

**-Title page-**

## **Interest Groups Access and Influence to the Mobile Phone – Roaming decision-making process at EU-level.**



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## **ABSTRACT:**

This research paper investigates the access of consumer and producer groups to the EU institutions. A scheme of supply and demand for access goods is used to demonstrate the exchange of information for the Regulation (EU) 531/2012 on roaming on public mobile communications networks within the Community. The analysis suggests that the organizational form of an interest group is relevant, to gain access to the decision-making actors at EU-level. The access theory developed by Pieter Bouwen (2002) serves in combination with a model of independent and dependent variables as framework for the investigation.

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## LIST OF ABBREVIATIONS

BDI	Bundesverband der Deutschen Industrie e.V.
BEREC	Body of European Regulators for Electronic Communications
BEUC	Bureau Européen des Unions de Consommateurs; the European Consumer Organisation
BITKOM	Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e.V.
BNetzA	Bundesnetzagentur
CM-TTE	Council of Ministers of Transport, Telecommunications and Energy
CR	Corporate Responsibility
EEA	European Economic Area
EK	Expert Knowledge
ERG	European Regulators' Group
EUROSTAT	European statistics
EU	European Union
DG ISM	EU Commission's Directorate - General for Information Society and Media
IDEI	Information about the Domestic Encompassing Interest
IEEI	Information about the European Encompassing Interest
KPN	Koninklijke KPN N.V.
MEPs	Members of the European Parliament
MMS	Multimedia Messaging Service
MNO	Mobile Network Operator
MVNO	Mobile Virtual Network Operator
O2	Telefónica Europe plc
SMS	Short Message Services
VAT	Value added tax

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# 1. INTRODUCTION

## 1.1 Outline of the problem

The use of mobile internet and data service is becoming increasingly popular, especially when travelling through the European Union (EU). Quickly look up for a next rail connection, check and download a city map on Google maps for the correct way to the hotel and then send the first holiday photo from the beach to your family and friends back home via MMS (Multimedia Messaging Service). Consumer, business traveler and tourists in the EU no longer want to pay excessively high retail prices for voice calls, SMS-services or mobile data-services, when using their domestic contract outside their home country. The high roaming charges do not reflect the actual cost of the services.

What does roaming mean? It is the situation, whenever people travel abroad and make or receive a mobile phone call, send text messages (SMS-Short Message Services) or download data from the Internet using a mobile connection<sup>1</sup>, then customers are roaming. The issue of high roaming charges was first addressed in 2004 and 2005, when the Commission initiated formal infringement proceedings against Vodafone UK, O<sub>2</sub> UK, Vodafone Germany and T-Mobile (subsidiary of Deutsche Telekom AG) Germany regarding possibly excessive wholesale roaming tariffs to other European mobile networks operators (cp. DG Competition<sup>2</sup>, 2012: policy area 'telecommunications-mobile'). The regulation of roaming is more complicated than regulation of other telecom services. "The market structures on mobile market are different from the markets for fixed services dominated by the former national monopolies. The issue is therefore not to strengthen competition by creation of a fair level playing field for new entrants, but to prevent excessive profits on roaming services on a market, where competition works for other kinds of services" (Conference Paper; Falch, 2012: p.2).

In 2012 the entire EU with its 27 Member States has a population of 503 Million people (EUROSTAT 2012<sup>3</sup>) and the range of European legislation is growing more and more together. Besides that, all citizens of the EU expecting that legislation reflect their voices. This is also applicable for the role of interest organizations in the political arena of Brussels and at national level. In an open democratic society it is essential that the representation of interest is done in a legitimate way. The focus of the research concerns interest group access and influence in the EU regarding the current Regulation (EU) No 531/2012<sup>4</sup> of the European Parliament and of the Council of 13<sup>th</sup> June 2012 on roaming on public mobile communications networks within the Union, which repealed and replaced the original Regulation (EC) No 717/2007 and amending Directive 2002/21/EC with effect from 1<sup>st</sup> July 2012.

In 2006 the Euro barometer survey (No. 269: Roaming) shows that most Europeans are afraid to use their mobile phones when crossing "national" borders inside the European Single Market. "To overcome the last remaining barriers of the single market for mobile communications, since the end

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<sup>1</sup> Using a mobile connection for e-mails, surfing the web, or downloading photos, music, or films (MEMO-11-485)

<sup>2</sup> Retrieved on October 2<sup>nd</sup>, 2012, from:  
([http://ec.europa.eu/competition/sectors/telecommunications/mobile\\_en.html](http://ec.europa.eu/competition/sectors/telecommunications/mobile_en.html)).

<sup>3</sup> Retrieved on August 22<sup>nd</sup>, 2012, from:  
(<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00001&tableSelection=1&footnotes=yes&labeling=labels&plugin=1>).

<sup>4</sup> It introduces competitive structural measures and extends the validity of the measures until 30 June 2022.

of the 1990s, the European Commission has been looking closely at the level of roaming charges in the European Union” (Special EUROBAROMETER No 269 Roaming, 2006, p. 2). During that time the Commission has launched several initiatives, where we consider the period 2006 – 2012. Citizens of the EU believed that the roaming costs were too high, the EU, especially the Commission should step in to make sure those prices for making and receiving calls on mobile phones when travelling in other EU member states are not a lot higher than those in their domestic countries. More than ever, in 2012 politicians speak from a common European internal market and therefore the integration process still needs here and there more transformation. The possibility of access to various political institutions on national level or in Brussels, gives different actors the opportunity to use their access for influencing EU decisions. Lobbying activities in the EU Roaming Regulation process during the period from 2006 to 2012 show that lobbying has also positive effects and practical outcomes for EU mobile phone customers. Lobbying is an everyday political working-tool with mostly a negative connotation, within this work I will show that lobbying can also be positive related. Meanwhile all mobile phone users within the EU and especially people<sup>5</sup> who regularly cross ‘national’ borders within the EU Single Market benefit from the decisions’ output. The *Roaming Regulation (EU) No 531/2012*, together with its amendments, tries to protect consumers’ interests and preserve competition among mobile network operators in the European single market.

The Dutch politician Neelie Kroes, Vice-President of the European Commission and responsible for the Digital Agenda<sup>6</sup> for Europe said at the Mobile World Congress in Barcelona, 2011:

*“[...] Huge differences between domestic and roaming charges have no place in a true EU Single Market. Telecom companies must listen to their customers. Consumers feel there is still much room for improvement, particularly for data roaming. As I promised in the Digital Agenda for Europe, I intend to ensure better roaming solutions for European citizens and businesses. [...]”*

In general, there is no simple way and not only one way to influence the EU policy-making process in specific policy sectors. But what is the best way to gain access for private interests to the three major EU institutions? Exactly this is the question Pieter Bouwen (2002a, 2002b, 2004) posed before developing a theoretical framework to explain the access of different business interest representations to the European Parliament, the European Commission and the Council of Ministers. For this purpose, he created a theory of access, which explains the degree of access in terms of the supply and demand for access goods. This bachelor thesis seeks to enhance our knowledge about lobbying practices of private and public actors at EU level within the *Regulation<sup>7</sup> (EU) No 531/2012* on roaming on public mobile communications networks. How can interest groups use their access to the EU Institutions and how is it possible to influence certain policy decisions. Therefore I transfer

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<sup>5</sup> People are concerned, for example, tourists, business travelers and students of the Bachelor and Master double diploma programs between the University of Twente and the University of Muenster.

<sup>6</sup> Digital Agenda for Europe: Action 101 – Look for durable solutions for voice and data roaming by 2012. Single market for telecoms services – the difference between roaming and national tariffs should approach zero by 2015 (Retrieved 22 September 2012 from: [http://ec.europa.eu/information\\_society/newsroom/cf/fiche-dae.cfm?action\\_id=259&pillar\\_id=43&action=Action%20101%3A%20Roaming](http://ec.europa.eu/information_society/newsroom/cf/fiche-dae.cfm?action_id=259&pillar_id=43&action=Action%20101%3A%20Roaming)).

<sup>7</sup> EU Regulations are legal acts that are directly applicable in the 27 EU Member States the day after their publication in the Official Journal of the European Union.

the theoretical approach of demand and supply of access goods<sup>8</sup> from Pieter Bouwen, in order to explain the degree of access of consumer interests, which are represented through the European Consumer's Organization BEUC and through the EU member states (especially the national regulatory authorities, NRA's) to the main EU Institutions in the legislative process of EU Roaming. In contrast, there are also the position and influence patterns of the industry-side presented by Mobile Network Operator's (MNO's) and Mobile Virtual Network Operator's (MVNO's). In the Dutch mobile phone market exists three main MNO's (Vodafone, Deutsche Telekom AG (DTAG), and KPN<sup>9</sup>), which are also represented in the German mobile phone market plus (O<sub>2</sub> Telefónica).

In the scientific field of European interest politics there are several researchers who see the access of interest groups to the EU institutions as important (Coen 2007; Kohler-Koch and Eising 1999; Eising 2007). In the end of my thesis the goal is to conduct a piece of research that is *scientific* as well as *socially* relevant and probably beneficial for further researchers in the field of interest groups at EU level. In the following section I will expand on both facts.

## **1.2 Societal and scientific relevance**

In the respect of societal and scientific relevance it is paramount to know how "WE" citizens of the EU are represented and what role interest organizations and lobbyists play in the EU decision-making process. Since the number of interest organizations is growing, the demand for more transparency increases in Europe. According to previous empirical studies (Bouwen 2002a, 2002b; Greenwood *et. al* 1994; Greenwood 2007; Mazey and Richardson 1993), which are mostly, sector specific case studies of specific policy domains, this paper here compares different key actors which are appropriate in the decision-making process for the *Regulation (EU) No 531/2012* on roaming on public communication networks. But with the addition, that a detailed view of each actor's position is subjective influenced by my analysis. A wholly-owned company's position on the *Roaming Regulation (EU) No. 531/2012* requires the opinion to get direct information of a company's responsible, which was not possible in the extent of my resources.

A few researchers attempted to construct large N-studies of interest action in the EU (Coen 1997, 1998; Beyers 2002, 2004). "One of the major lessons that has been drawn from the literature on European interest politics is that EU lobbying, is both diverse and complex – a fact that makes reliable theoretical generalizations very difficult" (Bouwen 2002a: p. 365). Traditional lobbying research tends to focus on influence of interest groups (Van Schendelen 2010; Michalowitz 2007), which will also be the case here in this study, but I pay special attention to the access possibilities and impact of influence of the BEUC-association, MNO's (DTAG and Vodafone Group) and NRA's (Bundesnetzagentur, BNetzA) to the EU institutions. Important note from Bouwen here "it needs to be emphasized that access does not necessarily imply influence" (Bouwen, 2004: p. 337). Already in

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<sup>8</sup> "Access goods concern information that is crucial in the EU policy-making process. In order to gain access to an EU institution, business/consumer interests have to provide the access good(s) demanded by that institution" (Bouwen 2002a: p. 365).

<sup>9</sup> KPN stands for, Koninklijke PTT Nederland ([www.kpn.com](http://www.kpn.com))



1951, David Truman<sup>10</sup> argued in his seminal work on interest group politics that there is of course a close connection between influence and access:

*Power of any kind cannot be reached by a political interest group, or its leader, without access to one or more key points of decision in the government. Access, therefore, becomes the facilitating intermediate objective of political interest groups. The development and improvement of such access is a common denominator of the tactics of all of them* (cited in Bouwen, 2004: p. 338).

With an estimated number of 15,000 Commission and European parliamentary officials compared to 20,000 lobbyists on a daily basis in Brussels (cp. Greenwood 2002) it is assumed that a significant resource dependency between bureaucrats and lobbyists based on regulatory needs, expertise, information and reputation has emerged in the European public policy (Bouwen and McCown 2007; Broscheid and Coen 2007; Mahoney 2007). A theoretical or scientific relevance of a research question can only be assessed with regard to the scientific discourse, which deals with the topic to be studied. A discourse typically takes place in the scientific literature. The current state of affairs in the literature on my subject and how the thesis contributes to this body of literature will be described in Chapter 2.

I provide my research project with the necessary theoretical relevance, by applying the existing “access theory of the supply and demand of access goods” to a new empirical case: roaming services for mobile communication in the EU. It is a matter of consumer interests and less to business interest, which is the focus in Bouwen’s work years before, but business interests, precisely the service provider-side, are also relevant immediately next to consumer interests in this thesis.

### **1.3 Research Question**

Under certain determinants, my personal interest, and the theoretical background of *Pieter Bouwen*, the following research question is constructed and to be answered in this thesis:

***RQ: What access possibilities and effects have “The European Consumer Organisation BEUC” , “Mobile Network Operators”, and “National Regulatory Authorities as the German Bundesnetzagentur” into the decision making process of the Roaming Regulation (EU) No 531/2012, in terms of Pieter Bouwens’ theory of supply and demand of access goods?***

This question is inspired by the work of two researchers which studied the access patterns on evidence provided by the demand-side (Bouwen 2002a; 2002b; 2004) and by the supply-side (Eising 2007; 2009). The aim is to examine why do some interest groups (associations, MNO’s, NRA’s) are more successful in gaining access to the European Commission instead as to the Members of the European Parliament (MEPs) or to the officials in the Council of the European Union and vice versa. Some commentators see in the EU system no more than a structured system of exchanges between interest groups and political institutions which amounts to, at best, no more than ‘technocratic lobbying’, and at worst the privatization of public policymaking (Greenwood, 2011: p. 22). Since the European consumer umbrella group BEUC as a non-profit association and not as a business interest

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<sup>10</sup> (cp. Original: Truman, David (1951): *The governmental process, political interests and public opinion*, Westport, CT: Greenwood Press. Cited in: Bouwen, 2004: p. 338)

group, as P. Bouwen investigated business interests in its work, it is quite more interesting for this thesis, how useful Bouwen's theoretical approach is, for non-business interests groups.

Within the entire European Union there are virtually 125 mobile phones subscriptions per 100 inhabitants (2009)<sup>11</sup>, accordingly is the outcome of the research question and the results through the influence of this association on the EU Roaming Regulation in the period from 2007 up to summer 2012 much important. Because according to the EU Commission, "there are more than 250 million daily internet users in Europe, and virtually every European owns a mobile phone"<sup>12</sup> therefore it affects the majority of the European population.

#### **1.4 Sub-questions**

- a) What is Pieter Bouwen's theory of access and what is to understand about access goods?
- b) What were the content of the previous Roaming regulations?
- c) To what extent does access theory explain the degree of diffuse interest access to the EU institutions?

During the research paper adequate answers to the research- and sub-questions will be discussed.

#### **1.5 Structure of thesis**

The following section guides the reader through the rest of the thesis and explains the structure of this paper which is used to present the research findings of various related actors on the current EU regulation on mobile roaming. As seen, chapter 1 is used to give an introduction and to outline the *Roaming Regulation (EU) No 531/2012*, the problematic and to present the research- and sub-questions. In section (1.1) the outline of the problem is presented and it includes the scientific and social relevant aspects of the thesis. The presentation of the thesis' central research question and sub-questions is shown in section (1.2 and 1.3).

The second chapter gives a literary review of the necessary background surrounding the subject how interest groups gaining access to the EU institutions and finally influence their legislative decision procedure. A distinction is made by different theoretical European integration theories, policy-making approaches, access patterns, about lobby systems and finally a brief conclusion about the literature within the scientific field of EU lobbying. A theoretical framework is outlined in chapter (3) and it is inspired by Bouwen's (2002a; 2002b; and 2004) and Eising's (2009) working papers. Initially, lobby systems and strategies of interests' organizations are presented, which are linked to the theory of access. Important questions arise here: What are access goods? Who is demanding and who is supplying information? And how are the public and private actors characterized?

For the science and especially for a research paper is a methodological part indispensable. Chapter (4) includes the description of the used case study, how the data were collected and what limitation of the research design is consists. Within the analysis section we have a look on the positions of the interest groups. Finally I summarize what I did, give an answer to the research question: What access

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<sup>11</sup> You can see a statistical overview about mobile subscriptions for the EU and all 27 member states in the appendix Table No. 3.

<sup>12</sup> Retrieved August 22<sup>nd</sup>, 2012, from

[http://ec.europa.eu/competition/sectors/telecommunications/overview\\_en.html](http://ec.europa.eu/competition/sectors/telecommunications/overview_en.html)

possibilities and effects have the interest groups “BEUC” ,”Mobile Network Operators”, and “NRA, Bundesnetzagentur” into the decision making process of the *Roaming Regulation (EU) No 531/2012*, in terms of Pieter Bouwens’ theory of supply and demand of access goods?

## 2. REVIEWING THE EXISTING LITERATURE

### 2.1 Introduction

This examination will allow me to check where there is room for additional research. For underlining the theoretical relevance of this research project, I have examined the current body of literature on lobbyists, policy-making and networks in the European arena. Through my literature study, the contribution will be tied to the pertinent body of literature. My review will undoubtedly be incomplete, as it does not cover all the entire body of literature which is available on the subject. However, I think that it does cover the main scientists in the area of literature that is tied to the access and influence patterns of the key actors within the EU roaming regulation procedure. The following parts of this section presents what is already known about this area, especially about the concepts, relevant theories, various methodologies and what research strategies have been employed in studying the access and influence of interest groups in Brussels.

### 2.2 Different theoretical approaches

When we talk about interest representation in Brussels, then is access to policy-maker not the only subject being studied in the field of European interest representation's and decision-making processes. European interest mediation was and is also the subject of various integration related global theories<sup>13</sup>, especially research objects of "theories with medium range" (Michalowitz, 2007: p. 29). A unified complete theory does not exist; it depends probably in the fragmentation of the social scientist. It concerns itself more or less closely with interest groups research, with political science, with the jurisprudence (law) and with the economy. Theoretical and methodological diversity are characteristic for them. In political science can be read by means of several scientific works, different theories. The *neo-functionalism* for example (e.g. E. Haas 1961; Lindberg 1963; Lindberg and Scheingold 1970) "[...] posited a process of 'functional spill-over', in which the initial decision by governments to place a certain sector, such as coal and steel, under the authority of central institutions creates pressures to extend the authority of the institutions into neighbouring areas of policy, such as currency exchange rates, taxation, and wages" (Wallace, Pollack, and Young, 2010: p. 17-18)<sup>14</sup>. A second strand of spill-over process has been identified by George (1991), "[...] which he calls 'political' spill-over, in which both supranational (such as the Commission) and sub-national actors (interest groups or others within the member states) create additional pressures for further integration" (Wallace et. al, 2010: p. 18).

Historical scientists and others (Milward and Lynch 1993; Milward 2000) "[...] supported the view that EU member governments, rather than supranational organizations, played the central role in the historical development of the EU [...] and indeed, the early editions of Policy-Making in the European Communities found significant evidence of intergovernmental bargaining as the dominant

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<sup>13</sup> The Integration related global theories: *Neo functionalism*, *Multi-level-governance approach* and *Institutionalism* are not primarily interested in Interest mediation. In the analysis of interest intermediation they play an indirect role, but they represent the analytical framework (cp. Michalowitz 2007: p. 28).

<sup>14</sup> "Thus, neo-functionalists predicted, sectoral integration would produce the unintended and unforeseen consequence of promoting further integration in additional issue areas" (Wallace, Pollack, and Young, 2010: p. 18)

mode of policy-making in many (but not all) issue areas” (Wallace et. al, 2010: p. 19). A further approach the theory of (*neo-*) *pluralism* emerged in many shades and was eventually replaced or supplemented by *neo-corporatist* approaches and political-economic approaches. A further complication in the research of EU interest groups is that two political researchers’ strands converge:

- the research of integration is maintained as a special case of the international relations
- and on the other hand, research on associations is enshrined in comparative politics (cp. Michalowitz, 2007).

A major element in the governance of the EU is the relation among EU institutions and interest organizations. Officials of the European Commission “[...] discuss European policies as often with interest organizations as with members of the European Parliament or the Council of the EU” (Hooghe, 2001: p. 64 cited in Eising 2005). Interest groups and decision-makers talk and meet often with a view to exchanging information. “Their interaction has the specific purpose for the collective pursuit of shared public policy goals” as Ruth Webster (2002) described in his article: The nature and context of public interest coalitions in the EU.

Since the main interest of the investigation of interest intermediation has shifted to action theory and democratic theory questions, according to Michalowitz, the policy network analysis, pluralism and corporatism are hardly used as a theoretical framework for analysis (cp. Michalowitz, 2007: p.37). However, the basic questions of the different approaches remain the same: Which actors influence policy-decisions to what extent and in what relation to other actors? They are now mostly covered explicitly in different versions of rationalism (e.g. exchange approaches, game theory analysis and the rationalist approach of neo-institutionalism). “The rationalist variant of neo-institutionalism based on the assumption that actors act strategically and use those means that they can achieve their goals best” (free translation of Michalowitz, 2007: p.38). “They adapt to the norms and rules of the political systems as much, as is necessary for their success (March/Olsen 1989; Hall/Taylor 1996)” (free translation of Michalowitz, 2007: p.38).

### **2.3 Lobby Systems and strategies of interest groups**

The analysis of European interest groups can be categorized in three different research strands. In one strand of research exists mostly the question *what European interest groups are and why do they exist*<sup>15</sup>. The second research approach is concentrated in *incentives for participation in European interest groups*. At the beginning of European interest intermediation, primarily empirical findings have been collected (e.g. Greenwood 2001; Pedler 2001) which try to explain in the context of Mancur Olson’s<sup>16</sup> logic of collective action. However, some researchers selected directly a more theoretical way to uncover patterns of European collective action (Kohler-Koch 1995; Buholzer 1998). The third research interest is focused primarily on it to combine the role of these organizations with

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<sup>15</sup> (cp. Gorges 1996; Grande 1996; Jordan and Maloney 1996; Pollack 1997; Cram 1997, 1998; Kohler-Koch 1997, 1999; Richardson 1999, 2000) According to Michalowitz, these are the relevant authors. In the study process of my thesis not all authors were essential relevant, however, for further research it is useful to know who is or was studying in the field of European interest groups.

<sup>16</sup> Mancur Olson †1998, was an American economist and his theory “*the logic of collective action: public goods and the theory of groups*” (1965) does not influenced only the economics, but also the political- and social science.

the bigger context of European governance and the question of the distribution of power and for political decisions responsible factors (cp. Pollack 1997, 2010; Kohler-Koch and Eising 1999).

European associations or generally most interest groups in Brussels are moving in a conflict area. Aggregated interests of a European association are between expectations of association-members and between the expectations of the decision makers. Also they need a “certain degree of influence on policy decisions” or to individual decision-makers so that they can “offer a good in exchange for the resources of their Members” (Schmitter and Streeck, 1999: p. 19). Each lobbyist needed incentives for clients, employers or members, to ensure a sufficient degree to gain resources. On the other hand lobbyists must be able to convince their clients to them to possess sufficient influence possibilities. The “mobilization of members is considered one of the major issues of associations” in general, argues Michalowitz, and, as such, even in the center of European interest group research (cp. 2007: p. 84). Based on Mancur Olson’s logic of collective action is the weakness or strength of European interest groups<sup>17</sup> in terms of their mobilization ability, often in the center of case studies (cp. Greenwood 2011; Schmitter and Streeck 1999). Scientists have identified several forms of lobbyists which respond to the diverse informational needs of national and European institutions. Michalowitz (2007) reports these in her work about lobbying in the EU: “[...] associations (national or European) with collective interests, in-house lobbyist which are characterized for direct lobbying and employees of a company e.g. DTAG and the third category are the political consultants” (cp. Michalowitz, 2007: p. 73-74). Political Consultants are employed by a public affairs management agency and they work temporally for various clients. European associations are responsible for their specific sector and they concentrate on political lobbying aspects on European legislation. The number of member states which the European association is representing, is mostly large. For the case here I consider the European Consumer Organization BEUC, which “[...] has a membership of 42 well respected, independent national consumer organizations from 31 European countries (EU, EEA and applicant countries)” (BEUC web-profile 2012). The activities of lobbyists, regardless if the lobbyist is working for an association, a company or for an agency, is to be distinguished from Busch-Janser (2004: p. 87) in three phases: policy analysis, strategy development and the use of measures.

In principle lobbyists gather general information about European political developments. When the political development is getting more interesting for their clients, then the commercial consultancies accurately observe the development and pass over to targeted-monitoring. The political analysis takes the largest part of the lobbyist activity. It consists mainly of the observation of the policy field development (policy monitoring). On basis of general information and their consequences, active lobbying can begin: the determination of detailed information about existing relationships, establishing new contacts, developing a lobbying strategy, and at least the formulation and representation of a concern with respect to the related issue (cp. Busch-Janser 2004).

## ***2.4 Access and entry approaches***

Compared with the current body of literature a lot of research is being conducted on the subject of access to the European Union. For instance Pieter Bouwen (2002a, 2002b, 2004a, 2004b) has written a number of papers. He developed a theoretical framework (2002, 2004b) in order to explain the

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<sup>17</sup> European interest groups here mean also: business interest groups, non-business interest groups, environmental interest groups, European associations, consultants, and lawyers.

access of business interest to the EU institutions. The degree of access to these institutions is explained in terms of a theory of demand and supply of access goods. Access goods concern information's and these are crucial for a policy-making process and other decision-making processes.

Eising (2009: p. 129) state in his access approach towards elite pluralism, that "analysis of these access patterns is all the more important because European Commission officials maintain almost as many contacts with interest organizations as with Members of the European Parliament (MEPs) or with officials in the Council of the EU". There are unequal access facilities of interest groups to the different EU institutions. In addition to unequal access facilities, Bouwen (2004a) has also written an article, before Eising's (2009) work to *'The Political Economy of State-Business Relations in Europe'*, on *'the logic of access to the European Parliament'* in particular, instead of access to all institutions. Therein Bouwen analyzed a number of specific hypotheses about access in an extensive empirical study of the EU financial services sector on the basis of 126 exploratory and semi-structured interviews. "In recent years Pieter Bouwen (2002a, 2002b) has put forward an elegant and systematic explanation of these access patterns. He suggests that the 'access goods' of interest groups account for the access patterns" (Eising, 2007: p. 130). In his work, Bouwen compared the access of three forms of organizations: firms, EU associations and national associations, claiming that these organizations deliver different 'access goods'<sup>18</sup>. Eising criticized in a way Bouwen's work (2002a, 2002b), because Bouwen does not analyses empirically whether the organizations are in control of these access goods or not, thus he describes it as piecemeal (cp. Eising 2007: p. 130).

Based on a survey of 800 business associations Eising (2007) seeks to explain why interest groups lobby the EU institutions and what groups maintain contacts with them. He collected his empirical evidence from business associations. In regard to the organizational theory there are four main dimensions influence access patterns: (1) institutional context, (2) resource dependencies, (3) interest group organization and (4) strategic choices (Eising, 2007: p. 329). Drawing on the organizational theory of resource dependencies, Eising suggests that the EU institutional context, the resource dependencies between state and business, as well as the interest groups' structures and strategies shape access to EU policy-makers. For his work he recognized the work of others, as mentioned in the works of Bouwen (2002a, 2002b, 2004), Schmidt (1999) and Falkner (2000). The latter two highlighted the importance of systematic factors and sectoral characteristics in gaining access.

## **2.5 Conclusion**

Within the research field of interest groups in the EU, it can be concluded that there is room for this research project. Of course there are many studies done on the subject of various interest accesses to the EU institutions, but adding this approach with the focus on the telecommunication services sector to the existing body of literature, supports further researcher. The actual literature discusses the points of access and influence, but insufficient researchers are focusing on measuring access or influence. Concrete measuring with evidential numbers will not take place in the scope of this bachelor thesis.

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<sup>18</sup> (cp. Eising, 2007: p. 130)

## 3. THEORETICAL FRAMEWORK

### 3.1 Introduction

Within this chapter the theoretical foundations of this research paper will be described and explained. Including a background perspective, the main theory of access for business interests and the various access goods are described in section 3.2 and 3.3 as developed by Pieter Bouwen. A theoretical framework will serve as a basis for the analysis of research findings. For this purpose an overview of independent and dependent variables in a supply and demand scheme serves as theoretical framework. Both perspectives demand and the supply side of access goods including research findings from desk research will be outlined in *chapter 4*.

### 3.2 A theory of access for business interests

On the subject business interest access to EU institutions, Pieter Bouwen (2002a) developed a theoretical framework to get an answer to the following research question: *“What determines the degree of access of business interest to the European institutions?”* (Bouwen, 2002a: p. 366)

The above mentioned question is intended to answer most research work of scientists who are studying the access patterns of interest groups. In the comparative study of lobbying interests in Brussels, Bouwen made it clear that “[...] gaining access does not necessarily mean exerting influence”, because it is possible to gain access without exerting influence (cp. Bouwen, 2002a: p. 366). Exercising influence in the EU legislative process is impossible without access. Studying access is therefore likely to be a good indicator of influence (Austin-Smith 1995; Coleman and Grant 1998; Hansen 1991: cited in Bouwen, 2002a: p. 366). A relationship between the EU institutions and business interest organizations, or public and private actors, can be seen as an “exchange relationship between two groups of interdependent organizations” (Bouwen, 2002a: p. 368). There is interdependence between EU institutions and actors of the European telecommunication sector, because the European consumer association BEUC, the MNO’s Vodafone Group and DTAG and the German regulatory authority “Bundesnetzagentur” are keen to get access to the EU institutions and in return, the three main institutions “demand resources that are crucial for their own functioning” (Bouwen, 2002: p. 369).

Both parties the demand- and supply-side benefit from close contacts. Two core fundamentals are relevant for the theory of access, the **exchange theory** and the **resource dependence** perspective. Other authors already used exchange theories to study interest intermediation and interest group politics (e.g. Greenwood 1992 and Eising 2009)<sup>19</sup>. In the economic and political environment, various actors are linked through exchange relations to form networks or corporate groups. At national and also at the European political level, all organizations which are involved in exchange processes make an “[...] implicit or explicit cost benefit analysis on the basis of which they decide with whom to interact” (Bouwen, 2002a: p. 368). The interdependence of different actors in the EU Roaming

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<sup>19</sup> “The exchange paradigm is a central feature of neo-corporatism (Marin 1990; Pizzorno 1978; Schmitter Streeck 1999). Network analyses focus on inter-organizational exchange to study various forms of interest intermediation (Coleman 1990; Knoke *et al.* 1996; Pappi and Henning 1999). In political economy or public choice, the market is the model for political exchange (Becker 1983; McCormick and Tollison 1981; Potters and Van Winden 1990: cited in Bouwen, 2002a: p. 385)”.



decision-making process is caused because they need various resources from each other. Such exchange alliance is only durable “[...] when exchange is reciprocal and both sides receive benefits from the interaction” (cp. Bouwen, 2002a: p. 368). This phenomenon in practice does not involve “[...] that both actors benefit equally from the exchange” (cp. Bouwen, 2002a: p. 368).

The resource dependence approach has his roots in the classical system theory, behaviorist organization theory and social exchange theory (Pugh & Hickson, 1996), thus “[...] resource dependency focuses more closely on the ensuing interdependence between interacting organizations” (Pfeffer, 1997: p. 63). From the resource dependence perspective, organizations are not internally self-sufficient, because they require resources from the environment and therefore they have to interact with those organizations or groups in the environment who control the resources they need (cp. Pfeffer and Salancik 1978: p. 258; cited in Bouwen, 2002a). Consequently, organizations become interdependent, with which they are going to interact. Also in the EU-Roaming decision making-process, private and public actors become interdependent, because they need information’s from each other, which will be discussed later within the supply and demand scheme of access goods.

### **3.3 What are access goods?**

Here in this section we consider the questions, how access goods’ are defined and in what way they are beneficial for further researchers and especially for this thesis? For a better acknowledge about the resource exchange, between private and public actors in the European arena, it is of paramount importance to study the goods that are exchanged between the group who has it and the group who demands it. In order to obtain an answer to the question, why Bouwen calls access goods ‘access goods’, he argues, “[...] in return for ‘access’ to the EU agenda-setting and policy-making process, the EU institutions want certain goods from the private actors:

*Access goods are goods provided by private actors to the EU institutions in order to gain access. Each access good concerns a specific kind of information that is important in the EU decision-making process. The criticality of an access good for the functioning of an EU institution determines the degree of access that the institution will grant to the private interest representatives”*(Bouwen, 2002a: p. 369 f.).

Accordingly three access goods can be identified, at which the basic good for all these three is information. Few authors maintain, that information is equivalent as political money in the EU and as well in other political arenas, considered globally (Bouwen 2002a, 2002b; Crombez 2002). In order to understand the exchange between interest organizations and the EU, I therefore point out these three access goods:

- 1) Expert Knowledge (EK)
- 2) Information about the European Encompassing Interest (IEEI) and
- 3) Information about the Domestic Encompassing Interest (IDEI).

The entire legislative act in the last decade with several amendments includes a lot of various actors with different access opportunities. For the investigation various actors are relevant and I will substantiate them in chapter 4.3 (data collection).

### 3.4 Expert Knowledge

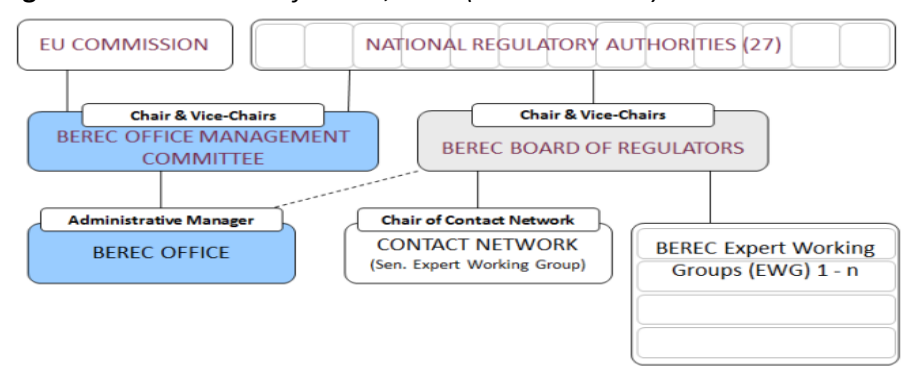
“This access good concerns the expertise and technical know-how required from the private sector to understand the market. This kind of information is indispensable in developing effective EU legislation in a particular policy area” (Bouwen, 2002a: p. 369). Related to the case here, MNO’s provide technical expertise about the measurement of data-roaming traffic and e.g. about the composition of the price regulation. Another important point is that there are also academic experts who are able to confirm the statements of the MNO’s. Expert knowledge from just one position may be associated with risks for the EU Commission in their decision making; therefore the Commission initiates public consultations on such issues, where the Commission has no expertise. The EU Commission’s Directorate - General for Information Society and Media (DG ISM) launched a public consultation seeking stakeholders’ views on the functioning/effectiveness of the current Roaming regulation with 11 February 2011 as deadline.

### 3.5 Information about the European Encompassing Interest

“This access good concerns the expertise and technical know-how required from the private sector to understand the market. This kind of information is indispensable in developing effective EU legislation in the telecommunication policy area” (Bouwen, 2002a: p. 369). For example to

Another relevant actor in the EU-Roaming case is the *Body of European Regulators for Electronic Communications* (BEREC)<sup>20</sup>, which contributes to the development and better functioning of the internal market for electronic communications networks and services. It does so, by aiming to ensure a consistent application of the EU regulatory framework and by aiming to promote an effective internal market in the mobile phone sector, in order to bring even greater benefits to consumer and businesses alike. In particular BEREC is requested to issue reports and provide advice, upon a reasoned request of the EU Commission or on its own initiative, and deliver opinions to the European Parliament and the Council, when needed, on any matter within its competence (cp. BEREC-website, “What is BEREC’s Mission”, 2012). *Figure No. 1* shows an overview about BEREC’s organizational structure. Its office management committee is in a lively exchange between the NRA’s of all EU Member States and with the officials of the European Commission.

**Figure No. 1:** Structure of BEREC, 2012 (BEREC-website)



<sup>20</sup> BEREC monitors the compliance of the Roaming Regulation by the mobile network operators and other providers of roaming services. In the years 2010 and 2011, BEREC has conducted extensive data collections and presented annually five reports on the development of the roaming regulation (cp. Tätigkeitsbericht 2010/2011 der Bundesnetzagentur – Telekommunikation). Semiannual in the report on roaming the development of roaming prices as well as call- and data volume at the wholesale and retail level are recorded.

### **3.6 Information about the Domestic Encompassing Interest**

“This access good concerns the information required from the private sector on the Domestic Encompassing Interest. In our sectoral approach, the IDEI concerns the needs and interests of a sector in the domestic market. In Germany is the Federal Association for Information Technology, Telecommunications and New Media<sup>21</sup> (BITKOM) responsible among others to provide information of its members with regard to new EU-Roaming Regulations and other relevant legislative procedures. BITKOM represents more than 1,700 companies and they organize a permanent exchange between experts and executives, offering its members platforms for co-operation and for interaction with key clients (BITKOM-website 2012<sup>22</sup>).

Compared with ‘encompassing access goods’ which have not been previously identified in the literature, however, the expert knowledge in the EU decision-making process has been acknowledged by several authors (Bouwen 1997; Buholzer 1998; Pappi and Henning 1999; Van Schendelen 1994). The meaning of encompassing interest is described, as an interest which is more encompassing when more interested parties are involved in the formulation of the interest. The ability of customers of mobile electronic communications services to use their mobile handsets to make and receive calls while travelling abroad (international roaming) is an important component of the service, and contributes to the social and economic welfare of the Community as a whole. However, the high prices that mobile users pay for this service has been identified as a persistent problem by consumer organizations, regulators and policy-makers across the Community (COM (2006) 382 final). The Commission claimed that competition for mobile roaming in the European internal market is not strong enough and recognized that the roaming regulation has inhibited rather than increased competition, it should be acknowledged that various MNO’s (e.g. Vodafone, DTAG, E-Plus, and O<sub>2</sub> Germany) and also MNVO’s (e.g. Debitel or Alditalk) already offer alternative roaming tariffs, for example ‘Travel and Surf DayPass<sup>23</sup>’ from T-Mobile. An aggregation of individual interests or interested parties takes place (Bouwen 2002a: p. 370). The Domestic Encompassing Interest’s are aggregated at national level and European Encompassing Interest’s takes place at the European sectoral level. In all specific European sectoral levels, the European Encompassing Interests are specifically aggregated.

*Figure No. 2 shows a compromised overview about the fragmented approaches from Schmitter and Streeck (1999), Buholzer (1998), Salisbury (1979) and of course Bouwen (2002a). They argue that, two variables determine the ‘encompassingness’ of an interest represented by an interest group (Schmitter and Streeck, 1999: p. 58; in Bouwen, 2002a: p. 370). Also the demarcation of the interest groups’ organizational domain is so important. Hence, it determines the variety of interests and thus the kind of members that the association wants to represent<sup>24</sup>. The second variable which determines the encompassingness of an interest represented by an interest group is the*

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<sup>21</sup> Original name from BITKOM: Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e.V.

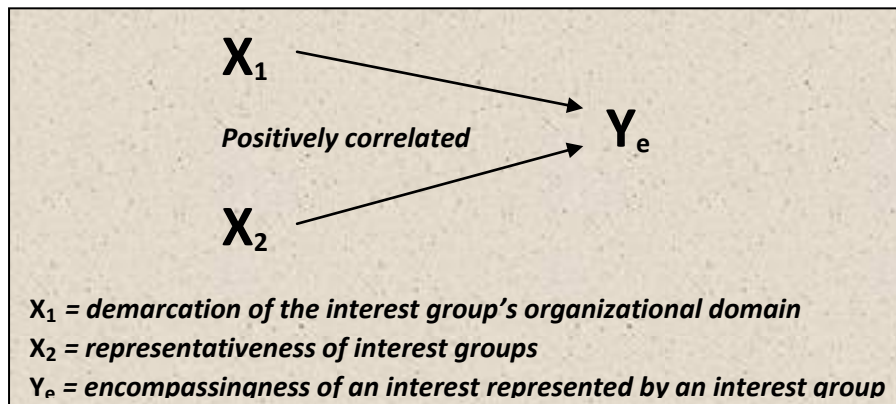
<sup>22</sup> Retrieved on September 21<sup>st</sup>, 2012 from: (<http://www.bitkom.org/en/Default.aspx>).

<sup>23</sup> With ‘Travel and Surf DayPass S’ DTAG customers surfing in the EU countries and Switzerland, with a data volume of 10 MB for € 1,95 per day.

<sup>24</sup> (cp. to Bouwen 2002a: p. 370)

representativeness of interest groups, because that plays a crucial role (cp. to Buholzer 1998: p. 55; and Salisbury 1979: p. 222; in Bouwen 2002a: p. 370).

**Figure No. 2:** Schmitter and Streeck (1999)

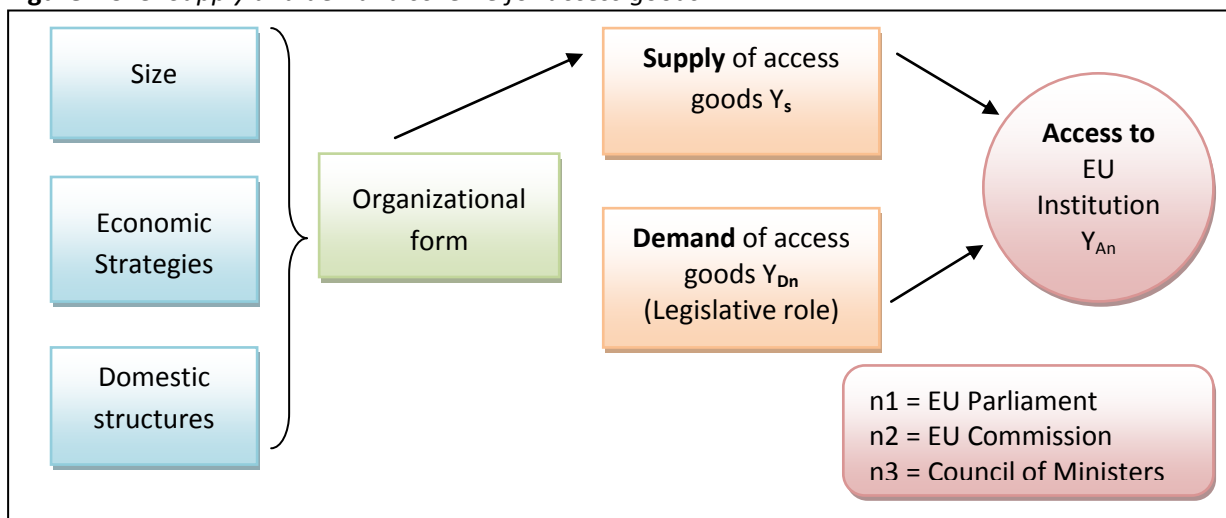


The representativeness is based on the density of the interest group's membership and is the basis for its recognition by the public authorities as a legitimate interlocutor. Finally, the encompassingness of interest groups and their representativeness are positively correlated (cp. Bouwen, 2002a: p. 370). All three defined access goods play a central role in explaining the exchange between private- and public actors.

### 3.7 The supply and demand scheme for access goods

The above described access goods play a significant role in understanding the exchange between private actors/representatives of the private sector (MNO's, MVNO's, associations, etc.) and the EU institutions. Therefore Bouwen made it possible to illustrate the exchange relation as a supply and demand scheme for access goods. *Figure No. 3* serves here as framework for the thesis, whereupon the figure is based on my own representation. The private actors are responsible for supplying access goods and they are only able to gain access to an EU institution, if the appropriate EU institution simultaneously demands the access goods which are provided. The scheme gives the possibility to show the differences in accesses of various business interests to the EU officials.

**Figure No. 3:** Supply and demand scheme for access goods



Within this overview the supply of access goods,  $Y(s)$ , and the demand for access goods,  $Y(D_n)$ , are the independent variables. The dependent variable,  $Y(A_n)$ , indicates the extent to which private actors have access to institution  $n$  (cp. Bouwen, 2004: p. 341).

The dependent variables can be distinguished in:  $Y_{A Parliament}$  when  $n=1$ ,  $Y_{A Commission}$  when  $n=2$  and  $Y_{A Council}$  when  $n=3$ . In order to explain the variation of  $Y(A_n)$ , the independent variables have to be discussed, which follows in the analysis section. According to Bouwen (2004) the organizational forms of business interest representation can be split in national and European level and the action of business interest are divided in individual action, collective action and third party (e.g. through political consultant). The organizational form of the model can be expanded by associations or federal agencies etc.; it depends on the investigated case and how the researcher uses the model. Related to the EU roaming regulation the position and the providing of information of national/European regulatory agencies and associations are relevant, those actors can be classified into the organizational form of the supply and demand model.

“Three crucial indicators determine the organizational form” that a MNO, MVNO, NRA, or association “[...] chooses for its lobbying activities” (Bouwen, 2004: p. 341). The importance of these variables is listed in decreasing order, pictured in the left side of *figure No. 3* (size, economic strategies and domestic structures). The company’s *size* is essential for their lobby activities, whereas large interest groups have enough resources to lobby individually. When a company’s size is large, then it can be assumed that their financial power is also large. Large private actors have the ability to use more resources for planning and undertaking political action. Smaller players on the other hand “[...] often have to rely on collective action to be able to undertake political action at different levels in the EU multi-level system” (Bouwen, 2004: p. 342). A second criterion that determines the organizational form of firm’s lobbying operations is its *economic strategy*. Bouwen states that “[...] different market strategies of national niche players and large internationally oriented firms require different political strategies” (Bouwen, 2004: p. 342). It is almost impossible to find those internal company strategies out, without being directly in the industry. Yet, Deutsche Telekom provides on its public website some clues about their corporate culture, which are outlined in the analysis section.

The *domestic institutional environment* of the firm is the third significant variable that needs to be studied in order to understand the national and European lobbying activities of private interests (Beyer, 2002: p. 590). When close working relationships between state administrative elites and private interests groups exists at the national level, than for instance a form of hierarchical interaction results that “undermines the incentives of private interests to act directly at the European level” (Bouwen, 2004: p.342). Besides the fact, that the organizational structure of the private interest representations determines the kind of access goods that can be provided, two more independent variables have an impact on the quantity and quality of the supplied access goods and the efficiency – “[...] speed and the flexibility of the provision” (cp. Bouwen 2004).

The number of layers of the organizational form, according to Bouwen (2004) and Eisinger (2009), whether it is a firm, a national association or a European association - plays a significant role. Schmitter and Streeck (1999: p. 76) state, that “the more layers are involved in the provision of the access goods the slower and less flexible is the supply”. The second impact on the quantity and

quality of supplied access goods is how complex are the internal decision-making processes of an organizational form. On this occasion the following thesis can be formulated, the more complex the internal decision-making process, the slower and less flexible the provision of access goods. In order to obtain representative data on this hypothesis, therefore we would need information's about the internal processes within various organizational forms, but within the scope of this case is it impossible to collect sensitive company data. In the analysis of individual firms (5.1.1) I briefly discuss and interpretative the corporate culture of DTAG. According to Bouwen (2002a; 2004) it is an advantage to use *Table No. 1* below, which illustrates a ranking about which actor provides the best access goods:

**Table No. 1:** *Supply of access goods*

goods	Best provided access good	Ranking of capacities to provide access
Individual firm	EK	EK > IDEI > IEEI
European association	IEEI	IEEI > EK > IDEI
National association	IDEI	IDEI > EK > IEEI

How the above discussed variables and the organizational form influence the provision of access goods, is analyzed in the discussion of the three main organizational forms:

(a) Individual firm = DTAG, Vodafone Group

(b) European association = European Consumer association BEUC and BEREC

(c) National association = BITKOM.

- However, it can be assumed that a hierarchically structured organizational form of a MNO like the DTAG is likely to be more efficient in making a decision and providing expert knowledge to the EU institutions than a decentralized, democratically organized form like the BITKOM-association.

This chapter outlined the basis for the later analysis with the concept of a supply and demand scheme. Subsequently within the methodology chapter the case study, used data and the limitation of the research design are presented.

## 4. METHODOLOGY

### 4.1 The Case Study

I selected the EU Roaming Regulation because of its relevance in multiple matters. In general a descriptive case study “[...] deals with the whole case but this cannot possibly mean that the case study consists of everything about the case” (de Vaus, 2001: p. 225). As Christian de Vaus mentioned

it is mostly impossible to describe everything within a case study. But first of all, this investigation deals with the efficiency and steadily coming price advantage for consumers of the telecommunication industry within the European Single Market. For the competitiveness within the EU and especially for most EU citizens as daily consumers is the outcome of the process very important. A major reason for a researcher to use a case study design is to get insights in certain processes. Within this study I am interested in the reasons of access and influence from the key actors to the EU regulation for roaming services. Various actors have an initial situation, they differ among financial support, expertise, social stand in the society and other causal factors. The *EU Regulation No. 531/2012* for EU roaming services is the unit of analysis about which data are collected. In order to get insights into a complex field of change in regulation and into the interests and possible influence methods of different actors, the focus is on the year 2012, however, in certain aspects I also consider the time period between 2006 and 2012. If you look at the last decade, it can be observed that the innovative and technological progress has in terms of telecommunications tremendously improved. In addition, more people are travelling within the EU, then ten years ago and many more Europeans are using mobile telecommunication equipments like mobile phones Smartphone's, and Tablets. Another reason why selecting the EU roaming case is, because the impacts may affect indicators such as the labor market in various member states of the EU and economic growth significantly, the European roaming regulation is relevant for the internal market. As an additional factor one may argue, it is interesting to see which interest organization is able to influence decisional outcomes regarding mobile telecommunication policy, because this issue is one of several in the integration process of the European internal market. Therefore, the results cannot be generalized to other legislative decisions in the telecommunication industry or even the decision-making process at EU-level in general.

## **4.2 Data Collection**

The methodology employed to generate this study includes a qualitative literature review on most secondary data and on relevant public EU official documents. The desk research is an important source of information for this bachelor thesis. For the qualitative literature review the primary sources are the article "Corporate lobbying in the European Union: the logic of access" written by Pieter Bouwen (2002) in the *Journal of European Public Policy*. The *Regulation (EU) 531/2012* on roaming on public mobile communications networks within the Union was published in the *Official Journal of the European Union* and provides data about the change of roaming charges (see *Appendix figure: 6;7;8*). Furthermore I have relied on public available data from BEREC, MNO's, MVNO's, NRA (Bundesnetzagentur), EurActiv articles (from 2005 – 2012) which were relevant to the topic, EU Commission public consultation on review of EU mobile phone roaming rules from December 2010, and from public available statements of MEP's and officials of the Council which were found in EurActiv articles. The EU Commission's position derived from the legislative proposal and whereas the EP's and Council's position is derived from its common position in the first reading. Commission's proposals are partly delivered by various experts who participate in a working group together with the Commissions officials. EU related documents are collected by the EUR-Lex website.

### **4.3 Limitation of the Research Design**

The research I am conducting is limited in a number of different ways. Therefore, I can say that the limitation of the conducted data make a generalization difficult. When comparing my research for example to that of P. Bouwen (2004), than is clear that his sample size, which is an important indicator for generalization, is much higher. I examine here, however, the position of only a small group and without having face-to-face interviews with the actors or without using a quantitative survey (BEUC, DTAG, Vodafone, and Bundesnetzagentur). There are major differences, because Bouwen was able to sample the entire population of respondents he was investigating. To get more specific information about the MNO's, MVNO's, associations, NRA's and the main European Institutions, I would need much more resources, especially time, money, contacts with correspondingly access.

Furthermore, next to desk research and self evaluation, direct interviews to a high number of interrelated officials would be beneficial for significantly results about each position to the *EU Regulation No 531/2012* in the telecommunication industry. Collecting information through EurActiv and various EU roaming related documents from public websites is useful, but there is a risk of incorrect and limited data. Bouwen was able to get face-to-face interviews and therefore he could conduct all these interviews in-depth. Because my sample is not random and has no quantitative data, therefore it is not suited for a statistical analysis. As already mentioned is the possibility of generalizing my research findings limited by the composition and size.

## **5. ANALYSIS**

### **5.1 The supply for access goods**

The analysis of the supply of access goods proceeds in two stages. At the beginning the mechanism are studied that determine the firm's choice of organizational form. Once the different forms of interests groups have been analyzed, the relationship between these forms and the provision of access goods is investigated (cp. Bouwen, 2002a: p. 372). Not all private interests groups have the same capacity to provide access goods. Hence the organizational form is the essential variable determining the kind of access goods that can be provided. Based on public materials about the involved actors within in the roaming regulation, this analysis section give insights on the actors supplied access goods.

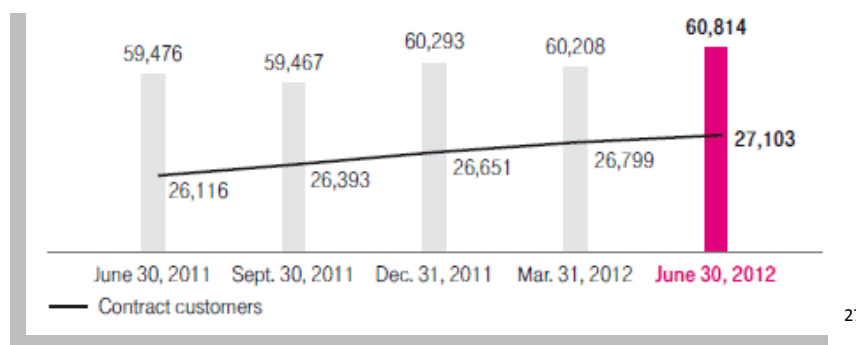
#### **5.1.1 Individual firm**

Individual firms within in the telecommunication industry are directly active in the EU roaming regulation process and other telecommunication related legislative processes and therefore MNO's like DTAG or Vodafone Group are particularly good in providing expert knowledge, because of their own interest. "A hierarchical decision-making structure" of a large company enables that expert knowledge will be provided efficiently to the EU institutions (cp. Salisbury, 1984: p. 67-68 in: Bouwen, 2004: p. 343). Hierarchical decision-making structures are meaningful to support a central idea or a company's goal and support everyone involved in completing their jobs regarding that goal. The hierarchical organizational structure in a company, which can be partially recognized by the DTAG



company web-profile, is a traditional organizational system with its top-down structure<sup>25</sup>. These days, large companies are mostly focused to operate globally, on one hand a modern corporate culture (philosophy) is asked, but on the other hand proves a traditional and solid company structure. With approximately 236,000 employees worldwide, a revenue of € 58,7 billion in the financial year 2011, and as listed company since 1996, is DTAG categorized in my view, as a large global player. DTAG offers a broad range of communication, entertainment and IT services from a single source both for consumers and business customers (DTAG company profile 2012). In the European mobile phone market is DTAG in second position after the leading British company Vodafone Group, which has 148,488<sup>26</sup> million mobile customers in the EU including the countries Albania and Turkey. For comparing of mobile customers, shows *figure No. 4* the development of mobile customers of DTAG over the past five quartiles, actually 60,814 million customers make use of mobile phone services in the EU.

**Figure No. 4:** DTAG (T-Mobile) - Mobile customers in the European Union



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In case of DTAG and Vodafone Group, we are dealing with large companies and according to Bouwen (2004) “[...] large firms in that category are using regional, national and European strategies to satisfy the needs of their customers and to expand their market position in Europe” (Bouwen, 2004: p. 343). Both companies which are concerns with a European strategy provide information about the European encompassing interest and as mentioned in *chapter 3.5*, they provide valuable expert knowledge, which is demanded by EU institutions as well as for consumer associations. Providing expert knowledge is beyond question, however, it can only speculate about, how much information about the European encompassing interest is available through the companies. Bouwen (2004)

<sup>25</sup> “DTAG has expanded its management in the corporate responsibility (CR) area. All CR activities are now coordinated uniformly, internationally and Group-wide. From the Board of Management down to the individual departments, the entire Telekom Group is working in the further development and execution of their CR strategy. Two particularly important areas are the CR Board and CR department” (Retrieved on September 11<sup>th</sup> 2012 from: <http://www.telekom.com/corporate-responsibility/cr-strategy-and-management/management-structures/64744>).

<sup>26</sup> Financial results of Vodafone, Quarter to 30 June 2012 (Retrieved on 11<sup>th</sup> September 2012 from: [http://www.vodafone.com/content/dam/vodafone/investors/financial\\_results\\_feeds/ims\\_quarter\\_30june2012/dl\\_ims\\_30june2012.pdf](http://www.vodafone.com/content/dam/vodafone/investors/financial_results_feeds/ims_quarter_30june2012/dl_ims_30june2012.pdf)).

<sup>27</sup> “For the purposes of the interim Group management report, one mobile Communications card corresponds to one customer. The totals were calculated on the basis of precise figures and rounded to millions or thousands. Percentages were calculated on the basis of the figures shown (see also SIM card)” (Retrieved on 11<sup>th</sup> September 2012 from: <http://www.interimreport.telekom.com/site0212/en/konzernlagebericht/geschaeftsentwicklung-der-operativen-segmente/europa/index.php?tcf=a8b72ebfbc3e744a34c7fc3c41ffc2cb>).

argues that it is very difficult for large European firms to provide information about the European encompassing interest, because in the EU financial services sector, which he investigated, firms only have a relatively small market share within the single market. However, both players DTAG and Vodafone Group have a large market share within the European roaming market, so it can be assumed that they can provide valuable European encompassing information's. Based on the DTAG Annual Report 2011, the DTAG is not completely satisfied with the future development of the implementation of the roaming regulation, because "these measures will consume a large amount of resources and incur high costs for the European mobile communications industry" (DTAG-Annual Report, 2011: p. 74). Within this annual report DTAG's leaders condemn the regulation in 2011 and indicate that this regulation can affect their business on a negatively manner. But they also see optimistic into the future of the EU roaming market, although they argue that the measures "[...] represent a disproportionate level of regulation – particularly in light of the growing competition for data roaming services" (DTAG Annual Report, 2011: p. 74).

Detailed information about DTAG's or Vodafone's lobbying costs is not possible, but Thomas Life (2003) conducted an interview with Karlheinz Maldaner (at that time he was employed by DTAG as a political consultant) and he confirmed that lobbying by a sector specific association is useful and profitable for an individual firm. Hence, he also pointed out that "[...] DTAG is often very satisfied with the lobbying activities by the national association. The representation of certain positions by the BDI or BITKOM is for our lobbying often very efficient. But there are also many cases in which we know that the average of the interest that forms the association is not sufficient for our specific concerns as a major telecommunications company" (cited in Leif/Speth, 2003: p. 153). Accordingly, a telecommunication companies invests certainly a large sum in public relations and political communication. What exactly these large companies can invest in "lobbying", it can only speculate, and I am not capable to do it here. Therefore, it remains an open question. The DTAG representative office in Brussels staffed with five employees and the representative's aim is the perception of corporate interest against the European legislator (cp. University of Dusseldorf, database – Europe in NRW).

### **5.1.2. Associations**

Associations at national, European or international level are dependent on their members when they want to provide information to the EU institutions about the domestic and/or European mobile phone market. In general, associations have fewer resources for providing expert knowledge and them "[...] have to deal with a wider range of issues" compared to firms or consultants (Bouwen, 2004: p. 344). Consultants have also an interesting role in various decision-making processes, however, for here it is enough to know, that consultants are mostly limited in providing access goods. It is difficult to generalize the actor "consultant", because they individually act so different and it is even more difficult to measure their access and influence as the other actors. Within the literature about lobbying decision-makers, you hear a lot about this "group" of consultants, but they are very particular, in order to compare them or to add them to this investigation, it is more useful to dedicate them a separate investigation.

Associations, whether national or international, have a multi-layered organizational structure and that is the fact why Bouwen (2004) argues, associations are too distant from the market reality. "The

three layer structure of the European associations' organizational form – *EU level, national level, company level* – also hampers the efficient provision of access goods” (Bouwen, 2004: p. 344). BITKOM as German federal association is also specialized in building consensus positions by channeling different opinions of their members as the international association ‘Groupe Speciale Mobile (GSMA)’.<sup>28</sup> National and European associations (BEUC) are bundling all the interests of their members. This extensive consultation mechanism allows BITKOM to represent an encompassing domestic perspective about the German mobile phone sector and therefore they should be possible to provide good quality information about the domestic encompassing interest. Nearly the same applies to BEREC, which comprises all interest of the 27 Member States National Regulatory Authorities. BEREC has an encompassing European perspective on the entire European mobile phone market and they should provide high quality information about the European encompassing interest. An internal decision-making process for building consensus in an association is mostly interlaced and “[...] they negatively affect the efficient provision of access goods” (Bouwen, 2004: p. 344). The conjunctive is used above when describing the supply of access goods by national and European associations, because for confirming these statements, further empirical data are required. If in a subsequent step, the opportunity exists to strengthen this investigation, it lends itself for the data collection, to complement the research design with a semi-structured interview. A semi-structured interview with a representative number of interviewees enables qualitative and quantitative data, which can confirm the internal and external validity.

## **5.2 The demand for access goods**

The demand-side of access goods is also essential, when explaining the access of private players to the EU institutions. Since the aim of this bachelor thesis is to study EU legislative lobbying, “[...] the demand for access goods is derived from the specific role of each EU institution in the legislative process” (Bouwen, 2004: p. 344). Therefore Bouwen states, that the formal powers of each EU institution in the “[...] EU legislative process and the timing of their intervention in the process largely determine the institutions' demand for access goods” (Bouwen, 2004: p. 344). Each of the three EU institutions is in a varying degree interested in the access goods Expert Knowledge, Information about the Domestic Encompassing Interest and in Information about the European Encompassing Interest. Using the following table No. 2 *demand for access goods*, created by Jacobs<sup>29</sup> (Jacobs 1974; cited in Bouwen, 2004: p. 345) is helpful in analyzing the demand for access goods. Following Pfeffer and Salancik (1978), Jacobs (1974) identifies the ‘most problematic dependency’ as the resource from the environment on which the organization is most dependent (Bouwen, 2004: p. 345). Jacobs's table shows a ranking of dependencies on information.

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<sup>28</sup> The GSMA represents the interests of mobile operators worldwide.

<sup>29</sup> For the ‘ranking of dependencies’ P. Bouwen (2002a; 2002b; 2004) cited in Jacobs work: Jacobs, D. (1974). Dependency and vulnerability: An exchange approach to the control of organizations. *Administrative Science Quarterly* 19: p. 45-59.

**Table No. 2: Demand for access goods**

	Critical resource	Ranking of dependencies
European Parliament	IEEI	IEEI > IDEI > EK
European Commission	EK	EK > IEEI > IDEI
Council of Ministers	IDEI	IDEI > IEEI > EK

Because in the analysis the “demand for access goods [...] based on the EU institution’s role in the legislative process, the most problematic dependency will correspond to the demand for the access good most critical for the fulfillment of the formal legislative role” (Bouwen, 2004: p. 345).

### **5.2.1 The European Parliament**

The European Parliaments demand for information about the European encompassing interest is high and the demand for expert knowledge is rather limited. However, the EP’s role in the Community’s legislative procedure has increased from, “[...] initially, no role whatsoever to play, to a consultative role and, ultimately, to a role with powers that are more than consultative” (Bouwen, 2004: p. 345).

In various important areas, these powers have reached “[...] the level of co-decision with the Council of Ministers”. In such situations, the Parliament is making “[...] amendments to the proposed legislation and to take decisions” (Bouwen, 2004: p. 345). For the further development of a legal act other officials from different areas of the Parliament are required, e.g. as political groups, committees and its rapporteurs, and finally the plenum. They all make decisions of how much input they accept on this level. But also rapporteurs need external input regardless of the type of interest, the adequacy of the existing Commission proposal estimate and expect to be able to formulate parliamentary amendments. Generally, the European Parliament is for similar reasons, like the European Commission, open for private actors and appreciates external input.

In addition, interest groups provide an opportunity for the Parliament to gain certain independence from other European and national institutions (Diekmann, 1998: p. 290). In conclusion here, is the statement made by Beate Kohler-Koch very important and appropriate, that the directly elected supranational assembly the European Parliament has the “[...] task to evaluate the legislative proposal from European perspective” and underlines Jacobs ranking, where the Parliament’s highest demand of access goods are information about the European encompassing interests (Kohler-Koch, 1997: p. 12). Information about the European Encompassing Interest as access good is the institution’s critical resource, “[...] because it provides encompassing private-sector information about needs and interest” in the European mobile phone internal market (Bouwen, 2004: p. 345).

All Members of the European Parliament are elected at the national level and therefore they are in a steady information exchange with their electorate back home. For their work in Brussels the MEP’s are focused on information about European interests, however, for a re-election they are also

interested or dependent in information about the domestic encompassing interests. The access good IDEI provides the MEP's with relevant information about the needs and preferences of their voters (Bouwen, 2002a: p. 381). MEP's from various member states supports a consumer friendly roaming regulation and they also see improvement within the internal markets competitiveness.

### **5.2.2 The European Commission**

The European Commission embodies the executive and also the most important legislative power of the EU. Among the European institutions, the European Commission's role within the EU legislative process and the demand for access goods "[...] has been most prominent to encourage transnational interest group co-operation, to initiate European-wide networking and to provide benefits like privileged access or financial support" (Kohler-Koch, 1997: p. 1). The Commission is promoting common European interests, as well as promoting its own position. As shown in *table No. 4*, the critical resource is expert knowledge directly from the industry or innovation- side. Because of understaffing and severe budget constraints in the Commission, the institution is dependent on external resources to obtain the necessary expertise (Bouwen, 2004: p. 346). Aim of the European Commission is "[...] to gear towards 'promotional brokerage', trying to push the Member States to accept policies that go beyond a purely intergovernmental consensus based on the lowest common denominator" (Bouwen, 2004: p. 346). Compared with the two other institutions the Commission has in general a particular strong position in Brussels. Because of their important position and their need for information, the EU Commission has several theme specific working groups. The Directorate - General for Information Society and Media is in steadily exchange with private actors from the industry

The Commission has small control about, how to proceed in the wake of the proposal after it has been submitted to the European Parliament (cp. Michalowitz, 2007: p. 66). The Commission has only a small influence on the voting behavior of MEP's, but both sides are therefore looking for the dialogue throughout the process – or all three important institutions in the so called "[...] trilogue between Parliament, Commission and Council" (Michalowitz, 2007: p. 66). As early mentioned, the Commission is mostly interested in EK, secondly in information about the European encompassing interests and least of domestic encompassing interests. But is also dependent in all kind of information on ad hoc basis "[...] when, for example, it has to amend its legislative proposal to achieve a compromise in the Council and the Parliament" (Bouwen, 2004: p. 346 f.).

### **5.2.3 The Council of Ministers**

The Council of Ministers, typically referred to as just 'the Council', is the main decision-making and legislative body. In conjunction with the European parliament, the Council of Ministers forms the EU's legislative. In contrast to the Commission, the Council of Ministers is the most intergovernmental institution involved into the EU legislative process. The Council's secretariat and its presidency embody a sense of collective purpose and commitment, and thereby give this intergovernmental institution a supranational flavor (Wurzel, 1996: p 273; cited in Bouwen, 2004: p. 347). This explains why the responsible Council of Ministers of Transport, Telecommunications and Energy (CM-TTE) are also interested in details about the information of European encompassing interests regarding the development of roaming. However, the main focus of the CM-TTE is in the needs of the domestic market, therefore exists the highest degree in demand in information's about

the DEI (critical resource). The final shape of the legislative proposal can be influenced by the Council to varying degrees, “[...] depending on the procedure being used” (Bouwen, 2004: p. 347). Bouwen describes it in his work, “when it comes to decision-making in the Council, the proposal has already been technically elaborated and the demand for expert knowledge from private interest is therefore substantially reduced” (2004: p. 347). During the drafting process of the Commission, the Council is more interested in information that can support the process among the member states. I therefore recommend that the exchange between NRA’s to the national ministers is highest.

## 6. CONCLUSION

In this final chapter, I will answer the main research question and sub questions. Finally, I will go on to make recommendations for further research on the subject and a brief reflection on the project.

Summarized answers to the sub-questions and the main research question:

1. *“What is Pieter Bouwen’s theory of access and what is to understand about access goods?”*

The essence of the access theory is that in a political arena (here the European Union) exists an exchange relationship between the three EU institutions and various interest groups. Access and information are exchangeable goods, which represents “political money” or power. We distinguish three kinds of information, these are the access goods (EK, IDEI and IEEI). Each “EU institution has an access good which is critical for its functioning” and in exchange for its critical access good the institutions will grant access to the interest group that provides it (Bouwen, 2002a: p. 369). On the other side, the supply of access goods, the private interest groups provide the information to gain access and finally to present their position. More detailed content of the theory may be found in *chapter 3*.

2. *“What were the content of the previous Roaming regulations?”*

Prior to the Commission’s Roaming Regulation of 2007 (EC No 717/2007) and its amendment and extension in 2009 (EC No 544/2009), retail and wholesale mobile charges (for voice-calls, SMS and data-roaming) were widely felt to be excessive in comparison to the underlying costs of providing these services. *Figure 6-8* in Appendix illustrates the development of prices and also the upcoming charges for roaming from 1<sup>st</sup> of July 2012. As mentioned at the beginning of the thesis, many Europeans are afraid of high cost when travelling within in the EU and consequently many customers do not use their mobile phone when being somewhere abroad. “This behavior was rightly viewed as an impediment to the European Single Market” (WIK Consult-Final Study Report, 2010: p. 4).

3. *“To what extent does access theory explain the degree of diffuse interest access to the EU institutions?”*

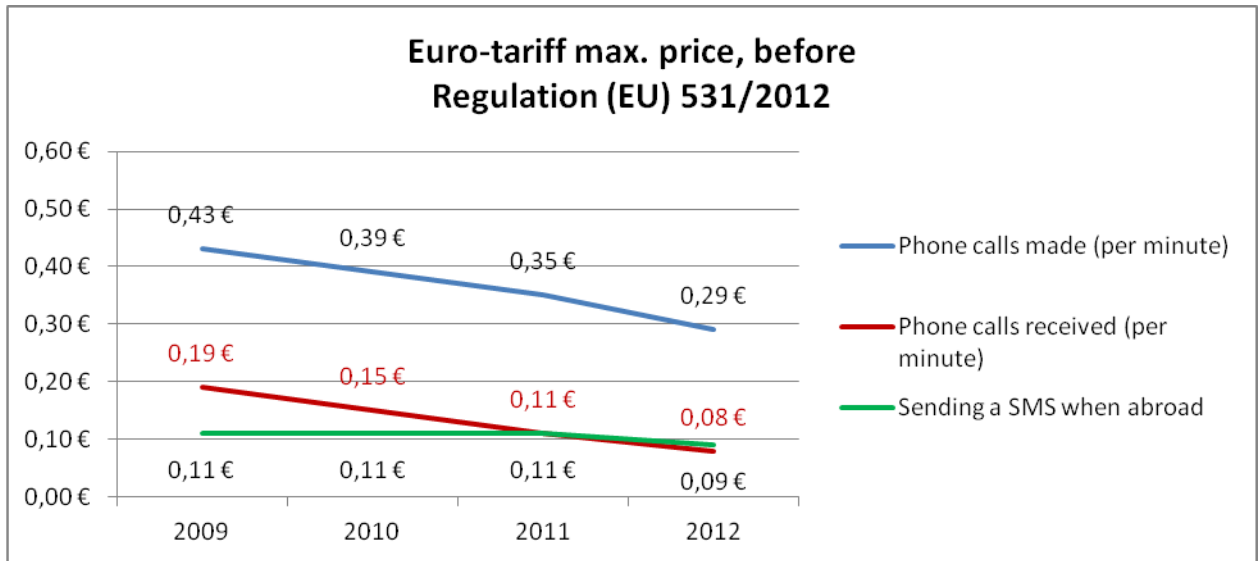
The degree of access to the EU institutions by the access theory, here in this study, cannot be expressed in numbers. When I decided to test a theory of access to the major EU institutions, I realized it would not be an easy task. To obtain data that could be generalized, need more specific results from the involved actors, by using quantitative approaches. Especially interesting is to find out how the officials of the main institutions assess the possibilities of access. For gaining better results to the question, scientists need more resources and probably a division of tasks i.e. a research team. I mean, if you have the opportunity to get several interviewees with EU officials, then it is advantageous to work in a team, because processing of data should be contemporary way as possible.

From the previous chapter on research findings and the answer to the sub-questions, it can be said that access theory has a lot potential to explain the exchange of interest. The access possibilities of the consumer organization BEUC, the MNO’s DTAG and Vodafone Group are available, but implicitly. However, additional research will have to be done in order to provide definitive answer to this

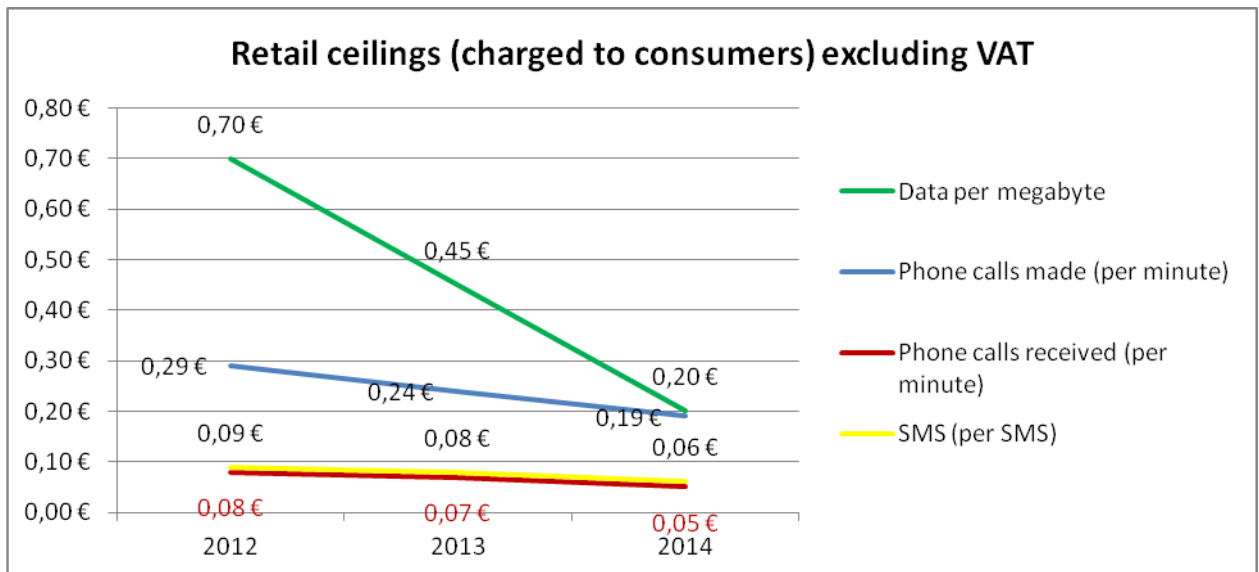
question. On transparency in EU decision-making processes can certainly be discussed. As several researchers previously mentioned, the measurability of policy decisions is partially restricted. Thus, the knowledge of such policy decisions are based on subjective assumptions combined with public statements by individual player and legal facts.



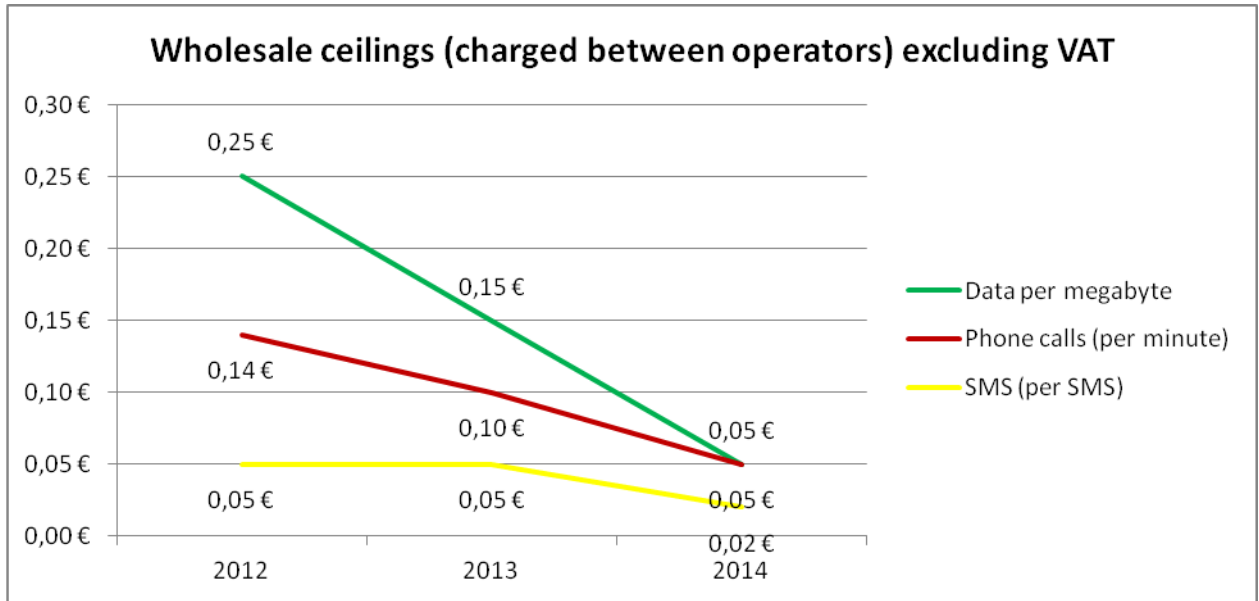
## APPENDIX



**Figure No. 5:** Euro-tariff maximum roaming charge per minute in Euros without VAT. Receiving a SMS when abroad is for free. Source: European Commission, Retrieved on 15<sup>th</sup> August 2012 from: [http://ec.europa.eu/information\\_society/activities/roaming/regulation/archives/current\\_rules/index\\_en.htm](http://ec.europa.eu/information_society/activities/roaming/regulation/archives/current_rules/index_en.htm)



**Figure No. 6:** Retail ceilings (charged to consumers) excluding VAT; current Regulation (EU) 531/2012. Receiving a SMS when abroad is for free.



**Figure No. 7:** Wholesale ceilings (charged between operators) excluding VAT. Receiving an SMS when abroad is for free.

**Table No. 2: Supply of access goods (Source: Pieter Bouwen 2002a: p. 378)**

	Best provided access good	Ranking of capacities to provide access goods
<b>Individual firm</b>	EK	EK>IDEEI>IDEEI
<b>European association</b>	IEEI	IEEI>EK>IDEEI
<b>National association</b>	IDEEI	IDEEI>EK>IDEEI
<b>Consultant</b>	EK (client = individual firm) IEEI(client=European association) IDEEI (client=national association)	EK>IDEEI>IDEEI IEEI>EK>IDEEI IDEEI>EK>IDEEI

**Table No. 3: Demand for access goods (Source: Pieter Bouwen 2002a: p. 382)**

	Critical resource	Ranking of dependencies
<b>European Commission</b>	EK	EK>IDEEI>IDEEI
<b>European Parliament</b>	IEEI	IEEI>IDEEI>EK
<b>Council of Ministers</b>	IDEEI	IDEEI>IDEEI>EK

## Mobile phone subscriptions

Per 100 inhabitants

geo	time	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
EU (27 countries)		20	33	53	65 <sup>(f)</sup>	71 <sup>(f)</sup>	78 <sup>(f)</sup>	87 <sup>(f)</sup>	96	106	116	122	125
Euro area (changing composition)		23 <sup>(f)</sup>	39 <sup>(f)</sup>	61 <sup>(f)</sup>	74 <sup>(f)</sup>	78 <sup>(f)</sup>	83 <sup>(f)</sup>	:	:	:	:	:	:
Belgium		17	31	51	68	71	75	81	84	89	98	105	108
Bulgaria		2	4	9	20	32	45	62	80	107	129	137	139
Czech Republic		9	19	42	68	84	95	106	115	124	124	133	136
Denmark		36	49	63	74	83	89	96	101	107	116	120 <sup>(b)</sup>	124
Germany		17	29	59	68	72	79	90	96	104	118	131	132
Estonia		18	28	41	54	65	77	93	107	117	120	121	117
Ireland		26	38	63	73	77	86	94	103	112	115	122	119
Greece		19	36	54	73	85	81	84	112	125	145	169	180
Spain		16	38	61	73	82	89	91	99	105	109	110	111
France		19	34	49	61	63	68	72	77	82	87	91	95
Italy		36	52	77	90 <sup>(f)</sup>	95 <sup>(f)</sup>	99 <sup>(f)</sup>	108 <sup>(f)</sup>	122	137	152	152	151
Cyprus		17	22	32	45	59	77	90	104	113	124	129	133
Latvia		7	12	17	26	39	52	66 <sup>(f)</sup>	81	95	97	98	99
Lithuania		8	10	14	29	47	61	89	127	139	145	149	148
Luxembourg		50	49	70	93	107	120	143	156	152	144	146	146
Hungary		10	16	30	49	68	78	86	92	99	110	122	118
Malta		5	6	29	57	70	73	77	81	86	90	94	102
Netherlands		22	43	68	76	76	83	91	97	113	118	123	122
Austria		29	53	76	82	84	88	98	94	92	89	87	83
Poland		5	10	17	25	36	46	60	76	96	109	116	118
Portugal		30	46	65	81	83	90	93	109	116	127	141	151
Romania		3	5	9	21	23	32	47	62	81	106	114	118
Slovenia		10	33	57	76	77	87	93	88	91	96	102	103
Slovakia		9	12	21	41	54	68	79	84	91	112	102 <sup>(b)</sup>	102
Finland		55	63	72	81	87	91	96	103	108	115	130	145
Sweden		44	58	72	81	89	98	98	101	106	111	119	126
United Kingdom		25	41	68	76	84	91 <sup>(f)</sup>	100 <sup>(f)</sup>	109	116	121	126	130
Iceland		38	59	77	88	91	97	100	90	95	106	107	106

Table No. 4:

Source of Data: Eurostat; Last update: 08.08.2012; Date of extraction: 21 Aug 2012 16:03:50 MEST (Retrieved on 9<sup>th</sup> September, 2012 from: <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tin00060>).

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