

**Who to lobby: Institutional and organisational constraints to  
influencing European Parliamentary Committees.**

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For presentation at the 11<sup>th</sup> European Union Studies  
Associated conference, Marina del Rey, LA, CA, US, 23 April, 2009

## **Abstract**

There now exists a considerable body of literature on the legislative activity of the European Parliament (EP). This has made clear that today the EP acts as an effective counterbalance to the legislative power of the Council, across a range of policy areas. Central to the EP's growing effectiveness is its strong committee system. Where our understanding is less fully developed is in understanding the mechanism through which organised interests contribute to this process. This is of particular concern given that parliamentary legislators are at a strong informational disadvantage compared to their counterparts in the Council and Commission. To address this issue the paper focuses on the institutional interface between European Parliamentary Committees and actively participating lobbyists. Here a theoretical argument is developed to explain what determines which MEPs lobbyists obtain legislative advocacy from. Central to the explanation is the role that institutional rules combined with a committee's informal system of organisation play in determining lobbyists' strategic behaviour. The analysis makes clear that lobbyists understand the distribution of influence among committee members, and that associated with greater influence is a requirement for higher quality information. The empirical analysis is carried out on data obtained from 94 structured interviews combined with an original data set of committee stage votes.

## **1. Introduction**

There is an increasingly clear understanding of the strategies that organised interests deploy to influence public policy in the European Union (Coen, 1997; Mahoney, 2004; Mazey and Richardson, 2006; Bouwen and McGowan, 2007; Beyers and Kerremans, 2007). Lobbyists' informational advantages are integral to the process, with both bureaucrats and legislators demanding specific expertise from reputable organisations (Bouwen, 2002). To build on these insights there is a requirement for the literature to more fully explain how lobbying behaviour is shaped by specific institutional rules and organisation (Coen, 2007). In particular our knowledge of the institutional interface between European Parliamentary legislators and the activities of organised interests remains far from complete.

The contribution this paper makes is to explain how the European Parliament's (EP) formal procedures and informal organisation interact independently with lobbyists' hard wired operating logic to structure the pattern of legislative advocacy that takes place. The institutional hub for this activity is the parliament's 'strong' committee system. Here interests compete to secure legislative influence through the incorporation of their informational messages into the final report. The analysis demonstrates how an informal subset of the most 'influential' committee members comes to dominate the process. As such, they are the primary focus for interest group activity and work in conjunction with lobbyists to minimise the risks of a committee adopting amendments (information) that it would not have in circumstances of full information. The 'action' is played out over three distinct phases of the committee process, each of which further prompting lobbyists to consider their strategic choices.

In the following section of the paper pertinent aspects of the interest group literature as well as that on committee organisation are reviewed. Thereafter the argument is developed to explain the means through which EP committees assess lobbyists' informational submissions prior to the committee vote; the implications for lobbying behaviour, and the part that institutional rules play in the process. Thereafter, the methodological approach will be discussed ahead of an empirical examination of the core implications.

## 2. Existing research

A considerable body of theoretical and analytical research on the legislative activity of the European Parliament has become integrated into the main body of political science. Explanations have been provided for voting behaviour, party competition and inter-institutional bargaining. A key reason for the burgeoning academic interest has been the growth in the EP's legislative importance relative to other European Union (EU) institutions, as a result of the adoption and subsequent extension of the co-decision procedure (Tsebelis and Garrett, 2000; Crombez, 2001). An observable consequence of this growth in legislative power has been the intensification of interest representation directed towards the EP (Crombez, 2002; Judge and Earnshaw, 2002). This is not surprising given that active interests seeking to influence legislative outcomes will be among the first to sense shifting patterns of legislative power, taking immediate steps to realign their activities in response.

The lobbying effort is directed towards influencing the parliament's inter-institutional negotiating position, which is defined through the process of adopting a legislative report. The report is central to the parliament's decision making process (Bowler and Farrell, 1995; Selck and Steunenberg, 2004; Hoyland, 2006) and, as in the US congressional context, forms the bedrock of committee power. If the final report has a level of committee support commensurate to that required for an 'effective' plenary majority, the report's rapporteur will present it as a 'take it or leave it offer' (Tsebelis, 1995). In practice this means that the EP's negotiating position is generally decided in advance of the plenary session (Mamadouh and Raunio, 2003). More recently committee power appears to have been further extended through the widespread tendency for it to cut formal deals with the Council and Commission, ahead of the first reading in plenary; given that parliament has signalled its commitment to upholding these agreements<sup>1</sup>.

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<sup>1</sup> This remains early days, but so far the parliament has not rejected a deal agreed in Trilogue, and as such seems prepared to accept the diminished role for the plenary in favour of what is perceived as improvement to the EP's bargaining position with the Council and Commission.

This picture makes it plain why lobbyists' direct their attention towards influencing the content of final reports, but our understanding of the mechanism through which lobbyists contribute to this process is far less clear. As such there is a gulf in our knowledge of what prompts committee members to provide legislative advocacy as well as in what constraints there are on the effectiveness of these actions. Explanations have been given for the attributes and differences in the composition of organised interests, i.e. single company, national association and European association (Kohler-Koch, 1998; Wessels, 1999). In addition, through the adoption of the practice of taking the relative level of 'access' to decision makers as a measurement of influence (Coleman and Grant, 1988; Austen-Smith, 1995), it has been shown how the informational attributes associated with particular organisational forms structure the pattern of access afforded by the EU's principal institutions; with European associations, closely followed by national associations, commanding the greatest level of parliamentary access (Bouwen, 2002; Bouwen, 2004).

Where the research agenda has moved beyond access and inside the institutional setting, it is through the adoption of the by now widespread consensus that organised interests overwhelmingly lobby their legislative allies, occasionally engage with 'fence-sitters', but only rarely interact with their opponents (Baumgartner and Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998). Crombez (2002) applied this understanding to lobbying behaviour in the plenary. His model shows that organised interests attempt to influence policy makers that hold similar preferences to their own at the proposal stage, with the aim of creating fully conversant advocates; whereas at the vote stage their focus switches to MEPs that occupy pivotal positions.

To advance our understanding research must build on what we know about the organisational dynamics of committees. But even here the literature remains inconclusive, with the persistence of rival explanations for the existence and organisation of 'strong' committees, with no one theory fully accounting for the complexity of committee behaviour. The two explanations with arguably the most enduring resonance are the information theories of legislative organisation (Cooper, 1970; Gilligan and Krehbiel, 1987, 1989; Krehbiel, 1991) and the

distributive benefits theory (Shepsle and Weingast, 1987; Weingast and Marshall, 1988)<sup>2</sup>. The information theories suggest that committee's operate as agents of the floor (plenary) providing expertise on policy outcomes. In contrast distributive benefits approaches offer a more self-serving account based on the desire of high demanding legislators to secure re-election through the delivery of constituency benefits.

The prevalence of either of these simplified typologies would necessitate lobbyists to adopt corresponding strategic behaviour. But the inconclusive nature of the literature mirrors the internal dynamics of EP legislative committees. As such competing demands, often based on competing organisational logic is the stuff of every day committee life. It is therefore not surprising that for the most part the two 'competing' theories make identical predictions (Groseclose and King, 2001). For this reason research has tended to focus on the extent to which the preferences of committee members are aligned with those of the floor.

Not surprisingly parliament has an interest in ensuring that this outcome is achieved. Hence we find that the composition of EP committees is comparable to the plenary in terms of party group membership, nationality as well as in its ideological congruence<sup>3</sup> (McElroy, 2006). However, the establishment that certain preferences are aligned is not sufficient to falsify the case for constituency benefits. This is because, in contrast to the information approach, the theory of distributional benefits is premised on multi-dimensional policy preferences. Consistent with this approach, it would be expected that if the signal is sufficiently strong, committee members will respond to constituency demands ahead of other allegiances. The political cost of this action, particularly if conducted prior to the vote stage, is likely to be small. Evidence for the relative importance of this dimension is provided by the high level of EP committee lobbying undertaken by

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<sup>2</sup> The Majority Party Theory (Cox and McCubbins, 1993) of committee dominance is not discussed in this paper given its limited application outside the congressional context. That is to say within the EP a majority party system has not emerged and formal rules prevent the exclusion of other parties from effective participation. Furthermore as McElroy has noted 'it is unclear which committees, if any, in the EP have targeted externalities and which have uniform and mixed externalities' (p27). This said substantial elements of the Majority Party approach can be reconciled with information theories when disaggregated from the committee level. Party groups remain central to the parliamentary process.

<sup>3</sup> This is specified in the EP's Rules of Procedure, in particular rule 152.

national interests (Wessels, 1999; Bouwen, 2004)<sup>4</sup>; with constituency benefits presumably gained often enough to account for the continuance of such demands.

The extent to which committee preferences can be considered to mirror the plenary also remains unclear. This is because it does not necessarily follow that the distribution of preferences that is observed within committees is in line with the distribution of influence held within the committee. This disjuncture has been highlighted with regard to agenda setters (*rapporteurs*). Here evidence suggests that the policy preferences of *rapporteurs* are skewed from the committee mean (Kaeding, 2004). It has also been established that the representation of individual national parties within the parliament is at odds with that found amongst the population of *rapporteurs* (Mamadouh and Raunio, 2003).

Where committee membership is also at variance with the plenary, yet consistent with the information approaches, is in individuals' higher level of germane prior policy interest (Whitaker, 2001) and relevant policy expertise (McElroy, 2006). Indeed MEPs make their choice of committee appointment<sup>5</sup> on this basis rather than on whether a particular appointment is of relevance to their constituency (Whitaker, 2001).

The picture that emerges is, on the one hand of a committee system where constituency and other partial demands, along with the associated claims for regulatory pork, are woven into the fabric of committee politics; and where the preferences of agenda setters systematically diverges from the median member of the floor. Whereas on the other hand, the extent that a committee can act on these demands and remain effective is highly contingent on the maintenance of its legitimacy vis-à-vis its principal, the plenary. This raises the questions of: How do committees maintain their legitimacy in the face of their members' demands for the incorporation of lobbyists' informational messages into the final report?

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<sup>4</sup> Consistent with Bouwen's theory it was shown that European associations achieved the most access to committee members with a composite ranking of 1.71, but a strikingly similar level of access was also achieved by national associations (1.69).

<sup>5</sup> Whitaker (2001) suggests that 88% of MEPs are assigned to their preferred choice of committee.

### 3. Theory

The strategic behaviour of lobbyists and the extent to which their information submissions are accepted by the committee is to a significant extent determined by a combination of the committee's formal rules of operation and its informal principle of organisation. Together they contribute to determining how legislative influence is distributed amongst committee members and hence to the structure of lobbying activity. The formal rules provide a temporal punctuation to a report's passage, through the provision of three distinct opportunities for lobbyists to influence the committee's evolving legislative position. A salient feature of the informal organisation of EP committees is that the distribution of influence amongst members is skewed, in favour of policy contingent elites. A function of these highly influential loose groupings is to challenge information that undermines the committee's reputation. It follows that this has a considerable impact on the effectiveness of the relationships that form between lobbyists and committee members. Lobbyists that are active participants in a policy area will be fully aware of the distribution of influence within committees and factor this into their strategic calculations. This leads us to two clear predictions that underpin the argument:

Prediction one:

*Within each policy area a subsection of committee members exercise significant influence over the final report.*

Prediction two:

*Actively participating lobbyists understand the distribution of legislative influence that exists between individual committee members.*

#### 3.1 Formal operating procedure

The committee stage of the legislative process begins when a proposal is received from the Commission and concludes when the committee adopts its final report. The committee's formal rules divide the passage of legislation into three distinct phases, each of which provide lobbyists with particular opportunities to influence the final position. At each phase lobbyists and committee members alike are confronted with a new or revised legislative agenda.



The agenda for the first phase is provided by the Commission’s legislative proposal. At this phase a rapporteur prepares a ‘draft report’ on the proposal. By convention the rapporteur is left to prepare the report in isolation from her legislative peers<sup>6</sup>. The principal source of information available to the rapporteur is drawn from the avalanche of information submissions made by organised interests, as well as by the more active national representations and regulators. The draft report together with the un-amended sections of the Commission’s proposal forms the agenda for the second ‘open amendment’ phase, where committee members (and other MEPs) are free to submit amendments. The third stage of the process is the compromise phase. More commonly referred to as the vote stage, this is the period when backroom deals are put together ahead of the final vote, often reducing the latter to a formality<sup>7</sup>. The three phases are summarised below in table 1.

**Table 1** Developing the agenda

Agenda Phases	Origin of the agenda
1 Draft Report	The Commission
2 Open Amendment	Rapporteur (and Commission)
3 Compromise	Members that submitted amendments, including the Rapporteur

### 3.2 Informal organisation

In common with standard information assumptions, committees seek to minimise their level of uncertainty over the outcome of their policy prescriptions. A failure to reduce uncertainty would clearly undermine a committee’s ability to achieve its policy goals. But it would also harm the committee’s reputation with the plenary, thereby reducing its future policy discretion and hence power. If uncertainty is minimised committees are free to conduct the transaction of ‘normal’ left/right politics, as well as a transparent trade in territorial demands. Uncertainty is

<sup>6</sup> The rapporteur generally writes the report in conjunction with her administrative assistant and a member(s) of the committee’s secretariat. The division of labour differs widely between reports, along with a corresponding shift in lobbying attention.

<sup>7</sup> A feature common to all legislative procedures later analysed in this paper is that the most contested areas of legislation (as measured by the density of amendments) were generally characterised by prearranged compromises.

reduced through the acquisition of private information on the consequences of policies.

The challenge for EP committees is to assess the implications of a considerable volume of legislative amendments submitted by committee members on behalf of lobbyists. This problem is heightened given that compared to national parliaments, the EP is considerably less resourced and has a legislative programme that is altogether more technical<sup>8</sup>. Because the level of legislative complexity significantly exceeds the general level of committee member comprehension, committees respond to the threat of unforeseen policy implications through a form of sub-committee specialisation<sup>9</sup>. This is far from a collective action but a consequence of individual actions, whereby influential members provide a level of scrutiny that lessens the likelihood of the committee adopting a technically deficient or overtly biased negotiating agenda. The result is that relatively small clusters of legislators are able to exert disproportionate control over a committee's legislative output, and as such they represent the primary nodes for lobbying activity.

Their influence is part and parcel of their initial decision to become active (Wawro, 2000), with their expertise honed on the job. This influence is felt across the full range of committee interactions, where they are able to provide a formidable level of advocacy for their own policy positions, and mount challenges to others. The forums for this activity include committee meetings before and after the draft report phase; compromise meetings during the compromise phase, and within party group meetings throughout the process<sup>10</sup>. In addition they are more likely to occupy the formal party positions of shadow rapporteur (if not rapporteur) when they fall within their field of special interest, providing further opportunities to apply influence both within their own group and during the process of trialogue.

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<sup>8</sup> This partly reflects the pronounced regulatory character of EU policy making but is also indicative of a parliament that lacks the power of initiative and is therefore compelled to 'button down' the legislative detail.

<sup>9</sup> The implication is that policy expertise can be disaggregated below the level of the committee (McElroy, 2006)

<sup>10</sup> Opposing amendments are frequently fielded by fellow group members, with party positions often fixed only after these encounters.

In comparison, a committee member outside the influential set is less likely to have the capacity to undertake this form of advocacy; lacking the contextual knowledge and reputation to withstand the spotlight, which burns brighter for the outsider. Here direct participation in the process is often limited to faxing an amendment(s) to the secretariat. Their amendments tend to be successful when opposition from the more influential members is weakest, with party group coordinators and other office holders anxious to dispel accusations of cartel behaviour.

### **3.3 The implications for lobbying behaviour**

For the most part lobbyists aim to shape an aspect of a committee's negotiating position. This may be in response to the Commission's proposal, perhaps reflecting an earlier failure to convince, or in response to subsequent changes to the agenda. Essential to this process is the decision over which legislator(s) to lobby, and at what point in the process this should occur. But common across all lobbying communities is the hard wired operating mantra that: it is most advantageous to lobby at the earliest available point in the legislative process (framing the debate); lobby those with the most influence over the policy outcome; and lobby legislators that are likely to be sympathetic to your position (friends/allies), as opposed to the possibly counterproductive action of lobbying legislative foes. However, achieving the end goal of making the 'message stick' is of course partially contingent on the quality of the information, as it needs to be sufficiently compelling to motivate the target legislator.

When lobbyists seek to challenge the agenda set by the Commission, the formal procedures are such that on occasions lobbyists' operating logic is challenged. The earliest point which influence can be applied in the formal Committee process is at the draft report phase, but with agenda setting power concentrated in the hands of a single individual it is far from certain that the rapporteur will be a legislative friend. Therefore if the lobbyist is faced with an unfriendly rapporteur he will be forced to choose between the otherwise compatible logics of lobbying only his

legislative allies<sup>11</sup> or to follow the accepted wisdom amongst practitioners; that it is more effective to act early in a given legislative process than it is to attempt to change the terms of the debate later.

For lobbyists the cost of foregoing early participation is higher than the costs associated with lobbying a legislative foe. To an extent the costs more generally attributed to lobbying a foe are mitigated by the rapporteur's strategic incentive to incorporate certain otherwise disagreeable information into her report, in order to secure sufficient committee support<sup>12</sup>. To this effect lobbying a rapporteur that is a legislative foe often takes place in the shadow of a later intervention by an influential legislative ally.

The second open amendment phase provides lobbyists with considerably more scope to influence a committee's agenda. With the procedural bottleneck removed, lobbyists are free to seek advocacy from all committee members. The effect of this extension of direct legislative participation is that the provenance of an organised interest, although continuing to structure the set of available MEPs (legislative friends), for the most part ceases to limit the prospect of a lobbyist attaining legislative advocacy. However, with influential legislative friends applying an additional level of scrutiny lobbyists continue to face constraints, but in this case informal. This was expressed succinctly by a lobbyist from the insurance industry who stated that, "it is never a problem to find a legislator to put forward your amendment, but it is a different matter when it comes to finding one that is capable of convincing others to vote for it".

If a lobbyist does receive support from a legislator 'capable of convincing others to vote', they will willingly pay the additional informational costs associated with this form of advocacy. This is because the additional information is commensurate with the more active part that influential legislators play in advancing their position. This can be thought of as analogous to a 'legislative subsidy' (Hall and

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<sup>11</sup> See Baumgartner & Leech, 1996; Kollman, 1997; Hojnacki and Kimball, 1998; Crombez, 2002 & Hall and Deardorff, 2006.

<sup>12</sup> Failure to build sufficient committee support results in the rapporteur losing her agenda setting power, as witnessed on the occasions when the rapporteur votes against her own report during plenary.

Deardorff, 2006), as these legislators typically lack the resources to fulfil the scale of their legislative ambition.

During the final compromise phase the role of new information is confined to reinforcing existing submissions or to counteracting changes to the agenda made during the previous phase<sup>13</sup>. But in contrast to the previous phase, lobbyists are faced with a diminished pool of potential legislative allies. This is because the less influential members have faded from view, leaving negotiations to those better equipped. Therefore both courses of action are largely confined to lobbying influential friends. In the case of counteracting newly revealed opposing positions, this activity is contingent on a lobbyist locating a likeminded influential legislator to subsidise.

The ways in which lobbyists' decide which legislator to lobby and at what phase in the process are summarised in figure 1. At the draft phase a lobbyist's likelihood of achieving success is highest with a friendly rapporteur [1]. If the rapporteur is known to be a legislative foe, although suboptimal, she would nonetheless represent the next best option [2]. If unsuccessful at the draft report phase, lobbyists will continue to seek the incorporation of their message in the second open amendment phase. If the information is of sufficiently high quality an influential friend will be approached [(3)]. If the information is of insufficient quality or it is rejected, a non-influential friend will be sought out [(4)]. Legislative foes will not be approached in the second phase. If a lobbyist brings new information to the committee at the second phase, the process is identical to that for a first stage rejection; with the quality of the message determining which category of legislative friend will act as advocate; influential [1] or non-influential [2]. Third phase activity is confined exclusively to influential friends [1].

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<sup>13</sup> It is permissible for MEPs to submit Oral amendments up to the last minute, but it is more common for the threat of such action to be a feature of negotiations.

**Figure 1** Submitting new information

Phases	Who to Lobby			
Draft Report	<i>Rapporteur</i>			
	Friend		Foe	
	1		2	
Open Amendment	<i>Committee member</i>			
	Friend		Foe	
	Influential	non-influential	influential	non-influential
	1(3)	2(4)	/	/
Compromise	<i>Committee member</i>			
	Friend		Foe	
	Influential	non-influential	influential	non-influential
	1	/	/	/

#### 4. Research design

To overcome the limitations associated with explaining informal behaviour, a mixed research strategy has been adopted. This has combined a programme of survey interviewing of representatives from 94 organised interests<sup>14</sup>, with data collected on the committee stage amendments for five co-decision reports. The primary focus of the research was the Economic and Monetary Affairs Committee (Econ committee); with additional comparative interviews conducted in the Environment, Public Health and Food Safety Committee.

The interviewees are a non-random sample of practitioners defined as regular and prominent participants in their respective policy arenas. The principal aim was to capture, as complete as possible, a population of interests active in a substantive policy sector. To this effect, of the 65 interests defined as active in the area of financial services, 63 agreed to be interviewed. The remaining 31 survey interviews were conducted within the chemical and environmental policy areas. A full list of survey questions used in this paper is detailed in appendix A.

<sup>14</sup> The interviews were conducted between 2007 and 2008.

The selection of participants was conditional on their status verified by at least two individuals from differing sectors of the policy community i.e. two from the following three: MEP/MEPs assistant; member of the EP secretariat; or a previously verified organised interest. In practice each organised interest was the subject of several nominations (average 3.01). The process of verification took place through a further 37 interviews. These institutional interviews included ten MEPs, representing five member states and four party groups; two former MEPs; six assistance to MEPs; seven party group advisors, from the three principal party groups; and twelve mid-ranking officials from the European Parliament's Secretariat, who were directly involved with the preparation and passage of committee stage legislative reports. In addition to providing direct insights these interviews were conducted to verify the plausibility of all interest group answers, although the size of the sample remains too small to report.

The dependent variable '**interest group rank**', captures who lobbyists believe are the most influential legislators in the policy field. It was derived from the responses of organised interests to a question that asked them to determine which MEPs they believed had the most influence at the committee stage following the presentation of the draft report. In all, 53 organised interests provided results. The scores for each MEP that was cited are detailed in appendix B. The variable is made up of 57 observations, of which 33 have positive values, and 24 take the value 0 (mean = 4.6) With these characteristics the dependent variable is most accurately described as a count outcome and as such the more commonly applied OLS technique is inappropriate and likely to lead to biased outcomes. Furthermore given that the conditional variance is significantly greater than the conditional mean, as indicated by the likelihood-ratio test of  $\alpha = 0$ , then a negative binomial regression provides the most appropriate technique<sup>15</sup>.

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<sup>15</sup> The use of the standard Poisson model in this instance would result in a downward bias in the standard error terms potentially resulting in an incorrect (z- value) rejection of the null hypothesis. In contrast the negative binomial regression model permits the conditional variance to exceed the conditional mean by estimating the conditional mean as a random variable derived from the independent variables and a random error term uncorrelated with the mean. As a consequence of the random error term 'unobserved heterogeneity' is introduced allowing variance to take place on the dependent variable in circumstances when observations of the same value occur on the independent variable: Long, Scott J (1997). Regression Models for Categorical and Limited Dependent Variables. London, Sage.

Two explanatory variables were defined as of particular interest to the theory: ‘**successful amendments**’ and ‘**success rate**’. They were both constructed to provide measures of actual MEP success and hence legislative influence. In the absence of roll-call data, information on vote outcome was compiled through unofficial access to committee compromise agreements and final voting lists, in conjunction with certain publicly available data<sup>16</sup>. In total 2155 ‘open amendments’ were submitted. The range of individual submissions was between 1 and 178<sup>17</sup>. The five legislative reports that were analysed were on the legislative proposal for directives on: the capital adequacy of investment firms and credit institutions - Basel II (2005); payment services in the internal market (2006); UCITS (2008); Solvency II (2009); and Capital Requirements (2009).

The independent variable ‘**successful amendments**’ measures the overall number of successful amendments that an MEP makes relative to other participating MEPs. If an amendment was adopted at the vote stage it was coded as 1, and if it failed it was coded as 0. For the significant number of amendments that formed part of wider compromise agreements and were voted through as part of this package, the individual outcome was not always discernable. Therefore, in conjunction with individuals closely involved in the procedure, the relevant amendments were analysed and assessed according to the same coding system but, where an amendment was only partially included in the compromise a coding value of 0.5 was awarded. These scores were allocated to each MEP as before. The total was 1330, with a range between 1 and 126. This information was derived through unofficial access to the committee voting lists and compromise agreements of the legislation under consideration. A possible draw back with this approach is that the level of failure is not taken into account. To mitigate against this latter problem, a variable was created to capture individual MEPs ‘**success rate**’ at submitting amendments.

$$\left[ \frac{success_i}{total_i} \right]$$

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<sup>16</sup> The legislative information was collected between 2007 and 2009.  
<http://www.europarl.europa.eu/activities/committees/amendmentsCom.do?>

<sup>17</sup> Where amendments were jointly submitted they were attributed in proportion i.e. if three MEPs jointly submitted they were credited with 0.33 of an amendment.



A series of dummy control variables were added to the model. The first two relate to positions of authority within the committee and take the value of 1 if an MEP is an office holder and 0 if not. Here the position of ‘party co-ordinator’ is included because this role specifically involves brokering legislative agreements within the respective European party groups. The variable ‘committee chair/vice chair’ is included in order to capture the effect of seniority within the formal committee structure. The remaining dummy variables are confined to party membership. Here the two principal trans-national party groups are reported: ‘EPP’ (European Peoples Party) and ‘PES’ (Party of European Socialists). The party reference category is made up of all other European party groups, including the ‘ELDR’ (Liberals).

## **5. Findings**

The argument that has been put forward explains certain aspects of lobbying behaviour within European parliamentary committees. The explanatory variables are the committees’ formal operating procedures and informal organisation. Together they interact to structure the pattern of lobbying behaviour. This section of the paper tests the core implications that follow from the theoretical explanation. The analysis continues to follow the temporal course of the legislative process.

### **5.1 The draft report phase**

This section of the analysis assesses the extent to which influencing the draft report phase represents the primary goal for lobbyists that are active at this point in the process; and the extent to which they are detracted from pursuing this strategy if the rapporteur is known to oppose their policy position.

To assess the significance of the draft report phase, interviewees were initially asked at what stage in the committee process they would ideally like to begin lobbying (see appendix A, question1). All those that responded stated that of the

three phases they would want to be active in the first<sup>18</sup>. However, to some extent the situation that was put before them was artificial, as it was clear that actively participating interests would have had some contact beforehand. Indeed the committee itself generally plays a part in lobbying the Commission ahead of receiving the proposal.

However, the more interesting question is whether lobbyists defect from lobbying the rapporteur in circumstances where she is a legislative foe. This prompted the question:

*‘If you know in advance that the rapporteur opposes the position of your organisation, to what extent if any does this fact prevent you from directly putting forward your policy position?’*

The results, which are summarised in table 2, confirm the expectation that lobbyist rarely shirk from lobbying a rapporteur that happens to be a legislative foe. More than half of the lobbyists that answered stated that the policy position of the rapporteur had no bearing on their decision to lobby; with no lobbyists claiming that it always structured their decision.

**Table 2** How often interests defect from lobbying a rapporteur that they know to be in opposition to their policy position

	Interests Non Financial	Interests Financial	All interests	Percentage of respondents making assessment
Always (100%)	0	0	0	0
More than 75% but less than always	0	2	2	4.5%
More than 50% but less than 75%	1	3	4	9%
Less than 50% but more than 25%	0	4	4	9%
Up to 25%	3	8	11	25%
Never	9	14	23	52.3%
Unable to assess	3	4	7	-
Total	16	35	51	100%

<sup>18</sup> Of the 94 interviewees, 86% identified the draft report phase as the most advantageous phase to apply influence. The remaining 13 declined to give an answer; with the persistent suggestion that the reality was too complex to be broken down to a single point in time.

This situation was confirmed through interviews with MEPs, and members of the secretariat<sup>19</sup>; with several committee members expressing surprise that whilst they were acting as rapporteur, they were often approached by lobbyists from sections of the policy spectrum that they had openly criticised in the past. One member from the Socialist group complained that on occasions, “they threaten that if I don’t include their position, the report will be picked apart during committee”. The implication here is that not only does the lobbyist have wider support, but also that without taking account of this position the draft report may face wider challenges.

## **5.2 The significance of the open amendment phase**

The argument places considerable emphasis on the open amendment phase of the process, after all this and the subsequent phase are where the committee’s informal organisation directly interacts with the formal procedure. But a nagging doubt remains, that these phases simply do not matter and that power rest with the rapporteur. Two distinct approaches have been taken to this question with the additional aim of providing a wider insight into the lobbying process.

The first approach builds on the previous analysis and looks beyond the intention to lobby and attempts to capture the dynamic nature of the process, through asking lobbyists to consider both their failed interventions at the draft phase as well as their response to subsequent changes to the agenda. The question that was asked was:

*‘With regard to the co-decision legislation that your organisation has been actively involved with, what percentage of your legislative concerns, that you were ultimately able to raise in committee, were you able to directly convey to the rapporteur prior to the completion of the draft report?’*

The proportion of interviewees that were able to make an assessment was reduced, reflecting the added complexity of the question, but the implication was clear. The results summarised in table 2 show that when interests were asked to consider the full range of their legislative concerns that they raised in the course of the committee process, half of all interests that answered (52.3%) stated that less than

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<sup>19</sup> The sample size was too small to report.

half of these issues were conveyed to the rapporteur prior to the completion of the draft report, with no respondent claiming 100% success.

**Table 3** Percentage of informational messages that were conveyed during the committee stage that were first conveyed during the preparation of the draft report

	Non Financial Interests	Financial Interests	All interests	Percentage for all respondents
All (100%)	0	0	0	0
More than 75% but less than all	4	14	18	26.9%
More than 50% but less than 75%	5	12	17	25.4%
Less than 50% but more than 25%	6	12	18	26.9%
Up to 25%	4	10	14	20.9%
None	0	0	0	0
Unable to assess	12	15	27	-
Total	31	63	94	100%

It follows that the second and final phase of the process (open amendment and compromise) received the majority of ‘new’ information submissions. But to an extent this simply measures the volume of traffic, rather than the frequency of collision. However, through analysing the outcome of all amendments that were made to the two legislative procedures under consideration i.e. those made by the rapporteur in the draft reports as well as the subsequent open amendment phase, the relative importance of the two phases can be assessed.

To illustrate this, from the overall total of 2854 amendments submitted to the five legislative procedures, just 699 were contained within the rapporteurs' draft reports; and many of these were of a purely administrative nature. Of course the higher level of second phase activity could simply be background noise. However when the number of ultimately successful ‘open amendments’(2155) is compared with those submitted at the draft report stage the successful open amendments exceed those put forward in the draft report by a factor 3 to 1. Of course many of the draft amendments were themselves unsuccessful. This suggests that at the very least the lobbying activity that takes place during the open amendment stage has a

comparable effect on a committee's final position to that which takes place during the draft report phase.

### 5.3 Testing the underlying predictions

From the outset it was apparent that at the core of the argument lay two underlying predictions. If the first prediction failed to hold the system of informal organisation could not exist. Similarly, even if the first assumption were shown to hold, the anticipated lobbying response would remain contingent on the second underlying prediction.

Prediction one:

*Within each policy area a subsection of committee members exercise significant influence over the final report.*

Prediction two:

*Actively participating lobbyists understand the distribution of legislative influence that exists between individual committee members.*

To assess these two predictions, we can measure the extent to which lobbyists' assessment of influential committee members (**'interest group rank'**) correlates with their actual levels of influence. That is to say, do lobbyists target influential MEP's, who have significant influence in their policy area? In order to measure the predictions two specifications of the model have been constructed. Model 1 incorporates the explanatory variable that shows the overall number of **'successful amendments'** made by MEPs, whilst model 2 includes the variable that illustrates a legislator's amendment **'success rate'**<sup>20</sup>. Both models include control variables for party group ('PES' and 'EPP') as well as for 'party co-ordinator' and 'chair/vice chair'.

The results from the first model show that of the five explanatory variables, three have significant explanatory power in explaining the variance in perceived level of MEP influence. The variable of particular interest to the theory, **'successful amendments'**, is both significant and in the right direction. The results show that

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<sup>20</sup> Whilst the correlation between these two explanatory variables is acceptable at 0.34, their independence remains questionable.

for a one unit increase in the number of ‘successful amendments’ that an MEP achieves, her ‘interest group rank(ing)’ is expected to increase by a factor of 1.04, holding all other variables constant.<sup>21</sup>

The party group variables were also of significance and in a positive direction. The results show that for an MEP that is a member of the EPP, his expected ‘interest group rank(ing)’ increases by a factor of 2.31 relative to the reference category of smaller parties, holding all other variables constant. The corresponding expected rate of increase for a member of the PES relative to the reference category is a factor of 2.77. This suggests that lobbyists underestimate the smaller parties, or more likely concentrate their efforts on the most influential MEPs which disproportionately come from the two main parties. What is interesting is that the difference in the way that lobbyists’ evaluated the two largest party groups appears comparatively small.

In the second model two of the explanatory variables are significant, including ‘**success rate**’. Here the results indicate that a one percentage point increase in the rate of success that an MEP achieves with their amendments leads to an expected increase in the number of organised interest that state that an MEP is influential (interest group rank) by a factor of 1.04 holding all other variables constant.

The control variable ‘committee chair/vice chair’ was also of significance. The results indicate that the effect of holding a committee office increases the expected ‘interest group rank(ing)’ by a factor of 3.57, holding all other variables constant. This finding, although not present in the alternative specification of the model, is not surprising given that seniority is associated with a high committee profile. Therefore it is plausible to suggest that to an extent lobbyists are seduced by the trappings of authority, causing them to overstate the legislative influence of senior office holders. However, care must be taken as this variable consists of just three observations.

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<sup>21</sup> This effect is linear in the log of observed influence count , thus is multiplicative rather than additive.

The results from the two models have clear implications for the predictions under analysis and therefore for the theory as a whole. The assessment made by organised interests considering the legislative influence of MEPs in their specific policy area is fully commensurate with the observable actions of legislators in the policy field under analysis: Organised interests understand which legislators have the most influence over a committee's negotiating agenda, and it follows that there exists a sub-set of influential committee members. Arguments can be made for the primacy of one specification over the other in terms of their embodiment of 'influence'. However, it seems likely that interests take both variables into account, although the explanatory power of the second model, which incorporates 'successful amendments', appears to be greater.

**Table 4** Negative binomial model: Organised interests' assessment of the most influential MEPs in the Economic and Monetary Affairs committee.

	<i>Model 1</i>		<i>Model 2</i>	
	<i>Incident rate ratio</i>	<i>Z-Score</i>	<i>Incident rate ratio</i>	<i>Z-Score</i>
Successful Amendments	1.038*** (0.006)	6.55		
Success Rate			1.042*** (0.012)	3.43
EPP	2.315** (0.823)	2.36	1.74 (0.837)	1.15
PES	2.766*** (1.080)	2.61	1.841 (1.038)	1.08
Party Co-ordinator	1.152 (0.589)	0.28	3.253 (2.186)	1.36
Committee Chair/Vice Chair	1.008 (0.474)	0.02	3.569* (2.588)	1.75
Number of Observations	57		57	
Log-likelihood	-108.574		-126.831	
LR $\chi^2(5)$	58.28***		21.76***	
Pseudo R <sup>2</sup>	0.211		0.079	
LR test $\alpha = 0$	34.39***		176.8***	

Notes: \*\*\*significant at 0.01 level, \*\*significant at 0.05 level, \*significant at 0.1 level.  
Standard errors in parenthesis

#### 5.4 Who not to lobby

There was no question that when faced with choice, lobbyists only approached their legislative friends. To illustrate this, when the names of the legislators that were considered to be most influential were given, it was invariably the case that unbidden they would point out legislators from this list that they would not approach. Hence a lobbyist from a regional banking association stated of one influential MEP that she “would always take the line of the international banks”, and was therefore off limits; whereas for another it was claimed that he would “first seek the opinion of the city of London institutions before agreeing to act, in particular.....<sup>22</sup>”.

<sup>22</sup> Here two London based trade associations with international membership were cited.



To elicit whether there were circumstances when lobbyists felt the quality of their informational message was insufficient quality to pass the scrutiny of an influential legislator, a further direct question was asked:

*'If the content of their requests for legislative action was ever such that it was more appropriate to seek action from legislators outside the set of committee members that you defined as influential?'*

The response rate was much lower, with just 44 out of the 83 interviewees putting forward an answer. This reflected the intense sensitivity surrounding this line of enquiry<sup>23</sup>. However 38 (86.4%) respondents revealed that there were occasions when they 'preferred' to deliver their informational message to MEPs outside their set of most influential legislators. The implication from this is that suboptimal information quality forces organised interests to defect from obtaining advocacy from their 'most influential' 'legislative allies'<sup>24</sup>.

This leaves it slightly unclear why lobbyists approach legislators with seemingly little chance of affecting the committee position. The explanation is that lobbyists themselves have no choice over whether to put information forward, but with knowledge of the legislative hierarchy that is unlikely to be known 'back home', they have an interest in exercising 'quality control' in order to preserve their reputation. The response to the above question was consistent with this explanation. However it also seems likely that on occasions interests simply knock on a series of friendly legislators doors in a descending order of influence, until a legislator agrees to provide advocacy<sup>25</sup>. After all, even less influential legislators achieve success sometimes.

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<sup>23</sup> In fact several lobbyists got quite annoyed, at the suggestion that they made such strategic choices.

<sup>24</sup> It is assumed that the origin of the overwhelming majority of amendments are from organised interests and that where this is not the case the origin is more likely to be from the population of more technically adept 'effective' legislators.

<sup>25</sup> The origin of amendments from less influential members was particularly well known, indicating that on some occasions they had been put forward before.

## 6. Discussion

The analysis has shown how institutional conditions shape the legislative partnerships that form between lobbyists and EP committee members. The Committees' informal organisation and formal operating procedures interact independently with lobbyist's operating logic to determine the relationships that form.

The implication for the EU lobbying literature is that what we know about the strategic behaviour of lobbyists in the plenary (Crombez, 2002), does not hold for the often more decisive Committee stage. The committee's formal operating procedures are such that at the proposal stage, lobbying is not confined to legislators that have similar preference to their own (friends). Although, if we assume that the 'open amendment' phase is more comparable to the plenary's proposal stage, then we find that the assumption that only legislative friends are lobbied holds across both venues.

However, this explanation turns out to be insufficient to fully explain lobbying activity in EP committees. This is because as a consequence of the committee's informal organisation it is the 'quality' of an information message that structures which legislative friends will act on a lobbyist's behalf. The committee's informal organisation also structures the final compromise phase. Here lobbying attention is shown to deviate from the expectation that immediately ahead of the vote only pivotal legislators are targeted, towards 'influential' legislative friends.

Through highlighting an aspect of a committees' informal organisation, it has been demonstrated how relatively small clusters of legislators are able to mitigate aspects of the committee's informational disadvantages, thereby exerting considerable influence over the outcome of the committee process, and by implication the final legislative outcome. As a result attempts to move the committee position to a point beyond which its legitimacy vis-à-vis the plenary is threatened are challenged. It has been made clear that lobbyists understand this distribution of influence amongst committee members, along with the associated

demands for higher quality information necessary to secure legislative advocacy from more influential legislators.

**Appendix A** List of all interview questions used. The exact wording of which, was often contingent on the interview

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1. 'In an ideal world at which point in the committee process would you begin concerted attempts to influence the legislative outcome?'
  2. 'If you know in advance that the rapporteur opposes the position of your organisation, to what extent if any does this fact prevent you from directly putting forward your policy position?'
  3. 'With regard to the co-decision legislation that your organisation has been actively involved with, what percentage of your legislative concerns, that you were ultimately able to raise in committee, were you able to directly convey to the rapporteur prior to the completion of the draft report?'
  4. 'If the content of their requests for legislative action was ever such that it was more appropriate to seek action from legislators outside the set of committee members that you defined as influential?'
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**Appendix B** Interest Group Rank  
 Most Influential MEPs: Number of Independent  
 Citations given by 52 Organised Interests

Name of MEP	No. of Independent Citations
KLINZ, Wolf	34
GAUZÈS, Jean-Paul	28
BOWLES, Sharon	22
PURVIS, John	19
RADWAN, Alexander	19
KAUPPI, Piia-Noora	18
BERÈS, Pervenche	13
van den BURG, Ieke	11
GOTTARDI, Donata	10
GARCÍA-MARGALLO Y MARFIL, José Manuel	8
HOPPENSTEDT, Karsten Friedrich	8
KARAS, Othmar	7
LULLING, Astrid	7
BECSEY, Zsolt László	5
FERREIRA, Elisa	5
STARKEVIČIŪTĒ, Margarita	5
ETTL, Harald	5
VISSER, Cornelis	5
PITELLA, Giovanni	4
GOEBBELS, Robert	3
MITCHELL, Gay	3
RYAN, Eoin	3
SÁNCHEZ PRESEDO, Antolín	3
SKINNER, Peter	3
EVANS, Jonathan	2
LAUK, Kurt Joachim	2
RAPKAY, Bernhard	2
WARTMANN-KOOL, Corien	2
BULLMANN, Udo	1
HÖKMARK, Gunnar	1
SCHMIDT, Olle	1
de VITS, Mia	1
LIPIETZ, Alain	1
Total	261

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