of compliance into account. Public actors, in fact, anticipate the problem of implementation and compliance during the earlier phases of the EU legislative process (Schmitter 1979, 1982). Only the two encompassing access goods are relevant where the compliance issue is concerned. The more encompassing the access goods provided by interests groups are, the more likely these interests groups can contribute to the implementation of EU legislation. Why is this? In order to provide an encompassing access good, different individual interests have to be aggregated within the interest group. This means that more encompassing access goods are provided by interest groups which can aggregate more individual interests, thereby enhancing these groups’ potential to contribute to the implementation of EU legislation. However, two additional variables co-determine the extent to which private interest groups can contribute to compliance with EU rules. The first variable is the capacity of interest groups to control their members. Not in all interest groups do the organizational structures and decision-making mechanisms allow a high degree of control over membership (Greenwood and Webster 2000: 2). The second variable is the relationship between private interest groups and public authorities. A close, co-operative relationship can be the basis for a neo-corporatist arrangement of private interest government, whereby private interests are made co-responsible for the implementation of legislation in an effort to reduce the authorities’ implementation costs (Streeck and Schmitter 1985).
III. A FRAMEWORK TO EXPLAIN ACCESS

The three access goods that have been defined play a central role in explaining the exchange between private actors and the EU institutions. It is possible to model this exchange relation as a supply-and-demand scheme for access goods (see figure 1). The private actors are responsible for the supply of access goods. They only gain access to an institution, however, if the access good provided is simultaneously demanded by that institution. Both the supply and the demand for access goods, therefore, have to be carefully analysed.

The aim of the new framework is to explain differential access of business interests to the EU institutions. The dependent variable, $Y_{A,n}$, is the access of private actors to EU institution $n$. For the three institutions (different values of $n$), the following dependent variables can be distinguished: $Y_{A,\text{Commission}}$ when $n=1$, $Y_{A,\text{Parliament}}$ when $n=2$ and $Y_{A,\text{Council}}$ when $n=3$. The dependent variables always indicate the extent to which private actors have access to institution $n$. The supply of access goods, $Y_S$, and the demand for access goods, $Y_{D,n}$, are the independent variables. For each EU institution $n$, a specific demand for access goods can be identified: $Y_{D,\text{Commission}}$, $Y_{A,\text{Parliament}}$ and $Y_{A,\text{Council}}$. It can be concluded that, in order to explain the variation of $Y_{A,n}$, both $Y_S$ and $Y_{D,n}$ have to be studied.

The supply of access goods

The analysis of the supply of access goods proceeds in two stages. First, the mechanisms are studied that determine the firm’s choice of organizational form. Once the various forms of private interest representation have been analysed, the relationship between these forms and the provision of access goods is investigated.
The firm’s choice of organizational form

Firms interested in developing interest representation at European level are confronted with the following decisions:

1. make or buy decision concerning interest representation;
2. whether or not to undertake individual and/or collective action;
3. whether or not to undertake action at the national and/or the EU level.

Firstly, private firms should consider whether they want to organize their political activities themselves or whether they would prefer a third party to do this job. In Brussels, the third party is normally a political consultant or a law firm. Secondly, firms have to decide whether they wish to undertake individual political action and/or become members of an association. Finally, companies have to think about choosing the national route and/or the EU route to organize their political activities. The previous three decisions shape to a great extent the organizational form of the firms’ lobbying activities in the EU. Table 1 presents the main organizational forms that lobbying activities can take in the EU.

Apart from these traditional organizational forms, important new collective fora have been established during the last decade to collectively represent and promote business interests. The most remarkable development in the area of business representation at the EU level has been the rapid growth of collective fora allowing for the direct participation of firms. Although the new framework could also be fruitfully applied to these new organizational forms, this analysis is not possible within the scope of this paper.

Three important variables determine the firms’ choice of the organizational form of their lobbying activities:

1. the size of the firm;
2. the economic strategy of the firm;
3. the domestic institutional environment of the firm.

Size is the first important variable with regard to the lobbying activities of corporations. Large firms use more resources for planning and undertaking political action than smaller firms. In the case of individual political action, the

Table 1 Organizational forms of interest representation

<table>
<thead>
<tr>
<th></th>
<th>Individual action</th>
<th>Collective action</th>
<th>Third party</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>National level</strong></td>
<td>Individual national action</td>
<td>National association</td>
<td>National consultant</td>
</tr>
<tr>
<td><strong>European level</strong></td>
<td>Individual EU action</td>
<td>European association</td>
<td>Brussels consultant</td>
</tr>
</tbody>
</table>

P. Bouwen: Corporate lobbying in the EU 373
reasoning is obvious. Large players have more resources to invest in individual lobbying. The cost factor becomes even more important when the complex multi-level structure of the EU is taken into account. Furthermore, only large firms have enough resources to establish a representative office in Brussels and are therefore capable of developing direct lobbying strategies that include political action both at the national and the EU level.

Smaller actors have to rely on collective action to be able to undertake political action at different levels. Participating in collective action is less resource-intensive than undertaking individual political action. This explains, for example, why larger firms limit their expenditure on individual lobbying during periods of economic downturn and focus on their participation in collective action (Coen 1996). Interest representation by a third party can be a partial solution for the less resourceful players. It allows political representation that is tailored to the needs of the firm. The heavy financial burden of establishing a permanent office in Brussels can be avoided. The political engagement is temporary and can be easily withdrawn if circumstances require this. These advantages, however, make third-party representation an attractive instrument and a flexible additional channel for the more resourceful players too.

A second major factor that determines the organizational structure of a firm’s lobbying operations is its economic strategy. Different market strategies require different political strategies. For a national niche player, the European political level seems at first sight to be of minor importance. However, the gradual establishment of the Internal Market has substantially increased the competencies of the European authorities to regulate the different national markets. Being informed about developments at the EU level, therefore, has even become crucial for these players with a local strategy. Via membership of their national trade association, they are indirectly members of the European trade association. The latter provides them with the information that is necessary to cope with the changing legal and political environment at the EU level.

For large internationally oriented firms, the EU has become an important interlocutor. For these international players, the EU’s legal and political framework is crucial for the development of their international operations. The political strategies of these firms have to be tuned to their economic ambitions. They therefore often establish liaison offices in Brussels to allow them to stay in direct contact with politicians and officials at the EU level.

The domestic institutional environment of the firm is the third important variable to study in order to understand the national and European lobbying activities of private interests (Beyers 2000: 211). Two factors predicted to make the domestic context particularly important are the degree of state administrative autonomy from private actors and the level of state control of the economy (Greenwood and Aspinwall 1998). Firstly, a close working relationship between state administrative élites and private interests creates a hierarchical interaction that undermines the incentives of private interests for direct
European-level action. Secondly, state economic control affects the prospects for direct political action at the EU level, reducing the incentives of private actors particularly in those sectors where state control is high. A close working relationship with the state, however, is also likely to give private interests easier access to the European level through the Council of Ministers.

Another element crucial to the understanding of the firm’s choice of organizational form is the domestic associational structure. The absence of well-organized, strong national trade associations might oblige firms to undertake direct individual political action not only at the national level but also at the European level. The national associations’ role within the European associations might be too weak to rely on for the firm’s political strategy at the EU level. Finally, each domestic system of interest intermediation is characterized by a national lobbying culture (Van Schendelen 1994). A positive domestic attitude vis-à-vis lobbying is likely to encourage firms to undertake political action at the European level.

Firms that want to be politically active at the European level have to take the three previously discussed variables into account. Doing so enables a firm to choose an organizational form that suits its size, economic strategy and domestic institutional environment. Whereas small firms might be constrained to rely on only one organizational form, large firms often have the opportunity of choosing a number of organizational forms (Salisbury 1984: 74). The result is the portfolio of lobbying options of the firm. It is the basis for the establishment of an elaborate corporate lobbying strategy that allows the firm to develop a multi-channel approach.\textsuperscript{10}

The organizational form and the provision of access goods

The provision of access goods is crucial for private actors in establishing an exchange relationship with the targeted institutions at the EU level. Not all private interests have the same capacity to provide access goods. The organizational form of interest representation is the variable that determines the kind of access goods that can be provided.\textsuperscript{11} However, it is not only the kind of access goods that matters. As well as the quantity and quality of the access goods, the efficiency of the provision is also important. The following two variables have an important impact on the quantity and the quality of the supplied access goods and the efficiency, i.e. speed and flexibility, of the provision:

1. the number of layers (firm – national association – European association) of the organizational form;
2. the complexity of the internal decision-making process of the organizational form.

The more layers involved in the provision of access goods, the slower and less flexibly the access goods can be supplied (Schmitter and Streeck 1999: 76).\textsuperscript{12}
From this perspective, individual firms are very efficient in the provision of access goods. National associations, on the other hand, are put at a disadvantage. Two layers are involved in the provision of access goods: the company layer and the layer of the national association. It is necessary to emphasize that, for a high quantity and quality provision of the two encompassing access goods, multiple layers are indispensable. It is only because of the multiple layers that the bundling of the individual interests into an Encompassing Interest is possible. There is a trade-off within associations between the quantity and quality of the encompassing access goods they can provide and the efficient provision of the goods.

Efficiency is also influenced by the complexity of the internal decision-making process of the organizational form. The more complicated the internal decision-making process, the slower and less flexible is the provision of access goods. This means that a hierarchically structured organizational form like a firm is likely to be more efficient than a decentralized, democratically organized form like an association (Salisbury 1984: 67–8). It should also be noted here that for a high quantity and quality provision of encompassing access goods complicated decision-making processes are unavoidable.

It is interesting to see how a crucial property of private actors in the lobbying process, namely credibility, is linked with the quality of the access goods provided. Private actors can only maintain or improve their credibility vis-à-vis the European institutions by providing high-quality and reliable information. Since credibility directly derives from the quality of the access goods provided, I call it a derived access good. Positive effects on reputation based on the consistent provision of high-quality access goods over time facilitate and improve efficient resource exchange with EU institutions.

How organizational form and the two variables previously discussed influence the provision of access goods is analysed below in the discussion of the three main organizational forms.

1. Individual firms (at the national or EU level) The resource asymmetry between large and small firms explains the unequal capacities they have for providing access goods. Large firms often have big R&D divisions and are therefore particularly good at providing Expert Knowledge. The hierarchical decision-making structure within firms guarantees the efficient provision of this access good to the EU institutions.

   The strategies of large firms can be regional, national or European. Large firms with national strategies could be called national champions. To the extent that different parties, i.e. workers, managers and shareholders, are involved in the formulation of the firm’s interest, the national champion can provide Information about the Domestic Encompassing Interest. The ‘encompassingness’ remains limited, however, because only one national firm is involved. Large firms with a European strategy could be called European champions. These large European firms can provide Information about the European Interest. For most large European firms, though, it is difficult to claim to
provide Information about the European Encompassing Interest since only the individual firm is involved in the articulation of the interest.

2. Associations (at the national or EU level) Associations are not as good as individual firms at providing Expert Knowledge because they have fewer resources and have to deal with a wider range of issues. Because of their multi-layered organizational structure, they are too distant from the market reality. The three-layer structure of the European associations’ organizational form also hampers the efficient provision of access goods.

<table>
<thead>
<tr>
<th>EU association</th>
</tr>
</thead>
<tbody>
<tr>
<td>national association</td>
</tr>
<tr>
<td>individual firm</td>
</tr>
</tbody>
</table>

European associations are specialized in building consensus positions by channeling the different opinions of their member associations. They aggregate the interests of their member associations which are already the result of a bundling of needs and interests of these national associations’ member companies. This extensive consultation mechanism allows the European associations to present an encompassing European perspective on their sector and thereby provide good quality Information about the European Encompassing Interest. The internal decision-making processes for building consensus are complex and negatively affect the efficient provision of access goods.

National associations tend to enjoy good relations with their government. They are specialized in bundling their member companies’ needs and interests, which allows them to represent the national sectoral interest and to provide high-quality Information about the Domestic Encompassing Interest. The two-layered organizational structure of national associations and their complex decision-making structures has a negative impact on the efficient provision of access goods. National associations have to deal with many policy issues and are therefore generalists rather than specialists. Like European associations, national associations therefore tend to be not very good at providing Expert Knowledge.

3. Consultants (at the national or EU level) Consultants have a very limited capacity for providing access goods. Because consultants do not represent their own interests, they cannot provide the two encompassing access goods. Moreover, they can only provide Expert Knowledge when they are specialized in a particular policy area. In Brussels, specialized consultants are exceptional, however.

The consultants’ limited capacity to provide access goods is compensated for by close collaboration with their clients. In contrast to the consultants, their clients can often provide one or more access goods depending on the organizational form they have (firm, national or European association). In order to develop a successful lobbying strategy in conjunction with the consultant, the
client has to share his access goods with the consultant. The collaboration between consultant and client enables the consultant to supply access goods to the EU institutions which have first been transmitted to him by his client. Table 2 summarizes the capacities of the different organizational forms of business interest representation to provide access goods.

## The demand for access goods

### How to derive the demand for access goods?

The previous analysis is not sufficient to explain the access of private actors to the EU institutions. An analysis of the demand for access goods is essential. Since the objective of this paper is to understand EU legislative lobbying, the demand for access goods is derived from the specific role of each EU institution in the legislative process. The formal powers of each institution in the EU legislative process and the timing of their intervention in the process determine to a large extent the institutions’ demand for access goods.

The EU institutions are to a varying extent interested in the three access goods. From a resource dependence perspective, one would say they depend on the environment for more than one resource, i.e. access good. For each EU institution, a number of dependencies can therefore be identified. Using a similar theoretical framework to Pfeffer and Salancik (1978), Jacobs (1974) identifies the dependency that is most problematic for an organization. This so-called ‘most problematic dependency’ concerns the resource from the environment on which the organization is most dependent and corresponds with the critical resource discussed earlier. For each organization, Jacobs also develops a ‘ranking of dependencies’ (Jacobs 1974: 50).

Because in our analysis the demand for access goods is based on the EU institutions’ role in the legislative process, the most problematic dependency will correspond with the demand for the access good that is most critical for the fulfilment of their formal legislative role. Over the next few paragraphs, an
attempt is made to establish the ranking of dependencies for each EU institution and to identify the most problematic dependency.

Role in the EU legislative process and demand for access goods

1. The European Commission  The Commission is considered to be the most supranational institution in the EU decision-making process. It is geared towards promoting common European interests, as well as promoting its own position (Rometsch and Wessels 1997: 214). It is geared towards ‘promotional brokerage’, trying to push the member states to accept policies that go beyond a purely intergovernmental consensus based on the lowest common denominator. To play its role as promotional broker in the EU legislative process, the Commission needs Information about the European Encompassing Interest (EEI). The Commission has a substantial interest in this access good because it can help to identify common European interests.

The Commission plays a central role in the EU legislative process. As the analysis in this paper is confined to legislative lobbying in the first pillar of the ‘pillar’ structure introduced by the Treaty on European Unity, the fundamentals of the Commission’s position in the legislative process can be found in Article 149(1) and (3) of the EEC Treaty.

The Commission’s sole right of legislative initiative is based on Article 149(1) (Usher 1997: 155). As agenda-setter, the Commission has the formal right to initiate legislation and is thus responsible for the drafting of legislative proposals. The drafting of proposals takes place in the first phase of the policy-making process and requires a substantial amount of Expert Knowledge. Particularly in relatively new legislative areas, very specific expertise is indispensable in proposing legislation. Expert Knowledge is therefore the critical resource for the Commission’s legislative work. Because of understaffing and severe budget constraints in the Commission, the institution is dependent on external resources to obtain the necessary expertise (Spence 1997: 71).

Another important formal legislative power of the Commission is set out in Article 149(3). It states that the Commission may alter or withdraw its proposal at any time during the procedure leading to the adoption of a Community act. The Commission thereby in practice retains veto power during the legislative process. This Commission power does not create a demand for access goods during the later phases of the legislative process. Here, the Commission is in discussion with the Council and the Parliament and is therefore much more interested in the input of these institutions than in the access goods provided by private interests.

In the agenda-setting and policy development phase, the Commission is not interested in Information about the Domestic Encompassing Interest (DEI). At this early stage of the legislative process, the domestic private interests and the interests of most member states in the issues at hand have not yet been identified. The DEI cannot therefore be defined at this early stage. This applies
even more so where technical subject matters are concerned. Besides, as promotional broker, the Commission is geared towards promoting common European interests. The institution is therefore not primarily interested in Information about the DEI. The Commission is, however, interested in this kind of information on an ad hoc basis, when it has, for example, to amend its legislative proposal to achieve a compromise in the Council and the Parliament. Information about the domestic interest of a particular member state might in this case be crucial.

In order to strengthen its overall role in the legislative process, the Commission is also interested in access goods that can help to remedy the institution’s democratic deficit and legitimacy problem (Höreth 1999: 254). The Commission therefore values Information about the EEI. By obtaining these access goods, the institution can increase its input legitimacy. In its search for legitimacy, the Commission is also interested in Expert Knowledge. This access good provides the Commission with the necessary expertise to deal with policy problems in an efficient way and thereby increases the output legitimacy of the institution.

2. The European Parliament

The European Parliament provides a forum for discussions of political importance during the EU legislative process. The institution has both supranational and intergovernmental characteristics. Although supranational political groups have been established in the Parliament over time, nationality remains a relevant division within the assembly. The European Parliament’s role in the Community’s legislative procedure has increased from having, initially, no role whatsoever to play, to having a consultative role and, ultimately, to having powers that are more than consultative. In many important areas these powers have reached the level of co-decision with the Council of Ministers (Corbett et al. 1995: 220; Westlake 1994: 144). It is the Parliament’s task to make amendments to the proposed legislation and to take decisions.

In view of the Parliament’s legislative role, its demand for Expert Knowledge is rather limited. At this stage of the legislative process, the Commission has already drafted a detailed and often technical proposal. Although some basic Expert Knowledge is indispensable, the amount of technical market expertise needed to amend and take decisions is much lower in the European Parliament. The Parliament particularly needs information that allows it to assess the legislative proposals made by the European Commission. As a directly elected supranational assembly, it is the Parliament’s task to evaluate the proposals in a certain policy area from a European perspective. If it wants to assess the impact of the proposed legislative measures on the European internal market (Kohler-Koch 1997: 12), the specific information which the Parliament requires for this assessment is Information about the EEI. This access good constitutes the institution’s critical resource because it gives private-sector information about the needs and interests of the European economic arena and its various sectors.
In order to understand the Parliament’s role in the legislative process, the constituency orientation of the Members of the European Parliament (MEPs) has to be analysed. It is important to point out that the EU member states have different national rules for the organization of the European elections (Westlake 1994: 79). These differences in electoral systems have an impact on the legislator–voter relationship (Bowler and Farrell 1993: 52). All MEPs, however, are elected at the national level and therefore retain important links with their electorate back home. In order to increase their chances of re-election, MEPs need information about their national electorate (Hansen 1991). This is why MEPs want Information about the DEI. This access good provides them with information about the needs and preferences of their voters. Furthermore, the MEPs are eager to deal with interest groups that can provide this good because they might also be able to mobilize their constituents.

3. The Council of Ministers

In stark contrast to the Commission, the Council is the most intergovernmental institution in the EU legislative procedure. As the Union’s supreme decision-maker, it is the forum for reconciling the distinctive purposes and powers of the member states. The influence of national interests prevails in the Council and it is therefore crucial for the member states to identify their national or domestic interests. It follows that member states retain a very strong demand for Information about the DEI. It is the Council’s critical access good because it gives the member states information about the needs and interests of the domestic market and thereby allows them to identify their national interest. Despite its intergovernmental traits, the Council embodies the recurrent tension in the construction of the EU between intergovernmentalism and supranationalism. The Council’s Secretariat and its Presidency embody a sense of collective purpose and collective commitment and thereby give this intergovernmental institution a supranational flavour (Wurzel 1996: 273; Hayes-Renshaw and Wallace 1997). This explains why, despite the Council’s predominantly intergovernmental constitution, the institution has a considerable interest in Information about the EEI.

The Council of Ministers is both executive and legislature. It shares its legislative powers increasingly with the European Parliament. It is the Council’s task to amend and decide on legislation by reaching a decision that is acceptable to all or, at least, to a majority (Westlake 1995: 87). Four main legislative procedures can be identified: 1) the consultation procedure; 2) the assent procedure; 3) the co-operation procedure; and 4) the co-decision procedure. The Council can influence the final shape of the legislative proposal to varying degrees, depending on the procedure being used. When it comes to decision-making in the Council, the legislative proposal has already been technically elaborated and the demand for Expert Knowledge from private interests is therefore substantially reduced. To comment on or amend a proposal, a different level of expertise is required than that for the actual drafting by the Commission. At this stage of the decision-making process, the Council is more interested in information that can facilitate the bargaining
process among the member states. Finally, Table 3 presents the ranking of dependencies of the three EU institutions.

### IV. DERIVING HYPOTHESES

In order to explain the access of business interests to the EU institutions the supply and the demand for access goods have to be taken into account. Private interests will only gain access to an EU institution if both the supply and demand conditions are fulfilled. Whereas private actors need the capacity to supply access goods, this alone is insufficient. The same access goods have to be demanded simultaneously by the EU institution to which the private actors want to gain access. In this paper, the supply and the demand for access goods have been carefully studied. The analysis of the supply side shows that most private interests can provide, at least to some extent, each of the three access goods. On the demand side, the EU institutions seem to be interested in the three access goods to a certain degree. Combining supply and demand would generate the unsatisfactory and uninteresting hypothesis that most private actors have a certain degree of access to the three EU institutions. Insights from resource dependency theory, however, allow us to generate more specific and interesting hypotheses.

According to Pfeffer (1982), identifying an EU institution’s most problematic dependency or critical resource allows one to determine to which private actors that institution will grant the highest degree of access. He argues that organizations will respond more to the demand of the group or organization in the environment that controls the most problematic dependency (Pfeffer 1982: 193). In terms of the European institutions, this means that an EU institution will respond more to the demand of a private interest, that is to say, will give more access to a private interest, which controls the institution’s most problematic dependency or critical resource. The private actors who can provide the highest quantity and quality of the critical access good in the most efficient way will therefore enjoy the highest degree of access to the EU institution. Applying this logic of access enables us to generate a number of specific hypotheses about the access of different organizational forms to the three main EU institutions. The hypotheses can be easily derived by combining the EU institutions’ ranking of dependencies and the ranking of capacities to provide access goods of the different organizational forms (combining the results of Tables 2 and 3).

<table>
<thead>
<tr>
<th>Critical resource</th>
<th>Ranking of dependencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Commission</td>
<td>EK</td>
</tr>
<tr>
<td>European Parliament</td>
<td>IEEI</td>
</tr>
<tr>
<td>Council of Ministers</td>
<td>IDEI</td>
</tr>
</tbody>
</table>

Table 3 Demand for access goods
European Commission
1. Large individual firms have the highest degree of access to the European Commission.
2. European associations have less access to the European Commission than large individual firms, but better access than national associations.
3. National associations have the lowest degree of access to the European Commission.

European Parliament
1. European associations have the highest degree of access to the European Parliament.
2. National associations have less access to the European Parliament than European associations, but better access than large individual firms.
3. Large individual firms have the lowest degree of access to the European Parliament.

Council of Ministers
1. National associations (and national champions) have the highest degree of access to the Council of Ministers.
2. European associations have less access to the Council of Ministers than national associations, but better access than large individual firms.
3. Large individual firms have the lowest degree of access to the Council of Ministers.

V. CONCLUSION
It is a challenge to develop theoretical ideas in the field of European interest politics which is known for its diversity and complexity. With the new theoretical framework, an attempt is made to generate a number of specific and testable hypotheses about the access of business interests to the European institutions. On the basis of the supply and demand for access goods, this framework tries to understand the differential access of various organizational forms of business representation to the EU multi-level system. The framework thus seeks to contribute to the debate about the unequal access facilities of interests groups to the EU institutions (Schmitter 2000). Furthermore, the study of the firms’ portfolio of lobby options within the new framework
improves our understanding of the different political strategies used by companies to influence the public authorities at the EU level. It thereby addresses the traditional research question in European interest politics literature concerning the use by business interests of different channels to lobby the EU institutions.

The theory of access is also related in an interesting way to the existing literature on the organization of business interests (Schmitter and Streeck 1999). In the new framework, the organizational form of business interest representation determines the supply of access goods. This organizational form is related to the associative potential of the business actors and consequently to the ‘logic of membership’ (Schmitter and Streeck 1999: 24). In addition, the demand for access goods is closely related to the ‘logic of influence’. They both focus on the institutional target structures of business lobbying (Schmitter and Streeck 1999: 30). Since it is the concept of access goods that combines supply and demand in the theory of access, the concept might also bring the logic of membership and the logic of influence closer together.

In conclusion, it is important to assess the potential of the new theoretical approach. Although the framework has been developed on the basis of exploratory data in the EU financial sector, the new insights could be useful for the analysis of legislative lobbying in other sectors. It would be interesting to investigate whether the framework could be useful for the study of non-business interests or non-legislative lobbying (Pollack 1997). More importantly, it might be possible to adapt the framework to either the national level or the international level. Instead of an in-depth analysis of the EU institutions to derive the demand for access goods, the specific national or international institutional setting might be taken into account. Using the logic of access, it is also possible to generate a number of intra-institutional hypotheses. I call them intra-institutional hypotheses because they concern the access of private interests to the EU institutions at the intra-institutional level. In order to derive the intra-institutional demand for access goods, the three EU institutions would have to be de-composed into different parts and their role in the legislative process analysed. The combination of the supply and the newly derived demand for access goods would allow us then to generate a number of interesting intra-institutional hypotheses. The analysis of these hypotheses is, however, not possible within the scope of this paper.

The proposed framework still needs to be confronted with the empirical reality. The decision to focus on access instead of influence should greatly facilitate the operationalization of the framework. An extensive research project is currently being undertaken to test the validity of the generated hypotheses in the European Commission, the European Parliament and the Council of Ministers. The preliminary results are encouraging. In addition, existing empirical studies can contribute to the testing of the theoretical framework (Bennett 1997; Bowler and Farrell 1993; Kohler-Koch and Quittkat 1999; Pappi and Henning 1999; Salisbury 1984). The data gathered by these studies, however, is often only partially useful for testing the proposed hypotheses.
Given the complexity of social reality, it is unlikely that the entire framework will be verified. Rather than striving for complete confirmation, it is the aim of this framework to propose an original and innovative perspective for the analysis of the social reality of European interest politics.

Address for correspondence: Pieter Bouwen, Max Planck Institute for the Study of Societies, Paulstrasse 3, D–50676 Cologne, Germany. Tel: 0049 (0)221 2767236. email: pieter.bouwen@iue.it

ACKNOWLEDGEMENTS

I would like to thank my colleagues and friends at the European University Institute in Florence and the Max Planck Institute in Cologne for their useful comments on earlier versions of this paper: Andreas Broscheid, Dirk De Bièvre, Miriam Hartlapp, Adrienne Héritier, Alkuin Kolliker, Simone Leiber, Ulrich Mueller, Philippe Schmitter, Joerg Teuber, Daniel Verdier and Wolfgang Streeck. Furthermore, I am grateful to the JEPP referees, to Jan Beyers, Mirella Baglioni, René Bouwen, William Coleman and Gerald Schneider. Finally I would like to thank Udo Bader for the time he enabled me to spend in the European Commission and all my interviewees, who gave so freely of their time.

NOTES

1 So-called ‘funds-lobbying’ is rather limited at the European level because of the relatively small size of the EU budget (Buholzer 1998: 8).
2 Many authors have applied exchange theories to interest intermediation and interest group politics. The exchange paradigm is a central feature of neo-corporatism (Marin 1990; Pizzorno 1978; Schmitter and Streeck 1999). Network analysis focuses on inter-organizational exchange to study various forms of interest intermediation (Coleman 1990; Knoke et al. 1996; Pappi and Henning 1999). In political economy or public choice, the market is the model for political exchange (Becker 1983; McCormick and Tollison 1981; Potters and Van Winden 1990).
3 In recent public choice approaches to interest group politics, information increasingly plays a central role in the analysis (Austin-Smith 1995; Lohmann 1995; Potters and Van Winden 1990). Mitchell and Munger (1991) give an introductory survey of these public choice approaches. For a survey of empirical rational choice models of interest group behaviour, see Potters and Sloof (1996).
4 Truman points to the importance of information in the lobbying process. His division of knowledge into two types (technical knowledge and political knowledge) is similar to the difference between Expert Knowledge and the encompassing access goods (Truman 1951: 333–4).
5 Franz Pappi (Pappi and Henning 1999: 258) also identifies expert knowledge as a crucial resource demanded by the EU governmental actors in exchange for control of policy decisions and monitoring of information.
6 René Buholzer (1998: 54) identifies legitimacy as an important ‘Tauschgut’ (exchange good). An interest group should be representative enough to be recognized by the public actors as a legitimate interlocutor. As discussed later in
this paper, the notions of legitimacy and ‘encompassingness’ are closely related. It is therefore not surprising that Buholzer’s *Tauschzustände*, legitimacy, and the two encompassing access goods have similar characteristics. Also, Franz Pappi’s (Pappi and Henning 1999: 257) notion of public support as an exchange resource can be related to the two encompassing access goods.

7 The fact that non-compliance is a systemic phenomenon at the EU level is an additional reason for taking the issue of compliance into account (Mendrinou 1996: 2).

8 Within the neo-corporatist paradigm, the relationship between interest groups and their members is altered. Instead of merely aggregating independently formed preferences and articulating them before the authorities, associations acquire an enhanced capacity for defining the interests of members and controlling their behaviour.

9 The dependent variable \( Y_{A_n} \) is in fact the result of a system of two equations: the supply and demand function for access goods. The independent variables \( Y_S \) and \( Y_{Dn} \) are themselves the dependent variables of these two functions.

10 A large financial institution like the Deutsche Bank has the following lobby portfolio: organizational form I: individual action in Germany; organizational form II: individual action at the EU level through its liaison office in Brussels; organizational form III: member of the Bundesverband der Deutschen Banken in Germany; organizational form IV: member of the European Banking Federation. Under certain circumstances, the Deutsche Bank might even use third-party representation at the national and European level (organizational forms V and VI). The bank can rely on all the organizational forms presented in Table 1.

11 Salisbury (1984) emphasizes the importance of institutions, such as individual firms, with respect to interest representation. He argues that the profound differences in organizational form between an individual firm and a trade association have not been sufficiently studied, nor has the implication that these differences have for interest group theory.

12 The vertical differentiation of an associational system determines the number of layers in the associations (Schmitter and Streeck 1999: 74). Vertical differentiation is the extent to which an associational system consists of associations specializing in the co-ordination of the activities of other associations.

13 It has become something of an orthodoxy throughout the EU institutions that trade association officials are ‘industrial civil servants’ who lack the expertise needed to inform policy formulation (Greenwood and Webster 2000: 5).

14 It is argued that the regulation of lobbying designed by the Commission and the Parliament has had a minimal impact so far on the patterns of interest intermediation at the European level (Bursens 1996; McLaughlin and Greenwood 1995). While the Commission has been in favour of self-regulation of interests, the European Parliament has established some minimal rules. Most observers, however, agree on the limited impact of the current rules. They will therefore not be further analysed in this paper.

15 In the second and third pillars, the Commission has to share the right of initiative with the member states.

16 These have become Article 189a(1) and (2) following the Maastricht amendments.

17 Although the Commission has the formal responsibility of initiating legislation, it is not the only institution with agenda-setting powers. Both the Council of Ministers (Article 152 EEC) and the European Parliament (Article 192 (ex Article 138B)) can request the Commission to submit legislative proposals under certain circumstances. Even though these requests receive serious consideration, formal Commission proposals do not follow automatically. In this way, the Commission tries to preserve its agenda-setting powers.
18 The findings of Kreppel and Tsebelis (1999) emphasize the importance of ideology over nationality in the European Parliament. In their article on coalition formation in the Parliament under the co-operation procedure, the authors find that, generally, coalitions form on the basis of ideology, not nationality. Nevertheless, they are also able to identify some national groups that occasionally vote against the majority of their party group.

19 For non-market expertise the Parliament can rely on various other sources; for example, its own internal research department, Directorate General IV for Studies (Corbett et al. 1995: 182).

20 It is common knowledge that single member constituencies provide a direct link between the voter and the legislator and bring local and regional concerns to the fore more easily. In other systems, in particular proportional representation, this link becomes attenuated.

21 In this paper, the focus is on the legislative role of the Council in the first pillar. In the two intergovernmental pillars, the Common Foreign and Security Policy and Justice and Home Affairs, the Council plays a crucial and dominant role. The Council does not have to share its legislative powers with the European Parliament in these pillars, nor are its decisions subject to interpretation by the European Court of Justice.

REFERENCES


Final version accepted for publication 12/11/01