

Lobbying the TTIP – A one-sided (business) story?

A critical review on the access seeking of interest groups
throughout the TTIP negotiations

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1. Abstract

Diffuse interest representation that is concerned with topics like, customer and environmental protection, equal and social rights as well as development is voicing against the Transatlantic Trade and Investment Partnership negotiations. This raises the question: Are the TTIP negotiations dominated by business interest, are business interests advantaged? I answer that question positively, business interest representation that seeks access to the European Commission has structural advantages in comparison to diffuse interest. Business representation possess the resources and the expertise to engage with the Commission, while diffuse interest representation, struck by the free rider problem, struggles to establish long lasting relationships with the Commission. A case study on the participation of interest groups to four different access point the Commission established, the Civil Society and Stakeholder meetings, the online consultation on the Investor-state dispute settlement, and the meetings with high ranking staff of the Commission, supports my arguments. The analysis shows that business interest participate much more frequent than diffuse interests although some diffuse interest are able to seek and gain regular access to the Commission, the majority fails to establish a sustained relationship.

1.1. General Introduction

There has been extended research about interest groups and the interaction with their European institutional counterparts in the past. It is commonly agreed that the majority of interest groups, represents business or economic interest while only a minority is representing public, labour, environmental or human rights interest.

Taking a first glance at the preparation and the actual negotiations of the Transatlantic Trade and Investment Partnership (TTIP)¹ shows that similar results can be expected: A high number of business interests seek access and involvement with the European Commission, while public interest groups hardly participate during the early stages of European legislation. And that despite the fact that the Commission is actively encouraging diffuse interest groups to participate: Via direct funding, grant of relatively easy access through Civil Society and public stakeholder meetings as well as option for direct consultations and meetings. However with the raise of public scrutiny due

¹ The TTIP is the proposed trade agreement between the European Union and the United States of America, which aims to increase trade and economic growth. It is currently under ongoing negotiations and has three main areas that are being discussed: market access; specific regulation; and broader rules and principles and modes of co-operation. The European Commission is conducting the negotiations on behalf of the Member states, which makes it the core institution to lobby for any political actor or stakeholder. The European Parliament and the Council on the other hand have pro forma say, due to the Ordinary legislative procedure (Art. 294 TFEU). In practice any amendment after the negotiations by the Parliament or Council would jeopardise the entire agreement.

to higher media coverage and public campaigns, the participation of diffuse interest groups did seem to have increased.

But it begs the question: Are diffuse interest groups less represented during early stages of legislation which take place in the area of the Commission? And in this specific case: Are public interest groups underrepresented during the negotiations of the TTIP? Do they ignore the option to participate and why are only so few diffuse interest groups taking advantage of access opportunities offered by the Commission, if their very purpose is to seek to influence policies?

Therefore, I want to conduct a document study in order to investigate how interest group behaviour is organised in regards to the TTIP. Combining theories of interest representation behaviour with the different access points the Commission has established in order to facilitate their potential. By that, I will identify structural differences between interest representation and the different access points and answer whether business interest representation is advantageous and if so, what possible reasons are.

Furthermore my thesis will cover the congruent problems that arise with non-business or diffuse interests seeking access to the institutions, in specific the European Commission. Pollack (1997) argues that protecting and supporting the work of diffuse interests is a central task for any system of governance, so for the European Union as well. Critics bring forth arguments that the EU is rather a businessman's Union, with only little to no room for diffuse interests such as environmentalists, consumers and equality activists (cf. Pollack, 1997: 572). Arguments like these fuel the desire to compare the access that business and non-business interests have to the Commission. Therefore, for my master thesis, I will be applying a theory for access for business and non-business interests empirically.

Many research studies have already been undertaken in the field of European interest politics during the last twenty years, for example Bennett 1997, Greenwood et al. 1992 as well as Mazey and Richardson 1993 and Van Schendelen 1994. Other researches conducted have a case study format and take a sectoral approach, like: Cawson 1992; McLaughlin et al. 1993; Schneider 1992. Those studies show and provide an indication of how complex and manifold the system of the European Union and the lobbying of its institutions is. This however makes it hard to draw general conclusions and predictions when looking at the lobbying of the European institutions, as Greenwood and Ronit (1994) argue. There have been many attempts to develop generalisations about the lobbying of business interest representation in the framework of the EU (Bennett, 1997, 1999; Coen, 1997; Kohler-Koch and Quittkat, 1999), while other scholars focus on the actions and work of diffuse interest groups (Beyers, 2004; Olsen, 1965, 1971; Pollack, 1997; Stigler, 1971). However, the issue is that many scholars remain in narrow concepts of for example the division

between pluralism and corporativism (Buholzer, 1998: 70), or only focus on single aspects of a topic. Diffuse interest groups studies are focusing solely on the collective action problem (Olsen, 1965). The same is true for studies on European interest intermediation, which mainly focuses on the collective action problem (Greenwood et al. 1992; Mazey and Richardson 1993; Greenwood and Aspinwall 1998). On the other hand, there is a lack of research about individual political action by businesses because only a handful of scholars treat businesses as individual political actors in their studies. Although businesses have the ability to lobby individually or organise collective action (Grant et al., 1989; McLaughlin et al., 1993; Coen, 1997) or even take the option of hiring a third party that represents the interests of a firm (or diffuse interest group) (Salisbury, 1984; Wilson, 1990).

In face of the very complex framework of the European Union, that research might not be sufficient in quantity (too few studies) and quality (too narrow approach). This matter has been addressed by new theories that build upon interest group theories such as exchange theory and resource dependencies. It however seems more promising to combine the existing ideas in order to develop a better framework (Layder, 1998), which explains the lobbying of the European Union by businesses and diffuse interest groups. A task that Bouwen took on when he developed his theoretical framework (Bouwen, 2002; Bouwen, 2004; Bouwen & McCown, 2004). It attempts to explain the degree of access that business interest representation has to the European Commission, the European Parliament and the Council of Ministers. Access to the legislative European institutions is explained by a theory of supply and demand of access goods. Goods that concern information which is crucial in the EU policy-making process. Bouwen argues that, in order to gain access to an EU institution, business interests need to provide the access goods (access goods are various forms of information that can be exchanged for access) which are demanded by the respective EU institution (Bouwen, 2002: 368).

Again, the framework is narrow as it only covers business interest representation. It however combines existing ideas and increases the number of units of measurement, making it more fitting to address the complexity of the system of the European Union.

1.1.1. Aim of the thesis and formulating the research question

This thesis will focus on the organisation of interest representation; in particular the representation of business and diffuse interests and their participation in the consultation process during the negotiations of the Transatlantic Trade and Investment Partnership at the European Commission. Research will be based on the participation of interest groups to the various forms of access points

the Commission offers: The Civil Society and Stakeholder meetings, the ISDS consultations and lastly the direct meetings with members of the Commission. This includes applying and extending the access theory from Bouwen that tries to explain the behaviour of business interest groups and the Commission. The research will be centred around three main groups of actors:

- European Commission
- Business Interest Groups
- Diffuse Interest Groups

The primary goal is to investigate which forms of interest groups have gained the most access to the Commission and what possible reasons are for their advantage. In other words, is there a structural disadvantage for diffuse interest representation, when engaging with the Commission during the TTIP negotiations? The seeking of access by interest groups to access points provided by Commission, will be measured with the help of the constructed attendance overview. The data published by the Commission will be used to empirically analyse the behaviour of the interest groups in the different formats, reflecting their ability and wish to engage with the Commission. Based on my research goal, the central research question is:

“How are interest representation organisations at the Commission integrated in the process of the TTIP negotiation- is business representation advantaged?”

In order to develop a better understanding of the research question and consequently answer it, three subquestion were derived:

Subquestion I: *Which classifications of interest representation does the literature describe?*

In order to answer the research question: “How is the interest representation with perspective to the TTIP negotiations at the Commission organised?” the different kinds of interest representation need to be identified. As the topic is not an exploratory one, a look at the current state of the theoretical debate about interest representation is a good starting point. The answer to this question should provide clear categories and criteria under which the different kinds of interest representation can be identified.

Subquestion II: *What kind of formats (access points) are created by the Commission in order to facilitate interest representation seeking access to the Commission?*

So far, the subquestions only concerned the interest representation side. However it is necessary to look at the side of the Commission as well, as she impacts the organisation of interest

representation. Therefore it is key to identify the formats with which the Commission attempts to facilitate the seeking of access by interest representation. Answering this question should allow to name the main formats and their setup, as well as the points that distinguishes them from the other formats.

Subquestion III: *To what extent have the different groups of interest representation made use of the formats the Commission established?*

What remains is see how the combination of the interest representation on one hand, and the formats established by the Commission on the other, work during the TTIP negotiations. Answering this very last question in combination with the previous questions, should allow me to answer the initial research question.

1.1.2. Structure of the thesis

During the introduction to this thesis; a brief explanation of the aim of this paper and the motivation in carrying out the research as mentioned above. After this the research question is introduced. chapter two will provide an overview of the literature review; in particular the access theory from Bouwen in order to formulate this research. Bouwen's theory will be extended to diffuse interest groups and there will be a discussion wether an extension is applicable. Followed by a section about access seeking in the face of limited resources. The practical part starts with the explanation of the methodology in chapter three. In chapter four the application of the case study is discussed. Subchapters describe the four cases or formats investigated: The Civil Society and Stakeholder meeting, the direct meeting with the Commission and the ISDS online consultations. The last chapter will draw the final conclusion and contain the epilogue.

2.1. Interest groups in the European Union

The European Union's currency for lobbying is information. It impacts the behaviour and decision making of interest representatives in every day work as well as their long term strategies, and it ultimately affects the extend to which an organisation can influence legislators to act in their favour. Interest groups have the expertise and the capabilities to provide technical knowledge and specialist staff. The European decision makers are understaffed and short of time (Hauser, 2011: 689). They therefore gladly take the opportunity of external assistance in the form of information and knowledge, in order to reduce uncertainties about the consequences of policies. There is an informational asymmetry between those holding the information and those who demand it. Leaving interest groups in an advantageous position to exchange information to gain access to the decision making process.

Lobbying can be defined as the seeking of public actors to influence decisions of legislators and administrations via interest groups (cf. Koeppl, 2001: 71). Interest groups provide an answer for the dilemma the Commission faces. They can offer the information, expertise and manpower, both of which the legislative institutions lack. An example in absolute numbers: 15,000 EU representatives face 20,000 business interest representatives on the European level (Greenwood, 2002; European Commission, 2001). The potential to utilise the human capital of those interest groups is huge. Therefore the Commission “makes much of its attempts to build long-running relationships with interest groups, based on consistency for information exchanges, wide consultation, and conciliatory actions” (Coen, 2007: 335). Interest groups provide much needed technical information to the Commission. But the Commission is also an excellent target to lobby, due to their ability to set the agenda and create the first drafts and proposals. An interest representative could gain a first-mover advantage when it can persuade the Commission to follow their points of view. Therefore, interest groups that can deliver the technical information have the ability to exploit the “asymmetries of information between ‘producers’ and ‘regulators’” (Hosli et al., 47), and more likely create outcomes that benefit the preferences of the represented group. Thus Hosli concludes that interest groups have a positive effect on EU governance efficiency and effectiveness, but for the cost of possible biased decision making.

Interest groups are not only fulfilling the role of expertise and information provider for the Commission. They also “perform the critical function of informing citizens about laws and regulations and can increase the average quantity of citizens' political knowledge” (Hauser, 2011: 685) and thereby increase the input legitimacy of regulation.

Another role of interest groups is to persuade their own national government; the Commission is constantly seeking to increase or at least preserve their competencies in the “multi-level governing system” (cf. Marks, 1993; Marks, Hooghe and Blank, 1996). Therefore they can attempt to use interest groups to their advantage, by “lobbying the lobbyist”. So they persuade their national governments to take a certain position or support a project or proposal of the Commission (Hosli et al., 51).

To conclude: Interest groups are vital addition for the work of the EU. Firstly they gather, process and deliver information to the EU decision making bodies for the cost of possible influence on the outcome. Secondly, can they help to bridge the democratic deficit and increase the legitimacy of EU regulation (Hauser, 2011: 684). The influence interest groups have on the Commission can come from outside the legislative institutions, as previously mentioned. But it can also come from the inside, in the form of the various expert committees and other formats that support the work of the institutions.

Interest representatives do not only play a role during the process of creating legislation but also in the implementation of it. Meaning that they partly take over governmental responsibilities on the European level, where the national state has its natural limitations. Furthermore, it means that businesses and interest groups can appeal to courts that expand or specify existing legislation, if there are breaches of such legislation by other actors. This however makes it hard to draw a line between solely private actions of interest groups and public actions by public institutions. Organised interest can therefore be seen as a catalyser for the European integration, because “Transnational interest groups can also affect the demand for integration in specific sectors, according to the transactions based theory of integration” (Stone Sweet and Sandholtz 1998 cited in Hosli et al., 51). So far in this paper interest groups have been categorised as special or business interest groups, and as non-business or diffuse interest groups. Scholars have attempted to categorise interest groups more precisely; Schlozman and Tierney’s (1986) created a long list of different groups and organisations distinguished by their purpose. They named peak business associations, trade associations, labor unions, farm groups, professional associations, voluntary membership groups, civil rights and social welfare organizations, corporations and law firms. Baumgartner et al. (2009) added coalitions, think tanks and governmental organisations to that list. The addition of lobby groups, occupational associations and religious groups was made by Binderkrantz and Krøyer (2012). This leaves a very long list of possible categories, which is not practical for this research. It would leave a table of 15 different types of organisations, where a higher level of abstraction would provide a better overview and understanding. In addition, every group requires parameters which allows them to be clearly categorised. But it could proof difficult to do so, when looking at 15

different types of organisations. This approach struggles with the lack of “theoretical justification for the inclusion or exclusion of specific group types” (Baroni et al., 2014: 148). For the course of the paper I will take a binary approach. I will divide interest groups into two dimensions: Business interest and diffuse interest representation. Both consist of three subgroups: Large single organisations, associations and third party representation. Representatives of both dimensions have in common that they need to seek to influence legislation (cf. Lindblom: 1977, 85) that benefits them while not seeking public office, which would make them a political party.

2.1.1. Business interest

Business interest representatives can be described as companies, organisations, networks and groups that seeks to improve their own or the economic livelihoods of their represented clients (cf. Grant, 1986: 9-10) via narrow and specific legislation (cf. Beyer, 2004; Klüver, 2013). Legislation to be influenced are usually, but not limited to, regulations, taxes and subsidies which have a direct and quantifiable impact.

Specific interest groups promote their sectoral, narrow interest (Klüver, 2013) letting them align when it comes to promoting greater profits for an entire sector. But letting them differ when specific choices for regulation have to be made: The patent law for the pharmaceutical industry as an example; where generic medicament producers are very much in favour of less protection of patents than the actual patent holders. Because generic medicament producers would gain faster access to products without the spendings for research.

The means to influence policies for business are specific technical information and resources, to which they have almost exclusive access (Bouwen, 2002). Businesses generate information during their day to day operations and can therefore easily predict how changes in legislation, taxes and subsidies would impact their business model. And consequently how many employees they would have to lay off or hire. Employees that certainly will remember when they are asked to give their vote at the next election. Business interest representatives have therefore not only specific information to offer, which legislators very often require to draft effective legislation, but also the potential to predict the consequences of a possible policies. That allows business interest representatives to persuading legislators to implement laws that favours them or to threaten if it disfavours them. Additionally, businesses interest are in an advantageous position because of the economical nature of most policy goals. They can much easier relate to those targets than diffuse interest groups. Reducing for example export taxes for a business product by two percent points seems a much more precise target than cleaner air.

In practice, business interest are very often able to establish continuous and extended relations especially with the European Commission (Beyer, 2004: 217). Which favours reliable, long lasting relationships of trust, due to their need for technical information and the fact that the institutional staff is not elected into its position but appointed. Thus not easily being threatened by withdrawing support and votes. Therefore it is more likely that the Commission is the target of business interest lobbying (Hosli et al., 59).

2.1.2. Diffuse interest

“Diffuse interests are collective interests held by a large number of individuals, such as environmental protection, consumer protection, equal opportunities between men and women, and civil liberties” (Pollack 1997, 572). Beyers (2004, 216) defines diffuse interest representation as groups that seek to “defend diffuse or public interests, interests that are linked to broad and general segments of society, such as consumers or future generations”. This means that public interest groups seek to achieve or improve public goods of a country or in this particular case of the European Union. Environmental-, consumer rights-, minority rights groups (i.e. Greenpeace, Oxfam or European Consumer Organisation) would be typical but not the only representatives for diffuse interest groups. For the course of the thesis trade and labour union representatives will be treated as diffuse interest groups². All diffuse interest groups have in common that they struck be the free rider problem (cf. Olson, 1971; Salisbury, 1969: 16), because is not possible to exclude individuals and people from the positives effect of a legislation, based on their participation in the interest group. Everyone would benefit from a clean air directive, which makes it a weak intensives to participate in the first place. Even if the incentives are strong enough to encourage participation, diffuse interest groups need to return to their constitutes on a regular basis in order to request resources to continue their work on a specific matter (Dür and De Bièvre, 2007). Furthermore, scholars argue that diffuse interest groups have a lack of specific information and resources that could be used to persuade legislators by showing them the consequences of a regulations in total numbers. Diffuse interest groups can use to their advantage, that usually they represent large groups (Beyers, 2004: 216; Dunleavy, 1988; Olson 1969) of society which own voting powers in elections, they can either offer or withdraw. Legislators that are directly elected are therefore more susceptible to diffuse interest groups than appointed legislators.

2 I am discussing the matter further on page 21-22 of the thesis.

2.2. Theories of interest representation seeking access to the European Commission

2.2.1. An access theory for business interests

After the rather broad overview of interest groups interaction I want to take a deeper look into one theory that attempts to explain business interest actions when seeking access:

Bouwen created a theoretical framework for business interest seeking access to answer the question: “What determines the degree of access of business interest to European institutions?”

Before going into detail, a distinction of access and influence needs to be made. One cannot be a substitute for another. Meaning, that access cannot directly translated into influence because organisation or groups could have access without influence (Beyer, 2004). Dür and De Bièvre (2007) addressed the issue in the field of trade policies; they argue that interest representatives require more than access in order to influence. Such extra could be legitimate claims and relatable moral principals, the willingness of public authorities to engage, specific resources that allow legislators to achieve their own goals (Dür and De Bièvre, 2007) or the conflict power a interest representative has to threaten the decision makers(Offe and Wiesenenthal, 1980). However, it is almost impossible to have any form of influence without having access (Bouwen, 2004: 337). Therefore, it can be said that evaluating access can be a good measure to determine influence (Austen-Smith, 1995; Coleman and Grant, 1988; Hansen, 1991). Researching access instead of influence is required in this case because measuring influence requires a final draft that goes into force, in order to compare the different positions and draw conclusions on the influence. However in case of the TTIP, there is no final draft yet. It therefore is necessary to research access actors seek during the legislative process rather than influence.

2.2.2. The supply of access goods

Bouwen (2002, 2004a, 2004b) developed a framework that tries to explain why and at which access points organised interest groups gain access to the legislative institutions. At the centre of the theory are so-called “access goods” of which either side (the business interest and the respective European institutions) has a certain demand or supply. The EU institutions are in demand for crucial information in order to develop sufficient regulation and function properly in their environment of restricted resources. Access goods determine the degree of potential access an organisation can get to an institution. In this particular case to the Commission. Business interest representation can be able to provide the relevant information in exchange for access to the decision making bodies, as

they seek in influence policies those decide upon. In the past, scholars have applied the exchange theory in order to explain the interactions between private and public actors. Levine and White (1961) as well as Blau (1964) laid the foundations and were the first to work on the topic. Others scientists picked up the idea and applied it to their own research (Greenwood et al., 1992; Buholzer, 1998; Pappi and Henning, 1999). Building on the research so far, Bouwen developed a framework that attempts to be a contribution to the existing debate of asymmetric access point at the different EU institutions (Schmitter, 2000).

Bouwen defines three different categories of access goods. These categories of access goods have in common that they are all information that are distinguished by their type.

Firstly, Expert Knowledge (EK) which describes expertise and technical know-how that can be utilised to understand a market or policy area in detail. Naturally, this access good is held by the businesses and organisations that operate in the market or policy area. Expert Knowledge is essential for the development of at least effective but also efficient legislation within the framework of the EU (Bouwen, 2004: 340). Second is the Information about the European Encompassing Interests (IEEI). European Encompassing Interest means the information on the aggregated needs and interest in a particular sector (Bouwen, 2004: 304). Third is the Information about the Domestic Encompassing Interest (IDEI). Which, are the aggregated information on needs and interests of business and organisations at the domestic level (Bouwen, 2004: 340).

It is highly important for business interest representation to have the capacity to supply EU institutions with access goods if they desire to enter an exchange relationship. Organisations that are able to provide the institutions “critical resource” can get privileged access to an institution. According to Bouwen a “critical resource” is the information type i.e. EK, IEEI or IDEI that is most important to an institution or legislative body to function in a proper manner (Bouwen, 2004: 341).

The capability to provide access goods, Bouwen argues, is directly linked to the organisational form of the business interest representative. The following table 2.1. shows the three different organisational forms and how they manifest on the national and the European level. Furthermore will those be the foundation of the analysis, which I will discuss at a later stage of the thesis. For the purpose of the thesis I will not distinguish between European and national associations because I am interested in the comparison between business and diffuse interest representation.

Table 2.1: Organisational forms of business interests

Individual action	Collective action	Third party action
Individual EU action of a large business	European and National association	Brussels consultant

Each organisational form has different advantages and disadvantages gathering and providing access goods. Individual firms best provide Expert Knowledge, because if they are large enough to decide to lobby the EU institutions directly, they should have key information and insight about the sector. However, they most likely lack information on domestic and European Encompassing Interest as they are just a single firm. Business associations are able to develop information on European Encompassing interest by combining the needs and wishes their individual members express. Their ability to provide Expert Knowledge is limited, they rely on their members to provide those information. Consultants are similar to business associations relying on their clients to provide technical information. The tasks of consultancies are editing and preparing of the Expert Knowledge so it can be used as a 'legal subsidy' as well as developing long term lobbying strategies. Consultancies are hardly able to give a summary of the encompassing interest because they usually representing only an exclusive minority of interests in a sector. Table 2.2. shows an overview of the capabilities for the different organisational forms.

Table 2.2: Supply of access goods by business interests

	Best provided access good	Ranking of capacities to provide access goods
Individual firms	EK	EK>IDEI>IEEI
Business associations	IEEI	IEEI>EK>IDEI
Consultants	(EK)	-

EK = Expert Knowledge

IEEI = Information on European Encompassing Interest

IDEI = Information on Domestic Encompassing Interest

2.2.3. The demand for access goods

The demand for the type of access goods is determined by the time an EU institutions enter and engage in the legislative process (Bouwen, 2004: 344). Therefore, EU institutions do not share the same interest in the different access goods. Furthermore is the institutions preference defined by its role during the legislative process. That means that different European institutions have different critical resources, Bouwen argues (Bouwen, 2004: 345). In the particular case of the European Commission, as the initiator and drafter of legislative proposals in the legislative process, it is highly dependent on Expert Knowledge. It requires detailed knowledge of a sector to setup specific regulation that targets certain issues (Bouwen, 2004: 346). The Commission is expected to fulfil its

tasks with only limited resources (Hauser, 2011: 689). External expertise is therefore a welcomed substitute for the internal restrictions. Which makes Expert Knowledge the critical resource for the European Commission. In addition, the Commission requires a certain degree of information about the European Encompassing Interests (IEEI), because it allows it to identify common European interest and increases the chances for a draft to go into force (Bouwen, 2004: 346) because which such knowledge the Commission could avoid resistance before it rises. Lastly is the Domestic Encompassing Interest (DEI), it is not a major concern of the European Commission because domestic interest have no effect at the early stages of a draft. Ultimately is the Commission, as a supranational organisation, rather aiming for a common European consensus than seeking to satisfy national interests (Bouwen, 2004: 346).

2.2.4. The combination of supply and demand for business interest

After discussing the supply and demand side of the theory, it remains is to combine both sides and draw conclusions from the combination. Pfeffer argues in this context that legislative institutions will be more open to the demands of a group or organisation which can offer them their respective critical resource (Pfeffer, 1983: 193). Based on this, Bouwen argues that EU institutions will provide the organisations that hold their critical resource, with better access than the ones that cannot offer those resources (Bouwen, 2004: 348). Therefore, large individual firms are best equipped in regards to gaining access to the Commission. European associations are second best and last are business consult. Business consultants is last because their capabilities to provide Expert Knowledge depend on their clients. The clients need to provide the information for business consultants which then need process and prepare those information for their lobbying work.

2.3. A theory of access for non-business interests

The theory of access Bouwen developed covers only business interest. That means that it lacks to explain why and how diffuse interest groups lobby by seeking access to EU institutions. This is an issue for the development of a comprehensive theory of lobbying but specifically also for the purpose of this paper. As stated during earlier chapters of the paper, businesses and diffuse interest, besides their differences, they have certain similarities. Bouwen theory cannot just be extended without looking at the differences and their implications for independencies between EU institutions and diffuse interest representation. Further testing is required in order to assure that there are no fundamental obstacles that prevent an adaption of Bouwen theory for diffuse interest representation. Olson (1965) with his ground breaking work on diffuse interest representation, provides a good

starting point for a discussion of the differences of diffuse and business interest. He argues that organisations that represent a narrow and concentrated interest can overcome the free rider problem easier and therefore organise more effectively (cf. Olson, 1965; Vogel, 1993). He furthermore fears that groups who cannot do so become “forgotten groups who suffer in silence” (Olson, 1965: 165). They suffer because, they struggle to mobilise, the single voices and votes of the members of the groups have no power to influence policies. Therefore the individual has no incentive to spend any resources for the group or to gather information for themselves that could impact voting. Consequently, it lets legislators which are seeking (re)election refrain from interactions with those groups as there is now pay off or possible threat for them. They also would much rather engage with well-informed interest representatives that are able to provide resources for their campaign and thereby increase the chances for (re)election in exchange for the implementation of favourable policies (cf. Stigler, 1971).

Pollack (1997) argues that the EU institutions offer opportunities but also risk to diffuse interests. On one hand do those institutions offer access points that could be facilitated to push legislators to adapt certain policies which diffuse interest groups favour. On the other hand, is the territorial and legal fragmentations of the EU and its member states bearing the risk for a race to the bottom. Member countries could therefore refrain from implementing higher standards (for example social or safety standards) because they would mean a competitive disadvantage. A possible solution to the dilemma are centralised and common agreements. But even if the Commission would decide for higher standard regulation, the member states could try to gain an edge by delaying adaptation of those regulations or implement them with loopholes and exceptions (Pollack, 1997: 576). The other risk Pollack mentions is that multilevel systems provide business interest with many points of access to block, water down or delay regulation. Nevertheless, the veto option work both ways; it can hinder the implementation of new regulation, but it can also prevent the reversal of regulation once it is in place which can be an opportunity for diffuse interest, it always depends on the context. Pollack lends this arguments from David Vogel who makes the initial conclusions for the legislative system of the USA, however Pollack argues that these also apply to the European Union as both system share many similarities (Pollack, 1997: 576).

In general, diffuse interest representation have access points at the EU institutions (Pollack, 1997), making an extension of Bouwen's initial framework viable. But where are the differences and do they have an effect on the categorisation of organisational types of diffuse interests? Frieden and Rogowski (1996) state that the main difference between diffuse interest and special interest in trade politics is that both have different reasons to join negotiations and engage in collective action. Trade agreements have a diffuse impact in terms of costs and benefits for the general public, such as

international environmental protection or the world wide application of minimum labour standards (Dür and De Bièvre, 2007: 79). On the other hand the possibilities and threats for importing-competing and exporting industries are very real. Export firms want to access new markets in order to increase their profits. While firms that compete with foreign importers seek protective measures in order to preserve their profits.

2.3.1. Classifying diffuse interests

The three types of organisations Bouwen defines are; individual, collective and third party action. It leaves three possible organisational forms, if Bouwen's classification is applied to diffuse interest: Those are large individual organisation, European (and national) associations and third party representation. This classification is very similar, if not identical, to the classification of business interest representation from Bouwen. Individual representation would have enough resources and are large enough to lobby the Commission themselves. Diffuse interest representation that isn't large enough to individually lobby the EU institutions is very likely to attempt to reach its goals via an association of like-minded organisations. Lastly, third party action exist but cannot be expected to be a common choice for diffuse interest. This is due to the nature of the sector, many of the organisations are nonprofit organisations that have moral reservations against hiring outside consultants to handle their matters or simply don't have the funds to hire outside council. However that does not mean that there is no organisational form that mainly provide in depth Expert Knowledge. There are in fact research facilities and institutes with plenty of expertise which could be beneficial for the EU institutions³.

The three different categories will be used in the analysis. All organisations observed will be first categorised whether they are business or diffuse interest representation and then allocated to the respective subgroup.

2.3.2. Supply of access goods by diffuse interest

The classification of diffuse interest groups is very similar to business interest, therefore it can be assumed that the same is true for their capacities to supply the demanded access goods. Individual organisations hold an advantage when supplying Expert Knowledge. So have diffuse interest consultancies but their capabilities to do so remain limited and dependent on their clients. Because they need to provide the information that required for lobbying any knowledge is therefore second hand knowledge. European associations are best in proving information on the European encompassing interest. When discussing encompassing interest for diffuse interest, one should keep in mind that the concept is not as clear as it might seem. It has been stated before that diffuse

³ For example, GlobalResearch: <http://www.globalresearch.ca/about> last accessed 26.08.2016

interest representation faces a free-rider problem. People can gain the benefit of the work of an interest group without being a member. Most likely, only the most passionate citizen would join such an organisation and would share their needs and interest. However, there would be a large (silent) majority that choose not to share such information and therefore doesn't find any reflection of their opinion in the “encompassing interest”. Which is subsequently weakening the information provided by the organisations.

2.3.3. Combination of supply and demand for diffuse interest representation

The findings for diffuse interest representation appear to be the same as the findings for the combination of supply and demand for business interest. Large individual organisations are best fitted to gain access to the Commission as they are best at providing the Commissions critical resource. Second are the European diffuse interest associations which have their strength in providing Information on the European Encompassing Interest. Third are once again diffuse interest consultancies due to the reliance on their clients information and cooperation.

However, there are differences in the quality of information provided; for example, if both, diffuse and business interest would provide Expert Knowledge to evaluate the possible impact of a policy. Business interest can provide exact calculations and models that offer precise predictions for their company or sector, while diffuse interest could only, if at all, provide information on the impact for the society in cases of environment, public health, customer protection. The same is true for encompassing interest which has already been discussed. Diffuse interests encompassing interest is always limited by the free-rider problem, which might be not as severe because diffuse interest groups could argue that they are backed by the “silent” majority. It nonetheless seems that diffuse interest representation has a structural disadvantage.

Given the supply and demand of either interest groups and the Commission, it is very likely that business interests would be over-represented during the early stages of the drafting process because the Commission requires specific information in order to write an effective draft, that addresses the actual issue. Diffuse interest may not provide this information in case of trade agreements. Furthermore, the Commission is not required to face the voter in elections because it is not elected directly. Therefore, diffuse interest power of votes only applies indirectly to the Commission, which tries to avoid negative publicity so its proposal is not in danger to fail at later stages of the ordinary legislative procedure. Stages where it is out of the hands of the Commission and where a fail of a proposal means a loss of reputation.

2.4. Seeking access in the face of limited resources

Trade Agreements have a distinct nature that separates them from normal legislative procedures. The European Council has given the Commission the mandate to negotiate on its behalf. The mandate provides the guide-line for the negotiations, the topics that are included and the ones that are not. Once the Commission has engaged in the negotiations there are no formal opportunities for the principal, the national government representation, to gain influence on the process and outcome. This also applies to the Parliament, because it does not have any direct influence on the mandate or the negotiations. In addition, the Parliament cannot make any amendments to the final draft of the Trade Agreement, as that would most certainly mean the end to the agreement (Milner, 1996: 145). The decision is therefore a “take it or leave it” decision. For diffuse interest groups, which naturally have a closer relationship to the Parliament than the Commission, this means that they are in a heavily disadvantaged position when it comes to influence the trade negotiations.

It is widely agreed upon that diffuse interest representation faces a collective action problem, caused by the free rider problem (Olson, 1965). Dür and De Bièvre (2007: 82) going as far as arguing that even if diffuse interest groups are able to organise themselves, they always need to return to their constituencies in order to request resources for their political activities, causing a permanent undersupply of resources to lobby. Continued and sustained lobbying of the Commission is something diffuse interest struggle with, if for example lobbying can be seen as a legal subsidy (Hall and Deardorff 2006). This consequently means that diffuse interest groups need to apply outside strategies of lobbying (Kollmann, 1998). Those could be campaigns that appeal to a sense of general justice or flash campaigns which are typically one dimensional and take extreme positions. The idea behind this is, to focus on controversial issues that are almost certain to gain media attention in order to mobilise the constituent and appear as the defender of a public good. Beyers argues that: “It is therefore natural that diffuse interests focus on voice as their main influence strategy.” (Beyers, 2004: 217).

The limited resources of diffuse interests have further implications: When engaging with the Commission, diffuse interest representation mainly favour access option with lower transaction costs. The Commission tried to include diffuse interest groups in their trade policy, by creating formats like the Civil Society Dialogue (Dür and De Bièvre, 2007: 85) and actively funding some organisations (Mahoney, 2004). It still can prove difficult for diffuse interest representation to attend those meetings, because they simply lack the resources to have a permanent office in Brussels (where the meetings take place) or send a delegate to the meetings (Dür and De Bièvre, 2007: 86).

3. Methodology

The research part of my thesis will be a case study research, in specific a document study. For the purpose of my work, I will use Bouwen's theory of access for business interests which I introduced in the earlier sections of the paper. I furthermore had to extend the theory for non-business interest as the initial theoretical framework covered business interest behaviour only. The aim of this case study is to develop a better understanding of the access business and diffuse interests representation seek and have to the Commission during the timeframe for the case study. It is set between the first and tenth negotiation round of the TTIP. Which sets the actual dates for the analysis between the 12th July 2013 and 17th July 2015.

As the first step of the case study, public consultations and meetings regarding the TTIP with the European Commission have been analysed. There are four different and separate formats in which the Commission engaged with interest representatives and of which information about the attendance of such representatives is provided:

Firstly, five Civil Society meetings⁴ have been hosted by the Commission in Brussels, in order to update civil society groups and organisations on the current state of the negotiation and allow them to engage in a dialogue. Civil Society organisations had to register beforehand and the Commission published the list of participants as well as the minutes of the meeting. Those meetings took place after each "odd number" negotiation round.

Secondly, after every "even number" negotiation rounds the Commission held Stakeholder meetings⁵. Five meetings have taken place thus far, in Brussels once again. Similar to the Civil Society meetings, the list of registered participants as well as the minutes of the meeting have been published.

Thirdly, the Commission launched a public consultation regarding the investor-to-state dispute settlement courts. The consultation was conduction only online and any individual or organisation could submit their opinion on the issue. This set the bar for participation much lower than the meetings in Brussels, which required one to physically be there. The Commission published a full

4 Further information on the Civil Society meetings can be found under (last accessed 26.08.2016):
<http://trade.ec.europa.eu/civilsoc/meetdetails.cfm?pastyear=2013&meet=11411>
<http://trade.ec.europa.eu/civilsoc/meetdetails.cfm?meet=11421>
<http://trade.ec.europa.eu/civilsoc/meetdetails.cfm?meet=11429>
<http://trade.ec.europa.eu/civilsoc/meetdetails.cfm?pastyear=2014&meet=11433>
<http://trade.ec.europa.eu/civilsoc/meetdetails.cfm?meet=11443>

5 Further information on the Stakeholder update meetings can be found under (last accessed 26.08.2016):
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=965>
http://trade.ec.europa.eu/doclib/docs/2015/may/tradoc_153412.pdf
http://trade.ec.europa.eu/doclib/docs/2014/august/tradoc_152721.pdf
<http://trade.ec.europa.eu/doclib/events/index.cfm?id=1239>
<http://trade.ec.europa.eu/doclib/events/index.cfm?id=1335>

report on the responses to the consultation, as well as a list of the organisations that submitted a statement.

Lastly are the respective Trade Commissioner Ms. Malmström, her Cabinet and the Director General of the DG Trade, who are required to log their meetings⁶⁷⁸ with interest groups representation for transparency reasons. Those logs are published and can be accessed online. They are furthermore a great source to analyse which groups are actually gaining access to the high ranking staff members of the Commission.

I entered the lists of participants into a database in order to compare the four different formats to each other as well as identify and count the different organisational forms that sought access. Before going into detail about the database, a few words about the lists, provided by the Commission: The list had many inconsistencies regarding the naming of the organisations. It appears that inconsistencies are caused by the applicants themselves, as they had to put in the organisation they represented whereas the organising staff of the Commission simply copied the information into the list. The most common errors in the lists therefore were duplicates, with organisations appearing twice and one after another. Another common error was caused by language differences, especially organisations operating on the European level tended to appear on the list in English, German and French while being the same organisation. Additionally, abbreviations were also a possible cause of error, as some organisations were only named with their abbreviation, which made it on one hand complicated to identify the actual organisation and could on the other hand mean a risk for duplicates. The last and least common source for possible errors has been name changes over the period of two years. Some organisations merged or simply changed their name, which if not addressed would lead to more duplicates.

The above mentioned issue were addressed with a strict guideline. Firstly, collecting as much information as possible, for example, if an organisation is named in English and French, both names were saved in the list. However English names always had priority over names in other languages and the alphabetic order was done according to the English name. Abbreviations of an organisation were recorded even if the initial data set didn't show such an abbreviation. The ordering of the organisation in alphabetic manner ensured that duplicates were easier to recognise after the previous rules had been applied. It is nonetheless entirely possible that there are still a few duplicates left which have not been identified yet. However, the large sample size should reduce the actual impact of duplicates or errors.

6 A full list of meeting of Commissioner Ms. Malmström can be found under: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=fd6c08d-54d1-4524-aa70-1287c34ceb4d> last accessed 26.08.2016

7 A full list of meetings of the Cabinet can be found under: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=61aa8586-2b0d-4394-b196-30c13f1fa663> last accessed 26.08.2016

8 A full list of meetings of the Director-General of DG Trade can be found under: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=5f4689e0-014c-4bec-8125-f9e6d3592c86> last accessed 26.08.2016

After the preparation of the database, classification of the organisations according to the theory presented in this paper had been made. Therefore, there have been the two relevant groups of business interest and diffuse interest representation with three subgroups each. The following subgroups are according to the theory.

Firstly, large businesses or organisations that have the capacity to represent themselves. Secondly, business- and diffuse interest associations which represent their members and member organisation, mainly on the European level, and lastly consultancies and institutes that represent their clients or purpose. On the contrary there are two groups of organisations that were declared not relevant for the purpose of the research. The first being the groups of organisations that could be identified but are representing a business interest nor any diffuse interest. The most common representative in this group are representations of governmental organisations, regional governments and parties; as well as universities, which most likely attended for educational reasons and in almost every case for one meeting only. The last groups are non-relevant participants, the one-off attendees that could not be identified, this was mainly due to not unique (same abbreviation for two different organisations) or unclear abbreviations as well as non-conclusive results in the Commission Database or the internet research. Two participants in the online consultations regarding the ISDS could not be identified due to language barrier.

The classification of organisations was first and foremost done via the Commissions and Parliaments transparency register⁹. Organisations can voluntarily register in the database and provide a variety of information like contact details, responsible personal, the form of organisation, their aim or goals and lastly their field of interest. This information is however, voluntary and based on the view of the registered organisation which could potentially provide misleading information. However, this is very unlikely because doing so, could seriously jeopardise the relationship with the Commission and Parliament - the very reason an organisation would sign up with the register in the first place. If an organisation could not be found in the register or if the information was not sufficient, additional research was undertaken on the organisations website; under the “About us”, “Mission statement”, “Vision” and sometimes “Members” section, which provided a clear identification of the organisations purpose and background. In cases where there was no website available in English or German, Google translator was used in order to find keywords and develop a brief understanding of the organisation.

There have been difficulties to classify unions because they usually only represent their own clientele in order to increase their economic livelihoods. But they can also promote better working

⁹ The register can be found online under: <http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>
last accessed 26.08.2016

conditions and minimum standards. Very niche unions which represent highly specialised workforce which are vital for the functioning of a company or state, for example pilots or police, can fulfil criteria of business interest, profit maximising, rent seeking, exclusive access. Their actions can even be counterproductive when their gains actually reduces the benefits for other employees working for the same employer. In addition, self-employed professionals like doctors could be considered to be their own business and hence their representation are business interests. However, those niche unions still represent individuals and not businesses and the outcome of their negotiations, even if it is exclusive for a certain group; non-organised members of that group would still benefit. Furthermore, would it be nearly impossible to clearly distinguishes for every union if their work has more aspect of business representatives than diffuse interest representation. Therefore, for the purpose of the thesis all unions and organisations representing a large number of individuals are considered to be diffuse interest representatives. In the following chapter I will present the result of the case study and discuss the observations for every format.

4. The case studies

In order to answer the subquestion: “To what extent have the different groups of interest representation made use of the formats the Commission established?” and ultimately the research question of this paper the case study has been conducted. It analyses the attendances of interest representatives to the four different access points the Commission established, in order to facilitate the seeking of access by interest representation. The goals are firstly, to gain insight of which types of formats gained the most participation by interest representatives. Secondly, to develop a exact understanding of which types or organisations are more present than others. Last is to identify patterns across the case study that allow to answer the research question. Therefore, I will first look at every format individually and describe the results of the analysis. The unit of measurement are the attendances or responses of organisations to the different formats. Attendances was chosen because it requires an organisation to be physically present at the meetings in order to gain access. No access without attendance, which is also true for the responses to the ISDS consultation, even though the degree of access should be if one is physically present than submit a response to the online consultation¹⁰.

For the case study each organisation needs to be classified according to the theory. There are the two main groups of business and diffuse interest representation with three subgroups each. First are, single large organisation/businesses that have the capacity and resources to engage with the Commission directly. Typical representatives for business are “Volkswagen AG” or “Microsoft” and “Greenpeace or “Doctors without Borders” for diffuse interest representation. When organisations/businesses don't have the resources to lobby the Commission directly they can attempt to gain access to the Commission via an association. These represent are umbrella organisation that have a common purpose or aim that all member organisation share. Whereas the purposes of an association can be manyfold. For business interest the common interest is usually along sectoral lines, the “AeroSpace and Defence Industries Association of Europe” is such an association. However, there can be more associations operating within one sector if the underlying purposes vary. The “European Generic and Biosimilar Medicines Association” and the “European Federation of Pharmaceutical Industries and Associations” both operate in the same sector but represent different interests. Diffuse interest representation in the form of associations is in general broader but can, similar to business interest, operate in specific sectors e.g. “European Transport Workers' Federation”. Due to, the very nature of diffuse interest representation many association cover issues of the public interest as the “European Heart Network” does for example. Lastly, consultancies are

¹⁰ I will discuss the matter in detail in section 4.3. Investor-state dispute settlement consultation

in their core businesses themselves but represent and seek access to the Commission on behalf of their clients. Business interest consultancies like “Deloitte” provide services in public relations management and policy advises. Representatives of diffuse interest representation can be closely linked to public administration like the “Deutsche Gesellschaft für Internationale Zusammenarbeit”. What distinguishes diffuse interest consultancies from single large organisations is, that it is part of their purpose to share information, expertise and advocate in order to solve issues, an approaches the “Health Action International” takes. The category “other” which mainly consist of educational bodies and public representatives as well as organisations that could not be classified play no further role for the case study and are therefore only briefly, if at all, discussed in the individual results of each format.

In the following section I will go through the results yield. But before I will go into detail, some general observations according the quality of the raw data the Commission published: The quality of information was different for each of the observed format. Most reliant and rich in information have been the lists of meetings with the high ranking staff of the Commission. Which states the name of the attending personal on the Commission's site and the interest group as well as the topics talked about. The raw information about Civil Society meetings appeared to be reliably and without many errors. The higher consistency in the information could be also caused by the fact that the participants had to be an organisation, groups or network of some sort as well as the smaller sample size in comparison to the stakeholder meetings. Which on the other hand, addressed a much larger audience¹¹ and therefore much more variance and possible error. As there were many of duplicates appearing in the raw data. The initial information on the participants on the online consultations regarding the ISDS have proven to be the least reliable as the participants could state the organisations in which behalf they submitted the opinion. This was not verified nor altered by the Commission staff that created the final report and published the list of organisations. Which makes it very likely that some individuals gave a wrong statement when they claimed to speak on behalf of an organisation. However this should most likely only apply for the smaller niche organisations. It should be furthermore outweighed by the large sample size of 569 organisations that submitted an opinion.

The ranking of the quality of raw data is furthermore supported by the different numbers of database entries that could not be classified: There has been no representative that could not be classified regarding the meetings with high ranking Commission staff. Only one entry (0,4% of all observation) for the Civil Society database could not be classified. The Stakeholder update meeting database consists of nine entries (1,1% of all observation) and the list of organisations that

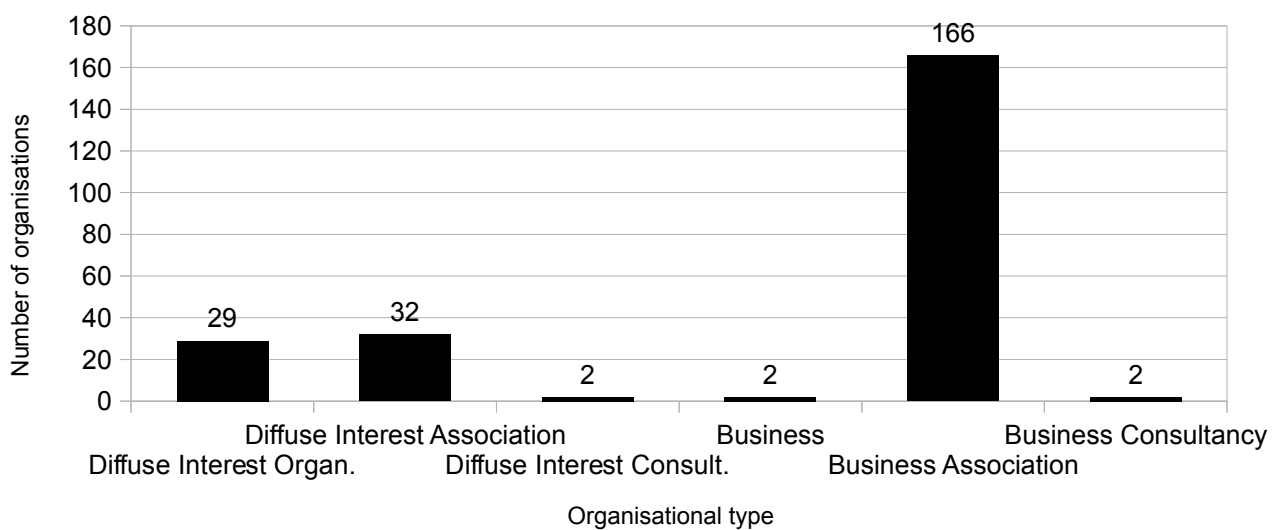
11 There were 248 different participants at Civil Society meetings and 808 at Stakeholder meetings

submitted a response to the ISDS consultations has 28 entities (5,36% of all observations) that couldn't be classified.

4.1. Civil Society meetings

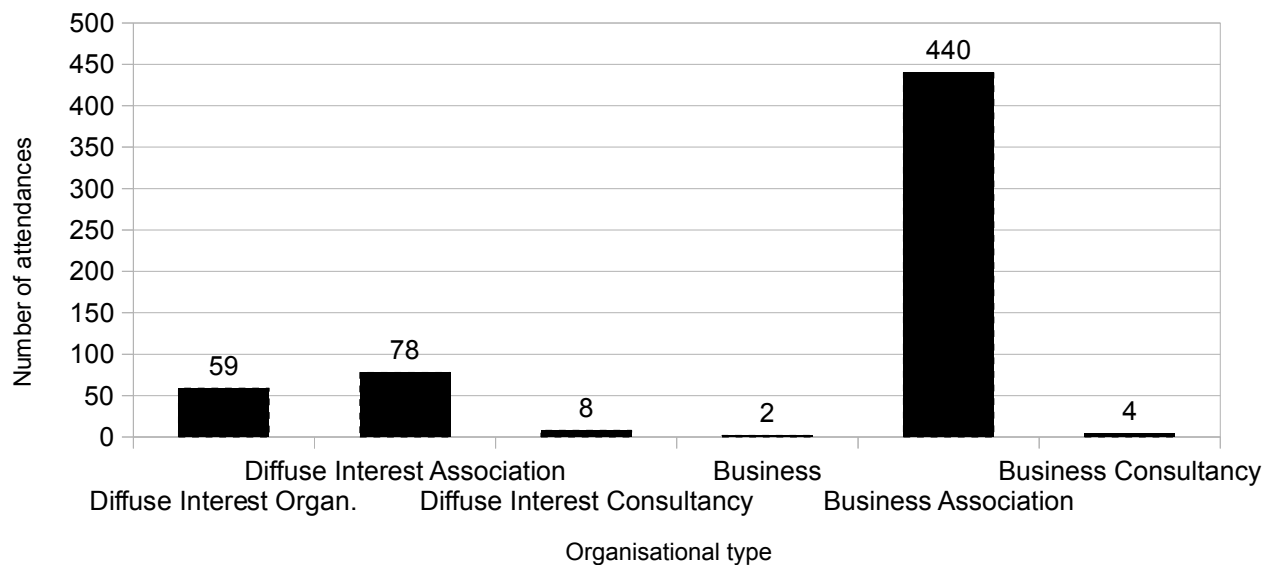
The Civil Society meetings, the Commission defines for the dialogues the following goal: “The European Commission aims to have a transparent and accountable trade policy based on consultations with all parts of European civil society.” (European Commission Directorate-General for Trade, 2016). The meetings were held after every odd number of negotiation round over the course of almost two years and five meetings in total. As the name states the meetings address Civil Society represents, the Commission however does not define the term. Looking at the participants: There have been in total 247 different organisations attending the meetings with an total amount of 629 attendances, leaving an average attendance of 2,55 times. The following Figure 4.1 shows the cumulated classifications and their percentages:

Figure 4.1: Number of organisations participating in Civil Society meetings



In Figure 4.1. can be observed that two-thirds of all organisations are business interest associations followed by diffuse interest organisations and associations that account for approximately 12% each. Other organisational forms are only from minor importance in this format. The predominant organisational form are associations accounting for almost 80% of the counted organisations. On a second thought, this is not very surprising because the Civil Society Dialogues are there to engage with their representatives, and business would hardly fit that profile, even though the Commission didn't define the term.

Figure 4.2: Total number of attendances to Civil Society meetings



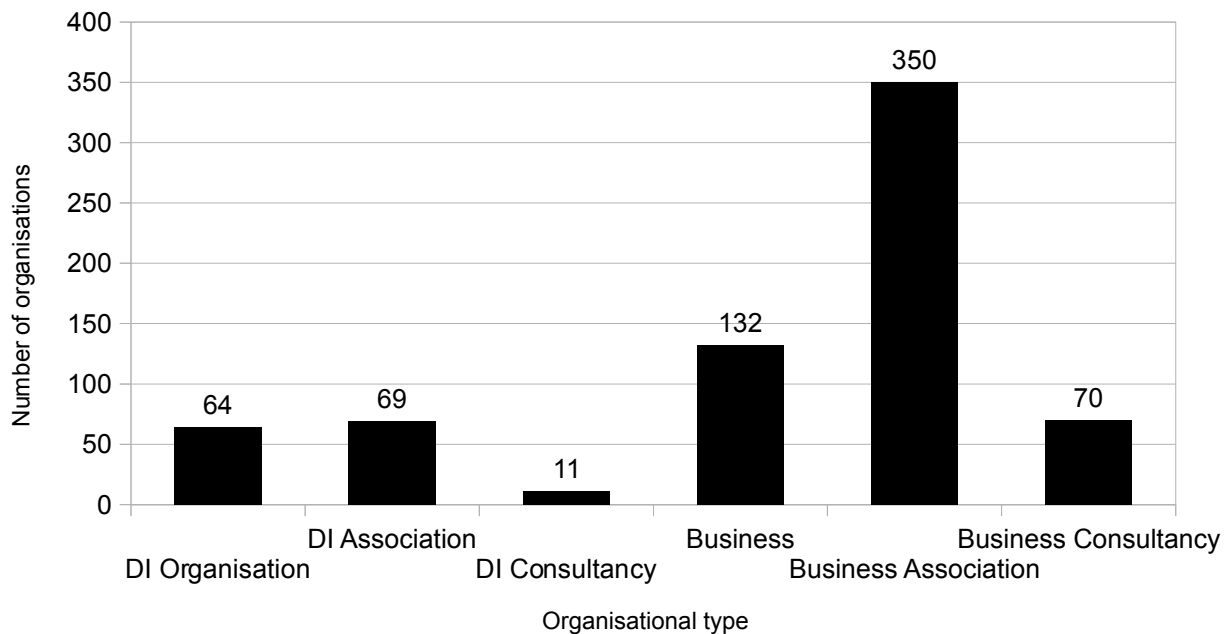
The results so far only shed light on the number of organisation that were present to Civil Society meeting at least once. Consequently, this mean that organisation that attended more than once to a Civil Society meeting count the same towards the result. Therefore Figure 4.2. shows the total number of attendances to Civil Society meetings.

The picture that Figure 4.1. showed also be found in Figure 4.2.; business Association are the predominant type of interest representation for the Civil Society meetings, accounting for almost 75% of all observations. While diffuse interest organisations account for approximately 10% and diffuse interest associations circa to 13% of all observations. Consultancies as well as single large businesses are hardly participating in this format.

4.2. Stakeholder update meetings

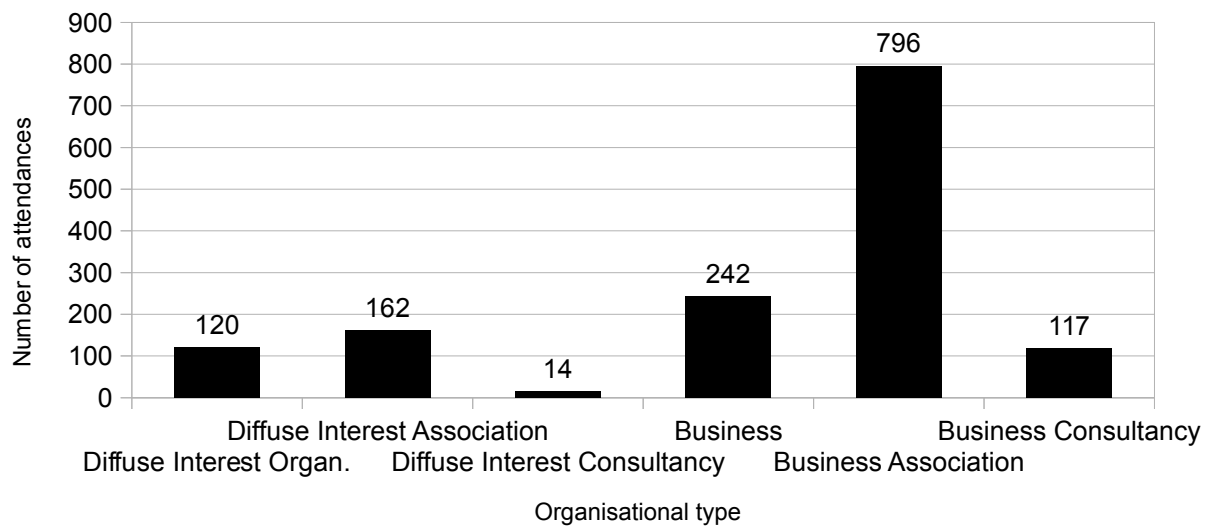
Similar to the Civil Society Dialogue, the Commission held stakeholder update meetings to inform about the current state of the negotiations. This times the meetings were held after even negotiation rounds, over a period of almost two years with five sessions thus far. There were more meetings other than the five I previously focused on, however these were, specific to the policy field, were stakeholders could directly engage with the negotiation team (c.f. European Commission Directorate-General for Trade, 2015). Those have been not included in the case study, because the focus on a broader picture, which could be biased if specific policy area dialogues would be included. Unlike the Civil Society meetings the number of participants for the stakeholder meetings was much larger because the setup addresses many more organisations and because it is more open to different organisational forms. The following Figure 4.3. shows the result of the database:

Figure 4.3: Number of organisations participating in Stakeholder meetings



The open format seems to attract more over all participation by interest representation, 808 different organisations attended at least once. The average number of attendances is approximately two times per organisation. Not only does the over all participation increase, but the variance of organisational forms goes up especially on the business interest side. were the share of consultancies (10%) and single business (19%) representation increased sharply. It appears that this happens on the back of a decrease of business association (50%) participation, because the over all business interest representation remains approximately at 80%, in comparison to the Civil Society meetings. There is furthermore a decrease of the share of overall diffuse interest representation (20%). The reason being is the smaller share of organisational and associational participation, while the organisational form of consultancies remains very low. This effect is also caused by the increase in the sections “Other” which are mainly governmental agencies and representatives as well as educational bodies. It appears that regional and municipality representations of the European Union chose this this format as a point of access to the Commission.

Figure 4.4: Total number of attendances to Stakeholder update meetings



Looking Figure 4.4. at the total number of total attendances the dominance of business interest is still quite obvious. The Stakeholder update meetings mainly attracted responses from organisations with business background. Whereas the share of single large businesses (17%) and business consultancies (8%) is quite high in comparison to the Civil Society meetings. While the diffuse interest representation has a lower share regarding the total number of attendances; single diffuse interest organisations account for 8% and diffuse interest association's share is 11%. The organisational type of diffuse interest consultancies doesn't show the same increase as its business counterpart and remain at approximately 1% of all observations.

4.3. Investor-state dispute settlement consultations

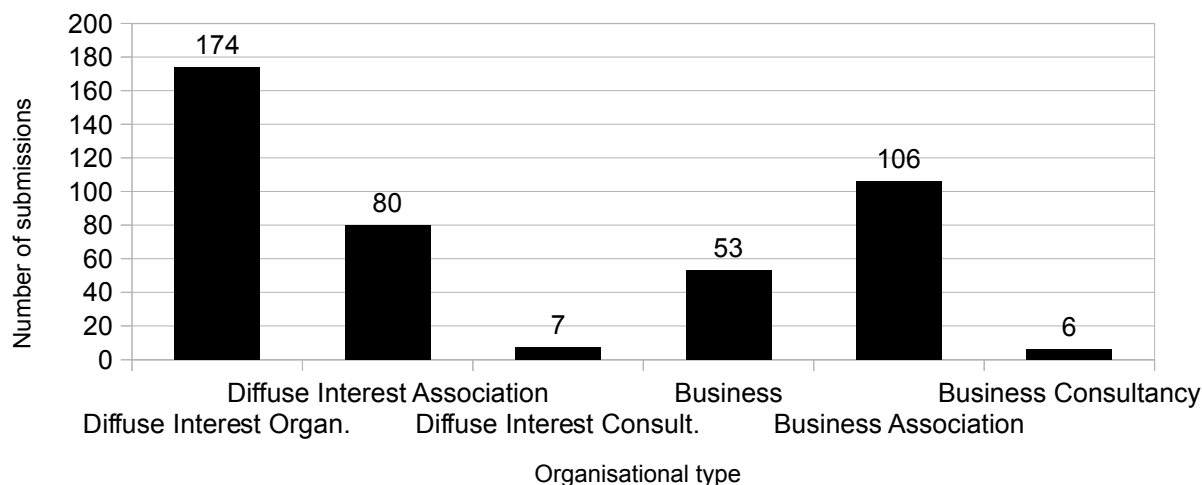
Before I go into detail with the results of this format I would like to discuss why the ISDS consultation is part of my research, as stakeholder meetings regarding specific policy fields were excluded from the case, due to the issue that they could be biased. In fact, the ISDS consultations are one of many topics that are negotiated. However, there are many reasons why it should be included. The topic received much attention and criticism via the media and diffuse interest organisations. Bringing the negotiations as a whole into the awareness of the broader public. The ISDS furthermore, became a symbol for the rejection of the TTIP and for everything that is “wrong with the negotiations”. Facing much criticism for the TTIP in general and the ISDS in specific, the Commission decided to launch the online consultations. The online character of the consultation resulted in a great amount of responses of almost 150,000. Of which 569 were organisations (European Commission, 2015: 10), and 522 after my updates and classification. Responses came

form a wide variety of organisations and individuals. The report of the Commission indicates that more than 99% of the respondents stated about themselves that “they never invested in the United States” (European Commission 2015: 12) which hints that the the online consultations was used as a funnel for the unheard. This is furthermore backed by the a statement in the report: ”The collective submissions reflect a wide-spread opposition to investor-State dispute settlement (ISDS) in TTIP or in general. There is also quite a majority of replies opposing TTIP in general.” (European Commission 2015: 14). Thus making the consultations an outlet and access point to argue against the TTIP.

The fact that it took place online has advantages and disadvantages. On one hand, the barrier to entry is much lower; this means that many organisations, that perhaps don't have the capacity to send an employee to the meetings in Brussels, could attempt to seek access this way. Especially diffuse interest representation could facilitate their member base, as the consultation was open to citizen and organisations and thereby avoiding the free-rider issue, because one could simply submit prepared responses (European Commission 2015: 10). Disadvantages on the other hand are, the less binding character online formats usually have, as they are not physical and have a higher risk for exploits. The consultation is however, a good source to identify organisation that have a certain interest in the TTIP negotiations but did not yet participate or seek access to the Commission.

Unlike the other prior cases, duplicates were not necessarily deleted. Due to the form of online submissions it was possible that different sections of organisations sent a submission. So for example, did the central representation of the “International Chamber of Commerce” post a submission, while many country representations did the same. All of which counted towards the final outcome. That of course could cause biased results because larger international organisation receive a higher share if many branches also engaged in the consultation. On the other hand would deleting those possible duplicates mean that viable responses are being removed. A possible solution would have been to compare the submissions individually and look for duplicates - a path that has not been followed due to time restrictions. The following table shows the results of the classification:

Figure 4.5: Number of submission for the Investor-state dispute settlement consultation by organisational form



The picture that Figure 4.5. shows is very different to the ones before. Diffuse interest submissions account for 50% of which 33% points are provided by single organisations and 15% points come from diffuse interest associations. Diffuse interest consultancies account for approximately 1% participation. A possible explanation for the high number of single diffuse interest organisations is that especially very small, regional and niche organisations and groups used the opportunity to reply, due to the low transaction cost. The report by the Commission is supporting that view by saying that 2/3 (which are 120 organisations according to the classifications of the report) of the NGO's that replied had less than 500 Members.

On the contrary business interest organisations accounted for only 31% of the submissions with single businesses standing for 10% points and associations having a share of 20% points. Business consultancies hardly contributed. Other organisations are again governmental organisations and representations, this time due to the specific policy area, Arbitration Courts and organisations connected to those. They all together account for 13% of the submissions.

4.4. List of meeting between the Commission and interest group representatives.

The respective Commissioner Ms. Malmström, her Cabinet and the Director General of the DG Trade are required to log their meetings with interest groups representation¹²¹³¹⁴, for transparency

12 Meetings of Commissioners Malmström can be found under: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=fdff6c08d-54d1-4524-aa70-1287c34ceb4d> last accessed 26.08.2016

13 Meeting of Commissioners Malmström Cabinet Member can be found under: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=61aa8586-2b0d-4394-b196-30c13f1fa663> last accessed 26.08.2016

14 Meetings of Director-General Jean-Luc Demarty can be found under: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=5f4689e0-014c-4bec-8125-f9e6d3592c86> last accessed 26.08.2016

reasons. These meetings have been transferred into the database and are true as per 17th July 2015. No ranking or distinction has been made between the different actors of the Commission. All have been assumed to be equally important when it comes to granting access. Because any information gained by one member of the Commission can be easily shared among the other members of the Commission even though that might not always be the case in practice.

The Commission attended 111 meetings under the topic or the content, TTIP, during the period November 2014 to July 2015. The classification has been done the same way as it has been done for the other formats. It can be assumed the the error margin is the smallest for this format because the documentation on the side of the Commission is the most thorough. It states the name of the person attending on the side of the Commission, the exact date and place, as well as the interest group representative and the topic of the meeting. The fact that the register states the name of the person attending on the Commissions side, leaves that person accountable for any error. As for the results of meetings with high ranking Commission staff.

Figure 4.6: Number of organisations meeting the Commission staff

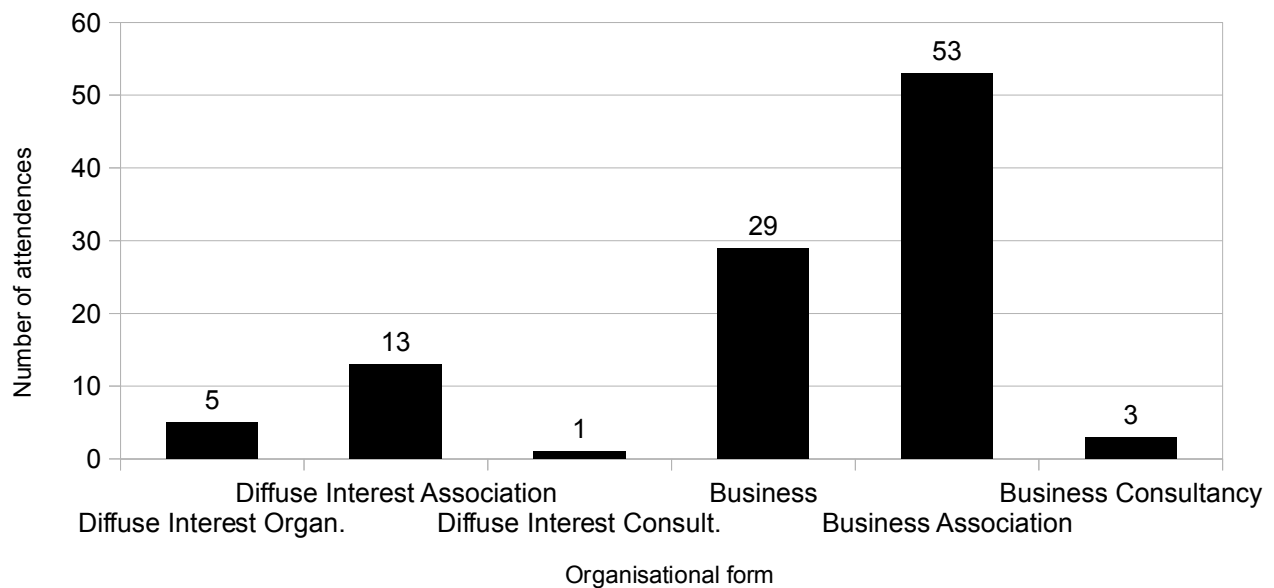


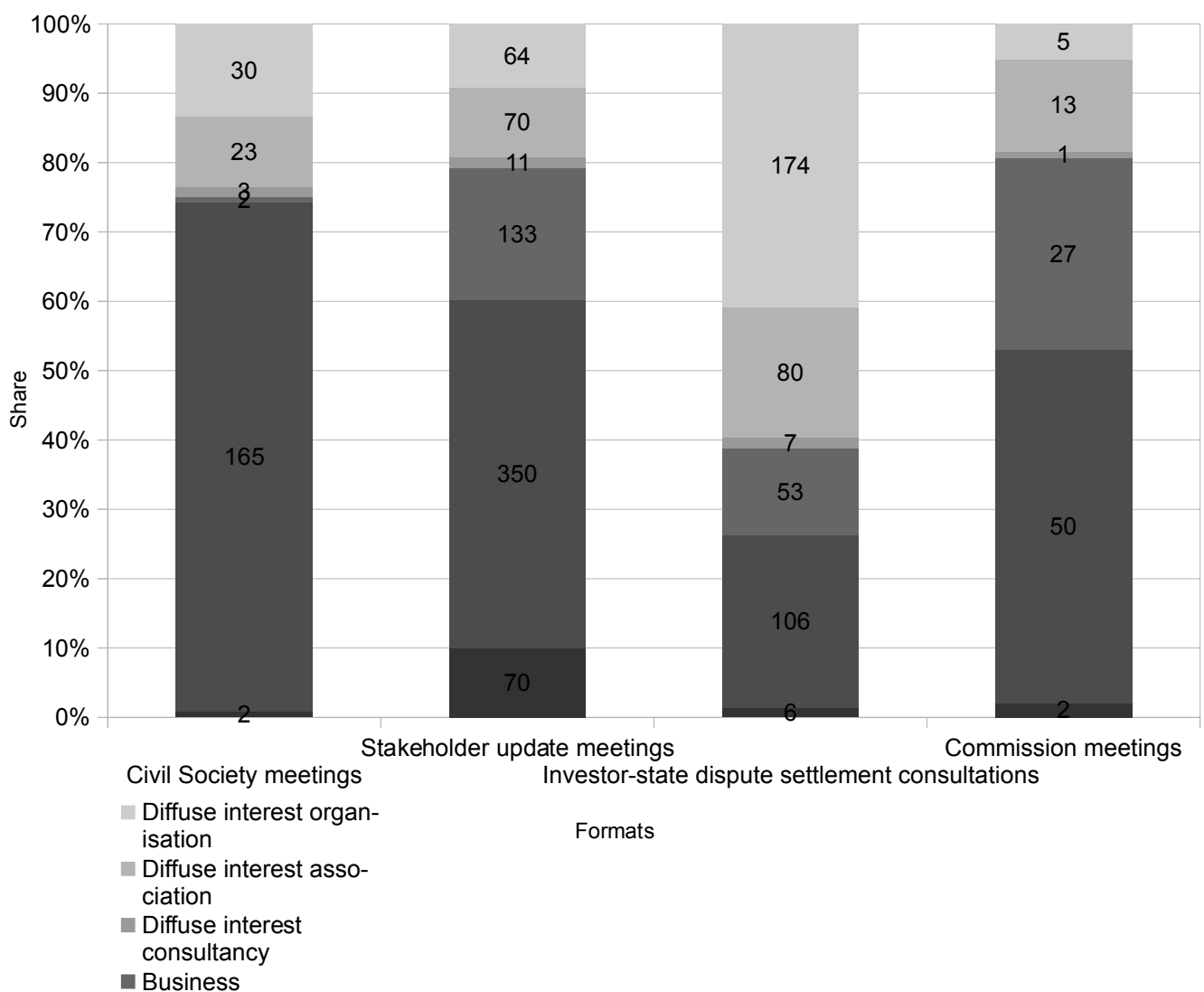
Figure 4.6. indicates that approximately 76% of the organisations and individuals that gained access with the Commission have a business background. While 17% of the groups have a diffuse interest background. Seven (6,3%) out of those 111 meetings were with representatives that were classified as “Other”. The over all share between business and diffuse interest is similar to the other formats like the Civil Society and Stakeholder meetings, even though the dominance of business interest is the strongest in this format. A detailed look into the different organisational forms on the other hand

shows quite a different picture for both business and diffuse interest representation. Firstly are business associations still the main organisational form with a total of 53 observations. However large business representation accounts for 29 meetings which means a share of 26%. This is the highest percentage among all formats. On the contrary are single diffuse interest groups underrepresented if compared to the other formats. In both Civil Society and Stakeholder meetings, diffuse interest (single) organisations and associations had roughly the same number of observations. This is not true for the meetings with the Commission. Single diffuse interest organisations fall short and are underrepresented by a ratio of five to thirteen.

4.5. Organisational forms

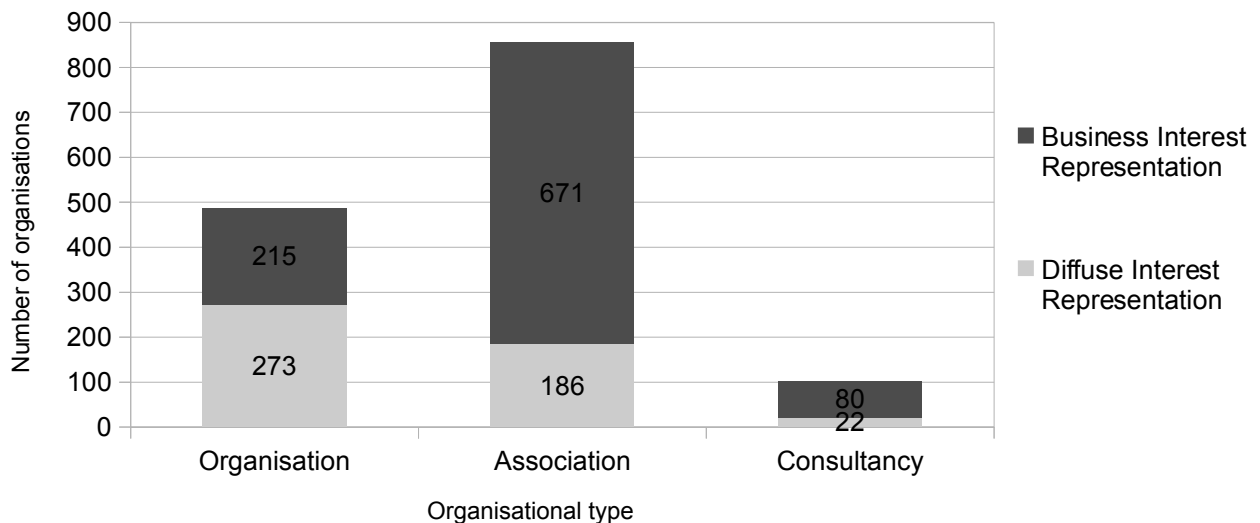
After evaluating the different formats individually, I want to compare the overall results of each case in the following section. The following figure 4.7. illustrates the different participations ordered by the organisational form:

Figure 4.7: Overview of the share of the organisational forms for the Commissions formats



In Figure 4.7. can be observed that business interest representation is very dominant and represented in all formats, which is in line with the observations so far. The Civil Society attract a relatively small amount of diffuse interest organisations and associations responses. Which is overshadowed by the business association participation. Even though the name suggest that this would be the format specially created for diffuse interest representation. Looking at the total numbers it appear that diffuse interest representation actively choses Stakeholder meetings (145 attendance) over Civil Society meetings (56 attendances). However I could not find an obvious explanation for the relative absence of diffuse interest representation during Civil Society meetings. It might be that the format doesn't offer enough information and access for diffuse interest groups in comparison to the direct costs. The picture that can be drawn for the Civil Society and Stakeholder meetings continues also for the direct meeting with the Commission. With business interest representation having it's highest share. During the course of the ISDS the result is almost the opposite, with diffuse interest accounting for 50% of the participation. This is probably caused by low cost for a participation as it is an online consultation. The evidence suggests that diffuse interest groups favour loose formats with low transaction costs, an conclusion that was drawn already in the other sections.

Figure 4.8: Total number of organisations by organisational form



Looking at Figure 4.8. it can be seen that the organisational forms, consultancies for diffuse interest and business play only a minor role when it comes to seeking access through the different formats that were analysed. On the other hand, associations are the predominant form of representation that seeks access to the Commission. Single organisation representation has in fact a lower over all share than associations. With the exception of diffuse interest representation. It is surprising that diffuse interest organisations have a greater share than businesses when it comes to single organisational

representation. This however can easily explained by a bias due to the many responses during the ISDS consultation. Many of those organisations are small and very niche, as stated before. The evidence presented so far shows that individual business interest organisations are not as dominant as Bouwen's theory initially suggests. In fact, associations are during the course of the TTIP negotiation the dominant organisational form. While consultancies only play a minor role and are neglectable in certain formats.

5. Conclusion and Epilogue

To answer the research question: “*How are interest representation organisations at the Commission integrated in the process of the TTIP negotiation- is business representation advantaged?*”, three subquestions have been developed and discussed in this thesis.

First, the literature on interest group representation defines two main categories: Business representation that has narrow, single purpose interest of for example increasing profits or rent seeking, and diffuse interest representation which on the contrary promotes “diffuse” ideas like environmental protection or equality rights, which many would benefit from even if they never supported the idea. Bouwen's work on business interest representation names three subcategories that engage in the legislative process. Namely single large businesses, business associations and consultancies. This classification can also be applied to diffuse interest groups as the theoretical discussion showed. Which leaves six different organisational forms of interest representation that can engage in the legislative process of the European Union and specifically with the European Commission.

Second, the Commission has a demand for information, especially technical, in order to draft effective and efficient legislation (Bouwen, 1997; Buholzer, 1998; Pappi and Henning, 1999; Raedelli, 1995; Truman, 1951; Van Schendelen, 1994). Interest groups can provide the information in the exchange for access to the decision makers, so they can attempt to influence decisions and the outcome of negotiations (Bouwen, 2002; 2004). For transparency reasons and to be less prone to capture, the Commission set up official platforms which facilitate and nurture activities of a larger variety of interest groups. For the case of the TTIP negotiations, four main channels of communication have been identified. Those formats are regular Civil Society and Stakeholder update meetings, the online consultation concerning the Investor-State dispute settlement courts, and the face to face meetings of high ranking Commission staff and interest representatives.

Third, the case study shows that each of the four formats appeal to different types of organisations in different ways. The Civil Society meetings show a very high participation by business associations and minor representation from diffuse interest organisations and associations, while the other types of organisations barely participate. Stakeholder update meetings appear to be the “first address” for interest groups when seeking access to the Commission, because of the high number of participants as well as the great diversity of organisations. However the majority of organisations attending have a business background. Unlike the ISDS consultation, which is the only format

where diffuse interest representation accounts for the majority of responses. The low transaction costs for participation seem to favour diffuse interest over business interest representation. It also explains why only 34% of the organisations that submitted responses, engaged with the Commission before. The meetings of high ranking Commission staff and interest group representatives once again present the familiar picture of a majority of organisations having a business background. This format has the highest share of single large businesses engaging with the Commission, while their diffuse interest counterpart is particular struggling in this format. According to the data, Commission staff meets diffuse interest associations much more often than large single organisations.

As for the findings of the different organisational types that interact with the European Commission, associations are the dominant organisational form. In particular business associations have high shares of participation across all formats. Single large organisations that lobby directly are second, but with high variance in the different formats. This organisational type seems to favour direct contact over loose engagement. Lastly, consultancies only play a minor role within the interest representation during the negotiation of the TTIP. While business consultancies have at least a 10% share of participation for Stakeholder update meetings, diffuse interest consultancies barely engage with the Commission in any of the four formats.

After answering the subquestions: Are the TTIP negotiations a one sided business story, and is business interest representation advantaged? The answer to those questions is: “Yes, business interest groups have an advantage regarding access to the Commission, but...”. And there are several reasons why the answer is still not a simple one. Many scholars pointed out that business interest groups are better suited to lobby the Commission than diffuse interest representation (Beyer, 2004; Klüver, 2013; Olson, 1965; Vogel, 1993). Therefore, it is not surprising when one can find more business interest organisations engaging with the Commission. The role of Diffuse interest groups in this is rather limited. This is mainly due to the fact that members of the Commission are appointed and do not need to fear any election, thus being immune to the threat of diffuse interest groups withdrawing votes.

However, the Commission cannot completely ignore diffuse interest organisations. When the Commission is drafting its proposal it wants to ensure that it actually passes into legislation, meaning that they want to create as little resistance as possible. Therefore they need diffuse interest representation to provide them with information on what their constituency prefers. The Commission is aware that it is reliant on business interest technical information as they hold it almost exclusively. A strategy to overcome this dependency on business interest representation is to

generate alternative ways to gain necessary information. Diffuse interest organisations can be the means to achieve that goal and thus leaving the Commission less prone to capture. Therefore, the Commission is actively funding diffuse interest groups as well as it created formats that appeal to them and keep them engaged. The Civil Society meetings are such an attempt. The data analysis in this paper suggest that there is some success to it, because there is at least a 20% attendance rate of diffuse interest groups to the Commission. Meaning that there is indeed a certain amount of diffuse interest groups representing European citizen needs.

Another reason for the research question proving difficult to answer is a matter that has not yet been discussed in detail. In total numbers the dominance of business interest is quite striking. When evaluating the results it needs to be considered that businesses stay aligned when it comes to seeking higher profits but tend to differ when it comes to specific policy choices. The dominance in numbers of business interest representation does not necessarily mean that they promote the same policy choices. In fact it is more likely that preferences contradict each other. It can be expected that the “European Generic and Biosimilar Medicines Association” is in favour of different policies than for example the “Pharmaceutical Group of the European Union”. Generics producers should seek rather weak patent rights, while patent holders would want to their patents better protected. Furthermore, there can be several interest groups with the same purpose, working in the same policy field. To stick with the pharmaceutical example: Besides the two mentioned groups there are at least nine more associations or companies¹⁵ that are working in the same policy field and attended the stakeholder meetings. Some of them from the USA and some are even representatives from the national states. This observation is not exclusive to the pharmaceutical sector; it can be observed in almost every business related policy field. This puts the absolute numbers into perspective and it begs the question of the actual influence that an individual interest group has, if so many others attempt to achieve the same for their own preferences.

The relative absence of lobbying undertaken by single large companies and organisations was quite surprising. Even though the theory suggests otherwise, lobbying in the form of business associations is much more dominant than expected. This indicates that there are not as many companies which are large enough to be able to afford or deem it necessary to lobby themselves. It could also mean that the costs are too high, in comparison to the benefits. Lobbying of the Commission by a European association appears to be more beneficial for (inter)national companies. A strategy that should meet the support of the Commission, as the example from the pharmaceutical

¹⁵ Those are: Pharmaceutical Research and Manufacturers of America, European Confederation of Pharmaceutical Entrepreneurs, European Federation of Pharmaceutical Industries and Associations, General Pharmaceutical Council of Spain, Generic Pharmaceutical Association, German Pharmaceutical Industry Association, Go Global! Polish Pharma, LEO Pharma A/S, Federal Union of German Associations of Pharmacists

sector has shown. Creating a common position of at least a couple of organisations could prove beneficial for either side. The Commission does not need to acknowledge all individual positions and form a compromise between them. Individual interests that are organised in an association increase the likelihood that at least parts of their preferences pass into legislation. This however contradicts Bouwen's conclusions of his case study in the European banking sector. It is questionable if Bouwen's theoretical framework is applicable to my case study, because Bouwen's framework covers only one sector, while the TTIP negotiations concern multiple policy fields. While according to Bouwen's theory, there should be more individual companies and organisations lobbying in specific policy fields, it appears that more associations engage with the Commission than individual companies. This applies especially if the issue negotiated concerns many different policy fields. Individual companies and organisations form alliances in order to make their voices heard. I suggest that further research should be undertaken.

Even though some of the findings of the case study have been different than expected, most of them are in line with the observations by other scholars. Especially the literature on diffuse interest representation continuously describes the free rider problem as the main disadvantage of diffuse interest groups (cf. Olson, 1971; Salisbury, 1969: 16). The resulting restrictions for collective action could be found in the case study. Dür and De Bièvre (2007: 84) describe diffuse interest engagement during trade agreement negotiations as constantly growing, even though their influence remains limited. According to their research half of the interest groups which are registered with the Civil Society Dialogue have a diffuse interest background. However, my findings show that the actual participation of diffuse interest groups in the Civil Society Dialogue did not exceed 25%. Barton et al. (2006: 16) suggests that in cases of high public scrutiny some diffuse interest groups can, at least temporary, overcome their collective action problem. My observations support the statement because the ISDS online consultation had a high response rate by diffuse interest representatives and were in fact only launched due to public pressure. There are two arguments stating that the institutional setup is not sufficient for diffuse interest: On one hand diffuse interest groups struggle to attend to meetings, because they do not have an office in Brussels or lack the resources to send a representative to the meetings (Dür and De Bièvre, 2007: 86), something I concluded as well. On the other hand some diffuse interest groups reject the process of trade agreements and would show no participation at all (Scholte, 2004: 152). In the responses to the ISDS consultation there was a high amount of rejection to the TTIP negotiations¹⁶. This indicates that there are in fact diffuse interest groups that completely oppose the negotiations and therefore do

¹⁶ The full report can be found under http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153044.pdf
last accessed 26.08.2016

not participate in the regular meetings.

Researching access as a method yields only results of limited informative value. It can only tell which interest groups representatives seeks to influence legislators in their favour. However access cannot measure nor predict the impact these interest groups have on the final outcome. Which would require to measure influence. Furthermore does measuring access not provide any answers why interest representatives not seek access. The case study suggest that besides having no stake in an issue, transaction costs might be another reason to refrain form interaction with the Commission. Advantages of studying access are that the method can already be applied during the process of the negotiation while researching influence could only be done after the negotiation. In addition, less extensive information is required when researching access, as the unit of measurement (attendance) is binary. Thus granting more accurate results than studying influence, which for example compares positions of interest groups that. Even though access cannot be directly converted into influence, it allows for assumptions that the degree of access partly correlates with the actual influence, if interest groups are rational actors. A follow up case study about the influence interest groups had on the negotiation could provide answers of the degree of correlation between access and influence. This could researched with the help of document study in case the position papers of interest representatives are being released once the TTIP agreement is being released. The combination of the individual positions and the final draft should provide answers to the question of influence. Another method Dür and De Bièvre (2007) applied, are interviews where interest groups were asked to self evaluate their influence on the negotiation process for trade agreements. This method could continue the work of this case study because interest groups of interest could easily been identified with the help of the database.

The unit of measurement, to evaluate access, were contacts with the Commission in particular attendances to meetings and an online consultation. This has been sufficient in the way that the unit was actually measurable because it facilitates the formalised channels interest groups seek access to the Commission. However there are limitations, as there is always the danger that it doesn't covers all interaction between interest groups and the Commission because less formalised channels of access could have been used. For example writing an (e-)mail or calling an official is not documented. Voice campaigns or outside strategies (Calmer: 2013, 40) by interest representatives are also falling under the radar even though their impact appears quite strong. It can be assumed that the online consultations regarding the ISDS was only launched because there have been media campaigns concerning the ISDS and the TTIP in general. Lastly is the Commission only reporting meetings between the high ranking Commission staff and interest representatives. However, the

actual work of formulating a draft or position is being done by lower ranking staff members. They are the ones that are in need of technical details in order to develop sufficient legislation. Gaining access to the drafters can translate into an advantage when for example a passage is formulated rather hazy or precise.

Another issue that came up during my thesis is the domination of the Civil Society meetings by business interest representation, in particular business associations. The Commission is not specific when it comes to defining what they understand under Civil Society. This is partly due to the very vague terminology of Civil Society itself, but the Commission uses it without further clarification of the term. I want by no means develop yet another definition of the Civil Society. Nonetheless, there is some common agreement among scholars, Dahrendorf (1997: 77-78) states that Civil Society originates from “grass-root initiatives” and that “citizenship and civil society go one important step further than elections and markets. Van Til (2000) describes the Civil Society as the “third sector” besides the politics and businesses. Putnam's et al. (1993) work on civic engagement in Italy, also sees the civic sphere as something besides governmental institutions and companies and that is playing an important role for the function of a government. If this common agreement among scholars applies, then it begs the question why there are so many business interest representatives attending the Civil Society meetings. A format that should address organisations that represent the will and need of the citizen. Business related associations have a share of 70% while diffuse interest representation accounts for approximately 25% of the participation. One reason for this dominance of business interest could be that both Civil Society and Stakeholder meeting are platform to provide insight to the negotiation process but they are held in terms stakeholder meeting for every “even” number of negotiation round and Civil Society meeting for every “odd” number number of negotiation round. Any interest group that wants to receive regular updates has no choice but to attend to every meeting, forcing it to also attend to the Civil Society meetings. I suggest that measures are taken to ensure that stakeholders are being updated on a regular basis, so business interest does not need to take part in the Civil Society meetings. It also means that there should be an access point that mainly addresses diffuse interest representation which should be easier accessible in terms of transaction costs than the Civil Society meetings currently are.

The case study is very specific as it only focuses on interest group representation with perspective to the European Commission. Even though the Commission has a key role through out the negotiation, as it is leading the negotiation on behalf of the member states, there are two more institutions that play a role in the legislative process of the European Union: The European Parliament and the European Council/ Council of the European Union. Both will have to give their

approval to the final draft before it can enter into force. Additionally, is it very unlikely that there would be any amendments once the negotiation parties release their final version of the draft. Because it would jeopardise the entire negotiations. Therefore it could offer valuable insights, to research which interest groups attempted to gain access to the negotiations through the Parliament or the Council. Especially the European Parliament is being seen as more responsive towards diffuse interest groups demands. A topic for further studies could be to research if interest representation that have their main access channels with the Parliament adapt to the special situation in case of trade agreements and seek more access to the Commission. It could develop an coherent picture of the organisation of interest representation within the framework of the European Union.

Bibliography

- Amnesty International et al. (2004). Open Letter of European Civil Society Groups to Commissioner Lamy and Designate Commissioner Mandelson, Brussels, 15 November.
- Aldrich, H. E. and Pfeffer, J. (1976). Environments of organizations, *Annual Review of Sociology*, Vol. 2, pp. 79-105.
- Baroni, L., Carroll, B., Chalmers, A., Marquez, L., & Rasmussen, A. (2014). Defining and classifying interest groups. *Interest Groups & Advocacy Int Groups Adv*, 141-159.
- Barton, J.H., Goldstein, J.L., Josling, T.E. and Steinberg, R.H. (2006). *The Evolution of the Trade Regime: Politics, Law, and Economics of the GATT and the WTO* (Princeton: Princeton University Press).
- Baumgartner, F. R., Berry, J. M., Hojnacki, M., Kimball, D. C. & Leech, B. L. (2009). *Lobbying and Policy Change: Who Wins, Who Loses, and Why*. Chicago: University of Chicago Press.
- Baxter, P., & Jack, S. (2008). Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers . *The Qualitative Report*, 13(4), 544-559. Retrieved from <http://nsuworks.nova.edu/tqr/vol13/iss4/2>
- Bennett, R. J. (1997). The impact of European economic integration on business associations: the UK case, *West European Politics* 20(3): 61–90.
- Bennett, R. J. (1999). Business routes of influence in Brussels: exploring the choice of direct representation, *Political Studies XLVII*: 240–57.
- Binderkrantz, A. S. & Krøyer, S. (2012). Customizing strategy: Policy goals and interest group strategies. *Interest Groups & Advocacy* 1(1): 115-138.
- Blau, P. M. (1964). *Exchange and Power in Social Life* , London: John Wiley & Sons, Inc.
- Bouwen, P. (2002). Corporate lobbying in the European Union: the logic of access. *Journal of European Public Policy* 365-390.
- Bouwen, P. (2004a). The logic of access to the European Parliament. *Journal of Common Market Studies* 42(3): 473-496.
- Bouwen, P. (2004b). Exchange access good for access. A comparative study of business lobbying in the EU institutions. *European Journal of Political Research*, 43(3):337-69.

- Bouwen, P. and McCown, M. (2004). Lobbying versus litigation: political and legal strategies of Interest representation in the European Union. Paper presented at the ECPR Standing Group on the European Union, Second Pan-European Conference on EU Politics, 24-26 June 2004, Bologna.
- Bulholzer, R. (1998). *Legislative Lobbying in der Europäischen Union, Ein Konzept für Interessengruppen*, Bern-Stuttgart-Wien: Verlag Paul Haupt.
- Chalmers A. (2013). Trading information for access: informational lobbying strategies and interest group access to the European Union, *Journal of European Public Policy*, 20:1, 39-58,
- Cawson, A. (1992). Interests, groups and public policy-making: the case of the European consumer electronics industry, in Justin Greenwood, Jürgen Grote and Karsten Ronit (eds), *Organized Interests and the European Community*, London: Sage Publications.
- Coen, D. (1997). The evolution of the large firm as a political actor in the European Union, *Journal of European Public Policy* 4(1): 91–108.
- Coen, D. (2007). Empirical and Theoretical Studies and EU Lobbying. *Journal of European Public Policy*, 333-345.
- Coen, D. (2009). *Lobbying the European Union institutions, actors, and issues*. Oxford: Oxford University Press.
- Dahrendorf, R. (1997). *After 1989: Morals, revolution and civil society*. Basingstoke: Macmillan in association with St Antony's College, Oxford.
- Danielian, L., & Page, B. (1994). The Heavenly Chorus: Interest Group Voices on TV News. *American Journal of Political Science*, 38(4), 1056-1056.
- Dunleavy, P. (1988). Group Identities and Individual Influence: Reconstructing the Theory of Interest Groups, *British Journal of Political Science* 18(1): 21–49.
- Dür, A. and De Bièvre, D. (2007). Inclusion without Influence? NGOs in European Trade Policy. *Journal of Public Policy*, 27, pp 79-101
- Eckstein, H. (1975). Case Study and Theory in Political Science. Ch. in: Greenstein, F.I. and N.W. Polsby (eds.), *Handbook of Political Science*. Reading Mass.: Addison- Wesley.
- Eising, R. (2007). Institutional Context, Organizational Resources and Strategic Choices: Explaining Interest Group Access in the European Union. *European Union Politics*. 8: 329-362.
- European Commission (2001). *European governance: a White Paper*, COM(2001) 428 final.
- European Commission (2015). *Report - Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Investment Partnership Agreement (TTIP)*, SWD(2015) 3 final.

- European Commission Directorate-General for Trade. (2014). Retrieved January 15, 2016, from http://trade.ec.europa.eu/consultations/index.cfm?consul_id=179.
- European Commission Directorate-General for Trade. (2015). Retrieved June 18, 2016, from <http://trade.ec.europa.eu/doclib/events/index.cfm?id=1302>.
- European Commission Directorate-General for Trade. (2016). Retrieved June 18, 2016, from <http://trade.ec.europa.eu/civilsoc/index.cfm>.
- Frieden, J. and Rogowski, R. (1996). The Impact of the International Economy on National Policies: An Analytical Overview, in R.O. Keohane and H.V. Milner, *Internationalization and Domestic Politics*, Cambridge: Cambridge University Press, 25-47.
- Greenwood, J. & Aspinwall, M. (1998). *Collective Action in the European Union, Interests and the New Politics of Associability*, London: Routledge.
- Greenwood, J., Grote, J. & Ronit, K. (eds) (1992). *Organized Interests and the European Community*, London: Sage Publications.
- Greenwood, J. & Ronit, K. (1994). Interest groups in the European Community: newly emerging dynamics and forms, *West European Politics* 17(1): 31–52.
- Greenwood, J. (2002). EU public affairs and the White Paper on Governance. *Journal of Public Affairs*, 423-435.
- Guba, E. (1981). Criteria for assessing the trustworthiness of naturalistic inquiries. *Educational Resources Information Center Annual Review Paper*, 29, 75-91.
- Grant, A. R. (1986). *The American Political Process*. 3rd ed. Aldershot, UK: Gower Publishing.
- Gschwend, T., & Schimmelfennig, F. (2007). *Research Design in Political Science: How to Practice what they preach*. Palgrave Macmillan .
- Habermas, J. (2006). Political Communication In Media Society: Does Democracy Still Enjoy An Epistemic Dimension? The Impact Of Normative Theory On Empirical Research. *Communication Theory*, 16, 411-426.
- Hall, R.L. and Deardorff, A.V. (2006). Lobbying as Legislative Subsidy, *American Political Science Review*, 100, 69-84.
- Halpin, D. R. (2006). The participatory and democratic potential and practice of interest groups: between solidarity and representation. *Public Administration* 84(4): 919-940.
- Hauser, H. (2011). European Union Lobbying Post-Lisbon: An Economic Analysis. *Berkeley Journal of International Law*, 29(2), 680-709.
- Hocking, B. (2004). Changing the Terms of Trade Policy Making: From the ‘Club’ to the ‘Multistakeholder’ Model, *World Trade Review*, 3, 1, 3-26.

- Hosli, M. O., Nölke, A., & Beyers, J. (2004). Contending political-economy perspectives on European interest group activity. *Governance in Europe. The Role of Interest Groups*, Baden-Baden: Nomos, 42-56.
- Jordan, A., & Adelle, C. (2012). *Environmental Policy in the EU Actors, Institutions and Processes*; 2nd Edition. (2nd ed.). Hoboken: Taylor and Francis.
- Kellstedt, P. M., & Whitten, G. D. (2009). *The Fundamentals of Political Science Research*. New York: Cambridge University Press.
- Klüver, H. (2013). *Lobbying in the European Union: Interest groups, lobbying coalitions and policy change*. Oxford: Oxford University Press.
- Koepl, P. (2001). The acceptance, relevance and dominance of lobbying the EU Commission — a first-time survey of the EU Commission's civil servants. *Journal of Public Affairs*, 69-80.
- Kohler-Koch, B. & Quittkat, C. (1999) Intermediation of interests in the European Union , *Arbeitspapiere – Mannheimer Zentrum Für Europäische Sozialforschung* 9: 1–15.
- Kollman, K. (1998) *Outside Lobbying: Public Opinion and Interest Group Strategies*, Princeton: Princeton University Press.
- Krefting, L. (1991). Rigor in qualitative research: The assessment of trustworthiness. *American Journal of Occupational Therapy*, 45, 214-222.
- Layder, D. (1998). *Sociological Practice, Linking Theory and Social Research* , London: Sage Publications.
- Levine, S. & White, P. E. (1961). Exchange as a conceptual framework for the study of interorganizational relationships, *Administrative Science Quarterly* 5: 583–601.
- Lincoln, Y. S., & Guba, E. A. (1985). *Naturalistic inquiry*. Beverly Hills, CA: Sage.
- Lindblom, C. E. (1977). *Politics and Markets: The World's Political Economic Systems*. New York: Basic Books.
- McLaughlin, Andrew M., Jordan, Grant and Maloney, William, A. (1993). Corporate lobbying in the European Community, *Journal of Common Market Studies* 31(2): 191–212.
- Mahoney, C. (2004) The Power of Institutions: State and Interest Group Activity in the European Union, *European Union Politics*, 5,4, 441-66.
- Marks, G. (1993). Structural Policy and Multilevel Governance in the EC, in: Cafruny, A./Rosenthal, G. (eds.), *The State of the European Community (Vol 2: The Maastricht Debates and Beyond)*, London.
- Marks, G./Hooghe, L./Blank, K.(1996). European Integration in the 1980s: State-Centric versus Multi-Level Governance, *Journal of Common Market Studies* (34), 341-378.

- Marks, G./McAdam, D.,(1999). On the Relationship of Political Opportunities to the Form of Collective Action: the Case of the European Union, in: D. dell Porta et al., *Social Movements in a Globalizing World*, London.
- Mays, N., & Pope, C. (2000). Qualitative research in health care: Assessing quality in qualitative research. *BMJ*, 320, 50-52.
- Mazey, S. & Richardson, J. (1993). *Lobbying in the European Community*, Oxford: Oxford University Press.
- Milner, H., & Rosendorff, B. (1996). Trade Negotiations, Information And Domestic Politics: The Role Of Domestic Groups. *Economics & Politics*, 8(2), 145-189.
- Noor, K. B. M. (2008). Case study: A strategic research methodology. *American journal of applied sciences*, 5(11), 1602-1604.
- Offe, C. and Wiesenthal H. (1980). Two logics of collective action: Theoretical notes on social class and organizational form. *Political power and social theory* 1.1 : 67-115.
- Olson, M. (1965). *The Logic of Collective Action*. Cambridge, MA: Harvard University Press.
- Olson, M. (1971). *The Logic of Collective Action: Public Goods and the Theory of Groups*, 2nd edn. Cambridge, MA: Harvard University Press.
- Pappi, F. U. and Henning, C. H.C.A. (1999). The organization of influence on the EC's common agricultural policy: a network approach, *European Journal of Political Research* 36: 257–81.
- Patton, M. (1990). *Qualitative evaluation and research methods* (2nd ed.). Newbury Park, CA: Sage.
- Pfeffer, J. (1984). Organizations and Organization Theory. *Administrative Science Quarterly*, 29(4), 640-643.
- Pollack, M.A. (1997). Representing diffuse interest in EC policy-making. *Journal of European Public Policy*. 4(4). 572-590.
- Russell, C., Gregory, D., Ploeg, J., DiCenso, A., & Guyatt, G. (2005). Qualitative research. In A. DiCenso, G. Guyatt, & D. Ciliska (Eds.), *Evidence-based nursing: A guide to clinical practice* (pp. 120-135). St. Louis, MO: Elsevier Mosby.
- Putnam, R. D., Leonardi, R., & Nanetti, R. (1993). *Making democracy work: Civic traditions in modern Italy*. Princeton, NJ: Princeton University Press.
- Sandelowski, M. (1986). The problem of rigor in qualitative research. *Advances in Nursing Science*, 8(3), 27-37.
- Sandelowski, M. (1993). Rigor or rigor mortis: The problem of rigor in qualitative research revisited. *Advances in Nursing Science*, 16(1), 1-8.

- Sandholtz, W. & Sweet, A. S. (1996). *Supranational Governance: The Institutionalization of the European Union*. Center for German and European Studies, University of California at Berkeley.
- Salisbury, R. H. (1969). An Exchange Theory of Interest Groups, *Midwest Journal of Political Science* 13(1): 1–32.
- Salisbury, R. H. (1984). Interest Representation: The Dominance of Institutions. *The American Political Science Review* 78(1): 64-76.
- Schmitter, P. C. (2000). *How to Democratize the European Union...and why bother?* New York and Oxford: Rowman and Littlefield.
- Schneider, V. (1992). Organized interests in the European telecommunications sector, in Greenwood J., Grote J. & Ronit K. (eds), *Organized Interests and the European Community*, London: Sage Publications.
- Schlozman, K. L. & Tierney, J. T. (1986). *Organized Interests and American Democracy*. New York: Harper and Row.
- Scholte, J.A. (2004). 'The WTO and Civil Society', in Brian Hocking and Steven McGuire (eds.) *Trade Politics* (London: Routledge), 146-61.
- Stake, R. E. (1995). *The art of case study research*. Thousand Oaks, CA: Sage.
- Stigler, G. (1971). "The Theory of Economic Regulation." *Bell Journal of Economics and Management Science* 2:3-21.
- Van Schendelen, M.C.P.M. (1994). *National Public and Private EC Lobbying*, Aldershot: Dartmouth.
- Van Til, J. (2000). *Growing Civil Society: From Nonprofit Sector to Third Space*. Bloomington: Indiana University Press.
- Vaus, D. A. (2001). *Research Design in Social Research*. Sage Publications.
- Vogel, D. (1993). Representing diffuse interests in environmental policymaking, in R. Kent Weaver and Bert A. Rockman (eds), *Do Institutions Matter? Government Capabilities in the United States and Abroad*, Washington, DC: The Brookings Institution, 237–71.
- Wilson, G. K. (1990). *Interest Groups*. Cambridge: Basil Blackwell.
- Woll, C. (2007). Trade policy lobbying in the European Union: Who captures whom?. *Lobbying in the European Union: Institutions, Actors and Issues*.
- Wonka, A., Baumgartner, F. R., Mahoney, C. & Berkhout, J. (2010). Measuring the size and scope of the EU interest group population. *European Union Politics* 11(3): 463-476.
- Yin, R. K. (2003). *Case study research: Design and methods* (3rd ed.). Thousand Oaks, CA: Sage.

Annex – Overview of the case study

Overview civil Society meeting

Classification	Observations	Share	Accumulated share	Without Other and N/A	Adjusted accumulated share
DI Organisation	29	11,79%		12,45%	
DI Association	32	13,01%	25,61%	13,73%	27,04%
DI Consultancy	2	0,81%		0,86%	
Business	2	0,81%		0,86%	
Business Assoc	166	67,48%	69,11%	71,24%	72,96%
Business Consu	2	0,81%		0,86%	
Other	12	4,88%			
N/A	1	0,41%			
Total	246				
Total minus Oth	233				

Overview stakeholder update meetings

Classification	Observations	Share	Accumulated share	Without Other and N/A	Adjusted accumulated share
DI Organisatio	64	7,93%		9,20%	
DI Association	69	8,55%	17,84%	9,91%	20,69%
DI Consultanc	11	1,36%		1,58%	
Business	132	16,36%		18,97%	
Business Assoc	350	43,37%	68,40%	50,29%	79,31%
Business Con	70	8,67%		10,06%	
Other	102	12,64%			
N/A	9	1,12%			
Total	807				
Total minus O	696				

Overview investor-state dispute settlement consultation

Classification	Observations	Share	Accumulated share	Without Other and N/A	Adjusted accumulated share
DI Organisation	174	33,33%		40,85%	
DI Association	80	15,33%	50,00%	18,78%	61,27%
DI Consultancy	7	1,34%		1,64%	
Business	53	10,15%		12,44%	
Business Assoc	106	20,31%	31,61%	24,88%	38,73%
Business Consu	6	1,15%		1,41%	
Other	68	13,03%			
N/A	28	5,36%			
Total	522				
Total minus Oth	426				

Overview meetings with the high ranking Commission staff

Classification	Observations	Share	Accumulated share	Without Other and N/A	Adjusted accumulated share
DI Organisation	5	4,50%		4,81%	
DI Association	13	11,71%	17,12%	12,50%	18,27%
DI Consultancy	1	0,90%		0,96%	
Business	29	26,13%		27,88%	
Business Assoc	53	47,75%	76,58%	50,96%	81,73%
Business Consu	3	2,70%		2,88%	
Other	7	6,31%			
N/A	0	0,00%			
Total	111				
Total minus Oth	104				