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WHAT NEXT FOR BRUSSELS' LOBBYISTS?

The Impact of the European Parliament's Increasing Legislative Competences on Future Lobbying Practice in the European Union

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ABSTRACT

Based on the assumption that lobbying practice is a product of its operational environment, the thesis investigates the impact the Reform Treaty-induced strengthening of the European Parliament's legislative competences has on lobbyists' strategies targeting the institution. As a result of the introduction of the ordinary legislative procedure (OLP) lobby-relevant parliamentary characteristics are altered. In order to examine potentially different implications for public and business interests, the traditional dichotomy in interest representation research is taken up throughout the thesis' empirical investigations. Four interviews were conducted with representatives from the institutional and the two sectors of the lobbying side. While the findings show that the fundamental principles of lobbying will remain untouched, its dynamics will be affected by the changed parliamentary structures. The increasing attractiveness of the EP as a lobbying target will result in tendencies of policy-makers' informational overkill necessitating the development of innovative lobbying strategies. A rising quantitative informational demand might nonetheless provide new leeway for established and new-area lobbyists. Restrictions, however, are created by intensifying inter-institutional EP-Council relations that limit lobbyists' access to decision-makers and require time shifts to earlier stages of the legislative process. Growing intra-parliamentary divisions between legislatively influential and marginalized delegates, moreover, will make monitoring processes and reliable informational networks decisive aspects of lobbying. Being similarly affected, adaptation capacities will differ considerably between business and public interests. Confirming the availability of resources as a determinative factor, the wealthier business interests will be better able to step up their game more flexibly whereas public interests must rely on creative measures to maintain their competitiveness in the future.

INTRODUCTION

Much attention has focused on the future of the European Union in the past years. The French and Dutch rejection of the Constitutional Treaty led to discussions about the failure of the European project. After a period of reflection the heads of government and state decided to convene an Intergovernmental Conference in July 2007. It acted upon a clearly detailed mandate which had been issued by the European Council a month earlier in order to re-negotiate and revise the Communities' existing treaties to safeguard their functioning. The IGC's results are represented in the Reform or Lisbon Treaty whose text has been agreed by the European Council meeting in Lisbon in October 2007. Based on the objective to increase the efficiency of decision-making as well as the EU's democratic legitimacy and its coherence in external relations, it amends and changes the Treaties on the European Union and the European Community. Alongside innovations concerning the institutional design of the European Commission and decision-making procedures in the Council of Ministers, the Reform Treaty particularly impacts the European Parliament by providing for alterations in the institution's legislative competences and working methods. In doing so, it had to take into account that 18 Member States had already ratified the Constitutional Treaty in its original form. At the same time the Reform Treaty was considered to provide an alternative to the European Constitution, consequently trying and revising the controversial provisions which had led to the Constitution's fall before. It is for that reason that the Reform Treaty includes a majority of substantial provisions from the Constitutional Treaty, partly adopting their exact same wording, while also dropping certain constitutional contents and providing for new regulations and revisions (Euractiv 2007). The proposed changes will affect the operational environment of all actors working their ways in Brussels. Especially the broad range of lobbyists active in the European capital will be presented with chances and challenges different types of interests will adapt to in differing ways.

Despite a general attitude of satisfaction over the reached agreements, the responses towards the Reform Treaty vary. Nonetheless, there is a broad sense in the European Union that the provisions of the Reform Treaty have managed to temporarily end the discussion on the Union's institutional design and allowed policy-makers to refocus their resources on other, policy and content-related priorities (Donnelly 2007). At this point in time much is being said and written about the likelihood of the Treaty's ratification which is due before the European elections in 2009. A considerable number of policy briefings focuses on the analysis of the main and most important changes the Reform Treaty entails, while further essays and articles

inform about reactions and positions of different EU level actors towards the proposed alterations as well as their consequences for the EU and national institutions and the European citizens. A remarkably fewer number of analyses, if any at all, however focuses on the implications the Reform Treaty-induced changes in the institutional setting as well as in the decision-making processes, especially those concerning the European Parliament, might have for the lobbying practice at EU level. The current lack of academic literature exclusively focusing upon the relationship between the European Parliament's change and the resulting consequences for lobbying practice in this institution becomes even more surprising when considering the relevance the latter phenomenon has successively gained in the European Union. Lobbying, or to use a more neutral term, interest representation is widely regarded to be an essential element of legitimate policy-making in modern democracies (Greenwood 2007 et al.). Gaining an understanding of how this part of decision-making will be affected by the developments occurring in its operational context is vital to making predictions about the future evolution of the EU lobbying landscape.

There are, of course, essays and articles considering organized interests and parliamentary change in other contexts and countries. Anne Binderkrantz (2003), for example, investigates the changing relation between interest organizations and the Danish parliament in the light of the latter's increased political relevance. Her findings confirm that interest organizations adapt their strategies to a changing parliamentary political influence. Attila Ágh and Gabriella Ilonszki (1996) have published a series on parliamentary change and developments in interest group systems in Central Eastern European states. The contributing authors have found how parliaments change in a variety of contexts and conditions, influenced by external as well as internal factors focusing on parliaments' policy activity, including involvement in policy-making, collaboration with other institutions and establishment of internal rules, norms and standards. Another main body of research can be found on the US Congress. John R. Wright's (2003) textbook on "Interest Groups and Congress", for example, examines interest groups' strategies to influence Congress. He confirms that interest groups "have adapted organizationally and tactically to the contexts in which they operate" (Wright 2003: vii) and that the exercise and effectiveness of lobbyists' information supply to members of Congress does vary across changes in the political context and different institutional settings.

These works enable a comparative analysis and provide general conclusions which can be transferred into alternative contexts. They further confirm the close interdependencies which

exist between a political system's structures and the lobbying system operating in its context, further giving reason to the assumption that the changed competences and structures of the European Parliament, as proposed in the Reform Treaty, are likely to impact the lobbying practice targeted at the institution. Focusing mainly on the EP's altered legislative role, the question this thesis aims to answer is which kind of adaptation processes become necessary for lobbyists targeting the European Parliament as a consequence of its Reform Treaty-induced increasing legislative competences and their impact on parliamentary structures.

To derive satisfactory responses to that research question, the thesis will consider theoretical conceptions from academic literature in order to develop a framework which will subsequently guide the analysis. It will then provide an institutional analysis which refers to past treaty changes increasing the European Parliament's competences before the Reform Treaty provisions impacting the institution will be analyzed. The thesis will continue to analyze institutional change by investigating more closely the internal parliamentary alterations which are likely to occur as a consequence of the EP's Reform Treaty gains. The following empirical analysis will present the insights that could be gained during interviews and analyze the findings with specific regard to the adaptations which are likely to become necessary in future lobbying practice targeted at the EP.

SCIENTIFIC AND SOCIAL RELEVANCE

While being limited in its analytical scope, the thesis' findings are likely to be of relevance both for the academic and the practitioners' world. The thesis represents an attempt to zoom in on EU-specific institutional dynamics and their implications for a specific group of actors operating in this system – the lobbyists. As such, it is hoped that (new) insights will be gained concerning the interrelations and interconnectedness of (Euro)lobbyism and the European Union environment. Even though lobbying at EU level cannot be regarded as a completely newly emerging phenomenon nowadays, the scientific community has not yet agreed on a common theory to describe the processes taking place. Moreover, it is contested whether it is possible to find a single theory which includes and is valid for all different aspects and processes of Eurolobbyism. Empirical and case studies have been conducted, leading to results which support the hypothesis of context- or policy-field dependent patterns of interest representation, even though it is possible to detect few general structures (Michalowitz 2007 et al.). This bachelor thesis cannot be expected to end the scientific discussion about the development of an adequate theory, the insights which will possibly be gained are not likely to revolt the academic community concerned with Eurolobbyism. Nonetheless, the approach which is cho-

sen in the thesis – basing a kind of predictive analysis (potential changes in the lobbying practice in the EU) on existing academic sources, insights and knowledge (Eurolobbyism and interest representation literature) while further adding inputs from reality (the IGC proposals concerning changes in the European Parliament’s competences) – might lead to interesting results. These could possibly be compared to the real situation as it will unfold in the future. The correctness of the predictions made in the thesis could then enable further conclusions about existing theories.

The topic as chosen to be addressed in the bachelor thesis further is an up-to-date one. Recent developments surrounding the Reform Treaty have taken place only about two months ago and more will unfold in the near future. The dynamics and uncertainties related to the ratification of the Treaty give another proof of the ever-changing environment and complexity which lobbyists active on the Brussels scene have to adapt to. This phenomenon has already been addressed by Tom Spencer, the executive director of the European Centre for Public Affairs. In an article published in the *Journal of Public Affairs* in 2004, Spencer raised the question in how far the training of public affairs agents would have to adapt to the potential institutional changes in the European Union (Spencer 2004). Practitioners’ concern for required adaptations processes in a changed environment is also expressed by lobbyists’ responsibility to be informed about institutional arrangements at any time and by a number of training courses offered by policy centers in and around Brussels. Addressing the topic from an academic angle and investigating how changes of the European Parliament might impact the lobbyists targeting this institution could possibly provide results and conclusions with some advisory value for lobbyist actors operating at the European Union level.

THEORETICAL AND ANALYTICAL CONCEPTIONS

The thesis’ underlying reasoning can be expressed in terms of the widely accepted assumption that the nature of interest representation is deeply influenced by the characteristics of the political system and its structures of power and decision-making (Greenwood 2007). The competences, organization and functioning of institutions as well as the subsequently created political and institutional opportunities and constraints influence the decision which institutions to lobby as well as differences in style, argumentation and the use of specific strategies. The assumption that lobbying practice is first and foremost a product of the institutional and political environment it operates in complies with what Woll (2006) calls the recent strand of academic research on EU interest representation. Within this general context, it is the charac-

teristics of the legislative organs and their position in the legislative process which comprise the environmental (institutional and political) conditions to be especially considered (Michalowitz 2007). The process of trying to influence legislators and decision-makers in order to bring in own interests, implying a process of political consultation and exchange (Geiger 2006) constitutes the concept of lobbying practice as it will be applied in the context of this thesis. It therefore resembles what Kraft (2006) considers to be the core of lobbying activity and Michalowitz (2007) calls active lobbying, alongside other relevant processes such as analyzing and monitoring political processes, developing adequate strategies, and establishing relevant contacts. Lobbying in that sense can furthermore be expressed in terms of an exchange theory, i.e. by explaining lobbying activities as the exchange of goods in a demand-supply scheme (Michalowitz 2007). Characterizing lobbying by the exchange of information and assuming informational resource dependencies between interest organizations and EU institutions is a common conception of the interaction process between interest representatives and policy-makers (Marziali 2006, Eising 2007).

The American scholar John Wright (2003), among others, finds that interest groups obtain access to the legislative process by acquiring political and technical expertise and information and by strategically transmitting it to and sharing it with members of Congress. The legislators on the other hand demand information which enables them to make good public policies; these aspects include information about their constituents' policy preferences, the electoral consequences of pursuing their own preferences and the necessity to be informed about technical and substantive aspects of proposals and the impact of policy outcomes. In fact, the mutual cooperation between parliamentary delegates and interest representatives is observed in other contexts as well. For Slovenia, for example, it is true that while Members of Parliament value interest groups as a source of expertise, knowledge and information with which they can improve the quality of their policy-making, interest groups search access to and influence via the parliament in the absence of own formal competences (Fink-Hafner/Krasovec 2005). On that basis, the EP's interest in interaction with lobbyists can be explained in terms of its interest in gaining technical and political information in order to make the successful passing of legislation more likely (Wonka 2005). In the line of that reasoning, it is for detailed expertise and interest groups' influence on national attitudes and implementation processes that the EP, among other EU institutions, grants them access (Hix 2005). Bouwen's (2002, 2003) access theory explicitly explains these exchange mechanisms in the European context. Based on interdependent resource exchange, organized interests' access to EU institutions can be ex-

plained by a demand-supply scheme. Due to their increased regulatory role the EU institutions have become more attractive for interest organizations and are themselves reliant upon external sources of information (Coen 2007). Whereas outside interests thus demand access which institutions can supply, the latter in turn demand information which the former provide. According to Bouwen (2002), an external interest gains access when it is able to provide the quantity and quality of information at the point in time it is demanded by the institution. Aside information, other elements of the lobbying process which refer to gaining access become relevant. In choosing the institutional target to which access is sought, as well as in identifying individual points or venues of access, the targets' lobby-relevant factors, i.e. their legislative powers and influence as well as their accessibility and openness to external interests are important considerations.

Being in line with the perceived determinative influence of interest group's operational environment, it thus is the European Parliament's institutional characteristics which consequently serve as explanatory variables for its general relevance as a lobbying target and which determine patterns and intra-institutional points of access both of which are considered to widely impact the strategies which interest organizations choose in lobbying the EP. Acknowledging the complexity of determinants impacting lobbying choices, however, this is not to exclude other explanative factors, such as organizational capacities, i.e. financial and personal resources, organizational size and characteristics of the lobbyist as well as of the issue lobbied (Eising 2007, Mahoney 2007). Arguments made for these factors are right- and truthful, but have been examined in detail elsewhere and will therefore not be addressed in this thesis. Its aim, moreover, is to investigate in how far the European Parliament's legislative gains will impact the lobbying practice targeted at the institution. The determinative relevance of the EP's institutional characteristics then leaves a core objective in the center of analysis: to examine how the Reform Treaty provisions concerning the EP will affect the institutionally relevant features determining the access structures interest organizations have to address in developing their EP-targeted lobbying strategy which is indicated by patterns of access, intra-institutional venues (points of access) and timing (points of time of access). In a second step, inferences will be made about how these structures are expected to change in the future, enabling predictions on which adaptation processes will become necessary for interest organizations lobbying the EP in order to maintain or (re)gain access to the institution. Throughout the analysis, it will furthermore be examined how the implications the changed access structures

will have for organizations' lobbying practice are likely to differ between public and business interests.

Lobbying, in fact, is acknowledged to be exercised by a variety of actors in the complex, competitive as well as cooperative EU level system of interest representation, comprising collective action exerted by European, national and regional level associations, in-house lobbyists and individual representation offices of individual firms and companies, NGOs, think tanks and political foundations as well as commercial consultancies such as law firms, and political, public relations and economic and management consultancies (Geiger 2006, Lahusen 2002). Nonetheless, the thesis will not focus on specific actors, but on the interests they represent. For that reason, the traditional dichotomy and empirically relevant differentiation between business and public interests (Michalowitz 2007, Pollack 1997) is adopted. In that respect, public interests are considered to be common good-oriented interests which can be "linked to broad and general segments of society" (Beyers 2004: 218), but which do not have concentrated constituencies, such as environmental, consumer, social, women, gay and lesbian interests (Greenwood 2007, Hilson 2002 et al.). Business interests on the other hand, are perceived to be focused on specific economic, professional or social aims within a general objective of improving regulations for their own benefit and are usually defended by "well-circumscribed and concentrated constituencies" (Beyers 2004: 218). Examples include producer and other socio-economic, e.g. telecommunications-or agriculture sectoral interests. Naturally, the representation of different interests implies different and corresponding organizational forms, e.g. business associations and individual firms representing business and NGOs representing public interests, and potential findings for the two different types of interest are likely to differ slightly across them. Nonetheless, the thesis will maintain an abstract level of analysis, examining the types of interests rather than their specific representatives.

The above considerations constitute the basis of the analytical framework which will guide the research throughout the course of the thesis in order to focus attention on the aspects of relevance. The subsequently chosen points of analysis are supposed to represent the parliamentary characteristics deemed determinative upon access structures, thus largely impacting interest organizations' choice of strategy. They thus comprise the lobby-relevant aspects of the EP which will be particularly considered when analyzing the Reform Treaty-induced changes of the legislative institution.

Based on the assumption that the European Parliament's position and function in the legislative process determine its general relevance as a lobbying target, i.e. an institution to which access is sought, we can conclude that institutional features to be examined constitute

1. the EP's formal powers and position in the legislative process and
2. the EP's position in the inter-institutional triangle.

It is furthermore assumed that the European Parliament's institutional characteristics, especially its formal and informal powers affect internal and interaction aspects which serve as preliminary determinants shaping lobbying strategies and behavior targeted at the institution. The factors influencing access patterns, intra-institutional venues and timing of lobbying strategies are considered to be

1. the EP's institutional preferences and informational demands
2. the EP's interactions with other legislative institutions, especially the Council of Ministers and
3. the EP's internal structures and dynamics.

METHODOLOGY

The research process carried out to achieve the objectives the thesis has set for itself was supported by a far-reaching literature study. The review of academic sources comprised standard works as well as recent journal articles, newspaper notes, internet sources and legal documents. Their contents concerned a variety of topics, ranging from the description of the European Parliament and general accounts of the phenomenon of EU lobbyism as such, analyses focusing on the Constitutional as well as the Reform Treaty provisions and past experiences on institutional change following treaty reforms to case studies on lobbying in the EU and the EP as well as comparative texts from other timely and geographic contexts. A second strand of methodology in the research conducted went beyond this academic perspective. In order to add an empirical component enabling the incorporation of practitioners' perspectives on current and possible future developments into the analysis, guideline-oriented interviews were conducted with representatives of the respective institutions under investigation, i.e. the European Parliament as well as business and public interest groups. Interviewing representatives from both types of interest organizations enabled the differentiation of results according to the dichotomous analytical distinction. Moreover, all actors were able to deliver different aspects of information due to their specific position in the processes under investigation (Gläser/Laudel 2004).

Grounded in the objective to include relevant empirical data as laid out above, two MEPs were contacted via their regional offices. Choosing those two specific MEPs can be explained in terms of the constituency they represent in the EP as being related to the researcher's home towns which proved to facilitate access. Furthermore, 17 Eurogroups were chosen to be addressed out of a large number of interest organizations which were either listed in the EP's lobby register or called upon in academic texts about Eurolobbyism.¹ A further three interest groups were recommended by other interview partners who thus functioned as a gatekeeper, inducing a snowball system of interviewee selection, a procedure considered to be rather common in selection procedures applied in qualitative research (Merkens 2005). Of these 20 Eurogroups, nine were representing business interests, such as biomass and chemical industries or small and medium-sized enterprises, the remaining eleven comprised public interest groups representing environmental, social, consumer and women's concerns. They were chosen based on their assumed relevance, i.e. their organizational size as well as their perceived degree of popularity, as measured by being rather frequently mentioned in newspaper articles or considered classical examples in academic writings. Those 20 Eurogroups were contacted via e-mail explaining the research purpose and background and inquiring about an organization's representative's willingness to be interviewed in the context of the thesis. Two weeks after the first e-mail had been sent, the organizations which had not replied by then were contacted by telephone. Ultimately, one of the two MEPs and three out of the 20 Eurogroups so addressed agreed to be interviewed, constituting the data set of interviews to four representatives of three different types of institutions, i.e. the EP, business and public interests' organization.. Even though their knowledge and experience as well as their time and willingness to participate and to be interviewed in the context of the thesis qualified them as valuable informants *a posteriori*, they were chosen by what Denzin and Lincoln (1998) call a secondary selection. Rather than applying the above criteria beforehand in order to individually choose the respective interview partners, which would have comprised a process of primary selection (ibid.) it was the individual person's accessibility determining them as interview partners, a phenomenon deemed to occur rather commonly (Merkens 2005).

The interviews were conducted within the time frame of one month. In the beginning of November, two representatives, a German MEP as well as a representative of the Brussels-based

¹ Being mentioned frequently as *typical cases* by a large number of academic texts on Eurolobbyism, these particular 17 Eurogroups were supposed to comprise a rather representative set of lobby groups. Choosing them as the initial starting group of potential interviewees thus seemed adequate for the purpose of creating a meaningful sample in the context of the thesis' research.

industrial organization European Roundtable of Industrialists (ERT) were interviewed in person in their respective Brussels offices. Two other representatives from business and public interest groups, one from the European industrial umbrella organization *businesseurope* (formerly UNICE), the other from the environmental NGO World Wide Fund (WWF) were interviewed via telephone in the end of the same month. In their function as employees of their respective organizations, the interviewed representatives were considered to contribute to the research process as experts. All interviewees either work for an organization actively lobbying the EP, often as lobbying experts and advisors or are on the opposite site of the process, i.e. represent the EP as the target of lobbying activities as well as the object of change. Due to their position within their organization they have access to specific areas of activity and participate in decision-making processes. In their function, they further dispose of a certain degree of experience which has gained them specific expertise in their field of activity as well as concerning specific issues of interest. Their experience and competence in the area of (research) interest thus qualify them as experts further enabling them to lay out relationships and connections which would have remained invisible for the researcher (Mieg/Näf 2005). All interviews conducted were based on a guideline. Considered to translate the research interest into adequate interview questions, it was based on theoretical (pre)knowledge derived from literature study, comprising open questions structured into relevant aspects of information to be collected (Gläser/Laudel 2004).

The chosen methodological approaches contain limitations and potential flaws which should be taken into consideration in the course of the thesis' analysis. First of all, the selection of interview partners did not fully comply with accepted methodological standards, especially with regard to the creation of an adequate and representative data set. Even though the aim in qualitative research is not to acquire a sample which reflects a general population, but which is representative of the experience and knowledge according to the needs in the study (Denzin/Lincoln 1998), the degree of representativeness is limited. The four representatives neither comprise all possible contents nor organizations. Moreover, there is a slight risk that the business interests' perspective on matters might have been outweighed due to the fact of including two business representatives versus only one public interest lobbyist in the sample of interviewees. However, the acquired sample was assumed to represent diverse enough perceptions and perspectives as to compare them in order to identify individual answers and commonly perceived aspects and trends to enable meaningful and generalizable insights and conclusions. The insights derived from the interviews have furthermore been weighed with each

other and checked against academic perceptions so as to enable inferences on a more general basis. Nonetheless, it should be kept in mind that the thesis' methodological design is not likely to fully live up to criteria of validity and reliability. This is even more the case when considering potential flaws in the interview guidelines, mostly concerning to questions possibly contradicting the principle of openness as well as issues of criticism concerning a lack of transcriptions and content analysis according to recognized methodological standards further putting the study's (required) intersubjectivity into question. Moreover, the comparativeness of the interview's results might be doubted as two different types of interview style, personal and telephone, were applied, the latter implying limited possibilities of interaction thus constraining the depth of the interviews to some extent. Besides all methodological shortcomings, however, it needs to be pointed out that the research conducted in this thesis has a pilot character as it is deemed to be the first of its kind in the light of the novelty of the examined phenomenon. As such, the flaws detected in the methodological design can serve as a starting point for future studies on the subject while the insights gained are deemed to yet be valid as well as interesting enough to arouse further attention and provide incentives for future researchers to investigate certain aspects in greater depth.

INSTITUTIONAL ANALYSIS: PARLIAMENTARY ASPECTS OF CHANGE

The European Parliament's Gains in Past Treaty Revisions: A Continuing Rise to Power

Analyzing the European Parliament's formal powers as well as its position in the legislative process and the institutional triangle throughout the course of their historical development serves as a means in explaining the impact those processes had and will have on lobbying behaviour targeting the EP. The decision of what institutions to lobby at the EU level is determined by the competences they have as well as by the way in which they are organized and function. From the perspective of a hierarchical ranking of the EU institutions, the European Parliament is considered to be the second most important venue for interest representation at EU level (Greenwood 2007). Nonetheless, it is as reasonable to assume that each EU institution becomes the focus of lobbying activities during the stage of the policy-making process in which it exercises the most relevant powers. The attractiveness of the EP for interest representatives in general lies in the fact that its increased competences make it a relevant co-legislator due to the fact that parliamentary work can substantially influence EU legislation and that the areas for which the EP's powers are valid have increased and are of relevance for a variety of different interests (Wonka 2005). Its formal legislative functions of amending, substantially

changing or shaping and co-deciding legislative proposals, make lobbying the EP a valuable opportunity to influence policy-making after the highly relevant Commission drafting stage has passed. The substantial and considerable legislative influence of the parliamentary work on EU legislation, both in quantitative terms of numbers of successful amendments and in qualitative reference to relevant contentious changes to policy proposals confirm its lobbying relevance (Judge/Earnshaw 2003). The same is true with regard to the increase in policy areas across which the EP is able to exercise its legislative functions (Wonka 2005).

The EP, however, has neither been always as powerful nor as popular among lobbyists as it is today. On the contrary, while being a largely unrecognized actor for some time, it gained relevance in the light of its increasing competences. The EP has developed from an alibi function into a central actor of EU politics. Successive treaty reforms and sub-level interinstitutional agreements have led to provisions granting the EP fundamental enlargements of its competences (Maurer/Wessels 2003). Even though the EP was not always able to integrate all of its demands into the reform process of the treaties, it did manage to have its powers incrementally increased (Hix/Benedetto 2007).² Each treaty revision had implications for the EP's legislative powers: while some contained the introduction of a whole new decision-making procedure, others were concerned with the extension of the procedure's application or the formalization of informal processes that had developed in the light of the procedure's application (Héritier 2007). The development of lobbying in Brussels as such has taken place alongside the acquisition of increased powers and competences of the EU institutions (Geiger 2006, Marziali 2006). Complying with the assumption of the analytical framework that interest representation takes place where decisions are made, i.e. that influence is sought where the power lies (Lehmann 2005), the increasing lobbying interest in the EP in the course of its rise to power does not present an exception.

The European Parliament's quest for power started with its first direct elections in 1979. Besides turning the former assembly's legislators from nationally assigned delegates into full members of the EP, they also launched public debate on European issues and increased the Communities' democratic legitimacy (Corbett et al. 2005). The European Court of Justice's *Isoglucose* ruling in 1980 marked a second milestone. In the context of the EP's lack of deci-

² For an in-depth discussion of the European Parliament's successes and failures in treaty bargaining and reform processes, please see: Hix, Simon and Benedetto, Giacomo (2007). Explaining the European Parliament's gains in the EU Constitution. In: Review of International Organization 2(2): pp. 115-129.

sive legislative powers, the ECJ ruled a Council legislation unlawful because it had been adopted without the prior hearing of the EP's decision. The EP was thus assigned a de facto power of delay which strengthened its bargaining position on discussing amendments, especially in cases where rapid decisions were required (ibid, Schmuck 1989). In 1987, the EP experienced a substantial increase in legislative competences. The Single European Act (SEA) introduced the cooperation as well as the assent procedure. The former added a second reading to the until then common consultation procedure, thus raising the EP's position from issuing a mere opinion to being able to approve, reject or amend the Council of Ministers' common position. The latter gave the EP equal rights to the Council in ratifying accession treaties and association agreements (Corbett et al. 2005). By 1989, the EP had become a relevant co-shaper of European policies, influencing decisions as well as developing institutional structures (Schmuck 1989).

The role of the EP was strengthened again in the 1993's Maastricht Treaty which introduced the codecision procedure. Based on the cooperation procedure, it established a formal conciliation committee whose task it was to negotiate compromises whenever the Council and the EP were unable to agree upon a common decision. It further extended the cooperation procedure to almost all areas of QMV in the Council and brought upon the EP a number of non-legislative gains, including appointment rights and enhanced powers of (executive) scrutiny (Corbett et al. 2005). While the codecision procedure had already raised the EP's position to a great degree, its extension and modification in the Amsterdam Treaty which came into force in 1999 are largely considered to be the EP's legislative "breakthrough" (Steunenberg/Dimitrova 2005: 17). The codecision procedure then included almost all non-agricultural legislation and the procedural changes largely benefited the EP's power position. In the Maastricht codecision I procedure, the Council had been able to re-impose its original position on the Parliament – whether or not the conciliation committee agreed a compromise text; the Amsterdam codecision II procedure gave "the final say to the Conciliation Committee, in that failure to agree cause[d] the legislation to fall, while success depend[ed] on the subsequent consent of both Council and Parliament" (Benedetto 2005: 69). The EP had thus been given an effective veto right in the final legislative stage of conciliation. As a result, the Council and the EP were required to find a compromise if they wanted to avoid the fall of the proposed legislation. A recent step in the EP's journey to power was undertaken in the Treaty of Nice in 2002 which further extended the institution's codecision rights (Corbett et al. 2005). As for today, the EP has become a genuine co-legislator.

Throughout the course of its evolution, the EU legislative system has more and more gained the status of a traditional bicameral system in which Council and EP share legislative competences, and seek legislation, organize their institutions and compete or cooperate with one another (Hix 2005). The drastic change of the European Parliament's legislative function from consultation to codecision powers can be explained in terms of various factors: formalization of functions exercised in practice, adaptation induced by exogenous pressure, normative considerations on the Union's democratic legitimacy and the EP's own bargaining and pressure strategies as well as its concrete implementation activities following formal treaty change (Héritier 2007). In fact, the EP has consistently revised its internal Rules of Procedures in the aftermath of each formally passed treaty reform (Kreppel 2003). In the course of these processes, the EP adapted its structures, proceedings and organization to effectively and efficiently use and apply its newly granted powers as well as stretch the treaties to unilaterally expand its powers beyond them (ibid). The creative use of internal procedures has indeed contributed to granting the EP a strong policy-making position, in the sense that it is now able to reject and modify executive proposals for legislation (Judge/Earnshaw 2003).

A second implication thus achieved can be seen in the attitudinal changes of other EU institutions towards the EP. By behaving accordingly, the Commission and the Council acknowledge the EP to be a relevant and equal player which has to be taken seriously throughout the decision-making process. Moreover, the EP has been granted non-legislative powers which increase the executive accountability. Even more so, the Commission is considered to be legitimized via parliamentary control (Hix 2005). This comprises the Parliament's right of approval of the President of the Commission as well as the vote of confidence approving the entire College of Commissioners. The heightened role the EP plays towards the Commission can further be explained by its right of censure. While the EP has rarely used the more destructive rights it is granted, they do create a potential threat to the Commission's existence which in turn induces the latter to be more sensitive and responsive to the EP's demands (Corbett et al. 2005). Moreover, the EP has managed to gain informal agenda-setting powers, primarily through inter-institutional informal agreements with the Commission. It is now enabled to shape legislative priorities by participating in pre-legislative stage consultations and agreeing on the Commission's annual legislative program (ibid.).

The Reform Treaty Changes Altering the European Parliament's Competences

The current position of the EP within the Union's institutional triangle thus already is a considerably powerful one. The institution's present competences and powers constitute the status quo from which on further informal, and more importantly formal change will take place. A closer analysis of the changes the Reform Treaty proposes for the European Parliament clearly shows that the historical trend of the institution's quest to power has by no means come to an end. The incremental widening of the institution's powers and competences is, moreover, continued in the Reform Treaty. Largely incorporating the constitutional provisions, it genuinely promotes the parliamentary position in the EU's institutional setting. Considering the EP's non-legislative gains first, it becomes obvious that the Reform Treaty will deepen the institution's competences in the area of political control. Once it is ratified, the President of the Commission will be elected by the EP. Taking the results of the European elections into consideration, the European Council will nominate a candidate who subsequently has to be approved by the EP. Some see the increased role of the EP in the Commission's appointment, as well as the created connection to electoral results as a critical step towards politicization. Their fears about negative implications for the promotion of the European interest, however, can be addressed by the argument of increased accountability and trust as a consequence of the proposed changes (Follesdal 2005). Furthermore, the EP can then be attributed to exert a steering influence on the EU's political direction. Moreover, the EU's High Representative for Foreign Affairs will be accountable to the EP as well as to the European Council. Additionally, the EP gains a right of consultation and information in the area of the Common Foreign and Security Policy (CFSP) in which it still does not have any formal decision-making competences.

Other relevant parliamentary changes laid out in the Reform Treaty affect aspects of altered (formerly exclusive) competences. First, the new budgetary procedure will require the consent of the EP as well as of the Council for all EU spending, thus abolishing the predominant differentiations and making all expenses subject to democratic scrutiny (European Parliament 2005). Where the EP had to informally expand its budgetary powers to exert influence, i.e. apply tricks and pressure by including additional considerations into the financial debate, it now formally shares equal competence with the Council. Moreover, by extending the EP's role from a veto to a more active position, it is also given the possibility to substantially influence policy decisions in areas in which it does not yet have formal decision-making powers (Höreth 2005). Second, the EP might be confronted with challenges arising from national par-

liaments. As a consequence of the enhanced relevance of the subsidiarity principle, national parliaments will be given a scrutinizing role. Through a system of political monitoring and pre-warning mechanisms, national parliaments will be given the right to examine Commission legislative proposals with concern to subsidiarity. Even though they are not granted any formal role in the decision-making process, their opinion and position on the proposal are considered to gain relevance and even substantially influence European legislative processes (Nicolaysen 2005). While the EP has been open to cooperate with national parliaments, it has also been keen on setting boundaries to guard its competences. Whether a competitive relationship between the two parliamentary levels will develop thus remains to be seen (Höreth 2005) and further is not the focus of the thesis.

Without doubt, the European Parliament's heightened non-legislative powers, e.g. its budgetary and investiture rights contribute to manifesting its role as a supranational organ and a serious actor in the EU's institutional setup. Nonetheless, it is with specific regard to the proposed changes in the Parliament's legislative competences that the Reform Treaty needs to be considered as it is the institution's legislative function which determines its relevance for lobbyists. The reform of the EU legislative processes aims at addressing transparency and democracy concerns; at the forefront, the remaining flaw of a European Parliament, as the only organ directly representing the citizens, being hindered from assuming the role of a full legislator (Höreth 2005). Alongside considerations of maintaining effectiveness and efficiency in the wake of enlargement, it thus were normative approaches leading the reform of the decision-making procedure: increasing the EP's involvement to strengthen democratic legitimation and accountability (Steunenberg/Dimitrova 2005). Like treaty revisions before, the Reform Treaty therefore extends the scope of the codecision procedure. Moreover, it transforms it into the EU's ordinary legislative procedure (OLP), subjecting about 50 new legal bases to codecision, almost doubling the former number to amount to a total of 86, equalling about 95% of EU legislation (European Parliament 2005, Euractiv 2007). Among those are policy areas which both have formerly been the Council's exclusive competences and are highly relevant, including the area of freedom, security and law, asylum and visa as well as agricultural and fisheries and European research space policies.

Besides consolidating the EP's role as the EU's co-legislator in virtually all policy areas (European Parliament 2005, Corbett et al. 2005), making codecision the OLP also emphasizes the exceptional status of other, special legislative procedures. They are differentiated from the

OLP as those legislative acts that are adopted by one of the co-legislators individually, but under participation – ranging from opinion to consent – of the respective other. In practice, there are three types of legislative acts making the EP the sole legislator and 28 on the Council side (Nicolaysen 2005). Laying out those procedures as detailed exceptions to the OLP further leads to the attitude of EU legislation being formally accepted as law only for cases in which Council and EP have commonly passed it (Höreth 2005). As a consequence, citizens could more easily be able to realize that EU legislation is adopted by two different chambers, the first representing them, the second the Member States. Furthermore considering their implications for the EP's final role in the legislative process, the innovations proposed for the EP's competences are considered to be one of the most decisive provisions included in the Reform Treaty (European Parliament 2005). The introduction of codecision as the OLP, its far-reaching extension to additional policy areas and the consequent strengthening of the EP as co-legislator beside the Council consolidate the bicameral structure of EU legislation and provide for the beginning parliamentarization³ of decision-making at the European level (Höreth 2005).

Consequences for the European Parliament's Internal Structures, Dynamics and Interactions

As has been laid out in the analytical framework, the EP's internal processes of change become relevant when seen with regard to the implications they are likely to have for lobbyists targeting the EP. The EP's informational demand constitutes an institutional characteristic which has been considered to largely affect lobbying strategies targeted at the institution. Consequently, the detected alterations are likely to necessitate lobbyists' adaptations in the future. The interactions with other legislative institutions, especially with the Council of Ministers furthermore function as factors which are deemed determinative upon aspects of lobbying strategies, most importantly including timing. Additionally taking into account that a general principle of lobbying holds to "shoot[] where the ducks are" (Mazey/Richardson 1996:

³ While not being at the core of the thesis' concern, it seemed important to mention that there are scholars who question the adequacy of the model of parliamentary democracy for the EU context. John Coultrap (1999), for example argues that the democratic deficiencies ascribed to the EU are based upon the false approach of applying national standards to a supranational phenomenon. Instead of concentrating upon the EP to strengthen parliamentary democracy, he suggests considering an entirely different framework which he calls American pluralism. In that sense, the transmission of societal interests to (governmental) decision-makers – would primarily be the task of interest groups. Rather than electoral representation, more effective ways would be employed via interest groups and lobbying. Opting for an alternative model would provide a different theoretical outlook which best complies more coherently with EU realities and aims for a different assessment of the EU's current state of democracy.

200), it is then not only the EP's institutional powers which play a decisive role, but also intra-parliamentary, i.e. individual actors' powers and possibilities to exert influence. Shifting internal dynamics and power balances as an additional result of the EP's increased competences are therefore likely to concern Brussels' lobbyists as well. It thus is with regard to that reasoning that the analysis of the parliamentary internal consequences of the Reform Treaty provisions has been specified.

Changing Informational Demand in the Light of Increasing Legislative Workload

The substantial extension of the codecision procedure to a vast amount of new policy areas is likely to result in a major internal change – an increased legislative workload, even when the Commission's trend of reducing its regulatory activities is taken into account. The EP's workload does depend on the proposals it receives from the initiating Commission; any Commission reduction however is not expected to outweigh the increases expected from parliamentary competences in about 50 additional legislative areas. As a consequence, the EP's informational demand is expected to experience changes as well. In the light of the increasing legislative workload, it is first and foremost the amount of information needed that is expected to rise. Nonetheless, these estimates have to be put into perspective. The increase of the EP's legislative workload does not necessarily imply a greater total amount of work. It can rather be expected that an internal shift of MEPs' activities will take place, i.e. that legislative activities will increase while non-legislative activities decrease at the same time (Maurer/Wessels 2003). Moreover, even though most of the new policy areas may be concerned by MEPs in the codecision procedure for the first time, they might have been coped with in other legislative procedures involving the EP before. As a consequence, MEPs might already have gathered knowledge in some of the policy areas before. Like it was argued earlier, however, these aspects do not serve to contradict the general trend as such, but help to get a better idea of the likely impact of changes. The assumption about a heightened load of informational demand still holds.

Despite quantitative changes, the qualitative scope of information demanded by the EP is unlikely to alter significantly. Its (specific) institutional demand for information is assumed to be determined by its role in the legislative process, i.e. the stage as well as by its interpretation as a supranational or intergovernmental organ. The Reform Treaty provisions do not touch any of these aspects considerably. The EP is understood as a supranational assembly whose considered task it is to assess and evaluate the Commission's legislative proposals from a

European perspective (Bouwen 2003). Empirical investigations, based on interviews with MEPs about their preferred interests to contact, have confirmed the implications as could be drawn from the EP's legislative role. The Parliament's main informational demand concerns what Bouwen (2002, 2003) calls the encompassing European interest, the EU level aggregated needs and interests of the sector's constituents that will be affected by the proposed legislation. This is why other authors also consider the EP to be especially demanding or open to transnational policy information (Hix 2005, Coen 2007).

Intensifying Exclusiveness of Inter-Institutional Relations

As the Parliament and the Council are required to codecide upon almost all EU legislation, should the Reform Treaty be ratified, it is reasonable to assume that adaptations in the institutions' working relationship will occur. With regard to the future dynamics of the inter-institutional relationship between the EP and the Council, much can be derived from past experiences with the extension of the scope of the codecision procedure. It has provided incentives for increased inter-institutional dialogue, bargaining and negotiation processes between the EP and the Council. As a shared mode of decision-making, codecision increased the complexity of the legislative process as well as the number of veto players and the resultant risk of legislative deadlock (Farrell/Héritier 2004). Moreover, the structural changes and extension of codecision in the Amsterdam Treaty to almost double the policy areas, put the manageability of the legislative workload, especially in the light of conciliation necessities, before a challenge (Shackleton/Raunio 2003). The increasing legislative volume provided an incentive to avoid the continuation of disagreements into the lengthy and time-consuming conciliation procedure for both Council and EP (Héritier 2007). As a consequence, both institutions acknowledged the increased need for mutual cooperation and a mutual commitment to inform and respect each other's opinion when adopting their institutional positions. The accepted necessity to negotiate over codecided items found its expression in an intensification of contacts, i.e. an increasing number of informal and pre-legislative meetings, bargaining and agreements (Jacobs 2005, Farrell/Héritier 2004 et al.).

These informal trialogue meetings, given that name in reference to the three legislative actors participating in them, EP, Council and Commission, usually take place shortly after the institutions have studied the Commission's proposal for the first time, but before they have adopted, set out or pre-agreed upon any (official) opinion or common position (Farrell/Héritier 2004). They include only a limited number of participants, "a few figures from

the Parliament, Council (and Commission) seeking to reach a compromise on politically contentious matters” (Héritier 2007: 98). Trialogues enable the exchange of each others’ positions and the discussion of basics as to prepare a final compromise for formal agreement (Garman/Hilditch 1998). Even though the trialogues’ outcomes are not legally binding, EP and Council have a vital interest in maintaining them, because acting differently might reduce their credibility in future negotiations (Héritier 2007). As both sides are enabled “to speak more frankly and to explain more in detail what the underlying reasons are for the positions that they adopted” (Héritier 2007: 98), the decision-making process is drastically shortened, thus greatly increasing its efficiency. The Amsterdam Treaty has actually given credit to the efforts of the informal negotiation practice by introducing the early agreement provision which allows legislation to be adopted after the first reading if EP and Council can agree on the common position or no amendments are made (fast-track legislation). In fact, statistics cited by the European Center of Public Affairs in a 2007 policy brief show that “the number of dossiers which are agreed by dialogue at first reading and are never tested by the hurdles of second reading and conciliation” (ECPA 2007: 2) is growing and agreements are more and more often made inter-institutionally before the EP discusses the proposal internally.

We thus find that the intensification of informal contacts between EP and Council which once was applied to prepare compromises during conciliation has recently been increasingly sought in earlier, respectively all legislative stages (Maurer/Wessels 2003). Following Shackleton and Raunio’s (2003) argument that the considerable extension of the codecision procedure’s scope in the Amsterdam Treaty has provoked further interdependencies and interactions between the Council and the EP leads to the conclusion that the current trends will continue to manifest themselves in the Reform Treaty’s context of introducing the OLP which will repeatedly double the number of policy areas subject to codecision. In that respect, it seems reasonable to suggest that the increasing legislative workload is likely to be addressed by attempts to speed up legislation by largely relying upon informal modes of decision-making. In fact, a further aspect observed in the past is the decreased average duration of legislative (codecision) procedures (Maurer/Wessels 2003). Being closely related to the process of informalization of decision-making, this trend is similarly likely to develop further in the future. Shortened legislative procedures, moreover, do imply as well that “there will be much more intense contact between the institutions earlier in the procedure” (Héritier 2007: 98).

With the further intensification of informal bargaining processes, it is also reasonable to assume that the presently associated difficulties will be aggravated in the future. The often criticized aspects of (a lack of) transparency will likely arouse further concern when viewed from a democracy-theoretical perspective. Héritier (2007) incisively sums up what lies at the heart of the criticism as she states that “trialogues conduct important business on an informal and relatively secretive basis, at the expense of more visible parts of the codecision procedure. It is often difficult for others within the Parliament, let alone outsiders, to have any idea of what exactly is going on in a specific brief. And, when it works successfully, the Parliament and Council do little more than sign off on an early agreement deal that has already been negotiated among a small group of actors” (99). There have been parliamentary efforts to reintroduce transparency into the proceedings, e.g. by issuing committee mandates for informal meetings or inviting the Council to testify before the responsible committees before informal negotiations are entered in an attempt to transfer negotiations back to a publicly accessible environment. The Council, however, has been reluctant to give up the secretive bargaining of delicate and complicated compromises and to present Member States’ positions in a public forum (Héritier 2003, 2007). Moreover, there are MEPs, most prominently those participating in the meetings (rapporteurs, committee chairs and political group coordinators) who promote the intransparent decision-making as it grants them increased legislative influence (Shackleton/Raunio 2003). Some even go as far to state that “the Parliament, faced with the choice between gaining power in insulated trialogues and informal agreements on the one hand and a loss in its function as a democratic arena of debate on the other, decided in favour of the first” (Héritier 2007: 103).

Changing Internal Dynamics and Interpersonally Shifting Power Balances

The Reform Treaty provisions are furthermore expected to impact intra-institutional processes, in the sense that they might confuse the established working orders and relevance structures in the parliamentary internal organization. The current power and influence structures within the EP are the result of the institution’s competences and working dynamics. The EP is characterized as a classic working parliament which implies that the majority of legislative work is delegated to committees (Kohler-Koch 1997). Aside the committees as important legislative actors, others can be found on that aggregate group or institutionalized level. One of them comprises the political groups. Formed in the absence of true European parties, according to political affinities and made up of national groupings considering the respective party families they assume a central role in the main political processes within the EP. They set “the

political agenda, committee assignments, compet[e] for leadership positions, allocat[e] staff resources and speaking time, co-ordinat[e] committee behaviour and [...] voting” (Hix/Raunio/Scully 1999: 9). Furthermore, owed to the lack of cohesion among political parties and strictly detailed party programmes cross-factional and cross-ideological coalitions were enabled to form. These unofficial intergroups function as a further actor to which considerable influence can be attributed as they bring together MEPs with similar issue-specific interests of e.g. national, constituency or personal concern. Despite their informal status and their varying importance, intergroups generally give MEPs the possibility to specialize in their activities and to seek expertise outside the committees (Greenwood 2007). Van Schendelen (2005) perceives their common objective as “to push the common interest onto the EU agenda through a recommendation or a resolution to be accepted by the plenary EP” (78).

Moreover, the internal structures of the EP allow individual representatives to wield considerable influence (Hix/Raunio/Scully 1999). For one thing, it is the individual MEPs, i.e. those who do not assume any specific office or function who can play a decisive role in shaping collective positions, because “rather than being handed down from above by ministers or party leaders” (Corbett et al. 2005: 55), policy positions are defined by the group members themselves. Going beyond those “ordinary” MEPs, influential individuals can be found within the committees. Among them, it is the rapporteurs and the shadow-rapporteurs, followed by committee chairs and political group leaders who are the most powerful in terms of influencing legislative outcomes (Benedetto 2005). Even though all are involved in the process of shaping and amending legislation (Corbett et al. 2005), the rapporteurs and shadow rapporteurs are responsible for drafting the leading committee’s report to the Commission’s legislative proposal which serves as a strong basis for subsequent discussions. Moreover, the rapporteurs are responsible for negotiating compromises with political group leaders, report back and advise on the final vote on legislation in the plenary (Benedetto 2005). As both rapporteurs and shadow rapporteurs are usually acknowledged as experts for the policy issues under discussion, the majority of MEPs depends on their political advice and is likely to follow their lead when committee reports are presented and discussed in plenary (Greenwood 2007). Despite their potential to insist on own policy preferences, rapporteurs are, however, more successful when their position corresponds with the EP majority and they are able to foster coalitions and build consensus among different ideological groups (Benedetto 2005, Bowler-Farrell 1995).

In spite of their currently already influential role in shaping legislative outcomes, the position of the rapporteurs is expected to gain further importance as a consequence of the Reform Treaty provisions. As an additional major implication of the widely extended scope of the codecision procedure, the intensified informalization of relations and contacts between Council and EP is considered to result in internal power shifts among individuals' parliamentary functions. The increase of informal and pre-legislative stage negotiations has benefited some actors in terms of increasing their legislative influence while disadvantaging others: "On the Parliament's side, the power of the rapporteurs and shadow-rapporteurs of large political groups is greatly increased while the chairs of committees and the MEPs from small political groups suffer from a relative loss of influence" (Héritier 2007: 100). The role of rapporteurs has incrementally gained relevance since the Maastricht Treaty as they assume an influential role in inter-institutional bargaining processes. In fact, rapporteurs, especially those of large political groups, as well as the latter's coordinators are the preferred interlocutors of the Council Presidency. Consequently, they assume a *relais* function between the two organizations by selectively managing the flow of information and reporting about institutional progress. As informal EP-Council meetings become the actual forum for amendments and discussions (instead of committees), committee chairmen and smaller political groups who are not represented in the inter-institutional negotiations face the risk of becoming marginalized in the decision-making process as they are unlikely to change agreed deals via their traditional means of committee-based legislative influence (Farrell/Héritier 2004).

The increased legislative workload in the light of the extension of codecision is also expected to induce processes of change within the parliamentary set-up. As a consequence, the existing fragmentation of parliamentary committees into legislative, consultative and non-legislative ones is likely to decrease. Based on codecision-related legal provisions laid out in existing treaties, the majority of the EP's legislative workload focuses upon a restricted number of committees, mostly those concerning environmental, consumer and health protection and economic affairs, judicial, transport, culture and education issues (Maurer/Wessels 2003). As a consequence, MEPs were also divided into a core and a remaining group, the former actively participating in decision-making procedures, the latter being held busy with non-legislative responsibilities (ibid.). With the extension of the codecision procedure to cover about 95 percent of EU legislation, a considerable number of formerly non-legislatively active committees and MEPs will be transformed into legislative actors. As a matter of fact, past observations show that the extension of the codecision procedure has led to a trend of includ-

ing more and more policy fields thus also increasingly incorporating more and more parliamentary committees which have to fulfil legislative activities and tasks (Maurer 2005). Moreover, it is assumed that the EP's internal organization will be adapted by increasing the total number of legislative committees, e.g. by turning temporary committees such as one dedicated to climate change into permanent ones or dividing existing committees dealing with more than one purpose according to new legislative competences as predicted for the case of internal market and consumer protection (Taylor 2007).

EMPIRICAL ANALYSIS: ALTERED REQUIREMENTS AND NECESSARY ADAPTATION PROCESSES FOR LOBBYISTS IN THE LIGHT OF PARLIAMENTARY CHANGE

Lobbyists' Future Interest in the European Parliament

While the system-wide implications of a strengthened Parliament and resultant internal processes of change have a right to be debated and contested, it is the changes' specific implications for parliamentary lobbying practice which are of interest for us. The analytical framework assumed that the European Parliament's position and function in the legislative process determine its general relevance as a lobbying target. Indeed, as has been shown, the institution was increasingly accessed the more (legislative) powers it gained in past treaty revisions. In fact, the majority of the interviewed lobbying representatives confirmed that an increasing importance of the EP was visible in a general trend of heightened lobbyists' efforts targeting the institution. As one interviewee put it, "including the EP in their strategy is nowadays commonly regarded to be a necessity among lobbyists". This even goes as far as considering any lobbying attempt excluding the EP to be prone to failure (interview ERT). Moreover, all interviewees explained the EP's considerable substantial legislative influence in the context of the codecision procedure to be the main incentive for such reasoning. The Reform Treaty's introduction of the OLP bears considerable parallels to the extensions of the scope of codecision undertaken in the Treaties of Amsterdam and Nizza. In reference to past dynamics, it can thus be judged likely that the EP's attractiveness as a target for lobbyists will repeatedly rise to a higher level. Its new legislative powers make it generally more relevant for established interest groups and its newly gained competences in additional policy areas are likely to draw a number of further lobbying actors to the parliamentary arena.

The consequences of this general tendency are subject to diverging expectations which were represented throughout the four interviews conducted. On the one hand, it is reasonable to expect an increasing amount of interest groups to be present and active at the EP. A higher

number of actors might then result in greater competition among them. The necessity to take into account counter-lobbying of opposing interests in any lobbying effort at the EP is true for the current situation, even though the degree of competition varies according to the impact the issue under discussion has for various stakeholders (interviews WWF, *businessseurope*). It is usually the traditional antagonists of industrialists and environmentalists, or supporters of deregulation and regulation confronting each other (*ibid*). A greater number of possibly diverse interests would aggravate this trend. Considerably more lobbyists at the parliamentary level of decision-making could further result in an overcrowded field of interests. This, in turn is likely to lead to an overwhelming lobbying request MEPs will become more and more unwilling to respond to. Already, individual MEPs are addressed by a flood of lobbyists' enquiries on a daily basis containing mails asking for personal meetings as well as invitations to conferences and other events (interview WWF). While MEPs are generally open towards those requests, they do experience certain overkill. As the interviewed German MEP confessed there is a tendency of preferring to have dinner with a friend over participating in another event organized by lobbyists. A growing number of lobbyists participating in the game would additionally contribute to the present tendency of lobbyist overkill. As a result, gaining access to parliamentary decision-makers in the future could become dependent on an interest group's ability to develop new and innovative strategies, which avoid MEPs' frustration with common approaches, arouse their interest and provide incentives for cooperation instead. Indeed, the interviewed MEP confirmed the necessity to find different ways of accessing parliamentary actors and, in fact, regarded it as the lobbyists' responsibility to do so.

The opposing perspective on the other hand, voiced by the interviewed business interests' representatives, does not consider the increase in interest groups plausible. Based on the assumption that all relevant interests are already represented in Brussels' institutional environment, no great changes in the lobbying landscape are expected (interviews ERT, *businessseurope*). Limited processes of adaptations are presumed to take place within organizations or in small sectors of interest representation. The *businessseurope* representative, for example, suggests the creation of parliamentary lobbying experts or advisors for relations with the EP and further hints at the EP's increased competences in judicial and internal policies. A consequently likely scenario would include an increased presence of security technology business' interest representatives at the European level. The total estimate of additional lobbyists, however, does not exceed 100 which make up a very small percentage when seen in relation to the 15,000 interest representatives in Brussels (interview *businessseurope*).

Both scenarios are plausible. Whether anyone of them is correct cannot ultimately be decided at this point in time. Which perspective one adopts largely depends on the individual approach and reasoning. Furthermore, it is a general difficulty to make inferences that hold across a large variety of different settings. Especially for the context of EU lobbying, differing conclusions for different policy fields and types of interests can be drawn (Michalowitz 2007 et al.). For that reason, it is both necessary and reasonable to expect differential dynamics according to policy sector. In some interest and issue areas, a new boom of interest representation is likely to happen. Insights from the interviews showed that one of these booms might be launched in the area of agriculture as happened before in the environmental area. In the context of the EP's past gains in environmental regulatory powers, a boom of environmental interests lobbying the Parliament could be observed a few years ago (interview MEP, *businessseurope*). Besides this parallelism, other explanatory variables give rise to that assumption. It is a proven fact that some policy areas especially attract opposing views. For the agricultural area, it can be expected that both private economic and public environmental and consumer interests will find it necessary to represent their (diverging) views on topics. Moreover, agriculture is a highly salient issue for many Member States containing economically as well as financially relevant aspects, especially in the light of comprising more than half of the EU's annually spent budget. With the EP having a say in these budgetary as well as politically relevant issues, it thus is primarily for agricultural interests that the expected competition among interests in an over-crowded lobbying field may become reality.

While the expected tendencies are of a more general kind, it needs to be assumed that the parliamentary changes have differing implications for public and business interests. For one thing, the EP's legislative competences in new policy areas have different relevance for the two kinds of interests. Considering the situation from a contentious scope perspective, both business interest group representatives confirmed that their representational activities will remain largely untouched (interviews ERT, *businessseurope*). All areas relevant to them already are within the EP's legislative competence today, at the core of those naturally being the internal market regulations, but also tourism and more. Resulting, the EP is and has been an integral part of business interests' lobbying strategies. Furthermore, none of the additional areas of competence really affects their concerns (interviews ERT, *businessseurope*). The EP does therefore not resume lobbying relevance as a new actor; the structural relationship in which business interests and Parliament interact are rather assumed to remain fundamentally the same. Despite the lacking necessity for self-induced adaptation, general processes and

other aspects of change associated with the EP's increased co-legislative status may nonetheless have an impact as will be shown.

However, while nothing really changes for business interests, more radical impacts might be possible for other types of interests. The ERT representative, for example, suggested that changes will occur for all kind of interests which discover the EP as a new relevant actor for themselves, even though few actors, however, will have to meet the challenge of having to address the EP for the first time. From a resource-considering angle, implications for public interests do moreover look different. Other than business representatives, the interviewed WWF employee agreed that an increase in parliamentary lobbying efforts was likely to become necessary (interview WWF). She also pointed out that despite a tendency of redirecting lobbying to the EP in the past, current efforts targeting the EP still were not sufficient. In this context, however, immediate reference was made to severe limitations rooted in restricted human and financial resources. While better equipped (mostly industrial and business) interest groups are able to step up their game by employing an increased number of lobbyists targeting the EP, adaptations of that kind are largely impossible for the WWF whose situation is representative for the remainder of the EU's public interest groups (interview WWF). For them, increasing their lobbying efforts at one level or institution automatically implies decreasing them at another. Even though a division of labour takes place between national and EU level and different forms of lobbying, including direct and indirect strategies (mostly via press and media), the increasing demand of parliamentary lobbying cannot be addressed without withdrawing forces at another front. As a consequence, the WWF representative described each lobbying strategy as being characterized by processes of selection and balancing which start with the decision about the institution and end with the individual person to be addressed. The likelihood of lobbying success thereby serves as the most determinative criterion as wasting resources cannot be afforded (interview WWF).

Despite limited resources and capacities and the lacking possibility of simply acquiring the additional amount needed, alternative ways of responding to the EP's increased lobbying relevance have to be found. Already, public interests meet a dominance of business groups whose quantitatively more influential mass of arguments they cannot compensate (interview WWF). As a result of their smaller chances of exerting substantial influence on policy-makers, the WWF representative concluded that public interest groups' arguments and their provided expertise have to be ultimately convincing. When seen with regard to necessary

adaptation mechanisms, it is possible to state that instead of quantitatively adapting by increasing the number of lobbyists sent to the EP, public interest groups thus could be better off by investing in and concentrating upon research to step up their game by providing reliable and competent expertise and knowledge during the parliamentary lobbying phase.

Lobbying in the Context of Alterations in Parliamentary Informational Demands and Preferences

The trend of an increasing legislative workload as a consequence of the EP's enlarged codecision powers in turn results in a quantitatively heightened parliamentary demand for policy-relevant information. All interviewees confirmed that demand and supply for information and expertise characterized most lobbying processes and pointed out the mutuality of contacts between the involved actors. MEPs often work on different legislative proposals at the same time. For that reason, they cannot be expected to be experts for each issue under consideration. Furthermore, they often do not completely grasp all, often legal, implications of a proposal at first sight, especially when they lack a judicial background (interview MEP). It is for that reason that they turn to lobby groups for technical expertise and consultation as well as for interpretative assistance. The interviewed MEP added that while MEPs have differing preferences in terms of presentation of information – some like it legally focused, others prefer concise briefings which support them in political debates – the expertise-based reasoning behind any argumentation is of general importance.

The implications of the potentially rising informational demand of the Parliament have to be particularly considered in the context of its present understaffedness. Different from many national situations MEPs are not supported by a large number of staff in their own office, but are assisted by averagely one or two assistants (interview *businessseurope*). In the light of the nonetheless existent need of acquiring policy-relevant information, this further explains MEPs' openness to interactions with lobbyists. The rise in informational demand will aggravate the EP's situation of understaffedness, implying two possible scenarios for the future. For one thing, it is thinkable that the EP will react internally to the gap between demand and supply by increasing its own staff, e.g. the parliamentary secretariat. The other, more likely scenario holds an external satisfaction of the increased demand to be probable. Third-party experts, i.e. usually interest representatives would increasingly be referred to for assistance. As a consequence, new leeway of action would be created for lobbyists active in the new policy areas, i.e. a new range of actors. More prominently, however, already established lobbyists

would experience benefits, as legislators tend to have preferred contact persons to turn to (interviews ERT, MEP).

It has been proposed that the qualitative criteria for information asked for by the EP will remain the same despite any quantitative changes, i.e. the Parliament's preferences for transnational policy information will continue unchanged. It is for that reason that the representativeness of an organization will comprise a relevant consideration when addressing MEPs in the future as well (interview *businessseurope*). The EP's preference for information on encompassing interests implies that associations which *per definitionem* aggregate and bundle common interests enjoy privileged access to the EP. Indeed are collective actors preferred over individual ones as former investigations about contact patterns between MEPs and interest representatives have shown (Wonka 2005). These findings were confirmed in the interview with the ERT representative. He stated that interest groups with limited legitimacy, i.e. those representing only a very specific set of opinions, do experience reduced chances of access and influence in their legislative lobbying efforts.

The changes induced by the EP's estimated increasing legislative workload are furthermore unlikely to affect any of the fundamental principles of the informational exchange processes between legislators and lobbyists. Independent of quantitatively increasing demands, the provision of reliable, correct and issue-relevant information will remain a general requirement. Trustworthiness and credibility will continue to be determinative characteristics in lobbying relations as well. Confirming these aspects the WWF as well as the *businessseurope* representative pointed out the advantages which can be achieved from gaining a positive reputation among policy-makers. While the former explained that the information her organization provided was generally valued by MEPs due to positive experiences in the past, the latter showed that his group was acknowledged by a vast amount of MEPs. Both confirmed the resulting competitive advantages of their positions towards less known or less accredited organizations. All interviewees furthermore stated that they had established themselves as reliable and influential contact partners and that it served them well in accessing parliamentary staff. The relevance of established relations was moreover confirmed in the interview with the MEP who stated to have "favoured" lobbyists he continuously worked with.

The widespread maintenance of the EP's informational preferences and relationship principles is assumed to affect public and business interests in a largely similar way. Especially the pat-

terns which have developed with regard to institutional preferences are likely to persist. Even though the fragmented structure of the EU political system is likely to prevent the dominance of any kind of interest, concerns about the interest representation at EU level still include the danger of overly influence from few resource-strong interests (Greenwood 2007, Michalowitz 2005). For the EP, however, the thesis about business interests' privileged access to institutions needs to be reversed. Despite business interests' quantitative dominance in the arena, the EP is considered to be an ally of public and diffuse interests. In fact, empirical evidence from other researches has shown that environmental, consumer and women interests, classic examples of public interests, maintain close relationships to the EP (Greenwood 2007). MEPs themselves rate public interest representatives to exert effective lobbying influence; the latter have been able to use parliamentary routes as a way to shape legislative amendments (ibid). Despite perceived advantages in access patterns, public interests may nonetheless be put before greater challenges than business interests when it comes to adapting to a quantitatively increased parliamentary demand for information. Based once again on resource considerations, differences in the two interests' adaptation capabilities might become visible in the future. While business interests are assumed to have the financial and personal capacities available to easily step up their game, e.g. by employing additional staff to enable the supply of a higher quantity of information, public interests will likely meet a number of constraints. If they do not want to reduce their forces at another front in order to meet the parliamentary demands, they will have to find other ways if they aim to maintain their lobbying presence. They could possibly collaborate with other public interest groups working on similar issues or rely on external work that has been done on relevant topics instead of gathering information or conducting research themselves.

Lobbying in the Light of Increasing Informalization of Decision-Making Processes

As a further aspect under consideration, the intensification of informal contacts between the EP and the Council during legislative procedures proves to be more than a mere academic phenomenon as the practical experiences of the interviewees do confirm this trend as well. Even though the MEP – when inquired about his perception of the two institutions' relationship – stated that there were still certain rivalries existent which led to different strategies of blocking each others' activities at times, the representatives of the lobbying side explained the visibility of the informalization of decision-making. The interviewed WWF representative, for example, claimed that “despite a lack of evidence, there was the impression of a largely increased number of first reading agreements” in European legislation. Most important for lob-

byists in that respect is that the EP's increasing engagement in informal bargaining processes considerably reduces its openness to outside interests. Similar as in the conciliation procedure, the legislative debate in informal meetings takes place among a limited number of persons in a closed setting to which external interests' access is largely restricted. The access to decision-makers is mostly possible only when a personal relationship to one of the participants exists which, as one interviewee put it, is "a matter of luck" (interview WWF). Aside declining possibilities of access, the early exchange of inter-institutional arguments, moreover, leads the EP to adopt more radical positions at the beginning of the parliamentary stage as the interviewed representative from WWF observed. In the course of the legislative process thus, the institution will be eager to maintain its negotiated position, additionally reducing its openness and consequently making it more difficult for outside interests to influence policy outcomes. Nonetheless, this trend could also be seen as a chance for lobbyists. The lobbyist who is able to actually gain access to relevant policy-makers as early in the procedure and who manages to convince his or her interlocutor to adopt the represented position could gain far more influence than under present conditions. Due to the EP's maintenance of an – once adopted – position, counter-lobbying in later stages of the legislative process will become largely ineffective.

However, not all interviewees generally opposed the ongoing informalization of legislation. On the contrary, under the presumption that a certain degree of transparency in the exchange of arguments would be maintained, it were mainly the business interests' representatives who pointed out the pragmatism in commonly discussing and agreeing upon legislative proposals. They welcomed the increased speediness and efficiency of the informal inter-institutional dialogues which prevented the procedure's lengthiness in later (and formerly more complicated and conflictive) stages of negotiation (interview ERT, *businessseurope*). Both representatives explained that especially for economic issues, faster decided items of Community law would result in advantages for those stakeholders being represented by business interest groups. On the other hand, the shortened duration of the legislative process that the business interests praise can be assumed to affect lobbying behaviour, especially that of public interests in a rather negative way. Despite the lack of empirical data in the context of the thesis, there are examples from other contexts of parliamentary lobbying in which it has been observed that the shortening of the legislative process renders interest groups with fewer possibilities to effectively influence policy-making (Fink-Hafner/Krasovec 2005). Adding to the already restricted access to parliamentary decision-makers, this would further constrain the possibilities

of legislative lobbying in the future. Furthermore, Hojnacki and Kimball have found that lobbyists tend to contact more persons when the legislative process moves along slowly and they have more time to develop strategies (Hojnacki/Kimball 1999). In the context of a decreasing time frame – the consequence of speeding up codecision processes through informalization – this tendency might be reversed, consequently forcing lobbyists to focus on a reduced number of relevant contact persons in the EP, thus initiating a more thorough selection process of whom to lobby. While business interests have the financial means to address these restrictions, possibly even remaining able to contact a larger number of policy-makers throughout the process, the faster decision-making will leave public interests with reduced possibilities to access policy-makers in order to present their side. As a consequence, the concrete policy outcomes which business interests already regard as an advantage of the intensified informalization might benefit them even more in the light of public interests' limited contributions. For the latter, however, legislative results might become increasingly detrimental, unless they develop strategies to counteract the expected future dominance of business interests.

Additionally, the timing of lobbying strategies is supposed to undergo changes. Based on what was called a general principle of lobbyists' work by all interviewed representatives, decision-makers should best be influenced as early as possible, in any case however, before they enter (institutional) discussions to exchange their arguments and positions and before any important agreements or voting take place (interview businessseurope, ERT, WWF). In that sense, the intensification of inter-institutional contacts at ever earlier stages is likely to shift the appropriate point in time for lobbying approaches in relation to the parliamentary stage of legislation as a whole. Lobbyists will be required to contact parliamentary officials even before they enter informal negotiations with their counterparts on the Council side. As a consequence, accessing the right information at the right time becomes a highly relevant task of lobbyists' work. Considering the description of lobbyists' needed competences as given by the interviewee from businessseurope, this does by no means imply a completely new activity. While the monitoring of the EU's state of legislation to find out when a Commission proposal is sent to the two co-legislators and which political groups and individual MEPs gain responsibility and rapporteurship of the respective proposal comprises a large part of a lobbyist's activities today, these processes are nevertheless likely to become increasingly important. Finding out about legislative and bargaining responsibilities will serve as a precondition for successfully accessing the relevant individuals. To do so at the right point in time further requires knowledge of the exact dates and times which are set for the informal meetings. As

these are unlikely to be announced publicly, lobbyists are likely to become increasingly dependent on interpersonal networks for information. This, too, however will not be a completely new phenomenon for most actors. As the ERT representative confirmed, most meetings and legislative sessions today rarely take place according to the agenda and the majority of lobbyists have established a personal informational network already (interview ERT). What is likely to happen then is that an adaptation of dynamics will become necessary within the framework of established principles and activities, including most importantly shifts in timing of lobbying strategies and the increasing relevance of monitoring and networking. Being of general relevance for the entire Brussels-based lobbying landscape, these processes are furthermore expected to imply the fundamentally same necessities for both public and business interests.

Lobbying Within Changed Internal Dynamics and Intra-Institutional Venues

It has been pointed out that the European Parliament's general attractiveness for lobbyists is determined by its influential role in the policy-making process. On a less aggregated level then, interest groups tend to focus on powerful individual policy-makers (Fink-Hafner/Krasovec 2005). Indeed, findings from empirical investigations conducted in East European countries confirm that "interest group 'strategies' changed in the face of the changing power relations among the large political actors: they obviously contacted the actor that seemed to be most influential" (Ilonszki 1996: 464). These patterns of action as derived from other researchers in different contexts could moreover be observed in own interviews conducted in the context of this thesis. The business-europe representative, for example, attributed rapporteurs to be the most relevant actors in the EP as they are able to make out institutional red lines while simultaneously fostering legislative bargains. With the MEP, moreover, a parliamentary insider additionally pointed out the legislative influence rapporteurs could have. He explained how the task of drafting legislative reports on Commission proposals enables rapporteurs to bring in own preferences and opinions. Often, possibilities are opened up to steer a proposal's initial purpose into a desired direction. By referring to the case of a Spanish rapporteur responsible for a proposal on an EU soil protection directive who managed to transform the initial objectives including the promotion of ecological interests to allow for an acquisition of structural funds for Spanish regions, the MEP gave empirical proof of that statement.

Furthermore, even though not explicitly called upon in the interviews, the literature suggests additional reasons explicating further intra-institutional venues, i.e. parliamentary actors who are preferably contacted by lobbyists in order to exert policy-relevant influence. Among those we find individuals within committees as well as within intergroups. During the committee stage, attempts to influence a proposal's content are deemed to be most effective. Nonetheless, both the interviewed MEP and the ERT representative assured that no active influence can be exerted during the committee session itself as interest representatives' participation is largely limited to listening and becoming informed. It thus repeatedly became clear that it is the influential delegates within the committees, i.e. the rapporteurs, chairs and political group coordinators, who have to be approached before any discussion. The intergroups' meetings, on the other hand, are generally open for respectively competent interest representatives or even supported by lobbyists (Kraft 2006). Following the interviewed MEP's advice in this respect, intergroups do make considerably promising venues for lobbyists, a perception which is confirmed by Bouwen (2003) who calls them "attractive but unreliable arenas for the purpose of legislative lobbying" (7).

Aside from the lobbying relevance parliamentary actors gain from assuming an influential office, position or function in the EP, lobbyists may decide to search access to individuals on a more personally motivated basis. These motives have also been investigated in different settings before. Observations on lobbying activity in the US Congress, for example, have shown that interest representatives tend to target friendly and sympathetic legislators, rather than undecided and opposing ones (Hojnacki/Kimball 1998). With regard to the EU context, similar considerations became visible in own empirical findings. In one interview, the WWF representative confirmed that the individuals approached within the EP were indeed usually those who had shown interest or become active themselves in the WWF-relevant topics before. Opposing the thesis, however, were insights gained from the interview with the businesseurope representative who explained that his organization's lobbying activities mainly focused upon the generally undecided third of all MEPs, instead of the third opposing or the third supporting their position and interests whatsoever. Detecting such differences in responses from public and business interests is likely to lead back to resource considerations and organizational capacities which either allow or prohibit interest groups to attempt to convince policy-makers instead of assuring support among the well-minded.

Against the background of lobbyists' motives for addressing specific parliamentary actors, possible impact for their behaviour can be drawn from the shift of power balances primarily benefiting rapporteurs of large political groups as well as the general increase in legislatively relevant actors which are expected in the aftermath of the Reform Treaty's enactment. Beyond their democratically and internally crucial implications, the changes induced by the Treaty are likely leading to altered relevance structures of intra-institutional venues, i.e. lobbyists' points of access within the EP. The main changes concerning intra-parliamentary lobbying targets are expected to occur on the individual level. While the access principles which are largely independent from power and influence considerations will probably remain untouched, reasoning based on MEPs' legislative competences will result in different conclusions. The possibly increased number of individual MEPs carrying out lobbying-relevant functions will generally leave a greater pool of potential individual lobbying targets for interest representatives to choose from.⁴ This also implies a need for adapting currently existing mechanisms. The interviewed ERT representative explained that the period after parliamentary elections was usually characterized by processes of re-adjustment, i.e. lobbyists orienting themselves within a new cast of delegates in order to find their appropriate interlocutors and delegates themselves having to grow into their respective functions, especially when being newcomers to the scenery. In the light of newly created, legislatively important, positions these regular (re-)orientation processes might require special attention. Being informed about new or transformed committees or similarly interesting developments might provide strategic advantages for lobbyists. This challenge will consequently necessitate detailed monitoring and preparation in the future. Especially the period after the 2009 European elections will then be of heightened interest as this might comprise the first legislature acting upon the Reform Treaty provisions if the latter is ratified according to the roadmap. Turning to the consequences of the aggravating dichotomy between winners and losers in terms of legislative in-

⁴ On the one hand, the concentration on (new) legislative functions which may be created is likely to open up new intra-institutional venues for lobbyists. On the other hand, the ongoing trend of "legislatizing" parliamentary activities might possibly result in negative consequences for the EP's non-legislative functions. The stated increase of the legislative workload might change the balance of legislative and non-legislative work with consequences for those lobbyists trying to influence parliamentary agenda. MEPs will likely focus upon their legislative tasks at the expense of non-legislative own-initiative reports which have already been seen decreasing in past years. As these have been vital instruments of dealing with urgent concerns or stating policy preferences, more generally speaking, also to have an impact on the EU's political agenda, resulting in some kind of informal agenda-setting power which also enabled MEPs to deal with issues brought forward by citizens and interest groups, their decrease in usage thus more or less disables MEPs to bring into the EP issues of their constituency's, their faction's, their party's or interest group' interest (Maurer/Wessels 2003). While this is unlikely to have any larger consequences for those actors taking part in legislative lobbying, it does for those active in agenda lobbying whose activities basically stop at the point where an issue has been taken up to be dealt with in the legislative agenda (interview ERT).

fluence, considerations of power and influence imply a specific trend of lobbyists' future preferences for individual targets within the EP. As a result of the probably ongoing differentiation between influential and increasingly marginalized parliamentary actors, lobbyists are therefore best advised to focus their activities on rapporteurs and coordinators of large political groups in the future.

The changing attractiveness of the concerned intra-parliamentary access points is considered to be equal for both public and business interests. How they will address this aspect when developing their lobbying strategy, however, might vary. Once more, the availability of resources could become the determinative factor. Business interests are likely to be able to invest a greater amount in monitoring processes and extension of networks in order to derive relevant information about parliamentary power structures and shifts at early stages. This could give them strategic advantages as they would be enabled to contact the right targets as early in the process as possible thus establishing good relationships providing the necessary basis throughout the entire lobbying process. Public interests, on the other hand, might be confined to (re)focusing on their established networks. As the relevance of established relations has been pointed out before, this will not necessarily be a great weakness. Nonetheless, the fact that business interests might be present at the relevant points of access earlier could disadvantage public interests, because the influential policy-makers are likely to have preformed their opinion biased through business interests. Public interests are thus assumed to profit from finding ways to increase their monitoring processes as well in order to start from the same position as business interests. They are so advised to examine closely which aspects of their lobbying activity might lose importance in order to reduce them and employ the gained means to focus on monitoring and networking instead.

When going beyond the mere influence-based analysis of venues by turning to ideological aspects of interest representatives' access patterns, however, parliamentary actors' preferences for specific interests should be taken into account. In that respect, the EP's presently confirmed general bias towards public interests (Bouwen 2003) is likely to persist in the future. Despite specific committees' close relationships to respective interest groups which Greenwood (2007) found, however, it is not possible to detect similar tendencies for the political and intergroups. In the former case, it is expected that the political ideology is a relevant factor, leading to a tendency of business interests primarily addressing conservative and liberal groups while public interests prefer contacts with left-wings and social democrats. For the

latter addressees, it has to be referred to the intergroups' issue specifications. The nature of the issue or interest concerned in each group thus naturally makes them preferred targets for the corresponding public or business interests.

CONCLUSIONS

The chosen approach on which basis the thesis' research was conducted implies a number of limitations. First, the focus on legislative lobbying excluded other forms, such as grassroots strategies, attempts to influence agenda-setting or court litigation from being considered. Even though it is acknowledged that lobbying takes place at all stages of the decision-making process, it was furthermore chosen to single out the parliamentary stage. For that reason, lobbying efforts targeting the European Commission or the Council of Ministers were neither taken into account. Second, by taking up the traditional dichotomy between public and business interests in examining potentially changed lobbying practice, no further differentiation of organizational forms of lobbying, e.g. public affairs consultants, in-house lobbyists, national and European-based lobby groups was undertaken.

Moreover, there are additional considerations which go beyond those addressed. The thesis has put the Reform Treaty provisions affecting the legislative competences of the EP in the focus of argumentation. However, in order to enable reasonable predictions about the future development of European Union lobbying as a whole, it becomes absolutely necessary to take into account more than that. Changes of other institutions' structures induced by the Reform Treaty, especially the reduction of the number of Commissioners and the reweighing and – organizing of Council voting and majority rules are likely to provide additional incentives of change. EU initiatives, other than the Reform Treaty, such as the European Transparency Initiative which attempts to introduce regulations for the EU lobbying practice are also assumed to have an impact in the future. Moreover, a parliamentary working group has introduced key reforms to organization and procedure in the EP. A report concerned with the effectiveness of plenary sessions has restructured part-sessions in Strasbourg, re-organized debates in plenary by allocating more speaking time to legislative rapporteurs and re-organized votes and the treatment of amendments. Of special relevance in this context may be the introduction of a cooling-off period which tables a one-month period between the vote on a legislative proposal in the committee and in plenary in order to give MEPs more time to consider amendments which may amount to about 1,000 in sensitive reports. Endowed with an additional time corridor, lobbyists might be able to “regroup their forces ahead of a plenary vote and re-introduce

amendments which the specialist committees had rejected” (Taylor 2007). Two further reports are expected to be presented in the beginning of 2008, including reforms regarding committee business and inter-institutional relations and other external aspects, both of which could change the EP’s relations with the Council and the Commission as well as with lobbyists and non-governmental organizations.

It is furthermore necessary to point out the predictive character of the thesis’ findings. No existing or past phenomenon has been investigated here, but one which lies in the future. The Reform Treaty has yet to be ratified by the Member States; if this is the case, it will enter into force in 2009 – still one year from now. It is also contested how adaptation processes will take place. While some assume a quick operationalization of the new provisions, others expect a period of adjustment in which all European actors will have to get used to the new rules of the game, to find out about powers and possibilities and accept and apply them. Either way, the process of the treaty entering into force is a mid-term one. In the course of the thesis’ argumentation, it has been tried to clarify that the conclusions drawn have the character of prognoses. It shall nonetheless be stressed again that the inferences deduced present possible scenarios and likely developments and processes whose relevance is based on past experiences, practitioners’, i.e. insiders’ perspectives and general trends which can be observed. However, they are tendencies and expectations – whether or not they reflect the truth will eventually be seen in the years following the 2009 elections of the European Parliament.

Against this backdrop, it is possible to derive inferences on how the lobbying activities targeted at the European Parliament are expected to change in the future context of the Reform Treaty’s legal provisions. Past observations surrounding the EP’s quest for power give rise to several assumptions about the necessary development of lobbying. Lobbying has adapted to its institutional environment in the past and it will keep doing so in the future. At first sight, the different aspects of the expected parliamentary change lead to contrary implications. As a consequence of its increasing legislative role, the rising attractiveness of the EP as a lobbying target makes us expect a tendency of decision-makers’ unwillingness to cooperate with a booming number of lobbyists. On the other hand, the same heightened legislative role is assumed to raise the institution’s informational demand, consequently making it plausible that MEPs will become (more) dependent on lobbyists’ offered supply. Considered from the second perspective, policy-makers who search contact to and advice from lobbyists will be a more plausible scenario than parliamentary actors rejecting lobbyists’ approaches. It is how-

ever more likely that the trend of lobbyist overkill at the EP will dominate thus outweighing the implications associated with altered informational demands. As a consequence, lobbyists will experience a need for innovative ideas in approaching MEPs, rather than the necessity to largely increase the quantity of policy-relevant information they supply. Accordingly, adaptation processes will become necessary in form more than in content of lobbying targeting the EP.

The likely trend of increasing informalization further leads to counter-effective conclusions. Whereas the intensification of inter-institutional relations proposes a greater exclusion of outside interests, lobbyists who succeed in becoming part of the game might enjoy considerable advantages in terms of exerting steering influence on policies. As a consequence, a trend of growing *absolutism* could be observed. The process of gaining access to the right decision-makers at the right point in time becomes the knock-out criterion: “If you’re in, you’re in. If you’re out, you’ll stay out.” Aspects of timing, especially with regard to time shifts taking place towards ever earlier, pre-legislative stages, will determine lobbying more than ever. Having the necessary information available in sufficient time beforehand will then become a must, implying also that the ability to build up reliable networks might be the European lobbyist’s key competence in the future. The need of making use of each one’s chances, i.e. of successfully approaching one’s interlocutor, moreover, is likely to become more urgent in the future. As a consequence, possible adaptation strategies can either mean addressing a broader number of possible targets. This, however, is time as well as resource consuming and might put efforts to waste which could be more effectively applied. Possibly more reasonable then would be a more thorough pre-selection of whom to contact, consequently necessitating a closer background check of MEPs in order to find out about their preferences and likely successful lobbying strategies.

The tendency of MEPs’ constrained accessibility as a consequence of growing external exclusion and altered timing could be further aggravated by aspects of changing intra-institutional relevance structures. The expected trend of intensifying informalization of EP and Council contacts proposes a considerable rise in the rapporteurs’ function as gatekeepers. As a consequence, their informational monopoly and thus their legislative influence are considered to grow as well, ultimately leading to a (lobbying-effective) decrease in relevant targets. In connection to the necessities of selectivity in the context of limited time and access possibilities, advising lobbyists to focus almost exclusively on those persons would be plausible. Contrary

to that, however, the EP's heightened activities in co-deciding legislation in the OLP could also result in an increase of legislatively and thus lobby relevant actors. From that perspective, lobbyists would experience gains in winning new relevant targets. The trend of increasingly having to act under immense pressure would thus be compensated to some extent. In an attempt of bringing together these two generally diverging expectations, it is possible to state that while there will probably be more actors with legislative responsibilities, the patterns of an increasing differentiation between influential and marginalized actors are likely to become visible in new areas as well. In any case, however, it will become vital for lobbyists to detect those patterns and to make out the relevant and influential parliamentary actors as early as possible, earlier, whatsoever, than their competitors. This challenge can only be addressed by increased and professionalized monitoring efforts as well as by gaining insider knowledge, thus further emphasizing the importance of interpersonal relationships and informational networks.

What has become obvious, however, is that the fundamental principles of lobbying at the European Parliament are unlikely to change. They have developed and proved effective in the past and are not expected to be affected by Reform Treaty-induced changes. Consequently, technical expertise and information as well as an organization's representativeness and its established relations with policy-makers will remain to be relevant preconditions for gaining access. The same is true for personal contacts. Personal relationships with legislators facilitate lobbyists' access to relevant contact persons, even though they are of no assistance in the actual negotiations as professional distance is kept. What is likely to happen, however, is that within these fundamental principles the dynamics of lobbying will be subject to change. None of the proposed adaptation processes, however, does constitute a completely new phenomenon either. It is for that reason that lobbyists will not have to encounter impossible challenges as long as they consider closely which aspects of their current daily business should be altered or specifically emphasized in the future.

Nevertheless, it can be expected that actors will differ in their capabilities to undertake the necessary adaptations. An increasing dichotomy is likely to become visible along two main lines. First, resource considerations will play a major role: investing in research and expertise and increasing monitoring and information efforts do cost money. Lobbyists who have the financial (and personal) means to step up their game flexibly, quickly and efficiently will therefore experience advantages towards those who have to undergo lengthy decision and

calculation procedures. The matter of resources leads us back to the traditional dichotomy between business and public interests. As the ones usually better resourced, it should be the business interest groups who will react to the imposed challenges more easily, even though the varying implications of parliamentary change are supposed to be utterly the same for both types of interests. Second, being able to successfully lobby parliamentary decision-makers in the future might become a matter of being established. Access considerations in the light of fundamental lobbying principles point out that interest representatives who are known or have gained a reputation among parliamentary actors might easier become insiders in the political game. Consequently, the assumed maintenance of parliamentary structures of bonding with and favoring public interests would benefit those, possibly compensating for their lower capabilities of adaptation.

Zooming in closely on the likely differing impact the Reform Treaty provisions will have on public and business interests' lobbying strategies allows us to conclude on a number of relevant aspects. The extension of the European Parliament's legislative competences to a large number of new policy fields is the only Reform Treaty provision which directly implies different consequences for public and business interests. The latter's areas of activity remain untouched as the newly added policy issues hardly relate to their stakeholders' concerns and business-relevant topics have already been included within the area of the EP's co-decision powers. For public interests such as human rights groups, for example, however, the EP might become increasingly attractive due to its future powers in the field of visa and asylum policy, to name only one. For that reason, a majority of public interests will find it necessary to extend its lobbying activities to include the Parliament while the majority of business interests are represented there already. Only for a sector of public interests therefore, the European Parliament will become a really new target.

Considering the parliamentary internally changing dynamics and processes, their implications are utterly the same for both public and business interests as they are put before similar challenges and necessities. How exactly they will respond and adapt to them, on the other hand, is more than likely to differ. The reasons for that are not immediately linked to the contents the two types of interests represent, nor to their degree of affectedness, but rather to the question of how well they are endowed with resources. For business interests, it will generally be easier to remain competitive in the context of the Reform Treaty-changed environment as they are able to address the imposed challenges by an *add-on strategy*. They will be able to employ

the necessary additional staff and undertake the necessary investments in monitoring, networking or research processes. The challenge of taking on the necessary adaptations will be considerably greater for public interest groups. Not only are they required to make up for the lack of resources, but they have to cope with the competition imposed on them by the more flexible business groups at the same time in order to avoid to be overrun by the latter. As a consequence, public interests will be under great pressure to calculate and analyze more closely and find cost-effective methods and develop innovative strategies, likely slowing down their process of adaptation. Moreover, an immense *creative engagement* will be demanded from public interests. However, the need to address the future challenges by creativity instead of resource expansion might leave public interests with the advantage of freshening up (their) lobbying, possibly making policy-makers more receptive to their concerns after all.

Ultimately, it shall once more be reminded that nothing can be said with certainty. The uncertainties, moreover, are large, as has been shown. Even though the analysis of past experiences with institutional – parliamentary – change suggests that the assumed developments will take place in either one of the proposed direction, it is at least thinkable that something happens which was not at all foreseeable. The insights gained in the course of the thesis *can but do not have to* describe tendencies. The actual occurrence of development also depends on the interplay of the different additional factors and aspects. In the light of the complex playing field lobbyists step out on when entering the Brussels scene of interest representation, the final advice to be given is once more *to keep track, monitor and stay updated and informed* about the constantly ongoing institutional dynamics. This is what enables lobbyists to anticipate developments and play out advantages. This is what's part of each lobbyist's homework.

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