

Strategies of Euro–Lobbying

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1. Introduction

What (ir)rationality lies beneath the diversity of communication channels non-governmental actors can choose from when lobbying at the European level? Why is EU-lobbying sometimes carried out via a European association, a Public Affairs Office, a Political Consultant, or through a combination of these communication channels?

These questions are to be addressed in this contribution based on Policy Network-Analysis and Rational Choice Theory.

This part of a Ph.D. project aims at showing a functional division between communication channels that seems to have been overlooked in literature so far, and the advantages and disadvantages that public as well as business collective and individual actors might be able to draw from it. The hypothesis, based on 55 interviews with lobbying actors and a year of employment in a Brussels Public Affairs office, is derived from the assumption that the diversity of lobbying at EU-level is due to different performances of the afore-mentioned lobbying channels with their efficiency depending on structure, needs and skills of their clients.

This provides lobbying-actors with a choice that might be linked to the preferred outcome and can possibly be called a strategy. The paper will first outline the concept of rationality where an attempt to structure European interest representation is made, then map the involved Policy-Network features and explain their possibly in-built features that might render the combination of certain actors and channels more efficient than others.

Since interview sources have to remain confidential, information from the interviews is used in the following contribution, but will not be quoted.

2. Actor- and channel-categories as an attempt to identify a rationality in lobbying

Policy Networks, as defined by Patrick Kenis and Volker Schneider (1991), imply rational behaviour of actors, because they assume that the actors' activities are based on a rational exchange-behaviour, oriented at self-interest and profit (Schumann 1998:84). Assuming a rationality of EU-lobbying (especially with some background knowledge of what the lobbying-business looks like in Brussels) needs a certain degree of explanation: why assume that lobbying has got anything to do with rationality?

A vast diversity of interests is found in Brussels, and they express themselves in a variety of different forms - public affairs offices, consultancies, networks, national or European associations, direct and indirect lobbying efforts by regular visitors to Brussels, and many more (see Greenwood 1997:2; Landmarks Publications 2000). Lobbying, according to Marinus P.C.M. van Schendelen is to be understood in a minimal definition as "the informal exchange of information with public authorities" and in a maximal definition as "trying to informally to influence public authorities" (van Schendelen 1993:3). It is in a lot of cases carried out by actors lobbying for the same objective via all of these ways - with the result that the lobbying-routes used sometimes complement, but also sometimes neutralise each other and do not lead to any success.¹ This scene gives an impression of such an amount of confusion that a Brussels-based student of a business school, when asked to describe it, resorted to chaos theory to explain how EU-lobbying works.

¹ An example for that is the organisation of French industrial representation in Brussels. Two different associations exist, MEDEF for the entire French industry, and AGRÉF-AFEB for the largest enterprises. They both call themselves the 'voice of industry' but issue separate position papers that are sometimes controversial and lead to confusions within the addressed institutions.

But most of the actors lobbying in Brussels are business-interests,² and business is assumed to behave - at least to a large extent - rationally, aiming at maximising profits and minimising risks (Hawkins 1973; see also George/Joll/Lynk 1992:57; Middlemas 1995:441).

Following this belief, some kind of rationality should be detectable in the ways EU-lobbying is pursued, and this rationality might not only apply to business-interests but to all represented interests. Justin Greenwood and Mark Aspinwall, for instance, assume at least a certain degree of rational behaviour in collective action at EU-level, because they link collective action to features of the units joining in collective action, such as size, function, organisational characteristics, goals and abilities to meet decisions (Aspinwall/Greenwood 1998:20).

Provided there is a rationality of lobbying, it might therefore be possible to find the reasons of actors to use certain lobbying-channels by identifying the characteristics of each and by searching for logical connections between them. The following article is a first assessment of lobbying-actor and lobbying-channel categories, with the purpose of establishing a link between the demands and needs of non-governmental actors, the representation of these through lobbying-channels, and the response of governmental actors. It will therefore consist of a definition of actor-categories, a definition of channel-categories and a conclusion providing a link between these parts.

3. Actors

A broad distinction of actors in a policy network is to divide them between governmental (or in the above terminology: public) and non-governmental (private) actors within specific policies. Since with regard to lobbying, categories of non-governmental actors and categories of the linkages or communication-channels those actors choose are mixed in the empirical types of associations and individuals, it is necessary to first define general criteria of differentiation and then examine each potential actor along these lines.

Governmental actors on the other hand do not actively choose to use communication channels in the way non-governmental actors would choose to use them. Describing their role as passive would be too strong, but they certainly do not select communication channels as means to be represented; when actively using the communication channels of lobbying, they might rather use them tactically in order to obtain public acceptance for their decisions. In this sense, governmental actors might choose communication channels and even apply a certain rationality of which communication channel to select, but this selection can always be viewed as a reaction to the development of different types of non-governmental interest representation and an increased demand for transparency of governmental action.

3.1. Non-governmental Actors

Non-governmental actors in a typical EU-policy network can be expected to come from diverse backgrounds of business and non-business interests, which makes the development of a typology of actors that can later on be put into a relation to a strategic use of communication channels difficult. Rather than focusing on the contents of their interest representation, the form of their organisation will therefore be used as criterion that enables a systematisation. Such a viewpoint also fits better into the logic of research with regard to the subject of lobbying-choices: the entire policy network approach, as is used here, rather concentrates on form than on content.³ They are therefore divided in the structural categories of individual business actors and collective public and private actors.

² Greenwood and Webster identify in a recent study about 914 business associations of a total 1347 interest groups and 247 corporate public affairs offices in Brussels (Greenwood/Webster 2000:1).

³ Although of course the form can be influenced by contents – but this still does not shift the focus from form to contents.

3.1.1. Individual Business Actors

Reasons for the lobbying of business actors seem to differ largely from those of public interest groups. Within business lobbying, individual and collective lobbying has to be distinguished. Although the idea behind lobbying collectively may be the same as behind lobbying individually, specific needs can be expected if actors choose to get engaged in lobbying themselves, and these needs may lead to a different selection of communication channels than the one a collective actor might make. The characteristics that might lead to these specific needs of individual business lobbying are the focus of the following outline, which means that firstly, a definition of individual business actors has to be found in order to then assess the differences between them. This definition must include all types of individual business actors and will therefore mainly be orientated at the size of businesses:

Much is determined by a firm's size, and a sufficient distinction for the purposes that are followed here might be the one used by Keith Middlemas (1995), who speaks of multinational firms (MNF), large national firms (LNF) and small and medium enterprises (SME) (Middlemas 1995:435).

Global players possess a number of advantages over businesses restricted to the national market, but they also have to face a variety of additional problems due to their physical presence in multiple markets.

The advantages of multi-nationally operating firms are

- diversification of risk potentials due to the inclusion of other markets
- use to capacity of existing production facilities via international distribution
- strive for closeness to the market and to clients (service)
- improvement of the company's image as native producer and employer
- improvement of the cost situation (cheaper wages, materials, property)
- alternate possibilities in case of currency changes
- use of foreign know-how (synergy potentials)
- avoidance of protectionist trade barriers (tariffs)
- overcoming market entry barriers

(Schneck 2000)

These factors provide multinational companies with a number of opportunities domestic firms do not have. Their generally large size and greater resources as well as the fact that they possess locations in multiple countries facilitate dealing with market entry barriers, obtaining managerial resources and information, gaining access to a variety of sources of capital and raising capital. Unfavourable monetary conditions in one market may be avoided by transferring affected functions to another market. Favourable conditions may be exploited. The possibility of transfer to other markets also provides a certain degree of bargaining power that can help influence these conditions (Pickering 1974:182f.).

An additional structural factor for the role firms can play in political decision processes is the market power the individual company possesses (Cawson 1998:189). Market power and size are - although especially in the century of dotcoms exceptions exist - closely interrelated. Multinational firms are traditionally likely to possess more market power than smaller firms. But financial transactions become more complex, and more of them become necessary between the different company divisions. Counterparts of most units are needed in all divisions - duplication can hardly be avoided without becoming less efficient. The general complexity of the firm, which increases with the physical growth of a firm, makes the organisation of lobbying more difficult, for different parts of the company may have different interests; communication transfer becomes crucial but is often not ideal (Cawson 1993:190).

The differences of culture and language as well as differing political, economic and legal structures of the environments they are active in may influence practical as well as administrative methods. Technical standards and production or marketing techniques can differ and might have to be adapted. Different cultures of handling bureaucracy can make control measures difficult (Pickering 1974:182f.).

Overall, multinational players possess advantages in terms of optimising costs, innovation and capacity. It also means that they have to cope with diverse governmental regimes, and that they are equipped with a large amount of financial resources as well as manpower (Schneck). Related to the question of lobbying, this means that multinational firms have got larger resources they can employ, resulting from the overall larger financial output as well as from the higher manpower in multiple locations. The relative economic risk is lower for them than for a smaller company that might have to focus on the production process before it can employ time and money to governmental affairs. They also need to cope with a larger amount of governmental regimes, which might render lobbying very important for them (see Green-Cowles 1998:117).

Differences of lobbying-needs between multinational firms and other business actors will therefore be very much related to these specific characteristics that distinguish them, and the different legislative conditions they face, resulting out of these differences. A communication channel of an MNF will have to be capable of covering the needs evolving out of multiple locations, a diversity of regulatory regimes, technical standards and cultures as well as internal division-interests that might get into conflict and the difficulty of communicating within the company.

Another category is one of large national firms. Whereas multinational players may possess influence that arises out of their size alone, large national firms still bear to a large extent some of the characteristics of multinational players, such as the possession of resources and the capacity to concentrate on goals other than economic ones as well. But they lack the geographical characteristic of having multiple locations in multiple countries. Additionally, in most cases a national firm is a smaller player than a multinational one. But independently from this finding, it will have needs and resources that are aimed at influencing political framework conditions in one, not in many regulatory regimes. With regard to the relative importance a large national firm can be assumed to possess in a nation-state economy, and the impact the national (and European) legislative framework will therefore have on the firm, Wyn Grants' argumentation of large firms having substantial and regular government-contacts seems plausible (Grant 1991:99). Since national legislation increasingly originates in European legislative decisions, the European level has become more important as a lobbying-target (see Grant 1991:105). But whilst the impact will affect multinational firms at various locations, but possibly not hinder them to switch to non-European locations, national firms do not have an opportunity of avoiding legislative effects.

A rationally chosen communication channel should therefore be capable of satisfying the stronger lobbying-need of a large firm that at the same time is affected strongly by legislative measures and lacks the size that would in itself construct an instrument of pressure, and it must be capable of taking the individual cultural specificities of the firm's location.

Finally, small and medium-sized business actors have to be considered. The European Commission defines small and medium enterprises (SME) as enterprises of up to 250 employees. According to the 5th Report on enterprises in Europe of the European Union, the EU contains 18 million small and medium Enterprises, which employ 66% of the work force and provide 55 % of the turnover. In comparison to the overall number of firms (excluding agricultural and non-market sectors), they represent 99.8% of all (national, I.M.) enterprises

(Eurostat 1999).⁴ These figures show how important SME are for European economy. They have come to be seen as the major source of employment growth in Europe and thus possess a large economic importance (RWI 2000:33).

Of these enterprises, the majority - over 90% - employs less than 10 employees - a figure that is largely below the limit of 250. This largest category of SME thus only accounts for one third of total SME-employment figures and less than a fifth for the total amount of turnover (RWI 2000:31). These figures have to be treated with care, as features of the New Economy as well as the fact that some large firms contract and thereby bring about shifts between firm size-categories may lead to statistical illusions (RWI 2000:33). Nonetheless, these figures imply that although the SME-category contains the largest amount of firms, these companies do not possess a large amount of resources. It is easier for larger firms to compensate economic downturns, whereas, as William Shepherd puts it,

“among smaller firms, the process of birth, failure, and absorption is much more active” (Shepherd 1985:116).

This lack of resources is also reflected in their engagement in lobbying. None of the interview partners among the lobbying-actors could think of a small or medium enterprise that is represented in Brussels with an office of its own, and no small or medium enterprise is listed in the European Public Affairs Directory (Landmarks 2000)⁵. SMEs are rather likely to be represented through specific associations, which provide their EU-umbrella associations with expertise and additional manpower from the nation states, such as, for example, the association of German craftsmen, Zentralverband des Deutschen Handwerks (ZDH) which is a substantial physical part of UEAPME in Brussels.

But resources are not the only factor restricting SME-activities in Brussels. Many SME are focused on their national market and do not show much interest in the European legislative level. With its funding programmes for SME, the European Commission is making efforts to support these types of enterprises, and some companies have come to realise the importance the European level might have for them. Nonetheless, the commitment of staff to lobbying means a far greater employment of resources for an SME than for a large national or multinational enterprise.

The same observations hold true for the part of professionals that shows similarities to the small and medium-sized enterprises. To a majority, professions consist of rather self-employed individuals with small offices for whom, similarly to SME, the efforts for interest representation would mostly exceed the benefits. The correctness of this assumption is strengthened by empirical evidence: as Justin Greenwood examined in 1998, professions are less likely to be represented via an office of their own in Brussels (Greenwood 1998:126).

For the reasons that have been discussed above, the criterion of choice becomes crucial in consideration of small and medium-sized actors (from now on: SMA): only SMA that take an active choice can be considered here. SMA as direct actors at EU-level can to a large extent be excluded a priori: recurring to the European Public Affairs Directory (Landmarks 2000)

⁴ Similar figures have already been identified by Burns and Dewhurst (1986): “Small firms (defined as employing less than 500 employees) represent over 98 per cent of firms in all countries. Employment patterns are more diverse. Generally, small firms (employing less than 500 employees) employ between 60 per cent (France) and 83 per cent (Italy and Republic of Ireland) of the work force. To some extent these differences reflect the definitional problems outlined above. The one country out of line is the UK where the small firm sector employs only 37 per cent of the work force (Burns/Dewhurst1986:194).

⁵ Although this source is of course not complete, since registration is not obligatory; it seems quite sure though, as is argued in the above text, that SME are not represented with their own Public Affairs-Offices.

and a lot of personal interviews, it can be concluded that no small and medium enterprise possesses a representation in Brussels. SMAs are represented via associations, and they may use channels to collect information or even pursue active lobbying, but to a lower extent than the other actors.

In this sense, provided an SMA rationally chooses a communication channel, this channel will be expected to perform lobbying-tasks with the least possible amount of resources taken from the members, and it would have to find means to compensate for the small amount of market power the SMA possesses.

3.1.2. Collective Actors

Alongside the (multi)national individual lobbying-actors, collective actors lobby Brussels via different communication-channels.

This leads to the identification of further parts of the category of self-determining interest groups, because it renders all associations with a membership that would not have a choice individually actors. The term of self-determining interest groups is employed because groups are not necessarily steered by their members. The top unit may be the one that is in charge of decisions, whilst members only carry out what has been decided at the higher level without taking an active part in the decision. In this respect, differentiations between power-levels in terms of national/European decision-making power can in some cases only be made with difficulty. Recurring to public interest groups, national public interest groups are hardly represented with an office of their own in Brussels, and they as well as some business groups depending on the internal power-distribution may not be less likely to determine a European group's action than the European office.

Associations that are actors and associations that are channels therefore have to be distinguished at every level in order to come up with a sensible operationalisation of empirical actors within the network-configuration.

Differences in the needs and resources of self-determining associations as well as in the membership structure, which can influence the reasons for selecting a particular communication channel, occur between the two main subdivisions of organised interests: economic and non-economic, or private and public interests (Offe 1972:59).

3.1.2.1. Public Interest Group Actors

The category 'public interests' comprises general interests such as consumers, environmental or social interests, because these interests are aimed at a common benefit of every person - other than private interests that exclude a large number of beneficiaries (Heinze 1981:43ff.; see Olson 1965). The distinction that can be made between association-actors and association-channels differs between the fields of public interest. This means that in this case, not only the organisational form plays a role, but depending on the represented interest, this form changes.

The major groups of environmental interests, for instance, are all resourced fairly well, not the least because large parts of their funding come from the European Commission, which has a history of funding and even creating public interest groups (Hey/Brendle 1994). It is therefore fairly secure to state that they possess a - potentially limited - choice of how to employ these resources.

They possess different membership structures and different procedures of decision-making that determine the impact national sub-associations can have on them. Whereas the European Environmental Bureau employs incremental decision making structures, FoE possesses a rather hierarchical but fairly democratic structure with membership associations. Position papers are drafted by the European level and then sent out for comments of all members. Greenpeace is an international organisation that has established diverse offices in several countries, but decisions are made by the headquarter and then carried out by the sub-offices.

Along the afore established criteria, the EEB as well as FoE, for instance, would therefore to be seen as association-channels, whereas Greenpeace accounts for an association-actor. In this sense, an assessment of choice and rationality would in the case of Greenpeace have to examine the rationality behind the activities and choices of Greenpeace. In the case of the EEB, the actors to be looked at would be the national member associations of the organisation, whilst the EEB itself would have to be regarded under the aspects of linkage functions in a network.

This structure differs from the interest representation of consumers. In this field, member organisations seem to be more powerful than in the environmental arena, and Euro-Groups are more likely to correspond to Kohler-Kochs' interpretation of business-Eurogroups being lobbying-channels. The representation of consumers is mainly carried out by a handful of organisations. These are partially strong exercising organs of national member associations (e.g. BEUC) or consumer-specific parts of other organisations (e.g. ETUC/EURO-C). As far as involved, smaller niche-associations as well as the national associations behind these groups can be seen as actors. BEUC, for example, consists of national consumers' federations. German consumers' federations are partially affiliated to the state and therefore receive substantial funding. This would enable them to pursue their European lobbying in other ways than via the BEUC, either individually or via one of the other large consumers' groups.

Social interests are far more diverse in their representation than the consumers' or environmental interests. As Greenwood describes it,

„[i]nterest groups in these fields are relatively well established, often strong, and sometimes influential, with highly respected organisations working in the fields of women's rights, young people, disabilities and refugees.“ (Greenwood 1997).

But similarly to the criteria of differentiation illustrated at the examples of consumers' and environmental interests, social interests involved in the specified networks will have to be distinguished as actors or channels.

As pointed out before, the structure of interest representation is more important than the content of interest that is being represented when trying to assess the choice of lobbying-channels. In the case of interest groups, the content plays an indirect role; some sectors possess better functional divisions than other sectors, which facilitates an assessment of the structure sector by sector - for example along the lines of environmental, consumers' or social interests.

Therefore, communication channel rationalities of self-determining public interest collective actors seem to be connectable to interest sector-inherent traditions of representation – the question remains if this is rational. Following the observable structures, a communication channel of collective public interests seems to need the ability of taking up the structural sector-differences and present actors in the context of their sectoral organisation. This may indicate the need of a larger or a lesser degree of co-operation with other communication channels of the sector, the ability of enforcing interests without joining forces or within an alliance. It will also have to be able to integrate in the structure of the collective actor itself; depending on the decision making structures that are followed in the group, the same procedures will be expected from the communication channel.

3.1.2.2. Self-determining private Associations

Differences in membership structure lead to different decision making procedures and weighting, and therefore also change the distinction between actors and channels. Membership structures can be divided into three categories. Associations either consist of national associations, or of direct members (to the largest extent firms), or of a mixed constituency of national associations and firms (see Aspinwall/Greenwood 1998:4).

National private associations with federated structures (not their offices in Brussels) can be seen as actors, since they employ a European strategy via an office of their own. One could of course go even further and examine the power members exert on these national associations, in order to identify if the national association itself or its members have to be seen as actors in these cases. But whilst members of national private associations can be captured with the above defined categories of private actors' sizes, and the offices to be found in Brussels are only directly responsible to their home associations, national private associations will here be treated as actors as far as they choose to get actively involved in European lobbying (for a similar argumentation see Aspinwall/Greenwood 1998:20).

Instead of exercising activities of national associations via a public affairs office in Brussels, national business associations may - like the majority of public interests - choose to play an active role in the decision making of a European umbrella association. It is also possible that not the national individual or federated members are driving the internal decision-making process of a European association, but the European secretariat. It is therefore not sufficient to differentiate between actor- and channel-characteristics of the national associations behind association-representations in Brussels, but private European umbrella organisations have to be examined with the criteria that have already been applied for public interest groups. Here as well, the decision-making structures of the involved associations determine if the organisations are to be treated as actors or as channels. Important at this point of time is only to define what an actor-association is in contrast to a channel-association.

Like public interests, private interests can be sub-divided into differently structured interest sectors when assessing their actor- or channel-character. Following once more Greenwoods' differentiation, the categories business interests, labour interests and professional interests can be identified (Greenwood 1997; see also Greenwood/Aspinwall 1998). Business interests possess a relatively broad coverage by a number of associations that are both European and national.⁶

With regard to the question what a communication channel would have to accomplish for an actor, collective business actors will require similar capabilities as collective public interest actors do - a communication channel must take the sectoral structure of interest intermediation and the internal organisational structure of the individual actor into consideration.

The internal organisational structure will play a larger role for business interests, because the above mentioned factors influencing individual business actors will indirectly influence the organisation to a larger extent than this is the case for public interests, as there are hardly any public interests that are not - if they are lobbying - represented via an association.

3.2. The 'other side': Governmental Actors

Whereas it is quite clear that the rationality of the application of communication-channels depends on the actors that actually choose them, - the non-governmental actors -, governmental actors on the receiving side of communication transfers constitute a factor that is equally important for determining how rational the choice of a particular channel might be. Within the political structure of the European Union, a variety of governmental actors are found that have to be treated differently. Three bodies constitute the main addressees of lobbying and main institutions of European decision-making: The European Commission, the European Parliament, and the Council of the European Union.

⁶ The most important ones are the Union of Industrial and Employers' Confederation of Europe (UNICE), the European Roundtable of Industrialists (ERT) and the European branch of the American Chamber of Commerce (AMCHAM-EU).

They will therefore be examined in the following with regard to their receptivity of external communication via lobbying-channels.

3.2.1. Commission

As has been stated many times in the literature of interest intermediation, the European Commission is, due to its role as initiator of legislative processes as well as its control and administrative function, in most cases the first contact address for the communication of external interests. How does the Commission deal with this information coming from individual or collective non-governmental actors?

The Commission is generally open to external input. This input serves two purposes: on the one hand, the comparably small bureaucratic Commission-staff is not able to inform itself sufficiently without external sources. The expertise of associations is seen as a necessary means for negotiating and helps reaching decisions that are closely oriented at reality and can therefore be practically implemented (see e.g. Aspinwall/Greenwood 1998:4). On the other hand, input of organised interests enables the Commission to bypass national governments and reach a consensus among those that are affected (Nollert 1997:108; Kohler-Koch/Edler 1998:201). Differences of access provision and processing of information occur within the hierarchical order of the apparatus. The Commission structure can be broadly divided into three levels: the level of the 20 commissioners, the commission-cabinets and the technical level of commission officials. Whilst the upper two, – the level of the 20 commissioners, and the level of the commission-cabinets –, would describe themselves as political, the lowest level which consists of General Directorates and a few horizontal services sees itself as purely technical administration (Rometsch 1995:160).

External input is to the largest extent processed and sought after at the lowest level, and it is apparently most likely to be influential at the lowest level. Whilst a letter to a commissioner can accelerate or intensify work because the case is highlighted to the entire hierarchy, a general rule observable in most decisions is an eventual adoption of the opinion that has been formed at the lowest level.

Having stated that a general openness towards input can be observed, it is nonetheless important to note that the commission departments and –levels strongly try to steer the amount and timing of this input. A common practice is to contact main interest groups for comments on first drafts and hold hearings with affected interests at the beginning of a drafting process in order to find out about relevant information from the practical side. After this initial phase, external input will be less sought after, and lobbying-actors will have to become more active in order to transport their interests into the process (Michalowitz 2000).

Having explained how receptive the commission is for the communication of external interests and how this information is dealt with, the question remains how this organ views different channels of communication. Generally, the position of commission-departments seems to depend on the representivity of the source, and on the substantiality of the material. Representivity is highly valued because decisions will have to be applicable in all member-states and for all involved parts, which means that a single-company or NGO-opinion can rarely be sufficient evidence for the inclusion of an argument. On the other hand, the received material must be substantial.

Representative organs do not provide substantial information by definition, which indicates that these criteria are not automatically met by the one or the other communication-channel. But the quality of providing for these two factors will determine the preferences of the Commission-departments. In some cases, an indirect communication channel such as a European association or a political consultant might be more capable of doing so, sometimes a direct channel provided by a Public Affairs-official of a company might be more adequate. Although commission officials state that they do not develop a preference per se of accepting advice mainly from Euro-Groups or mainly from single companies, preferences can result out

of personal experience: if an official has repeatedly found the information of a certain association or company valuable or invaluable, future meetings will be held on the basis of this experience. Nonetheless, the reason for such a preference will rather lie in the continuous fulfilment of the criteria of representivity and substantiality than in the type of communication-channel.

Returning to the question of how the Commission as governmental actor might determine the rationality of the use of a communication-channel, one therefore ends up with the two factors that shape the Commission's preferences of accepting external input. The more able a certain communication-channel is in adapting to these criteria, the more rational it might be for a lobbying-actor to choose this channel over another one that is less able to do so. In this rather new-institutionalist sense, the efficiency of a communication-channel is dependent on its ability of adaptation to institutional conditions, and the rationality of its use might amongst other factors be determined by this efficiency.

3.2.2 The European Parliament

A similar argumentation can be applied to the European Parliament, but the features and conditions of this institutional organ differ from those of the European Commission. With regard to handling external information, decision-making procedures and decision-making forces have to be differentiated in the European Parliament. Decision-making procedures consist of the three possibilities consultation, co-operation and co-decision of the Parliament in the development of legislative measures. Decision-making forces are distributed amongst the different parts of the parliament, such as political parties, political groups and intergroups, committees, their so-called 'rapporteurs' and 'shadow rapporteurs',⁷ and lastly, the plenary. Whilst different decision-making procedures do not change the internal power balance of the decision-making forces, they do change the power balance between the institutions and therefore the role of this organ for communication transportation.

The decision-making forces are the functions or persons that are addressed within the Parliament, the actual parliamentary actors. When trying to detect access to and preferences of the European Parliament for communication-channels, it is therefore necessary to consider both procedures and forces. The three mentioned possibilities of decision-making procedures each account for different weight of the European Parliament.

As can already be derived from its title, the consultation procedure only grants an advisory role to the parliament, amendments do not have to be considered by the Commission and the Council. The informal power might be slightly higher, as an increasing self-consciousness of the Parliament also leads to a growing use of its legal powers to force the other organs to consider its opinion even in this procedure.⁸ The co-operation procedure strenghtens the parliamentary power, because its amendments can only be overruled by a unanimous decision in the council. The strongest position the Parliament can have is provided by the co-decision procedure: this procedure is now used in the majority of decisions and enables the Parliament to veto decisions, which then have to be dealt with in a conciliation committee.

⁷ Rapporteurs are the key persons of a committee officially in charge of writing parliamentary amendments. These amendments are then voted on within the committee. Shadow rapporteurs are parliamentarians of the other political groups that are responsible for drafting their party's opinion on the issue.

⁸ One example is the directive on biotech-seed patents: the committee rapporteur Graf zu Bahringdorf threatened to block the proposal in the parliament until Commission and Council agreed on a compromise; all in all, the directive was blocked for several years. But this is rather be the exception than the rule (see Westlake 1994:34 and [1980]ECR333, p.3360;[1980]ECR3393, p. 3424). On the other hand, the consultation procedure is less and less applied.

Especially the increase of application of the co-operation- and co-decision procedure has generated a larger interest of non-governmental actors in lobbying the European Parliament (Corbett/Jacobs/Shackleton 1995:235).

Reasons for a rationality of the use of a communication channel in relation to the applied procedure are connected to the influence that can be expected from the parliament in the specific case: is it reasonable and necessary to address parliament in this matter? Can the communication channel employ a sufficient amount of resources to cover both the other institutional organs and the EP? The right timing of distributing resources between the institutions and the capability of estimating the influence the parliament might have in the particular matter are the factors that are influencing the efficiency of a communication channel in terms of procedures. In this sense, a communication channel that is very capable at lobbying parliament but does this in a consultation procedure and neglects lobbying the Commission might rather be inefficient.⁹

Decision-making forces in the parliament will steer the input that can actually be inserted. When a proposal of the European Commission is passed to the parliament, it will first be handled in parliamentary committees. A rapporteur will be put in charge of drafting amendments, which are then agreed upon within the committee, and then in the plenary. This means that decision-making forces are found at three levels: the rapporteur and his counterpart, a shadow-rapporteur of the opposite party, key figures within the committee, key figures within the parliament (Corbett/Jacobs/Shackleton 1995:128).

For similar reasons the Commission values external input, the Parliament is open to Non-governmental actors. For the Parliament, interest groups constitute a source of information that enables a certain degree of independence from the other European institutions (Diekmann 1998:290). Furthermore, the members of parliament rather understand themselves as representatives of the weak – which means that NGOs partially enjoy particular attention. Independently from the type of interest, rapporteurs need external input in order to estimate the adequacy of the existing commission proposal and in order to draft parliamentary amendments. Preferred communication channels will be those that deliver good information, as in the Commission, and that deliver this information in an appropriate way. This mainly addresses the so-called ‘technical do’s and don’t’s’: technically provide information that does not exceed two pages, is written in an understandable language and, at best, is already formulated as an amendment. The same rules are true for the entire committee and for the plenary, where information should be kept even crisper (see Ludford 2001). Here again, the efficiency and capability of a communication channel to adapt to these practical rules of decision making within the parliament will be a crucial factor for how rational the decision of a lobbying actor to use this channel would be.

But in parliament, two additional factors are to be considered in a higher degree than in the Commission: party affiliation and nationality. Since the members of parliament are elected representatives of their national constituency, their mandate and their chance of being re-elected are bound to the interests of their voters. Industrial lobbyists might therefore rather lobby the European People’s Party (EPP) than the Greens, and British industrialists might find more understanding when speaking with British MEPs than with the Greek. Here as well, some communication channels are able to cope with these factors better than others. This might be due to the amount or quality of resources, personal management factors or other reasons and might influence the decision of a lobbying-actor of how to transport his information into parliament.

⁹ Although this is not the rule: as commission officials and parliamentary officials have got a lot of contacts and the need of consideration in the other procedures also changes the overall-interaction of the institutions, the informal influence of the parliament’s opinion should not be underestimated.

3.2.3. The Council of the European Union

The Council of the European Union as the institution vested with the final deciding power is the body where outcomes of inserted communication become visible, as well as the capability of communication channels to estimate political implications that influence decisions.¹⁰

With regard to the role of communication channels in the council and the impact they can have, the same dichotomy that has been developed for the European Parliament can be applied between procedures and components (or decision making forces). Procedures become important at this point once again, because they mainly determine the power balance between the European Parliament and the Council of the European Union.¹¹

In the way the power of the European Parliament has increased with the application of the co-operation and the co-decision procedure, the power of the council has decreased (see Hix 1999:84ff.,). This is not to say council and parliament have become equal negotiating forces – the council as the most powerful institution has to accept certain limits that come about by increasing forces of the rather weak but sole institution legitimised by electoral vote. Nonetheless, the Council has lost its role as sole decision making organ which will in the end determine policy outcomes – it now has to share this role and must compromise.

Another reason for a different power distribution is the change of voting procedures within the Council. With effect of the Treaty of Maastricht in 1992, the original unanimity requirement has fallen in the majority of issues to be decided. This means for lobbying-actors that it is not sufficient any more to simply persuade one Council member to veto a decision.

Having stated that interrelations with the European Parliament and less application of the unanimity procedure complicate a decision detached from the parliamentary amendments (and also the Commission views), political issues nonetheless do play a role in the Council decisions as far as their inclusion is possible. The Council's importance should not be underestimated. Lobbying therefore also plays a role at the Council level and is partially seen as the most important lobbying. The applied procedure will influence the balance of resource distribution a communication channel has to decide upon. The rationality for a lobbying actor in selecting one communication channel over another one might lie in the capability of a communication channel to balance its resources adequately and to get access to all relevant institutions depending on the applied procedure.

Additionally to the outlined procedural conditions, the decision-making components of the Council are crucial factors influencing potential communication channel efficiency. They have to be subdivided into two levels, for the Council members are deciding at the European level, but act as official organs of the national sovereign member states.

At the European level, the Council comprises an administrative secretariat that comprises a number of Directorate Generals that take care of the purely technical preparation of council meetings. Apart from these Directorate Generals, a large sub-structure of over 200 committees of national civil servants, called COREPER (Comité des Représentants

¹⁰ It consists of the ministers of the nation-states but is not an intergovernmental standing body as such: according to issues, council meeting-participants are for example the ministers of agriculture or the ministers of transport. Accordingly, one speaks of the 'transport council' or the 'agriculture council', and the so-called 'general council' comprises the ministers of foreign affairs. The meetings are presided by a council president, which will be the minister of the country that is at that time presiding the European Union for six months (see as well Peters 1991:78).

¹¹ The role of the European Commission is affected to a lesser extent, which is why the difference of procedures has been neglected in the chapter on the Commission. Differences in the power balance between the Commission and the other institutions also occur. The impact on the role of the Commission in a lobbying process does not change immensely though, because its function as legislative initiator remains untouched and is a main reason for this organ being addressed by non-governmental interests.

Permanents) is preparing the decisions to be made in the councils. These civil servants are based in their countries' Permanent Representations in Brussels, which are comparable with embassies to the European Union. To a large extent, they factually decide the council outcomes (see Engel 1995: 279f). It is commonly remarked and also responded by interview partners that the influence of the Council administration is not very large, and lobbying would be wasted. It is certainly true that substantial changes cannot be made at this final stage any more, but the influence of the preparation body might be understated in literature and also by its members. They are able to influence the 'fine tuning' of decisions. Lobbying at this stage becomes more informal and access is not as easily granted as in the other institutions, but it is taking place.¹²

But much more important than the European Council level is lobbying at the national level. The final decision-making in Brussels takes place at the last stage of the process, but it is prepared in the national ministries from the moment the commission is working on its draft proposal. For this reason, national and EU-lobbying cannot be clearly separated. For the efficiency of a communication channel the ability to also perform national lobbying may not necessarily be crucial, for the identified lobbying actors might be able to perform this task themselves. But a communication channel must be able to pass on the relevant information at the right time and ensure that national lobbying complements the process at the European level.

4. Linkages and Network Function

Having defined actor-categories, the next step of analysis will be to develop and examine types of communication channels in order to set the findings both on actors as well as on channels into a perspective of rational choice. Is it possible to come up with a form of categorical rationality of certain types of actors selecting certain types of communication channels?

Sticking with Bennett's earlier mentioned distinction of actors and routes (Bennett 1997) but taking a broader view on possibilities for interests to express themselves at EU-level, it is worthwhile to turn to Justin Greenwood's interpretation of the lobbying scene within which individual interest representations of

"... every imaginable type of interest, from multinational firms to aquarium trustees and handwriting analysts, ..." (Greenwood 1997:2)

, collective interests in the form of formal or non-formal associations, and 'hired-hands'- or commercial - lobbyists (Greenwood 1997:3) are observed.

These three categories establish the main channels of interest intermediation in Brussels mentioned in the relevant literature, and apart from them, other loose forms of collective and individual action at different levels can be found.

Business actors and associations as the two previously identified groups that are interested in lobbying can take two different routes: the national route and the European route (i.e. lobbying national governments and/or European institutions). When deciding to use the European route, they will engage in the observed other actor-categories: the most identified ones are Euro-Groups, public affairs-offices staffed with own individual representations (In-House-Lobbyists) and/or hired commercial lobbyists – or political consultants. Additionally,

¹² A Dutch Coreper member stressed in a personal conversation with the author the role the German insurance services played for the development of the Dutch council position: discussions with the Germans enabled estimating the position of the German government, which helped establishing the chances of an adoption of the specific piece of legislation.

some distinguish promotional groups and territorial groups, coalitions, networks and alliances (see e.g. Bindi 1996, Pijnenburg 1998, Coen 1997).

Categorisations differ, but they all serve to systematise the EU-lobbying landscape. The categories chosen here are used because they can function as umbrella categories under which all other types of communication channels can be subsumed. Therefore, the original three channels of Euro-Groups, In-House-Lobbyists and Political Consultants will also contain coalitions, networks, alliances and promotional groups. Territorial groups in the form of regional offices will constitute a singular channel-category, whilst territorial groups in the form of national associations are also covered by the category of In-House-Lobbyists. This operationalisation is carried out because the lobbying function provided by a regional office differs from other forms of lobbying provision, whereas the lobbying of national associations in Brussels is similar to that of individual actors.

The question arises why those three categories exist. Especially firms seem to apply multiple ways of lobbying in Brussels. At first sight, this double effort seems to be a waste of time and money. Situations can be discovered where Euro-groups and In-House-Lobbyists of member firms or private consultants contradict each other in their contacts with EU-institutions - and are partially neutralising themselves that way. Assuming that a certain degree of rationality should be involved in the choice of a lobbying channel, those categories should therefore now each be analysed with regard to the benefit a lobbying actor can have: do they perform the same functions and are therefore replaceable? Or do they perform different functions and can be rationally used in a complementary way?

4.1. Euro-Groups

Recurring to the category of collective interests, the units that have previously been analysed under the aspect of collective actors in European interest representation are here reviewed under the aspect of their potential other role as communication channels. Whilst chapter two focused on those parts of collective actors that determine the decisions made with respect to their interest representation, chapter three now concentrates on the performers of these decisions.

The oldest and best-known form of representation is the one via Euro-groups. When describing Euro-Groups, it is first necessary to explain the definition that is used, for as Federica Bindi has pointed out in an assessment of Euro-Group analyses in 1996, “[...] scholars still do not agree on a common definition and spelling”. Bindi therefore binds her own definition to interest representation and to the place lobby action is to be found, stating that:

“With the term Eurogroup, we refer to a pressure group whose aim is to influence the EU decision-making process, during one (or several) of its phases.” (Bindi 1996:15)

The problem of this definition for the purpose of this study is though, that it also includes national associations – and member units of European associations in general – that are active at EU-level with their own offices. Although Bindi (1996:15) is right with her remark on the lack of a common definition with regard to exact details and also with pointing out that few scholars actually deliver a definition, -a common practice of the use of this term has nonetheless developed.

When speaking of Euro-Groups, usually groups at the European level are meant that are mostly umbrella groups of smaller either national or other member-units and concentrate in their work on technical and/or political lobbying aspects of European legislation (see e.g. Sidenius 1998, McLaughlin/Jordan 1993, Greenwood 1997). These groups differ in their membership structure, the range of interest representation and the type of interest that is represented.

Euro-Groups can either have direct, indirect or mixed membership structures. Direct membership describes the membership of individual actors, e.g. individual firms or persons. Those actors would be indirect members via associations. Mixed membership structures exist if a Euro-Group consists of both individual members and associations. As Justin Greenwood (2000:5) points out, the majority of Euro-Groups consists of federations of national associations. The type of membership can have an influence on the efficiency and the scope of work of a Euro-Group. Common denominator problems may arise at a higher or a lower level and federations of national associations may have a different focus than associations with direct membership.

Additionally to the basic distinction of membership structure, Euro-Groups can take on different forms. Marinus P.C.M. van Schendelen distinguishes thereby homogeneous and heterogeneous as well as established and ad-hoc groups. With these criteria, he identifies four categories: confederations, federations, networks and issue groups. For van Schendelen, Confederations show a heterogeneous and established structure, federations are rather homogeneous and established, whilst networks are heterogeneous ad-hoc groups, and issue groups are homogenous and established at an ad-hoc basis (van Schendelen 2000).¹³ Whilst the results of the application of these criteria remain contestable and some of them might rather have to be seen as a joint form of individual firm lobbying – as will be outlined later on –, van Schendelen's definition shows the variety of existing Euro-Groups. The common feature under which they are subsumed here is their function as collective actors.

Another difference between Euro-Groups is the range of their interest representation. Similarly to the national level, some associations operate on a cross-sectoral basis, such as the UNICE – the “European voice of industry”, others are specialised and strictly sectoral organisations. The range affects the roles they can perform. Whereas specialised associations might be able to assist in the solution of technical problems as well as in political lobbying, cross-sectoral associations will almost exclusively engage in political interest representation, because their expertise and also their ability to reach common agreements as well as their perceived weight is higher with respect to political issues.

The examples that have been used so far all came from business representation. But the type of interest is also a distinguishing feature of Euro-Groups and is not restricted to business. Up to date, a large amount of public interest Euro-Groups has established in Brussels as well. Justin Greenwood estimates the distribution of interests being to two thirds business interests, public interests to one fifth, and professions to one tenth (Greenwood 2000:291). One of the reasons might be the argument that public interest groups at the European level seem to suffer less from common identified collective action problems of weak interests. Questions of free riding, as analysed by Mancur Olson (1965), and of their capability of conflict and organisation have to a large degree already been solved at the national level, at least as far as they consist of national association members (Kohler-Koch 1992). Another reason is the support of the European Commission.

Whereas business interests may have been present earlier than public interests, the European Commission has traditionally sought a balance of Euro-Groups in Brussels. It therefore especially supported public interest Euro Groups and even helped in their creation (see Hey/Brendle 1994; Greenwood 2000:291). The way this representation is structured differs depending on the interest background, as has been laid out in more detail in the previous chapter.

This activity already implies a possible impact of a governmental actor on the communication channel-efficiency: a preference of the European Commission to listen to Euro-Groups rather than to individual actors. Having even been a policy that has been given up in the early years

¹³ Van Schendelen names UNICE as an example for a confederation, CIAA as an example for a federation, Caster for a network and Europabio for an issue group.

of European Integration, the Commission does attach large weight to Euro-Groups although it does not exclusively rely on their input.

With regard to the rationality of an actor's decision to be represented via a Euro-Group, the afore described features imply a number of advantages an interest representation via Euro-Groups might yield. Those are the joint power of a range of actors which gives more weight to the voice of an entire sector or affected group of people than to an individual, but also a traditional preference of the European Commission of hearing Euro-Groups instead of every single actor of an area. Furthermore, a cross-sectoral association might rather provide these assets for a general political position, whilst sectoral associations can address technical problems of a sector.

4.2. In-House-Lobbyists

Resulting of the weakness of some Euro-Groups to sufficiently represent interests of big firms on the one hand, and out of the perceived need or wish to be present in Brussels on the other hand, more and more enterprises as well as national associations mainly of the business sector have established their individual Public Affairs Offices in Brussels (Coen 1997). As Greenwood and Aspinwall (1998) have noted, most of these offices are fairly small; up to now, the majority of offices consists of two to four people, a director, a secretary/assistant, and possibly one or two additional assistant managers and interns.

The majority of actors with their own Public Affairs offices is also affiliated to a Euro-Group. Public interest groups that are also members of Euro-Groups are found to a lesser extent with additional offices in Brussels than their business counterparts. They rather perform their own lobbying if a Euro-Group does not exist at all. Whenever an actor employs personnel in Brussels, possibly even opens his own public affairs office in Brussels, the solely by this actor employed staff can be called "In-House-Lobbyist". Usually, the term is only applied to firm lobbyists. In accordance to previously opened categories, it will be used in a broader understanding and also include the offices of national associations in Brussels or of other collective actors that cannot account for a definition as a Euro-Group.

In House Lobbyists are mediators in two directions. They represent their employer in Brussels, and they represent Brussels in their company. On the one hand, they work to a) influence associations, as far as associations of that sector are existent, by adding to their work from within them and complementary to them, and b) cover controversial issues or those that are only important for their own company or association but not for the entire Euro-Group.

On the other hand, they have to explain the viewpoints of the European institutions to their employers and work on compromises. Their main task is to filter information gathering and distribution more rigorously with regard to the firm's or association's need than a Euro-Group might be able to that has to satisfy the needs of all its members. Therefore, their daily work may not be very different from what would be done in a Euro-Group, but it is more focused on specific needs and builds up on information received from their Euro-Group.

In House Lobbyists also strengthen and enable the maintenance of direct contacts of a firm with European authorities and ensure a certain 'image standard' within the institutions. Most interview partners of large multinational enterprises stated that a global player must be present in Brussels, if only to make a statement of being interested in European legislation and legislators. Additionally, some see themselves as a back-up for the institutions to secure the authenticity of a Euro-Group's position. Whilst the consultation of a Euro-Group means to have left the task of interest aggregation to another player, the consultation of the members enables to gain knowledge about the way interests were aggregated and about the degree of homogeneity.

The majority of the 55 interviewees described their tasks in connection with their work in Euro-Groups or the work the Euro-Group does for them. Especially those with small offices do not see Euro-Groups as a competing communication channel, but as an additional one that facilitates their work. Contacts of the Euro-Group can be used for direct lobbying, and information of those groups helps accelerate the individual filtering process.

In some cases, In House Lobbyists may decide to work jointly in form of issue- or ad-hoc alliances or coalitions. Those categories are sometimes used synonymously for explaining an alternative type of collective action that mostly arises out of a sudden need in connection with a specific issue and is a form of joint activity mainly of large companies either additionally or instead of participation in a Euro-Group (Pijenburg 1998:303).

Although van Schendelen, as mentioned, would sort this kind of co-operation into the category of Euro-Groups, this is seen as difficult here. With the aim in mind of regarding those units as channels that have been chosen by certain actors to represent them, issue alliances or ad-hoc coalitions will here be treated as forms of In-House-Lobbying. In these cases, companies or public interest groups decide to join forces on specific issues. They will rather not establish a formal secretariat but work from within their public affairs offices. As defined by Bert Pijenburg, the distinguishing features of an ad hoc issue-coalition are:

“little or no formalisation, limited duration, considerable autonomy of coalition partners, a single-issue profile” (Pijenburg 1998:305)

Taking up yet another argument of Pijenburg (1998:305), another trait of coalition also accounts for their treatment as In-House-Lobbyist activities and would also include longer-term forms of similar networks: their horizontal power structure, or with reference to Lanzalaco (1992), their horizontal form of integration. This describes balanced power between coalition members, unlike the mostly hierarchically structured Euro-Groups (Lanzalaco 1992:187). Although work in Euro-Groups is also to a large extent performed by In-House-Lobbyists who participate in working groups, issue alliances and ad hoc coalitions are individual action in a joint format to a greater degree than Euro-Groups.

Assets and therefore reasons for a rationality of choosing an In-House-Lobbyist will therefore be the additional power an actor might have within its Euro-Group, and/or the direct contact with the European institutions as well as a more thoroughly filtered flow of information to be processed. Influence will not necessarily be less without the affiliation to a Euro-Group, but certainly different and will depend on the weight an actor has on his own as well as on the message he is able to bring. As an additional means to a Euro-Group, In-House-Lobbyists enable a control mechanism within the association.

4.3. Political Consultants

Political Consultants as means of interest representation are often mentioned in literature on European lobbying but scarcely examined in detail. This has two reasons. First of all, academia has so far concentrated on collective rather than individual representation. Secondly, Political Consultants are rather seen as complementary means of lobbying (Coen 1997:103).

Whilst this view might have been true at the beginning of European interest representation, times have changed, and the amount of political consultants in Brussels has grown very much. Whilst David Coen states:

„ [...] the decline of the hired lobbyist began with the realization by large firms that they were capable of their own lower cost participation in the policy process [...].“ (Coen 1997:102)

, this observation can be formulated more positively with concern to the role of consultants: the importance of commercial lobbyists seems to grow with the extent to which companies have a lesser interest in being represented themselves and pay more attention to the costs of intensive own lobbying. Their use is apparently rooted in cultural traditions – whereas anglophone lobbying-actors in Brussels are more used to and more likely to employ political consultants, actors of a germanic origin are more likely to rely on their Euro-Groups and to see little value in political consultants.

One of the few publications on political consultants as lobbyists, „The Commercial Lobbyists“ (Jordan 1991), focuses on interest representation in the UK. Wyn Grant remarks in his contribution to this book on the role of large companies, that lobbying-actors always need to use a range of different channels – relying on a single one would be naïve (Grant 1991:100). This idea is to be carried further here and examined at EU-level, because the large amount of Political Consultants active in Brussels on a long-term basis implies that they might be more than a helping device for one of the other two categories of representation. But Political Consultants are not exclusively used by firms, but by the entire range of actors that has previously been identified. Quite a number of public-interest consultants have established themselves in Brussels, and some NGOs use consultancy firms that otherwise mainly work for business interests. Some consultants have specialised on association management.

Political Consultants appear in Brussels in two forms. They are either rather large consultancy firms – partially purely Governmental Affairs firms, but often part of law firms or media/PR consultancies –, or they are individuals who cover a very specialised area on their own. Within the category of consultancy firms, differentiations have to be made between those that purely cover governmental affairs and those that offer political advice amongst other services, such as media/PR consultancies, law firms and divisions of economic business consultancies (Landmarks 2000). Differences in the functions consultants can perform are on the one hand due to this difference in manpower and background, on the other hand due to the needs of their clients.

Consultancy firms mainly offer services in four categories. As they see it, their main function is to advise their clients on how and where to lobby , on the basis of their long-term experience in of the institutional proceedings and the informal decision making in European legislation. Depending on the background of the firm, this may not only involve strategic advice, but also, for instance, campaign-management or the drafting of a comment on a regulatory directive.

Their second role is to assess the way of lobbying their clients have chosen in a political profile-survey. They thereby serve to analyse the overall standing of their clients in the institutions they lobby and helps to make decisions about future strategies.

Their third function is active lobbying for their clients. The extent to which active lobbying is performed varies depending on the type of consultancy firm. Many firms refuse to perform the active lobbying, because they rather see it as a task of the client, whom they can help his issue-related or long-term public affairs-strategy.

A fourth role contains what Political Consultants may be largely used for, but what they would not see as a sufficient description of their work themselves. They are hired to cover monitoring- or information gathering- – tasks for areas their clients may not be able to cover additionally or might only want to observe for a certain amount of time. Their specialisation on certain fields may enable them to perform this function faster than a client might be able to. Especially monitoring of the European Parliament is often left to consultants, because institutional proceedings of the Parliament are more complex and time-consuming to observe than those of the other institutions.

Demand for these functions occurs at different stages of a client's interest in lobbying. Often, consultants are hired for crisis-management, which is the most visible task and the reason for

them being mistaken for sheer additional lobbying–tools. Most consultants do not like to be associated with this role as ‚firemen‘ too much – they rather see themselves as experts on the field of internal European decision making. Because of this expertise, many clients who think about getting involved in public affairs in Brussels consult them for a start–up help in order to organise their public affairs division properly. Some may engage in a long–term relationship with a consultant or consultancy firm for a certain area of their work, either for the monitoring aspect or also for active lobbying, because they may not possess the expert knowledge on this field themselves or do not see the need of being physically present in Brussels with their own office. Others have a short–term need for a certain monitoring or lobbying field and will hire consultants on a flexible basis.

Individual lobbyists usually cover niche markets – they are experts in very specialised fields which are of interest for a limited amount of actors but also involve hardly any competition amongst consultants. Examples are the aspect of agriculture in the WTO negotiations (tea, respectively), or animal welfare questions (Coen 1997:102).¹⁴

The choice of a political consultant may therefore be rational out of different reasons at various stages of a decision making process. Either a client values the flexibility of a consultant because only short–term needs have to be covered, or advice for the establishment of a public affairs division can keep learning costs at the lowest possible level. A certain area of monitoring may not be coverable from within the public affairs team and be too complex to train an internal staff member, or a crisis cannot be managed any more, so that external help becomes necessary.

4.4. Regional Offices

Most regions are by now represented with their own office in Brussels. They do not possess any legal status in the European political system, but they are recognised as voices of their areas. They play an official role in the Committee of the Regions, which has to be consulted for every piece of legislation that passes the European legislative process.

Depending on their mandate, regional offices perform three functions. They gather information – according to the lobbying–jargon the so–called monitoring function (see Strauch 1993) –, and they filter and distribute it, either in the sense of project or in the sense of legislative lobbying. Thereby, these lobbying functions serve to cover the aspects of regulation, subvention and integration because legislative processes are followed and influenced, thereby playing an important role for European integration in general (see Greenwood 1997).

For many regional offices, especially for the German representations, the monitoring function has been the main reason for their establishment. The German federal state governments took up residence in Brussels in order to become independent from the information passed on to them by the state government. Depending on the self–image of a region – which can be interpreted as a consequence of strong federalist structures –, a passive role of monitoring plays an important role: especially the German and Austrian offices fulfil a strong representative function by providing the location for events from their region. On the one hand, these events serve to increase knowledge about the region in Brussels, on the other hand, they constitute a platform for personal networking and strengthen the co–operation within the German speaking lobbying community (see e.g. Diekmann 1998).

Additionally, the aspect of active lobbying by regional offices has to be considered. The project Non–governmental actors perform is also an important part of the work of regional offices. Regarding regional offices, this aspect mainly describes the seeking of funding of various individual projects for support of the region and the financial resources from the

¹⁴ An example for this is the contact between UNICE and the Political Consultant Nick Phillips (Bindi 1996:31).

European structural funds (cohesion and structural funds). This function plays a larger role for offices of less federalist states as they lack the additional political function of the more federalist states.¹⁵ The regional offices with a federalist background also perform active legislative lobbying, which is the focus of this research project. They seek influence on regulatory measures that could damage or benefit their region. For this lobbying function, regions increasingly co-ordinate themselves transnationally with other regions that have similar problems. This co-ordination is facilitated through the – apart from that rather weak – Committee of the Regions (CoR). Offices with a political mandate see their main task in this function.

A lobbying-actor may be rational in selecting a regional office over another lobbying channel if his particular case is of general interest to his region, and if he stems from a member state that has transferred a sufficient amount of competencies to its regions so that the regional office will possess the power to perform the needed lobbying task. In practice, such behaviour is observable with SME, although it remains to be analysed later on if their choice is based on a rational selection or on the fact that the regional offices are the only representation they know.

5. Conclusions: channel-diversity functional divisions instead of chaos

Actors involved in policy-networks have been found to be very different and therefore needed to be categorised in order to assess potential rationalities in selecting channels via which they communicate. In recollection of the actor's systematic purpose in relation to a potential rationality of the use of communication channels, the following résumé can be drawn:

A differentiation of different actor-types is necessary, because depending on their character, their relation to communication channels changes. Whereas non-governmental actors are actively selecting communication channels with the purpose of being represented/gain influence at the European level, governmental actors, in the scope of this research project, rather react to the approach of these channels, respectively the existence of communication channels and the resulting demand for public transparency.

Further sub-categories are in the field of governmental actors: the European Commission, the European Parliament and the Council of the European Union; in the field of non-governmental interests: enterprises and associations (individual and collective actors). With respect to non-governmental interests, two additional criteria have to be employed for further differentiation. Individual actors receive different legislative treatment and develop different needs, resources and lobbying demands depending on their size, which is why the criterion of size leads to a distinction of multinational firms, large national firms and small and medium-sized actors.

Within the category of collective actors, the difference between actors and communication channels has to be clarified more, because empirically, actors and communication channels can take on the same organisational forms. Out of this reason, the criterion of self-determination has been introduced and utilised in order to come up with the additional sub-categories of self-determining collective actors. This distinction enables the differentiation of associations whose head units are the forces steering the association, thereby rendering it an actor, from organisations that are led by its members with a secretariat that is used as a communication channel.

¹⁵ For some, the funding-aspect is the main reason for their existence. This is especially true for the English offices with the “We want our money back”-attitude that is strong in England with regard to the European Union.

The consideration of this difference becomes particularly important in connection with public collective actors, because an otherwise possible distinction of this kind between national and European associations cannot be drawn in their case. Instead, the content of interests seems to play at least an indirect role, for differences in organisational forms with regard to the self-determination criterion can be observed in different interest-categories. Therefore, self-determining collective actors are sub-divided into public and private interests, and within these sub-categories, interest contents are considered additionally to the organisational form.

The potential rationality of using a specific communication channel that might be related to an actor-category has to be derived from both the nature of those categories and of the reaction of governmental actors to the communication channels.

On the one hand, certain demands of a non-governmental actor might generate specific requirements of what a communication channel must be capable of providing. On the other hand, specific preferences or reactions of the governmental actors might in some aspects correspond more to one channel than to another one – vice versa in other aspects –, and therefore render one channel more efficient and qualitatively more advanced than another one with regard to certain issues and levels.

This leads to the inclusion of the efficiency-criterion of communication channels with regard to governmental actors, which contrasts the purpose of the analysis of non-governmental actors determining potential reasons for an actor's choice.

These distinctions lead to the following conclusions:

Within the category of individual business actors, multinational firms will develop demands on communication channels out of their comparatively greater resources and multiple locality that lead to a higher organisational complexity with advantages and disadvantages both in an economic and in a socio-political sense.

The requirements large national firms might have for the use of communication channels could mainly be bound to the geographical factor of these enterprises being present in a single national market. Large national firms can be assumed to possess a high political influence within this market, but they are also dependent on and unable to avoid changes of political framework conditions.

Small and medium-sized actors are much more likely than the other two categories to employ the criterion of cost and the possibility of delegating work when choosing to engage in lobbying, because their employment of resources will, due to their small size, be comparatively higher.

For collective self-determining public interest actors, one rationality might be derivable of the different structure of interest structures, as organisational differences between actors and channels are observable between the umbrella categories environment, consumers and social interests. Whereas the consumers groups are mostly built up in a rather democratic structure, which means that their European offices are steered by their members and are therefore to be seen as – potentially relatively autonomous – communication channels, more variation is to be found in the structure of the leading European environmental groups. They tend to possess more rigorous decision making procedures, either purely incremental – which renders those European offices communication channels – or strictly top-down hierarchical, which would mean that those European groups belong to the category of actors. Social interest groups are less well structured than the other two categories at EU-level and therefore provide for an even greater variation.

A similar partition can be made for collective self-determining private interest actors between the categories business, labour and professional interests, but it becomes more complex as those interests are partially dealt with by the same organisations.

Changes in the question of decision making structures seem to be mainly brought about through differences in membership-structures. In organisations with federated structures, the national member associations are rather to be seen as actors, whilst the European secretariats

can be treated as communication channels. Associations with mixed membership structures or direct firm membership structures have to be examined individually; internal power balances are less clear.¹⁶

When applying the differentiating membership structure–criterion to the categorised interests, the observation is made that labour interests are comparatively weakly represented and rather taken up by broader–aiming business associations, whereas the few organisations representing professional interests comply with the afore mentioned characterisation of organisations with a federated structure – their members are to be treated as actors, the European offices will be viewed as communication channels.

Of all interests, business interests are best represented in Brussels, and also show the greatest variety of membership–structures. A rationality of the choice of communication channels for self–determining private actors is therefore derivable of their membership structure, because the membership structure also influences who within the organisation is making the choice, whilst for self–determining public interest actors this question seems to be more connected to sectoral interest representation traditions.

The relation of governmental actors to the rationality of the use of communication channel has been treated under a different aspect than the relation of non–governmental actors to this subject. Instead of analysing their potential inherent reasons for using such a channel themselves, criteria within governmental actors have been established that might influence the rationality of non–governmental actors to use a communication channel, because this perspective is the one that applies to the overall subject of research.

This change of the analytical point of departure leads to the application of the criteria of efficiency and quality. From a rather new–institutionalist viewpoint, the different governmental actors can be understood as determining the efficiency and quality of a communication channel insofar, as communication channels will have to adapt to the formal and informal institutional rules that enable access to and influence on decision making processes.

In this context, different conditions are to be found in the organs under examination. They are on the one hand connected to intra–, on the other hand to inter–institutional factors. Intra–institutional factors are for the European Commission the representivity and substantiality of provided information. For the European Parliament, the factors of party affiliation and nationality have to be added and influence the potential preferences of parliamentary decision making forces, whilst communication channels targeting the European Council will have to additionally cope with the national level.

Inter–institutional factors are the different decision making procedures that influence the power–balance between the institutions. Whilst this makes no difference for the European Commission that is the sole organ with the right of initiating legislation no matter which procedure is applied, the importance of the European Parliament and the Council may depending on the procedure increase or decrease. The quality and efficiency of a communication channel will in this case depend on its capability of finding the right balance of distributing its resources.

Is there an in–built rationality in the organisational form of communication channels themselves? It seems so; the rational selection of a certain lobbying–channel can both be dependent on the tasks the channel can fulfil and the demands of the non–governmental or the preferences of the governmental actors.

¹⁶ This might depend on an initial decision of the members.

Do lobbying-channels perform the same functions and are therefore replaceable? Or do they perform different functions and can be rationally used in a complementary way? The latter is apparently the more realistic assumption. Euro-Groups possess a higher degree of representivity and are preferred by the Commission. In-House-Lobbyists can strengthen – but also restrict – the influence in a Euro-Group, establish direct contact and a better image of an actor in Brussels and provide for a better understanding of the European decision making process. Political consultants may have varying roles at different stages of the process or of an actor's public affairs engagement. For a majority of firms present in Brussels, associations seem to play a very important role, and they partially see their office as complementary to them – although they often think they could not do without their own public affairs office.

These findings back the interpretation of a functional division of lobbying-channels. Some areas may be covered by all of them, but their essential purposes differ, which does not render one of these channel types obsolete. The question of quality may do so, though, which still remains to be examined in this research project, together with a detailed empirical study of lobbying-choices in specific policy-networks.

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