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The influence of Non-Governmental Organisations on European Union policy processes

An explorative study on the role of Non-Governmental Organisations
during the policy process that went prior to the incandescent light
bulb phase-out

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Abstract

Innovation of socio-technical systems often comes with highly complex policy processes permeated by conflicts between rival organisations. Characteristic for these innovations is that it is frequently accompanied by the discontinuation of governance. The structure of influences during these processes is an underdeveloped subject in literature, especially the influences of non-governmental organisations (NGOs). This thesis contains an explorative case study into the policy processes within the European Union (EU), with special attention to the roles that environmental- and consumer NGOs play during these EU policy processes. The policy process that went prior to the controversial phase-out of the incandescent light bulb (ILB) within the EU serves as the case of investigation. Not much is known what the roles of environmental- and consumer NGOs in reality were and how they strategically manoeuvred during Consultation Forums (CF) by means of pressuring and lobbying. By use of these forums the EU opened its doors for a more transparent and legitimate policy process and every organisation could subscribe for a seat during the CFs to give expression of their opinions and expertise. The Commission divided the seats with the purpose to give a balanced representation of the EU. And even though the NGOs were heavily outnumbered by the industry representatives, it turned out that NGOs were highly involved during this process of which there didn't seem to be any major opponents. With use of qualitative research methods like abduction and grounded theory this study attempts to construct a conceptualization of how NGOs lobby and what the main elements of their influence is on EU policy processes are.

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List of abbreviations

ANEC	The European consumer voice in standardisation
BEUC	The European consumers' organisation
CAN	Climate action network Europe
CELMA	The federation of national manufacturers' associations for luminaires and electrical components for luminaires
CF	Consultation forum
CFL	Compact fluorescent lamp
CIRCA-BC	Communication and information resource centre for administrations, businesses and citizens
CO ₂	Carbon dioxide
DG-ENV	Directorate-general for the environmental
DG-TREN	Directorate-general for energy and transport
DiscGo	Governance of discontinuation of socio-technical systems
EB	The European environmental bureau
EC	European Commission
ECOS	European environmental citizens' organisation for standardization
ECOSOC	The united nations economic and social council
ELC	The European Lamp Companies federation
EP	European Parliament
EU	European Union
EuP	Energy-using product
EU-27	EU member states from 1 January 2007 till 30 June 2013
ILB	Incandescent light bulb
IM	Implementing measure
INFORSE	International network for sustainable energy
IPCC	Intergovernmental panel on climate change
LED	Light-emitting diode
MEEuP	Methodology Study for Ecodesign of Energy-using Products
NGO	Non-governmental organisation
SME	Small and medium-sized enterprises
STePS	Department of science, technology and policy studies
UN	United nations
WD	Working document
WWF	World wildlife fund
ZERO	Or ZMWG, Zero mercury working group
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1. Introduction

1.1 Background

Not much is known about how non-governmental organisations (NGOs) strategically lobby during European Union (EU) policy processes. Often policy processes take turns and intentions change without visible causes for the ordinary citizen. This thesis contains an inquiry into the properties and realities of policy processes within the EU, with special attention to the roles that environmental- and consumer NGOs play during these EU processes. Main focus lies in the attempt to understand in what ways they manoeuvre by means of pressuring and lobbying during Consultation Forums (CFs). By making use of an exploratory case study this thesis tries to shed a light onto how NGOs strategically respond during policy processes within the EU.

This research simultaneously has implications for a better understanding of the governance of change of socio-technical systems, mainly because the incandescent light bulb (ILB) is considered as an 'old' technology that is deeply rooted in the industry and society (See chapter 2 for a more thorough explanation of the connection between the phase-out of the ILB and the change of a socio-technical system). Socio-technological system innovation is often associated with the emergence of new technologies and improvements of societal standards. But some innovations need governmental help. An example for this matter, and thereby subject of this case study, are the energy-using products (EuP) CFs held by the European Commission (EC) in which several environmental- and consumer NGOs participated through lobbying and consulting, and which eventually led to the gradual phase-out of the ILB within the EU.

Before implementation, and the discontinuation of ILBs within the EU, a policy process emerged in which a broad range of involved parties participated (Stegmaier et al 2012a, b, 2014). The European Parliament (EP) adopted a directive in 2005 in which a framework was established for the setting of ecodesign requirements for EuPs. This directive was designed to provide for the setting of requirements which EuPs must fulfil in order for them to be placed on the market and/ or put into service (European Union, 2005). This resulted in a policy that phased-out the ILB gradually over four years. During the policy process, before implementation of the regulation, many NGOs participated. This got strengthened and to a higher degree coordinated because the Commission has committed itself to give all stakeholders the opportunity to participate, or at least to consult the Commission, in CFs. But other reasons are the far-reaching impacts of the regulation in terms of environmental- and consumer issues. For many NGOs, but also other stakeholders, this looked like a convenient policy. Formerly NGO topics, such as energy saving and CO2 reductions policies, were captured by companies, their lobby organisations and the EC who saw a chance to show their commitment to the Europe 2020 strategy targets for cutting greenhouse gas emissions. However, there was also the issue of mercury contained in the replacing compact fluorescent lamps (CFLs), as well as light sensitivity issues with old and new bulb technologies, which made the ILB ban also an issue for health and consumer NGOs. Due to this far reaching impacts, and the special relationship between the stakeholders, the ILB case is considered to be appropriate for the investigation of the influence of environmental- and consumer NGOs during EU policy processes.

The ILB technology being invented in an era where Western cultures were still using carriages for transportation, it is hard to believe that this technology almost hasn't change during all this time. Keeping that in mind it is not hard to understand that this technology can be improved in terms of efficiency. Especially in a time where global warming and energy efficiency are hot topics. The ILB

converts only around 5 to 10% of the energy they consume into light, the rest is emitted as heat (Howarth & Rosenow, 2013). Although awareness about these possible improvements was present, it took a long time before political action was taken throughout the world. This deferment is considered as a result of the embeddedness of the technology within societies, and innovation wasn't to come without a proper prior policy process where all different impacts and aspects of the forthcoming changes, and removals of established products, were being discussed and elaborated. This policy aspect can be considered as the (destabilising) governance of the discontinuation of (stabilising) governance, and is an important part of the phase-out of the ILB (Stegmaier, Kuhlmann & Visser, 2014, pp. 114-115).

1.2 Relevance of this research

This thesis contributes to the international collective research project 'Governance of Discontinuation of Socio-technical systems' (DiscGo), carried out by a research group from four European universities¹, led by STePS² at the University Twente. This thesis develops with an unfolding perspective and reinterprets two models from Van Schendelen (the vectors of influence) and Geels & Smit (the promise-requirement cycle) on the subject of the ILB case, while applying these reinterpretations to obtained data concerning NGOs' strategies and the way the CFs from the EC ought to work and worked in reality.

As indicated, in chapter two a literature study on EU policy processes (see *figure 1*) is presented. This thesis finds its principal goal in filling possible gaps with regard to the influence of NGOs during these processes. Precisely because the EU has opened up more for deliberative CFs and many NGOs start to participate in these forums, it is increasingly important to map their influence. The empirical findings of this study, see chapter 3.3.2 for an overview of the empirical data that has been analysed, will supplement earlier findings of the DiscGo project with an emphasis on the role environmental- and consumer NGOs played in negotiating the light bulb phase-out in the CFs of the EC during the EU policy process. Data is obtained from interviews with participants as well as to a larger extent from EC databases, like minutes of meetings, comments on working documents and the developing working documents themselves. With use of this combination of sources a theoretical conceptualization about the lobbying and content-wise governance issue perception of NGOs in the governance process preparing the ILB phase-out will be made.

1.3 Outline of this study

In order to make sure the results are as focussed as possible this study is structured by a set of steps (see *figure 1*). These steps are initiated by the following thematic framing (after the theoretical framing and gathering of data the more specific research questions are presented, see chapter 3.2):

How do NGOs influence the EU policy process?

This framing ensures the right direction of investigation during this explorative study. The ILB phase-out stands in its centre (see *figure 1*) and serves as the case of investigation. For future research this case could be changed into another case and possibly comparisons could be made.

¹ For exact information on the DiscGo research project: www.discontinuation-governance.net

² The department of Science, Technology and Policy Studies. This department at the University of Twente takes the assessment and governance of innovations and emerging technologies as its central theme of teaching and research.

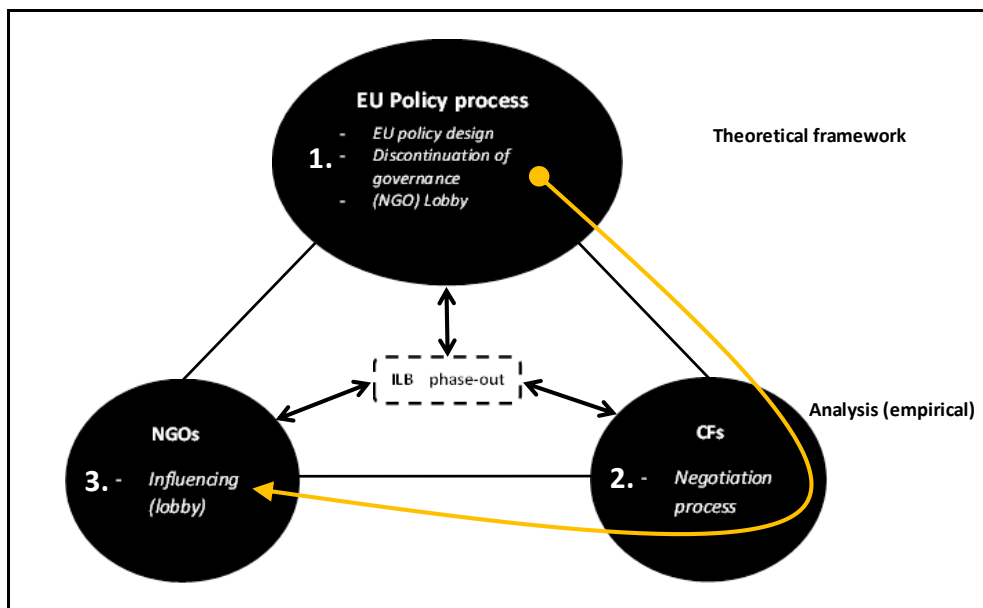


Fig. 1: The structure of this research (Oudelaar & Stegmaier, 2015)

After this introduction, the theoretical framework (*figure 1, step 1*) will be presented in chapter two. In this chapter a literature study about EU policy processes is given with a focus on the following three aspects: EU policy design, the discontinuation of governance, and NGO lobby during these processes. In chapter three the research methodology is explained. This research, which follows an abductive logic of investigation grounded in empirical data and theory, will be clarified here. Further on in chapter four the empirical analysis starts with an examination of data about CFs (*figure 1, step 2*). In this part both the effect of CFs on the influence of NGOs gets elaborated, and how they ought to go and how they actually went during the MEEuP³ forums. The analysis chapter ends with an examination of data about NGOs in the policy process (*figure 1, step 3*). In this part the roles of NGOs during the CFs get examined. In chapter 5 the conclusions and points of discussion are given.

2. Theoretical framework of EU policy processes

Throughout this chapter a theoretical framework is presented to provide this study with a heuristic that allows for finding and interpreting the empirical data. As indicated in the previous chapter, the influence of NGOs during the EU policy process of the ILB phase-out in the EU is the main subject of this thesis. In the first section the EU policy design is elaborated with an emphasis on interest representation and the allegedly EU democratic deficit. In the second section the nature and characterisations of a discontinuation of governance is elaborated. This is important because the discontinuation of the traditional ILB within the EU is a substantial part of the technological innovation with regard to the implementation of the compact fluorescent lamps (CFLs) and other more efficient lighting technologies. As indicated in the previous chapter, the discontinuation of governance is an underdeveloped part of the literature, and the international collective research project to which this thesis is trying to complement is mainly focussed on the discontinuation of

³ MEEuP stands for Methodology Study for Ecodesign of Energy-using Products. This was an EU research to create a methodology for the phase-out of the ILB. Currently this has been changed into MEErP, Methodology Study for Ecodesign of Energy-related Products.

governance, therefore this is a natural sequence of the theoretical framework. In the third section the aspect of a NGO lobby is presented by giving a short punctuation about the nature of expert groups followed by the particular role NGOs play during EU policy processes in general.

2.1 The EU policy design

To deeply understand the policy process that went prior to the ILB phase-out it is important to delve more into the nature of EU policy processes and its historical background. The political and economic architecture in Europe guarantees the security and prosperity of almost half a billion people, generates social and economic opportunities and freedoms that were unthinkable only decades ago, and ensures that the rest of the world is no longer threatened by Europe's failure to resolve the historical rivalries between its peoples (Hix, 2008). According to Van Schendelen it is important to be conscious about the fact that interests, from parties whatsoever, that contrast with each other could grow into an irritation which in return may grow into a conflict, either big or small (2002). Through modern history, as Van Schendelen proceeds, there have been five methods in Europe to deal with these conflicts: patience, leniency, the battlefield, imitation and negotiation. All five methods potentially lower- or even settle differences between nations, populations and/ or cultures. But they form the 'old menu' of integration and they have their distinct limitations, as we can conclude according to the numerous conflicts and the vicious aversions amongst European nations throughout history. The construction of the EU is supposed to provide a sixth method to solve possible irritating differences between Member States of the union, and many claim that the common public decision-making is the essence of European integration (2002). The ILB CFs can be considered as a specific expression of the sixth method for this common decision-making.

These methods can be used in a variety of packages, and none of them are exclusive. By use of these methods the EU can try different ways of bringing parts and cultures of Europe together into a larger whole (2002). When we take a closer look at the policy process in the EU it is important to keep in mind that this continental project started with small cautious steps, with the common goal of creating unanimous consensus on every decision before implementation. These steps initially were taken with an appropriate distance from the public without much transparency. Paradoxically, it is precisely this so-called appropriate distance from parties, parliaments, and citizens that contributed to suspicion about the legitimacy of the EU, but simultaneously also protected some of its core institutions from political turmoil (Sabel & Zeitlin, 2008). The legitimacy and accountability of the EU policy process and its participants will be discussed in the next section. After many centuries of tensions and aversion between European nation-states, which culminated in the ultimate climax of two disastrous wars where the whole world got involved into, consensus was priority number one. Without any doubt, this priority was hard enough to accomplish. With many nations, in which many different subcultures and minorities lived, a common goal was essential for progress. The goal was found in the mutual urge of the founding members to compete as a unity on a world stage in terms of economy and prosperity. Where in the past the West- European nations individually tried to expand, either in- or outside the European continent, with the purpose of establishing a large-enough scale for an optimum balance between consumerism, production and efficiency, now this became the core principle of the EU project on peacefully terms.

Initially many checks and balances were created in order to guarantee unanimous decisions in the EU policy process, so that no countries, minorities, cultures and/ or subcultures were left out, and every party got a piece of the cake. The basic design of decision-making finds its origin from three political

beliefs from the six founding member-states. First, the common decisions ought to be a case of the foreign policy. Second, main political parties and interest groups should be consulted when decisions are made, and third, when decisions have been made they should be maintained by law, either directly (regulations) or indirectly (directives) (Van Schendelen, 2002). This design of decision-making gave much opportunity for informalities during policy processes, and not only for NGOs. According to Kleine (2013) informalities are bound to arise where following the rules, although beneficial for a country as a whole, impose concentrated adjustment costs on a group at the domestic level. And this group thus affected will then mobilize against cooperation and pressure its government to renege on its commitments (2013). For this reason, as Kleine continues, all domestic governments prefer rules with added flexibility that avert the possibility of their institution's sustaining damage. And therefore informal governance is the result of an informal norm of discretion among governments that prescribes that governments facing unmanageable domestic pressure to defy the rules should be accommodated (Kleine, 2013). *"The resulting practices of informal governance, therefore, add a flexibility to the formal rules that permits the Member States to keep the EU embedded in the societal interests it is based on"* (Kleine, 2013, pp. 154). Due to the broad spectrum of the nature of the participating, and involved, parties in the case of the ILB phase-out these flexibilities were essential. Every party had its own distinct commitments and liabilities towards their party background, and in order to push the whole process further everyone had to make sacrifices in terms of goals and ambition.

The negative side of these checks and balances, according to Hix, is that policy making has become more difficult and time consuming, particularly since the enlargements of the past decade (2008). In chapter 4 this will be discussed more. Although these difficulties would make one assume that not many decisions could have been made in the 'early days' of the EU, the contrary is true. According to Hix, from the mid 80's to the mid 90's no less than 300 pieces of legislation have been passed by the EU. This was caused by the fact that there was a very large range of policies that all the key actors were willing to accept since the alternative of not having a working internal market in a wide range of goods and services was very undesirable (2008), in other words there wasn't really an alternative. The so-called gridlock which the EU nowadays is experiencing, and the difficulties with which new EU legislature passes the bill, is a result of the policy agenda that has been changed since then. It has been shifted from creating the internal market to economic reform (Hix, 2008). By means of this shift of the policy agenda, the stakes for its participants have changed too. All of a sudden there is an alternative for the stakeholders. And legislature for reformation of the internal market creates division between proponents and opponents. And with it the stakes and interests between stakeholders, governmental and non-governmental, differentiated as the policy agenda evolved. An important aspect to keep in mind is that when differences between stakeholders are causing irritation between parties, it is mostly not a difference between two nationally cohesive coalitions of public and private organisations. This irritation is most of the times an issue inside the concerning countries as well (Van Schendelen, 2002). Van Schendelen (2002) calls this whole process Europeanization.

When we take the concept of Europeanization through time, we see that there are two dichotomies present. The national level versus the European level, and the public level versus the private sector. With use of these two dichotomies there are eight different possible vectors of influence to be distinguished (see *figure 2*) (Van Schendelen, 2002). This is important for this study because these vectors represent the flows of influence within the EU, and will help to analytically structure all the different participating parties during the ILB phase-out.

National Public	versus versus	European Private
1. European public	to	National public
2. European public	to	National private
3. European private	to	National private
4. European private	to	National public
5. National public	to	European public
6. National public	to	European private
7. National private	to	European private
8. National private	to	European public

Fig. 2: The eight vectors of influence (Van Schendelen, 2002, pp. 32-34)

The two dichotomies can be used to elaborate and analyse the concept of Europeanization. The first four are about the national adaptation which are caused by European levels, also called the output-side of the EU. And the last four are the other way around and cover the national level influencing the European level, and operate at the EU input-side (Van Schendelen, 2002, pp. 35-37). A further elaboration and measurement of the Europeanization with use of the different vectors related to the influence of NGOs on the EU policy process is given in the analytic part (chapter 4.2) of this thesis.

The vectors of influence help to better understand the Europeanization by giving opportunity and stimulation for mental mapping in both research and practice. But there also exist grey areas, for example, companies who have grown into large multinationals but still are headquartered in the country in which they started are sometimes hard to place on a certain national or European level. The eight vectors of influence, however, are merely a schematic version of reality and can never tell the complete story of Europeanization. According to Van Schendelen (2002) four more important elements should be added: the transactions between public and private sector that do not cross any borders, the aforementioned grey areas in which actors operate at both the national as well as the European level, the fact that Europeanization is mostly caused by multiple vectors, and finally the influence of the global level. Despite these shortcomings, and for the sake of clarity, of the schematic representation of the eight vectors, will be used for analytic purposes for this research.

2.1.1 Interest representation

When we look at the skeleton of the EU machinery we see that the change of it is an ongoing process. And that when pressure groups who are seeking for influence should have an understanding of how it works and how it is possibly developing. The policy regime and the power balance inside the EU is changing constantly (Van Schendelen, 2002). But without a doubt it can be said that in part the regulatory successes of the union have been possible through a decision-making process by means of deliberation, and the actors' preferences get transformed by the force of the better

argument (Sabel & Zeitlin, 2008, pp. 272). Due to globalization, of which the EU project is also a result of course, there has been a growing distance between consumption and consequences, and making it harder and harder to sense and manage how our individual and collective actions spill into faraway lands and future generations (Dauvergne & LeBaron, 2014, pp. 56). This 'distance' became the principal reason for many groups to gather and organise pressure towards the governmental institutions of the EU, like the parliament, the Council and the Commission. Many NGOs, like environmental- and consumer organisations, began to operate between the different Member States and their governmental organisations. They may overlap with either public or private organisations. In doing so they will try to intervene and influence the common public decision-making by putting pressure on either party or party-members. But it is also possible that activists work to change conditions without directly pressuring states or party-members, and that their activities take place in the civil dimension of the collective life or what is sometimes called global civil society (Wapner, 1995). According to Van Schendelen, the characteristics of the EU decision machinery, with all their complexities and dynamics, can be exploited as lobby opportunities, because there is always an open door and a suitable moment. The independent variable here is knowledge. Because of these opportunities there has been an increase of competition in the arena of the EU between lobby groups and organisational interests. This is simply explained by the phrase: the more relevant flowers and trees there are (supply side), the more birds and bees will try to gather its nectar (demand side), (2002). The CFs can be seen as a tool for the NGOs to participate into this EU machinery.

Greenwood made a connection between the desired transparency of the EU and the Commission's funding activities towards interest groups. He emphasizes that the Commission has been a significant source of funding for citizen interest groups organized at EU level (2011). *"Their purpose in doing so have been to ensure the presence of checks and balances in the ways in which demands are brought to the political system, and to perform democratic functions (such as accountability pressures) because of the relative weaknesses of other mechanisms designed to empower NGOs"* (Greenwood, 2011, pp. 136). Greenwood explains further on that the degree of representativeness of NGOs has been driven by the concept of transparency, and that beyond agenda-setting, the environmental groups are also well equipped to undertake a watchdog role. Although, as he claims, a key question remains how capable the NGOs are of competing with business interests during other stages of the policy process, like throughout the detailed stages of the passage of legislation (2011).

2.1.2 Democratic deficit and EU legitimacy

According to many the EU suffers from a democratic deficit and subsequently has a low legitimacy. However, the last decades there have been many attempts to improve this supposed deficit and the ILB CFs are an exemplifying case for this matter. Greenwood explained that transparency has always been the driving concept in the justificatory rhetoric from which other desired benefits for democratic legitimacy would supposedly flow, such as exposure to public scrutiny of the degree of representativeness of NGOs (2011). From this perspective the CFs are an important tool for the EU to upgrade its legitimacy. Legitimacy is without a doubt a complex concept which includes many elements. But a commonly accepted definition is that legitimacy is a citizens' willingness to comply with a system of rule, out of a considered belief in the moral validity of that rule. A more specified definition is that a state is more legitimate the more it holds and exercises political power with legality, justification and consent from the standpoints of all its citizens (Gilley, 2009). Although these definitions seem to be very clear, there is a lot of discussion about whether or not the EU suffers from a democratic deficit. As indicated, not so long ago the EU operated mainly behind curtains, and

made decisions only with absolute unanimity of its members. With the growth of the union this became more and more an obstacle in the decision-making process. This created a ghastly tension between responsiveness and responsibility, and is problematic for the EU party government which is caused by the globalisation of trade and finances, and an increasing technical nature of policy making. All this has forced the EU to surrender parts of the decision-making in crucial areas to non-political actors (Bardi, 2014).

According to Norris (2011) the issue of EU legitimacy and/ or the political support of its citizens can be separated in five distinctive components, from diffuse to very specific: First, the fundamental feelings of citizens toward belonging to the EU community, exemplified by feelings of pride and identity. Second, the support for general regime principles, including approval of democratic and autocratic values. Third, evaluations of the overall performance of the regime. Fourth, to what extent are EU citizens confident with the EU institutions. And finally, trust in elected and appointed officeholders. Due to the fact that EU politics are 'far away' for many EU citizens, four out of five components are problematic. Only the second one is considered to be non-problematic. Most EU citizens believe that the core democratic principles are the best way to rule the union. Except, because the EU is currently still in a transition phase, many EU citizens still identify themselves with their nation state. And most political news that gets spread covers national news. So most EU citizens don't follow the day to day developments of Brussels, and therefore cannot judge its performance rightfully. Innerarity (2014, pp. 308) even claims that the European integration project has even always been accompanied by the shadow of a suspicion of inadequate legitimacy, and that the economic crisis has revealed a lack of political ability. And he proceeds that the true European deficit consists of excessive reliance on national politics that have not internalized the consequences of European and global interdependence, and that its most profound problem is its cognitive deficit which causes a lack of comprehension about what the union represents. Where Lijphart (1997) appoints as major cause of the deficit the low voters turnouts, there do Dickson, Gordon & Huber (2015, pp. 124) seek the sources of legitimacy more in an institutional context. And claim that an authority's legitimacy is directly affected by her institutional environment. They come up with two major determinants of legitimacy: authorities' compensation schemes and the lack of transparency. Rothstein (2009, pp. 311) emphasizes this by claiming that political legitimacy depends at least as much on the quality of the government than on the capacity of the electoral system to create effective representation. Political legitimacy, as he continues, is more dependent on the output side of the government than on the input side. And it is connected to the perceptions of its citizens about procedural fairness in the implementation of public policies, and that a state should systematically depart from the ideals of impartiality in implementing policy. According to these different approximations of authors we can conclude that there is not a simple solution to create higher legitimacy. In the hunt for more legitimacy the EU has turned exactly towards the last two mentioned determinants of legitimacy: transparency and quality of government. By releasing more and more transcripts of policy processes and minutes of meetings on internet platforms, they become more and more transparent. And by including many expert parties and pressure groups, or NGOs so to say, during policy processes and CFs preliminary to implementation, the EU tries to improve the level of participation of policies. Although many NGOs and expert parties are doubtful in terms of accountability, at least they appear to represent certain niches of the EU population. The CFs and policy processes are more in-depth analysed further on in this thesis.

2.2 The discontinuation of governance and the governance of discontinuation

Discontinuation of governance and governance of discontinuation are two conceptual thoughts that run parallel in this study. These concepts aim at addressing the dismantling and establishment of a governance that is there for destabilising a socio-technical system and its governance, like the ILB technology (Stegmaier et al, 2014). The discontinuation of governance is the phase-out of the old ILB technology and all the products and/ or production facilities that are associated with it. To manage this phase-out properly with as less harmful damage as possible for EU society and economy the CFs are set up to include all the relevant stakeholders. This ought to ensure that the policy-makers have all the information necessary to construct the best policy. This governance of discontinuation ensures that there is a minimum of adverse effects as there hypothetically could be tremendous consequences on social, economic and/ or environmental aspects when a socio-technical system like the ILB gets removed. Traditionally policy-makers encounter technological and societal innovation from a more economic point of view and rational considerations got performed with use of cost-benefit analysis. In the next paragraph this economic policy-making will be more elaborated. Several authors like Bijker (1997), Disco & Meulen (1998) and Hughes (1986) have emphasized on the social embeddedness of technology. Due to the fact that the initial product, the traditional light bulb, which is invented in the 19th century, hasn't changed much, domestic and societal infrastructure have become quite dependent on the one hand the technical properties, and on the other hand the aesthetic values of the product. This in return causes great economic and societal interests, and thus prudent policy is important. Due to the growing separation of production and consumption, as Geels claims, there exists a need for mapping the social infrastructure of the socio-technical systems (2004). In the policy process prior to the phased ban of the ILB lots of different 'social groups' were involved, including several environmental- and consumer organisations.

Traditionally rational economics were an important part of making political choices. Behn (1978) encounters the possibility of survival from a more economic point of view. Behn is besides approaching the discontinuation of governance as a form of closing a government facility also comparing differences in timing between cutback budgeting. This is comparable with problems of societal embeddedness of the ILB, as he claims that usually the rationales for discontinuation lie in economic motivation. But often there are transitional expenses present, as saving from discontinuation may not be immediate. He points out that an important question is whether the savings are worth the loss of services and that the concept of opportunity cost rarely enters into a public policy debate. Savings are difficult to see in terms of opportunity costs. Any effort to minimize the impact will further reduce the short-run savings from the closing, but it can also help reduce the political resistance. This might be considered a bit off-topic with regard to the ILB phase-out policy process, but in fact there is a connection here between the way policy-makers approached the possible phase-out of the ILB and the level to which the ILB was considered as a socio-technical system with the industrial and consumer dependency. Actually, the fact that the phase-out was even a topic on the agenda must have been dependent on a high level of willingness from many parties and thus timing was tremendously important for the parties to accept this 'promise' of energy efficient lighting.

So it is necessary to emphasize the difference in timing of implementation of a phase-out or discontinuation. When discontinuation occurs in an era of governmental retrenchment it differs significantly from circumstances of revenue and/ or economics growth. Obviously, without a doubt no policy-maker wants to be the first to propose a discontinuation in another constituency's policy,

and any coalition formed in support of a given package of cuts is inherently unstable (Behn, 1985). Besides, while making a difference in timing of implementation during a phase-out it is according to Adam, Bauer, Knill, & Studinger (2007) also important to make a distinction between policies and organisations. They state that this topic is underestimated and emphasize on the importance of this distinction, because when these two are separately analysed, empirical results should be better and dependent variables are easier to identify. Bauer (2009) supplements this by claiming that the termination of a policy as a heuristic concept is only useful when it allows us to integrate certain phenomena or outcomes into special, delineated categories and thus subjects them to systematic analysis.

2.3 NGO lobby

2.3.1 Expert groups

When a EU policy is discussed it happens on multiple levels. Both governmental and non-governmental, and decision-makers and non-decision-makers who try to influence the decision-makers. In the case of the ILB phase-out this is not different. During the policy process that proceeded the implementation of the phase-out many parties participated in developing the design. During the policy process of new legislature and regulatory decisions the Commission is helped by so-called expert groups. Often the Commission calls in these groups during CFs. These groups consist of so-called experts believed to be a representative of a public or a private interest group. Case studies have showed that the expert groups which are called in by the Commission can be highly influential. They help to define the problems and come up with suggested solutions, and subsequently influence agenda setting. At the very least they influence the policy climate in an arena. Participating in a CF may not be classified as lobbying, but for instance pressuring for its cancellation is. During the break of a hearing one can try to deal with other stakeholders, and is most definitely a form of lobbying (Van Schendelen, 2002).

2.3.2 The role of NGOs and pressure groups during the policy process

Present-day policy involves convincing all actors, from governments to corporations, private organisations, and ordinary citizens, to make certain decisions and act accordingly to certain awareness (Wapner, 1995). This convincing of all actors works both ways. Activists make a difference, for instance, environmental groups have influenced negotiations over environmental protection of the ocean, the ozone layer, and Antarctica, and they have helped enforce national compliance with international mandates by using pressure (Wapner, 1995, pp. 311). With regard to this study it is important to understand why certain parties manoeuvre like they do. In terms of pressure, behaviour and influence it is important to mention that Geels & Smit have made a connection between the social and societal embeddedness and tried to explain how technological promises, like in our case the energy efficient CFL lighting, could best survive. They describe the promise-requirement cycle (see *figure 3*) as an effective way in creating support for technological innovators (2000). In the context of this research the opportunity (*figure 3, step 1*) and promising technology (*figure 3, step 2*) is the energy-efficient lighting which got accepted when the EU put the 20-20-20 goals on its agenda (*figure 3, step 3*). And further on in the process the necessary requirements of the new, more energy efficient, lighting got investigated with use of the CFs (*figure 3, step 4*).

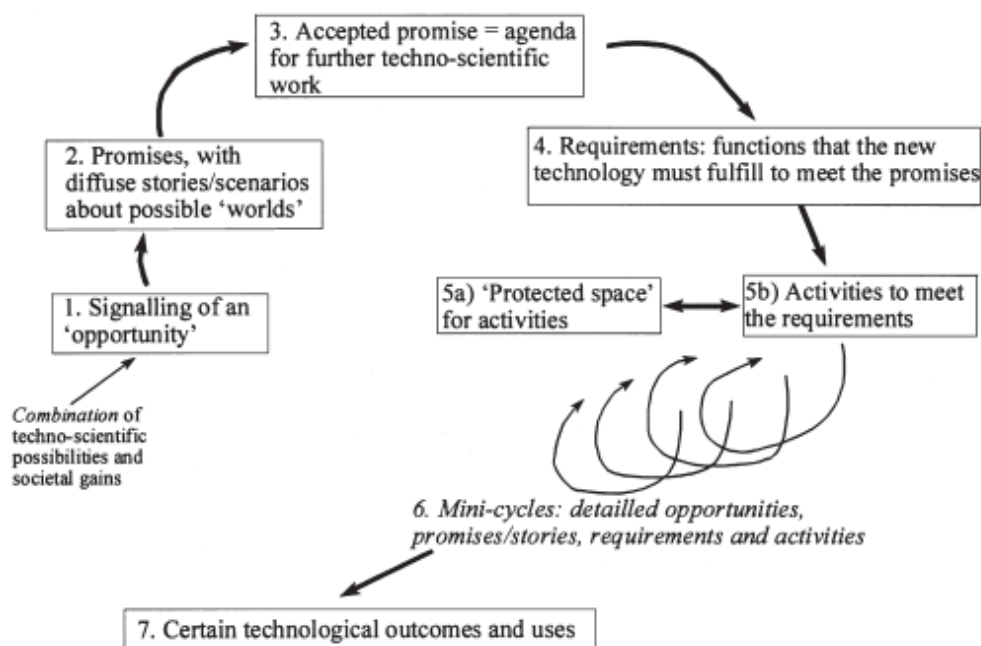


Fig. 3: The promise- requirement cycle (Geels & Smit, 2000, pp. 881)

As promises frequently are diffuse scenarios about the potential of future technologies and as such are crucial resources in the creation of niches. Protagonists formulate promises and diffuse scenarios about its future potential in order to: convince relevant communities, -policy makers, -and engineers. When broad promises are translated in concrete requirements, money and resources may become available. This is a cycle and outcomes may be reassessed (the promise-required cycle). The reason why sometimes initial promises and expectations are too optimistic is not that forecasters or futurists are ignorant or short sighted. Instead, the promises are strategic resources in promise-requirement cycles. In the case of the ILB phase-out many parties participated in this cycle, due to the many different interests. The CFs gave opportunity to govern the discontinuation and simultaneously for the stakeholders to express themselves and the chance to actually influence the policy. In this context one has to keep in mind that some future speculations do not strive for truth or accuracy, but are meant to influence specific social processes in technological developments. Attract attention from financial supporters, stimulate agenda-setting (technical and political), and build protected spaces (Geels & Smit, 2000).

A pressure group, or interest group so to say, can take many forms, and they originate with different intentions. Great or small, legislation or Treaty, or an exemption on whatever sort of rule, the incentive isn't restricted to certain purposes. A substantial literature suggests that NGOs are important actors in shaping the environmental policy agenda at the international as well as the domestic level. Domestic NGOs even bypass the often constraining domestic structures and organize international influence to counter national governments (Dolšák, 2012). As explained earlier, the public decision-making of the EU is an arena in which present or possible irritating differences between nations may be settled. But this machinery also gets its input from public and private interest groups who bring in their perspectives and preferences on pending issues (see figure 2). The arena of the EU gives plenty opportunity for pressure groups to attempt to influence the public decision-making. But the institutional setting does influence the way interest groups lobby. According to Weiler & Brändli (2015) interest groups are much better integrated into the policy-

making process where direct democratic instruments are easily available, as in the Swiss case, and therefore use a more balanced mix of lobbying tactics. They proceed by claiming that the effect direct democracy has on the mix of lobbying tactics interest groups employ is almost entirely driven by the inclusion of cause groups into the policy-making process, and not by forcing specific interest groups to seek the public eye.

At this moment NGOs have few formal powers, and they lack accountability, but their influence is growing. Paul (1996) gives a good example using the establishment of the UN. When the UN was founded in 1945, NGOs forced the governments to make provision in the Charter for consultative NGO status with the UN's Economic and Social Council (ECOSOC). This was a great step forward, but NGOs did not win any status beyond ECOSOC. They were given no formal voice in the General Assembly or other bodies. Above all, the powerful Security Council remained strictly off limits. Over the years, NGOs have won a consultative role with various specialized agencies and funds of the UN. Some NGOs even attract enormous respect and admiration through careful research, thoroughly analysis and skilful lobbying. But just like nation states, they come in various forms. Considering the fact that NGOs are so numerous and that their numbers still rapidly increase, it makes sense that not all can be represented. Hence, EU policy makers in fact make a selection as to which NGOs are allowed to participate. Actually, by demanding a mandate, governments and international institutions are trying to force NGOs and would-be NGOs representatives to become more transparent and democratic, something that many NGOs have so far avoided (Holmén & Jirström, 2009). In essence every pressure group wants to find out what the best thing is to do for them. This is ideologically based, but also opportunistic. What purpose does it pursue when issues already are fulfilled, or even worse, nobody is interested in it. For an interest group to be professional there are four important indicators: sufficient cohesion, useful knowledge, an optimal mix of resources and skills, and a good image. But even more importantly it is essential to describe the arena. The studious lobby group wants to know how the arena looks like before any action should be implemented. Important aspects are: stakeholders, the issues, the time and the boundaries (Van Schendelen, 2002).

Pressure groups, in a way, find their legitimacy in public interest, but their efforts also need to be feasible. Much variation can be found between pressure groups in terms of professionalism, but down the line every group wants to find out what the best thing is to do for them, and that may vary due to different incentives. Van Schendelen distinguishes five groups: the amateurish groups just want to do something, the EU lobbying manuals want to keep it simple, those on the receiving end of lobby actions in the EU want to be approached in a friendly and informative way at an early stage of the policy process, the commercial consultants focus mostly on the informal contacts with the Commission people during their preparation of a proposal and with the EP's rapporteur during the writing of the report, and the theorists say that it depends on the situation of the arena. So there are different angles to take depending on the preferred effects. To make a lobby more successful it must be fine-tuned to specific situations (2002). According to Dolšák many domestic NGOs even bypass the often oppressive domestic structures and start organising international influence in Brussels to pressure national governments (2012). So before a pressure group takes action one should consider different possibilities. In general there are three specific decisions to take in order to acquire the highest possible result: what actors are best to be approached and where are they to be found, which factors are the most important determinants of their decision-making, and which vectors (see *figure 2*) should be created to influence these determinants (Van Schendelen, 2002). Interest groups

could even try to influence which persons physically are on particular positions in the playing field. In this way they could influence the position before certain decisions are to be made. Of course, the most suitable strategy would be to place the most friendliest persons on the most beneficial positions. Some even suggest that NGOs also have to learn how to work with one another by creating trust within their own organisation and overcoming distrust in relation to other NGOs, some of which competed for the same funds (Dolšak, 2012).

Due to the nature of the design of the EU policy process, where many possibilities are present to participate and to influence the decision-making process, the number of interest groups has become quite high. According to Van Schendelen (2002) this creates necessity for collective action among the pressure groups. Many groups depart in a certain point in time with certain intentions alone, but they often collaborate with other parties once they actually operate in the playing field, for obvious reasons like increasing influence and success rates. This creates opportunity to take a free ride with other lobby groups, where the smaller NGOs frequently take free rides with the bigger ones. Nowadays NGOs even collaborate with corporate organisations, for increasing influence and enhancing visibility. Because many corporations receive a decent amount of trust from our capitalist society, this creates also a beneficial rise in trust for the particular NGOs. Besides, a trusted brand helps NGOs to recruit more volunteers or donors. It opens doors to policymakers and the media. And it enhances their legitimacy within communities (Dauvergne & LeBaron, 2014).

3. Research methodology

In this chapter, the research methodology for this study is presented. This thesis is of an exploratory nature because not much is known about how the NGOs strategically responded to the discontinuation nature of the governance process that led to the ban of the ILB. Aim is to develop a strongly data-based theory about how NGOs positioned themselves in this process. In the first section the research approach and its central methods is elaborated. Second, the main research question and its two more specific sub questions are given and explained. Then, in the third section, the design of the data collection process and the strategy of the analysis of this data is explained. Finally, the limitations of this research-process and the chosen approach will be discussed.

3.1 Research approach

With use of the theoretical framework, and its defining analytical approach on EU policy processes (see *figure 1*), the issues and angles of this thesis are clear, and an attempt can be made to shed light on the policy issues that come along with the participation of NGOs. Important to keep in mind is the fact that policy analysis, from a methodological point of view, draws elements from multiple disciplines like: political science, sociology, psychology, economics, and philosophy (Dunn, 1994).

The last few decades European society has seen a change in traditional governing mechanisms, and new arrangements of governance have emerged. These changes have consequences for governability, accountability, responsiveness and legitimacy of governance institutions (Van Kersbergen & Van Waarden, 2004). To control policies of state agencies 'public interest associations', like environmentalists and critical consumers, have developed from the bottom-up in society (Van Kersbergen & Van Waarden, 2004, pp. 163). These 'public interest associations', or NGOs, do participate in the governance process although their deficit in accountability and legitimacy is not undisputed. When large scale socio-technical systems, like the ILB, are being discontinued, it is

important to analytically broaden the scope to 'networks of organisations' and make an analytical distinction between systems, actors involved and institutions (Geels, 2004, pp. 897). The gradual phase-out of the ILB, and the policy process that went prior to it, is used as a case for this matter to give insights how the influence of NGOs is practised during an EU policy process. Exactly the fact that the process consists of formerly environmentalist NGO topics, such as energy savings and CO2 reduction policies, makes it a fortiori interesting. This unique dynamic gives the process a dimension of un-trodden character where roles possibly aren't that predetermined as other policy examples.

Policy analysis consists of many different methods in achieving results or making progress. But a more general definition of Dunn is: *"Policy analysis is the activity of creating knowledge of and in the policymaking process. In creating knowledge of policy-making processes policy analysts investigate the causes, consequences, and performance of public policies and programs"* (1994, pp.1). During research development choices have to be made. Especially methodological choices. For this thesis the choice has been made to use the method of interpretive research in a qualitative manner. Mainly because not much is known at this moment about the influence of NGOs during EU policy processes. Ideally, this thesis would produce enough material for other studies to start with, whom possibly could formulate hypotheses based on findings of this research.

3.1.1 Interpretive research design

The hallmark of interpretive policy analysis is according to Yanow (2003, pp. 228; see also Schwartz-Shea & Yanow, 2012)) a focus on meanings that are situated in particular contexts. Where 'meanings' entail the ability of seeing observers and the observed as part of the same transaction. At the core of interpretive policy analysis lie these meanings, and there are at the very least three different communities of meaning in any policy situation: policy makers, implementing agencies, and the affected citizens. This means for this thesis to be on guard and at the highest level of sensibility for different meanings and possible communities of meanings. Only by reaching that state of mind, a credible attempt can be made to map the architecture of meanings. Interpretive analysis uses the presumption of the possibility that social realities can be interpreted in multiple ways, without being one of them the only true reality (Yanow, 2003). According to Berger & Kellner (1981, Ch. 2) there are two broad general kinds of meaning: meanings within the individuals own life world, and meanings outside the individuals own life world. So for a researcher it is crucial to be aware of the fact that first analytical impressions can be misleading, and that sociological interpretation is a result of specific cognitive processes. In order to understand, and eventually describe, the ILB policy process to its highest potential, it is necessary to focus on language used, acts, and physical objects without influencing the realities with own interpretations and assumptions. During the ILB policy process there were many tensions between participants, friendly or hostile, and these are 'recorded' in the mentioned communicated meanings. By using an exploratory interpretive technique, as described above, it is best to make use of the 'grounded theory approach' as a style of research. This research technique is described in the next section.

3.1.2 Grounded theory approach

The grounded theory approach as a qualitative and interpretive research approach has been founded by Strauss and Glaser in 1967, and was a reaction to the unwavering conduct of the positivist research approach and the fact that positivist researchers didn't make any distinction between natural- and social sciences, as their point of view was that investigations from these two fields of study shouldn't be encountered with the same subjects of matter. According to Bryant & Charmaz

grounded theory is the discovery of theory out of the data, and that grounded theory is not a theory but a methodology to discover theories. They acknowledge that theoretical pre-knowledge flows into the data's interpretation, and therefore cannot be seen as separately. Beyond any doubt, they are entwined, as they state (2007). The grounded theory approach is based on an inductive way of analysing. As Schwartz-Shea & Yanow have put it: "[...] *qualitative research follows an inductive logic of inquiry, reasoning that begins with observations of particular instances from which general laws are developed (i.e., inducing the universal from the particular)*" (2012, pp. 27).

This study started with an initial set of research questions. As research proceeded, all seemingly, even to the smallest amount, relevant issues were incorporated. Purpose of this research lies in the goal of unravelling the world of understandings, feelings and values of the environmental- and consumer NGOs during the policy process. Therefore, every document to be found could add value to the research, even though it might only seem to the slightest bit. The research has an unfolding nature, and when the unfolding process develops, the observations will be held against the theory, and possibly theory will be developed, by obtaining an insider perspective of the NGOs and exploring how particular realities are produced, and the means in a given situation that create the production of specific social phenomena (Lüders, 2004). Attempts will be made to create new insights and possibilities to compare similarities and differences between environmental- and consumer NGOs, and recognize their roles in the field. By using different ways of collecting and perceiving data (documents and interviewing), a thicker description will create the highest amount of meaning and validity possible.

As already mentioned, this research aims to gather knowledge in an inductive and unfolding manner. But central in this study's methodology is a further developed method of inductive research, called abduction. Schwartz-Shea & Yanow describe abduction as a technique that brings together things which one had never associated with one another, a cognitive discovery of logic. It always aims at one thing, the achievement of an attitude of preparedness to abandon old convictions and to seek new ones (2012). Schwartz-Shea & Yanow more specifically describe it as: "*In this puzzling-out process, the researcher tacks continually, constantly, back and forth in an iterative-recursive fashion between what is puzzling and possible explanations for it, whether in other field situations (e.g., other observations, other documents or visual representations, other participations, other interviews) or in research-relevant literature*" (2012, pp. 27). This discovery of logic, or sense-making so-to-say, of the policy process requires a high level of reflexivity of the researcher. Active consideration of and engagement with the ways in which the researcher's own sense-making and particular circumstances might affect it are essential (Schwartz-Shea & Yanow, 2012).

During the data collecting process and its policy meanings the following steps are followed. First, an elaborated quest for sources of necessary information. Especially sources where NGOs communicate their comments and problem statements on the ILB phase-out towards the EC. During this process a set of key NGOs will be identified and the analytical focus will be narrowed down for the purpose of this thesis. Second, with use of these sources of information the reconstruction of the meanings during the policy process ought to be identified and subsequently mapped. During this process, it is of major importance that the researcher constantly senses and notices the tensions between statements and stakeholders. Exactly these tensions will reveal the core interactions of the NGOs. The interpretive analysis and the grounded theory approach method have guided this research

towards the generation of a (specific) research question and two sub questions for this case study, these are elaborated in the next section.

3.2 Research Questions

In an abductive approach it is common to start with research questions based on the research's prior knowledge regarding the subject of investigation. This study chose to begin with the thematic question as presented in chapter 1.3. For an abductive approach it is normal to adjust and redefine research questions along the iterative research process, as new facts and information emerge. This thesis can only cover a limited amount of the field, and the questions help to frame the mind and attention of the researcher. When the role of NGOs during the policy process becomes more familiar, the researcher can decide to collect new relevant data which possibly alters the direction. This process has resulted in the following general research question:

RQ: *How did environmentalist- and consumer NGOs influence the Consultation Forums on the ILB phase-out?*

This main question is the first step in framing the problem towards a more specific research field. The environmental- and consumer NGOs are key NGOs in EU policy process, and especially during the CFs of the ILB phase-out. This question creates an overview of all the key actors and stakeholders during the process.

This main research question can be divided in several sub questions, to help answering it.

SQ1: *How did the EuP Consultation Forum work?*

In order to give an answer to what extent the NGOs had influence during the EU policy process, it is important to know how the essential part of the process, namely the CFs, worked in practice.

SQ2: *How is NGO lobbying proceduralised (by the European Commission) and practiced (by the NGOs) in Brussels?*

The grounded theory approach delves deeper into the possible dynamics of influence. Without any doubt, analysis of EU lobbying should be part of this. But more importantly, it is an acknowledged and irrefutable part of EU policy process, and therefore analysis of NGO lobbying is needed. Due to the fact that lobbying is a part of EU policy process, it is likely that the NGO lobbying is proceduralised. Analysis should give more in-depth knowledge about the roles that NGO actually play.

During the exploration of 'the field', and the gathering of the data, the researcher attempts to conceptualize this information into more general concepts. By means of the inductive way of research design the research can go back and forth between the gathered data and conceptualizations. In the next section the research design is further elaborated.

3.3 Design

In order to create in-depth knowledge it is necessary to narrow down the number of selected issues, as this thesis only has limited amount of time and resources, even though it has possible consequences for generalisation. By narrowing down the focus to environmental- and consumer NGOs, it becomes achievable to investigate these parties in great detail. A conceptual vision will be

produced after creating a detailed and thick description of the process and the role of the NGOs during the ILB phase-out. The units of analysis are all relevant documents to be found, and possible interviews held with participant of the process. Without standardization and in advanced controlled collection the research will unfold herself and scenario's will get exposed. During this process the meanings and particular framings will be identified, but also cause shifts when 'new' data and information is found, this will narrow down the analytic framework. The next two sections explain and elaborate the data collection process and the analysis of this data.

3.3.1 Data collection process

For the data sampling the investigation started with a general search for relevant, and accessible, documents to be found on the internet. Initially everything about the ILB, and its phase-out in several countries in the world, that was to be found on the internet is used to understand the tension between the proponents and the opponents of the regulation. These topics were highly discussed on internet forums and often led to links with more technical detailed descriptions of efficient lighting and its technical features. After getting familiar with the historical background and the motivation behind the evolution that led to the phase-out of the traditional ILB, the research led to the legislation and the official directives of the EU. On the website of the EC all the relevant legislation was easily accessible. After understanding the terminology and the development of the EU legislature regarding EuPs it was time to investigate the policy arena and discover the participating parties. An important breakthrough was the subscription to the CIRCA-BC platform of the EU. On this platform the EU obligated herself to publish all relevant policy documents from the CFs, including communication between parties, and make them accessible for all interested parties. By means of this platform a crucial source of empirical data, like minutes of meetings, working documents, and comments on these working documents became available, and a map of all the participating parties in the arena could be made. By reading everything to be found on this platform the research began to focus a bit towards: what NGOs were actually present during the process and what did they say? At first all the NGOs that were connected directly or indirectly got subjected to a thoroughly investigation. But as indicated before, the thesis has a limited amount of time and resources, and therefore the research had to be narrowed down more. All the environmental- and consumer NGOs that participated became the main focus of investigation, and all the relevant documents connected to them got collected.

After analysis of the internet forums, EU legislation (most importantly the EuP legislation), the CIRCA-BC platform and the data that was already gathered by previous DiscGo projects that focused on the ILB phase-out, it became clear that the CFs that were held by the EC should have the main focus of analysis during the course of this thesis. During these forums the EC invited a wide array of parties to give opportunity to express their expertise and comments on the WDs of the EC. It became clear that this trajectory was pre-structured and established by the EU, and therefore part of EU policy. During the iterative and recursive process of this research many aspects of the policy process emerged, and properties of participating parties developed during the course of the research.

3.3.2 Data analysis

During the process, as described above, of gathering and studying as many as possible documents the researcher simultaneously selected quotes that relate directly to this data. By doing this it was possible to structure and categorize the grounded data. Especially after subsequently coding these quotes. During the process three types of coding may be distinguished that can be seen as phases of

the research: open coding, axial coding and selective coding (Böhm, 2004). As Böhm describes it: “coding may be described as the deciphering or interpretation of data and includes the naming of concepts and also explain and discussing them in more detail” (2004). As a result of this coding a list of terms is produced as well as an elaborated explanatory text. According to Böhm a code is the technical term for the analytical procedure and stands for a named concept. And, as he proceeds, they have a provisional character while during the course of the analysis they become more and more differentiated and abstract, and eventually become categories (2004). See chapter 4.1, *figure 5* for the results that were produced by the following process.

In the first phase (*figure 5, phase 1*) of open coding the collected data was ‘broken down’. And questions like *what?, who?, how?, when?, where?, why?, for what reason?* and *by what means?* are used as building blocks for the theory building (Böhm, 2004). Different codings and categories developed during the process and the interpretation through these codes and categories was constantly adjusted. By repeating this process and interpretation and re-interpretation of these quotes the architecture of the analysis evolved. Axial coding, the second analytic phase (*figure 5, phase 2*), served to refine and differentiate concepts. Relationships between the concepts and categories were developed. Important questions during this phase are: *what do my data refer to?*, and *with what are the actions and interactions in the data actually concerned?* (Böhm, 2004). In the third and final phase of the research selective coding (*figure 5, phase 3*) emerged the main phenomenon and is described as the core category. During the course of doing research based on grounded theory it is important to constantly investigate which phenomena are central and to formulate appropriate theory-memos (Böhm, 2004). The categories of phase one and two of the coding process (see *figure 5*) are used for the structure of the analytic part of this study and are thoroughly elaborated in chapter 4. The core category of phase three will be discussed in the conclusions in chapter 5.

With use of the software program ATLAS.ti the researcher was able to quickly go through documents without printing them. But most of the qualitative interpretations, like applying codes and eventually creating categories has been done with use of hard copy documents. Digitally coding and structuring these codes and quotations didn’t feel natural. However, by using the coding techniques on hard copy documents it became possible to recognize structures and concepts between all the commonalities. By studying these codings it enabled the researcher to take a step away from all the data and create new concepts. The following table (see *table 1*) gives an overview of the macro, meso and micro sources that were analysed within this study. It presents the type, source (these sources refer to the reference list in chapter 7), the number of pages and it shows if the data was analysed with use of ATLAS.ti (CAQDAS).

Level of analysis	Data type	Data source	Pages	CAQDAS/ traditional
<i>Macro</i>	EU legislation	European Council (1992)	12	Traditional
		European Union (1996)	8	Traditional
		European Union (2000)	10	Traditional
		European Union (2005)	30	Traditional
		European Union (2008)	5	Traditional
		European Union (2009)	26	Traditional
	Intergovernmental organisations	IEA (Phase out of ILB)	86	Traditional
		IEA (Light's Labour's Lost)	561	Traditional
		Working Document	13	Traditional
		Meeup	188	Traditional
<i>Meso</i>	Minutes	Consultation Forum (2007a)	13	CAQDAS
		Consultation Forum (2007e)	14	Traditional
		Consultation Forum (2008e)	14	Traditional
	Position of NGOs	Consultation Forum (2007b)	4	CAQDAS
		Consultation Forum (2007c)	5	Traditional
		Consultation Forum (2007d)	5	Traditional
		Consultation Forum (2008b)	2	Traditional
		Consultation Forum (2008c)	3	Traditional
		Consultation Forum (2008d)	5	Traditional
	Communication Commission	European Commission (2009)	8	Traditional
		European Commission (2009a)	1	Traditional
		European Commission (2014)	1	Traditional
<i>Micro</i>	Interpretive conversation	Interview 1	46	Traditional
		Interview 2	43	Traditional
		Interview 3	37	Traditional

Table 1: The empirical data collection

3.4 Limitations

In this section the limitations of this thesis are discussed. Important distinction before proceeding has to be made. There are limitations in terms of the scope of this thesis, but there are also limitations in terms of the used research technique, the grounded theory approach.

To begin with the scope of the thesis, the general subject as in an EU policy process, can be interpreted as very wide. And of course it is, there are many different dimensions, levels and actors operating in Brussels. And therefore there are also many different policy processes to distinguish. But, as indicated, this thesis directs its attention completely towards the ILB phase-out, and the EU policy processes that were relevant to this process. The ILB phase-out distinguishes herself by being a regulation with a core dimension of a discontinuation of governance. For that reason, the results of this thesis cannot be replicated without caution in any further future research concerning EU policy processes. Besides, preliminary to the ILB phase-out and its EU policy process, there was a global wave of attention and discussion for that matter. Many governments and other parties expressed themselves as proponents or opponents to whoever was willing to listen. This created a blurred line of who influenced who during the initial start of the discussion within the EU. This also creates possibly a feeling that this study intervenes, and that the very beginning of discussion is missing. The limited amount of time and resources did not create the possibility to cover the whole process, including the global discussion. But for the sake of context this thesis gives an as much as elaborated as possible, within the amount of resources, historical background in which the global discussion is included. Finally, the research is limited to the act of the NGOs during the EU policy process, more

specifically the environmental- and consumer NGOs. Again, the amount of time and the available resources are limited, and for the sake of this thesis there are choices to be made in terms of narrowing down the analytical scope. So during the research an even further selection of certain, important, NGOs has been made. Besides, it is unclear if and by which NGOs cooperation will be granted, predictions of value are hard to be made.

There are also limitations in terms of the used research technique, the grounded theory approach. First of all, the technique requires an extended amount of time in order to be executed well. And again, the amount of time and resources for this thesis is limited. This explains the tightly narrowed down scope of the thesis. For the sake of this thesis, great effort has been made to create an optimum between quantity and quality of the documents. So the criteria was not only to include as much as possible, but also as relevant as possible. Finally, much criticism has been expressed by positivist researchers in terms of the validity and reliability of qualitative research. As Schwartz-Shea & Yanow have put it: *"[...] an experimentalist's understanding of what makes research valid differs from validity's meaning in other research approaches, reflecting different modes of thinking about the ways(s) in which research is done"* (2012, pp. 7). Validity, reliability and the replicability are from a positivist point of view about the stability of the social world. But stability, and other positivist experimental criteria, are ill-suited to interpretive research because it makes different assumptions about the stability of the social world and how researchers can know it. Different goals and different inquiries of logic have therefore been developed (Schwartz-Shea & Yanow, 2012). Again, a clarifying description of Schwartz-Shea & Yanow: *"a data collection process repeated at another time and/or place would not be understood as capable of guaranteeing the production of the same data: both researchers and participants are seen as embodied or situated, and that situatedness, which can be person-specific, plays a role in the co-generation of data"* (2012, pp. 95). This does not mean that validity and reliability are not an issue while doing grounded theory research. Essential aspect is to be very systematic during the research process, and by a clear registration of these steps possible misunderstandings of replicability can be tackled. During the systematic steps the researcher should be very reflexive about the progress, and possibly flexibility is needed to adjust the direction in maintaining the right direction for achieving the established goals.

4. Analysis

For many years the traditional incandescent light bulb (ILB) has been of high service. But due to societal change, EU commitment to the '20-20-20' targets⁴, and increasing demands regarding energy efficiency, the ILB became subject of discussion because of its high level of energy waste (European Commission, 2009). Although several alternatives of more efficient products have been available on the market, consumers kept buying the traditional ILB, which was often used for domestic lighting. These tendencies eventually led to the Commission's initiative to gradually phase-out the ILB off the market within the EU from 2009 to 2012. Before implementation, and the discontinuation of the ILB, a policy process emerged in which a broad range of involved parties participated (Stegmaier, Kuhlmann & Visser, 2012a, b, 2014). Due to the fact that the phase-out potentially affected many markets there were several CFs set up preliminary to implementation to consult a wide array of EU organisations, both governmental and non-governmental. The forums were divided by the Commission in the following segments: requirements for public street lighting, - fluorescent lighting and for office lighting products, - general lighting products (formerly 'domestic lighting'), and the requirements for the tertiary sector lighting products.

In the policy arena of the EU many forces are in play, and it is purposely designed for many parties to participate. Through participation these parties attempt, and are given the opportunity by the EU, to influence the process and forthcoming decisions bound to be made by the EU. For NGOs this creates a window of opportunity to influence the process and steer it towards their likings in conformity with their followers and their organisation's ideology, although some question their undemocratic nature and unaccountability.

Main goal of this analysis is to map the structures of these participations, opportunities and most importantly the main elements of influences of the NGOs, and in particular environmental- and consumer NGOs (see general research question, chapter 3.2). To answer this general research question this analytic part is divided according to the two sub questions (see chapter 3.2). In the first part an analysis is presented about the effects of CFs. It starts with a further elaboration of the vectors of influences and proceeds with a closer look at the design, structure and intentions of CFs (see chapter 4.2). And in the second part environmental- and consumer NGOs in this policy process are analysed and their roles and positions during these processes (see chapter 4.3). What follows in chapter 4.1 is first a short overview of data material that has been used to answer the research questions, and an overview is given of the categories (see *figure 5*) that resulted from the grounded theory approach using this same data material. In addition, important explanation about terminology is given in order for the reader to understand the context behind certain expressions.

4.1 Data material and terminology

In order to give an analysis as elaborate and extensive as possible on the influence of environmental- and consumer NGOs, this study has used as much data as possible within the timeframe of this thesis. EU legislature has been examined in combination with literature of EU policy arena's. This

⁴ The '20-20-20' targets of the 2020 climate and energy package are one of the 5 targets for the EU in 2020. The targets consist of a set of binding legislation which aims to ensure the EU meets its ambitious climate and energy target for 2020. These targets set three key objectives for 2020 (European Commission, 2009a):

- A 20% reduction in EU greenhouse gas emissions from 1990 levels
- Raising the share of EU energy consumption produced from renewable resources to 20%
- A 20% improvement in the EU's energy efficiency

gives an overview of the legal framework, which mainly consists of directives created by the EU Council and the EU parliament, and to which the Commission is obliged to operate. Part of this obligation is the commitment to organise CFs. These forums give a framework wherein EU organisations are given opportunity to participate in the policy process. Therefore, with regard to the environmental- and consumer NGOs, the CFs organised by the Commission are an essential part of this analysis. Aspects of the forums are used to create an as rich as possible and structured as possible analysis of the influence of the environmental- and consumer NGOs during the policy process.

As indicated, the forums were divided by the Commission into four segments. Because this research has a limited amount of time and resources the analysis will not fully elaborate all four segments. With regard to this thesis' research questions the most valuable and serviceable ones are used. Several aspects are taken into account: the relevance of the forum, the scope of this research, and the involvement of environmental- and consumer NGOs during the forums. With these aspects in mind the choice has been made to make use of data material from the following EuP CFs⁵:

- Ecodesign of EuPs Consultation Forum on the requirements for public street lighting. This forum is held on 22 June 2007. It is of great value because it was the first forum and therefore will serve as a baseline in this research with regard to the interpretation of the policy process and the behaviour of the NGOs.
- Ecodesign of EuPs Consultation Forum on requirements for fluorescent lighting and for office lighting products. This forum is held on 18 December 2007. This was the follow-up meeting where the Working Document of the Commission took shape and in which many organisations participated.
- Ecodesign of EuPs Consultation Forum on the requirements for the general lighting products (formerly domestic lighting). This forum is held on 28 March 2008. This segment was by far the most extended and most lively subject of the policy process. Due to its great impact many organisations took part in this forum.

Finally, all sections are complemented by data obtained from three interviews with participants from the policy process. These interviews are held in April 2015, July 2015, and August 2015 and give important perspective from participating organisations, both governmental and non-governmental, point of view. In this way the data complements the analysis in a triangle shaped circulation (see *figure 4*).

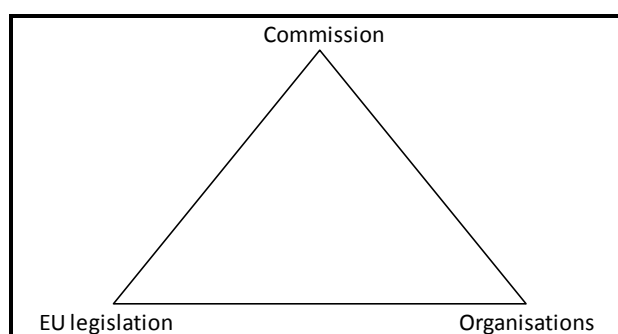


Fig. 4: The complementation of the empirical data

⁵ The data of the CFs consists not only of minutes of meeting but also many documents and correspondence that circulated before and after the meetings, and were published by the Commission.

The following grounded theory categories (see *figure 5*) are derived from all this data (see chapter 3.3.2 for the methodological explanation). They are the result of the iterative process of going back and forth during the research process. They helped to frame the study and even to specify the sub questions (see chapter 3.2). The following analytic chapter and its sub-chapter are based on the categories of phase 1 and phase 2. The category of phase 3 is elaborated in chapter 5.

Grounded theory categories derived from the data		
Phase 3	Phase 2	Phase 1
The elements of NGO influence	The effect of CFs	The vestors of influence
		CF
		CF interpretation
		Stakeholders
	NGOs in the process	NGO positions
		NGO influence
		Participants positions

Fig. 5: The grounded theory categories

Before we proceed it is important to explain some terminology which is frequently used during the analysis. The expressions are used by on the one hand the participants during meetings and on the other hand in the legislation from the EU.

Working Document (WD)	The implementing measure (IM) document of the Commission. And it is this document that actually is the topic of the meetings. It actually entails the regulation.
Comments before the meeting	Documents that are published preliminary to the consultation meetings. They are written by the member organisations of the CFs in an attempt to express opinion about the WD.
Minutes of the meeting	Minutes from the CFs written by the Commission.
Comments following the meeting	Documents that are published after the consultation meetings. They are written by the member organisations of the CFs in an attempt to express opinion about the WD.
Implementing measure (IM)	The regulation to be implemented which is under construction.
The interviewees	Persons that got interviewed and were participants during the ILB policy process. On 4-4-2015 an interview was held with a representative of an important NGO (referred to as <i>interview 1</i> or <i>interviewee 1</i>), on 3-7-2015 an interview was held with an employee of the Commission's services (referred to as <i>interview 2</i> or <i>interviewee 2</i>), and on 19-08-2015 an interview was held with another employee of the Commission's services (referred to as <i>interview 3</i> or <i>interviewee 3</i>).

4.2 The effects of CFs

To answer the general research question the analytic chapter is divided in two sub questions. As indicated (see *figure 1, step 2*) it is important that first the CFs are empirically analysed due to their important role for participation of the NGOs in the ILB case. The following section is focussed on sub question 1 and is structured according to the categories that are derived from the data using the grounded theory methodology (see *figure 5, phase 1 and 2*).

4.2.1 The vectors of influence

As explained earlier in this thesis, there are many possibilities and multiple directions for stakeholders and organisations to influence other levels for their own purposes. But all could be defined as lobbying, as lobbying can take many forms. According to Scruton (2012), when the EU imposes central control in the form of regulations, it becomes immediately exposed to lobbying from rival interest groups and single-issue fanatics, and eventually the bureaucrats will favour the group that makes the most noise. As he continues, defining lobbying as an important, maybe even the only, source for pressure bureaucrats feel in Brussels, which causes hypothetically tremendous advantages in 28 countries if a law is finally issued by Brussels in an organisations favour⁶.

The EU arena doesn't consist of an unified body in which a clear representation of parties is to be recognized. The EU can be considered as a maze in which there are many ways to achieve certain interests, either political or non-political, if one knows his way around. Even within the EC there are conflicts between different departments due to contrasting interests, as interviewee 3 indicated that preliminary to the ILB phase-out the Commission's departments DG Environment and DG Enterprise got into a 'big fight there' (Interview 3). The dominant multi-level and EU paradigm of the EU policy making is according to some suggested to be unfit to deal with dossiers involving a high level of conflict, and that a shift in the *de facto* level of decision-making away from the ordinary legislative arena is crucial in bringing complex dossiers forward (Deters, 2012).

Without a doubt, one important aspect of EU policymaking complexities is the fact that the EU involved 27 different countries during the ILB case, each of which consisting of both governmental and non-governmental parties, all in pursuit of their own interest. Van Schendelen (2012) defines the pluralist European society as an arena where there is a possibility for every organisation to attempt to influence other parties for their own interest, although it varies quite strong in scope and domain. Due to a constantly changing environment it is necessary for organisations to be adaptive and react to the changing complexities. As a result of these increasing complexities within the EU, and the adaptation of the organisations, the arena has become increasingly cross-border oriented. As displayed in *figure 2* (chapter two), based on the literature of Van Schendelen there are eight different vectors of influence. What follows next is an analysis of these vectors of influence during the ILB phase-out.

Before we proceed it is important to indicate that the legislation currently in force concerning the requirements for EuPs has been preceded by prior legislation, which paved the way for banning the ILB. In 1992 the European Council designed a directive for the requirements for new hot-water boilers fired with liquid or gaseous fuel (European Council, 1992). This directive had the specific purpose to create higher efficiency for hot-water boilers, with the goal to react to climate change,

⁶ During the ILB phase-out policy process there were actually only 27 EU members, since Croatia joined the EU in 2013.

lower energy use, and to protect the consumers interest. Subsequently, the EU expanded their requirements on more household appliances like electric refrigerators, freezers and combinations with the implementation of a directive in 1996. This directive too was intended to lower the domestic consumption of electricity and thereby also the emission of CO₂ (European Union, 1996). When during the 90's of the previous century more energy efficient fluorescent lighting emerged on the market, there still existed a large variety in levels of energy consumption between the lamps. This called for another specific directive which got implemented by the EU on energy efficiency requirements for ballasts for fluorescent lighting. This directive had the intention to gradually move away from the less efficient ballasts (European Union, 2000). Till this moment legislation on energy efficiency was restricted to distinct products or product groups. And thereby it was limiting itself in scope. While the developments of energy-using products were emerging quickly, and many new energy consuming products got introduced, the need for a more rigorous approach was needed. This was the moment for the EU to start developing a framework for all energy using products, instead for only specific ones. During the interview it got clear that interviewee 3 was closely involved in this process *"But I had the mission to develop a directive that would have been dealing with the energy efficiency requirements for products"* and *"And the idea was to have a directive that could address directly the energy efficiency of products, by setting legal requirements under which products could not be put on the market"* (Interview 3) are quite distinct expression of involvement. Interesting aspect is that from this point on the EU began to focus more and more on the EU as a community, instead of focussing on domestic implementations. As interviewee 3 expressed that the concept of getting people together and increasing the quality of EU citizen's life was important and the main reason for pursuing this line of work (Interview 3). Naturally, this made it necessary for many national organisations to either collaborate with other domestic organisation, or to join an European level operating entity.

The EP adopted a directive in 2005 in which a framework was established for the setting of eco-design requirements for EuPs, later this directive got recast into Directive 2009/125. These directives were designed to provide for the setting of requirements to which EuPs must fulfil in order for them to be placed on the market and/ or put into service. Right from the start the directive aims high in terms of efficiency: *"While the best-performing products or technologies available on the market, including on international markets, should be taken as reference, the level of ecodesign requirements should be established on the basis of technical, economic and environmental analysis. Flexibility in the method for establishing the level of requirements can make swift improvement of environmental performance easier. Interested parties involved should be consulted and cooperate actively in this analysis. The setting of mandatory measures requires proper consultation of the parties involved [...]"* (European Union, 2005, pp. 30). With the adaptation of this framework, and the previous directives as mentioned above, the influences between the different levels within the EU got formalized, as the European public level exercised their influence on the domestic levels (*vectors 1 and 2, see figure 2*), at least for energy efficiency related policies. Important attribute of the directive is that it simultaneously commits the EC to consult Member States' representatives and interested parties, both in determining the best-performing products or technologies available, which has to be taken as a reference, and the design of the implementing measure including the working plan. *"When preparing implementing measures and its working plan the Commission should consult Member States' representatives as well as interested parties concerned with the product group, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental*

protection groups and consumer organisations” (European Union, 2005, pp. 31). By doing this it immediately obliged the Commission to give opportunity to both the domestic organisations and European level organisations to influence the process while the legislation was still under construction. By means of this design the influences started to circulate and the process did not only involve *domestic adaptation* but also *domestic influences* onto the European level, both governmental and non-governmental, and the EU included the remaining 6 vectors of influence (see figure 2) whilst the exact regulations were still under construction (see figure 6). “*The Commission shall ensure that in the conduct of its activities it observes, in respect of each implementing measure, a balanced participation of Member States’ representatives and all interested parties concerned with the product/ product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall contribute, in particular, to defining and reviewing implementing measures, to examining the effectiveness of the established market surveillance mechanisms, and to assessing voluntary agreements and other self-regulation measures. These parties shall meet in a Consultation Forum. The rules of procedures of the Forum shall be established by the Commission*” (European Union, 2005, art. 18, pp. 41). Striking detail is the level of precision with which the CF is described. It seems like an attempt is made to open up the process to all relevant non-governmental parties, emphasizing on industry-, consumer- and environmental organisations. A more distinct description is given further on in the document: “*Industry and their association taking part in a self-regulatory action shall represent a large majority of the relevant economic sector, with as few exceptions as possible. Care shall be taken to ensure respect for competition rules*” (European Union, 2005, pp. 57). This section makes sure that from an industrial perspective a wide array of the economy is represented, and not only the most persuasive corporations. More in-depth analysis of the CF is presented in the next section of this chapter.

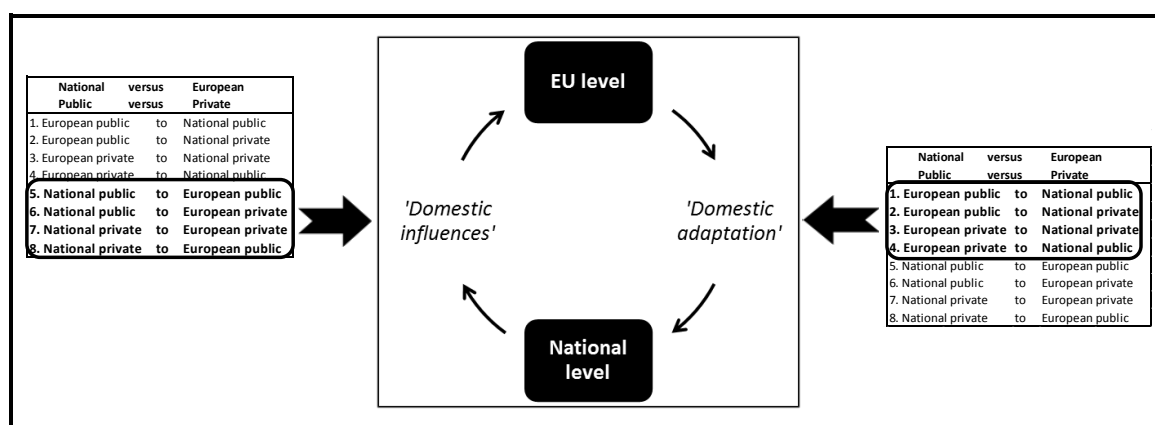


Fig. 6: The circulation of the eight vectors of influence (Oudelaar, 2015a)

Who or which party introduced the idea of a CF cannot be exactly determined. What is clear is that some environmental NGOs like the UK environmental bureau (EB) and the World Wildlife Fund (WWF) have been actively involved during the early phase of the elaboration of the ‘Ecodesign Directive’, and that they have been lobbying to make the process more open for other organisations to participate (Interview 1). By including an obligation for a CF in the directive for the Commission the EU certainly opened up the process and created a platform for many organisations for their attempts to influence or steer the policy process, including environmental- and consumer

organisations. Interviewee 3 in fact described the instrumental nature of the CFs more specifically as a democratic platform, knowledge fair, negotiating space, and a change to increase legitimacy (Interview 3).

By initiating the circulation of the influences the EU gave way to the participation of both European private organisations and national private organisations (see *figure 6*). In *figure 6* you see that the influences now are circulating and that the private organisations are actively involved. It is not only a matter anymore between the public parties on a national level and the public parties on a European level. By doing this the distinction between the two levels started to blur, due to the fact that in order to create as much influence as possible many organisation started to collaborate, both European level and national level, on mutual interests. Some organisations even made it very clear that they were going to represent the environmental NGOs in Europe (Interview 1). On the one hand this was necessary to include as much expertise as possible, but on the other hand it was unavoidable because the forums only provided for a limited amount of seats and representation was needed. The maximum amount of seats was determined in the Commission decision of 30 June 2008 (see appendix A), where the composition is indicated to consist of one representative from each Member State, possibly from a Member State's economic area, and up to 30 representatives from interested parties as referred to in article 18 of Directive 2005/32/EC (European Union, 2008, art. 3). In fact by opening the door for not only national governmental organisations, and also for national- and European private organisations, the whole policy process got elevated towards a more European level orientation.

4.2.2 EuP Consultation Forum

In order to understand how the influences of the NGOs were constructed during the policy process prior to the implementation of the ILB phase-out within the EU it is essential to take a closer look at the CFs and how they were designed because these forums were such a coordinated and important tool for organisations to express their expertise and opinions. Even though interviewee 3 explained that the CFs were not the beginning of the policy process and also not the only platform for interaction. As he indicated that there was a lot of preparations going on in the shadows and a lot of lobbying within the commission's departments to avoid negative consequences due to political decisions (Interview 3). First, a short interpretation is given of the CFs which enabled many organisations to participate during the preparatory studies, prior to the implementation. Second, an analysis of the participating stakeholders during the forums is given.

4.2.2.1 Interpretation of the Consultation Forums

The last decades European society has seen a change in the traditional governing mechanisms, and new arrangements of governance have emerged. These changes have consequences for governability, accountability, responsiveness and legitimacy of governance institutions (Van Kersbergen & Van Waarden, 2004). From this reasoning the EP adopted the directive in 2005 in which a framework was established for the setting of ecodesign requirements for EuPs, as explained in the previous section, and simultaneously set out procedural requirements for the policy process that preceded the implementation of the phase-out. The framework gives a structured set of requirements for the establishment of a CF, and a defining set of tasks.

In order to achieve the commitments set out in the directive of 2005, and later in the directive of 2009, the Commission had to, according to article 18, set up a CF. The Commission was obliged to provide a balanced participation platform of Member States' representatives and all interested parties concerned with the ILB. This opened up the process in a quite coordinated way while the IM got developed along the course of several forums. Goal was that these parties contributed in defining and reviewing the IMs. The EP decided that the rules of the CF should be established by the EC, which they did in the 'Commission Decision of 30 June 2008 on the Ecodesign Consultation Forum'. The most important and relevant points from this decision with regard to this research and the influence of the NGOs are displayed in *figure 7*. For the complete Commission Decision see appendix A.

Tasks	<ul style="list-style-type: none"> • The tasks of the members is to give opinions in relation to the elaboration and amendment of the working plan 	Rules of the meeting	<ul style="list-style-type: none"> • Meetings are convened by the Commission • The chair draws up the agenda and submits it to the forum • The chair sends the invitation, agenda and working documents to the members of the forum no later than one month before the date of the meeting • Members may submit complementary working documents and written statements to the chair no later than one week before the date of the meeting. These documents will be made available to the members • The expressed opinions during the meeting of the members shall be recorded, complementing written statements following the discussion the meeting date • In order to ensure a balanced participation of relevant stakeholders, the chair may invite non-member interested parties • Each member of the forum shall designate one person for representation, and with chair's permission may be accompanied by experts • The chair shall send members the working document on which the opinions of the members and interested parties are sought • The minutes of each meeting shall be drawn up under the auspices of the chair, comments on the minutes have to be send within two weeks • The chair shall draw up an attendance list specifying the name of each participant
Consultation	<ul style="list-style-type: none"> • The Commission can consult the forum on any matter relating to implementation 		
Membership	<ul style="list-style-type: none"> • Members are appointed by the Commission from interested parties • Maximum of 60 members; <ul style="list-style-type: none"> - One representative from each Member State. - One representative from each European Economic Area Member State • A maximum of 30 representatives of interested parties • Members are appointed for a three-year renewable term, but may be replaced under certain circumstances. • The list shall be published 		
Operation	<ul style="list-style-type: none"> • The forum shall be chaired by a representative of the Commission • Sub-groups may be set up to examine specific questions • Chair may invite experts • The forum shall meet on the Commissions premises • The Commission may publish, or on the internet, any related document 		
Reimbursement	<ul style="list-style-type: none"> • The Commission reimburses travel and subsistence expenses • The members, experts and observers shall not be remunerated for the services 		

Fig. 7: Key points of the 'Commission Decision of 30 June 2008' (European Union, 2008)

Interesting to see (*figure 7*) is that the task description of the members emphasizes on giving opinions. This makes clear that the members are solely present to express their point of view and their interests. Interviewee 2 confirms this: *"It is there to be a forum where we are collecting the different opinions, so there are no decisions in the Consultation Forum, so to say. But this is the first formal occasion to discuss documents which are published by the Commission, on the basis of the preparatory study, but still its already Commission documents"* (Interview 2). What might be a bit ambivalent in terms of openness and participation is the fact that the Commission appoints members and therefore heavily influences the composition of the participating parties, this means that they can determine the diversity of the participants. Although interviewee 3 subverts this by stating that the CF was a very open process where everyone willing to join was welcome (Interview 3). But still, Hypothetically they could, maybe even unconsciously, take into account possible thresholds in the form of critical organisations, because the Commission has from a political point of view an interest in a quick and successful implementation because they are 'in office' for only a certain amount of time and they want to be successful during this time. This gets confirmed by interviewee 1 who indicated that due to the balanced participation of organisations during the forums the Commission had the opportunity to position themselves comfortably and the Commission itself could design the

spectrum by determining which organisations got a seat at the forums. Interviewee 1 continued by declaring that often they had the industry on one side, and for instance the environmental- and consumer NGOs on the other, and both parties found themselves on opposite sides of the spectrum in terms of ambition, varying of course as aspects from the phase-out did also, and the Commission in the middle. In this way they could always position themselves quite comfortably and claim that they had found ‘the right middle way’ (Interview 1). This gets nuanced a bit by interviewee 2: *“[...] if the only argument we have is coming from industry, the technical arguments are coming from industry, then we are unavoidably accused of being totally biased by industry. By the NGOs themselves. This is a way of trying to keep balance”* (Interview 2). So it is not only that they include opposite sides of the spectrum to position themselves comfortably, but it is also to prevent of being accused to being biased during the process. Interviewee 3 supplemented this with stating that certain departments of the Commission even lobbied with Member States to push the process for their purposes (Interview 3). The strategy is also meant to contribute to a low level of opposition during the implementation, and provides an optimum for incremental progression. As interviewee 2 puts it: *“The preparatory study process is there to get an agreement on the technical analysis with the stakeholders involved. So to be able to say at the end of the process that we have reached consensus on the technical analysis”* (Interview 2).

Parallel to the forums there were constantly studies commissioned by the Commission to consultancies who would work on technical aspects of the phase-out for longer periods of 12 months and even up to 18 months. While these complex technological reports were under construction there were already stakeholder meetings taking place along the development to discuss the work of these consultants. They didn’t lock themselves up for a year and came out to provide the forum with information. So this was always under discussion with the stakeholders (Interview 1). Further on in this section the rules of the forum get analysed more, and compared with empirical data.

4.2.2.2 stakeholders

To evaluate the balance between the different participating parties during the phase-out of the ILB we have to look at stakeholders that actually got appointed as a member by the Commission, which could according to article 3 of the Commission decision of 30 June 2008 on the ecodesign CF⁷ maximally consist of 60 members. Again, we have to keep in mind that during this selection process the Commission was possibly influenced by political forces which may have affected the distribution of the seats. The stakeholders that were actually allowed to participate at the forums consisted of 27 Member States, the European Commission and 30 interested parties (European Commission, 2014). See for an exact overview of the participating parties appendix B. For this thesis purposes it not so much is useful which exact parties did participate, but more the discourse, or the segments, of which they were part. Besides, not every member organisation was present at every meeting, and organisations’ delegation changed as forum themes changes too. As interviewee 1 indicated: *“well I mean it was always changing from product group to product group because sometimes there was only one industry federation. Sometimes there were several ones. Such a Consultation Forum, there was usually something like 42 to 50 people around the table”* (Interview 1). In the design of the CFs a form of discursive representation for the NGOs has been used, because deliberative participation of all affected by the collective discussion was infeasible. Important was that the network was not

⁷ This decision consists of the exact rules for the Consultation Forums. Which the Commission had set up according to article 18 of Directive 2005/32.

dominated by a single, or limited amount of discourse(s), therefore the participating parties should represent different discourses, and decisions should be consistent with the constellation of discourses that exist in the public sphere (Dryzek & Niemeyer, 2008). To verify what discourses, and to what extent they, were represented at the ILB CFs the following division is made, based on parties that got appointed as forum members by the Commission: industry, energy councils, environmental organisations and consumer organisations. For the purpose of this thesis the Member States and the Commission itself have been left out this division. Mainly because they represent many discourses and probably switched position between the forums as product groups changed and political climate changed too. So the number of organisations taken into account for is 30, all the non-governmental organisations. Important is to keep three points in mind; first, each stakeholder was allowed to consult or contract own expert parties. Second, as indicated many stakeholders served as a representative organisation for (many) others in their 'specialisation'. And finally, especially the industry consists of many individual stakeholders which all cover their own territory of interest, but all with an industrial and economic perspective, therefore they are grouped in the same segment. In *figure 8* the division is displayed.

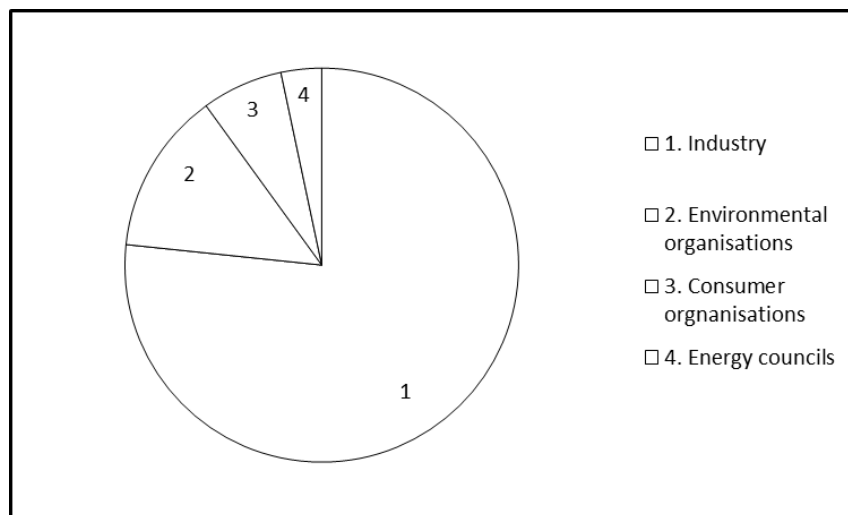


Fig. 8: Forum participants divided by segment (European Commission, 2014)

The Commission was the party that designed the proposition which they eventually presented to the ultimate decision-makers which were the Member States' representatives. So the influence of the Commission was considerable. All the other parties were 'only' present, during the CFs, to give their opinion and enrich the amount of knowledge in order to make the proposition that the Commission was designing as flawless as possible. From this perspective it can be said that the opinion of the European industry have been fully taken account for, with respect to their high number of participants. This corresponds very well with the general goal of the EU of an employment of 75%, of the 20-64 year olds, within the Union by 2020 (European Commission, 2009). Interviewee 2 confirms this quite explicitly, even in connection to the design of the ecodesign directive: *"The logic behind our legislation is that it is supposed to protect the internal market. If you look at the ecodesign directive, it says... the first thing is not that we want to protect the environment, the first thing is, that we want to protect the free movement of goods"* (Interview 2). Interviewee 3 also confirms the Commission's industrial focus: *"I think what we should do is cooperate with them and making sure that we have them to come up with better products instead of fighting against them"* (Interview 3). And contextualizes it by the explaining that there was some sort of understanding between them and the

industry. For Commission's control over the policy process the industry would receive in return predictability for their investments and uniformity of the legal process (Interview 3). By these expressions it becomes clear that the environmental protection isn't priority number one, not even in the ILB case which is quite environmental oriented. So, although consensus was the goal of the CFs, it seems that the environmental NGOs have to give up quite some ambition with regard to design of legislation.

The three smaller parties were present to give voice to groups without an influential lobby. They raised the level of knowledge on environmental-, energy- and consumer issues. What is striking in this case is the fact that there weren't any trade unions present to represent the employment issues. As interviewee 2 explains: *"We didn't actually consider that they would have to be represented in the Consultation Forum on their own. The idea was never raised seriously by anyone. Because from the industry's side we've always had the company's experts. And somehow I think we assumed that they would also make the case for employment issues, on behalf of the companies"* (Interview 2). This marvel is shared by interviewee 3, who has mixed feelings of the absence of these unions. Especially as interviewer 3 continues that there were six- to eight-thousand jobs lost in Southern Germany (Interview 3). Wrongfully this gives the impression that there weren't any trade unions invited to the forums. Further on during the interview interviewee 2 prevents any misunderstanding: *"[...] because there was a call for participation in consultation forming, 2007, we did contact these people. All these people were contacted. And we asked whether they wanted to be members and we included those who wanted to be members"* (Interview 2). Also interviewee 3 immediately expresses that they wanted the trade union to be part of the process very much from the beginning (Interview 3). So in this particular case it is more a question of why the trade unions did not tender for a seat in the forum.

The smaller parties who did participate made it very clear that if necessary they would use the media to publicise possible unethical practises. As interviewee 1 recalled a conversation with commissioners: *"We provide you with balance. Therefore we also provide you with legitimacy. So we have to make sure that we are there, and of course, we are very grateful for the money you provide us with, but if you don't assure that we can have a voice in the process and make a meaningful conversation, we will say so publicly"* (Interview 1). A meaningful element in this quote is the aspect that the Commission had funds available for organisations. During interview 3 this gets explained more specifically, by stating that the goal was to involve all stakeholders and that it's very easy to get the industry on board because they have the means to send somebody to Brussels (Interview 3). *"When you speak about the environment of NGOs, they don't have the means. So through some creativity in terms of contracts [...] we had the support of the consumer NGOs as well, to be involved and be somehow a counterpart to the industry in making sure that at the end of the day all the interests were covered before we would be coming with the measure"* (Interview 3). This funding immediately reveals a possible tension. Because when the Commission funds participating parties like this, they now are in charge of both the division of the available seats and they evidently provide certain parties with money. It seems that this funding enabled the Commission to create a realistic representation in terms of discourses during the CFs. Interviewee 1 gave more information for this specific matter: *"We were already discussing with the Commission by the end of 2006 and they let us know that they were going to set up this Consultation Forum and that they were going to provide specifically dedicated funds for the inputs by public interests organisations, meaning consumer NGOs and environmental NGOs, because it was clear that otherwise our participation would have been non-*

relevant” (Interview 1). This tells us that the funding that the Commission had available was specifically meant for environmental- and consumer NGOs. Interviewee 2 explains it a bit more detailed: *“And we actually provide support to them in the form of contracts – or not directly to them, but through consultants who can help the environmental NGOs and consumers. That is their task, the description in the contract, that they should be there and provide technical expertise to the NGOs, so that they can follow the process. It’s not support for lobbying, it is support for them to understand the product group”* (Interview 2). As indicated before, the Commission was concerned with the possible appearance that they were heavily influenced by the industry. This explains their efforts for artificially upgrading the knowledge of the NGOs in order for them to participate in a substantive way. This gets emphasised by another statement of interviewee 2: *“Typically what happens is that the NGOs, they get an operating grant from DG Environmental for all their activities, and then it is not targeted that way. But it is really targeted, because we identify that there is a total misbalance in the resources... the technical expertise from industry, which is naturally overwhelming”* (Interview 2). Another important aspect from these statements is that the correspondence between the Commission and the NGO already started in 2006. This proves that, at least in terms of receiving funds, it pays to stay closely involved with the developments within the EC.

The Commission was, in terms of granting seats, inevitably influenced by prior experiences with organisations. Of course, the goal was to create a realistic representation and thereby legitimacy for implementation of policy, but the political mind could’ve been muddled by prejudices, conscious or unconscious, and a predicament political situation could’ve been the result. Especially when the Commission granted critical, impeding, parties it could’ve complicated their own policy process. The danger in this is that the funding misses its goal and even works in an impeding way by oppressing the feeling of an atmosphere wherein stakeholder can speak totally free without consequences. Schmidt (2010) elucidates this by claiming that by inviting independent environmental- and consumer NGOs, rational choices, determined by economic institutionalism, could be opposed. Although power and positions of parties do matter, this creates open dialogue which could unlock knowledge and eventually creates a higher quality of reasoning for legitimate policies. High quality of reasoning is fundamental for a good balance between technological innovation and desirability in terms of societal ethics. According to Van Oudheusden (2014) in order to anticipate to problems which are linked to development of technologies, to create adaptive government systems that better manage scientific and social uncertainties, and to give citizens a voice in policy making it is essential to integrate societal and ethical considerations. For this matter it is important to innovate responsibly and to use discourse on how to properly enact a democratic governance of innovation. Important questions that need to be answered in terms of deliberation are: *who initiates the participatory process?, Why, and for which purpose?, In which socio-historical and political context?, What is claimed to be achieved?* and *Who defines the criteria?* When a deliberative approach is used, possible conflicts could be resolved by means of unconstrained discussion intended to achieve the common good (Pellizzoni, 2001). The codes of conduct of the forums, set out by the European Commission, definitely triggered open discussion. Important determinant of the subject of discussion was a fairly high amount of consensus on norms and values at stake. This gave full attention to development of certainty in terms of knowledge. Interviewee 2 emphasised this: *“There is a lot of contact. The preparatory studies, the request for services for preparatory studies, we specify that they need to organize stakeholder meetings. They have to be open in the process, they have to involve stakeholders right from the start”* (Interview 2). We can say that the EU took a deliberative turn on

this policy. Important aspects according to Dryzek & Hendriks (2012) like open dialogue, access to information, respect, reframing issues and an attempt to move towards consensus were all present. Besides that, essential elements like time, agenda, rules, facilitation, tasks and publicity were taken care of.

4.3 NGOs in the policy process

After answering sub question 1 in the previous section the analysis proceeds to the next step of this research (see *figure 1, step 3*), which is the influencing (lobby) activities of the NGOs during the policy process of the ILB phase-out, most particular during the CFs, and answering sub question 2. Like the previous section, the following section is structured according to the categories that are derived from the data using the grounded theory methodology (see *figure 5, phase 1 and 2*).

The word lobbying didn't always have the intonation as it has today. The origin of the term varies, but one version is that the word lobby referred to the gathering of Members of Parliament and peers in the hallways (or lobbies) of Houses of Parliament before and after parliamentary debates. In these hallways citizens as well as parliamentarians tried to cling to parliamentarians and discuss certain issues of their own interest. By means of this interaction they tried to influence the decisions that were bound to be made by the Members of Parliament. As the 20th century passed by, the word lobbying evolved towards the meaning it has today, the interest groups/ pressure groups (New World Encyclopedia, n.d.). Although it still is often paralleled with dubious exchanges of benefits behind closed doors, it seems to have found its way into mainstream policy processes and by that it lost much of its negative intonation. Besides, a whole 'industry' has developed based on lobbying, which subsequently attracted the attention of research. Brussels is full of interests groups, from all sorts of kind. According to Van Schendelen, in the year 2000 around 2.600 groups even had a permanent office in downtown Brussels. The distribution of these groups was as follows: European trade federations (32%), commercial consultants (20%), companies (13%), European NGOs in the fields of environment, health care and human rights (11%), national business and labour associations (10%), regional representations (6%), international organisations (5%), and think tanks (1%). In addition there were permanent representations of the member state governments and around 150 delegations from foreign governments. Even the EU institutions, -offices, -agencies, -committees and other parts of the EU machinery can be seen as interest groups (2002). Although this calculation has been made a few years before the policy process of the ILB ban began, it gives a good interpretation of how the situation was and it is not very likely that the percentages changed that much in those few years.

So European level NGOs took account for 11% of the interest groups based in Brussels. Although it was by far not the most significant group, it was substantial. This is a possible explanation why the EC, or least members of it, wanted NGOs to participate during the CFs. As interviewee 1 recalled: *"Andras Toth, from the EC, was very for the NGOs to participate. He was in charge of getting the NGOs and consumer representation going in the beginning"* (Interview 1). This is somewhat surprising because the ILB phase-out was strongly environmental driven and Andras Toth wasn't part of the directorate-general environmental division (DG-ENV) of the EC, but took part in the process as an EC member from the directorate-general energy and transport division (DG-TREN). From this we can conclude that a balanced representation wasn't only desired by the environmental department of the EC. The analysis unfolds in a chronological sequence starting with the first forum.

4.3.1 Consultation meeting 22 June 2007 on public street lighting

The first CF on the ecodesign of EuPs was held on June 22, 2007. During the introduction of the forum it was made clear that the forum was made up of 'around 60 members', who had been selected following a call for application ending in March 2006. This corresponds with the earlier mentioned statement of a former NGO member. The Commission emphasised during the meeting that they have used a selection criteria to ensure a balanced representation of stakeholders, but what exactly the selection criteria was is nowhere to be found (Consultation Forum, 2007a). What is notable is the fact that no exact list of member organisations is attached to the minutes of the meeting, except for a list of organisations who placed a written statement on the internet platform CIRCA-BC as a comment on the WD preliminary or (shortly) after the consultation meetings. So only the active organisations are noticed. The CIRCA-BC platform has been implemented in accordance to the directive from 2005. *"With a view to ensuring transparency, self-regulatory initiatives shall be publicised, including through the use of the internet and other electronic means of disseminating information"* (European Union, 2005, pp. 57). The Commission emphasises during the introduction that this platform is well-tested and would be used as a restricted user-group web-system for communication purposes. All documents relating to the forums would be kept in the CIRCA-BC library and members would be notified of new documents. Another important aspect is the fact that the Commission indicates that members are welcome to submit proposals for the agenda (Consultation Forum, 2007a). Besides, the Commission promises that they are fully committed to transparency and the concepts would be fully discussed before the final version is drafted, meaning the final implementing measure (IM). Additionally they appeal to the political pressure exerted by the forum which would ensure that the Commission acts in confidence (Consultation Forum, 2007a, pp. 3).

By the time the WD of the Commission gets discussed the environmental NGOs are mentioned for the first time. The chairman of the meeting thanks the organisations who have commented on it. And simultaneously mentions that the environmental NGOs are represented by the European Environmental Citizens Organisation for Standardisation (ECOS), who has also sent in comments on the Working Document (Consultation Forum, 2007a). Interviewee 1 has mentioned this too. ECOS had managed to make it clear that they were going to represent the environmental NGOs in Europe, and that therefore no other NGOs would compete for a place at the forum. *"And if other organisations had tendered for it, like consultancies were thinking about it, it would have been absolutely non-credible if the Commissioner had decided that we would have our work filtered by a for-profit organisation which doesn't really know the sector very well"* (Interview 1). This pressure resulted in ECOS being the only tenderer. Interviewee 1 continued by explaining that ECOS always had a good mixture of experts and organisations organised around them. They had first of all set up an EuP steering group with the main European level organisations, WWF, Greenpeace, The EB, Climate Action Network Europe (CAN), and INFORSE (Interview 1). *"This Steering group worked actually surprisingly well. We were given equal access to every participating organisation. And every organisation was given the possibility to join the common decision paper to provide input and it was usually ECOS who provided for the core of the position"* (Interview 1).

The environmental NGO group, led by ECOS, right from the start began quite elaborately try to push for more ambition by emphasizing on minimum efficiency requirements, maintenance requirements, the quality of the ballasts, light pollution, upgrade possibilities, a maximum on mercury in the lamps, and on take back systems for recycling in their early comment (Consultation Forum, 2007b). They were also quite a dominant factor during meeting in terms of discourse. From the 24 questions and

remarks that were submitted preliminary to the forum by the members, 10 were coming from ECOS, or mutually with another organisation. Besides, in the remaining questions they often got technically involved in the discussion (Consultation Forum, 2007a). Although this was only the first meeting, and there were more to come, the environmental organisation with just 4 seats of the total amount of 58 seats during the forums expressed themselves quite actively, and got a head-start so to say. This got clarified by the former NGO member, as that the environmental NGOs had set out certain targets for themselves, and knowing that one never get a 100% of what they're asking for, they had to show as much ambition as possible. And between the forums they even lobbied for opposition with Member States' representatives in an attempt to create an as strong as possible position in terms of ambitions on the requirements. As, according to interviewee 1, *"if you want to achieve something in Brussels, you really have to show that you're able to contribute to the process. By adding your voice to compromise but also with knowledge and with inputs and then you really can achieve something"* (Interview 1). This explains not only the high level of ambition with which the NGOs started, but also the high level of expertise in terms of technical knowledge about the input. ECOS was one of the NGOs with the highest degree of sub-contracting because they sent technical experts to the committees, they participated in about 40 to 60 meetings per year. This was also from strategical importance for the environmental NGOs, since they were looking at which meetings they potentially had the most impact and where the priorities lied for the environmental NGOs (Interview 1).

The conversations during the forum also give the impression that the environmental NGOs more or less acted as a watchdog, who keeps pushing for progression. The following interaction between the chairman and ECOS gives a fair impression. In a response of the chairman to multiple questions about deadlines and revision of the proposed requirements he says the following: *"At the stage of the Working Document, it may be too early to discuss tiers and revisions, we first need to agree on where the improvement potential is and what are the means to achieve it. Instead of setting a date for revision already now, we could first see how the market evolves after the adaptation of the measure, and examine the necessity of a revision later, e.g. on request of stakeholders"*. This gives the impression that the Commission wants to wait and see what happens, without being assertive. ECOS immediately reacted to this by expressing doubt and stating: *"[...] without setting deadlines for revision now, any review would happen at all taking into account the workload of the Commission under the EuP Directive"* (Consultation Forum, 2007a, pp. 7). The consumer NGOs didn't commented on the WD this meeting. Since there are no attendance lists made during the forum, only a list on which the organisations who commented on the Working Document is to be found, it's hard to determine if they were even present. After all, they had two seats. But on the other hand it would make sense if they were absent because the subject of the forum was public street lighting which had no impact for consumers.

4.3.2 Consultation meeting 18 December 2007 on CFL and office lighting products

The composition of the group of environmental NGOs that supported the early comments on the Working Document of the Commission has somewhat changed during the second Consultation Forum. CAN wasn't part of this group anymore and the Zero Mercury Working Group (ZMWG, or ZERO) and Ökopol (an institute for environmental strategies) joint the position. The steering group emphatically started in their early comments document with a statement that they welcome and support the introduction of mandatory environmental requirements on tertiary and office lighting equipment. *"Lighting is a major source of power consumption in the EU and one where huge improvement potentials are possible thanks to new promising cost-effective technologies. In this*

sense environmental NGOs expect very ambitious policies to radically transform the lighting market in a few years. High efficient lighting equipment (such as those based on LEDs) should rapidly become the standard lighting equipment. Halogen and incandescent lamps should be progressively banned and fluorescent lamps should be considered as a transitional technology as long as they contain and release mercury" (Consultation Forum, 2007c). This is quite a distinct way to start the comment. It is clear that the environmental group right from the start, again, makes clear what their ambitions are. And they in fact proceeded with pushing for more ambition from where they stopped during the previous meeting. The before mentioned statement from a former environmental NGO member, 'that it is important to aim high with regard to ambition', was performed here. For this consultation meeting the steering group of environmental NGOs actually made two documents with early comments on the Working Document. The steering group also emphasises on more simplicity with regard to the requirements, and are concerned about the market surveillance when its implemented (Consultation Forum, 2007c, pp. 2). They are also concerned with the way the identified environmental aspects, energy, mercury, and waste, are being explored in the Working Document. As they state that the mercury and waste requirements lack clarity and ambition (Consultation Forum, 2007c, pp. 3).

It seems that the Commission is primarily focussing on the most popular element of the measurement, namely the decrease of energy use, and thereby the lowering of the CO₂ emissions. Obviously, this element is from a political perspective the most fruitful and would cause the most positive media coverage. According to interviewee 2 the decrease of energy use actually was the political target. The environmental group is pressing for extra requirements in terms of lifespan and recycling. Especially the recycling of the amount of mercury is in their eyes necessary, because, as they say, the production phase of it can be as worrying as the use or end of life phase in terms of mercury (Consultation Forum, 2007c). For some reason the environmental NGO steering group added a second early comment one day before the CF would start. This second early comment was an adapted version of the first one. Except with some subtle changes in phrasing and even more emphasis on certain points. It is giving the impression that on the one hand they tried to press more on the level of ambition and the inclusion of environmental aspects. But on the other hand there seems to have crept in a bit more political strategy. Like for instance the phrase: *"Environmental NGOs therefore regret that the EC Working Document on office lighting has not been drafted with the intention of promoting the most efficient technologies, such as high-efficient LED luminaires"* (Consultation Forum, 2007c, pp. 2), has been altered into: *"Environmental NGOs therefore regret that the EC Working Document on office lighting has not been drafted with enough intention of promoting the most efficient technologies, such as high-efficient LED luminaires"* (Consultation Forum, 2007d, pp. 2). This does not seem like a major change, but it definitely sounds a bit less offensive. And it gives to a higher degree the impression that the environmental NGOs appreciate the Commissions intentions, and that they at least are on the right path and in the right direction. Another example is the use of bold types. In the first version the group uses the sentence in bold type: ***"[...] the proposed implementing measure (IM) lacks simplicity [...]"*** (Consultation Forum, 2007c, pp. 2), and in the newer version they use this sentence in bold type: ***"[...] to present rapidly a global overview of all the foreseen requirements for the whole lighting sector [...]"*** (Consultation Forum, 2007d, pp. 2). Again, this sounds less offensive and probably creates more commissioner's goodwill for the environmental cause. And a final example even better exemplifies the softer tone of the environmental NGOs: *"Environmental NGOs do not understand the rationale to exempt from any ecodesign requirements*

[...]” (Consultation Forum, 2007c, pp. 2), has been changed into: *“Environmental NGOs are also generally concerned that the proposed Implementing Measure (IM) on office lacks simplicity [...]”* (Consultation Forum, 2007d, pp. 2). Obviously the environmental NGOs grew a bit more into the political aspect of the process. And stepped a bit away from their traditional role of the fierce opponents during EU policy process, where they tend to disapprove many initiatives. There had to be a good motivation for the NGOs to become more compromise oriented. Interviewee 1 actually said: *“[...] we also tried to help to get a dialogue going among the institutions, again with some compromise proposed”* (Interview 1). This gives the impression that NGOs actually felt appreciated during the process, and that there was no need for them to get really offensive. Interviewee 1 confirms this by stating: *“It was much more easier for us to achieve something in this process than in other policy processes because we were at the table ourselves”* (Interview 1). Perhaps this can be seen as prove that by inviting every party to the discussion, it opens up more positive dialogue instead of frustration.

During the CF discussions are getting more technical and subjects delve more deeper into the detail of the measurement. And the environmental NGOs are among the frequent speakers during the meeting. More than the Member State’s representatives. Who, on the other hand, have the final say in the regulatory committee. And in terms of influencing the process the environmental NGOs tend to blend their environmental interests into some aspects of a consumer- or even a producers point of view. When the agenda arrives, for example, to the point of product information the environmental NGOs make it clear that they are of the opinion that when the requirements are not application based, the information should be available on the package, as the application and therefore the end user is not known. They claim that lamps are not only bought by professionals. And therefore A++ should not be used as new classes for the energy label. But not without finishing with an environmental aspect, by pressing for the need for a clear mark on mercury content, which is as they say important for the waste phase (Consultation Forum, 2007e). During the whole CF, again, the environmental NGOs lay the emphasis on more ambition and are constantly pushing for higher goals. They literally say: *“Why restrict the scope of the luminaire requirements to luminaires for lamps with more than 1000 lumen output?”* (Consultation Forum, 2007e).

4.3.3 Consultation meeting 28 March 2008 on general lighting products

The CF on general lighting products, formerly ‘domestic lighting’, was the most elaborate forum, and on this subject there were the most comments by the member organisations. In total there were 7 groups (or individually) that placed an elaborate comment, before or after, on the WD from the Commission (Consultation Forum, 2008a,b,c,d). For this forum the Commission had presented three IM options in their Working Document. These options varied in the level of ambition for the requirements. In *figure 9* the proposed options are displayed. The options, as the Commission stated, have been made up without detailed scenario calculations and are made to serve as vantage points in the debate during the CF (Working Document, 2008, pp. 6-8). Somewhat logically also the consumer organisations attended this meeting and placed early comments, as well as comments after the meeting, on the WD. After all the subject possibly had a big impact on EU citizens and their consumptions. The two participating consumer organisations ANEC and BEUC collaborated on the early comment, although ANEC seemed to have the lead, since they

Option 1	Minimum energy efficiency requirement	:	-	Level A
	Phase-out	:	-	All GLS (ILB)
		:	-	All halogen lamps
		:	-	B+ level CFLs
	Remain on the market	:	-	High light output CFLs
	Efficiency	:	-	CFLs without cover (bare tubes)
		:	-	4,6 times more efficient than using only average (E level) GLS
		:	-	
Option 2	Minimum energy efficiency requirement	:	-	Level A, with some exemptions in level B+ and B
	Phase-out	:	-	All GLS (ILB)
		:	-	All frosted halogen lamps
		:	-	Average and poor (level C and D) clear halogen lamps
	Remain on the market	:	-	B+ level CFLs if they do not have excellent colour rendering
		:	-	All CFLs except B+ level with average or poor colour rendering
	Efficiency	:	-	Efficient (level B) clear halogen lamps
		:	-	3,5 times more efficient than using only average (E level) GLS
		:	-	
Option 3	Minimum energy efficiency requirement	:	-	Level C
	Phase-out	:	-	All GLS (ILB)
		:	-	Poor halogen lamps (level D)
	Remain on the market	:	-	All CFLs
		:	-	Efficient and average (level B and C) halogen lamps both frosted and clear
	Efficiency	:	-	1,9 times more efficient than using only average (E level) GLS
		:	-	
		:	-	

Fig. 9: The three proposed implementation options (Working Document, 2008)

acted as the contact organisation (Consultation Forum, 2008a). What stands out in their document is the fact that they link some of their goals onto environmental issues like the energy efficiency in the EU. Although their choice for their level of ambition lies slightly lower than the environmental NGOs. Of course energy efficiency benefits the EU consumers as well, but they defend the variety in product choice for consumers too. *“While the first option would provide for the highest energy saving potential, consumers would have more choice according to option 2. As option 2 would also achieve considerable energy savings (71 TWh per year for the EU-27), this option seems favourable”*. (Consultation Forum, 2008a, pp. 3). They seem to be willing to decrease the level of energy efficiency as a trade-off for more consumer convenience, because consumers would have more products to choose from according to option 2. From this point of reasoning they are of opinion that sockets for which consumers cannot buy substitute lamps in the near future should therefore be phased out as soon as the implementing measure come into effect (Consultation Forum, 2008a). After the meeting ANEC posted a comment on the WD without collaborating with BEUC. In this comment they made it clear that there is a small group in the EU that suffers from light sensitivity problems, often caused by the CFL lighting with UV radiation. Besides that, they state that the ILB is still needed in situations where immediate full light is needed. They give two examples where the CFL is insufficient: in alerting devices, because the CFLs need a warm-up before giving full light, and the case for visually impaired people, who need instant lighting in for example staircases and hallways (Consultation Forum, 2008b). According to interviewee 2 it seems that this pressure from ANEC, and perhaps from other organisations, resulted in action from the Commission. *“So health issues were mentioned, and that is why we already in 2008 mandated to look into health issues, to be on the safe side. To make sure that we are not doing something which will affects consumers negatively”* (Interview 2). Another comment before the meeting came from Greenpeace. This time they commented separately from

the environmental NGOs, apparently they thought it was needed to emphasize on EU production capacity, to forestall empty shelves when the ILBs have to be replaced by CFLs. Their document even starts with the question: *"Would global CFL production capacity be able to meet demand if a Europe wide ban of inefficient light bulbs was introduced by the European Union in 2011?"* (Consultation Forum, 2008c). The fact that Greenpeace is concerned about production capacity is interesting on itself. Normally one would assume that they press for environmental issues. But after a closer look it becomes evident that it in fact is an offensive against the EU industry. They state that the industry reported that there could be serious capacity problems when the ILB gets phased-out at once, and they accuse the industry for not disclosing evidence for that. Their reaction, in bold type, is as follows: *"Greenpeace believes that if the European Union were to introduce legislation to remove incandescent and inefficient halogen light bulbs from sale in 2011 that there would be sufficient production capacity to meet demand"* (Consultation Forum, 2008c). They advise the Commission to look at the potential of global production, and point to manufacturing centres in China. They even accuse the production companies who are represented by ELC, and who are claiming that empty shelves are a serious threat, that they have significant investments in traditional lamp production and therefore may prefer to have the burden of switching technologies eased by a slower transition (Consultation Forum, 2008c). Now the title of the document falls in place, it looks like the whole document is more or less a strategic manoeuvre by Greenpeace. They are offering an alternative for the Commission to meet production demands if the EU manufacturers couldn't keep up with the pace. And with that they put more pressure on the industry, and in fact forcing them to make sure they can meet demands. This emphasis on production capacity and internal market aspects coincides with the statement interviewee 2 made in the interview: *"So it's actually the whole logic, the whole push behind setting such a framework, is to preserve the internal market. It is not that someone in the Commission necessarily thinks that now we had to act on energy efficiency. At the time it wasn't like that. Although, of course you can then put some policy decoration on it and say that we are acting for energy efficiency. But this was the main motivation"* (Interview 2). This clarifies that the Commission was sensitive for subjects like production and internal market, and that Greenpeace even maybe saw through the possible misuse of the industries use of this subject by claiming that production would fall behind.

The environmental NGO group did also provide comments before the meeting and Greenpeace was part of this group too, again. Compared to the previous Consultation Forum, and the previous collective comments, the group has expanded and now consists of ECOS, EB, CAN, Greenpeace, WWF, ZMWG or ZERO, and INFORSE. The language of this comment has turned a bit more strong. With the use of expressions like 'excessive indecisiveness', 'not clear enough answer', 'the lack of details', 'far too vague', and even persuading the Commission to 'be confident enough to take a strong stance and motivate Member States to follow their lead'. Backing this up with argumentation of the intergovernmental panel on climate change (IPCC): *"The IPCC 4th assessment report finds that the only scenario with a high probability of containing global warming within 2°C requires a peak in emissions by 2015; only the most ambitious policies in all climate-related sectors will give us any chance at all of reaching this target. Therefore EuP policy should aim towards the fastest and most stringent ecodesign scenarios for all product groups"* (Consultation Forum, 2008d). The environmental NGOs again are the ones who are pressing for the ambition, and they don't shy away for using this strategy in order to get into the Commissioners' conscience, by claiming that catastrophic consequences from the climate change can be kept within limits by implementing the

most ambitious policies. The environmental NGOs keep repeating big issues like transparency, the mercury problem and its production phase. And state that high ambitions don't prevail at the expense of employment within the EU (Consultation Forum, 2008d, pp. 2,3).

During the CF there were three environmental parties present, ECOS, Greenpeace, and the EB. Beside the environmental parties the consumer NGOs, ANEC and BEUC, were also present. The environmental NGOs actually repeated their early comments by emphasizing on the urgency and ambition of the policy. But in response to a question of the EB about the mercury content, the course of debate took an interesting direction. The reaction of the Commission was: *"It will be discussed more fully but the assumption is made that if the switch is made to mercury containing lamps, the drop of mercury emissions stemming from electricity savings will at least offset the mercury content in CFLs"* (Consultation Forum, 2008e, pp. 6). Striking here is that where mercury before was quite a big subject, it now does appear to be a necessary cost to be made from the Commission's point of view. The environmental and the consumer NGOs together express their concerns about the recycling issue of the CFL. And BEUC added explicitly that they do not share the Commission's view that energy saving from CFLs will outweigh the increase in mercury, and that a solution to the waste issue is needed. Further on, the EB explains that they are involved in the RoHS directive (restriction of hazardous substances directive) exemption process. And after considering the whole life-cycle of lamps they support a 2mg target for mercury content, and instead of emphasizing on the waste issue they are more concerned about the production process involving the dripping procedure with high mercury losses (Consultation Forum, 2008e). So there seems to be some disagreement on the mercury issue between the NGOs, and not only between the environmental- and consumer NGOs, also among the environmental NGOs. Even though they are in the same steering group they haven't been able to shape a collective opinion. During the meeting the chairman asked the delegates what position they took on the level of ambition, meaning which option (see *figure 9*). Countries like Portugal, Czech Republic and Poland preferably would go for option 3. This could be a sign that the southern European countries would prefer more adaptation time. But Belgium also expresses technical and consumer issues and therefore would not like to see class C halogens phased out yet. Austria and Germany supported option 2. The UK and France had already decided that they would support both option 1 and 2. And The Netherlands, Ireland and ECOS were in favour of option 1. Italy at that moment was still indecisively. Obviously, at that moment the opinions were still quite divided and there wasn't a clear harmony present between the consultation members (Consultation Forum, 2008e, pp. 7-8)

4.3.4 Participants and positions

During the ILB CFs the environmental- and consumer NGOs constantly played the role of the most ambitious stakeholder in terms of phasing out the light bulb. And even may be considered as the party which put the ILB case on the agenda (Interview 3). But, as indicated before, it seems that parallel to the whole policy process there was also a process of Europeanization going on. Especially for the NGOs there was some sort of necessity present to collaborate with other organisations in order to be able to participate and possibly influence the process. Due to the limited amount of seats available, the Commission made sure the organisations with a certain level of affiliation with each other would collaborate and subsequently serve as a filter during the process. Exactly this necessity to cooperate coerces many organisations to enter the policy arena in Brussels and leave, at least partially, the national politics. These tendencies intensify the process of Europeanization. It is by no means the intention of this thesis to create the illusion that the ILB case creates the process of

Europeanization on its own, but it sure did accelerate it. In fact, precisely concepts like these consultation forums do encompass the locus of the evolvement of the European community. In a way it imposes domestic entities with the necessity of collaborating with similar organisations from other EU countries, and by doing that a new European entity occurs which serves as a representative organisation. In fact this intensification of the Europeanization, and of course the EU who opens her doors for participation of private organisations, creates a new dimension in the scheme of Van Schendelen (see *figure 2*). As can be seen in the previous section, many private organisations have been participating and influencing the EU public level. This process reveals a ninth vector of influence (see *figure 10*).

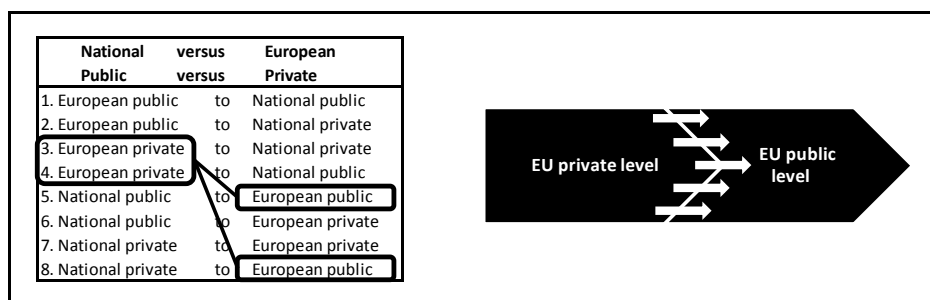


Fig. 10: The ninth vector of influence (Oudelaar, 2015a)

Although the forums gave the opportunity for private organisation to solely give opinion and possibly expert advice, and the ultimate decisions were for the Commission to make, it definitely opened up a new vector from which organisations could make use to express themselves, either directly or indirectly. This new vector represents the European policy level wherein stakeholders' connections to domestic interests begin to fade, and the bigger picture of the EU will predominate, eventually. In the previous section we can observe that the environmental- and consumer NGOs were very active during the forums and in commenting the working document by sending specific experts to technical committees with the intention to maximize the potential impact (Interview 1). Interviewee 1 even emphasized that it was unthinkable before the forums to imagine the strong role and credibility of the environmental NGOs during the forums. They even collaborated with the industrial parties ELC and CELMA to negotiate on the timetable and find an agreement or compromise to send to the Commission (Interview 1). Which gave the Commission also the impression of a certain solidarity, as interviewee 2 explains in the interview: *"I think nobody was really arguing about whether it should be banned or not, it was a timetable which was more the issue"* (Interview 2). Undeniably the Commission artificially stimulated the European level by granting funds to European NGOs in order for them to be able to participate. But, this in turn affected EU legitimacy because the process became more open. *"Sometimes even commissioners said it explicitly, for example, the environmental commissioner said: okay we have the industry making, let's say, their voice heard with their concerns on one side, I need you guys, to make the point from the other side"* (Interview 1). This opening up of the EU policy process actually resulted in more pragmatism from the NGOs in Europe. This is a natural effect because it became much more easier for participating parties to actually achieve something, because they were at the table themselves. Eventually it even affected the way the organisations exercised their lobbying practices, by not having to influence the Parliament and/or Member States from the outside anymore, NGOs expressed all their opinions during the forums as a full stakeholder.

Although this sounds very rewarding, not all parties seem to be positive about the role NGOs play in the European policy process. Due to the fact that Brussels based environmentalists' generally shift towards more pragmatic strategies with the effect of a greater willingness to engage with business groups (Bomberg, 2007). Consequently this collaboration with corporations creates that the NGOs frequently communicate from a corporatized frame, and even seeing the corporate friendly options as logical strategies for achieving their goals. This collaboration with business is increasing the influence of advocacy groups within political and economic institutions. Compared to those outside of the establishment, activists on the inside are more likely to be able to shape corporate governance or produce a policy reform. Besides, multinational corporations are very willing to partner with large (global) NGOs, not only to mould the nature of criticism and pressure but also to legitimize business growth, gain efficiencies and competitive advantages, and earn profits (Dauvergne & LeBaron, 2014). Although the entanglement in the power seems to promote pragmatism, according to interviewee 1 the idealism still prevails among the environmental NGOs in Europe. Many NGO members have been interested in environmental issues for whole their lives, and working at an environmental NGO mostly is not a career move, but still is an ideological one. As he claims: *"It would have to be towards ambitious environmental goals, otherwise I wouldn't be wanting to do it. It is really rare that NGO people go to industry. Of course there are always people who sometimes maybe just go where the highest salary is. But I've seen that rarely from the NGO colleagues in Brussels"* (Interview 1). This counters the fear of Dauvergne & LeBaron that NGOs become too pragmatic and outgrow the position of speaking solely truth to power without being entangled in a political policy process.

What can be observed is that there took place quite some collaboration, due to mutual willingness. Both between NGOs and the Commission, and the NGOs and the industry. A possible danger is that this emerging European level policy process could cause a certain regression to the mean, were outliers don't fit in anymore. As Dauvergne & LeBaron (2014, pp. 46) notice that participating in civil society is more and more about being civil, to invite mainstream respectability and avoid being seen as part of the rabble. Middle of the road activists, striving for acceptance, use of safe language and strategies and also join in demonizing militant tactics and radical ideas. Hoping to be admitted into the inner sanctions of elite discussion and negotiation, many NGO and labour leaderships have sought to prove their respectability by denouncing those who engage in less polite forms of protest. Exactly the fact that knowledge and impacts from many societal aspects get mentioned and discussed is tremendously important and a great benefit from the forums. During the CFs even health impacts for high sensitive people was discussed, although there wasn't any health care stakeholder present. This is a positive aspect, since open discussion complements the responsibility gap and externalities of innovation gets minimized (Owen, R. et al., 2013).

When we compare the forums as discussed in the previous sections, we can observe that the NGOs started from a certain traditional role and had a distinct opinion about the environmental aspects in the policy process. But somewhere around the second forum they started to show some more strategic behaviour and got more politically involved. Still, they kept pressing for high ambitions, but didn't rush into deliberation without thinking. A level of empathetic behaviour perhaps slipped in, looking at the more friendly approach of the NGOs towards the Commission during the second forum. Again, this probably is caused by the fact that one participates, and because of that becomes more willing to sacrifice some of their views in order to achieve success on the other. Besides, along the process it turned out that there weren't many true opponents of the phase-out. Only the designers of lamps were against the ban due to aesthetic reasons. All other parties were in favour of

phasing-out the ILB, debate was merely about the level of ambition. Another point of interest is that in the beginning of the process not that many organisations were involved. And only during the forum of the general lighting products more parties started to participate. The environmental NGOs were highly involved during the whole process and actually stayed very consistent in their level of ambition during the forums. They constantly kept pressing for higher, quicker and cleaner. During the forum of general lighting products the consumer NGOs also started to participate, although they were not collaborating with the environmental organisations they always had the habit of cooperation. They even thought about employing the same consultancy, but adapted a different model in the end and this potential synergy did not materialize (Interview, held on 4-4-2015). The consumer NGOs weren't as prominent present like the environmental NGOs, but nonetheless added the important perspective of EU citizens. Especially the health issues were of value and got integrated into the final design of the implementation.

5. Conclusions and discussions

The core purpose of this research has been to construct a deeper understanding of the influences of NGOs during EU policy processes. In other words, the goal has been to identify what the main elements of NGOs' influence on these EU policy processes are. Indicated in chapter 3.3.2 as the core category derived from the data (see *figure 5, phase 3*) and was initiated by the general research question (see chapter 1.3) of this study: *How do NGOs influence the EU policy process?*

Throughout the analytic part empirical data has been used to explore the CFs and the role NGOs played in it. In this chapter the most important results of the analysis and thus the most important elements of the influence of NGOs in EU policy processes found during the research are presented. In the first section the main findings of EU policy processes with regard to the theoretical framework presented in chapter 2 are given. In the second section the main elements of the NGOs' influence onto EU policy processes are given and explained.

5.1 Main findings of EU policy processes

Often multiple powers struggle for influence and gratification of their self-interest. These self-interests are guided by policy arena's, which subsequently are controlled by European law. From this perspective the phase-out of the ILB within the EU is no different than any other policy process. The arena in which stakeholders could pursue their self-interest was more or less the same than previous ones. What makes this particular policy process so striking is on the one hand the notable role and participation of the environmental- and consumer NGOs, for which normally the outskirts of the arena is reserved, and on the other hand the obvious synergy between all stakeholders concerning the ILB. Without any doubt, resolute winds aligned many parties whom normally use this same arena to exercise resistance against emerging policies of other stakeholders, due to conflicting interests and moral values. What follows are the main findings of EU policy processes during this study.

Europeanization According to the analysis the 'Ecodesign Consultation Forums' have done a pretty good job in terms of upstream regulation. It brought together social-, societal- and technological aspects together quite nicely and the tension between the freedom needed for innovation and unintended impacts got bridled. But it is not only that it brought these aspect together, something changed when Directive 2005/32 got implemented. The 'traditional' vectors of influence (see *figure 2*) started to circulate (see *figure 6*) as domestic adaptation got supplemented by domestic influences, either directly or indirectly, onto the EU policy level. Simultaneously to the emergence of this new possibility for domestic organisations to participate in the ILB policy process it forced many organisations to collaborate on the EU level, which accelerated the process of Europeanization. This intensification of the Europeanization created a new dimension in the scheme of Van Schendelen, and revealed a ninth vector of influence (see *figure 10*), whereas a more EU oriented policy level emerged. By creating the ninth vector of influence more openness was established and with it also EU legitimacy.

The discontinuation of governance process As it became clear that EU incentives to stimulate rational economic motivations among its citizens, as in offering more efficient alternatives to push the traditional of the market, failed, the EU decided to intervene and initiate a phase-out. To manage the ILB phase-out properly with as less harmful damage as possible for EU society and economy the CFs were set up to include relevant stakeholders. This study reveals that there were two major determinants for the discontinuation of governance process to succeed. Namely: agenda-setting and

the timing of implementation. The CFs gave opportunity to govern these aspects of the discontinuation and simultaneously for the stakeholders to express themselves and the chance to actually influence the policy process.

NGO lobby As stated in chapter 2.3.2, Van Schendelen appoints four major indicators for an interest group to be 'professional': sufficient cohesion, useful knowledge, an optimal mix of resources and skills, and a good image. According to this study's analysis the success of NGOs was not only dependent on these four indicators. Important element of the influence during the CFs was the composition of CF participants. This composition possibly was biased by the representation of stakeholders' interest that the EU wanted to be represented. Besides, the CFs seemed to be composed mainly by self-selection.

5.2 Main elements of NGOs' influence on the ILB policy process

Main purpose of this study has been to reveal the most important elements of NGOs' influence onto EU policy processes. The ILB phase-out and its CFs have been used as the case of investigation from which the main elements could be generalized. What follows are the elements recognized during this analysis.

Representation Europeanization is an ongoing process but the EuP CFs accelerated it through the development of an European policy level, which became more suggestible for NGO influences and one step closer to full transparency. Although it remains to be seen if participation is possible the same way with more complex problems in the future, this development did create a stronger sense of EU community and lower emphasis on domestic regulations. Even though the ninth vector created more openness for NGOs to participate, it simultaneously forced them to collaborate on an EU level. Due to the limited amount of available seats at the forums the NGOs had to work together, despite their differences in mission and goals, and create a collective position on the WD. By analysing available documents of the forums, interviews with participants of the forums, and legislation it can be said that the input of NGOs was worthwhile, and made a difference, maybe even set the agenda. An interesting question with regard to the amount of available seats during the CFs would be: *Would the policy-outcome have been the same if there would have been a greater amount of seats available for the NGOs?* Of course, on EU level it is hard to include all voices, so representing parties are inevitable, but a great attempt was made to create open dialogue without constraints and a low level of rhetoric importance, due to possibility of commenting pre- and after the forum. This created a healthy balance between internal power and external power⁸, and high level of adaptive learning.

Ambition The NGOs were quite a dominant factor during the forums although heavily outnumbered. Despite the low amount of seats available for environmental- and consumer NGOs, they effectuated to be a constant factor of enduring ambition and pressing for stricter requirements. This corresponds with the promise-requirement cycle of Geels & Smit (see figure 3), in which they state that (over)optimistic and ambitious promises and expectation are strategic resources in order to influence the policy outcomes. The NGOs maintained their ambition even though the NGOs were really surprised that actually most of what was coming out of the Commission was really good in their eyes. It was more ambitious, in comparison to the industry, than they actually would have thought in the beginning of the process (Interview 1). This ambition gets confirmed by interviewee 2,

⁸ According to Pellizzoni (2001) there are two types of power. External power: power exercised over/ in communication. And internal power: the power of the best argument.

and acknowledges that the Commission positioned themselves somewhere in the middle: *“You should read the environmental NGOs who comments after the regulation was adopted. Their position paper showed dissatisfaction. Because they wanted only compact fluorescent lamps. And industry wanted a slow process. So in the end we didn’t please anyone. We reached a good political compromise”* (Interview 2). So without the pressure of the NGOs there wouldn’t have been a middle way to choose from for the Commission, and quite possibly the result would have been much more near the likings of the industry. By means of the CFs, the NGOs were given an opportunity to influence the policy process by giving expert advice and pushing for ambition. Therefore one can conclude that from the Commission’s perspective it is expected that the environmental- and consumer NGOs take a more ambitious position in the process and thus are a desired guest. And as indicated because there were only a few seats available, and there exist many European NGOs, it forced them to collaborate and construct collective positions on the subjects. Every party was able to supplement or criticize the agenda, as well as the WD. These critics and comments got ‘published’ and, by use of an internet platform, were accessible to everybody. Parties were able to place them in advance, during the meeting or after the meeting. This gave them plenty of time to (re)consider comments, which resulted that many parties used this opportunity to express thoughts, without feeling pressured during the meeting. Because of this, the agenda consisted of a wide array of topics. All these inputs had positive effects on the amount of knowledge, many technological assessments were executed in early stages of societal intervention and had to some extent influence on the final impact assessments of the Commission.

From another perspective, the Commission’s perspective, the influence and ambition of NGOs could hypothetically have been used as a strategic advantage for the Commission due to the power to appoint and assemble the forum themselves, by choosing a balanced set of participants, without it being a politically based proportionate division of stakeholders. In the case of the ILB phase-out this problem seems not so apparent, but you can imagine that with high controversial- and unstructured problems, where the political will isn’t that high, this needs a certain level of discretion of the Commissioners. An important question for this matter thus is: *Does the structure of the problem definition, either structured or unstructured, has any influence on the composition of the forum?*

Funding Another point of attention is the Commission’s funds for NGOs. On the one hand the Commission needs a high level of legitimacy, which can be achieved by including as much parties as possible, but on the other hand the Commission often yearns for a smooth political process. Because political survival depends at least partly on effective and efficient policy output. As for the ILB case the NGO funding was essential for them to participate on the expert level as they did. Without these funding they wouldn’t have been able to hire the consultation firms for technical expertise and thus add their high level of knowledge. Indirectly, the level of NGO knowledge is influenced by the funding. Therefore the level of knowledge is important for NGOs’ capacity to participate. At this stage we can only guess if the composition of the participating organisations would have been the same if the policy problem was more complex, or if it had more opponents. So in continuation of the previous question the following question is interesting: *Could it be possible that NGOs who are more flexible and have more political experience have a greater chance to be granted a seat at the forums and/ or to be granted funds?*

Contacts What we do know is that the Commission had close contact with several NGOs in an early stage of the policy process and that this probably had influence on how the Commission divided

the seats and/ or possibly more importantly how they divided the funds. As indicated the exact selection criteria for the admission of the forum are not documented and therefore hard to determine. But with a fair amount of certainty it can be said that it matters to have close contact with the Commission in an early phase of the policy process. When we look at the stakeholders it is somewhat surprising that the trade union(s) were absent in the process, even though they were invited. Didn't they think the policy would have much impact on European employees? So an important question for this matter is: *What was the trade union's true reason for not tendering for a seat at the forums?* We can say that there wasn't an even division in terms of presence but neither in terms of funding, since the industry had much more funds to spend, even though it was their own funding. So the industry was over represented in comparison to other segments, but when we look at the minutes of the meeting and the comments that got placed, we see that this unbalance gets straightened to a great extent by speaking time and input.

6. Further research

In this chapter the aforementioned questions that emerged during this explorative study are summed up. Naturally these questions could be the starting point for future studies and eventually could help increase the amount of knowledge concerning EU policy processes.

First and foremost for the NGOs it would be interesting to know if the number of available seats for environmental- and/or consumer NGOs during the CFs has any influence on the policy outcome.

Therefore the following question could be the starting point for further research:

- *Would the policy-outcome have been the same if there would have been a greater amount of seats available for the NGOs?*

In continuation of this research it would be interesting to make a comparison between the composition of forum seats and participating parties (distributed by the Commission). In this way possible influence of the complexity of the policy onto the division of the seats by the Commission, and perhaps the granting of funds, would be revealed. The comparison should measure on the one hand a policy process for a (moderately)structured problem and on the other an unstructured problem (Hoppe, 2011).

- *Does the structure of the problem definition, either structured or unstructured, have any influence on the composition of the forum?*
- *Could it be possible that NGOs who are more flexible and have more political experience have a greater chance to be granted a seat at the forums and/ or to be granted funds?*

Another interesting aspect would be to delve more into the discrepancy between the ‘official’ goal of the CFs, which is to reach consensus between the participating parties, and the goal of EU legislation, which was claimed to protect the free movement of goods in the EU and not environmental aspects, not even for the ecodesign directive (interview 2). A logical question would be:

- *Why include so many environmental NGOs into the EU policy process prior to the ILB phase-out when the goal of EU legislation is the free movement of goods in the EU?*

A more specific question concerning the ILB case would investigate the motivation for the decision of the trade unions to not participate, despite the fact that they were invited.

- *What was the trade union’s true reason for not tendering for a seat at the forums?*

Subsequently, future research could possibly investigate policy change by use of the advocacy coalition framework (ACF), even though this framework is developed to deal with wicked problems, and the ILB case is not typified as a ‘wicked problem’, it easily could evolve in a problem where goals conflict, due to the important technical disputes, and multiple actors from several governmental levels. Interesting to see would be possible shifts in sub-groups and coalitions. For such an analysis the ACF would be appropriate, but this would only be effective when a decade or more has past, since the ACF is interested in policy change over a decade or more (Sabatier, 2007).

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Appendix A

COMMISSION DECISION
of 30 June 2008
on the Ecodesign Consultation Forum
(Text with EEA relevance)
(2008/591/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005, establishing a framework for the setting of eco-design requirements for energy-using products (EuP) and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 18 thereof,

Whereas:

(1) In accordance with Article 18 of Directive 2005/32/EC, the Commission should ensure that in the conduct of its activities it observes, in respect of each implementing measure, a balanced participation of Member States and interested parties.

(2) Directive 2005/32/EC provides that those parties should meet in a Consultation Forum. It is therefore necessary to define the tasks and the structure of that Consultation Forum.

(3) The Consultation Forum should assist the Commission to establish a working plan, and contribute to defining and reviewing implementing measures, to examining the effectiveness of the established market surveillance mechanisms, and to assessing voluntary agreements and other self-regulation measures.

(4) The Consultation Forum should be composed of Member States' representatives and the interested parties concerned with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.

(5) Rules on disclosure of information by members of the Consultation Forum should be provided for, without prejudice to the rules on security annexed to the Commission's Rules of Procedure by Decision 2001/844/EC, ECSC, Euratom ⁽²⁾.

(6) Personal data relating to members of the Consultation Forum should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Tasks

The tasks of the members of the Ecodesign Consultation Forum, hereinafter referred to as 'the Forum', shall be to give opinions in relation to the elaboration and the amendment of the working plan referred to in Article 16(1) of Directive 2005/32/EC and to advise the Commission on questions related to the implementation of Directive 2005/32/EC as provided for in Articles 16(2), 18 and 23 thereof.

Article 2

Consultation

The Commission may consult the Forum on any matter relating to the implementation of Directive 2005/32/EC.

Article 3

Membership

1. The members of the Forum shall be appointed by the Commission from interested parties concerned with the product or product group in question and who have responded to the call for applications.
2. The Forum shall comprise up to 60 members composed as follows:

- (a) one representative from each Member State;
 - (b) one representative from each European Economic Area Member State;
 - (c) up to 30 representatives of interested parties as referred to in Article 18 of Directive 2005/32/EC.
3. Each member shall designate the person representing it at the Forum meetings on the basis of his or her competence and experience in the area dealt with.
4. Members of the Forum are appointed for a three-year renewable term of office and shall remain in office until they are replaced in accordance with paragraph 3 or their term of office ends.
5. Members may be replaced for the remainder of their term of office in any of the following cases:
(a) where the member resigns;
(b) where the member is no longer capable of contributing effectively to the Forum's deliberations;
(c) where the member does not comply with Article 287 of the Treaty.
6. The list of members and any subsequent amendments to that list shall be published on the Internet sites of the Enterprise and Industry Directorate General and the Transport and Energy Directorate General and in the Commission's Register of Expert Groups.

Article 4

Operation

1. The Forum shall be chaired by a representative of the Commission.
2. In agreement with the Chair, sub-groups may be set up to examine specific questions under terms of reference established by the Forum. Such sub-groups shall be dissolved as soon as their mandates are fulfilled.
3. The Chair may invite experts or observers with specific competence on a subject on the agenda to participate in the Forum's or sub-group's deliberations if this is necessary or useful.
4. Information obtained by participating in the deliberations of the Forum or of a sub-group shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.
5. The Forum and its sub-groups shall normally meet on the Commission's premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend the meetings of the Forum and its sub-groups.
6. The rules of procedure for the Forum are set out in the Annex.
7. The Commission may publish, or place on the Internet, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document of the Forum.

Article 5

Reimbursement of expenses

The Commission shall reimburse travel and, where appropriate, subsistence expenses for one representative per Member State and technical experts invited according to Article 4(3) in connection with the Forum's activities in accordance with the Commission's rules on the compensation of external experts. The members of the Forum, experts and observers shall not be remunerated for the services they render. Meeting expenses shall be reimbursed within the limits of the annual budget allocated to the Forum by the competent Commission department.

Done at Brussels, 30 June 2008.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rules of procedure of the Ecodesign Consultation Forum

THE COMMISSION OF THE EUROPEAN COMMUNITIES, Having regard to Directive 2005/32/EC and in particular Article 18 thereof, Having regard to the standard rules of procedure published by the Commission, HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Convening a meeting

1. Meetings of the Forum are convened by the Chair.
2. Joint meetings of the Forum with other groups may be convened to discuss matters falling within their respective areas of responsibility.

Article 2

Agenda

1. The Chair shall draw up the agenda and submit it to the Forum.
2. The agenda shall make a distinction between:
 - (a) consultation of the interested parties in the Forum on:
 - the elaboration and the amendment of the working plan, in accordance with Article 16(1) of Directive 2005/32/EC,
 - the definition and review of implementing measures, in accordance with Articles 16(2) and 18 of Directive 2005/32/EC,
 - the examination of the effectiveness of the established market surveillance mechanisms, in accordance with Article 18 of Directive 2005/32/EC,
 - the assessment of voluntary agreements and other self-regulation measures, in accordance with Article 18 of Directive 2005/32/EC,
 - the review of the effectiveness of the Directive and of its implementing measures, the threshold for implementing measures, market surveillance mechanisms and any relevant self-regulation stimulated, in accordance with Article 23 of Directive 2005/32/EC;
 - (b) other issues put to the Forum for information or a simple exchange of views, either on the Chair's initiative, or at the written request of a member of the Forum, subject to the Chair's acceptance.
3. The agenda shall be adopted by the Forum at the start of the meeting.

Article 3

Forwarding of documents to members of the Forum

1. The Chair shall send the invitation to the meeting, the agenda and the working documents on which the interested parties in the Forum are to be consulted and any other working documents to the members of the Forum in accordance with Article 12(2) no later than one month before the date of the meeting.
2. Members of the Forum may submit complementary working documents and written statements to the Chair no later than one week before the date of the meeting. Such documents shall be made available to the members of the Forum upon reception.
3. In urgent cases, the Chair may, at the request of a member of the Forum, or on his own initiative, shorten the time limit for transmission referred to in paragraph 1 and 2 to five calendar days before the date of the meeting.
4. The Chair may decide to make documents originating from and provided by non-member interested parties available as working documents of the Forum.

Article 4

Opinions in the Forum

1. The Chair shall record the opinions expressed by the representatives of the Member States and the different interested parties in the Forum.
2. Opinions of the representatives of the Member States and interested parties may also take the form of written statements submitted in accordance with Article 3.
3. Complementary written statements, following the discussions in the Forum, may be submitted up to three weeks after the meeting date.
4. If necessary, the written procedure provided for in Article 8 may be applied.

Article 5

Representation

1. In order to ensure a balanced participation of relevant stakeholders in respect to each discussed product group, the Chair may invite non-member interested parties to discuss specific agenda items at certain meetings.
2. Each member of the Forum shall designate one person representing it at the Forum meetings and so inform the Chair. With the Chair's permission, the designated representatives may be accompanied by experts at the expense of the member. The members shall give prior notice to the Chair, at the latest two weeks before the meeting date, of the experts they wish to accompany their representatives. If the Chair does not object to the participation of the expert at the latest one week before the meeting date, the permission is considered to be granted.

3. A member may represent other members. The representing member shall provide evidence of the represented members' consent to the Chair in writing before the meeting.
4. Members shall ensure that stakeholders they represent are duly informed of the discussions in the Forum.
5. Members shall ensure adequate consultation of the stakeholders they represent and adopt representative opinions.

Article 6

Sub-groups

The Chair may create sub-groups to examine particular issues. The sub-groups shall be chaired by a representative of the Commission. The sub-groups shall report back to the Forum. To this end, they may appoint a *rapporteur*.

Article 7

Admission of third parties

The Chair may decide to invite third parties to attend a meeting and experts to speak on particular matters.

Article 8

Written procedure

1. If necessary, the opinions of the Member States and interested parties of the Forum may be delivered by written procedure. To this end, the Chair shall send the members of the Forum the working document(s) on which the opinions of the Member States and interested parties of the Forum are sought, in accordance with Article 12(2). The time limit for submitting comments may not be less than 14 calendar days and may not exceed one month.
2. In cases of urgency, the time limit provided for in Article 3(3) shall apply.

Article 9

Secretariat

The Commission shall provide secretarial support for the Forum.

Article 10

Minutes of meetings

1. The minutes of each meeting shall be drawn up under the auspices of the Chair containing, in particular, the opinions expressed at the meeting on working documents(s) prepared by the Commission services referred to in Article 2(2a) and, if necessary, the opinions expressed on the issues referred to in Article 2(2b). A reference list of the relevant written statements, submitted according to Article 4 shall be given in a separate annex. The minutes shall be sent to the members of the Forum, and to non-members that participated in the meeting, within one month.
2. The members of the Forum shall send any comments they may have on the minutes to the Chair in writing within two weeks. The Forum shall be informed of those comments. If there is any disagreement, the proposed amendment shall be discussed by the Forum. If the disagreement persists, that amendment shall be annexed to the minutes.

Article 11

Attendance list

At each meeting, the Chair shall draw up an attendance list specifying the name of each participant, the organisation to which he or she belongs, and, where appropriate, the interested party he or she represents.

Article 12

Correspondence

1. Correspondence relating to the Forum shall be addressed to the Commission by electronic means, for the attention of the Chair.
2. Correspondence for members of the Forum shall be addressed to the members by electronic means. Members shall designate the contact person(s) to which correspondence shall be sent and inform the Chair in writing.

Article 13

Protection of personal data

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001.

- (1) OJ L 191, 22.7.2005, p. 29. Directive as amended by Directive 2008/28/EC (OJ L 81, 20.3.2008, p. 48).
- (2) OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).
- (3) OJ L 8, 12.1.2001, p. 1.

Appendix B

ANEC (European Consumer Voice in Standardisation)	www.anec.org
Asercom (Association of European Refrigeration Compressors and Controls Manufacturers)	www.asercom.org
BEUC (European Consumers' Organisation)	www.beuc.org
CECED (European Committee of Domestic Equipment Manufacturers)	www.ceced.org
CEETB (European Technical Contractors Committee for the Construction Industry)	www.ceetb.org
CELMA (Federation of National Manufacturers Associations for Luminaires and Electrotechnical Components for Luminaires)	www.celma.org
CENELEC (European Committee for Electrotechnical Standardization)	www.cenelec.org
Digital Europe	http://www.digitaleurope.org
EAA (European Aluminium Association)	www.eaa.net
Eceee (European Council for an Energy Efficient Economy)	www.eceee.org
ECOS (European Environmental Citizens Organisation for Standardisation)	www.ecostandard.org
EEB (European Environmental Bureau)	www.eeb.org
EHI (European Heating Industry)	www.aehi.be
ELC (European Lamp Companies Federation)	www.elcfed.org
EPEE (European air-conditioning, heat pump and refrigeration industry)	www.epeeglobal.org
EPTA (European Power Tool Association)	www.epta.eu
EuroACE (European Alliance of Companies for Energy Efficiency in Buildings)	www.euroace.org
Eurocommerce (European association representing the retail, wholesale and international trade sector in Europe)	www.eurocommerce.be
Eurofuel (European Heating Oil Association)	www.eurofuel.eu
Europump (European Association of Pump Manufacturers)	www.europump.org
Eurovent-Cecomaf (European Committee of Air Handling and Refrigeration Equipment Manufacturers.)	www.eurovent-cecomaf.org
Helio International (international network of energy analysts)	www.helio-international.org
Inforse (International Network for Sustainable Energy)	www.inforse.org
ISOPA (European Diisocyanate and Polyol Producers Association)	www.isopa.org
ORGALIME (European Engineering Industries Association)	www.orgalime.org
Plastics Europe (Association of Plastics Manufacturers in Europe)	www.plasticseurope.org
Recharge (International association for the promotion and management of portable rechargeable batteries through their life cycle)	www.rechargebatteries.org
RREUSE (European network of national and regional social economy federations and enterprises with activities in re-use and recycling)	www.rreuse.org
UEAPME/NORMAPME (European Association of Craft, Small and Medium-Sized Enterprises / European Office of Crafts, Trades and Small and Medium- Sized Enterprises for Standardisation)	www.ueapme.com / www.normapme.com
WWF (World Wildlife Fund)	www.wwf.org