

Communications & Opinions



On lobbying in European affairs

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The notion of lobbying has evolved over time. It got its name from the men populating the lobby of Parliament trying to catch the eyes and ears of elected representatives on their way to the assembly room. It eventually became a world-spanning phenomenon with more and more interest groups using a growing variety of means of getting attention.

There are many ways indeed to lobby. One can block roads or fax machines, burn trucks or boycott supermarkets. One can unload tons of identical letters blocking the entry of the European Parliament's buildings in Brussels, or Strasburg. One can send e-mails "urbi et orbi" or address them to dozens of Commissioners and/or Ministers and/or EP Committee Chairmen or members. The latter type of action mainly risks causing more coordination work than good will. The other traditional actions just mentioned generally leave little impact except the impression that interest group leaders give to their members that something is being done to voice their interests. For instance, the attempt of the COPA to derail the Fischler reform with the occupation of Brussels with 30,000 farmers and countless tractors on a critical Council day left the negotiators pretty indifferent.

A call by a Minister saying that a national strike or a vote of confidence in the national Parliament is looming unless the Commission does this or that is mostly equally ineffective, but may occasionally lead to postponing a Commission decision or proposal by a week or so. A national referendum on European matters is more likely to affect the Commission's behavior whether its President or several members get a call from the country leaders concerned or not.

If there is a real issue with a European Commission proposal, or if a problem requires action, it is much more effective for interested government, NGOs or private lobbyists to provide a fair and objective description of that problem with concrete suggestions as to how it could be solved.

Good lobbying is synonymous with networking. "Kamikaze"- type one-off activists are a dying breed. Networks have become essential for a constructive, long-term lobbying relation.

One of the most obvious networks within the European Commission are the officials coming from a given member state. In reality, they are mostly disorganized except in those few cases where a Permanent Representation in Brussels entrusts one or more persons full-time to maintain contacts with their nationals in the Commission and possibly the other major European institutions. Among the most active is the UK.

Far more important is the distinctly multinational network of current or former members of the cabinets of Commission members. The experience of several years of cabinet life creates a pretty solid old-boy network, which tends to survive as the relevant permanent officials return to the services the more so as quite a few tend to return to cabinets later on, hopefully as Heads of Cabinet, that is, chiefs of staff, because this is one of the most influential and interesting jobs the Commission has to offer.

Lesser known networks in the EU institutions are those that have studied at the same academic institutions, notably the College of Europe in Bruges and in some cases such as Austria the Johns Hopkins University in Bologna.

But even where a network exists, it is not necessarily used by those who want to lobby. Governments can indeed prove particularly reluctant to do so. If a Commission official is suspected at regularly passing on confidential information to his country of origin he/she might be kept in the dark of the more confidential work being undertaken by a Commissioner with a handful of cabinet and service staff. Time and again one finds that specialized lobbyists, law firms or individual companies are more efficient in exploiting the networks than Governments, the pace setters being often American lobbyists, who were often the first to apply modern lobbying methods and the very first to understand early on that the European Parliament was becoming an important legislative actor.

It is perhaps surprising how often lobbyists fail to respect some basic rules to be effective. For instance, some still call without indicating their employer and/or without describing their client and/or without clearly identifying the issue they wish to discuss.

Others simply misjudge the timing of the intervention. Many governments make phone calls or send letters on issues that are already being dealt with correctly and timely. The same holds for many questions by the European Parliament. This is part of a political game in which the lobby action is undertaken to stress the value of the lobbyist to his client or the efficiency of the MEP to his constituents. Regrettably, similar actions are harmful in that they force the relevant desk officers to draft briefings or replies to letters instead of spending time on the problem itself.

While some member states are highly effective in presenting a clear position at all levels of negotiation and representation, and some even get timely instructions to relevant cabinets – which is in breach of the Commission internal regulation – some do occasionally weaken their own influence by presenting contradictory positions. The contradictions can be between different ministers of a given government or between national and regional ministers, either because of conflicts of competence, or because one has lost out in negotiations at home, but does not want to give up.

Lobbying with and by the European institutions has changed over the years.

Ten years ago, a key function of the lobbyist was to simply search documents for their clients in order to keep them informed of upcoming European legislation. It was important to know whom to ask to get an early copy. To-day most material is on the internet. Basically, any document held by the European Institutions is available to every citizen who requests it. Moreover the new consultation procedures lead the Commission to multiply the White Papers and the Green Papers for consultation of interested parties, including “civil society” before major proposals are submitted to the member states and the European Parliament. One does not need any more to be a well connected lobbyist to hear about such initiatives. Moreover the comments sent to the Commission are generally published.

But the Commission's effort to listen more, and to listen to all, has a downside in that it puts serious strain on limited staff resources. This problem is aggravated by the growing need of the Commission to do its own lobbying vis-à-vis others – governments, institutions, private lobbies including the increasingly influential NGOs. Commission members and officials must increasingly be able to communicate effectively to promote ideas and explain policies and actions to the outside world.

All this means that the increasing number of lobbyists as the Union enlarges its membership and deepens its area of competence will find that the time that can be allocated to them becomes shorter, because it has to be shared with others.

In order to remain successful, lobbying will have to change for several reasons.

Firstly, the new staff mobility policy within the Commission. A good lobbyist has never underestimated the importance of the desk officers and experts who actually deal with a given issue, because in a small organization there normally are very few people on whose "in-tray" it eventually ends. Besides, the relevant officials do not appreciate when a lobbyist circumnavigates them in an attempt to get a prior commitment by the relevant commissioner. But the mobility policy will imply periodic rotations of staff, forcing lobbyists to make new friends all the time. Since the different levels of hierarchy will not change jobs at the same time, lobbyists will need to keep in touch with officials at various levels in their area of focus.

Mobility means new and changing networks. Rules and procedures will have to become simpler also in order to facilitate quick changes of staff.

The enlarged Commission with at most one Commissioner per member state will make deliberations more difficult to predict, but the position of portfolio Commissioners may become even stronger than it is today. Because of the increased number of cabinets, more and more preparatory work will be done at the levels of the Directorates General. Once these have agreed a text it will become less and less likely that it will be substantially changed in Commission.

For lobbyists all this means that it becomes less and less useful to intervene at the end of the process by acting, for instance on the Commissioners from Germany and France, who represented four out of twenty members of the College, whereas now they are two out of twenty-five.

It therefore is now of the essence for lobbyists to keep in touch with the directorates general, particularly at the desk level in order to get the message across as the time of the top people has become increasingly scarce. They should not forget to lobby also other directorates general than those drafting the original proposal, but involved in the internal consultations. For instance, when the Commissioner for health and consumer affairs decided to propose labeling wine with a warning that its consumption involved a risk of alcoholism, any lobbying effort on the Commissioner and DG concerned was of little avail, whereas DG Agriculture proved a precious ally.

I will finally make an example on how lobbying worked or did not work in the context of a major reform debate such as that regarding the CAP, which led to the Fischler reforms of 2003-2004.