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TRINITY COLLEGE DUBLIN
DEPARTMENT OF POLITICAL SCIENCE

STAKEHOLDER INFLUENCE IN THE EUROPEAN COMMISSION'S STAKEHOLDER CONSULTATIONS

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Declaration

I declare that this thesis has not been submitted as an exercise for a degree at this or any other university and it is entirely my own work. Dr. Adriana Bunea helped collect a portion of the data introduced in this thesis and is duly acknowledged in the text.

I agree to deposit this thesis in the University's open access institutional repository or allow the library to do so on my behalf, subject to Irish Copyright Legislation and Trinity College Library conditions of use and acknowledgement.

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Thesis summary

This thesis investigates lobbying by stakeholders, i.e. firms, NGOs and industry organisations as well as other private and public bodies from the international to local level, in the context of the European Commission's stakeholder consultations. It presents new insights into key questions: When and why are stakeholders granted privileged access to the European Commission? When and why do stakeholders have influence over the Commission's agenda? What determines whether a policy demand or recommendation from a stakeholders will be adopted by the European Commission?

These questions have salient normative implications for the input and output legitimacy of the EU, in particular in the context of interest group capture and biased public institutions. In the broadest sense, this thesis concerns the way public institutions process and respond to demands from society. As such, it addresses a fundamental function of all political systems and a key question for political science. Furthermore, the thesis helps answer important questions about the nature and motivation of the European Commission as well as the distribution of power in the EU.

In summary, this thesis demonstrates that there are multiple routes to influence for stakeholders and that different strategies are important at different stages of the consultations. Successful informational lobbying requires that stakeholders both have expertise and overcome the credibility problems associated with information transfer in the presence of bias. They can do this either by getting access to exclusive policy discussion fora where they can be cross-examined or by having an unknown bias. In contrast, Brussels insiders also enjoy privileged access and influence over the Commission's policy choices without providing expertise or information. The shadow of the Council of Ministers hangs

over the consultations and stakeholders with Member State connections, or with the resources to sway them, control the agenda and can secure side payments from the Commission on peripheral issues.

An important contribution to the field is a new dataset of over 600 stakeholders; their access, their issue-specific expertise, their satisfaction with the consultation agenda as well as over 8000 of their demands and whether those demands were successful. This dataset tracks stakeholders throughout the consultation process, allowing evaluation of their influence at different stages and in a more systematic way than previously possible. The thesis also contributes by formalising and developing informational lobbying theories as they apply to the EU, which is necessary for understanding EU lobbying in a comparative context. Finally, the thesis presents several methodological advances, including a way to take counter-lobbying into account statistically.

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1. Introduction

Lobbying of the European Commission (Commission, EC) by organised interests, stakeholders in the European terminology, is a central component of the functioning and legitimacy of the European Commission, as well as the European Union more broadly, and the focus of this thesis.

Scholars, journalists, politicians and citizens have been troubled by the fact that the EU as a whole suffers from a democratic deficit. Low turnout in European Parliament elections where European issues are seldom discussed (Hix and Marsh, 2007) as well as the institutional structure of the EU itself where unelected bodies hold great influence indicates that the Union lacks a democratic mandate for its policies (Follesdal and Hix, 2006), affecting the lives of some 500 million citizens. This lack of legitimacy based on an electoral mandate is particularly pronounced for the unelected, technocratic European Commission. In the absence of such a mandate, the direct involvement by those affected by European policies in the drafting of legislation, i.e. lobbying by stakeholders, has become an alternative source of legitimacy for the Commission (European Commission, 2001, 2002). Scharpf (1999) termed this legitimacy based on the participation of the governed, akin to deliberative democracy, input legitimacy. Stakeholders, who possess issue-specific expertise and information, potentially also help policy-makers avoid negative outcomes and create positive sum solutions to societal problems. If this potential is realised, lobbying by stakeholders can yield output legitimacy by virtue of policy quality (ibid.; also see (Cini

and Pérez-Solórzano Borragán, 2011; Schmidt, 2012)), since better information can help public institutions avoid dysfunctional policies.

Not only is lobbying by stakeholders a cornerstone of the legitimacy of the European Commission, it is also a key component in the creation and evaluation of policies. Hartlapp et al. (2010) report that a vast majority of policy decisions in the Commission are made based on the input of stakeholders. Although it has wide-ranging responsibilities and jurisdictions, the Commission only has the bureaucratic resources, staff and funding, of a larger city administration (Mclauhlin et al., 1993; Pedler and Schaefer, 1996). The European Commission is thus unlikely to be able to fulfil its technocratic role using only in-house resources, making it reliant on the participation and lobbying by stakeholders. Despite its limited funds, the Commission strikingly spends to considerable resources (ca €1bn / year) to support, consult with and inform stakeholders (Greenwood, 2007), apparently believing stakeholder inputs are worth the investment. Since 2001, consultation with affected parties has become a key component of the strategy for better governance and a required part of the policy development process in the Commission, mandated and governed by several high profile guiding documents, i.e. the White Paper on Governance, the Impact Assessment Guidelines, the Communication on the Collection and Use of Expertise by the Commission: Principles and Guidelines. Also, the fact that the Commission has more frequent and intense contacts with stakeholders than do the Parliament or Council has become a major part of the strength of the Commission's positions and a source of power visavi the other institutions (Bouwen, 2007). Thus, lobbying by stakeholders has a central role for both the legitimacy and functioning of the European Commission.

However, concerns about the equitability of lobbying are warranted, in light of the possibility of regulatory capture (Sam Peltzman, n.d.; Stigler, 1971) and incentives for

rent-seeking. Concentrated interests focus their considerable resources to influence institutions and policies that affect them directly and strongly. Each member of the public, however, has only a tiny stake in any given policy, and rationally does not contribute to changing or setting it (Olson, 1971). The resulting imbalance of mobilisation is in marked contrast to democratic ideals of equality in participation and influence. The result is an imbalance in the pressure that an institution such as the Commission is exposed to, often leading to slanted, inefficient or dysfunctional policies to the detriment of the majority of citizens (for a review of these effects see Dal Bo, 2006; also see Olson, 1982). Additionally, the internal democratic structure of many stakeholders can very often be called into question (Jordan and Maloney, 2007).

Furthermore, if the European Commission is reliant on stakeholder information, expertise and other inputs to draft policy, the reliability of those inputs is crucial. However, a large literature has demonstrated that relying on the information of interested parties is associated with fundamental problems of informational transfer because stakeholders have incentives to strategically misrepresent their private information in order to convince the Commission of the desirability of their preferred policies (e.g. Milgrom and Roberts, 1986; Potters and van Winden, 1992; Austen-Smith and Wright, 1996; Austen-Smith, 1998; Austen-Smith and Banks, 2000; Krishna and Morgan, 2001a, 2001b; Dür and Swank, 2005; Lopipero et al., 2007; Dahm and Porteiro, 2008a, 2008b). So while lobbying can contribute significantly to the legitimacy and functioning of the European Commission there are also associated risks such as regulatory capture and basing policy on bad, biased information.

These concerns all have an impact on the proper role of lobbying in the EU generally. "Is lobbying complementary to the other forms of institutionally formalised representation, such as the European Parliament, the Social and Economic Committee, the

Committee of the Regions? Does it support them by the production of expertise? Or does it destabilise them, short-circuit them through the play of competing intervention mechanisms? Does the predominance of technical expertise not conflict with the very nature of universal suffrage?" (Karr, 2007, p9).

Consequently, questions of how and why lobbying of the Commission happens, along with normative questions about the equitability and efficiency of the lobbying process, must be a core concern for EU scholars. Empirically, these questions revolve around influence; *when, why and how is the Commission influenced by stakeholder lobbying?* More broadly, these are essentially questions about how political systems receive and react to signals and demands from wider society. This is one of the central functions of all political systems and worthy of the full attention of political science.

Bouwen (2002, 2004) argued that the European institutions respond more readily to stakeholders that possess the resources that the institutions need. Also, some stakeholders have more power to ensure the passage of legislation at later legislative stages, others can provide good information about the outcomes of legislation. Knowing which stakeholders the Commission responds to therefore tells us for example whether it is more interested in passing legislation, satisfying the Member States and expanding its jurisdiction, or to achieve specific policy goals. These questions about when, why and how stakeholders are successful in their lobbying of the European Commission thereby provide an important piece of the puzzle of the nature of the Commission itself, its needs, goals and its functioning. Additionally, knowing more about how the Commission responds to stakeholders that represent the European Member States means knowing more about the power balance between these actors, about who holds power in Europe. Finally, answering questions about when, why and how the European Commission is influenced by stakeholders could be seen to have a prescriptive purpose. Many organised interests find it

hard to be heard in Europe today. Insights into which stakeholder strategies that are likely to lead its users to more lobbying success could potentially lead to better representation. It is also important to explore institutional features that, if well functioning, make lobbying in Europe more equitable as well as efficient, in terms of the transferring of policy-relevant information to the Commission.

A key step to influence for organised interests is to achieve privileged access to decision-makers (Truman, 1981). Stakeholders with such access have an opportunity to make their case, to demonstrate the reliability of their information and to prime decision-makers in a way that stakeholders without access cannot. Well established theories of interest group influence, such as pluralism, corporatism and network relations all emphasise the importance of access. The issue of access, who gets it and what effect it has on influence over policy, has also lately become a central concern for the literature on interest groups in the EU (see for example Bouwen, 2002, 2004; Broscheid and Coen, 2003; Beyers, 2004; Beyers and Kerremans, 2004; Warntjen and Wonka, 2004; Eising, 2007; Robert, 2010; Chalmers, 2011). A key concern of this literature is the possibility of enduring access and the institutionalisation of an European policy elite, to the detriment of less well placed interests. The empirical evidence, however, remains unclear not least due to methodological limitations such as only focusing on general, aggregated access, lack of direct measurements of key variables and only studying certain categories of stakeholders.

One aspect of power or influence, in lobbying or otherwise, is to prevail over other actors and interests in situations of open conflict. Another aspect, or face, of power is to control the agenda, to control when open conflict arises in the first place. The ability to keep controversial items on or off the agenda, as well as the timing of their introduction to the agenda, has since Bachrach and Baratz's (1962) seminal work been recognised as a crucial source of power in all political systems, including the EU. In one way, agenda-

setting power is more fundamental than power in cases of overt conflict. To date when agenda-setting has been discussed in the context of the European Commission (EC) scholars have referred to the formal role that this institution has in setting the legislative agenda for the other institutions through its legislative proposals (Princen, 2007). However, the important agendas that structure the Commission's stakeholder consultations, have never been studied. "While almost everyone in this field emphasises the importance of interest groups for the Commission, very little systematic research exists with regard to the selection of legislative issues before the Commission submits a proposal. This black box certainly merits closer empirical investigation" (Beyers et al., 2008, p. 1294).

The ultimate goal of stakeholders' lobbying is to achieve their preferred policies. As such, preference attainment must be the final yardstick of lobbying influence. But as much as preference attainment is a natural focus of interest group research, the issue has has not been adequately explored in the European literature (Dür and De Bièvre, 2007; Dür, 2008). Lately there have been some important new contributions in this field such as Klüver (2009, 2011, 2012) and Chalmers (2011), showing that the information stakeholders provide is central. Bunea (2012) also shows that stakeholder type and issue characteristics are important for stakeholder success. But important methodological gaps, such as a lack of systematic data, and theoretical shortcomings, such as a lack of theories with micro-foundations, remain. Not least because of difficulties in operationalising and measuring influence that have deterred research (Dür, 2008). Most prominently, almost all research to date (Bunea [2012] is the exception) has focused on aggregate influence, not on the success of individual policy demands or recommendations. This lack of specificity have left previous studies unable to take into account complicating factors such as other supporters of a demand, the existence of an opposition and that expertise and other variables are fundamentally demand-specific. Finally, no research on the EU to date has

considered the fundamental problems of bias and credibility for lobbying based on the provision of information.

This thesis therefore answers three of the key remaining questions regarding the influence stakeholders have over the European Commission through their lobbying.

1. *When and why are stakeholders granted privileged access to the European Commission?*
2. *When and why do stakeholders have influence over the Commission's agenda?*
3. *What determines whether a policy demand or recommendation from a stakeholder will be adopted by the European Commission?*

Lobbying of the European Commission takes place continuously and stakeholders interact frequently with the Commission to raise items to the agenda, influence decision-makers and gain information. However, the intensity of the interactions rise dramatically when the Commission organises its stakeholder consultations, inviting stakeholders to provide inputs on particular legislative proposals that it is developing. The number of stakeholders that participate in the consultations is much larger than the set of stakeholders that are registered in the European lobbying registry, currently over 5000, or that have a more permanent presence in Brussels. Since the 2001 Action Plan for Better Governance, the formal stakeholder consultations must form a very important part of the motivation behind any policy choices, leading the number of stakeholder consultations to increase quickly from 11 in 2002 to 130 in 2011[1]. These factors combine to indicate that lobbying within the context of the stakeholder consultations represents the bulk of the lobbying that the Commission is exposed to. Given that the Commission has become the focal point for lobbying in the EU (Greenwood, 2007), the lobbying which takes place in the stakeholder

1 http://ec.europa.eu/yourvoice/consultations/2011/index_en.htm

consultations also represents the bulk of lobbying that happens on the European level. Because these consultations have become so central to interest group mediation in the EU this thesis will answer the research questions above in the context of the European Commission's stakeholder consultations.

The stakeholder consultations normally consist of three relatively distinct phases. The first phase is characterised by limited interactions between the Commission and a select set of stakeholders in closed, exclusive policy discussion fora. During this phase the lead Directorate-General (DG), the department within the Commission tasked with drafting the proposal in question, attempts to identify and define the set of problems that the legislation will attempt to solve and the general shape of the legislation, such as its basis in the treaties. At the end of this phase the lead DG publishes in a "call for consultation", often in the form of a White or Green Paper, essentially an agenda for the remaining consultation and an invitation to any and all stakeholders to participate in an open consultation. The open consultation phase often has two elements, written responses from all the participating stakeholders and large, non-exclusive conferences where stakeholders can interact with the relevant Commission officials. After the open consultation phase, the Commission will continue to consult with a more limited set of stakeholders in exclusive policy fora, following up on input given in the open consultations. Finally, the lead DG presents a draft of the proposal which is then subjected to an internal consultation, often leading to several additional drafts and ending when the College of Commissioners takes the formal decision to put forward the proposal to the Council and Parliament.

1.1. Theories of lobbying

The EC can independently and without oversight grant access to or for that matter exclude

any stakeholder from its policy discussion fora. Similarly, the European Commission sets the consultation agenda, with no other actors having any formal power to override or change it. Moreover, although the Council of Ministers or Parliament may direct the Commission to put forward a legislative proposal in a particular policy area, they have no formal say in the contents of those proposals. The Commission is in other words free to accommodate any demands or follow any recommendation from stakeholders as they apply to the contents of the legislative proposals. In other words, the final decision of which stakeholders that experience lobbying success, i.e. get privileged access, set the agenda or attain their preferences, rests with the European Commission. This thesis therefore argues that the answers to why, when and how stakeholders are influential must therefore be sought in the motivations of the Commission to consult with stakeholders. Drawing on previous literature, this thesis identifies four competing motivations for the the Commission to consult with stakeholders (corresponding to Richardson, 2005, p248-9); To gather information, support and legitimacy as well as to cultivate routinised relationships with key stakeholders in order to secure long-term external support for the institution.

According to a resource dependence perspective, organizations are not self-sufficient (Aldrich and Pfeffer, 1976). They require resources from the environment, and therefore have to interact with those organizations or groups in the environment that control the resources they need (Pfeffer and Salancik, 1978). Bouwen (2002, 2004) and Greenwood (2011) among others have argued that the Commission, as an underfunded, understaffed organisation (Mclauhlin et al., 1993) with a technocratic mandate to fulfil, has a particular need for issue-specific information and expertise (Haas, 1992; Lohmann, 1998; Warntjen and Wonka, 2004). According to this perspective, the Commission thus consults with stakeholders to gain access to their privileged information. However, relying on information from stakeholders is problematic as they have incentives to misrepresent their

information to support their preferred policies. A major theoretical contribution of this thesis is to provide a formal theory of when the information provided by stakeholders is credible and helps the European Commission evaluate the consequences of different policy options.

Some have portrayed the European Commission as an agent of the Member States, attempting to find Pareto-efficient solutions to intergovernmental problems (Moravcsik, 1998). Others have emphasised that the Commission is a bureaucracy attempting to maximise its jurisdiction and influence and that every successful legislative proposal leads to deeper integration and more power to the Commission that will be tasked with implementing policy (Rometsch and Wessels in Spence and Edwards, 2006). Both of these descriptions emphasise that the European Commission is primarily interested in drafting legislative proposals that will pass through the Council of Ministers and European Parliament. Either because such legislation that passes satisfies the preferences of the Member States, or because each passed piece of legislation tends to increase the jurisdiction of the Commission. If passing legislation is the Commission's main goal, its main motivation for consulting with stakeholders, some with claims to directly represent the Member States, would be to secure political support at later stages in the legislative process.

The Commission might also be motivated by legitimacy concerns. The Commission itself has argued that having stakeholder consultations at all, inviting the governed into the process of governing, yields legitimacy to the process (European Commission, 2002). The Commission might also strive for fairness of representation in the conduct of the consultations, prioritising categories of stakeholders that are under-represented, such as diffuse interests and stakeholders from the new Member States, or have a difficult time otherwise making themselves heard in Brussels.

Finally, the Commission might consult with stakeholders, giving them access, some control over the agenda and potentially realizing their preferences, for reasons that are not directly related to the legislative proposal at hand. Studies of the macro-characteristics of lobbying systems have emphasised that some strong and enduring relationships sometimes develop between some stakeholders and public institutions in what is called (neo-) corporatist systems and elite pluralist systems (Coen, 2007; Eising, 2007). In the literature on policy networks, there is also a focus on enduring relationships between public and private actors (see for example Stokman and Zeggelink, 1996). These long-term relationships could aid the Commission secure support on future legislative issues, smooth implementation or to make stakeholders into better informational sources by creating a shadow of the future and reputational concerns (Sobel, 1985). The Commission might therefore be motivated by a more long-term perspective when it chooses to give stakeholders access and influence.

To summarise, the thesis thus explores whether stakeholders are given privileged access, control over the agenda or attain their preferences because they provide the Commission with information and expertise or because the Commission wishes to increase support and reduce opposition at later legislative stages, to increase the legitimacy of the policy process or to build long-term relationships.

1.2. Empirical and methodological contributions of thesis

Unfortunately the EU lobbying literature has lacked systematic data, hindering the development of the field (Beyers et al., 2008b). This thesis present a large and unique new dataset covering 9 stakeholder consultations and the 714 stakeholders that participated in them, whether and when they had privileged access and whether they want to expand or

contract the consultation agenda. It also includes over 8000 policy demands or recommendations from these stakeholders and whether those demands were successful in terms of being adopted by the European Commission in its policy proposals. Furthermore, the dataset includes issue-specific measures of the expertise that individual stakeholders had on individual topics, established using expert interviews will well-placed participants in the consultations, as well as other important independent variables.

This thesis tracks stakeholders throughout the different phases of the consultation, examining which stakeholders and strategies that are successful before, during and after the open consultations. This also allows investigations into how lobbying successes build on each other, for example answering if gaining privileged access leads to preference attainment. This form of process tracing is novel and needed in the EU lobbying literature as it yields a more complete picture of stakeholder influence.

The set of stakeholders that participate in the consultations is very diverse, more diverse than most definitions of organised interests and more diverse than the categories of stakeholders that feature in EU studies to date. It includes firms of all sizes, industry organisations, NGOs representing environmental, consumer and other interests, universities and other research bodies as well as a small number of trade unions. It also includes a broad range of public institutions from local and regional administrations, ministries and governments to international organisations. The majority of participating stakeholders are based in the European Union but a remarkable portion are based in the European Economic Area, the United States or Japan or are fundamentally transnational. By covering all these categories of stakeholders, the thesis yields a more complete picture of stakeholders and their influence in Europe.

Additionally, the thesis presents a way of statistically taking into account one of the most difficult and pervasive problems in the study of lobbying and influence generally;

differentiating between success due to effort and success due to luck. In short, if a stakeholder's policy demand was successful, it might be because other stakeholders made the same demand, or because no stakeholder demanded anything contradictory, leaving the demand without opposition. Statistically, these problems can be thought of as positive and negative intra-cluster correlation, the success of one stakeholder is correlated with the success and failure of others. These issues are resolved by a form of aggregation of the demands and by employing Prentice's extended beta-binomial model (1986) which is uniquely suited for the task. These methodological solutions can travel to many other similar applications in political science, of which there are many, where outcomes are a matter of competition between different actors.

1.3. Summary of results

Privileged access for stakeholders to decision-makers in the Commission appears to be subject to different dynamics before and after the open consultations. Before the open consultation, privileged access appears to be mostly a reward to Brussels insiders, indicating that the Commission is attempting to build long-term relationships. Early privileged access is also given to stakeholders that are likely to have influence over the Council of Ministers and Parliament. In contrast, after the open consultations the Commission appears to grant privileged access to stakeholders more in order to draw on their issue-specific expertise and information. Additionally, this late privileged access appears to be a way to secure the support of those stakeholders that have shown that they find the legislative proposal at hand most salient, potentially to gather information about the potential for side-payments.

Stakeholders with influence at later legislative stages appear to be in control of the

consultation agenda, indicating that the broad structure of legislative proposals are meant to secure majorities in the Council and Parliament. Stakeholders that have privileged access before and during the time when the agenda is set tend to challenge the agenda to a larger degree than other stakeholders. This enforces the conclusion that early privileged access is a reward to stakeholders where they receive information about the European Commission's thinking, allowing them to challenge the agenda. Stakeholders that find the proposal very salient are also those that are most likely to challenge the agenda.

The results regarding which policy demands and recommendations from stakeholders that are influential indicate that the Commission is interested in the issue-specific information that stakeholders provide. However, the European Commission is a sophisticated decision-maker which is aware of and mitigates the incentives that stakeholders have to strategically misrepresent their information; only demands and recommendations that have informational value are more likely to be successful. Demands from Brussels insiders are also more likely to be successful, indicating the Commission also attempts to build long-term relationships with these stakeholders. Demands from stakeholders that have influence with the Council and Parliament are also more likely to be successful, indicating that the Commission is attempting to maximise support for its proposal in the coming legislative stages. Finally, policy demands that concern items that are not on the consultation agenda are more likely to be successful. Since those demands are predominantly made by stakeholders that find the proposal most salient, it indicates that the Commission is attempting to secure the support of those stakeholders by agreeing to peripheral demands.

In short, the results indicate that the Commission is attempting to fulfil several goals when consulting with stakeholders and that these different goals lend opportunities for different stakeholders and strategies to be influential at different stages.

2. Theories of stakeholder lobbying success

This thesis investigates three separate types of stakeholder lobbying success and influence; gaining privileged access to decision-makers in the European Commission, setting the agenda for the stakeholder consultations and the success of policy demands and recommendations. Since these are all instances of lobbying success, they are also likely to be explainable by the same theories.

The European Commission has wide discretion when consulting with stakeholders. As such, it has the final say in whether stakeholders achieve many of their lobbying goals. For example, the Commission can independently and without oversight grant access to or for that matter exclude any stakeholder from its policy discussion fora (with exception for comitology which is not considered here). Similarly, the European Commission sets the consultation agenda, with no other actors having any formal power to override or change it. Moreover, although the Council of Ministers or Parliament may direct the Commission to put forward a legislative proposal in a particular policy area, they have no formal say in the contents of those proposals. The Commission is in other words free to accommodate any demands or follow any recommendation from stakeholders as they apply to the contents of the legislative proposals. The answers to why, when and how stakeholders are influential must therefore be sought in the motivations of the Commission to consult with stakeholders. In other words, these are essentially questions about the nature and goals of the Commission as an institution. Drawing on previous literature, this thesis identifies four

competing motivations for the the Commission to consult with stakeholders (corresponding to Richardson, 2005, p248-9), that are also likely to determine the stakeholders that are influential. In short, the European Commission may consult with stakeholders because they provide the Commission with information and expertise or because the Commission wishes to increase support and reduce opposition at later legislative stages, to increase the legitimacy of the policy process or to build long-term relationships.

2.1. Information provision

Studies of lobbyism and interest group influence in the EU that highlight the Commission's goal of gathering information have emphasised the importance of resource dependence to understanding interactions between the EC and stakeholders (Bouwen, 2004; Greenwood, 2007) and the foundation of those stakeholders' influence. According to the resource dependence perspective, organizations are not self-sufficient (Aldrich and Pfeffer, 1976). They require resources from the environment, and therefore have to interact with those organizations or groups in the environment that control the resources they need (Pfeffer and Salancik, 1978). The European Commission is an unelected body and as such not dependent on resources for re-election, for example campaign finances or endorsements. However, although having wide-ranging responsibilities and jurisdictions, the Commission only has the bureaucratic resources, staff and funding, of a larger city administration (Mclauhlin et al., 1993; Pedler and Schaefer, 1996). This often leaves the Commission, in the initial stages of policy developments process, not well informed about the implications of different policy alternatives. It also leaves it unlikely to be able to gather all policy-relevant information, given the diversity of the legal systems and preconditions in the Member States, to make choices between policy alternatives using only in-house resources

(Mclauhlin et al., 1993). The need to acquire information from external sources can either be attributed to the public actors' incapability to produce such information or to the lower costs of acquiring the information externally (Pappi and Henning, 1998, p.565). Information and expertise, defined as an ability to predict the consequences of policy choices based on available information, have therefore been identified as the main resources that the Commission needs to fulfil its technocratic role (Haas, 1992; Lohmann, 1998; Warntjen and Wonka, 2004; Richardson, 2006). According to this perspective, the Commission thus consults with stakeholders to gain access to their private information and expertise. Stakeholders that possess these resources can therefore leverage them to gain influence over the Commission (Bouwen, 2002, 2004). To test this proposition, I present the following hypothesis.

H1a: *Stakeholders that have expertise are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

2.1.1. Reliable information

In contrast to the European literature to date on the importance of expertise, stakeholders are not unproblematic as information sources. Prominently, they have incentives to strategically misrepresent their private information, i.e. present biased information, in order to convince the Commission of the desirability of their preferred policy alternative (Potters and van Winden, 1992; Austen-Smith, 1993, 1998; Austen-Smith and Wright, 1996; Austen-Smith and Banks, 2000; Krishna and Morgan, 2001a, 2001b; Dür and Swank, 2005; Lopipero et al., 2007; Dahm and Porteiro, 2008a, 2008b). "This need not imply outright lie or dishonest manipulation, although these cannot be excluded with certainty"

(Appels, 1986). Once a stakeholder has decided which policy it prefers it similarly has incentives to only present the arguments that support that policy, withholding other salient information. Additionally, in the case where the Commission has a limited ability to determine which stakeholders that are misrepresenting or withholding information but has reason to believe that at least a proportion of stakeholders do so, all information from all stakeholders come into question (similarly to Akerlof, 1970). The Commission therefore has good reason to be at least sceptical about the information it receives in this way (Milgrom and Roberts, 1986). Indeed, researchers studying other polities have highlighted that decision-makers are quite aware of the strategic incentives interest groups have in presenting (or withholding) their information in a 'favourable' way (Zeigler and Baer, 1969; Schlozman and Tierney, 1986). In spite of the problems associated with relying on interested parties, the theoretical literature also emphasises that there are conditions under which inputs from stakeholders can still have informational value, meaning that they can help the Commission evaluate the outcomes of policy choices (discussed further below).

Despite the above findings, the literature discussing the European Commission's dependence on stakeholders has so far implicitly assumed a naïvety on the part of the Commission. The EC has been portrayed as caring only about the expertise of stakeholders while ignoring the potential for strategic misrepresentation of information. Building on the theoretical literature on the problems associated with relying on the information of interested parties described above, this section instead theorises that the European Commission is a sophisticated decision-maker which consults with stakeholders to *learn more about the outcomes of different policy choices.* If this description is correct the Commission should (i) create the conditions under which stakeholder demands and recommendations have informational value and (ii) value stakeholder inputs so that those stakeholders whose inputs have higher informational value are more successful.

Stakeholder inputs with informational value are, following Calvert (1985), here defined as inputs that have the potential to change the Commission's evaluation of the utility it will derive from the realisation of different policy alternatives. In other words, stakeholder inputs with informational value are such inputs that help the Commission predict the consequences of the available policy options. The following sections presents a formal model of when input from stakeholders have informational value, with the purpose of presenting clear observable implications to test propositions (i) and (ii).

Information transfer from stakeholders to the Commission is essentially a process of learning, where the stakeholders have the opportunity of influencing the policy choices of Commission officials by sharing private information. Models of Bayesian updating are uniquely suited to capture such learning, as Bayes' rule is the optimum way of taking new information into account. The quantity being updated is the Commission's evaluation of the utility it will derive from different policy alternatives, indexed i, described here as $0<u_i<1$. This variable is the Commission's estimation of the true utility, U_i, that it would experience if policy alternative i was realised. U_i. can take the values 1 (good) or 0 (not good) while u_i is the probability that $U_i=1$.

Following the 2001 White Paper on Governance which established minimum consultation standards, the consultation process now starts with the Commission publishing a White or Green Paper (or other similar document) indicating its intention to draft a legislative proposal in a policy area and asking for recommendations from stakeholders. Once the Commission has issued such a Paper, it is very likely that a proposal will actually be drafted. This means that stakeholders can only reasonably hope to influence the content of that proposal, not end the drafting process itself. This distinguishes this lobbying process from that of the United States Congress where the objective of lobbying is often to completely stop a legislative proposal (Mahoney, 2008). Based on

private information stakeholders thus make recommendations (or demands) to the Commission of which policy alternatives they find good. Recommendations from stakeholders are termed X_{ij}, where index j indicates the stakeholder and index i indicates the policy alternative, and carry some information about U_i, i.e. $X_{ij} = f(U_i)$. In other words, stakeholders are more likely to recommend policies that will yield a higher utility for the European Commission (please see below for further justification). These recommendations are assumed to be binary $\{X_{ij}: 0, 1\}$, either a policy alternative in question is recommended ($X_{ij}=1$) or not ($X_{ij}=0$). For simplicity and without loss of generality, the model presented below only features two policy alternatives.

The binary recommendations described above can be seen as a fairly "thin" form of information transfer, as opposed to transferring scientific data, the results of research or persuasive moral or legal arguments. The reason to model the information transfer in a "thin" way is that once a stakeholder has decided on which policy alternative to recommend it has incentives to only present such arguments that support that recommendations. Because the Commission cannot be sure whether stakeholders have omitted or misrepresented the information which accompanies the recommendation, this information is as argued above not plausible in itself.

The task for the decision-maker is to use the information embodied by the stakeholder recommendations, X_{ij}, to update its prior beliefs about the utility of policy alternative i, u_i. A rational decision-maker will act as though using Bayes' rule, which takes the form;

$$f_i(u_i|X_i)=\frac{f_i(u_i)\prod^{j} P(X_{ij}=x_{ij}|U_i=u_i)}{\int_0^1 f_i(t)\prod^{j} P(X_{ij}=x_{ij}|U_i=t)\,dt} \quad .$$

(Eq. 1)

The prior distribution $f_i(u_i)$ is only constrained by the limits $0<u_i<1$ and $\int_0^1 f_i(u_i)=1$ and

can thus take many forms. Similarly, the posterior distribution is also only constrained by these simple limits (in fact the lower line of eq. 1 indicates the normalization of $f_i(u_i \mid X_{ij})$ to these norms). The posterior distribution $f_i(u_i \mid X_i)$ is thus dependent on the prior distribution, $f_i(u_i)$, and the probability of the given recommendations, $P(X_{ij} = x_{ij} \mid U_i = u_i)$.

The central aspect of stakeholder demands and recommendations, from the point of view of the Commission, is thus the probability of a positive recommendation given the utility a policy alternative will yield. In his seminal model, Calvert (1985) argued that the probability of a recommendation does not increase linearly with the utility of a policy, because of bias. The type of bias he described makes stakeholders more likely to recommend certain policies rather than others, despite the available evidence, because of for example the ideology or self interest of the stakeholder. Members of a stakeholder can also demand the stakeholder to recommend a certain policy, even if its expertise and information would otherwise support an alternative policy, because stakeholders have to keep the support of their constituency following the "logic of membership" (Schmitter and Streeck, 1999; Warntjen and Wonka, 2004; Streeck and Kenworthy in Janoski, 2005). More generally, bias can be thought of as arising from differences between the goals of stakeholders and the goals of the European Commission. It is also known that it is rational for organisations such as interest groups to collect the most information about the policies they initially favour (Dür and Swank, 2005; Patty, 2009), increasing the probability that an initially favoured policy is recommended. Furthermore, in the expert interviews conducted for this study (for more detail see methods section), the respondents were asked to identify cases where stakeholders had made recommendations that contradicted their underlying long-term bias. This was found to be a very rare event (10 recommendations out of over 8400) and bias of the type envisioned by Calvert (1985) is in other words endemic to the lobbying process.

The following model is one way (following Calvert, 1985) in which bias can be taken into account in a Bayesian context. Recommendations from stakeholders are here assumed to relate to the true utility of the Commission, U_i, such that;

$$X_{ij} = 1\,(\text{good}) \text{ with probability } U_i^{\alpha_{ij}^{\gamma_{ij}}},$$

(Eq. 2)

$$X_{ij} = 0\,(\text{not good}) \text{ with probability } 1-\left(1-U_i\right)^{\alpha_{ij}^{\gamma_{ij}}},$$

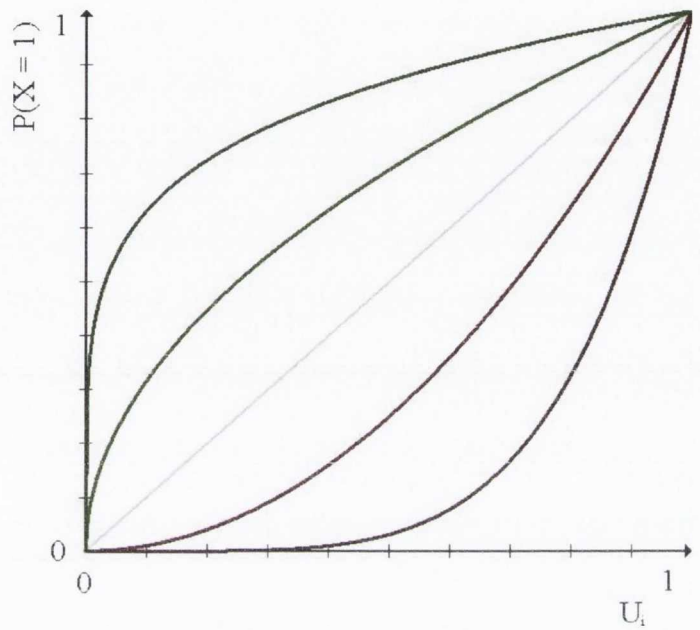
(Eq. 3)

where the index *j* indicates the recommending stakeholder, index *i* the policy alternative and γ_{ij} and α_{ij} indicates the bias on the part of the stakeholder such that γ_{ij} {-1, 1} indicates the direction of the bias (1: against the policy alternative, -1: in favour of the policy alternative) and $1<\alpha_{ij}<\infty$ indicates the size of the bias (increases in α_{ij} have little effect at values of α_{ij} over 20). Aside from their mutual dependence on the true values of U_i, the recommendations are assumed to be independent of each other, although this assumption will be discussed later. The type of bias encompassed in α_{ij} is non-trivial in the sense that it cannot easily be descrambled by the receiver (Calvert, 1985).

- If $\alpha_{ij} = 1$, the information source is unbiased and its recommendation is most likely $X_{ij} = 1$ ("good") if $U_i > ½$.
- If $\gamma_{ij} = 1$ and $\alpha_{ij} > 1$ then the stakeholder biased against the policy alternative and is therefore less likely than the unbiased stakeholder to report $X_{ij} = 1$ ("good") even if $U_i > ½$.
- If $\gamma_{ij} = -1$ and $\alpha_{ij} > 1$ then the stakeholder is biased in favour of the policy alternative and is therefore more likely than the unbiased stakeholder to report $X_{ij} = 1$ ("good") even if $U_i < ½$ (values of $\alpha_{ij} < 1$ are not accepted since that makes several functions behave less than well).

These features of γ_{ij} and α_{ij} are illustrated in figure 2.1.

Figure 2.1: The effect of bias on the probability of recommendations



The probability of positive policy recommendations from five different stakeholders. The grey line represents an unbiased stakeholder, with the probability of a recommendations rising linearly as the utility of the policy alternative, U_i, rises. The two red lines represents two stakeholders that are biased against the policy alternative, remaining unlikely to give a positive recommendation even when U_i is high. The green lines represents stakeholders that are biased in favour of the policy alternative, very likely to recommend it even when U_i is low.

Bias, conceptualised in this way, has a strong effect on the probability of recommendations, which in turn affects their informational value. A recommendation which confirms a bias has very little informational value, as the policy alternative could be very bad for the Commission but still be recommended. As noted by Maloney et al.; "If [a recommendation] goes against a departmental policy that has been reasonably well articulated, there is a strong chance that the contribution could be marginalised as being 'predictable self-interest'" (Maloney et al., 1994, p.27). Notice that for all allowed values of α_{ij}, if $U_i = 1$ then X_{ij} will certainly be 1; if $U_i = 0$ then X_{ij} will certainly be 0, indicating basic intellectual honesty as well as perfect information. However, a source with a large bias towards a particular policy will almost certainly recommend that policy even if U_i is

small (but not zero).

The analysis so far assumes that bias is a known vector (of size α and direction γ). This is an ideal condition which may not be suited to the context of EU lobbying, where some stakeholders have a continuous presence through their offices in Brussels and communicate with the European Commission on a frequent basis, whilst other stakeholders might only lobby once on a single piece of legislation. Indeed the stated specific purpose to be found on the web pages of the Brussels offices of many, varied organisations is to communicate often and effectively with the European institutions. The Commission thus has different levels of knowledge about the biases of stakeholders, depending on the frequency of their interactions. Mathematically this uncertainty for stakeholders that do not have Brussels offices can be captured by allowing γ_{ij} to be random variable with two possible outcomes {1, -1}, introducing uncertainty on the part of the Commission about the direction of the underlying bias of the stakeholder.

It was argued above that the private information underlying a recommendation could not be observed by the Commission, only the final recommendation. If any information accompanied the recommendation, it would for strategic reasons only be the information which supported the recommendation. In essence, this assumption and this reality of lobbying is what allows bias to play a prominent role in the process. There are, however, circumstances in which this assumption is less tenable. In particular, previous research has highlighted the role of information checking and verification by the decision-maker (AustenSmith and Wright, 1996; Baumgartner and Leech, 1996; Sloof, 1997; Austen-Smith, 1998; Austen-Smith and Banks, 2000; Krishna and Morgan, 2001b; Broscheid and Coen, 2003; Li, 2007; Dahm and Porteiro, 2008b) as well as institutional features such as cross-examination of recommendations by other interested parties (Frisell and Lagerlof, 2007) as opportunities for richer informational transfer. In the context of the

EC stakeholder consultations, these circumstances are best encapsulated by the privileged fora where policies under development are discussed between the Commission and certain invited stakeholders. As opposed to the open consultations, the format of these privileged discussions allows both the Commission and other stakeholders to question and follow up the claims made by stakeholders. It is reasonable to assume that not every claim, demand or recommendation will be questioned by the other participants. Even when a claim is questioned, time and other constraints will mean a full transfer of relevant private information is not possible. However, the discussions do allow the Commission to question a sample of the claims made by stakeholders and sanction stakeholders that are found to withhold private information or give biased recommendations, or incentivise those who do not. Sanctions could take the form of reduced access in the future and incentives could be inside information about future policy developments. Theoretical studies have emphasised that sanctions or incentives have the potential to reduce bias, as they alter the long-term strategic considerations of stakeholders (Frisell and Lagerlof, 2007). In other words, privileged access to exclusive policy discussion fora in some sense neutralises bias.

Equations 2 and 3 implicitly assumes that all stakeholders have perfect information, this assumption is quite clearly flawed; different stakeholders will have different amounts of expertise on different issues. In line with research in such disparate fields as management studies, computer science and biology (Ericsson, 2005), expertise must be understood in relation to a specific task. The task at hand for stakeholders in the EC consultations is here defined to be to correctly assess the consequences of different policy options (corresponding to the concerns of political decision-makers, see Austen-Smith, 1993) (also see the general methods chapter for a longer discussion). Stakeholders without expertise will be more prone to predictive errors. In particular, they will make both type I (false positive) and type II (false negative) inferential errors, i.e. both mistakenly (given

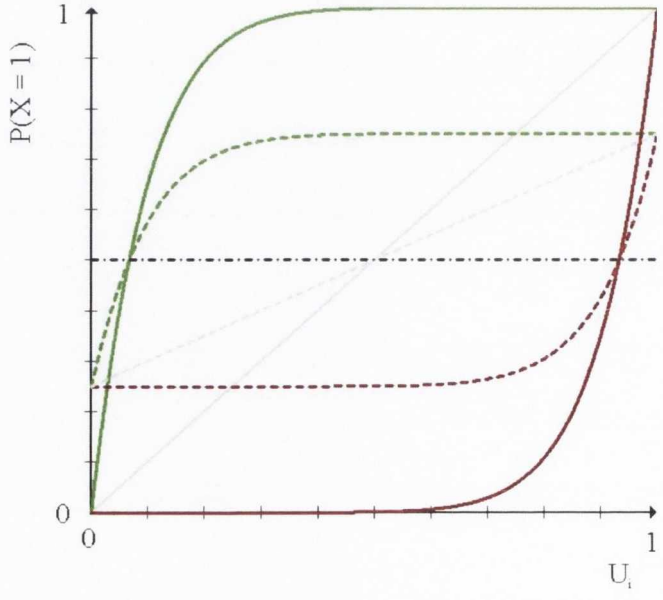
bias) recommending a bad policy alternative (type I error) and mistakenly not recommending a good policy alternative (type II error). Stakeholders with perfect expertise will perfectly foresee the consequences of policy choices (on a particular issue). Expertise envisioned in this way can be captured by defining the probability of recommendations as a Bernoulli trial such that;

$$X_{ij} = 1\,(good)\,with\ probability\ \ \varphi_j u_i^{\alpha_{ij}^{\gamma_j}} + (1-\varphi_j)(1-u_i^{\alpha_{ij}^{\gamma_j}}) \quad ,$$

(Eq. 4)

where $\varphi \in [0.5, 1]$ stands for expertise, with $\varphi = 0.5$ representing a stakeholder with so little expertise as to render recommendations completely random. As expertise drops from its maximum at 1, the relationship between the recommendations X_{ij} and U_i becomes weaker. If a stakeholder has no expertise it is thus modelled as unable to predict the consequences of policy choices, making positive and negative recommendations equally probable. Most stakeholders will realistically have some, but not perfect, expertise. These features of φ are illustrated in figure 2.2.

Figure 2.2: The effect of expertise on the probability of recommendations



The probability of positive policy recommendations from seven different stakeholders. The black, dotted,

horizontal line represents a stakeholder with no expertise. The other dotted lines represent stakeholders with limited expertise. The full lines represent stakeholders with extensive expertise. The grey lines represent two unbiased stakeholders (only different in terms of the expertise they possess). The green lines represent two stakeholders that are equally biased in favour of the policy alternative. The red lines represent two stakeholders that are equally biased against the policy alternative.

An important component of informational value, which the formal model attempts to capture, is whether the information provided by stakeholders is complete. Incomplete information is important for expertise - stakeholders with incomplete information are more likely to make predictive errors - and bias - stakeholders that are biased are more likely to strategically exclude information. Furthermore, stakeholders that have privileged access to policy discussion fora are more likely to provide the complete and accurate information that they possess, because of the possibility that the Commission or other present stakeholders may double-check the information, which is why privileged access mitigates bias in the model.

As a measure of the informational value of recommendations, the change between prior and posterior beliefs about the utility U_i is appropriate. A simple comparison between prior and posterior beliefs is the change in expected utility, $E(U_i)$. For simplicity, it is assumed here that the Commission's priors are naive, meaning uniformly distributed within the unity interval. This is a reasonable assumption since these priors are unknown and it provides for simple illustrative analysis (main features of the model remain the same with other priors, although the Commission is then less prone to change its evaluation of U_i based on stakeholder recommendations, although as likely to attain their preferences as measured in chapter 6). Before any recommendations are received, the expected utility of each policy alternative is therefore;

$$E(U_i)=\int_0^1 u f_i(u)\,du=\frac{1}{2} \quad . \qquad \text{(Eq. 5)}$$

After receiving one positive recommendation, the posterior distribution is defined by;

$$f_i(u_i|X_{ij}=1)=\frac{\epsilon_{ij}\,u^{\alpha_{ij}^{\gamma_{ij}}}+(1-\epsilon_{ij})(1-u^{\alpha_{ij}^{\gamma_{ij}}})}{q} \quad ,$$

(Eq. 6)

for which integration by parts yields the expected utility;

$$E(U_i|X_{ij}1)=\frac{1}{q}\left(\frac{2\epsilon_{ij}-1}{\alpha_{ij}^{\gamma_{ij}}+1}+\frac{1-\epsilon_{ij}}{2}+\frac{2\epsilon_{ij}-1}{(\alpha_{ij}^{\gamma_{ij}}+1)(\alpha_{ij}^{\gamma_{ij}}+2)}\right) \quad .$$

(Eq. 7)

In equations 6 and 7, q is a mathematical simplification with no particular interpretation, signifying the following expression;

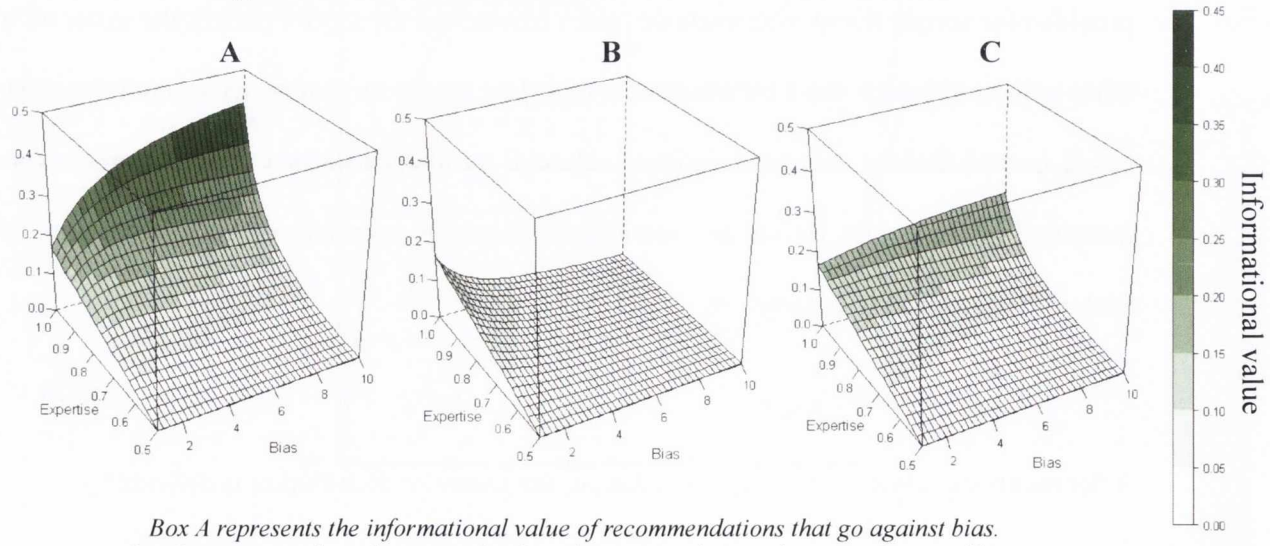
$$q=\frac{2\epsilon_{ij}-1}{(\alpha_{ij}+1)^{\gamma_{ij}}}+1-\epsilon_{ij} \quad .$$

For the situation when bias is not known, i.e. for stakeholders without Brussels offices;

$$E(U_i|X_{ij}=1)=\langle E(U_i|X_{ij}=1,\gamma_{ij}=1),E(U_i|X_{ij}=1,\gamma_{ij}=-1)\rangle \quad , \qquad \text{(Eq. 8)}$$

i.e. the arithmetic mean of eq. 7 when $\gamma_{ij} = 1$ and eq. 7 when $\gamma_{ij} = -1$. Since the Commission cannot be sure of the underlying bias it must take into account both the possibility that the recommendation ran counter or ran with the bias.

Figure 2.3: The informational value of recommendations



Box A represents the informational value of recommendations that go against bias.
Box B represents the informational value of recommendations that go in favour of bias.

Box C represents the informational value of recommendations when the direction of bias is unknown. Higher informational value is represented by a darker green colour. The informational value in all the scenarios is dependent on the expertise of the recommending stakeholder and the intensity of its bias.

As argued above, the informational value of stakeholder recommendations can be captured by $|E(u_i|x_{ij})-E(u_i)|$, i.e. the change in the Commission's expectations about the utility U_i caused by recommendation x_{ij}, as a function of expertise and the direction and size of bias, as well as whether the bias is known (illustrated in figure 2.3). In other words, recommendations with the potential to change the Commission's evaluation of the utility of a policy alternative have informational value. From figure 2.3 and analysis of equations 7 and 8, some insights about the informational value of stakeholder inputs. First of all, if a stakeholder has no expertise on which to base its recommendation, that recommendation will not have any informational value since the stakeholder is too prone to mistakes (corresponding to the front of all three boxes in figure 2.3). Furthermore, there are clearly different dynamics depending on whether the bias of a stakeholder on the issue at hand is known and whether the recommendation went contrary to that bias. If stakeholders make unexpected recommendations, going against previously held biases, the informational value of those recommendations (given some expertise) is significantly higher than that of other recommendations (illustrated by the high informational value of recommendations at the back of box A). A higher bias actually increases the informational value of recommendations when a recommendation runs counter to bias. For the large majority of cases though, where recommendations follow bias, a higher bias has the opposite effect. It reduces the informational value, often to the level where recommendations are useless from an informational perspective, even when made by stakeholders with extensive expertise (depicted in the back right corner of box B). Recommendations made by stakeholders with unknown biases occupy the middle ground between the other two scenarios (box C).

It was propositioned above that if the European Commission is a sophisticated decision-maker and if it consults with stakeholders to learn more about the outcomes of different policy choices, it should attempt to create the conditions under which stakeholder demands and recommendations have informational value (proposition i, p.20). The Commission has very little control over whether stakeholders choose to acquire issue-specific expertise (which increases informational value) or whether they choose to establish Brussels offices (which decreases informational value in most cases). But it does have control over whether stakeholders get privileged access to exclusive policy discussion fora (which increases informational value, as long as the stakeholders with access have Brussels offices). So to test whether the Commission seeks to maximise the informational value of stakeholder recommendations, I present the following hypothesis.

H1b: *Stakeholders with expertise and Brussels offices have more privileged access.*

It was also propositioned (ii, p.20) that demands and recommendations that have a higher informational value are more likely to be successful. Based on the dynamics of equations 7 and 8, as well as the discussion of how bias can be tempered or be unknown, I therefore present three hypotheses based on the types of recommendations that have informational value;

H1c: *Unexpected policy demands and recommendations, given bias, by stakeholders with expertise are more likely to be successful*[2].

H1d: *Stakeholders that have expertise and privileged access are more likely to set the agenda and make successful policy demands and recommendations*[3].

2 As illustrated by the high informational value of demands in the back of box A in figure 2.3.

3 As illustrated by the high informational value of demands in the back left corner of boxes A, B and C in

H1e: Stakeholders that have expertise but no Brussels offices are more likely to set the agenda and make successful policy demands and recommendations[4].

2.2. Support at later legislative stages

In contrast to the focus on informational value above, some authors have argued that the Commission is primarily interested in the political support that their proposals would receive at later stages in the legislative process. The Commission, in this view, seeks to anticipate the positions of the Member States as well as to a lesser extent the Parliament and positions itself accordingly (Tsebelis and Garrett, 2000). Hartlapp et al. (2010) term this effect "anticipation of the Council shadow". The motivations the EC would have for doing so differs in different accounts. Some have portrayed the institution as an agent of the Member States, attempting to find Pareto-efficient solutions to intergovernmental problems (Moravscik, 1998). As an adolescent bureaucracy (Mazey and Richardson in Rhodes and Mazey, 1995) the European Commission could be expected to continually demonstrate that its services are worthwhile to the Member States which possess the resources necessary to keep it alive (Downs, 1967). Others have emphasised that the Commission is a bureaucracy attempting to maximise its jurisdiction and influence and that every successful legislative proposal leads to deeper integration and more power to the Commission that will be tasked with implementing policy (Rometsch and Wessels in Spence and Edwards, 2006). The common denominator of these accounts is that the EC is most concerned with the probability that legislation will pass, rather than the content or quality of legislation. Some stakeholders are more central than others to the passage of legislation. In particular, some stakeholders are Member State bodies that can make claims

figure 2.3.

4 As illustrated by the high informational value of recommendations in the back of box C in figure 2.3.

to directly represent their states and influence voting behaviour in the Council, although there may also be additional administrative bodies that contribute to domestic decision-making. To test whether the European Commission consults with stakeholder to increase support and reduce opposition at later legislative stages, I present the following hypothesis.

H2a: *Stakeholders that are Member State bodies are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

However, other stakeholders that are able to, i.e. have the resources to, exert pressure on the Member States are also important to the passage of legislation, especially since the preferences of the Member States are not fixed at this early stage of the policy process. The stakeholders that possess such resources are by many accounts Big Business, as they can threaten to relocate investment and employment across borders to gain influence (Frieden and Rogowski in Keohane and Milner, 1996; also see Bernhagen and Brauninger, 2005). More broadly business has a privileged position in national political systems (Lindblom, 1977). Furthermore, Chari and Kritzinger (2006), have argued that the interests of states in general and the European project in particular is intrinsically tied to the interests of capital. In a sense, Big Business and the European institutions are bound together by the need to succeed in global markets and international competition. To test whether this description holds true I present the following hypothesis:

H2b: *Stakeholders that represent Big Business are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

Furthermore, if the Commission is interested in avoiding opposition at later stages in the

legislative process, it can be expected to be even more interested in gauging the probable preferences of larger Member States, with more votes in the Council and Parliamentarians. To test this proposition I present the following hypothesis.

H2c: *Stakeholders from larger Member States are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

According to the informational lobbying logic outlined in the previous section, stakeholders use their resources to provide institutions with information, in essence to convince rather than incentivise. But other accounts of lobbying emphasise how stakeholders instead use their resources to apply different types of pressure to incentivise decision-makers to take a particular action (for example Sloof and van Winden, 2000; Grant, 2001; Ward, 2004). These types of pressures include "outside strategies" designed to engage the public such as protest marches, media and letter campaigns and civil obedience as well as more purely economic actions such as strikes, company relocation and campaign contributions, or a threat or promise of the above. The European Commission is an unelected body and is often described as insulated from these types of pressure. But the Member States and the European Parliament Members are not and stakeholders that are able to pressure the Council or Parliament are more likely to have influence over the Commission the more the Commission is focused on passing legislation. There are many different resources that a stakeholder can use to apply pressure, for example financial resources, large membership numbers, governmental connections in the Member States, efficient internal organisation, etc. It is not immediately clear what mix of these resources that are most crucial and there has been significant problems in the literature in disentangling this question. But the common denominator between these

pressure strategies is that they are costly. In contrast, informational lobbying relies on providing plausible information based on expertise, not on displaying a willingness to pay a price to achieve the preferred policy. For example, an academic body might provide plausible information about the feasibility of a certain regulation without having a strong vested interest in the outcome. Conversely, a firm might not have a large amount of technical expertise about a particular regulation, but might be willing to threaten relocation to discourage certain regulations. Because of the cost of pressure strategies, stakeholders can be assumed to only take these actions when they find the issues at stake very salient. Salience thus plays a much more direct role in pressure politics than it does in for example information-centred accounts of lobbying. Thus, if decision-makers in the Commission respond more readily to those stakeholders that find a proposal most salient, this indicates a concern about the pressure that stakeholders are able to apply to the Council and Parliament. From this perspective, I present the hypothesis below.

H2d: *Stakeholders that assign more salience to a proposal are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

2.3. Gaining legitimacy

The existence of the European Commission's stakeholder consultations have become a central component in the institution's claim to legitimacy (Scharpf, 1999). The question remain, however, whether the Commission also attempts to maximise the legitimacy it derives from the consultations by living up to democratic ideals in how it consults with stakeholders. Most democratic ideals, including the pluralistic (Dahl, 2005) and

deliberative (Habermas, 1975) ideals that speak specifically to the role of organised interests in democracies, emphasise that it is important that the full range of interests are heard. In the European context, geographical representation is especially important since stakeholders in different Member States face different regulations and challenges, leading different policy problems to be salient and different solutions to be viable. One especially important aspect of geographical representativeness in the EU is the participation of stakeholders from the newer Member States. The historical differences between the older, western, Member States and the new, former communist Member States in terms of societal organisation are of course both well known and a major topic of academic research, but not the central focus here. In terms however of participation in the production of common, European legislation, stakeholders from the new Member States have for these historical reasons faced several difficulties and barriers (for an overview see Greenspan Bell, 2004). Some of these are captured by the resource perspective above; stakeholders from the new poorer societies tend to be less well funded, less able to acquire technical expertise and so on. Other barriers are what one might call cultural; adapting to the regulatory environment, the bureaucratic style of the EU as well as the European jargon and perspectives takes time, effort and opportunities. In many ways, the European Commission has been attempting to speed up the full political integration of the eastern societies, by for example funding stakeholders and setting organizational requirements. If the Commission seeks to derive legitimacy for the policy development process by guaranteeing that all interests are heard, it should be expected to make sure that stakeholders from the new and old Member States are equally influential.

H3: *Stakeholders from the new and old Member States are as likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

2.4. Building long-term relationships

The Commission might also consult with stakeholders, giving them access, some control over the agenda and potentially realizing their preferences, for reasons that are not directly related to the legislative proposal at hand. Studies of the macro-characteristics of lobbying systems have emphasised that some strong and enduring relationships sometimes develop between some stakeholders and public institutions in what is called (neo-) corporatist as opposed to pluralist systems (Maloney, 1994). Similar observations led Truman (1981) to conclude that "some groups achieve highly effective access almost automatically" (p.321). In the literature on policy networks, there is also a focus on enduring relationships between public and private actors (see for example Stokman and Zeggelink, 1996). It is fair to say that the EU is not a corporatist system, where privileged access is formalised and highly stable and co-option of stakeholders is common, but there are elements of enduring networks. The EU is often classified as an elite-pluralist system, a category straddling the free and chaotic struggle for access in pluralist systems and the stability of access in corporatist systems, with some systematic and enduring privileged access for a select group of stakeholders (Eising, 2007; Coen, 2007). In a mixed system such as this, the enduring nature of access does not arise from formal procedures, but probably rather from the enduring relationships between Commission officials and stakeholders that arise from very frequent past interactions. That type of history with the European institutions can be presumed most common with those stakeholders that are based in Brussels. Brussels offices are indeed created specifically to have frequent contacts with the European institutions, not only to influence but also to gather information about potential legislative events, about the preferences of other stakeholders and officials and so on. No research has been conducted as to the direct effect of investing in a Brussels office, but Berry (2000) found an important positive effect to stakeholders in investing in a Washington presence.

The micro-foundations of the theories emphasizing enduring relationships, in terms of what it is about the relationships that yield influence, are often not explicitly pinned down and there does not seem to be a consensus between these literatures. However, the common denominator is the insight that some stakeholders are seen as trusted partners rather than useful information sources that have to be monitored and evaluated or as actors to be bargained with (Hosli, Nölke and Beyers in Warntjen and Wonka, 2004, p). As Maloney et al. argue; "A variety of reasons can be advanced to explain why there is a strong tendency for civil servants to seek to involve groups in policy making. These include: [...] segmentation and conflict within the bureaucracy and the role of articulation of the interest of external clients; [...] the devolution of policy making from politicians to civil servants - with the expectation that the civil servants can resolve the issue without political controversy; and [...] this in turn leads to a system based on the exchange of information, trust and mutual support" (Maloney et al., 1994, p. 20). This trust can arise even in a cheap talk situation when there is repeated past interaction, a shadow of the future and reputational concerns (Sobel, 1985). A central component of the creation of a shadow of the future is the provision of incentives to stakeholders, such as privileged access and influence over agendas and policy, which can be taken away by the Commission if stakeholders abuse the trust. To test whether stakeholder influence is driven by the Commission's attempts to build long-term relationships with Brussels insiders, I present the following hypothesis.

H4: *Stakeholders with Brussels offices are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*

2.5. Cumulative success

It is possible that success breeds success in lobbying and that influence early on in the consultation process translates into influence also at later stages. To test whether this is the case, I also present hypotheses on whether privileged access or successful agenda-setting also affects agenda-setting (in the case of access) and preference attainment. Several authors writing about EU interest groups go so far as to say that privileged access is necessary to have any influence over policy (Bouwen, 2002, Eising, 2007), using access as a proxy for influence (Bouwen, 2004). Other scholars have argued that having privileged access is a fundamental feature of being an "insider" (Grant, 1978), which as argued above has become an important concept in the EU literature. I therefore present the following hypothesis.

H5: *Stakeholders with privileged access are more likely to be satisfied with the agenda and to make successful policy demands and recommendations.*

As will be discussed further in chapter 5, little is known about the consultation agendas and their effects. I therefore present the following exploratory hypotheses.

H6: *Stakeholders are as likely to make successful demands on policy issues that are on the agenda as on issues not on the agenda.*

H7: *Stakeholders that challenge the agenda are as likely to make successful policy demands and recommendations as other stakeholders.*

In addition to the hypotheses presented here, chapter 4 also presents some exploratory

hypotheses regarding the importance and role of the open consultations, comparing the determinants of privileged access before and after the open consultations.

2.6. Summary

The answers to why, when and how stakeholders are influential must be sought in the motivations of the European Commission to consult with stakeholders. Following this insight, the chapter identified four potential reasons as to why the EC consults with stakeholders, giving those stakeholders influence. The European Commission may consult with stakeholders (i) because they provide information and expertise, (ii) because the Commission wishes to build long-term relationships, (iii) because the Commission wishes to increase support and reduce opposition at later legislative stages or (iv) to increase the legitimacy of the policy process. In addition, stakeholder influence might be cumulative in the sense that success breeds success. So that privileged access leads to agenda-setting power and these two lobbying successes lead to policy demands and recommendations being more likely to be adopted by the Commission.

A major, novel, theoretical contribution of the chapter and thesis is the formal model presented in section 2.1.1 which illustrates the conditions under which the inputs from stakeholders have informational value.

All the hypotheses presented in the chapter are listed in table 2.1. Some of these hypotheses apply only to a subset of the following chapters, for example hypotheses 1b concerns only which stakeholders that are likely to have privileged access. For this reason, chapters 4, 5 and 6 all feature versions of table 2.1 that list the hypotheses that are relevant to the respective chapters.

Table 2.1: Hypotheses

Provision of information
H1a: *Stakeholders that have expertise are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
H1b: *Stakeholders that have expertise and Brussels offices are more likely to have privileged access.*
H1c: *Unexpected policy demands and recommendations, given bias, by stakeholders with expertise are more likely to be successful.*
H1d: *Stakeholders that have expertise and privileged access are more likely to set the agenda and make successful policy demands and recommendations.*
H1e: *Stakeholders that have expertise but no Brussels offices are more likely to set the agenda and make successful policy demands and recommendations.*
Support at later legislative stages
H2a: *Stakeholders that are Member State bodies are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
H2b: *Stakeholders that represent Big Business are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
H2c: *Stakeholders from larger Member States are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
H2d: *Stakeholders that assign more salience to a proposal are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
Gaining legitimacy
H3: *Stakeholders from the new and old Member States are as likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
Building long-term relationships
H4: *Stakeholders with Brussels offices are more likely to have privileged access, set the agenda and make successful policy demands and recommendations.*
Cumulative success
H5: *Stakeholders with privileged access are more likely to be satisfied with the agenda and to make successful policy demands and recommendations.*
H6: *Stakeholders are as likely to make successful demands on policy problems that are on the agenda as on problems not on the agenda.*
H7: *Stakeholders that challenge the consultation agenda are as likely to make successful policy recommendations as other stakeholders.*

3. General methods

This chapter presents the empirical and methodological components that the substantive chapters of the thesis have in common. In particular, it presents the foundations of the dataset developed for the thesis. The dataset tracks 693 stakeholders throughout the consultative process and allows testing of when and why stakeholders (1) have privileged access, (2) are satisfied with the consultation agenda set by the Commission and (3) their policy recommendations are successful in terms of being adopted by the European Commission in its policy proposals. These are the dependent variables of chapter 4, 5 and 6, respectively, and they are discussed and defined there. This chapter instead discusses case selection, the identification of stakeholders, their basic characteristics and their demands and recommendations as well as the measurements of some key independent variables, namely the expertise of stakeholders and the saliency they attach to policies. The chapter also includes an overview section of how the methodologies of the different chapters differ, more details are available in the respective chapters.

3.1. Case selection

This thesis is based on observations from 9 consultations conducted by the European Commission within the environmental policy area. This policy area is broad and diverse and of great concern to many different types of stakeholders, many industries and to all

Member States. It is also a policy area that is a key competency of the EU, with a well established history of stakeholder consultations and characterised by particularly intense lobbying (Greenwood, 2007). Because of the well established and institutionalised stakeholder consultations in this policy area, data on stakeholder contributions are also more readily available.

A full list of the completed consultations conducted by the European Commission in this area is available[5]. Similarly, a full list of all legislative proposals put forward by the Commission in the environmental area is available through a search at the Council's Concilium website[6]. Aided by these two lists, nine consultations which ended in an observable and codable outcome (proposal, communication, decision) and for which the consultation document exists (where the consultation agenda is set) and where individual stakeholder contributions are available (i.e. not only a summary, so that individual stakeholder recommendations can be identified) online have been chosen. The period is from the 1st of January 2007 to the 1st of September 2010 and the selection spans consultations conducted by 4 different Directorates-General (Climate Action (CA), Energy (ERG), Enterprise and Industry (ENT), Environment (ENV). Although the cases are all broadly in the environmental area, the fact that the consultations are conducted by different Directorates-General indicates that the results are generalisable to a broader range of policy areas.

Some of the chosen cases are very technical, such as the consultations on the amendment of the RoHS Annex to take into account new scientific and technical information. Other cases are more political, with more normative and distributional

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5 http://ec.europa.eu/environment/consultations_en.htm

6 http://register.consilium.europa.eu/servlet/driver?page=Advanced&typ=&lang=EN&fc=REGAISEN&srm=25&md=100&ssf=DATE_DOCUMENT+DESC&cmsid=639

conflict, and are more salient to the general population. Some consultations concern only a narrow set of stakeholders, such as the one on type approval of two- and three-wheel motor vehicles, while others concern all producers and consumers, for example the consultation on the WEEE Directive. This diversity of technicality and public interest mirrors that of the broader population of consultations.

Furthermore, some of the consultations concern policies with potentially large effects for state sovereignty (for example provisions on how Member State militaries should dispose of and handle their nuclear waste), which also indicates that the results are generalizable to a broad segment of the European Commission's jurisdiction. However, the consultations under study all concern regulatory, as opposed to distributional, policies, and the results might not be generalisable to areas such as the Common Agricultural Policy or the structural funds.

Table 3.1: Selected consultations

Stakeholder consultation on adaptation to scientific and technical progress under Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) for the purpose of a possible amendment of the Annex (2008) (abbreviated "RoHS adaptations")
EU Emissions Trading Scheme (EU ETS) – Consultation on Aviation Monitoring, Reporting and Verification (MRV) (abbreviated "MRV")
2nd stakeholder consultation on the review of Directive 2002/95/EC ("RoHS") (abbreviated "RoHS review")
Public consultation on the implementation of the renewed strategy to reduce CO2 emissions from passenger cars and light-commercial vehicles (abbreviated "CO2 emissions")
Revision of the EU Eco-Management and Audit Scheme Regulation EC N° 761/2001 (EMAS) (abbreviated "EMAS")
Approaches for a possible EU legislative proposal on the management of spent fuel and radioactive waste (abbreviated "Radioactive waste")
Public consultation on a proposal for a Framework Regulation of the European Parliament and of the Council on type-approval of two- and three wheel motor vehicles and quadricycles (abbreviated "2-3 wheelers")
Public consultation on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (abbreviated "Energy labelling")
WEEE stakeholder consultation - Invitation for comments on policy options (abbreviated "WEEE")

It is difficult to tell whether those cases for which the necessary data are available (e.g. outcome document, consultation document and stakeholder written contributions) are different than those cases for which data is not available, simply because a comparison is not possible in the absence of those documents. However, most probably, the reason why some consultations have been made public and not others is simply a factor of differentiated implementation of publication deadlines by different bureaucratic units, rather than a function of the legislative proposals themselves. Overall, the publication of documents is a component of the Commission's minimum guidelines for consultations which have been increasingly implemented over time. As mentioned above, the environmental policy area is one where the minimum guidelines are more well implemented, due to the history of stakeholder consultations in this area.

Table 3.1 lists the chosen cases and table 3.2 presents some summary statistics about them. For more information about how these data were collected, see the sections below.

Table 3.2: Characteristics of selected consultations

Case:	RoHS adaptations	MRV	RoHS review	CO2 emissions	EMAS	Radioactive waste	2-3 wheelers	Energy labelling	WEEE	All cases
Lead DG	ENV	CA	ENV	ENV	ENV	ERG	ENT	ERG	ENV	-
Number of participating stakeholders	58	37	61	42	149	98	23	76	170	714[7]
Number of stakeholder recommendations	212	807	1012	129	2689	680	440	874	1607	8450
Number of controversial policy issues	31	27	50	14	30	35	24	37	25	273
Average number of recommendations made by stakeholders	4	22	17	4	18	7	11	11	11	12
Average size of stakeholder coalitions	7	30	28	16	105	19	21	37	64	36
Total number of exclusive policy discussion fora (*before and after open consultation*)	0 (0, 0)	1 (1, 0)	4 (2, 2)	2 (2, 0)	5 (3, 2)	5 (3, 2)	8 (2, 6)	2 (0, 2)	8 (5, 3)	4[8] (2, 2)

7 693 unique stakeholders. The number in this cell includes stakeholders that feature in several consultations.

8 Across-case median.

3.2. The stakeholders

As was mentioned above, the dataset presented here follows 693 stakeholders through the 9 consultations in table 1. This set of stakeholders was identified using the open consultations. The open consultations offer an opportunity to all concerned parties to participate in the development of policies by writing letters outlining their demands, recommendations and arguments to the Commission. The open consultations can be distinguished from other consultation phases precisely because they are open, any individual or group can participate. The 693 stakeholders in this dataset are simply those that took the opportunity to send in written responses to the open consultation. Some stakeholders participated in more than one consultation and thus appear several times in the dataset (summing up to a total of 714 stakeholder-case dyads).

This defined population is in fact a sample of the overall stakeholder population and it is an important question whether this sample is representative of the population of stakeholders that are attempting to influence the proposal at hand. To begin with, the group of stakeholders participating in the open consultation is broadly representative of the overall population of stakeholders active in Brussels, as compared to the voluntary lobbyist register (although the register feature fewer small, national and sub-national stakeholders, because these presumably do not see the value of registering due to infrequent lobbying), with a natural bias towards such stakeholders that have a vested interest in a proposal (such as the air traffic industry in the case of monitoring and verification rules for air traffic in ETS). The dataset also provides a similar picture of the interest group population to that recently provided by Berkhaut and Lowery (2010) and Wonka et al. (2010) with the exceptions that law and lobby firms do not feature in this dataset (presumably they do not put down their own names in the consultations but rather the names of their clients) and a larger proportion of local and regional administrations (potentially because of their often

central role in implementing environmental legislation). There is a possibility that some stakeholders forgo the open consultations and only attempt to influence the Commission through other channels. However, only such stakeholders that are supremely confident of their success through other channels would forgo the freely accessible open consultation. This is especially true as participating in the open consultation and presenting ones arguments in public could be seen as a commitment to the due, formal process of consultation and lends legitimacy to the participating stakeholder. Such (over)confident stakeholders are here assumed to be rare, and balanced by such stakeholders that settle for the freely accessible open consultation even when other influence avenues are potentially available. So although the sample is biased, it is biased towards those stakeholders with a strong interest in the proposals in question, which fits well with the purpose of the thesis. There are also methodological limitations which prevent other stakeholders than those participating in the open consultations from being considered here; the open consultations offer an unique opportunity to observe the policy recommendations of stakeholders using their written responses. For the above reasons, this thesis only attempts to explain why stakeholders participating in the open consultations might also get more privileged access, be satisfied with the consultation agenda or give more successful policy recommendations, while arguing that the results are generalisable to the overall stakeholder population. Table 3 presents some summary statistics about the stakeholders in the dataset.

Table 3.3: The type and origin of stakeholders.

Stakeholder Type								
Industry organisation	Small firm	NGO	Member State body	Local or regional public body	Large firm	Research bodies	International public body	Unions
210	123	104	76	75	58	25	16	3

Stakeholder Origin								
AT	BE	BU	CY	CZ	DE	DK	EE	EL	ES
6	46	2	1	6	77	15	3	5	22
FI	FR	HU	IE	IT	LV	LT	LU	MT	NL
11	27	7	2	34	3	1	2	4	22
	PL	PT	RO	SE	SI	SK	SL	UK	
	6	4	15	20	2	5	4	76	
		Umbrella organisation		Multinational firm		Non-EU			
		155		41		69			

3.3. Demands and recommendations

The recommendations and demands that stakeholders make are the focus of a large part of this thesis, but to study them they must first be identified. Previous research has employed varied methods, including asking stakeholders whether they attained their goals (Mahoney, 2008) and automated text analysis (Klüver, 2009). These methods do not allow the researcher to identify very specific demands. For example, the method employed by Klüver can be criticised for the way that multi-issue, complex consultations are automatically reduced to a single issue-dimension with little to no way of interpreting the substantial contents or meaning of that dimension. In an alternative, more complete and systematic approach, this project relies on hand-coding of the written contributions by stakeholders to the consultations[9]. In these documents, stakeholders attempt to clearly

9 This approach is identical to that taken in Bunea (forthcoming). Dr. Bunea's dataset is a sister dataset,

make their specific demands of and recommendations to the Commission, and give some explanation or motivation as to their recommendation, although the supporting information is often very limited. These documents are an important but not the only part in the consultations, which also sometimes feature stakeholder meetings, surveys and studies. However, there is good reason to believe that rational stakeholders would consistently make the same demands in all possible fora and that the documents capture the bulk of demands and recommendations. In sum, these documents provides the best way to directly observe the demands made by stakeholders and have previously been used by Klüver in earlier studies (2009, 2011, 2012) to the same end (although using a questionable automated method) and also in Bunea (2012), using the same methodology as described here. By reading the documents several times, coders[10] identified 8450 specific demands and recommendations in the documents. Demands and recommendations were identified by the use of phrases such as "we suggest / recommend / support / agrees / rejects / denounce / have a preference for (against) / consider most (least etc.) suitable/ urges / asks for, etc., policy alternative X", also "The Commission / legislation must / should (not) include / stand by / meet, etc., policy alternative X", and any variations thereof. Non-germane demands, meaning demands or recommendations that clearly cannot be met within the scope of the consultation (such as for example a demand that the European Parliament should be based in only one city to reduce CO2 emissions within the context of legislation on automotive emission standards), were excluded. Also excluded were non-specific demands (such as general demands that legislation should be adapted to the needs of small and medium enterprises, without identifying how). The reason for their exclusion being that it is impossible for the researcher to adequately determine whether the demand

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partially overlapping the dataset presented here.

10 Henrik Hermansson (6 cases) and Dr. Adriana Bunea (3 cases) , Department of Political Science, Trinity College Dublin, Ireland. One additional case coded by both coders, see below.

has been successful in terms of being adopted by the Commission in its policy proposal or the specific topic it concerns. Stakeholder contributions in all languages were translated to English (by native speakers in the case of German and Spanish, by the researcher in the case of French) and coded (with the exception of one submission in Polish for which no translator was found and automated translation not possible due to the document being scanned). In the cases where stakeholders wrote common submissions, all signatories were coded as making the demands. Sometimes stakeholders wrote both individual submissions and signed a common submission. If the demands in the two documents contradicted each other (which happens, but infrequently) the demand from the individual contribution was given precedence. Sometimes stakeholders wrote "we agree with the recommendations expressed in the submission of stakeholder X", or a variety thereof. In those cases, the stakeholder in question was treated as a signatory to the submission of "stakeholder X". Each coded demand or recommendation was given a unique reference, with very similar demands by different stakeholders receiving the same reference, so that the total support for a demand could be determined.

The demands were then organised as pertaining to 273 different policy issues (or dimensions), depending on the substantive topics the recommendations addressed. For example, if several different demands or recommendations concern the time-line of a proposal, i.e. recommended different implementation dates, these demands concern the same issue and were given a common issue reference. Policy issues were constructed so that the different policy demands on the issue are (to some degree, although not always completely) mutually exclusive. The consultation documents published by the Commission to steer and structure the open consultations, as well as the impact assessments and background materials, were very helpful for defining policy issues. Organising the demands into policy issues was an iterative process involving several re-readings of all the

documents and supporting materials to identify which policy demands that are indeed mutually exclusive (to some degree) and therefore concern the same issue. These policy issues are important both for identifying expertise, for measuring satisfaction with the consultation agenda and for the clustering of outcomes, as discussed below and in chapters 5 and 6, respectively. The question of the success of these demands will be discussed in chapter 6 as it is the main focus of only that chapter. The procedures for coding and organising the demands and recommendations of stakeholders employed here is identical to that employed by Bunea (2012).

One of the nine cases was coded by both coders, to assess inter-coder reliability. This assessment resulted in a Krippendorff alpha index (Krippendorff, 2011) of 0.77, reflecting that both coders identified individual policy demands and recommendations with high reliability. Another way to illustrate the reliability is shown in tables 3.4 and 3.5.

Table 3.4: Match between coding decisions of the two coders

	Identical coding decisions	Different coding decisions	Neither coder coded a demand	Total
Frequency	121	44	255	420
Proportion	28.8%	10.5%	60.7%	100%

Table 3.5: Match between coding decisions of the two coders, not considering the cases where both coders decided not to code a demand

	Identical coding decisions	Different coding decisions	Neither coder coded a demand	Total
Frequency	121	44	-	165
Proportion	73%	27%	-	100%

The largest difference between the two coders was application of the germaneness rule which determines whether particular policy dimensions are to be included in the analysis. In the two cases not coded by the author, the rule was applied more strictly, meaning some

demands made in those consultations are not in the dataset. Because of this difference, chapter 5, where the notion of policy issues is most central, only includes those cases coded by the author. The difference in coding only concerns whether entire policy issues (not individual demands) are included in the dataset. Therefore, since the policy issues in the dataset after the application of the germaneness rule are consistent, this difference in coding does not affect the analysis in chapter 6, where the focus is on which policy recommendation out of those concerning one policy issue that was successful.

3.4. Expertise

The issue of stakeholder expertise is a key theoretical focus of the interest group literature and an important independent variable in this thesis. In line with research in such disparate fields as management studies, computer science and biology (Ericsson, 2005), expertise must be understood in relation to a specific task, such as making diagnoses, solving a specific computational task or building a specific product. Expertise strongly tends not to travel between tasks because it is strongly related to experience (ibid. p 235), a medical expert is not an expert at auditing. This implies that expertise is different from a general cognitive capacity, problem solving skills or learning capabilities (ibid. 234). We should therefore expect for some stakeholders to have expertise in one, perhaps very narrow, policy area or even aspect of a policy, but not in others. By consequences of policy choices we could mean fiscal, political, economic, legal, bureaucratic, environmental or perhaps even ethical consequences, depending on the consequences of interest to the stakeholder and the European Commission.

It is argued here that the task at hand for stakeholders in the EC consultations is *to correctly assess the consequences of different policy options* (corresponding to the

concerns of political decision-makers, see Austen-Smith, 1993). This understanding of expertise is quite similar to the concept of political knowledge as presented by Lupia and McCubbins (1998); "knowledge, the ability to predict the consequences of actions" (p. 6). Political knowledge is, according to Lupia and McCubbins, the quality that allows voters to interpret simple cues from politicians, interest groups and other actors with more direct access to information in order to make a rational (vote) choice. This highlights first of all that expertise, and political knowledge, are skills which are specific to a social or institutional context. It also highlights that there are many different ways in which an actor can successfully assess the consequences of policy alternatives, by cues, independent research etc. Different types of actors will have different strategies for assessing policy consequences available to them, measuring only one aspect (or a subset of aspects) of how stakeholders accumulate expertise, such as whether stakeholders conducted independent research, will therefore yield biased measurement (the case for most pre-existing operationalisations of expertise). A formal way to express the effect of expertise on predictive capabilities is that stakeholders with less expertise will be more prone to predictive errors, making both type 1 and type 2 inferential errors, i.e. both mistakenly recommending a policy alternative and mistakenly not recommending it. This operationalisation of expertise conforms to the theoretical definition offered in chapter 2.

Even though the issue of stakeholder expertise is a key theoretical focus of the interest group literature, measurements of this expertise in the EU literature are often imprecise. One example is the type of stakeholder (see for example Bouwen, 2004), i.e. whether the stakeholder is a firm, a NGO, etc., large firms being assumed to have the most technical expertise. By its nature this type of operationalisation cannot differentiate between the expertise of stakeholders of the same type, or take into account that expertise varies by the topic of discussion. Such approaches are therefore not valid *prima facie*.

Other possible measurements focus on the financial or personnel resources of stakeholders and makes the assumption that stakeholders with more resources have more expertise. Unfortunately, given the wide range of different types of organisations active in the consultations, from NGOs to governments, this is somewhat like comparing apples and oranges. Without more precise data about whether those resources were put to use gathering expertise, comparison across stakeholders relies on strained assumptions. More broadly, these operationalisations have only a tenuous relation to the theoretical definition of expertise offered earlier.

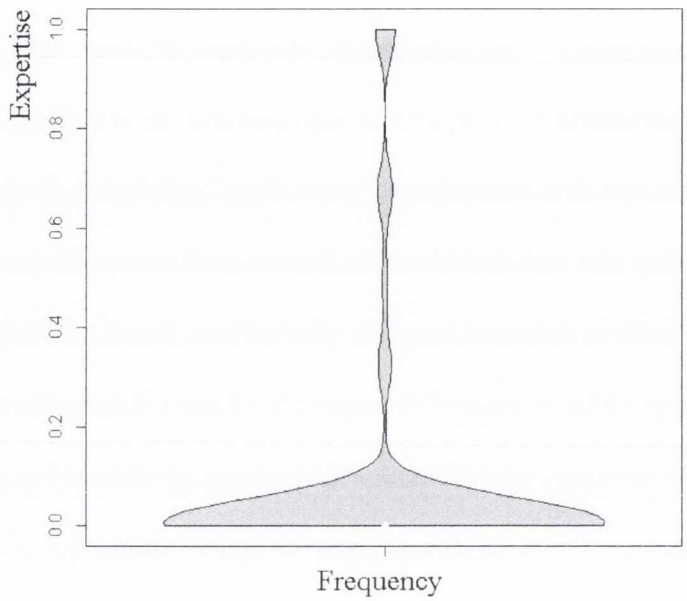
This thesis therefore employs a new and fruitful route to measuring expertise; interviews with well-placed participants in the consultations who were asked to identify which stakeholders that had more extensive expertise (defined as the ability to correctly predict the consequences of different policy options) on 273 specific policy issues (a subset of the 273 for every consultation). The approach thus yields one unique measurement of expertise for every one of the 8451 policy demands and recommendations in the dataset. Interviewees were able to clearly and consistently identify stakeholders with expertise and to motivate their designations of expertise with reference to a wide range of stakeholder behaviours, resources and experiences. This approach therefore yielded much more specific measurements of expertise than previous approaches and drew on a richer set of observations, as the interviewees take into account all relevant information, not just a single dimension of expertise. The perception of expertise, in a political situation, is arguably more important than actual expertise since the purpose of expertise is to convince others. The interview approach which takes into account this eye of the beholder quality to expertise is thus well suited. To ensure that expertise was not conflated with informational value (which is a distinct concept developed in section 2.1.1) a short discussion preceded each interview. All interviewees were well aware of the problematic self-interest that

motivates stakeholder recommendations and compromises the expertise that stakeholders have. They were also able to clearly separate between the expertise held by stakeholders and whether that expertise was credible in the face of bias (as captured by the informational value concept).

The interviewees that were chosen were the Commission desk officer or hired consultants organising the stakeholder consultations and representatives of very active stakeholders seen to have technical expertise themselves. Potential interviewees that did not claim to have a good knowledge of the expertise of most stakeholders that participated in the consultations were not used. 2-4 interviews were conducted for each consultation and care was taken to interview representatives of as many sides of the debate as possible. Interviewees identified expertise on a 4 point scale: none, low, medium and high expertise. These responses were recoded as numerical values (0, 1, 2, 3) which were then added and divided by the theoretical maximum[11], yielding a scale of expertise

11 To adjust for the differing number of interviews per case; 9 in the case of 3 interviews, 12 in the case of 4 interviews, etc..

Figure 3.1: Distribution of expertise



The issue-specific expertise of a stakeholder ranges from 0 to 1. The width of the plot indicates the frequency of a particular expertise value (kernel density).

Table 3.6: Expertise by stakeholder type

	Industry organisations	Small firms	NGOs	Local or regional public bodies	Member State bodies
Number of demands made with some expertise	203	206	198	53	200
Total number of demands made	2156	1705	1316	1076	1069
Proportion of demands made with expertise	9.4%	12.1%	15.0%	4.9%	18.7%

	Large firms	Research bodies	International public bodies	Unions	Total
Number of demands made with some expertise	41	32	0	0	933
Total number of demands made	549	342	204	33	8450
Proportion of demands made with expertise	7.5%	9.4%	0%	0%	11.0%

between 0 and 1. As can be seen in figure 3.1, expertise is a rare phenomenon and most lobbying is conducted by stakeholders without any particular expertise about the specific topics at hand. Different interviewees were most often highly consistent concerning which stakeholders that had any expertise, although they more often differed on whether a stakeholder had low or medium, medium or high expertise. On average (average of all pair-by-pair comparisons of interviewees), interviewees identified the same stakeholders as having expertise 75% of the time.

Expertise as measured here is relatively evenly spread among the different types of stakeholders. Member State bodies and NGOs are most often seen to back up their policy recommendations with expertise, with 18.7% and 15.0% of recommendations based on expertise, respectively. Economic interests and research bodies make up a middling category, basing roughly 10% of their recommendations on expertise. However, large firms and industry organisations were the type of stakeholders most likely to be rated as having "high" expertise. Local and regional bodies, international public bodies and unions are least often seen to have expertise to back up their policy demands. That the approach is able to pick up the expertise of all types of stakeholders is a clear advantage compared to previous approaches which have mostly assumed that one type of stakeholder has more relevant expertise than others.

3.5. Salience

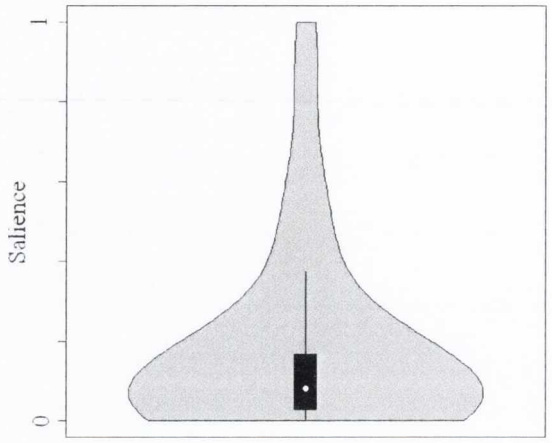
The concept of salience generally denotes the importance an actor attaches to an issue (Hinich and Munger, 1997, p.52; Laver, 2001, p69; McLean and McMillan, 2009) and that actor's willingness to bear costs to achieve a favourable outcome. In this understanding, salience corresponds to the utility loss an actor might experience owing to the difference between the outcome and the actor's ideal position (Thomson, 2006, 40f). "[Salience] can be based inter alia on its (estimated) policy impact, the political sensitivity of an issue or the attention it receives from core constituencies" (Warntjen, 2011, p.169). The salience that political actors attach to different policies is a central feature of almost all models and ways of thinking about political processes, including perspectives on what makes stakeholders influential over the European Commission. Salience has an actor-specific and an issue-specific component. "Some policies are more important than others, but different actors might disagree on the relative salience of policies." (Warntjen, 2011, p.169). The type of saliency that is relevant to this thesis is actor- and issue-specific; the level of salience one stakeholder attaches to one of its recommendations and demands.

Salience is an inherently difficult concept to measure. Ideally, issue- and actor-specific saliency could be measured using expert interviews or surveys of the participants but this approach has important limitations in terms of resource requirements and data availability (Warntjen, 2011). In regard of the 714 stakeholders and 237 policy issues in the thesis dataset, using such an approach would very likely yield a substantial number of incomplete observations. Given the limited time of the interview respondents outlined in previous sections, priority was instead given to establishing the expertise of stakeholders. Expertise is a relatively rare phenomenon whilst saliency levels are ubiquitous, meaning that interviewees are much less likely to accurately remember the individual saliency levels of all stakeholders than they are to remember the few stakeholders with pronounced

expertise. Other approaches to measuring salience that are sometimes employed in the literature are secondary sources, media coverage, public opinion, procedural information and text analysis (Warntjen, 2011). There are no secondary sources or media coverage that systematically examines the saliency that the participants of the consultations attach to particular policy issues. Public opinion is more relevant to determine the salience levels of elected officials, rather than interest groups. Because stakeholders are not formally empowered there are no procedural rules or indications of the salience they attach to proposals. That leaves text analysis as a potential avenue.

As mentioned above, saliency is connected to a willingness to bear costs to achieve a favourable outcome. And some stakeholders do display a higher willingness to incur costs to influence the Commission through their actions in the consultations, this thesis seizes on one such behaviour. In authoring their written consultation contributions, stakeholders face a choice of how much effort to put into the contribution. Most stakeholders make very short contributions, simply listing their preferences or answering the Commission's questions with single sentences. Others produce more elaborate documents with sources, data and more and longer supporting arguments, correlating with the length of the proposal. It is therefore fair to say that the length of submissions indicates the willingness of stakeholders to put effort into the consultation process and their lobbying Such efforts requires the devotion of personnel and time. Given that stakeholders must always prioritise between different activities, making an effort indicates a concern about the costs to the stakeholder should the Commission make unfavourable choices (corresponding to the definition of salience in Thomson, 2006). Phrased differently, if a stakeholder does find a legislative proposal highly salient, why would it *not* provide an elaborated written submission?

Figure 3.2: Distribution of salience



Width of graph indicates prevalence of values (Kernel density). The black box and line is a boxplot.

Interestingly, length of submissions are not correlated (R^2=0.02) with whether a stakeholder is identified as having expertise or not by others. The length of the submissions does however have a significant correlation with the occurrence of words that are synonyms to "important" (49 words or phrases from thesaurus.com) relative to the total number of words [12]. The longest submissions are twice as likely to use these words than are submissions of median length (R^2=0.36). Stakeholders that write longer submissions are in other words more likely to explicitly argue that they find the policy issues and the potential outcomes salient. As an imperfect but useful proxy for salience, this thesis therefore uses the length of written contributions. This approach is similar to that sometimes taken in establishing the salience political parties attach to various issues in party manifestos (e.g. Budge, 2001).

The total length of submissions indicates the salience that a stakeholder attaches to the proposal consulted on. But stakeholders make different amounts of policy demands and recommendations. So the total length must be divided by the number of demands a

12 This word analysis can only be performed on a subset of documents due to file format and language limitations. The test was made using stakeholder submissions to the consultation of type approval of two- and three- wheel vehicles.

stakeholder made to create a measure of how salient each demand was. Moreover, the average length of stakeholder contributions varies considerably by consultation, potentially due to the number of items on the agenda and the complexity or technicality of the policy field. The length per demand must therefore by divided by the maximum length per demand in the consultation to adjust for different average lengths in the different consultations. The resulting standardised measure of salience spans between 0 and 1. Figure 3.2 illustrates the distribution of salience in the dataset.

3.6. Basic stakeholder characteristics

Some variables pertaining to basic stakeholder characteristics, e.g. whether a stakeholder is a Member State body and where it is based, have been collected from public websites.

The size of the stakeholders' home Member States is measured using voting weights in the Council, differentiated into three categories; small (<10), medium (10-26) and large (>26). Stakeholders based in Non-Member States and multinational stakeholders were coded as NAs on this variable, as it is difficult to measure in a comparable way what route to influence in the EU they would have.

Whether the home Member State of a stakeholder is new or old is simply measured using time since accession to the Union; all Member States that joined after 2003 are considered new. Stakeholders based in non-Member States are coded as NAs also on this variable since the focus of the specific hypothesis is on equality of representation within Europe.

Whether a stakeholder has an office in Brussels is mainly based on the information provided in the European Commission's voluntary lobbying registry. For those stakeholders not registered there, the Brussels yellow pages were consulted. This is a

binary variable and 34% of all stakeholders in the dataset had such offices at the start of the respective consultations.

To separate between large and small firms (as needed for the hypotheses about Big Business), the Forbes 2000 index from 2009 was used. It lists the 2000 largest publicly traded companies (by revenue) in the world. For companies that are not publicly traded, stated revenues where compared to those of the smallest company in the Forbes 2000 ranking (ca. 1 billion US dollars) to determine whether they were a large or small company.

3.7. Summary

The dataset presented in this chapter is novel both in scope and detail and introduces several important improvements in measurement of key variables such as expertise. The chapter described basic features of the dataset, such as the case selection and the stakeholder population it features. The chapter concluded, based on the cases and stakeholders represented in the sample, that the empirical results presented later in the thesis can be generalised to most EC stakeholder consultations in regulatory policy areas

Some methods and data remain to be discussed further in the following chapters, simply because these chapters all feature unique methodological elements. There are two main differences between the methods employed in chapters 4, 5 and 6. First, since they explain different dependent variables (and solve different clustering and other dispersion issues) they employ different estimation strategies. The respective dependent variables of chapters 4, 5 and 6 are also introduced in those chapters. Second, chapters 4, 5 and 6 rely on different subsets of the list of cases outlined in this chapter.

The next chapter starts the empirical investigations of stakeholder influence by

studying when and why stakeholders get privileged access to policy discussion fora.

4. Privileged access

Access to the European Commission, meaning an ability of stakeholders to get meetings with, communicate with and in general interact with officials in the Commission, has lately become a key concern for the literature on interest groups in the EU (Beyers, 2002; Bouwen, 2002, 2004; Broscheid and Coen, 2003; Warntjen and Wonka, 2004; Eising, 2007; Chalmers, 2011; Gornitzka and Sverdrup, 2011). But the insight about the importance of access goes back at least to David Truman (1951, reprinted 1981), who captured in the context of American legislative lobbying much of the present EU literature's concerns;

> "[...] *access to the legislature is of crucial importance at one time or another to virtually all such [interest] groups. Some groups are far more successful in this pursuit than others. Moreover, access is not a homogeneous commodity. In some forms it provides little more than a chance to be heard; in others it practically assures favourable action. Some groups achieve highly effective access almost automatically, whereas it is denied to others in spite of their most vigorous efforts.*" (1981, p.321)

As highlighted by Truman, access can be considered a very important determinant of the lobbying success of interest groups. Both as "a chance to be heard", i.e. a necessity for

being listened to, and sometimes even as a sufficient determinant of success, e.g. "practically assur[ing] favourable action". The centrality of access to many lobbying strategies and to lobbying success motivates the guiding question of this chapter: when and why are stakeholders granted privileged access to the European Cmmission?

The issue of access is also of vital importance from a normative, democratic perspective. As was previously mentioned, the European institutions derive a fair bit of their legitimacy from the participation of those affected by their policies. This participation is central to the goal of many pro-European advocates of a true European polity, with a European debate about European issues, leaving behind the national idiosyncrasies of the past. Interest groups and stakeholders more broadly provide a link to the citizens that the European institutions need. Perhaps more pragmatically, the fact that affected, sometimes national, interests have participated directly in preparing legislation has been an important selling argument for the creation of new European legislation. In other words, access is an important dimension to the ongoing discussion about the democratic legitimacy of the European Union (for an overview of the debate see Hosli et al. in Warntjen and Wonka, 2004). Two key democratic ideals are relevant here; the pluralist ideal of equal access for all groups and interests to the decision-making arena (tracing back to Dahl, 1961, reprinted 2005) and the deliberative ideal according to which decision-making should be characterised by rational discussion and force of argument (Habermas, 1975). According to both ideals, equality of access is a precondition to democracy because it allows all relevant arguments and perspectives to be heard. As such, access also relates to what in the EU context has been called the "output legitimacy" of the Union. Only by directly including those affected by legislation in the production of said legislation can outcomes satisfy enough interest parties to retain (or increase) popular support for the EU (see for example Scharpf, 1999). In the interviews conducted for this project, some interviewees have

claimed that the goal of consultations is to reduce the probability that any piece of legislation produce a catastrophic outcome for any one interest, alienating this group towards the European project.

The issue of *privileged* access, i.e. the notion that certain sections of society are listened more intensely to than others, is of particular importance for the democratic legitimacy of the Union. A special concern is that the over-representation of business interests will result in a biased political process in favour of these wealthier interests (for example Wendler, 2002; Hallstrom, 2004; Coen, 2007; Greenwood, 2007). Many scholars consider the access of interest groups to the EU institutions to be important because systematic variations in these access patterns can result in biased politics (Green Cowles et al., 2001). In a comparative context however, it is generally recognised that money plays a less direct role in the process of access in the EU than it does in many other polities. As an example from the United States, Edsall (2011) highlights the case of Congressman Anthony Coelho (1981 chair of the Democratic Congressional Campaign Committee) who "created a hierarchy of clubs — the Speaker's Club, the Chairman's Club, and so on — for donors. The higher the dues you paid, the more intimate your access to Democratic House leaders and to Democratic committee chairs was. 'Members of the Speaker's Club serve as trusted, informal advisers to the Democratic members of Congress,' a promotional brochure declared. When Coelho was asked what the givers got, he answered: 'Access. Access. They meet with the leadership and with the chairmen of the committees. We sell ... the opportunity to be heard.'" (Edsall, 2011). This is now standard practise in both major parties. The peddling of access in Europe is seldom as blatant, a notable exception being the Cash-for-Laws scandal in the European Parliament, but also remains a relatively unexplored topic.

Concern about the privileged access for wealthier interests somewhat overlaps with

the notion that civil society groups, who are by their often grass-root nature most likely to pursue outside strategies, will be shut out due to these strategies. On the other hand, it is often claimed that the European Commission actively corrects for this unbalanced field of interest groups, both by funding civil society groups and by making sure that at least some of the groups representing diffuse interests are granted privileged access (Austen-Smith and Wright, 1994, p.30; Beyers, 2004; Coen, 2007). Beyers (2004) found that diffuse groups have comparable levels of access as business groups. But Beyers and Kerremans (2004) found that business interests generally have more access to decision-makers in the Commission, although these decision-makers were reluctant to call business groups allies. Eising (2007) concluded that the EU does not necessarily display a form of elite pluralism in which firms have invariably better access than associations to the policy-making process. However, business interests, both firms and associations, were found to have a marked advantage over civil society groups. Recently, Chalmers (2011), when looking at a more diverse set of stakeholders than normally considered in studies of access, found that "a much more balanced and unbiased form of influence coming from a wide range of different types of interest groups" Hallstrom (2004), on the other hand, found that environmental groups, in particular from the eastern Member States, were having difficulty having meaningful access to the Commission. There is still considerable uncertainty as to the degree in which certain types of interests are over- or under-represented in terms of access, which this chapter will help address.

At the same time, there has been concern over geographical bias, that stakeholders from certain (larger, older) Member States will more easily get privileged access than others (Greenspan Bell, 2004). As mentioned above, in 2004, Hallstrom found that environmental interest groups from the new Member States were much less likely to have privileged access to decision-makers. However, this was framed as a learning process, that

these groups would become more proficient in securing access over time, and so this conclusion is worth reinvestigating. Eising (2007) compared the access of French, German and British interest groups and found no significant differences, although these are of course three large, old Member States. Bouwen (2004) found that European level organisations had the greatest probability of getting access to decision-makers within the Commission, followed by national organisations, individual firms and then consultants. Eising (2007) found similar results although he claims that the access of national associations is artificially inflated by the structure of both studies. These results were somewhat unexpected and deserves revisiting in this chapter.

So although considerable work has been made in explaining which stakeholders that have access and why, there remains a fair amount of uncertainty about some of the factors that have been hypothesised to be most important. In large part, this is probably due to methodological limitations. In particular, only Chalmers (2011) has considered the full range of stakeholders that seek access. Moreover, access is differently conceptualised in different studies, which is problematic as we already from Truman have reason to expect important differences between access types. Some studies leave it to surveyed interest groups to themselves define access. Others focus on formal meetings, some on informal meetings, without a clear overview to date of our expectations about the differences between these types of access.

There has also been a too strong focus on the different types of stakeholders, largely ignoring salient differences between stakeholders of the same type. Interpretation of the results of previous research is therefore difficult because stakeholder types are used as proxies for different things in different studies. Two notable exceptions are Beyers and Kerremans (2004) and Chalmers (2011) who focused directly on the resources held by individual stakeholders. Beyers & Kerremans used an approach where resources where

estimated by attribution from other stakeholders in the same field. Chalmers used survey data to estimate how frequently stakeholders provide different types of information to the Commission. Both of these studies concluded that different categories of stakeholders achieved more balanced access than indicated by other researchers.

In addition, previous studies have not captured a potentially important variable that might explain differences in access; the salience attached by stakeholders to the issues being discussed, its depth and breadth. A final methodological limitation of the field has been the differing definitions of what we might call the scope of access. Some studies have focused on overall access, some on access to decision-makers within a particular policy area, and some on access to decision-makers in the context of a single case (piece of legislation). These are some of the areas where this chapter aims to make a contribution.

Coming chapters will discuss the role of access for other types of influence in more detail but it is well worth to paraphrase that discussion here. Access, first of all, is more important for some lobbying strategies than others. As mentioned by Eising (2007, p.331), strategies relying on media campaigns or public pressure, including for example strikes, civil disobedience and petitions, do not require face-to-face meetings to be successful, as the influence is exerted indirectly via third parties. So called "inside strategies" are therefore more reliant on a group securing access than "outside strategies". Grant, who coined the concepts of inside and outside strategies argues that "groups can temporarily combine insider and outsider strategies, but must eventually opt for primarily pursuing one strategy or the other. Insider groups are expected to behave responsibly and the simultaneous pursuance of different strategies is likely to compromise group relations with decision makers" (1977, quoted in Binderkrantz, 2005). This conclusion has however been disputed by for example Jordan and Richardson (1987), Page (1999) and Beyers (2004). So while access may or may not be attainable for groups pursuing outside strategies, it can at

least be assumed to be less important to such groups.

For groups pursuing inside strategies however, access clearly plays a central role. These strategies revolve around being able to present convincing arguments, demonstrate expertise or more generally make a direct impression on decision-makers. Access as "a chance to be heard", is naturally key to doing this. Several authors writing about EU interest groups go so far as to say that access is necessary to have any influence (Bouwen, 2002, Eising, 2007), although empirically that is less clear. The results presented in later chapters indicate that access in and by itself does not lead to influence, but it does give stakeholders with expertise an opportunity to give more credible policy recommendations. Previous research has provided other arguments as to why access does not translate directly into influence (see for example Meynaud and Sidjanski, 1971, p.465; Bouwen, 2002; 2004). If access is conceived as a chance to be heard, interest groups can of course fail to be convincing even if heard, indeed even if they are the sole voice being heard. Decision-makers are not clean slates to be written only by currently active interest groups. Furthermore, interest groups are of course in competition for influence. As more groups gain access, the influence of any one group reasonably decreases. One possible reasons for this is that the costs of double-checking the claims made by interest groups is lowered when other groups can provide contrasting or confirming information, or more generally that the groups can be "played off against each other" (Beyers & Kerremans, 2004; Eising, 2007). Although no studies have stringently compared whether the amount of groups with access determines the influence of individual groups, studies have concluded that in policy areas with more overall activity (not exactly access) the expected influence of any one group decreases (Mahoney, 2008). At the same time, there are incentives for a decision-maker, whether in the Commission or other institutions, to limit the access it gives to stakeholders. Although the information provided by stakeholders is useful to a decision-

maker, the Commission has been described as exposed to an information overload, potentially as disruptive to organizational functioning as the problems of under-staffing and under-funding. In fact these problems are different sides of the same coin; being unable to process a small amount of information due to insufficient resources is similar to being unable to process large amounts of information despite large resources.

Access can also be seen as a reward or conscious advantage given to well-behaving stakeholders, that in the past have provided useful information (Broscheid & Coen, 2003, Bouwen and McCown 2007; Beyer and Kerremans 2007). This type of reward must be exclusive to work. Theoretical studies (for example Sloof, 1997) have shown that if access is used in this strategic way it can reduce misinformation and increase information transfer in an advice situation, desirable from the point of view of decision-makers. However, empirical investigations have shown this ideal scenario to not always hold true (Lopipero et al., 2007). For these reasons we should expect a trade-off between the benefits and costs of giving access to more stakeholders, but this is not well explored in the EU literature. Although access is not the only determinant of influence, the strong but complicated link warrants intensive academic study and motives the leading question of this chapter.

At this point, it is necessary to distinguish between levels of access. Stakeholders that have the opportunity to make their case more frequently are more likely to be successful and there are important quantitative differences in access. But as Truman also pointed out, access is not homogeneous. Although the type of access that he mentions which practically ensures a favourable outcome is unlikely to exist in the EU (at least it has not been identified by scholars), access does come in different shapes and sizes. The European Commission interacts directly with stakeholders through a variety of fora, including bilateral meetings, working groups, comitology, impact assessments and internet consultations. Some of these fora, such as internet consultations, are by their nature open to

any and all that wish to participate, down to individual citizens. It is often claimed in the literature on EU lobbying that stakeholder participation lend a certain legitimacy to the European political project. Allowing all stakeholders to present their views in the non-exclusive consultations may simply be a way for the European Commission to look democratic, without guaranteeing any real influence for the participants. Several of the interviewed experts from stakeholders expressed what can best be described as disbelief about how public consultations are sometimes summarised in a way that completely distorts or ignores dissenting opinions. These fora do provide an opportunity to be heard. But there is good reason to believe that making one's case in more exclusive fora, with less risk of being drowned out by the information and opinions offered by others, is more likely to be successful. In the more exclusive fora the empty show of listening is less likely to happen while an active effort on the part of the Commission to understand and digest the arguments made is more likely. It is therefore not simply a matter of quantitative differences in access between stakeholders, i.e. more or less of the same type of access. There are also qualitative differences in the access that stakeholders achieve, perhaps best described as a more attentive listener. This qualitative dimension of privileged access has been largely overlooked and the term "privileged" has been used in previous literature to refer only to quantitative differences.

In an attempt to hone in on qualitatively privileged access, this thesis focuses on access to those exclusive policy discussion fora which are highlighted in the European Commission's impact assessments. These fora featured in-depth discussion of the policy at hand between a limited number of stakeholders and the EC officials directly involved in the drafting of the policy. The EC has chosen to highlight these fora precisely because it considers them as key sources for stakeholder inputs to the policy drafting process. Participation in these fora thus corresponds well to to the concept of privileged access and

an attentive listener in the Commission. Privileged access, measured this way, is relatively rare and only a fraction of stakeholders, about 27%, attain any privileged access. However, there are also differences between stakeholders that do have access. Table 1 illustrates the number of exclusive fora that stakeholders managed to get access to.

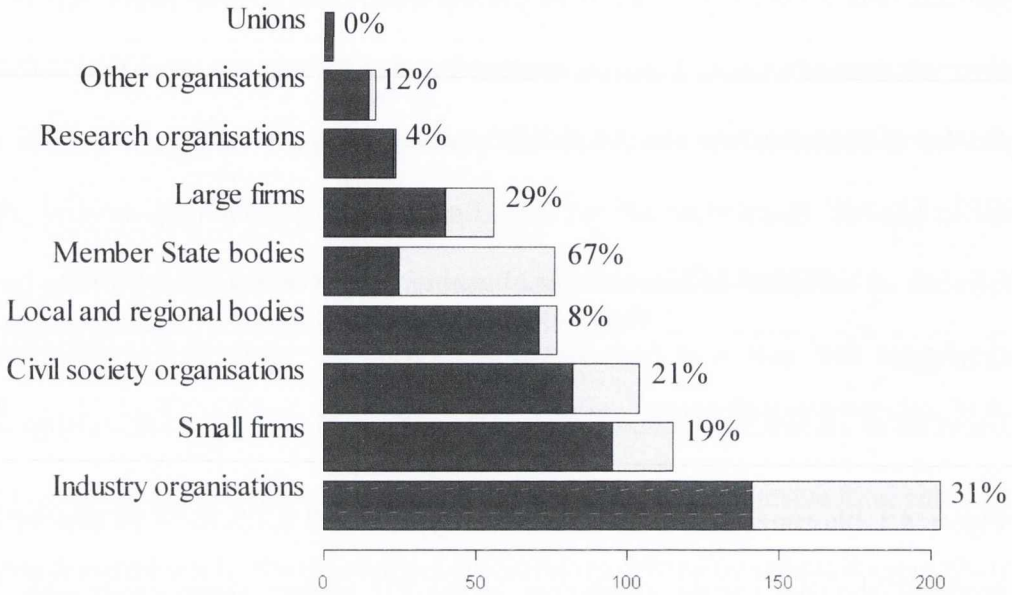
Table 4.1: The number of exclusive fora in one consultation that stakeholders had access to.

# of fora	0	1	2	3	4	5	6	7	8
# of stakeholders with access	495	112	35	11	14	8	1	0	2

Figure 4.1 illustrates access by stakeholder type, which tends to be of general interest in terms of showing certain unbalances in the EU interest group community. The large majority of stakeholders that seek access are business interests, either firms or industry organisations, and so it should be expected that such organisations also constitute the plurality of stakeholders with access, while the type of stakeholder that most routinely gets access is Member State bodies.

Access can also be differentiated by its timing in the legislative process. In particular, stakeholders that have access earlier in the process could be expected to have greater opportunities to shape the agenda of the coming consultations. Similarly, at an earlier point, decision-makers in the Commission will be less informed about the details of the policy area in question and those stakeholders that have early access might be able to "prime" these decision-makers, imparting a basic perspective of the problems to be solved and the available solutions. For that reason, this chapter also investigates whether there are different dynamics at play regarding which stakeholders that get early and late privileged access.

Figure 4.1: The proportion and number of stakeholders that have any access, by stakeholder type.



The length of each bar shows the total number of stakeholders of that type in the dataset. The light grey section of each bar represents the stakeholders of that type that had any privileged access. The percentage to the right of each bar indicates the proportion of stakeholders of that type that had any access.

4.1. Theoretical expectations

In the chapter named "theories of stakeholder lobbying success" nine hypotheses were presented, capturing four different perspectives on why the European Commission consults with stakeholders. This section will not repeat the arguments of that chapter but only present the hypotheses as they apply to the issue of privileged access, listed in table 4.2.

In addition, the section presents some exploratory hypotheses on the importance and effects of the open consultations for the granting of privileged access (hypotheses 7-9b).

Table 4.2: Hypotheses

Provision of information
H1a: *Stakeholder that have expertise are more likely to have privileged access.*
H1b: *Stakeholders that have expertise and Brussels offices are more likely to have privileged access.*
Support at later legislative stages
H2a: *Stakeholders that are Member State bodies are more likely to have privileged access.*
H2b: *Stakeholders that represent Big Business are more likely to have privileged access.*
H2c: *Stakeholders from larger Member States are more likely to have privileged access.*
H2d: *Stakeholders that assign more salience to a proposal are more likely to have privileged access*
Gaining legitimacy
H3: *Stakeholders from the new and old Member States are as likely to have privileged access.*
Building long-term relationships
H4: *Stakeholders with Brussels offices are more likely to have privileged access.*
Exploratory hypotheses regarding the role of the open consultations
H7: *Stakeholders with expertise are more likely to have privileged access after, rather than before, the open consultation.*
H8: *Stakeholders which find the proposal more salient are more likely to have privileged access after, rather than before, the open consultation.*
H9a: *Stakeholders that want to expand the agenda are more likely to have privileged access after the open consultation.*
H9b: *Stakeholders that want to contract the agenda are more likely to have privileged access after the open consultation.*

4.1.1. Access before and after the open consultation

Open consultations form an integral part of the policy development process in the Commission, they mark the point when the policy discussion is widened to the broader stakeholder community. Because all interested parties can participate, the open consultations offers the Commission an opportunity to identify and observe the full set of stakeholders that are in fact interested in the policy proposal at hand. It is a chance for

stakeholders to make themselves known, in more ways than one. In the open consultations, stakeholders signal not only their interest but also their expertise, the questions they believe should be on the agenda and the best answers or solutions to those questions as well as the saliency they attach to the proposal. These are not factors which are immediately evident, but need to be demonstrated by stakeholders throughout the consultative process. Based on the new information gained in the open consultation, the Commission can update its impression of the stakeholder community and potentially, if need be, alter the set of stakeholders that it gives privileged access to. In particular, there are three likely adjustments.

If, as argued above, the Commission is interested in the information and expertise that stakeholders provide, and if the open consultations give stakeholders a chance to demonstrate their expertise, the open consultations should affect which stakeholders that have access. In particular, it should be expected that stakeholders with expertise have more access after rather than before the open consultation. I test the corresponding hypothesis.

H7: *Stakeholders with expertise have more access after rather than before the open consultation.*

Very similarly, if the open consultation reveals which stakeholders that find the proposal most salient, and if the Commission is concerned with the pressure that these stakeholders will exert on the Council and Parliament, the open consultations should affect which stakeholders that have privileged access. I therefore present the following hypothesis.

H8: *Stakeholders which find the proposal more salient will have more access after rather than before the open consultation.*

Open consultations are initiated by a "call for consultation" by the Commission. This document contains a set of policy questions and serve as an agenda for the open consultations. Stakeholders are encouraged to give the Commission information and recommendations that correspond to these questions, but they may indicate that they are dissatisfied with this agenda in two different ways. They may choose to only answer a subset of the posed questions, indicating that they only find this subset salient or worth consideration. They may also choose to provide information or recommendations on additional topics, beyond the questions posed by the Commission, indicating that they would want to see the agenda expanded to these additional topics. In other words, stakeholders can signal that they would want the agenda contracted or expanded (or, if simultaneously contracted and expanded, to change the focus of the agenda altogether). When and why stakeholders are satisfied with or attempt to challenge the consultation agenda set by the Commission is the topic for the following chapter. But it is also possible that stakeholders' reaction to the agenda has an effect on the privileged access that they achieve after the open consultation. Which reaction to the agenda that would yield more privileged access depends on the purpose of granting privileged access from the point of view of the European Commission. The consultation agendas, their role and stakeholders' reactions to them is an unexplored area, with little to no previous research to provide a theoretical framework to how it might affect the granting of privileged access. However, some exploratory hypotheses can be drawn as a first step to investigate whether there are interesting relationships worth following up.

H9a: *Stakeholders that want to expand the agenda are more likely to have privileged access after the open consultation.*

H9b: *Stakeholders that want to contract the agenda are more likely to have privileged access after the open consultation.*

4.2. Methods

This section aims to address operationalisation of concepts, the structure of the data and estimation strategies. The chapter shares some aspects of the case selection and data collection methods with the other parts of this thesis and so for information on those aspects of the methodology please see other chapters as relevant. Those remaining aspects of the methods are presented below.

4.2.1. Case selection

As highlighted earlier, the type of access in focus here is access with connection to the development of particular legislative proposals, as opposed to more general of diffuse access to decision-makers. Just as in previous chapters, the proposals investigated here were selected because the Council classified them as pertaining to the environment and because the consultation responses were available, with a focus on more recent consultations and larger pieces of legislation. However, in the case of the technical and scientific adaptations to the RoHS Directive, the structure of the consultation did not offer any opportunities for privileged access, at least not that could be identified by the researcher in the standard way (see next section). For that reason, this case was dropped for this analysis. The analysis in this chapter therefore relies on eight legislative proposals and accompanying consultations.

4.2.2. The dependent variables and the unit of analysis

Access is operationalised here (and in the remainder of the thesis) as participation in those exclusive policy fora highlighted by the Commission in its Impact Assessments under "Consultation with affected parties" (standard heading). The fora highlighted in this way vary between proposals, but includes bilateral meetings between Commission officials and stakeholders, bilateral meetings between the consultants tasked with preparing the Impact Assessment and stakeholders, stakeholder workshops and studies contracted to be performed by stakeholders. It also in some cases includes standing working groups when these are of particular relevance. For example, in the case of type approval of two and three-wheel motor vehicles, it includes the "Motor Vehicles Emissions Group", which "met on a number of occasions to discuss L-category vehicle legislation" (from the Impact Assessment). However, such fora whose participants are determined by legislation (such as comitology) are excluded, because the Commission has no discretion in inviting stakeholders and stakeholders have no opportunities to gain access. Similarly, such fora which are open to all stakeholders, such a open consultations, are excluded. Note that it is often not possible to distinguish the exact number of times for example bilateral meetings have been held or exactly at how many working group meetings a particular proposal has been discussed. For that reason, a total level of access is arrived at by adding the number of types of exclusive fora mentioned by the Impact Assessment that a stakeholder has participated in, information which is generally available. This operationalisation attempts to capture the full range of variation in access, but to also check the robustness of any found statistical relationships, access is simultaneously operationalised as a binary variable; "No access" and "some access".

Early and late access, respectively, is defined in relation to the open consultation of each proposal. The theoretical reasons for thinking early and late access are governed by

different dynamics inform this split. Stakeholders which have early access are argued to have the opportunity to shape the agenda before the discussion is opened up to the full spectrum of interested parties, which happens at the open consultation. Furthermore, the open consultation offers the Commission the opportunity to gauge the expertise and salience of all stakeholders, after which those resources might become more important for achieving access. The cut-off point between what is considered early and late access has been chosen here to be three months before the end date of the open consultation[13], which splits the cases of achieved access very nearly down the middle.

There are three main arguments for this focus on the fora highlighted by the Commission. The first is the policy relevance of this type of access. Access to decision-makers through these fora guarantees that access is had with those decision-makers that have a direct bureaucratic role in the development of a proposal. Often these meetings are attended by the point persons of all those DGs which have an interest in a piece of legislation, not just the lead DG. A more general or diffuse access might not have the same impact, because the decision-maker that a stakeholder had access to might not have a direct bureaucratic role in the development of a particular proposal. At the same time, these fora themselves have a designated role in the process, emphasised by all guiding documents that steer the Commission's contacts with stakeholders (White Paper on Governance, Guidelines for Impact Assessments, etc.). Because of this formal role, it is probable that arguments made in these fora are easier for Commission officials to take into account. Relying on inputs from stakeholders is easier for officials to justify when that input has been made through channels that have been created precisely for this purpose. At the same time, these fora are convened by the Commission. Alternatively, when concerning an existing working group, the agenda is set by the Commission. In other words, decision-

13 The results are quite insensitive to the precise date chosen, since the Commission does not consult intensively for a time period before the open consultation.

makers have significant discretion in inviting or excluding whichever stakeholders that they want. Because of this control by the Commission, and the relative ease of justifying relying on inputs made there, fora mentioned in the Impact Assessments are very likely to display the qualitative dimension of access mentioned above, i.e. an attentive listener. So, although there might be additional fora besides those mentioned by the Commission and although stakeholders may have other types of access, the type of access studied in this chapter is central to the consultation process, important for the work of the Commission and critical for stakeholders. It is difficult to tell for certain, but the centrality of this type of access indicate that the results should be generalizable to most other forms of important access.

To define a population of stakeholders that are seeking access, this chapter refers to the group of stakeholders that participated in the open consultation for the proposal in question. This defined population is in fact a sample of the overall stakeholder population and it is an important question whether this sample is representative of the population of stakeholders seeking access to affect this proposal. This question has been addressed in part in the general methods chapter, where it was found that the group of stakeholders participating in the open consultation was broadly representative of the overall population of stakeholders active in Brussels, as measured in previous studies and compared to the voluntary lobbyist register (although the register feature fewer small, national and sub-national stakeholders, because these presumably do not see the value of registering due to infrequent lobbying), with a natural bias towards such stakeholders that have a vested interest in a proposal, such as the air traffic industry in the case of monitoring and verification rules for air traffic in ETS). But the question of sample representativeness adds a new dimension in this chapter because of the fact that many stakeholders that do not participate in the open consultation do get access to the privileged fora. There is a good and

relatively unproblematic reason for this. Several of these fora have a larger focus than an individual piece of legislation, the development of a particular proposal is only one of several items to be discussed. It is then natural that other stakeholders than those interested in a particular proposal get access to the fora. One can also consider the potential incentives to participate in privileged fora but not the open consultation. Only such stakeholders that are supremely confident of their success through privileged fora would forgo the freely accessible open consultation. Such (over)confident stakeholders are here assumed to be rare, and balanced by such stakeholders that choose not to try to gain privileged access but settle for the freely accessible open consultation. So although the sample is biased, it is biased towards those with a particular interest in the proposals in question, which fits well with the purpose of the chapter. There are also methodological limitations which prevent other stakeholders than those participating in the open consultations from being considered here; the open consultations offer valuable opportunities to measure the expertise held and salience attached by stakeholders to a proposal, these opportunities are not available for non-participants. For the above reasons, this chapter only attempts to explain why stakeholders participating in the open consultations might also get more privileged access, while arguing that the results are generalizable to the overall stakeholder population.

The unit of analysis is thus a stakeholder that participates in one of the seven open consultations. Technically, this is a consultation-stakeholder dyad, meaning that a stakeholder could appear as a unit of observation several times if it participated in several consultations. The expertise attributed to it, as well as the salience it is estimated to attach to the proposals in questions will differ though, even though permanent characteristics such as origin or type will of course be the same.

4.2.3. Estimation strategies and controls

As outlined above, the dependent variable is operationalised in two different ways, in addition to being split into early and late access.

In the first conception of access, it is essentially a count variable, it captures how many exclusive fora that a stakeholder has gained access to. The effect of other variables on such a count variable is usually best estimated using a Poisson regression technique. Such models, however, often suffer from over- or under-dispersion which leads to misestimation (King, 1989), so also here. To correct for these mis-dispersions, so called quasi-Poisson methods (or Generalised Event Count models) are available when there are sufficient degrees of freedom, where the dispersion is free to vary (ibid.), and are employed here. Another feature of Poisson models is their sensitivity to what is called exposure (ibid.), in this case a maximum limit to the number of fora that a stakeholder could gain access to, and that this limit will be different across cases. This is clearly the case here. To correct for this, a control offset is introduced; the number of total available fora. As an additional control for the level of competition, the number of stakeholders seeking access is introduced.

The second conception of access envisions access as a binary phenomenon, either a stakeholder has none or it has some access. The appropriate estimation techniques in this case is a binomial, logit, regression. That method is employed here for models 3, 4, 7-10, presented below. This estimation strategy employs the same control variables as the quasi-poisson models.

To estimate whether there are differences between what explains early and late access, a side-by-side comparison of the results from the equivalent binomial regressions, this time with early and late access as the dependent variables. This allows the overall differences between early and late access to be seen, but does not by itself show whether

the differences are statistically significant. For that reason a Z-test of the differences is presented. As an alternative control variable, whether a stakeholder had early access was included in regressions where late access was the dependent variable. It had a small positive, but not significant, effect and is therefore not included in the regressions presented in the next section.

4.2.4. The explanatory variables

Most explanatory variables are operationalised as described in the general methods chapter. However, there are some small differences in the operationalisation of expertise because, of the data structure. And since this chapter features hypotheses regarding stakeholder reaction to the consultation agenda, those reactions are operationalised below.

Expertise is operationalised in a similar way as in previous chapters, i.e. through interviews with well-placed participants in the consultations. However, previous chapters have focused on issue-specific expertise. The focus of this chapter on the other hand is to explain proposal-specific, but not issue-specific, access. For that reason, the issue-specific ratings of expertise are aggregated to form an overall, proposal-wide estimate of the expertise of a stakeholder. A particular aspect of expertise that is seldom mentioned explicitly, but which could be very important for the Commission's decision to grant access, is the breadth of expertise that a stakeholder possesses. The underlying motivation of providing privileged access under an informational lobbyism logic (in which expertise is considered important) is to create a small group of affected parties between which a manageable and knowledgeable discussion can be had, in which claims by stakeholders can be quickly evaluated by other stakeholders. That manageability is reduced as the privileged group grows. The combined incentives of maximising the expertise of those

stakeholders with privileged access and reducing the numbers of those stakeholders should favour stakeholders with a breadth of expertise. By aggregating across all issues, the measurement used here captured both breadth and depth of expertise. To adjust for the different number of issues on which stakeholders could have expertise in the different consultations, the measure was divided by the maximum possible expertise (determined by the number of policy issues and the number of interview respondents).

The degree to which stakeholders want to expand the consultation agenda was measured by the proportion of their demands or recommendations that concerned issues not on the agenda. The degree to which stakeholders want to contract the agenda was measured by the proportion of the Commission's agenda items that they gave recommendations or demands on. For more details about the agenda satisfaction variables, please see the next chapter.

4.3. Results

One set of hypotheses above concerns only the nationally based stakeholders (hypotheses 2c and 3) and another set concerns the broader stakeholder community. Furthermore, the hypotheses includes some interaction effects (expertise with a Brussels office), and the results need to be presented with and without these interaction effects for correct interpretation. As a consequence, 8 models are needed and are presented in tables 4.2 and 4.3 below. Models 1, 2, 5 and 6 are quasi-Poisson models, whereas models 3, 4, 7 and 8 are logistic models. Models 1-4 include all stakeholders while models 5-8 includes only nationally based stakeholders. Models 2, 4, 6 and 8 include the interaction effects. Models differentiating between early and late access are presented in table 4.4 in the next subsection.

Table 4.2: Results - Models 1-4

	Model 1	Model 2	Model 3	Model 4
Specification	Quasi-Poisson	Quasi-Poisson	Logit	Logit
Population	All stakeholders	All stakeholders	All stakeholders	All stakeholders
(Intercept)	-2.69 *** (0.29)	-2.74 *** (0.30)	-3.07 *** (0.41)	-3.03 *** (0.41)
Expertise	0.96 *** (0.24)	1.44 * (0.62)	2.44 *** (0.53)	1.64 * (0.80)
Expertise and Brussels office		-0.55 (0.67)		1.52 (1.14)
Is a Member State body	0.79 *** (0.20)	0.78 *** (0.20)	1.77 *** (0.33)	1.82 *** (0.33)
Is a large firm or industry organisation	0.43 * (0.18)	0.43 * (0.18)	0.46 ' (0.24)	0.46 ' (0.33)
Salience	2.84e-02 (2.27e-02)	2.94e-02 (2.28e-02)	2.97e-02 (3.15e-02)	2.84e-02 (3.15e-02)
Has Brussels office	1.28 *** (0.17)	1.34 *** (0.19)	1.87 *** (0.23)	1.74 *** (0.25)
Control: number of fora	0.26 *** (0.03)	0.26 *** (0.03)	0.15 * (0.07)	0.15 * (0.07)
Control: number of stakeholders	-3.41e-03 * (1.34e-03)	-3.51e-03 ** (1.35e-03)	-8.30e-04 (22.3e-04)	-4.05e-04 (22.5e-04)
N	674	674	674	674
Pseudo R^2	0.37	0.38	0.26	0.26

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '' 0.1

Table 4.3: Results - Models 5-8

	Model 5	Model 6	Model 7	Model 8
Specification	Quasi-Poisson	Quasi-Poisson	Logit	Logit
Population	Nationally based stakeholders	Nationally based stakeholders	Nationally based stakeholders	Nationally based stakeholders
(Intercept)	-2.72 *** (0.58)	-2.77 *** (0.59)	-3.46 *** (0.87)	-3.46 *** (0.42)
Expertise	0.53 (0.44)	0.97 (0.76)	1.66 * (0.82)	1.64 ' (0.98)
Expertise and Brussels office		-0.62 (0.92)		6.85e-02 (1.79)
Is a Member State body	1.67 *** (0.33)	1.64 *** (0.34)	1.98 *** (0.42)	1.98 *** (0.42)
Is a large firm or industry organisation	-0.24 (0.42)	-0.23 (0.42)	-0.43 (0.45)	-0.44 (0.45)
Size of home Member State: Medium	-0.28 (0.25)	-0.29 (0.25)	-0.35 (0.38)	-0.35 (0.38)
Size of home Member State: Small	-0.30 (0.32)	-0.29 (0.32)	0.12 (0.52)	0.12 (0.52)
Salience	-1.32e-02 (5.67e-02)	-9.07e-03 (5.63e-02)	1.96e-02 (6.64e-02)	1.99e-02 (6.70e-02)
Home Member State is new	0.25 (0.31)	0.24 (0.32)	9.97e-02 (0.52)	0.10 (0.51)
Has Brussels office	0.83 ** (0.29)	0.94 ** (0.33)	2.11 *** (0.42)	2.11 *** (0.46)
Control: number of fora	0.15 ** (0.06)	0.16 ** (0.06)	7.60e-04 (0.12)	1.67e-04 (0.12)
Control: number of stakeholders	-1.28e-03 (2.21e-03)	-1.41e-03 (2.23e-03)	7.12e-03 ' (4.04e-03)	7.13e-03 ' (4.05e-03)
N	432	432	674	674
Pseudo R^2	0.40	0.40	0.34	0.34

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '' 0.1

To be able to interpret both quasi-Poisson and binomial regression results in real terms, it is useful to to define a baseline scenario against which to compare the effects. This baseline scenario has been set as the median stakeholder, characterised by; no expertise, a salience at 6% of the maximum, no Brussels office, neither a large firm, industry organisation nor

Member State body, with 18 stakeholders of the same type and 10 of the same origin. For Model 2 and Model 4, the median stakeholder is as above but also from a large, old Member State. Such a stakeholder is predicted to have access to 0.11 or 0.10 privileged fora, according to the two quasi-Poisson models. It is also predicted of having a 7.5% chance at having some access, according to both the logistic models.

The first thing to notice about these results is that they are quite stable across specifications, yielding confidence in the results. The main difference between the models is the varying effect of expertise between the models based on only nationally based stakeholders and those based on all stakeholders. However, these differences are not themselves statistically significant for the logistic models, only for the quasi-poisson models (Z-test, not presented in table 4.2 or 4.3). Part of the explanation could be that nationally based stakeholders are less likely to achieve access (especially multiple times) than other stakeholders, so that quasi-poisson models simply have less traction on this sample of stakeholders. Nevertheless, the explanation might still be that nationally based stakeholders have less access overall because they are unable to gain access based on their expertise. Nationally based large firms and industry organisations could also be interpreted to have a more difficult time getting access than their transnational counterparts (negative coefficients for models 5-8 as opposed to positive coefficients in models 1-4), but neither the differences in coefficients between models 1-4 and 5-8 nor the coefficients in model 5-8 are significant (Z-test, not presented in tables 4.2 and 4.3).

In most models (excluding models 5 and 6 as discussed above) expertise seems to have a positive effect on the privileged access of stakeholders. As compared to the baseline, stakeholders with median characteristics but ranked as having the most expertise, relevant to the proposal in question, are predicted to have access to 0.36 or 1.23 privileged fora, according to models 1 and 2, respectively. This corresponds to 2.6 or 4.2 times more

predicted access compared to the baseline.

It was hypothesised that if the Commission seeks to increase the informational value of the inputs it receives it should give privileged access in particular to stakeholders with expertise and Brussels offices (as their expertise would otherwise be least useful due to credibility concerns). There is no evidence to support this hypothesis. The effects are not significant and the sign of the effect changes between the specifications of the model.

Member State bodies consistently have more access than other types of stakeholders (on top of their mandated access through comitology). They are predicted to have access to 0.31 or 0.29 exclusive policy fora, according to models 1 and 2, corresponding to 2.2 times more predicted access than the baseline, respectively.

Big Business representatives are significantly (although not strongly so) more likely to have privileged access than other stakeholders. They are predicted to have access to 0.21 exclusive fora, corresponding to 1.5 times more access than the baseline, according to both models 1 and 2.

The salience attached to a proposal by a stakeholder does not have a significant effect on the stakeholder's access.

Whether a stakeholder has a Brussels office has a strongly significant effect, both in terms of statistical certainty and in real terms. A median stakeholder that does have an office is predicted to have access to 0.50 (model 1) or 0.51 (model 2) privileged fora, in other words 3.6 or 3.8 times more access than the baseline scenario.

Neither the size of the home Member State of a stakeholder nor whether that home state is a new EU member has any discernible effect on the stakeholders ability to get access.

4.3.1. Privileged access before and after the open consultation

As a first exploration of the effect of the open consultations on the privileged access that stakeholders achieve, four hypotheses were presented. In particular, they concerned whether stakeholders that have expertise or that find the proposal more salient have more access after rather than before the open consultations. Moreover, two hypotheses were presented to test whether stakeholders' reactions to the consultation agenda, i.e. the degree to which they wish to expand or contract it, affect their access after the open consultation. The effects of these variables on early and late access, respectively, are presented in table 4.4. The proper test for whether the differences between the effects for early and late access are statistically significant is a Z-test, which is also presented in table 4.4.

A median stakeholder, as described above, is predicted by the models in table 4.4 to have a 6% chance to have any early access and a 3% chance at having any late access.

Broadly speaking the results for both early and late access are similar to those for access overall. There is only one difference between early and late access that is significant at the 95% level and that is the effect of expertise. Stakeholders with expertise are more likely to have more access than other stakeholders both before and after the open consultations. But stakeholders with expertise are three times as likely (90% vs. 27%) to have some access after rather than before the open consultation.

There is no comparable difference in the effect of salience, which is insignificant both before and after the open consultation.

Although this effect is only significant on the 90% level, Member State bodies seem to have more access after, rather than before, the open consultation. Such bodies are predicted to have a 28% chance of some late access, as compared to a 17% chance before the open consultation.

As can be seen in table 4.5 the effect of stakeholders' reaction to the consultation

agenda does have a noticeable effect on the privileged access that they achieve after the open consultation. The effect of answering more of the Commission's questions is significant in model 11 where answering all of the Commission's questions makes stakeholders 3.2 times more likely to have some privileged late access compared to answering only a median amount of the questions. This corresponds, for an otherwise median stakeholder, to a 9% chance of any late access. This effect is, in model 11, significant at the 95% level. However, in model 12, which explores further the influence of raising additional policy issues beyond those on the Commission's consultation agenda, this effect is not significant.

After graphing of the results in model 11 it was clear that there was in fact a strong relationship between whether stakeholders introduced new policy issues in their contributions and whether they subsequently had privileged access, but the relationship was quadratic. In model 12 and figure 4.2 this quadratic effect is clear. Only answering the Commission's questions will result in only half the chance to have any privileged access after the open consultation, compared to the median stakeholder that makes 17% of its recommendations in issues that are on the Commission's consultation agenda. In an otherwise median stakeholder, this corresponds to a 1.6% chance of having any late access. A stakeholder that only makes recommendations on policy issues not on the consultation agenda are only predicted to have roughly a quarter of the median stakeholder's chance of late access, corresponding to a 1% probability. In contrast, stakeholders making 45% (the optimal value) of their recommendations on policy issues not on the consultation are 1.7 times more likely to have any privileged late access than the median stakeholder, corresponding to a 6% chance of late access.

Table 4.4: Results - Models 9 and 10

	Model 9	Model 10	Z-test of difference
	Early access	Late access	
	Coefficient (Std. error)	Coefficient (Std. error)	
Population	All stakeholders	All stakeholders	
Specification	Logit	Logit	
Intercept	-4.18 *** (0.47)	-3.27 *** (0.79)	0.99
Expertise	1.50 * (0.61)	3.32 *** (0.68)	1.98 *
Is a Member State body	1.06 ** (0.38)	2.15 *** (0.41)	1.90 '
Is a large firm or industry organisation	0.49 ' (0.29)	0.77 * (0.36)	0.59
Salience	6.14e-02 (4.15e-02)	9.62e-02 * (4.48e-02)	0.57
Has Brussels office	1.59 *** (0.28)	1.58 *** (0.33)	0.13
Control: Number of stakeholders	-2.87e-02 *** (0.77e-02)	-4.40e-03 (5.22e-03)	2.67 **
Control: Number of fora	1.38 *** (0.32)	0.23 ' (0.12)	3.42 ***
N	598	422	
R^2	0.21	0.37	

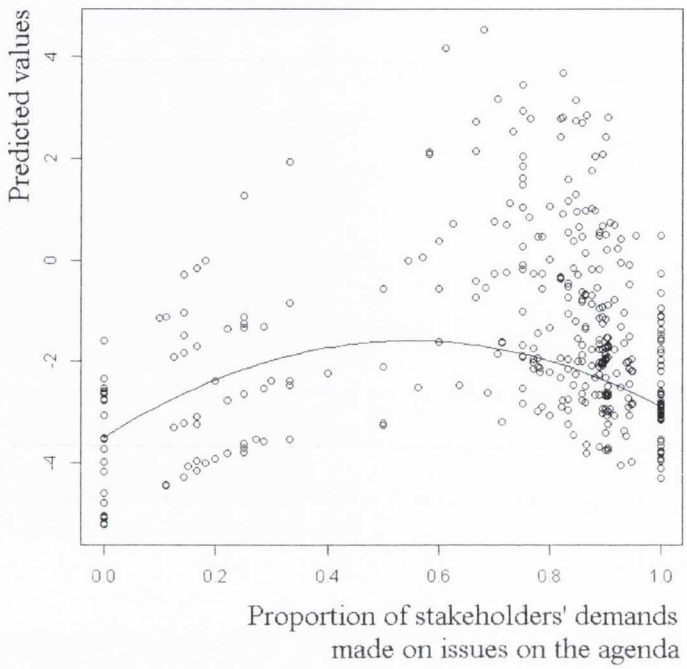
Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '' 0.1

Table 4.5: Results - Models 11 and 12

	Model 11	Model 12
	Late access	Late access
	Coefficient (Std. error)	Coefficient (Std. error)
Intercept	-3.04 *** (0.87)	-4.36 *** (1.10)
Expertise	2.96 *** (0.70)	3.09 *** (0.73)
Is a Member State body	2.38 *** (0.47)	2.46 *** (0.48)
Is a large firm or industry organisation	0.97 * (0.40)	1.06 ** (0.41)
Salience	1.50 ' (0.80)	1.39 ' (0.82)
Has Brussels office	1.62 *** (0.33)	1.53 *** (0.34)
Proportion of consultation agenda questions answered	1.91 * (0.90)	1.03 (1.00)
Proportion of demands outside scope of consultation agenda	-0.29 (0.67)	6.99 * (3.39)
Proportion of demands outside scope of consultation agenda - squared		-6.38 * (2.85)
Control: Number of stakeholders	-1.16e-02 ' (0.61e-02)	-9.04e-03 (6.35e-03)
Control: Number of fora	-9.41e-03 (0.16)	-2.09e-02 (16.4e-02)
N	419	419
R^2	0.34	0.35

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '' 0.1

Figure 4.2: The effect of recommendations outside the scope of the consultation agenda on predicted values of late access



4.4. Discussion and conclusions

The results presented above supports seven of the twelve hypotheses investigated.

The results confirm earlier findings (Beyers and Kerremans, 2004; Chalmers, 2011) that stakeholders with expertise are more likely to have privileged access than other types of stakeholders. Bouwen (2004) found that expertise had a smaller role than he expected, but this might be a consequence of using stakeholder type as a flawed proxy for expertise (see table 3.5).

The results do not support that the Commission attempts to maximise the informational value of stakeholder recommendation by giving access primarily to stakeholders with Brussels offices and expertise (in combination). However, the

Commission does give more privileged access to stakeholders that have either Brussels offices or expertise, which might be why it is difficult to attain a significant result for their combined effect.

The evidence concerning whether the Commission gives privileged access to stakeholders in order to increase support and reduce opposition at later legislative stages to ensure the passage of legislation is somewhat mixed. Member State bodies, who most directly control the passage of legislation through the Council, are much more likely to have access. This corresponds well to the concept of the shadow of the Council of Ministers (Hartlapp et al., 2012).

Large firms and industry organisations, especially the transnational ones, are also more likely to have access, lending some support to the notion that Big Business interests have a privileged position (Chari and Kritzinger, 2006). Based on the facts that business interests do not have more access than other stakeholders (table 3.5) and that the positive effect of being a Big Business representative is on top of expertise, the argument that large firms have privileged access mostly due to their technical expertise (Beyers, 2004; Bouwen, 2004; Coen, 2007) should probably be revised. It is worth noting that the predominance of economic interests in terms of privileged access is more pronounced than observed directly in the results considering that economic stakeholder outweigh representatives of diffuse interests by a very large margin (see table 3.3).

Stakeholders from larger Member States do not seem to get more access than stakeholders from small and medium Member States, in contrast to Greenspan Bell (2004). Moravcik (1998) argued that Member State preferences are derived form the need of domestic economic actors. The results presented here seems to suggest that the Commission is more concerned about the pressure of transnational business interests on the Council at the European level. Stakeholders that find the proposal more salient do not per

se have more privileged access than other stakeholders; the pressure resources stakeholders possess therefore appear to be more important than their willingness to use them.

The Commission appears not to favour stakeholders from the newer or older Member States in granting access, even if not taking into account the slight difference in expertise that these groups of stakeholders have (11% and 15% of recommendation from nationally based stakeholders in new and old Member States are made with expertise, respectively). These are promising results for the legitimacy of the consultations and contradict earlier findings that highlighted the difficulties stakeholders from the new Member States were having in gaining access (Hallstrom, 2004; Greenspan Bell, 2004). Once again it is important to point out however that the result may not capture the extent of the slant in representation, stakeholders from the old Member States are much more common (table 3.3) and therefore in total achieve much more access as a group.

There appears to be strong support for the idea of Brussels insiders with which the Commission attempts to build long-term relationships (Eising, 2007). Stakeholders with Brussels offices and a continuous presence in Brussels are much more likely to have access than other stakeholders, even in such consultations where they do not have a particular degree of expertise. The normative implications of this result depend on the ease of establishing a Brussels office. Mahoney (2004) used having a Brussels office as a proxy for group resources, indicating that underprivileged or marginalised groups are not able to avail themselves of this strategy.

The open consultations appear to have an important impact on the way the European Commission grants access to stakeholders. Presumably the open consultations allows the Commission to better identify those stakeholders that have extensive expertise and consequently invite them for further discussion. An alternative interpretation is that the policy development process is guided by other, less expertise-dependent, goals before the

open consultations, giving Brussels insiders an outsized influence at this early stage of teh policy development process. These competing explanations will be explored further in the next chapter.

Results indicate that how stakeholders react to the agendas of the open consultations affects the access they subsequently get. Stakeholders that give recommendations on more of the consultation agenda items are more likely to have access after the open consultations. Stakeholders that seek a completely different agenda, i.e. makes all of its demands and recommendations on issues not on the current agenda, have less access. But challenging the agenda by seeking to expand it to a moderate degree makes stakeholders more likely to have access. This can be interpreted in at least two ways. Either the European Commission is interested in these stakeholders' viewpoints as it seeks to expand the number of policy solutions to societal problems, consistent with the view that the Commission consults with stakeholders to gain access to their expertise. Another interpretation is that the Commission is interested in ways to appease stakeholders by making side-payments on such issues that are outside the main scope of the consultations. This would be consistent with the view that the Commission is primarily interested in the support for its proposals at later legislative stages. The next chapter, which concerns the way stakeholders react to the agendas, will explore these interpretations further.

In conclusion, it appears that the Commission is attempting to meet several goals by giving stakeholders access. It gains access to the stakeholders' expertise, it secures future support for its proposals and builds long-term relationships. From a normative perspective, based on these results, concerns should perhaps shift from the disproportionate access of stakeholders from large, old Member States and Big Business interests. And towards concern for the development of an insulated Brussels elite of transnational actors with

relatively weak links to the domestic politics of the Member States and the problems of marginalised groups that lack the resources needed for a continuous Brussels presence.

5. Agenda-setting

Political agendas, meaning lists or programs of problems to be addressed, decisions to be made or a set of issues that receive "considerable" and "serious" attention (Cobb and Elder, 1983), are a key component of all public institutions and decision making processes. Agendas structure political conflict in ways that can determine outcomes (Majone in Moran et al., 2008) as they affect mobilization and coalitions of interested parties, conceal conflict and control the functioning of political bodies. Work dating back to Condorcet's paradox have also shown that the order in which political issues reach the agenda and decisions are taken affects outcomes (see for example (Shepsle, 1979). Furthermore, agendas have the potential to reveal underlying structural and political biases of the institutions that set them, in the EU and elsewhere (Schattschneider, 1960; Princen, 2007). Moreover, the power to keep controversial items on or off the agenda, as well as the timing of an item's introduction to the agenda, has dating back to Bachrach and Baratz (1962) been recognised as a crucial source of power in all political systems, including the EU (Peters in Richardson, 2001; Tallberg, 2003; Princen, 2007). Consequentially, agenda-setting has for decades been the subject of a large literature (e.g. Schattschneider, 1960; Cobb and Elder, 1983; Baumgartner and Jones, 1993; Riker, 1993).

To date when agenda-setting has been discussed in the context of the European Commission, scholars have primarily referred to the formal role that this institution has in setting the legislative agenda for the other institutions (e.g. Pollack, 1997). The

Commission retains the formal right to initiate the legislative process and therefore sets the agenda for the legislative work of the EU. But the Commission also sets the agendas that structure its own consultations with the wider community of stakeholders, such as firms, NGOs, industry organisations, labour unions and so on. The agendas of the European Commission's stakeholder consultations come in the form of "calls for consultation". These calls are widely circulated documents which contains an invitation to stakeholders to participate in an open consultation, a background to the consultation and perhaps most importantly a set of questions. The questions highlight the policy problems that the Commission is attempting to solve with the particular legislative proposal being consulted on, leaving other problems aside for later (corresponding very well to the concept of agendas as developed in the long tradition of agenda-setting studies). The consultation agendas have a profound effect on the inputs that the Commission receives from stakeholders since stakeholders are much more likely to make demands or recommendations about policy problems that are on the consultation agenda. 83% of all stakeholder demands in the consultations studied here were on items on the agenda. It also stands to reason that stakeholders that do not find any of the problems on the consultation agenda salient do not participate in the open consultations at all. He who controls the consultation agenda thus controls both the mobilization of stakeholders, what the conflict between stakeholders is now about and the information that the European Commission receives from stakeholders. Given the importance of these stakeholder inputs for the Commission's policy choices (see following chapter and also Hartlapp, 2012) these agendas can in other words be assumed to have a substantive impact on both policy inputs and outputs in the EU.

Many interest groups exist and work largely to put specific items on the political agenda (Beyers et al., 2008b) and raise awareness of particular problems. Other

stakeholders concentrate their lobbying efforts on keeping items off the agenda (see for example Baumgartner in Maisel and Berry, 2010), such as for example firms seeking to avoid regulation of a particular aspect of the economy. Importantly, controlling the political agenda, including consultation agendas, is one of the few ways that stakeholders can exercise direct control over other stakeholders, since those others respond to agendas.

The decision to expand the public agenda is often a strategic move by interest groups. Faced with a status quo that cannot (will not) be changed by the current set of active actors, stakeholders may seek to raise the awareness and public salience of an issue, expanding the set of interested parties and potentially creating a winning coalition (Schattschneider, 1960; Kollman, 1998). Additionally, even though stakeholders have an interest in a broad range of policies, the issues on which lobbying happens is strongly driven by agendas and "herd behaviour", where stakeholders spend their resources lobbying on those issues where other stakeholders are active (Baumgartner and Leech, 1996). Agenda-setting is in other words a major component of the *raison d'être* of stakeholders and successful agenda-setting would be considered by them to be a major lobbying success (Bartels, 2008; Gilens in Enns and Wlezien, 2011; Kimball et al., 2012). As a result, agenda-setting by interest groups has also become a central component of the literatures on social movements (for example McAdam et al., 1996), transnational advocacy (for example Carpenter, 2007; Gemmill and Bamidele-Izu in Esty and Ivanova, 2002), venue shopping (Pralle, 2003, 2006; Mazey and Richardson, 2001; Baumgartner and Jones, 1993) and political media (Cook et al., 1983), to name a few. However, with the exception of Cobb and Ross (1997) and Baumgartner et al. (2009), large-N empirical investigations of agenda-setting are rare.

Agendas and agenda-setting by stakeholders also have important implications for legitimacy. Not least since interest group systems have repeatedly been found to be biased

(Baumgartner and Walker, 1988; Heinz, 1993; Schlozman et al., 1995; Baumgartner and Leech, 1998; Putnam, 2000; Verba et al., 2001; Schlozman, 2009; Marien et al., 2010). "This justifies the concerns brought forward by Bachrach and Baratz (1962) and Crenson (1971) concerning the possibility of certain issues being held permanently "off the agenda" because no one in the "pressure system" has an interest in addressing those concerns. Charles Lindblom's (1977) discussion of the "privileged position of business" in the political system certainly has resonance here" (Baumgartner, 2009, p530). As demonstrated by Baumgartner et al. (2009), there is also reason to suspect that the agendas that interest groups push for is significantly different from the ideal agendas of members of the public.

In the European context, Greenwood (2007) has highlighted that influencing the agenda is a major goal of stakeholders in the EU. Furthermore, Peters (1994), Richardson (2005), Cowles (1995), Coen (1997) and Chari and Kritzinger (2006) argued that stakeholders play a central role in setting the agenda of the EU as a whole. Mazey and Richardson (in Richardson, 2005) also showed that stakeholders affect the agenda of the EU Intergovernmental Conferences. Despite these contributions important research gaps remain. "While almost everyone in this field emphasises the importance of interest groups for the Commission, very little systematic research exists with regard to the selection of legislative issues before the Commission submits a proposal. This black box certainly merits closer empirical investigation" (Beyers et al., 2008b, p. 1294). No research that this author is aware of has presented theoretical or empirical insights into stakeholder influence over the consultation agendas, prompting the lead research question of this chapter; *when and why do stakeholders have influence over the Commission's consultation agenda?*

Faced with any specific consultation agenda, different stakeholders will be more or less satisfied with the set of problems that the European Commission has chosen to make the focus of its legislative proposal. Perfect satisfaction with the consultation agenda would

indicate that the European Commission and the stakeholder in question find the exact same policy problems to be salient (although not necessarily that they favour the same solutions), i.e. having important consequences. It is argued here that stakeholders which have had a role in setting that agenda will be, on average, more satisfied with the agenda than stakeholders lacking such influence. If some stakeholders are systematically more satisfied with the consultations agendas than others, this therefore indicates that those stakeholders have been influential at an earlier stage of the policy development process and have helped the Commission set the agenda in the first place. As a way to examine when and why stakeholders have influence over the policy this chapter therefore studies when and why stakeholders are more or less satisfied with the agenda and conversely how they would like to alter that agenda.

There are two ways in which the Commission's agendas can be altered to more closely match the ideal agendas perceived by stakeholders. The consultation agendas can be expanded or contracted, in different combinations. Figure 5.1 illustrates four different ways in which the ideal agendas of stakeholders can measure up against the actual consultation agenda set by the Commission. Figure 5.1A illustrates the situation in which the ideal agenda of the stakeholder matches the actual consultation agenda very well. 5.1B illustrates that the stakeholder would ideally want to see a different agenda, covering different problems and topics than the actual agenda. In other words, the stakeholder perceives other policy problems more worthy of attention. 5.1C illustrates a case were a stakeholder would want to expand the agenda to include not only those policy problems already on the agenda, which it finds salient, but also other topics. Finally, 5.1D illustrates a case where a stakeholder would like to see a more narrow agenda, focusing on a subset of those policy problems covered by the actual agenda.

Figure 5.1: Match between the actual Commission consultation agenda and the ideal agenda of a stakeholder.

The set of issues on the consultation agenda are represented by green the green ranges, while the ideal agenda of a stakeholder in represented by the blue ranges. Four scenarios, a stakeholder; (A) is satisfied with the consultation agenda, (B) wants to change the focus of the agenda, (C) wants to expand the agenda, (D) wants to contract the agenda.

These four scenarios are different in meaningful and interesting ways. Not only is the stakeholder whose ideal agenda matches that of the Commission's consultation agenda most satisfied with the actual agenda, and the stakeholder which wishes to completely change the agenda least satisfied. But it might also be easier to add rather than remove items from the agenda, or vice versa. Also, the explanations for why stakeholders wish to contract or expand the agenda might differ. Furthermore, stakeholders which demonstrate a certain type of mismatch with the Commission agenda might find it harder (easier) to have access and success further down the consultative process (see chapters 4 and 6, respectively).

5.1. Theoretical expectations

As was argued above, stakeholder satisfaction with the Commission's agenda is here seen to be a good indicator of having influence over the agenda, which is a form of lobbying success. So although there has been no previous research to indicate specifically what grants stakeholders influence over the EC consultation agenda, theories on lobbying influence generally are informative. Similarly to previous chapters, this chapter therefore investigates whether stakeholders have influence over the consultation agenda because

they provide the Commission with information and expertise or because the Commission wishes to build long-term relationships, to increase support and reduce opposition at later legislative stages or to increase the legitimacy of the policy process. In addition, previous lobbying successes, in particular gaining privileged access, could be expected to have an effect on agenda satisfaction. The hypotheses developed in chapter 2 are presented as they apply to agenda-setting in table 5.1.

Table 5.1: Hypotheses regarding agenda satisfaction

Provision of information
H1a: *Stakeholders that have expertise are more likely to be satisfied with the agenda.*
H1d: *Stakeholders that have expertise and privileged access (before the agenda is set) are more likely to be satisfied with the agenda.*
H1e: *Stakeholders that have expertise but no Brussels offices are more likely to be satisfied with the agenda.*
Support at later legislative stages
H2a: *Stakeholders that are Member State bodies are more likely to be satisfied with the agenda.*
H2b: *Stakeholders that represent Big Business are more likely to be satisfied with the agenda.*
H2c: *Stakeholders from larger Member States are more likely to be satisfied with the agenda.*
H2d: *Stakeholders that assign more salience to a proposal are more likely to be satisfied with the agenda.*
Gaining legitimacy
H3: *Stakeholders from the new and old Member States are as likely to be satisfied with the agenda.*
Building long-term relationships
H4: *Stakeholders with Brussels offices are more likely to be satisfied with the agenda.*
Effect of privileged access
H5: *Stakeholders with privileged access (before the agenda is set) are more likely to be satisfied with the agenda.*

5.2. Methods and data

Many aspects of the methods employed in this chapter are discussed in the general methods chapter. This section only deals with issues specific to this chapter or cases where for example the case selection deviates from that outlined in the general methods chapter. All explanatory variables are operationalised in the same way as described in the general methods chapter. The measurement of whether a stakeholder had privileged access is the binary measurement for early access described in chapter 4.

5.2.1. Case selection

This chapter draws on a subset of the consultations listed in the general methods chapter. One of those cases, the one concerning adaptations to the ROHS Directive in the light of technological and scientific advances, was dropped simply because there was no agenda as such and no possibility for stakeholders to diverge from it (important for the dependent variables). This was a very technical and tightly controlled consultation were both the agenda and stakeholder responses must take a certain format and therefore not suited for the study of agenda satisfaction. Two additional cases were dropped because of differences in the coding procedure. As a part of the coding scheme, a germaneness rule was applied, simply to exclude such demands or recommendations from stakeholders that were not relevant to the consultations at hand. In the two dropped cases, that rule was applied more strictly than in the remaining cases (due to a different coder), meaning that demands that did not correspond to the Commission agenda were less likely to be coded. If these cases were included, the dependent variable would risk being biased because of the coding. These cases concerned the review of the WEEE Directive and the inclusion of aviation activities in the ETS scheme. There are thus five remaining consultations investigated in

this chapter.

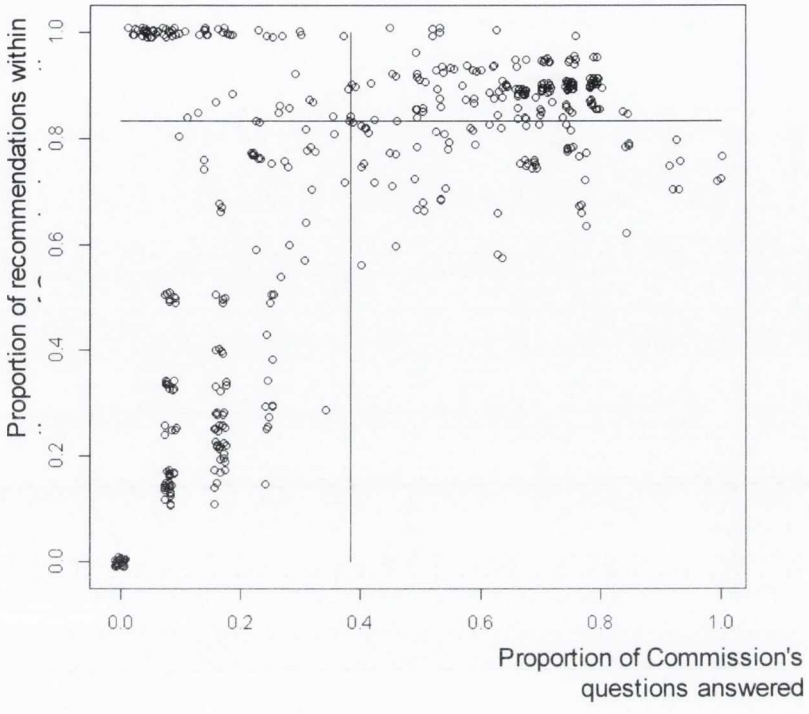
5.2.2. The dependent variables

The aim of this chapter is to investigate which stakeholders that are satisfied with the agenda set by the Commission and why. The main data used here for this purpose are the agendas themselves, as captured by the call to consultation documents, and the reaction of stakeholders to those agendas. Those reactions are demonstrated in the written responses to the consultations. From those responses, 8451 recommendations and demands were hand-coded. It is assumed that the questions on which stakeholders made recommendations or demands are the ones on which they would like to see on the agenda. Another way to express this is to say that stakeholders are most likely to make demands and recommendations on policy problems that they believe are salient and should be part of the consultations and in the end the legislative proposal. This represents their ideal agenda. As was discussed in the introduction, there are two important ways in which the ideal agendas of stakeholders can diverge from the actual agenda set by the Commission. Ideal agendas can be wider or narrower, potentially in combination. As a measure of the degree to which stakeholders want to expand or widen the agenda, the proportion of their demands that fell outside the scope of the consultation agenda is used. Stakeholders that devote a large share of their written responses to questions not raised by the Commission are thus assumed to want to expand the agenda. On average, 83% of stakeholder recommendations were made on questions brought up by the Commission in the agenda, leaving 17% of demands outside the agenda. As a measure of the degree to which stakeholders want to contract the agenda, the proportion of the questions posed by the Commission that a stakeholder gave recommendations or demands on is used. Stakeholders that answer only a subset of the

Commission's questions are thus assumed to want to contract the agenda to that subset of issues. On average, stakeholders in the dataset answered 63% of the Commission's questions. Given the different numbers of questions on the agenda (and the average number of recommendations per stakeholder) in the different consultations, proportions are more suitable than total numbers of matching agenda items. Figure 5.2 shows the distribution of stakeholders in this sample in terms of the match between their manifested ideal agendas and the Commission's agenda.

Stakeholders that answer a large proportion of the Commission's questions but do not feel the need to go beyond those questions can be said to be satisfied with the agenda set by the Commission (found in the upper right corner of figure 5.2). Stakeholders that answer a large proportion of the Commission's question but simultaneously make many recommendations beyond those questions can be said to primarily want to expand the agenda (found in the lower right corner of figure 5.2). Stakeholders that answer only a smaller proportion of the Commission's questions and do not move substantially beyond those questions can reasonably be said to want to contract the agenda to a subset of the actual agenda (found in the upper left corner of figure 5.2). Finally, stakeholders that answer only a small portion of the Commission's questions and that devote a large proportion of their recommendations to other topics can be said to want to change the focus of the agenda (found in the lower left corner of figure 5.2). Using the medians to demarcate them, four categories of stakeholders can thus be identified, corresponding to the scenarios in figure 4.1; those that are satisfied with the agenda, those that want to expand it, those that want to contract it and those that want to change its focus.

Figure 5.2: Match between the ideal agendas of stakeholders and the consultation agenda set by the Commission.



Each point represents one stakeholder. Points have been jittered. The two straight lines indicate the medians of both proportions.

5.2.3. Estimation strategy and controls

The dependent variables are proportions, ranging between 0 and 1. In this situation a linear (OLS) model is not appropriate since "such an approach contravenes two conditions: the conditional expectation function must be non-linear since it maps onto a bounded interval; and its variance must be heteroskedastic since the variance will approach zero as the mean approaches either boundary point" (Kieschnick and McCullough, 2003, p. 195). Normally the standard solution for statistically analysis of proportions is a beta regression. However, is a straightforward beta-regression is not appropriate either in this case, since many of the observations take the boundary values (0, 1), for example when a stakeholder answered all the Commission's questions or did not make any recommendations outside the agenda.

"When this is the case, the beta distribution does not provide a satisfactory description of the data, since it does not allow a positive probability for any particular point in the interval [0, 1]. A mixed continuous-discrete distribution might be a better choice. [...] Ospina and Ferrari (2008), [..] used the beta law to define the continuous component of the distribution. The discrete component is defined by a Bernoulli or a degenerate distribution at zero or at one. The proposed distributions are usually referred to as zero-and-one inflated beta distributions (mixture of a beta and a Bernoulli distribution)" (Ospina and Ferrari, 2012, p. 2). The word *inflated* suggests that the probability mass of some points exceeds what is allowed by the proposed model (Tu, 2006). The underlying distributional assumptions of such a model are complex; the distribution is defined by four parameters (defining the beta and Bernoulli components, respectively) which must be estimated simultaneously with the regression coefficients. The advantage is that this model can handle extreme point values without bias or alterations to the data. To estimate the models, the gamlss function in the GAMLSS package in (Rigby and Stasinopoulos, 2005) was employed. This solution to the particular problem of studying proportions that include the extreme point values has been increasingly applied over the last few years[14] and represents the most rigorous solution. Normal Q-Q plots show that the models provide an unbiased fit.

To accurately estimate what characteristics of stakeholders that make them more or less likely to be satisfied with the agenda, the characteristics of the consultations themselves must be controlled for. The agendas for the consultations differ for example in terms of the amount of questions asked, the degree of technicality as well as how well they capture the concerns of any concerned stakeholders. Larger consultation agendas are less likely to see stakeholders that want to expand the agenda and so on. To correct for these

14 http://www.gamlss.org/index.php?option=com_content&view=article&id=3&Itemid=6 - Accessed 25/9 2012.

differences, the size of the consultation agenda was included as a control variable.

Finally, since the dependent variables are proportions, ignoring the total number of recommendations that a stakeholder gave can distort the results. The total number of recommendations a stakeholder made, relative to the average number of recommendations that stakeholders made in the consultation in question, is therefore included as a control.

As a robustness check, a categorical dependent variable with four values (satisfied with agenda, want to expand agenda, want to contract agenda, want to change agenda) was created (categories delimited by the medians as seen in figure 5.2). A multinomial model implemented using the nnet package in R gave very similar results to the main results, not presented here.

5.3. Results

The coefficients of beta regressions, including the inflated kind used here, should be interpreted in relation to a baseline scenario. In this case, a suitable baseline is the median stakeholder; a Big Business representative with no expertise, no privileged access and no Brussels office from a large, new Member State. Such a stakeholder is predicted by the models in table 2 to have answered 72% of the Commission's questions and that 77% of its recommendations were on topics raised by the Commission. The inflated beta regression assumes that the dependent variable, y, is dependent on the predictors, x, such that $y(x)=1/(1+\exp(-(\bar{x}\beta)))$ (at median values of y, where the beta continuous component of the model dominates). The regression coefficients, β_i, must be therefore be transformed according to

$$\frac{\delta y(x_i)}{\delta x}=\frac{\hat{\beta}_i \exp(-(\bar{x}\hat{\beta}))}{\left(1+\exp(-(\bar{x}\hat{\beta}))\right)^2}$$

in order to be interpreted substantially. So to ease interpretation, in addition to the regression results in tables 5.1 and 5.3, tables 5.2 and 5.4 show the substantive effect of the independent variables on the dependent variable for a median stakeholder.

5.3.1. Contracting the agenda

It was argued above that stakeholders that only find a subset of the policy issues on the agenda salient are less likely to address all the policy issues that the Commission raised in the consultation agenda. To interpret the results presented in table 5.1 it is worth noticing that positive coefficients mean that stakeholders with high values on that variable are likely to address more policy issues, i.e. to be less likely to want to contract the agenda. Negative coefficients indicate that stakeholders with high values are more likely to want to contract the agenda.

Expertise consistently has a positive effect on the proportion of consultation policy issues addressed, meaning that stakeholders with expertise are less likely to want to contract the agenda. Stakeholders with the most expertise are predicted to answer 27% more of the Commission's questions than a comparable stakeholder without expertise (model 1). Nationally based stakeholders with expertise are predicted to address 18% more of the Commission's policy issues (model 3).

The effect of expertise does however seem to be strongly conditional on both whether a stakeholder is nationally based, whether it has had privileged access and whether it has a Brussels office. When all stakeholders are considered, having privileged access does not alter the effect of

Table 5.1: Results - Proportion of consultation issues addressed

	Model 1	Model 2	Model 3	Model 4
Population	All stakeholders	All stakeholders	Nationally based stakeholders	Nationally based stakeholders
	Coefficient (Std. error)	Coefficient (Std. error)	Coefficient (Std. error)	Coefficient (Std. error)
Intercept	-0.95 *** (0.11)	-1.05 *** (0.11)	-1.59 *** (0.21)	-1.53 *** (0.21)
Expertise	1.22 *** (0.19)	2.87 *** (0.29)	1.36 *** (0.26)	1.46 *** (0.31)
Expertise with privileged access		-0.02 (0.27)		2.31 ** (0.82)
Expertise with a Brussels office		-2.39 *** (0.38)		-0.50 (0.50)
Member State body	0.37 ** (0.14)	0.34 * (0.14)	-0.04 (0.17)	5.04e-02 (17.1e-02)
Home Member State size: Medium			-0.22 ' (0.12)	-0.24 ' (0.12)
Home Member State size: Small			-0.23 (0.16)	-0.26 (0.16)
Big Business representative	0.26 ** (0.10)	0.21 * (0.09)	0.20 ' (0.11)	0.25 ' (0.11)
Salience	0.49 * (0.22)	0.53 *** 0.22	0.17 (0.35)	0.13 (0.35)
Home Member State is Old			-0.15 (0.15)	-0.18 (0.15)
Brussels office	-0.28 ** (0.09)	7.81e-03 (0.11)	-0.04 (0.15)	0.07 (0.18)
Privileged access	-0.59 *** (0.08)	-0.50 *** (0.09)	-0.34 *** (0.11)	-0.52 *** (0.12)
Control: Size of consultation agenda	1.74e-02 *** (0.43e-02)	1.50e-02 *** (0.42e-02)	6.74e-02 *** (0.73e-02)	6.50e-02 *** (0.74e-02)
Control: Number of recommendations relative to consultation average	0.12 *** (0.01)	0.12 *** (0.01)	0.16 *** (0.01)	0.15 *** (0.01)
N	455	455	295	295
Pseudo R^2	0.52	0.55	0.64	0.66

expertise (model 2). However, when only nationally based stakeholders are considered stakeholders with privileged access are predicted to address 30% more of the Commission's policy issues than a median stakeholder due to expertise (model 4).

Having a Brussels office has a certain independent effect, discussed further below,

but it also to a large extent negates the effect of expertise. Stakeholders with Brussels offices and expertise are only predicted to address 11% more issues on the agenda than a median stakeholders, while a stakeholder with the same expertise but no Brussels office is predicted to address a much larger proportion of the issues. This interaction effect is not significant when only nationally based stakeholders are considered. That stakeholders with expertise in combination with access or no Brussels office address a larger proportion of the issues on the agenda is consistent with the hypotheses emphasizing informational value (H1d and H1e), although that these effects are dependent on the origin of the stakeholder is not.

Table 5.2: Changes in predicted values for a median stakeholder

	Model 1	Model 2	Model 3	Model 4
Population	All stakeholders	All stakeholders	Nationally based stakeholders	Nationally based stakeholders
	$\frac{\delta y(x)}{\delta x}\|\bar{x}$	$\frac{\delta y(x)}{\delta x}\|\bar{x}$	$\frac{\delta y(x)}{\delta x}\|\bar{x}$	$\frac{\delta y(x)}{\delta x}\|\bar{x}$
Expertise	0.27 ***	0.68[15] ***	0.18 ***	0.19 ***
Expertise with privileged access		-0.00		0.30 **
Expertise with a Brussels office		-0.57 ***		-0.06
Member State body	0.09 **	0.08 *	-0.01	-0.01
Home Member State size: Medium			-0.03	-0.03
Home Member State size: Small			-0.03	-0.03
Big Business representative	0.06 **	0.05 *	0.03	0.03
Salience	0.12 *	0.13 ***	0.02	0.02
Home Member State is Old			-0.02	-0.02
Brussels office	-0.07 **	0.00	-0.01	0.01
Privileged access	-0.14 ***	-0.12 ***	-0.04 ***	-0.07 ***

15 This increase may seem to bring the predicted value above the upper limit of the dependent variable (1). This is because the Bernoulli effect of the inflated beta model is not accounted for in these values. The values in the table hold only for moderate increases in the dependent variables around the variable medians. A unit change in expertise (from no to high expertise) is not a moderate increase. No predicted values rise above 1, even if suggested by table 5.2.

The hypotheses set to test whether the Commission seeks to increase support and decrease opposition at later legislative stages receive some support, especially when all stakeholders are considered. Member State bodies are predicted by models 1 and 2 to address a larger proportion of the policy issues on the consultation agenda than other stakeholders, about 8% more of the issues. Similarly, Big Business interests are predicted to address 6% more of the issues on the consultation agenda than other stakeholders. The saliency that stakeholders attach to the proposal has a substantive effect on the proportion of consultation issues stakeholders address. The stakeholders that find the proposal most salient are predicted to address 12% more of the issues. However, none of these effects are significant when only the nationally based stakeholders are considered (models 3 and 4). Moreover, whether stakeholders hail from large or small Member States, which should be important for their influence over the Council, has no significant effect.

Consistent with the view that the Commission attempts to legitimise the policy process by listening to all categories of interests, whether stakeholders are from the old or new Member States does not have a significant effect.

There is no evidence that the Commission favours Brussels insiders in setting the agenda evident in these results. Stakeholders with such offices are not predicted to address more of the issues on the agenda than other stakeholders. In fact they are predicted to address fewer of them (model 1), although this effect does not exist when the interaction between having such a Brussels office and expertise is considered (model 2).

There appears to be a negative effect of having early privileged access. Stakeholders with such access are predicted to address between 14% and 4% fewer of the issues on the agenda, depending on whether only the nationally based or all stakeholders are considered.

5.3.2. Expanding the agenda

The results for when stakeholders seek to expand the consultation agenda are overall very similar to those for when stakeholders wish to contract it, although there are important differences in the strengths of different effects. Positive coefficients in table 5.3 indicates that stakeholders devote a larger proportion of their policy recommendations and demands to issues on the consultation agenda, i.e. that they are less likely to attempt to add items to the agenda.

Stakeholders with expertise devote a larger proportion of their recommendations to items that are on the agenda, more precisely 14%, when all stakeholders are considered. This positive effect of expertise on agenda satisfaction is highly significant when all stakeholders are considered but not at all significant when only nationally based stakeholders are considered.

Very similarly to the effects observed in section 5.3.1, when all stakeholders are considered (model 6), stakeholders with Brussels offices and expertise are much less satisfied with the agenda than similar stakeholders without such offices. This is consistent with hypothesis H1e, supporting the perspective that the Commission seeks input with informational value. This interaction effect is not significant when only nationally based stakeholders are considered. In that scenario, it seems to be whether stakeholders have privileged access or not that determines whether expertise makes stakeholders more satisfied with the consultation agenda, not seeking to expand it.

There is somewhat mixed support for the perspective that the Commission consults with stakeholders to increase support or reduce opposition at later legislative stages. Member State bodies devote the same proportion of their recommendations to issues on or off the agenda as do other types of stakeholders. But the size of the home Member State of a stakeholder does seem to have an effect. Stakeholders from smaller Member States are

predicted to devote about 4% more of their recommendations and demands to items that are not on the consultation agenda than stakeholders from the largest Member States. Moreover, large firms and industry organisations are predicted to devote 4% to 6% more of their demands to policy issues that are on the agenda than other stakeholders. This effect is consistently statistically significant. When all stakeholders are considered, stakeholders that find the proposal more salient are also less likely to add issues to the agenda. Stakeholders that find the proposal most salient out of all stakeholders are predicted to devote 13% more of their recommendations and demands to the issues on the agenda.

Table 5.3: Results - Proportion of recommendations that were on policy issues on the consultation agenda

	Model 5	Model 6	Model 7	Model 8
Population	All stakeholders	All stakeholders	Nationally based stakeholders	Nationally based stakeholders
	Coefficient (Std. error)	Coefficient (Std. error)	Coefficient (Std. error)	Coefficient (Std. error)
Intercept	-1.63 *** (0.11)	-1.62 *** (0.11)	-2.75 *** (0.18)	-2.67 *** (0.18)
Expertise	0.75 *** (0.17)	1.53 *** (0.27)	0.23 (0.22)	0.26 (0.27)
Expertise with privileged access		0.12 (0.23)		1.85 * (0.76)
Expertise with a Brussels office		-1.32 *** (0.36)		-0.23 (0.42)
Member State body	0.23 ' (0.12)	0.22 ' (0.13)	8.10e-02 (14.6e-02)	8.14e-02 (14.5e-02)
Home Member State size: Medium			-0.24 * (0.11)	-0.24 * (0.11)
Home Member State size: Small			-0.31 * (0.14)	-0.35 * (0.14)
Big Business representative	0.30 *** (0.09)	0.28 *** (0.09)	0.22 * (0.10)	0.25 * (0.10)
Salience	0.67 ** (0.25)	0.71 *** (0.25)	0.52 (0.37)	0.35 (0.37)
Home Member State is Old			0.11 (0.13)	9.27e-02 (12.5e-02)
Brussels office	3.66e-02 (8.91e-02)	0.22 * (0.10)	0.30 * (0.13)	0.38 * (0.15)
Privileged access	-0.49 *** (0.07)	-0.49 *** (0.08)	-0.37 *** (0.08)	-0.50 *** (0.10)
Control: Size of consultation agenda	0.11 *** (0.01)	0.10 *** (0.01)	0.18 *** (0.01)	0.18 *** (0.01)
Control: Number of recommendations relative to consultation average	-4.52e-02 *** (1.02e-02)	-3.89e-02 *** (1.02e-02)	-1.63e-02 (1.37e-02)	-1.45e-02 (1.35e-02)
N	455	455	295	295
Pseudo R^2	0.59	0.59	0.72	0.73

Table 5.4: Changes in predicted values for a median stakeholder

	Model 5	Model 6	Model 7	Model 8
Population	All stakeholders	All stakeholders	Nationally based stakeholders	Nationally based stakeholders
	$\frac{\delta y(x)}{\delta x}$	$\frac{\delta y(x)}{\delta x}$	$\frac{\delta y(x)}{\delta x}$	$\frac{\delta y(x)}{\delta x}$
Expertise	0.14 ***	0.30[16] ***	0.04	0.04
Expertise with privileged access		0.02		0.31[16] *
Expertise with a Brussels office		-0.26 ***		-0.04
Member State body	0.04	0.04	0.01	-0.01
Home Member State size: Medium			-0.04 *	-0.04 *
Home Member State size: Small			-0.05 *	-0.06 *
Big Business representative	0.06 ***	0.06 ***	0.04 *	0.04 *
Salience	0.13 **	0.14 ***	0.08	0.06
Home Member State is Old			0.02	0.02
Brussels office	0.01	0.04 *	0.05 *	0.06 *
Privileged access	-0.09 ***	-0.10 ***	-0.04 ***	-0.08 ***

There is no evidence that stakeholders from the new and old Member States seek to add issues to the agenda to different extents, in line with the hyopthesis that the Commission seeks to ensure a representative and legitimate consultation process.

Having a Brussels office seems to make stakeholders less likely to make recommendations on policy issues outside the consultation agenda. Such stakeholders are predicted to devote about 5% more of their demands to the issues on the agenda than other stakeholders. However this effect is not substantial nor significant unless the interaction effect between having a Brussels office and expertise is accounted for.

Privileged access makes stakeholders more likely to challenge the agenda by making recommendations and demands on policy issues outside it. Stakeholders with

16 This increase may seem to bring the predicted value above the upper limit of the dependent variable (1). This is because the Bernoulli effect of the inflated beta model is not accounted for in these values. The values in the table hold for moderate increases in the dependent variables around the variable medians. A unit change in expertise (from no to high expertise) is not a moderate increase. No predicted values rise above 1, even if suggested by table 5.4.

access devote about 9% more of their demands to issues outside the agenda. This effect is consistently strongly significant.

5.4. Discussion and conclusions

Although agenda-setting has long been recognised as a central component of political power and of interest group influence, empirical investigations in the European context have been rare. By investigating the degree to which stakeholders wish to expand or contract the consultation agenda, this chapter provides novel insights into the influence of stakeholders at the very early agenda-setting stage of the European policy process.

The expertise that stakeholders possess is most often the strongest predictor of whether stakeholders appear satisfied with the consultation agenda or challenge it with their policy recommendations. This suggest that a resource dependence perspective (Bouwen, 2002; Beyers and Kerremans, 2004), portraying the Commission as dependent on the expertise of stakeholders to execute its legislative functions, is valid also for the study of agenda-setting.

The effect of expertise is importantly also conditional on whether stakeholders are in a position where their inputs have informational value. This indicates that decision-makers are aware of the problems associated with relying on the inputs of interested parties highlighted in the theoretically oriented literature on lobbying (e.g. Potters and van Winden, 1992; Austen-Smith, 1993, 1998; Austen-Smith and Wright, 1996; Austen-Smith and Banks, 2000; Krishna and Morgan, 2001a, 2001b; Dür and Swank, 2005; Lopipero et al., 2007; Dahm and Porteiro, 2008a, 2008b) and attempt to mitigate them even at the agenda-setting stage.

However in contradiction to or at least beyond the theoretical expectations, the

above effects are modulated by whether stakeholders are nationally based or transnational in nature. Rather than being hampered in their informational lobbying by having Brussels offices (which reveals their bias), nationally based stakeholders are only able to bring their expertise to bear when they have privileged access. These interesting results provide a novel angle on the multi-level interest group mediation system in the EU. Previous research has highlighted that transnational stakeholders may have important advantages (see for example Bouwen, 2004) because they represent an European perspective of particular interest to the Commission (Greenwood, 2007). The results presented here indicates that nationally based stakeholders may also face particular problems in getting their expertise recognised by the European institutions. These are aspects worth investigating further as they have important normative implications both for the efficiency and democratic legitimacy of the consultations.

The results support the theory that the Commission consults with stakeholders in order to increase support for its policies at later legislative stages. Several of the observable implications of this theory are always significant, although the exact set differs. That Member State bodies are only slightly more successful than other stakeholders does however spark the question whether it is truly the shadow of the Council (Hartlapp, 2012) or the European Commission's concern for direct interest group pressure on the Commission itself which leads to Big Business interests and stakeholders that find the proposal most salient being successful in setting the agenda.

There is little evidence in the results presented in this chapter that an elite set of Brussels insiders (Eising, 2007; Coen, 2007) controls the consultation agenda. The most substantial and consistent effect of having Brussels offices seems to be that they reduce the capacity to influence the agenda via expertise. A related and even more surprising result is that for privileged access. Previous research have given such access a very prominent role.

Several authors writing about EU interest groups have gone so far as to say that privileged access is necessary to have any influence over policy (Bouwen, 2002, Eising, 2007), using access as a proxy for influence (Bouwen, 2004). According to another viewpoint, privileged access serves mainly as a reward for previous behaviour by stakeholders or as a boon for stakeholders with which the European Commission has built long-term relationships. Rather than access being a way for the Commission to acquire more and better information, privileged access is then a way for stakeholders to acquire information about the plans and thinking of the Commission (Broscheid and Coen, 2007; Greer et al., 2008). This type of early information has been highlighted by for example Mazey and Richardson (1993) as key for stakeholders if they wish to influence the European institutions. If this is the case, stakeholders that have early access are not able to leverage it for influence over the agenda but are more informed about what the agenda will be, allowing them to more effectively challenge the agenda.

As was noted in chapter 4, challenging the agenda by making policy demands and recommendations on items not currently on the agenda, while indicating failed agenda-setting, does not only have negative consequences. It is a reasonable assumption that stakeholders that find other issues salient than those the Commission highlights in the agenda have failed to set the agenda. But that does not mean that challenging the agenda does not offer opportunities for future influence. Stakeholders that challenge the agenda, to a moderate degree, are more likely to have privileged access later in the consultations (chapter 4).

Furthermore, having privileged access before the open consultation is one of the few choices that actually make stakeholders more likely to expand the agenda. This indicates that expanding the agenda might be a conscious strategy on the part of the most politically sophisticated stakeholders. However, such an interpretation contradicts earlier

scholarship that have argued that actors in privileged positions have the least interest in opening up policy debates to a broader community of stakeholders (Kollman, 1998). Chapter 6 explores the effect of making demands outside the agenda further.

In conclusion, the stakeholders that appear to be most satisfied with the consultation agendas, and therefore also probably had a larger role in setting the agenda, are stakeholders with extensive expertise or that are in a position to affect the passage of legislation at later stages.

6. Preference attainment

In the course of the European Commission's stakeholder consultations, stakeholders such as firms, industry organisations, local and regional administrations, NGOs as well as EU Member State bodies and many other actors, will present competing policy demands and recommendations for action, in what amounts to overt conflicts of interest. The Commission will reject many such demands but include other demands in its legislative policy proposals that initiate and steer the formal legislative procedures of the EU. There are in other words winners and loosers among the interested stakeholders at this stage of the policy process. This chapter aims to explain which stakeholders and demands that are successful in the sense of being adopted by the Commission, in other words the preference attainment of stakeholders. The chapter is thus guided by the following question. *What determines whether a policy demand or recommendation from a stakeholder will be adopted by the European Commission?*

In the broadest sense, this question concerns how political systems receive and accept or reject demands and signals from wider society; one of the fundamental processes of political systems and deserving of the full attention of political science. The central democratic importance of the answer to this question further motivates the project, particularly in the context of the perceived democratic deficit of the European Union (Scharpf, 1999; European Commission, 2001, 2002; Tanasescu, 2009).

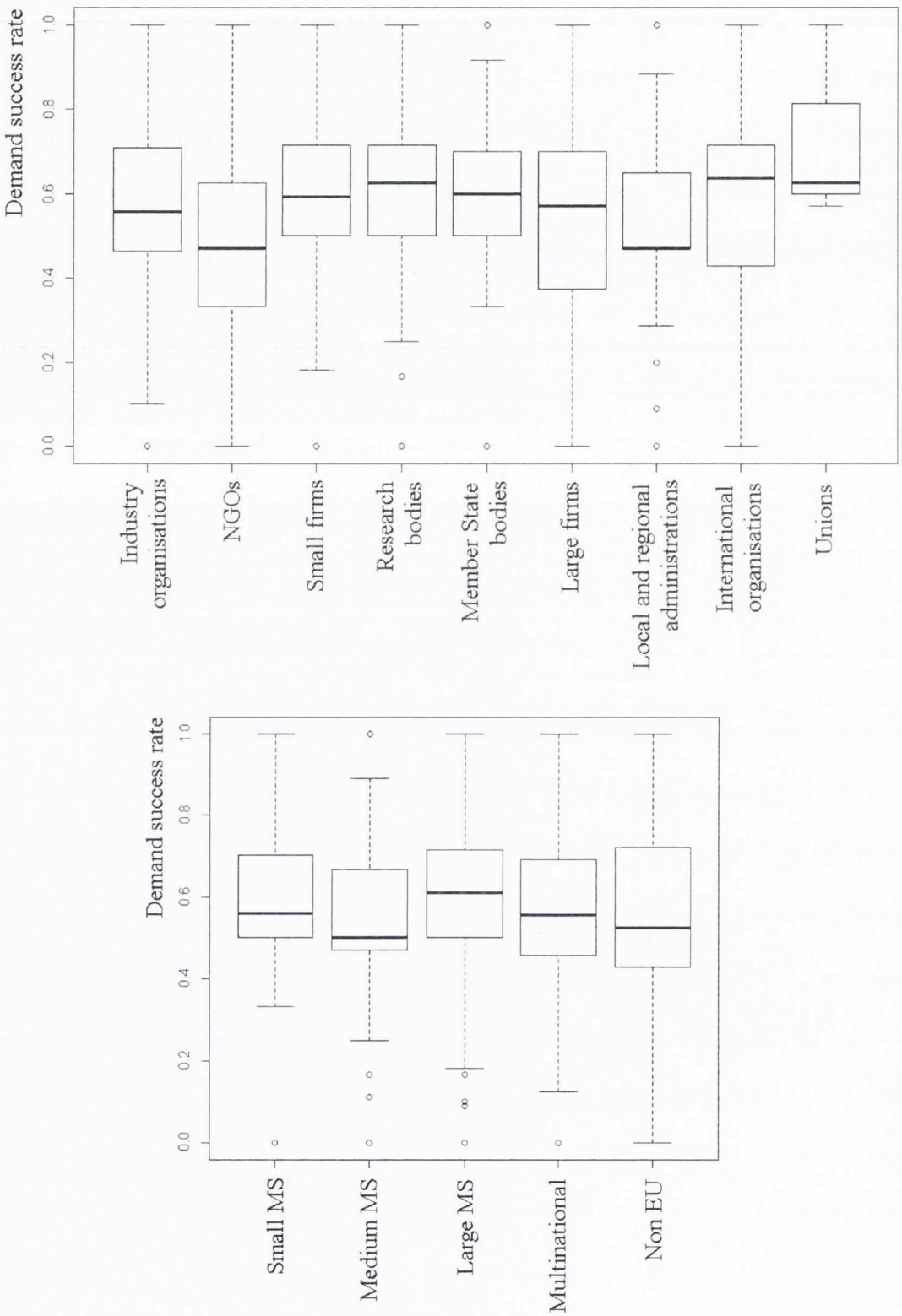
The legislative outputs of the European Union have a very large impact on the lives of half a billion European citizens and the organised stakeholders that mobilise to

participate in the stakeholder consultations. The legislative process leading up to those legislative outputs are initiated by the Commission that puts forth legislative proposals, the contents of which cannot be decided by the member states (Crombez et al., 2006). Furthermore, the voting rules in the Council of Ministers and European Parliament guarantee that these proposals are quite hard to amend (Thomson and Hosli, 2006), although this varies by procedure. Making successful policy recommendations to the Commission is therefore one of if not the most direct way in which stakeholders can make sure that their policy preferences are realised. Furthermore, successful policy recommendations are also the type of lobbying success where the stakes are highest from the point of the European Commission and the Union generally. Which stakeholders that get privileged access and the exact agendas of the consultations does not have a direct, irreversible effect on the utility of the Commission. If need be, the Commission can grant privileged access to additional stakeholders or even conduct a second open consultation covering additional policy topics (although this is relatively rare). But there are only quite limited opportunities for the Commission to change the policy choices embodied in the legislative proposals (responding positively to amendments by the Council and Parliament). Consequently this is certainly also the type of lobbying success with the greatest implications for the citizens of Europe and for the legitimacy of the lobbying process.

The degree to which stakeholders have influence over the Commission's policy choices has been found to vary greatly (Hayward and Menon, 2003; Beyers, 2004). In the dataset presented in this thesis, stakeholders attain their preferences, in terms of having their policy demands or recommendations adopted by the Commission in its policy proposal, on average 55% of the time.

It seems different categories of stakeholders have a relatively equal chance of

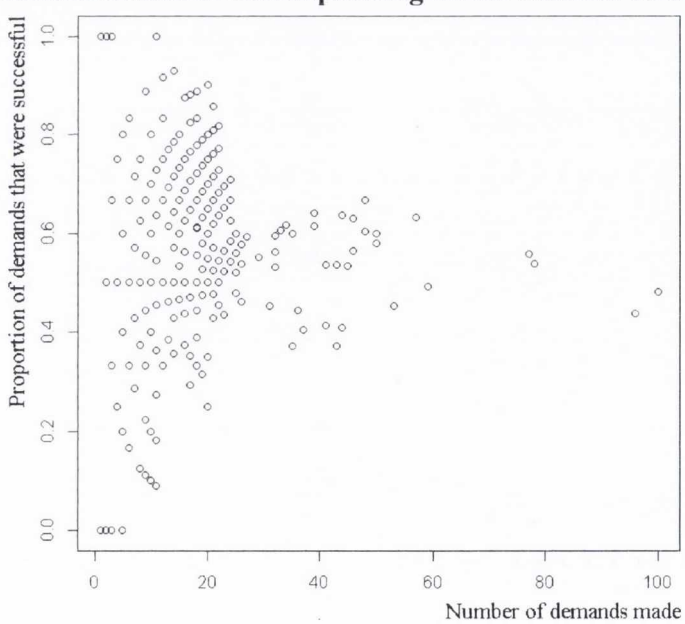
Figure 6.1: Demand success rate by stakeholder type (upper) and origin (lower)



making successful policy demands and recommendations (see figures 6.1), without taking into account more sophisticated explanatory variables. However, it is worth noticing that economic interests are much more numerous than other stakeholders, and so the relatively low averages success rate for economic interests conceal a larger absolute number of successes.

Some stakeholders, however, attain their preferences all of the time while others never attain their preferences. Some of this variation can be explained by the total number of positions that stakeholders take (figure 6.2). Stakeholders that make very many recommendations tend to be successful at about the average rate (although this means that they are successful much more often than other stakeholders in total numbers) while stakeholders that focus their efforts on only making a few policy demands or recommendations are much more likely to attain all or none of their goals.

Figure 6.2: Demand success rate depending on the number of demands made

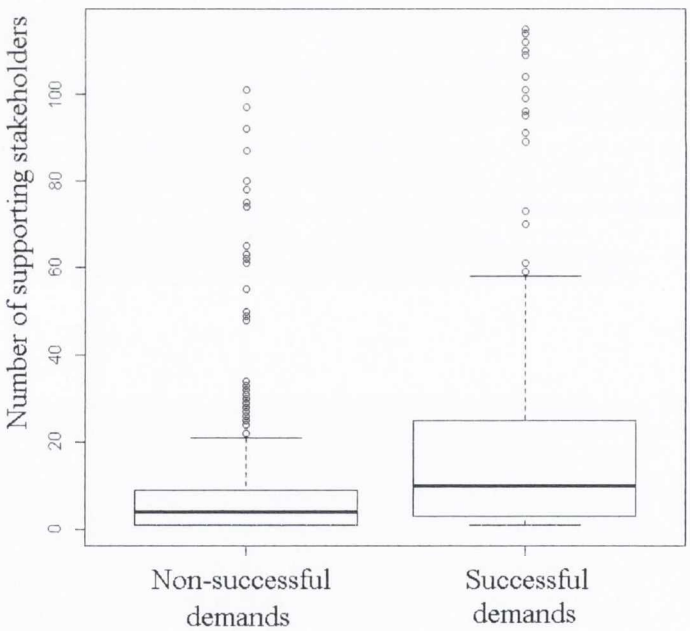


Each dot represents one stakeholder.

Only about 38% of the policy options that stakeholders recommend are adopted by the

European Commission. The reason for the difference between the the percentage of adopted policy recommendations (38%) and the average success rate of stakeholders (55%) is that stakeholders tend to coalesce around a subset of all possible policy options and support those, making them both more likely to be successful and inflating the success rate of stakeholders that "run with the herd". Policy options that are successful are on average supported by 54% of the stakeholders that made a recommendation on the issue while unsuccessful policy options on average are supported by 35% of the stakeholders making recommendations (total numbers seen in figure 6.3).

Figure 6.3: The number of supporting stakeholders for successful and non-successful demands

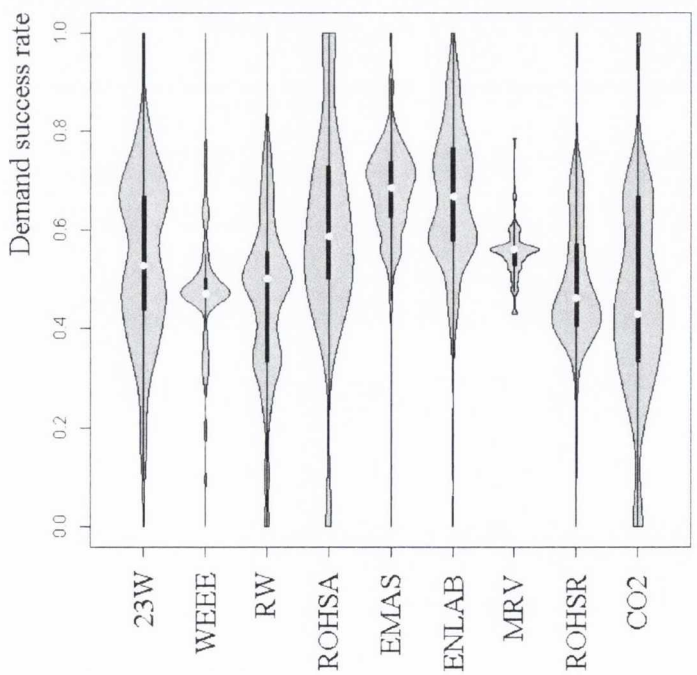


Moreover, the rate at which stakeholder demands are successful vary significantly between the different consultations, with the average success rate ranging between 41% and 68% (see figure 6.4). This does not necessarily mean that the Commission listened to stakeholders to different extents in the different consultations, although that is a possibility.

It could also indicate that stakeholders were in more or less disagreement in different consultations or that the active stakeholders did not have the same amount of expertise or other qualities that the Commission looks for in stakeholders, i.e. factors that are internal to the consultations.

As can also be seen in figure 6.4, the different stakeholder consultations were not equally polarised. In for example the case of type approval for two- and three-wheel vehicles ("23W") winning and loosing groupings of stakeholders can be identified, with stakeholders concentrated at two different success rates (45% and 70%). In contrast, in the case regarding the Eco-Management and Audit Scheme (EMAS) most stakeholders had a recommendation success rate of about 68% with no separate clusters of stakeholder success rates.

Figure 6.4: Demand success rate by consultation



Demand success rate by consultation. The width of the plots indicate the prevalence of stakeholders with a particular demand success rate (kernel density). To more clearly illustrate polarisation, the densities have been weighted by the total number of demands that a stakeholder made (giving less weight to those stakeholders who made very few demands, since their success rates are less informative).

That stakeholders coalesce around policy options as well as the differentiated average demand success rates and levels of polarisation in the stakeholder consultations highlights a central problem in exploring lobbying influence by measuring preference attainment. Namely that the success or failure of one stakeholder in attaining its preferences cannot be analysed in isolation, because the probability of success depends on and influences the success and failure of other stakeholders. In other words, preference attainment might be due to a stakeholder's own efforts or due to the efforts of other stakeholders or to the lack of an effective opposition (also termed counter-lobbying). Although preference attainment is of central importance, the difficulty of taking other supporters and counter-lobbying into account statistically has led to only a small literature tackling preference attainment directly (Woll in Coen and Richardson, 2009; Dür, 2008). It has led researchers to either study other lobbying phenomenon or to study stakeholder influence using proxies such as access (Bouwen, 2004) or how efficiently stakeholders process information (Chalmers, 2011). Dür (2008) as well as Bernhagen (2012) emphasise however that the methodological problem can be overcome by methodological triangulation and more extensive data collection. Recently three research projects have started to make progress on these fronts in the European literature.

Using automated text analysis of the written stakeholder consultation responses and the Commission's legislative proposals, Klüver (2009, 2011, 2012) has created a database of 2696 interest groups and 56 policy issues. However, the validity of the automated text analysis is questionable since such analysis have been shown to work poorly on legal documents (such as the legislative proposals) and documents that follow a pre-set structure (as is done in the consultation agendas, affecting the stakeholder consultation responses). Most prominently, the method employed by Klüver can be criticised for the way that multi-issue complex consultations are automatically boiled down to a single issue-dimension

(with little to no way of interpreting the substantial contents or meaning of that dimension), which unfortunately also affects the reliability of explanatory variables such as information provision. So far, the project has yielded results that indicate that interest group mediation in Europe is fair, in terms of different types of stakeholders having similar levels of preference attainment, and that information provision is important to success.

Hartlapp, Metz and Rauh (2012) combine preference attainment with process tracing to establish stakeholder influence over the European Commission's policy choices (along with a set of other factors). Only initial results have been reported so far but they indicate that information provision by stakeholders is indeed central and that most policy decisions in the Commission are taken based on stakeholder input of some kind. Determining exactly which inputs is harder to establish.

Finally, Bunea (2012) draws on the sister dataset to the one presented in this thesis[17] to study the effect of policy networks on preference attainment. The results indicate that stakeholders that find themselves in central positions in the policy network of stakeholders, officials and politicians do indeed have a higher degree of preference attainment than other stakeholders. However, the project leaves open the question of other sources of interest group influence.

The limited amount of previous research and methodological limitations of the existing studies have therefore left the question of preference attainment relatively unexplored. In addition, none of the above projects take the issue of clustering of the success of policy recommendations and demands into account as could be desired. This chapter presents both methodological and empirical advances that help overcome the limitations in the literature.

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17 Portions of the datasets are identical, although there are several consultations that are unique to each dataset and the explanatory variables have been collected independently for the two datasets.

6.1. Theoretical expectations

The theory chapter arrived at four potential explanations as to why the European Commission consults with stakeholders and why those stakeholders might have an influence. It may be because stakeholders provide the Commission with information and expertise or because the Commission wishes to build long-term relationships, to increase support and reduce opposition at later legislative stages or to increase the legitimacy of the policy process. In addition, previous lobbying successes such as gaining privileged access and setting the consultation agenda might have an effect over preference attainment. The hypotheses developed in chapter 2 are presented as they apply to the success of policy demands and recommendations in table 6.1.

Table 6.1: Hypotheses

Provision of information
H1a: *Stakeholders that have expertise are more likely to make successful policy demands and recommendations.*
H1c: *Unexpected policy demands and recommendations, given bias, by stakeholders with expertise are more likely to successful.*
H1d: *Stakeholders that have expertise and privileged access are more likely to make successful policy demands and recommendations.*
H1e: *Stakeholders that have expertise but no Brussels offices are more likely to make successful policy demands and recommendations.*
Support at later legislative stages
H2a: *Stakeholders that are Member State bodies are more likely to make successful policy demands and recommendations.*
H2b: *Stakeholders that represent Big Business are more likely to make successful policy demands and recommendations.*
H2c: *Stakeholders from larger Member States are more likely to make successful policy demands and recommendations.*
H2d: *Stakeholders that assign more salience to a proposal are more likely to make successful policy demands and recommendations.*
Gaining legitimacy
H3: *Stakeholders from the new and old Member States are as likely to make successful policy demands and recommendations.*
Building long-term relationships
H4: *Stakeholders with Brussels offices are more likely to make successful policy demands and recommendations.*
Cumulative success
H5: *Stakeholders with privileged access are more likely to make successful policy demands and recommendations.*
H6: *Stakeholders are as likely to make successful demands on policy problems that are on the agenda as on problems not on the agenda.*
H7: *Stakeholders that challenge the consultation agenda are as likely to make successful policy recommendations as other stakeholders.*

6.2. Methods

Many aspects of the methods employed in this chapter are discussed in the general methods chapter, this section only deals with issues specific to this chapter.

6.2.1. Success of policy demands and recommendations

Section 3.3 of the general methods chapter outlined how the demands and recommendations by stakeholders were identified, by using the written consultation responses by the stakeholders, and organised into policy issues, each policy issue a dimension of a policy where stakeholders disagreed. The success of these demands was determined using similar hand-coding of the outcome documents, meaning the legislative proposal put forward by the Commission after the consultation (or the Commission's Decision document in the applicable cases). Success was operationalised as binary {0, 1} and deemed to have happened if the proposal reflected the recommendation. Sometimes, stakeholders demanded that something should be included (or excluded) in the Commission's proposal, in which case the Commission remaining silent was coded as failure (success). 55% of all recommendations in the dataset were successful in this way. The determination of whether a demand was to be coded as successful or not is essentially a qualitative one, based on multiple readings of all documentation. Determination was based on the essence of the demands and provisions in the legislative proposals, rather than exact wording (except in cases of legal definitions where the wording was more appropriate), with a focus on the effects of the proposal provisions on stakeholders. In grey area cases, demands were coded as successful, so as not to underestimate the influence of stakeholders or the partial successes they might attain.

6.2.2. Estimation strategy - Taking other supporters and counter-lobbying into account

Individual demands and recommendations from individual stakeholders is the natural observable unit for which measurement of salient explanatory variables of success such as

expertise is possible. However, the success of these individual demands are not independent of each other. The success of one stakeholder in influencing the Commission will of course mean that other stakeholders supporting the same policy alternative are also successful. In other words, stakeholders can be successful by chance, through no effort of themselves. An estimation strategy that takes the complete political situation into account is thus needed. Part of the problem is here solved by aggregating the recommendations so that the unit of analysis is a recommendation from a coalition of stakeholders (consisting of all supporters of the policy alternative), where the explanatory variables are the informational value, etc., of that coalitions recommendation. These coalitions cannot be successful by chance in the same way that individual stakeholders can. The 8451 individual recommendations are thus aggregated to 618 recommendations made by coalitions, large or small, in favour of 618 policy alternatives.

In the process of the aggregation, the values of the independent variables are added. So, for example, whether a stakeholder has a Brussels office, a binary variable, is added to become the number of stakeholders in the coalition that had such offices. Note that this includes the interaction effects. It is the combination of expertise and access, for example, for an individual stakeholder that is predicted to produce demands of high informational value, not the combination of expertise and access in a coalition. The interacted variables are thus multiplied at the level of the individual stakeholders and then added. The resulting variables can be interpreted as interaction effects in the coalition level regressions. For a list of the transformed variables see table 6.2.

By its nature, lobbying is a competitive game. Different coalitions will recommend competing solutions to the same problems in society, solutions which to some degree might be mutually exclusive. The success of one such recommendation will make the success of competing recommendations less likely, as the Commission can be expected to choose a

limited number of solutions to a single problem. The success of recommendations are therefore dependent on each other in clusters. Statistically this problem is known as negative intra-cluster correlation, or under-dispersion. It is a feature which arises in all situations were competition is present and should therefore be central to political science, but there is a limited literature in political science that recognises this problem. When it is recognised, the employed solution is simply to report the most conservative standard errors, while ignoring the bias (Arceneaux and Nickerson, 2009). Standard clustered standard errors models will not solve the problem, since these models assume a positive intra-cluster correlation (a negative correlation will be modelled as no correlation), resulting in both bias, inefficiency and unreliable standard errors similar to those of a naive unclustered model (Ten Have et al., 1998). Estimation of the intra-cluster correlation coefficient using the ICC package for R (Wolak et al., 2012) showed a correlation of -0.2, which would yield significant bias using standard techniques. Prentice (Prentice, 1986) has developed an extended beta-binomial (EBB) model which can adjust for the negative correlation, which has been recommended by King (1989) as a general solution to extra-binomial dispersion[18]. It has been implemented in political science by Palmquist (1997) and others to study the voting behaviour of U.S. Senators, which features a similar competition logic as that found here. This chapter employs an R code written by Kentaro Fukumoto (2004, 2012) that implements Prentice's EBB model, which yields unbiased and reliable estimation (results have been checked for robustness using the alternative approach suggested by Pryseley et al. [2010]). The results from this approach are interpreted just as those from a standard logistic regression (Prentice, 1986). Running a standard binomial model or a clustered standard error model (which yield the same results as each other in the case of negative intra-cluster correlation) gives substantially different results from the

18 Other, but imperfect, solutions include latent class analysis and generalised linear mixed-effects models based on Laplace approximation (Pryseley et al. 2010)

model developed by Prentice (1986). Although the direction of the effects are the same, the coefficients are severely biased towards zero while the standard errors remain the same. These types of differences are as expected; since EBB models are able to correct for the existence and strength of an opposition it corrects for a large source of noise in the data.

Finally, to make sure that the explanatory variables do not just capture the overall number of stakeholders supporting a demand, the proportion of the stakeholders that made recommendations on the policy issue that supported the policy alternative is included as a control variable. As the total number of stakeholders that made recommendations on the issue rises, the potential influence of any one stakeholder reasonably decreases, this total number is therefore also introduced as a control variable.

Besides the opposition and support of other stakeholders, demand success or failure may also be influenced by the previously held beliefs, the priors, of the European Commission. Klüver (2009) used automated text analysis to establish the policy positions of both the stakeholders (using the same documents as my approach) and the Commission before and after the stakeholder consultations (by looking at the Green/White Papers and legislative proposals). One advantage of this approach is the possibility to measure change in the Commission's position. As discussed earlier however, he validity of the automated text analysis is questionable. Most prominently, the automated text analysis employed by Klüver reduces multi-issue, complex consultations to a single issue-dimension with little to no way of interpreting the substantial contents or meaning of that dimension. A change in the Commission's position on that single dimension, although measurable, is therefore very difficult to interpret in substantial terms. Moreover, from reading the White/Green Papers and other types of calls for consultations, it is clear that the Commission is not transparent about its evaluation of policy options in these documents. This corresponds to the official line that no decisions have been taken before stakeholders were consulted and that all

initial thinking is subject to change. While it is probable that the Commission does favour certain policy alternatives before the stakeholder consultations, it is highly doubtful that it reveals this thinking against better judgement in its calls for consultation. All of the above indicates that systematically establishing the Commission's early thinking on the 237 policy issues in the dataset would be a very daunting task with little hope for reliability. However, the Commission's early thinking is important. In part, the effect is overcome by the large number of observations in the study (the Commission's early thinking becomes noise). In addition, one of the hypotheses helps address the issues. To check for the possibility of cumulative lobbying success, whether the policy issue on which a demand was made was on the consultation agenda set by the Commission is a variable in the models presented in the next section. So although it is very difficult to tell which policy option within a policy issue the Commission was considering, it is possible tell whether it was considering a policy option on that issue at all, partially correcting for the Commission's prior thinking.

6.2.3. Explanatory variables

Most explanatory variables are operationalised as described in the general methods chapter.

However, privileged access was operationalised as binary, to aid the interpretation of the interaction effects between access and expertise in this chapter. 24.2% of all stakeholders had this type of access. In addition, because of the aggregation of policy demands described in the last section, the explanatory variables are of course aggregated too. For example, the issue-specific expertise held by all the stakeholders making a demand is aggregated to the sum of that expertise.

For two variables the aggregation is a little bit more complicated. Two hypotheses

concern whether stakeholders from the old (or large) Member States are more influential than those from small (new) Member States. To get at this difference in influence, the proportion of nationally based stakeholders that are from the large (old) Member States is used. In the cases where there were no nationally based stakeholders in the coalition, NAs were generated.

Furthermore, one hypothesis concerns whether stakeholders who were successful in their agenda-setting have advantages also in terms of preference attainment. For the purposes of creating one variable to test for the importance of agenda-setting, the two measurements of agenda satisfaction developed in chapter 5 are combined. The proportion of a stakeholder's policy demands that were outside the consultation agenda plus the proportion of the Commission's questions that a stakeholder did not answer is thereby the variable included in the regression here. Notice that as the variable rises, the distance between a stakeholder's ideal agenda and the actual agenda rises. To avoid collinearity problems between the total number of stakeholders and this variable, the average distance (rather than the sum of the distances) between stakeholders in the coalition's ideal agenda and the actual agenda is used. This variable is only available for those consultations analysed in chapter 5.

One of the hypotheses concern unexpected policy recommendations and demands. Whether a recommendation or demand is unexpected is intrinsically in the eye of the beholder. For that reason, the interview respondents introduced in the general methods chapter were also asked whether there were any unexpected recommendations (defined as widely as possible) during the consultation, given the previously held bias of the recommending stakeholder. This method allows the researcher to pinpoint very specific demands that were deemed unexpected. The interviews showed that unexpected recommendations are extremely rare. Out of 8555 recommendations, only 10 were

considered unexpected by at least one of the interview respondents. According to the interview respondents there were three main types of unexpected recommendations. Some demands were unexpected because stakeholders recommended something even further in the direction of their bias (beyond what is politically feasible) than what interview respondents expected. Others were unexpected because a certain stakeholder failed to take a position. Yet other demands were unexpected because the stakeholder demanded something it had not demanded before, based on new private information. Of these recommendations, none were based on expertise. So although unexpectedness is a clearly identifiable observable implication of the theory of informational value, it is therefore not included in the regression. It is a theoretically important concept but one with little substantial empirical impact here. The dearth of unexpected recommendations highlights that most recommendations have little informational value, as stakeholders almost always recommend policy options in line with their long-standing bias, irrespective of evidence or special circumstances.

Table 6.2: Independent variables

Variable	Range	Median
Provision of information		
The sum of the expertise of all stakeholders in coalition.	0-28	0
The sum of the expertise of those stakeholders in the coalition that made unexpected recommendations.	0	0
The sum of the expertise of all stakeholders in coalition that had access.	0-11	0
The sum of the expertise of all the stakeholders in coalition that did not have Brussels offices.	0-21	0
Support at later legislative stages		
The number of Member State bodies in the coalition.	0-18	1
The number of industry organisations and large firms in the coalition.	0-30	1
Proportion of nationally based stakeholders in the coalition that are from large Member States	0-1	0.5
The sum of the relative lengths of stakeholder contributions in the coalition.	0-17	0.35
Gaining legitimacy		
Proportion of nationally based stakeholders in the coalition that are from old Member States.	0-1	1
Building long-term relationships		
The number of stakeholders with Brussels offices in coalition.	0-34	3
Effect of privileged access		
The number of stakeholders with privileged access in coalition.	0-25	2
Effect of the consultation agenda		
Whether the policy issue was on the consultation agenda.	No, Yes	Yes
Average distance between ideal agendas of stakeholders in the coalition and the consultation agenda	0-2	3.3
Control variables		
The proportion of stakeholders in coalition (compared to opposition).	0.01-1	0.33
The total number of stakeholders making recommendations on the issue.	1-138	27

6.3. Results

Since the results presented here are based on logistic regression it is useful to to define a baseline scenario against which to compare the effects. This baseline scenario has been set as the median demand (or recommendation, or coalition, these terms used interchangeably), characterised by:

- six stakeholders, constituting 22% of all stakeholders active on the policy issue

- no expertise (no expertise in combination with access and no expertise held by stakeholders without Brussels offices)
- one Member State body
- one Big Business representative
- equal proportions of the nationally based stakeholders from the large and small/medium Member States
- a level of salience at 35% of the maximum
- 81% of the nationally based stakeholders from the old Member States
- three stakeholders with Brussels offices
- two stakeholders with privileged access
- recommendation corresponds to a policy issue on the consultation agenda.

Such a coalition is predicted by model 1 (table 6.3) as having an 19.7% chance of being successful.

To properly test for all the hypotheses, 5 different statistical models are needed and presented in tables 6.3, 6.4 and 6.5. First, different models are needed to analyse the results with and without interaction effects. Second, two of the hypotheses concern the proportions of stakeholders from new, old, large and smaller Member States. These variables have a fair amount of NA's so separate models (3 and 4) where these variables are included are presented to minimise data loss. Finally, the hypothesis regarding the importance of agenda-setting can only be tested on those cases that were analysed in chapter 5. The results for this hypotheses is presented in model 5.

Expertise, when not differentiated by whether recommendations have informational value, does not have a statistically significant effect (p-value = 0.099). If this effect is taken to be significant, having an additional stakeholder with high expertise in the coalition is predicted to give a median coalition a 1.04 times higher chance of being successful. The coalition in the dataset with the most expertise had expertise corresponding to 28 stakeholders with high expertise. Such a stakeholder would be predicted by model 1 to

have a 52% chance of winning, corresponding to 2.6 times the baseline (comparisons to the baseline do not take into account the increase in the proportion of stakeholders supporting the demand that is likely when a coalition gains expertise etc.).

When taking into account also whether recommendations have informational value, a different picture appears. Expertise in the absence of informational value is actually predicted to have a negative effect on success, but this effect is not significant. Expertise with informational value does however seem to have a substantial positive effect. An additional stakeholder with high expertise and privileged access is predicted to give a coalition a 1.13 times higher chance of success, corresponding to a 22% chance of success for an otherwise median stakeholder. The coalition in the dataset with the most expertise in combination with privileged access had expertise corresponding to 11 stakeholders with high expertise. Such a coalition is predicted to have a 59% chance of success. Because of the surprising coefficient of expertise, an additional stakeholder with expertise but without a Brussels office does not have a substantial positive effect (but the mitigating effect of not having a Brussels office is significant).

Having Member State bodies in the coalition is very conducive to success. One additional Member State body in the coalition gives an otherwise median stakeholder a 23% of success, corresponding to 1.15 times the baseline. The coalition in the dataset with the most Member State bodies included 18 such bodies and is predicted to have an 82% chance of success. This effect is highly statistically significant.

Coalitions including large firms and industry organisations are also significantly more likely to succeed. Having an additional Big Business representative in the coalition gives a median policy demand 1.04 times higher chance of success. The coalition in the dataset with the most large firms and industry organisations (30) is predicted to have a 52% chance of success. This effect is significant on the 95% level.

The saliency that stakeholders attach to their demands does not appear to have a substantial or significant effect. Neither does privileged access seem to have any significant effect on whether demands are successful.

Having stakeholders with Brussels offices in the coalition appears to have a positive effect on success. An additional Brussels office in the coalition is predicted to increase chances of success by about one percent. The coalition with the most Brussels offices (34) is predicted to have a 64% chance of success. This effect is significant on the 95% or 90% level, depending on the model.

Table 6.3: Results

	Model 1	Model 2
Population	All stakeholders	All stakeholders
	Coefficient (Standard error)	Coefficient (Standard error)
Intercept	-1.73 *** (0.27)	-1.76 *** (0.27)
Expertise	5.43e-02 ' (4.22e-02)	-0.23 (0.19)
Expertise with privileged access		0.40 * (0.20)
Expertise without a Brussels office		0.25 ' (0.18)
Number of Member State bodies	0.17 *** (0.05)	0.15 ** (0.06)
Number of Big Business representatives	5.18e-02 * (2.36e-02)	5.32e-02 * (2.38e-02)
Combined salience	1.51e-02 (2.98e-02)	1.19e-02 (2.99e-02)
Number of Brussels offices	6.38e-02 * (3.15e-02)	7.86e-02 * (3.52e-02)
Privileged access	1.81e-02 (3.61e-02)	3.71e-03 (37.0e-03)
Issue on the agenda	3.01e-02 (21.5e-02)	1.13e-02 (21.6e-02)
Control: Proportion of active stakeholders	1.04 *** (0.37)	1.09 ** (0.36)
Control: Total number of active stakeholders	-1.89e-02 *** (0.49e-02)	-1.79e-02 *** (0.48e-02)
Pseudo-R^2 [19]	0.70	0.70

N=618, p-values: 0.1< ' < 0.05 < * < 0.01 < ** < 0.001 < ***

19 R^2 = # Correct predictions / N. Prediction = 1 ("success") when $\hat{y} > 0.5$, else prediction = 0 ("failure").

The size of stakeholders' home Member States does not appear to affect their preference attainment. But having stakeholders from the old Member States in the coalition appears to be more conducive to success than having stakeholders from the new Member States. A demand made completely by stakeholders from the new Member States (and, importantly, with any transnational stakeholders) is has a third of the chance to be successful as a demand made by stakeholders from the old Member States (and transnational stakeholders). This effect is significant on the 95% level.

Table 6.4: Results - Effect of stakeholder origin

	Model 3	Model 4
Population	Nationally based stakeholders	Nationally based stakeholders
	Coefficient (Standard error)	Coefficient (Standard error)
Intercept	-1.73 *** (0.33)	-2.06 *** (0.37)
Expertise	-0.23 (0.19)	-0.12 (0.20)
Expertise with privileged access	0.40 * (0.20)	0.29 ' (0.21)
Expertise without a Brussels office	0.25 ' (0.19)	0.15 (0.20)
Number of Member State bodies	0.15 ** (0.06)	0.13 * (0.06)
Number of Big Business representatives	5.31e-02 * (2.38e-02)	3.81e-02 ' (2.71e-02)
Cumulative salience	1.20e-02 (3.00e-02)	-8.09e-03 (31.2e-03)
Proportion of stakeholders from large Member States	-4.45e-02 (25.5e-02)	3.48e-02 (28.7e-02)
Proportion of stakeholders from old Member States		1.47 * (0.73)
Number of Brussels offices	7.94e-02 * (3.55e-02)	0.11 ** (0.04)
Number of stakeholders with privileged access	3.58e-03 (37.0e-03)	-1.59e-02 (3.82e-02)
Issue on the agenda	1.22e-02 (21.6e-02)	
Control: Proportion of active stakeholders supporting demand	1.09 ** (0.36)	1.41 *** (0.41)
Control: Total number of active stakeholders	-1.78e-02 *** (0.48e-02)	-1.02e-02 * (0.49e-02)
Pseudo R^2 [20]	0.70	0.70

N=479, p-values: 0.1< ' < 0.05 < * < 0.01 < ** < 0.001 < ***

20 R^2 = # Correct predictions / N. Prediction = 1 ("success") when $\hat{y} > 0.5$, else prediction = 0 ("failure").

Table 6.5: Results - Effect of the consultation agenda

	Model 5
Population	All stakeholders, consultations analysed in chapter 5
	Coefficient (Standard error)
Intercept	-1.88 *** (0.39)
Expertise	-0.33 (0.25)
Expertise with privileged access	0.57 ** (0.24)
Expertise without a Brussels office	0.27 (0.23)
Number of Member State bodies	6.51e-02 (7.13e-02)
Number of Big Business representatives	5.89e-02 * (2.81e-02)
Combined salience	0.13 ' (0.08)
Number of Brussels offices	0.12 ** (0.04)
Privileged access	4.94e-02 (5.93e-02)
Issue on the agenda	-0.41e-02 * (0.23e-02)
Average distance between ideal and actual agenda	-2.98e-02 (30.0e-02)
Control: Proportion of active stakeholders	1.02 * (0.45)
Control: Total number of active stakeholders	-1.93e-02 *** (0.60e-02)
Pseudo-R^2 [21]	0.75

N=458, p-values: 0.1< ' < 0.05 < * < 0.01 < ** < 0.001 < ***

Whether stakeholders were satisfied or dissatisfied with the consultation agenda does not appear to influence whether their policy demands are successful or not. In models 1 through 4 above, whether the policy issue was on the consultation agenda does not have an effect on the success of a policy demand. However, when only those consultations where all policy issues outside the consultation agenda were included in the dataset (i.e. the cases analysed in chapter 5 and above in table 6.5, see discussion on case selection in

21 R^2 = # Correct predictions / N. Prediction = 1 ("success") when $\hat{y} > 0.5$, else prediction = 0 ("failure").

chapter 5), the effect of the consultation agenda is significant. Demands that are on the consultation agenda are actually less likely to be successful than demands on policy issues outside the agenda. A demand off the agenda is 1.37 times more likely to be successful.

6.4. Discussion and conclusions

The question which sparked this chapter was; what determines whether a policy demand or recommendation from a stakeholder will be adopted by the European Commission in its policy proposals? There does not appear to be a single, overriding answer. Rather, there are several factors which influences whether a policy demand is successful.

Previous research has emphasised the European Commission's need for issue-specific expertise and that this dependence on outside resources gives stakeholders influence. However, the results presented here indicate that expertise in no way is a guarantee for influence, because problems associated with bias and credibility complicate the transfer of information. Only stakeholders given the opportunity to be cross-examined by other stakeholders and the Commission are able to capitalise on their expertise. Indeed, the Commission almost appears to distance itself from demands made by stakeholders with expertise when these stakeholders have a known, unmitigated bias. These results indicate that the European Commission is a sophisticated decision-maker which takes the problems associated with relying on information from interested parties seriously and attempts to mitigate them. This insight, common in theoretical studies, must also inform future empirical investigations.

There is strong evidence that the shadow of the Council of Ministers hangs over the consultations. Stakeholders with the position, resources and will to affect the voting of the Member States are significantly more likely to attain their preferences. The question which

remains is exactly why the Commission puts a premium on producing legislative proposals that satisfy the Member States. Is it because the Commission is fundamentally an agent of the Member States (Moravscik, 1998), because it seeks to ensure its institutional survival by proving its worth or because it anticipates increased power and jurisdiction as the European *acquis* grows and wishes to pass additional legislation for that reason?

The results point to significant normative problems with the representativeness of the stakeholder consultations and how the European Commission drafts its legislative proposals. Not only are stakeholders from the newer Member States quite severely disadvantaged, but diffuse interests have a much harder time influencing policy than do powerful concentrated economic interests. Furthermore, stakeholders with Brussels offices and a continuous presence in Brussels are much more likely to make successful demands than other stakeholders, even in such consultations where they do not have a particular degree of expertise. The normative implications of this result depend on the ease of establishing a Brussels office. Some authors such as Mahoney (2004) have looked at Brussels office as a proxy for group resources. Policy-makers and scholars should therefore be rightfully concerned that underprivileged or marginalised groups are not able to participate as effectively as might be ideal from a democratic perspective. On the other hand, the European Commission spends about €1bn on supporting the interest group community and in particular resource-poor groups (Greenwood, 2007), which may help counterbalance the playing field over time.

Although privileged access to decision-makers have held a very prominent position in the literature on interest group influence in the EU, with several important works using it as a proxy for influence over policy, the results presented here call this perspective into question. Privileged access does indeed have an important role for preference attainment, but primarily in helping stakeholders capitalise on their expertise. A straightforward effect

of having access cannot be observed. It could be argued based on this result that the elite pluralism that is said to characterise the European interest group mediation system must be specified further. Stakeholders with Brussels offices are indeed more successful than other stakeholders. But how can this be squared with the fact that the stakeholders with a seat at the exclusive table where policy is being discussed are not more successful?

In chapters 4 and 5 it was noted that challenging the consultation agenda, although indicating dissatisfaction with the agenda and thereby failed agenda-setting, also has positive consequences, such as subsequent privileged access. These positive results are echoed somewhat in this chapter. Policy recommendations on issues that are not on the agenda are more likely to be adopted by the Commission, even after correcting for the lower levels of opposition and competition. As was found in chapter 5, the stakeholders most likely to challenge the agenda are those with early privileged access, perhaps because they receive advance information about the Commission's agenda needed to challenge that agenda. Rather than access being a way for the Commission to acquire more and better information, privileged access is then a way for stakeholders to acquire information about the plans and thinking of the Commission (Broscheid and Coen, 2007; Greer et al., 2008). This type of early information has been highlighted by for example Mazey and Richardson (1993) as key for stakeholders if they wish to influence the European institutions. Maybe the way that this mechanism functions is that stakeholders with early access are able to identify peripheral policy issues on which they can probably receive what one might call side payments in policy form.

This chapter has highlighted that the Commission consults with stakeholder for three main reasons, to better evaluate the quality of policy alternatives, to increase support at later legislative stages and to cultivate long-term relationships with Brussels insiders.

7. Discussion and conclusions

This chapter serves several purposes. It first provides a concluding answer to the question of why the European Commission consults with stakeholders. Following that, implications for the strategies of stakeholders is discussed. The answer to the research question also has normative implications for the European Union, both in terms of the representativeness and the information-gathering efficiency of the consultations, that are discussed next. Thereafter, the empirical, methodological and theoretical contributions of the thesis are outlined and discussed. The final section points towards future work and concludes.

7.1. Why does the European Commission consult with stakeholders?

Because the European Commission has great discretion in deciding which stakeholders that have access, set the agenda or attain their preferences, to answer the title question is to explain when, how and why stakeholders have influence over the European Commission. Chapter 4 concluded that the European Commission grants privileged access to stakeholders to gains access to their expertise, secure future support for its proposals and build long-term relationships. Chapter 5 concluded that the stakeholders that appear to be most satisfied with the consultation agendas, and therefore also probably had a larger role in setting the agenda, are stakeholders with extensive expertise or that are in a position to affect the passage of legislation at later stages. In contrast to chapter 4, Brussels insiders did not appear to have more agenda-setting success than other stakeholders. Chapter 6

highlighted that the Commission consults with stakeholder for three main reasons, to better evaluate the quality of policy alternatives, to increase support at later legislative stages and to cultivate long-term relationships with Brussels insiders. As these are consistent results I conclude that the European Commission has multiple purposes in consulting with stakeholders. It seeks to:

- Better evaluate the quality of policy alternatives and their likely consequences, putting a premium on stakeholder inputs with high informational value,
- Ensure the passage of legislation,
- Build long-term relationships with Brussels insiders.

This conclusions are consistent with much previous scholarship. It confirms the picture of the European Commission as an institution that is dependent on the resources of stakeholders to perform its central legislative functions (Klüver, 2012; Chalmers, 2011; Greenwood, 2007; Richardson, 2006; Warntjen and Wonka, 2004; Bouwen, 2004; Lohmann, 1998; Mclauhlin et al., 1993; Haas, 1992). The conclusion however moves beyond this European scholarship to also highlight the importance of the problems associated with relying on the information from interested parties, discussed at length in the American theoretical literature (e.g. Potters and van Winden, 1992; Austen-Smith, 1993, 1998; Austen-Smith and Wright, 1996; Austen-Smith and Banks, 2000; Krishna and Morgan, 2001a, 2001b; Dür and Swank, 2005; Lopipero et al., 2007; Dahm and Porteiro, 2008a, 2008b), that the Commission is aware of these problems and attempts to mitigate them.

The conclusions simultaneously supports the view that the Commission seeks to anticipate the future preferences of the Member States as well as to a lesser extent the Parliament and positions itself accordingly (Tsebelis and Garrett, 2000), what Hartlapp et

al. (2010) termed "anticipation of the Council shadow", and therefore cares intensely about whether a proposal will pass later legislative stages unamended (Woll, 2009).

Moreover the conclusions supports the previous scholarship arguing that the European interest group mediation system is characterised by elite pluralism (Coen, 2007) although having privileged access is less important than having a presence in Brussels (to some degree contesting the definition of insiders in Maloney et al., 1994 and Grant, 1978). This is a point where the conclusions does contradict earlier scholarship. Privileged access is not as important as has been argued in the European literature (e.g. Bouwen, 2002, Eising, 2007). Finally the conclusions are in line with previous work emphasising the privileged position of business interests in Europe (Chari and Kritzinger, 2006; Bernhagen and Brauninger, 2005; Frieden and Rogowski, 1996; Lindblom, 1977).

7.2. Empirical and methodological contributions

Unfortunately the EU lobbying literature has lacked systematic data, hindering the development of the field (Beyers et al., 2008). This thesis presented a large and unique new dataset covering 9 stakeholder consultations and the 714 stakeholders that participated in them, whether and when they had privileged access and whether they want to expand or contract the consultation agenda. It also includes over 8000 policy demands or recommendations from these stakeholders and whether those demands were successful in terms of being adopted by the European Commission in its policy proposals. In contrast to other attempts at investigating lobbying success in the EU, such as Bouwen (2004), Beyers and Kerremans (2004), Mahoney (2008) and Klüver (2009, 2011, 2012) that have relied on aggregate, non-specific measurements of success, the data introduced here allows for a much more fine-grained analysis.

Furthermore, this thesis has produced issue-specific measures of the expertise that individual stakeholders had on individual topics, established using expert interviews will well-placed participants in the consultations. Although expertise has long been a key focus of the interest group literature, no studies focusing on the European Union have provided a systematic measure of issue-specific expertise with high validity, before this thesis.

Empirical investigations of interest group influence are prone to the use of proxies for both independent and dependent variables. It is simply a complicated, resource-demanding and riddled with self-reporting-bias process to directly measure many concepts of central concern. This thesis has attempted to move beyond the use of proxies where possible, for example in the measurement of expertise, but still retains a few proxies. For example, the use of whether a stakeholder has a Brussels office as a proxy for the frequency of their previous contacts with the European Commission. Mahoney (2004) employed Brussels offices as a proxy for stakeholder resources. Certainly having a Brussels office represents both resources and the willingness to employ those resources to communicate often with the European institutions. However, many small resource-poor NGOs have Brussels offices whilst many of the worlds largest and most resource-rich companies do not have such offices (a slightly larger percentage of large firms than NGOs have Brussels offices in the dataset). The category of stakeholders with most Brussels offices are European level industry organisations (most often possessing much less resources than their individual members) created specifically for the task of representing industry interests in the creation of the common market. In my view it is therefore reasonable to state that the stakeholders with Brussels offices are those that have found the greatest need to communicate with the European institutions. However, the interpretation of proxies like these will remain most probably remain contested until the European interest group research program can advance to more precise measures.

The set of stakeholders that participate in the European Commission's consultations is very diverse, more diverse than most definitions of organised interests and more diverse than the categories of stakeholders that feature in EU studies to date. It includes firms of all sizes, industry organisations, NGOs representing environmental, consumer and other diffuse interests, universities and other research bodies as well as a small number of trade unions. It also includes a broad range of public institutions - from local and regional administrations, ministries and governments to international organisations. The majority of participating stakeholders are based in the European Union but a remarkable portion are based in the European Economic Area, the United States or Japan or are fundamentally transnational. By covering all these categories of stakeholders, the thesis yields a more complete picture of stakeholders and their influence in Europe than achieved in previous studies (for example Bouwen [2004] studied only economic interests).

An additional contribution is that the thesis presents a way of statistically taking into account one of the most difficult and pervasive problems in the study of lobbying and influence generally; differentiating between success due to effort and success due to luck. In short, if a stakeholder's policy demand was successful, it might be because other stakeholders made the same demand, or because no stakeholder demanded anything contradictory, leaving the demand without opposition. Statistically, these problems can be thought of as positive and negative intra-cluster correlation, the success of one stakeholder is correlated with the success and failure of others. These issues are resolved by a form of aggregation of the demands and by employing Prentice's extended beta-binomial model (1986) which is uniquely suited for the task. These methodological solutions can travel to many other similar applications in political science, of which there are many, where outcomes are a matter of competition between different actors. Attempts to study lobbying influence without taking counter-lobbying into account will produce highly biased results.

Future research must therefore add further to the statistical techniques to handle negative intra-cluster correlation and over-determined models.

7.3. Theoretical contributions

The main contribution of this thesis to the advancement of theories of interest group influence is the provision of what Becker (1983) termed an "influence function" for informational lobbying, i.e. a formal mathematical model of how the provision of information translates into influence over policy. Previous literature on the EU has emphasised that stakeholders providing information can leverage that information for influence over policy, somehow, but failed to specify exactly how. For example, the access good theory introduced by Bouwen (2002; 2004) only states that stakeholders with information are given access to present that information. The theory does not state how the Commission is able to use that information to design policy or how stakeholders can use that opportunity to influence the Commission's policy choices. This thesis presented a much more specific formal model of how policy demands and recommendations with informational value change the European Commission's own evaluation of the utility of different policy options, making it more or less likely to pick those options.

Information from interested parties is often biased and lacking credibility, a well-known fact for practitioners, emphasised by theoretical studies (e.g. Potters and van Winden, 1992; Austen-Smith, 1993, 1998; Austen-Smith and Wright, 1996; Austen-Smith and Banks, 2000; Krishna and Morgan, 2001a, 2001b; Dür and Swank, 2005; Lopipero et al., 2007; Dahm and Porteiro, 2008a, 2008b). The interviews conducted for this thesis highlighted that stakeholders almost never go against their long held biases and therefore cannot make credible claims to have evaluated the specifics of the policy alternatives now

under consideration. Furthermore, in the presence of uncertainty about which stakeholder recommendations that have informational value, all stakeholders have incentives not to expend resourecs providing credible information (similarly to the market for lemons described by Akerlof [1970]). Both empirical findings and theoretical arguments therefore support the claim that credibility problems are endemic in lobbying. However, the lack in the existing literature of a specified way in which stakeholders' information can affect the Commission's policy choices has also led to the problems associated with relying on information from interested parties not being taken fully into account in the European literature. The formal model presented in this thesis attempts to capture these informational problems, specifying the conditions under which stakeholder inputs do in fact have some credibility, allowing them to affect the Commission's evaluation of different policy options. The model presented in section 2.1.1. builds on Calvert's (1985) seminal model of the value of biased advise but adds to that model by incorporating differentiated expertise as well as factors that can mitigate bias and the possibility that bias can be unknown. These additions adapt Calvert's model to the real conditions of the EC stakeholder consultations. The model illustrates that credibility problems in real world applications are nested and interact in complex ways, which must be taken into account both theoretically and methodologically.

7.4. Normative implications and recommendations

7.4.1. Representativeness

The population of stakeholders that participate in the European Commission's stakeholder consultations, just as the total population of stakeholders in Brussels or the set of

stakeholders in the transparency registry, is heavily slanted towards concentrated economic interests (Baumgartner and Walker, 1988; Putnam, 2000; Schlozman, 1984; Heinz et al., 1993; Verba, Schlozman, and Brady, 1995; F. Baumgartner and Leech, 1998, 2001; Schlozman et al., 2008). This simple fact must call the representative aspect of the stakeholder consultations into question. Even if the Commission treat all stakeholders that participate in the consultations even-handedly and listens to them equally, the sheer number of private interests will crowd out more diffuse interests (that this is normatively problematic assumes that private interests systematically have different policy preferences than diffuse interests). For example, large firms and industry organisations are not individually much more likely to have privileged access than other stakeholders. However, given the number of these stakeholders, the table of any given policy discussion fora will most often be predominantly seated by Big Business representatives. In addition to this simple arithmetic fact, large firms and industry organisations are on average individually more successful than other stakeholders, exacerbating the representative slant towards powerful private interests.

In terms of geographical representation, a similar slant exists in favour of stakeholders from the large, old Member States. Stakeholders of this origin significantly outnumber other stakeholders and on average have privileged access and attain their preference more often, echoing concerns from the early period after the eastern expansion (Greenspan Bell, 2004). A success story in terms of geographical representation are the consultation agendas that seem to raise issues that are as salient to stakeholders from the new and the old Member States. An important component of the geographical representativeness of the European interest group community are the European-level so called umbrella groups. The Commission has supported the establishment of these groups with the argument that they provide an pan-European perspective, as opposed to nationally

biased advise. However, these umbrella groups do not seem to level the playing field between interests from the new and old Member States to the degree that they are equally satisfied with policy outputs.

Furthermore, stakeholders with Brussels offices and a continuous presence in Brussels are much more likely to experience lobbying successes than other stakeholders, even in such consultations where they do not have a particular degree of expertise. The normative implications of this result depend on the ease of establishing a Brussels office. Mahoney (2004) used having a Brussels office as a proxy for group resources, indicating that underprivileged, resource-poor or marginalised groups are not able to avail themselves of this advantage. This suggests that the European Commission should aim (to a higher degree than today) to treat Brussels outsiders no different from the insiders, if representation and democratic participation of all interests is a key goal of the consultations.

The European Commission currently spends about €1bn per year on supporting stakeholder organisations (Greenwood, 2007). The above analysis of the representativeness of the consultations suggests that, if the goal is that all points of view should be heard and accounted for in the Commission's policy outputs, those funds should be focused to a higher degree on aiding the establishment of a Brussels presence for diffuse, resource-poor interests from the newer Member States. The current support, going largely to European level umbrella groups, does not seem to even the geographical playing field.

7.4.2. Efficiency

The stakeholder consultations have been hailed as a way for the European Commission to

efficiently gather policy-relevant information from those directly affected by the policies. This thesis has highlighted some institutional features that can raise the informational value of the inputs that the Commission receives. First of all, the open consultations seems to significantly increase the Commission's ability to identify stakeholders with relevant expertise (so that these can be invited to exclusive policy discussion fora). Holding the open consultations earlier in the policy development process may therefore increase the credible information the Commission receives.

Exclusive policy discussion fora, and the cross-examination of claims and information that they entail, appears to make the information and expertise stakeholders provide more credible. Given that the exclusive nature of these fora are what allows more involved debate and cross-examination to occur the Commission should not, based on these results, make these individual fora less exclusive in order to make them more democratic. A better solution is to host additional such fora, with different sets of participants, and thereby retaining the opportunity for deeper discussion while increasing opportunities for overall representative participation as well as increase the informational value of recommendations. To maximise the credible information it receives the Commission should formulate a goal that all stakeholders with expertise be given privileged access.

As predicted by the theory of informational value, the expertise provided by stakeholders without a Brussels presence (with unknown bias) seems to have a larger impact than other expertise, indicating more learning by the Commission. This suggests that the Commission should intensify its efforts to make sure that participation by Brussels outsiders is easy and that there are simple ways for them to demonstrate their expertise.

7.5. Implications for stakeholder strategies

Some of the results in this thesis indicate that there are factors that stakeholders themselves are unable (or unwilling) to change, such as the type of interest they represent, that affect their lobbying success. But the results also point towards strategies that stakeholders can choose to employ that are more or less successful. These include whether to, at potentially high costs, acquire expertise, establish Brussels offices, vigorously pursue privileged access or mount public pressure campaigns. These choices also include with which other stakeholders to network and coordinate with.

The benefits of acquiring expertise and using it to achieve lobbying success in the European Commission's stakeholder consultations depend in large part on timing, origin and opportunities for privileged access. Expertise is, by itself, most useful for stakeholders that are newcomers to Brussels, bringing new information and perspectives (and biases) to the consultations. For stakeholders that have interacted frequently with the European institutions and are well known by them, credibility problems appear to be more pronounced. For these stakeholders, achieving privileged access is most crucial to fully leverage the expertise they have acquired. Exposing one's expertise and information to cross-examination from other stakeholders and the Commission, in the exclusive policy discussion fora, is a very valuable way of increasing the credibility of the policy recommendations based on the expertise and information and make them more likely to succeed. The results presented here suggests that expertise will be most helpful in attaining privileged access after the open consultations, probably because the open consultations offer an opportunity to showcase one's expertise to the Commission. Stakeholders with expertise, even those facing credibility problems because they have well known biases in favour (against) particular policies, can have considerable success in helping set the agenda of the consultations. It appears that the Commission trusts stakeholders with expertise to

identify the most salient policy problems, even if the Commission is more hesitant to trust stakeholders as to the best solutions to those problems.

Establishing Brussels offices has in the academic literature mostly been discussed either as a proxy for stakeholder resources (Mahoney, 2004), implying that a Brussels office means more resources which is uncomplicatedly better, or as a component of "venue shopping" between pursuing a Brussels or national route to influence. The results presented here indicate that stakeholders with Brussels offices generally are more successful than other stakeholders in terms of gaining privileged access and making successful policy demands. They do not seem to have a marked advantage in setting the agenda. Being established in Brussels means that the Commission will be well aware of the purpose of a stakeholder and its biases. Consequently, stakeholders with such offices are advised to spend extra effort ensuring that their policy demands are based on credible (new) information, not simply a restating of old biases. Privileged access is as mentioned central to this goal.

The evidence presented in this thesis suggests that gaining privileged access, if a stakeholder does not have extensive expertise, is not as conducive to further lobbying success as has previously been claimed. Stakeholders with such access are not overall more successful than other stakeholders. However, it appears that getting access early in the consultation process can allow stakeholders to have better information about the policy plans and ideas of the Commission. Many stakeholders with this early access seem to use that information to identify demands and recommendations outside the main agenda of the consultation that have a high chance of success.

It has been noted in the academic literature several times the European Commission, as an unelected technocratic institution, is not very susceptible to lobbying strategies focused on public pressure (for example Bouwen, 2004). This can perhaps be

gleaned from the results in this thesis by the limited impact of the salience that stakeholders attach to a legislative proposal. However, the results consistently show that the Commission is very interested in the chance that a legislative proposal has of passing the later legislative stages. Pressure strategies aimed at the Member State governments and MEPs, but conducted in time to be taken into account by the Commission in its policy proposal might therefore have an influence also at this early consultation stage.

As was noted above, certain stakeholders are more influential than others, simply because of what they represent. For a stakeholder seeking to maximise its influence, networking and cooperating the right type of other stakeholders is therefore important. Convincing Member State bodies and Big Business representatives to support the same policy demands as oneself appears to be the most effective (in terms of impact on policy if successfully convinced). In addition, as the theoretical model of informational value suggests, if another stakeholder can be convinced to go against its usual bias and instead support the convincing stakeholder's recommendation, this can potentially have a very large positive effect.

7.6. Concluding remarks

This thesis has provided novel insights, data and methods for the study of stakeholder influence in Europe. In conclusion I would like to indicate some fruitful ways that I believe future research could build on these advancements.

This thesis have argued and found strong evidence for that problems with bias and non-credible information are endemic, that the European Commission is aware of these problems and attempts to mitigate them. Future research could build on this insight by

opening up the black box of decision-making in the Commission bureaucracy. How do Commission officials, and other public decision-makers, concretely determine the credibility of the inputs they receive from interested parties? This thesis concerned itself mostly with institutional features, such as privileged access, and stakeholder characteristics, such as whether a stakeholder had a Brussels office, to determine when policy demands and recommendations have informational value. But the Commission's internal processes for determining credibility and weighing inputs are important parts of this puzzle as well and should be the focus of future research.

A large part of the contribution of this thesis is the more precise, issue-specific data it provides. Most of this data is freely available for other studies (one third of the data on stakeholder demands and recommendations was collected by Dr. Adriana Bunea, who has final say on the availability of this part of the dataset). A lesson from the collection of this data is that variables such as expertise, the existence of other supporters or an opposition varies quite dramatically on an issue by issue basis. Other variables such as access and salience are at the very least consultation-specific. Studies that focus on lobbying success in the aggregate will therefore be unable to observe the true effects of these variables. Future research on lobbying must therefore continue the work towards more specific data and fewer static proxies (such as stakeholder type for expertise) that do not change across policy issues.

Finally, the European Union is often said to be relatively unique in terms of its institutional structure, neither a federal state nor an international institution. Moreover, the Union and its institutions are currently in a politically uncertain state and might change or develop quickly. The question thereby arises whether the conclusions arrived at here are transient and whether they travel to other contexts (Lowery et al. 2008). The fundamental question this thesis attempted to answer was why the European Commission consults with

stakeholders - essentially a question about the institution's goals. It is therefore reasonable to assume that the conclusions apply to institutions that share these goals and face similar constraints. In that context, it is important to note that political decision-making is shifting, globally. It is shifting towards more technocratic institutions with less direct electoral connections, reliant on external issue-specific expertise to fulfil their functions, building their legitimacy on their ability to steer complex communities of stakeholders and harbouring a continuous need to demonstrate their worth to their forming members (Vibert, 2007). This trend indicates that institutions much like the European Commission will form a critical part of the politics of the future and that we might witness more and more lobbying of the type evident in the EC stakeholder consultations today.

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