

# What are interest groups and lobbyists law european essay

Law



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Number: 123392(M)Assignment: Interest groups operate at both the national and international level. What are the opportunities and challenges posed to a national interest group in trying to lobby at a European level? Do you believe it would be best suited to lobby the Commission, Council or EP? Does it make a difference if the interest group is from a large or small member state? Unit Name and Code: Politics of the European Union (EST2140)Lecturer: Mr. Mark Harwood

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Union: An OverviewIn 1951, six countries; Belgium, France, Italy, the

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Netherlands, Germany and Luxembourg, signed the Treaty of Paris, effectively starting the European Coal and Steel Community (ECSC), a union proposed in 1950 by the French foreign minister Robert Schuman in the Schuman Declaration (4). In 1957, these same six European countries agreed that it would be in their best interest that a common market should be formed, and this led to the signing of the Treaty of Rome. This common market, an economic zone, would be a zone where people and products can be moved freely. This agreement between these six countries, led to the creation of the European Economic Community (EEC). On the same day as the signing of the Treaty of Rome, the six founding countries also sign another treaty that led to the establishment of the European Atomic Energy Community (Eurotom). (3) In 1973 the United Kingdom, Denmark and Ireland opted to join this community. Greece opted to join the European Union and was followed by Spain and Portugal in 1985. In 1986, the Single European Act was signed, which was a treaty aimed at creating the Single Market, which would allow the free-flow of trade to occur in member territories. In 1993 the single market comes into effect, which results in the free movement of goods, people, services and money. These are known as the four freedoms. Also the Maastricht Treaty is signed in 1993. The next expansion of member states occurs in 1995 as Austria, Finland and Sweden join the Union. The next treaty to be signed is the Amsterdam Treaty in 1999. (5) The euro notes and coins, the official currency of the European Union are printed and minted in 2002, thereby creating the single currency. In 2004, the largest expansion of the European Union took place as no less than ten countries, being, Cyprus, the Czech Republic, Estonia, Hungary,

Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia. In 2007, Romania and Bulgaria also join the Union, bringing the number of member states to its current amount of 27. (6) The number of member nations is set to increase once again, as Croatia is set to join the Union on the 1st of July 2013, bringing the total number of member states to 28.

**What are Interest Groups and Lobbyists?** An interest group is a group made up of people with the intention of working together through the group to achieve a goal or accomplishment which would be common to all its members, or to tackle a common concern or problem. Interest groups can be more clearly defined as " non-profit and usually voluntary organisations whose members have a common cause for which they seek to influence public policy, without seeking political control. Their primary activities are lobbying the members of legislative bodies through contribution to political parties, working to elect sympathetic or pliable politicians, and conducting covert or open propaganda campaigns."

(1) An interest group would get its agenda recognized by partaking in lobbying. Lobbying refers to " the advocacy of an interest that is affected, actually or potentially, by the decisions of government leaders. Individuals and interest groups alike can lobby governments, and governments can even lobby each other". (2) Another way to define lobbying is the " attempting to influence the outcome of legislation or administrative rules and regulations." (9) Along with interest groups, lobbyists also partake in lobbying. By the previously mentioned definitions, it may seem that interest groups and lobbyist appear to be the same sort of organisation, just under a different name. This is not the case however, as interest groups tend to stay devoted to their ideals or objectives whereas a lobbyist would be a paid

employee, occasionally even employed by interest groups, who would be tasked to push forward the point of view and interest of his employers to a government official. Interest groups can lobby at a European level or at a national level. Interest organisations can be made up of any entity or populous such as firms, consultants, national associations and normal members. There are certain factors which lead to the need to distinguish between those groups that opt to lobby at a national and European level, the latter being referred to occasionally as Euro-groups. One such factor is that there exist differences between the forms of organisation and constituencies of both national level and European level interest groups. Another difference between these two types of interest groups is that the methods, strategy and processes are different when they are pursuing their interests. (8) (Cini, p. 210, 2007) Before lobbying can commence, a strategy should be devised by the interest group or lobbyist. Such strategies may consist of whether they should operate alone, or should they join forces with other groups or even with their respective European level. After this is agreed upon, the next on the agenda should be for the groups to decide and agree on their targets, what they hope to achieve. At a European level, two principle targets emerge. These are national actors and European actors. (10) One key factor that will more or less decide on the level of activity of a lobbying agent would be the system of interest representation which is practiced by the organisation or entity which is being targeted to lobby. The system can be either one of pluralism, corporatism or consociationalism. Pluralism exists when the condition that interest groups share a common concern of public agenda is met. Corporatism is used when interest groups are acknowledged

and recognized by decision-makers and this would allow them to be part of the policy-making system. Consociationalism exists when the system of interest representation allows group representation in government, and therefore it can be considered as a form of power sharing. (15) (Noel, p. 3, 2005)The method of lobbying is also one which needs to be addressed. Interest groups opt for either inside, outside lobbying or even a combination of both. Inside lobbying consists of targeting the relevant decision makers directly regarding the agenda they intend to support. One way this can be done is through meetings. This method is referred to as inside lobbying because the lobbying takes place within the body of the decision making institution. Outside lobbying consists of placing pressure on decision makers. This can be achieved through acts such as strikes or protest or media influence. It is called outside lobbying because the aim is to use outside forces to persuade decision makers to consider the interests of the lobbying party. (10)Interest Groups and Lobbyists: Operating at a National Level. National interest groups " tend to represent their interests to national members of EU institutions as well as to their national administrations and governments, and in so doing tend to emphasize the national character of their interests."(8) An interest group lobbies at a national level when they take their concerns to their own national government. There are a number of factors that an interest group need to consider before deciding whether lobbying their respective national governments would have the desired effects or not. One factor which is to be considered is whether or not a national government would be in a position to be effective when comes to local implementations of EU policies and whether a national government

would have a co-ordinated system for the development of EU positions. Also, interest groups must select which person or group on the national scene would be the best target to lobby, whether it would be a minister, bureaucrat, businessman or even the prime minister. (10) Lobbying at a national level would tend to be more effective in a peripheral country. (10) A country or nation would be classified as a peripheral country if it plays only a marginal role in the world economy and therefore be dependent on the core countries and states. (7) Interest groups which lack sufficient funds and resources to lobby at a European level would also opt to lobby on the national level as this would be the main way to get their interest heard. Also lobbying at a national level may be conducted by interest groups that enjoy a disproportional role in the domestic political system or structure in a country. National Interest Groups Lobbying at a European Level:

Opportunities and Challenges Lobbying at a European level is not only performed by European interest groups, or Euro-associations, but national interest groups can also be involved. However the European level is not their primary target and national interest groups face certain opportunities and challenges when opting to lobby the EU. These challenges may depend on the structure of the group. For example a national group consisting of firms would have a better chance of employing inside lobbying as they would be expected to have the funds required whereas a group of citizens may lack such financial resources and therefore inside lobbying would not be an option and as a result they would have to resort to outside lobbying tactics. Another factor which may play a role in the capability of a national group to lobby the EU may be the geographical distance between the national group

possible headquarters relevant institution. This can prove to be a challenge for national groups that are relatively far away from Brussels, where most EU institutions are located and as a result is considered the de facto capital of the EU, especially if lobbying may eventually require these groups to be physically present in Brussels in order to communicate with the relevant EU body about their agenda. Interest Groups and Lobbyists: Operating at a European Level." Typically, EU interest groups are composed of national associations, rather than having a direct membership of individuals." (8) (Cini, p. 210, 2007) It can be seen that the strength and influence lobbying has at a European level is linked to number of member states part of the EU. As the number of states increased over time, so has the voice of interest groups and lobbyists have also increased. It can be seen that over the past two decades or so, the activity level of interest groups in the Union has rapidly grown as a result of membership expansion as well as a significant increase in its power. (10) Over time the European Union has broadened its jurisdiction to include policies related to the consumer, society and environment. In addition to these previously mentioned areas of policy, there are also the various issues, both economically and monetary, within the EU zone brought on since the creation and implementation of the Euro, the currency of the EU. These reasons, along that with most national laws in EU member states are devised and originated by the European Union, has led to the growth of lobbying at the European Level. (9)The system of representation within the EU differs according to which perspective of the EU is being considered. On a macro-level, it can be observed that the EU shows characteristics of a consociational system where all member states are



provided with the necessary structures they need to represent themselves. However on a micro level, the EU shows traits of all three systems, as some Directorates General may carry out the role of pluralist venues for interest groups while other Directorates General rely on the social dialogue which is more corporatists in nature. The social dialogue refers to any communication between policy making institutions and social partners. This dialogue was created in 1985 and requires the European Commission to consult with relevant interest groups when drafting proposals. (10) " The European Commission consults the social partners on the possible direction of an initiative, in a first stage, and on the content of an initiative in a second stage." (16) Lobbying in the EU can normally be divided into five dominant sectors. The business interest sector is one which caters to the lobbying of general business affairs. There is the professional interests sector which consists of interest groups and lobbyists with a wide array of interest and traditionally a lack of financial resources and therefore an overreliance on the social dialogue. There is also the sector relating to the European Labour Interest which, as its name suggest, lobby for the best interest of the EU labour force. The social dialogue is a vital element of this sector and resulted in increasing the role of labour groups within the EU. The fourth sector refers to public interests. Public interest groups consist of three primary groups which are; consumer groups, civil or social groups and green groups and they tend to pose a challenge to business interest groups. The final sector relates to territorial interests, where the aim is to for interest groups to get their national, regional or even local agendas heard directly by the EU.

(10) Lobbying at a European Level: Roads Which can be Taken. With regards

to lobbying at an EU level, interest groups and lobbyists can take three routes. They can choose to lobby the European Commission, the European Parliament or the Council of the European Union. The European Commission is one of the main institutions of the European Union. It can be said that the European Commission is the executive arm of the Union. (9) It has a unique role and is tasked with representing the interests of the Union as a whole and upholding these interests. Additionally it is also responsible for drafting proposals for new European laws, and the managing of the implementation of policies thought up and accepted by the EU and it is also responsible for the spending of EU funds. (11) Since the Commission is a key part of the drafting phase of any proposal, it is therefore a prime target for interest groups who would hope to have their opinions heard before a policy or legislation is drafted. The Commission itself would actively seek to obtain feedback and opinions regarding the drafting of proposals. This is because it is in the Commission's best interest to establish and nurture a receptive civil society, with the intention of devising generally accepted proposals which would be implemented at a national level by the governments of each member state. (10) The European Commission offers the best access of interest groups through the Directorates General. The directorates general are distinct departments which are made up of staff members of the Commission. These staff would be left responsible for specific tasks in policy areas. Due to this responsibility, the Directorates General would usually consult with interest groups and lobbyists regarding issues which tend to fall under the jurisdiction of the European Union. (9) The European Parliament is one of the main law-making institutions of the European Union. Members of

the European Parliament are elected with the purpose to represent the people of the Unions' member states. Members of the European Parliament are elected by EU voters every five years. As an entity, the European Parliament has three roles it must perform. The European Parliament is to pass laws after debating them with the Council of the European Union. It should also provide scrutiny towards other institutions of the European Union, such as the European Commission, to ensure they are working efficiently and democratically. The last role entrusted with the European Parliament is to debate and adopt the budget of the EU, another task which is performed with the Council of the European Union. (12) A proposal in 2008 was put forward by the European Parliament whereby there would only be one single register of lobbyists and interest groups, which would be common to the European Commission, European Parliament and the Council of the European Union. It can be said that the European Parliament is " a directly elected body that co-legislates with the Council". (9) The European Parliament has often been considered to be one of the most open institutions in the European Union. This is due of course to the fact that it is generally relatively easy to get into contact with Members of the European Parliament, who themselves have a vested interests to genuinely listen to the concerns of interest groups as their own careers lie in the hands of the electorate, and seeming to be willing to listen to concerns and attempting to assists interest groups when lobbying an agenda, especially one that is within public interest, would certainly be of benefit to them. Theoretically, it would be ideal for interest groups and lobbyists to employ a tactic which is referred to as ' lobby everyone at all times.' As its name suggests this tactic would

require that lobbying would be carried out on all suitable actors and agents. However this model would not work in practical as this tactic would require a potentially limitless supply of resources, such as funding and human labour, and no interest group has such an abundance of resources. (10) Lobbying the European Parliament may be an option available to interest groups if lobbying other actors did not yield the desired results. If left unsatisfied by the proposals drafted by the European Commission, interest groups and lobbyists may opt to lobby the Members of the European Parliament. In this case, instead of lobbying the initial terms of a proposal, when lobbying the European Parliament interest groups and lobbyists would lobby for the inclusion of amendments to the original text. (13)The Council of the European Union, informally known as the EU Council is the institution where national ministers from the member states convene in order to carry out the adoption of laws and the co-ordination of policies, mostly economic ones between the member states. Along with these duties, the Council of the European Union is also tasked with the signing of agreements between other countries and the European Union, approving the annual European Union Budget, coordinating the judiciary and law enforcement in member states and also managing and developing the Union's foreign policy and defence policy. (14) Due to the nature of the tasks the Council is responsible for, it can be considered that it is the main decision making institution of the Union. It is also the institution which is least accessible to lobbying. Although out of the Union's institutions it is the least open to lobbying, interest groups and lobbyists can still opt to lobby the ministers that make up the Council at a national level and if successful the minister would then push for the

interest group or lobbyist's cause to be addressed by the Council. (9)Based on the above information, an interest group would be best suited to lobby the European Commission as they are the most open to lobbying. The main argument in favour of this reasoning is that it is in the very nature of the Commission to listen to the voice of interest groups. The input of interest groups is generally sought out by the Commission as it is the body that drafts proposals, and they consider the feedback of interest groups vital as it would hopefully allow them to draft proposals which would be welcomed by society, as groups which represent society have been involved in the drafting process, and hopefully result in an ideal European environment. Does the Size of the Member State the Interest Group is from Matter? References1) <http://www.businessdictionary.com/definition/interest-group.html> (4th January 2013)2) <http://legal-dictionary.thefreedictionary.com/Lobbying> (4th January 2013)3) [http://europa.eu/about-eu/eu-history/1945-1959/1957/index\\_en.htm](http://europa.eu/about-eu/eu-history/1945-1959/1957/index_en.htm) (4th January 2013)4) [http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index\\_en.htm](http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm) (4th January 2013)5) [http://europa.eu/about-eu/eu-history/index\\_en.htm](http://europa.eu/about-eu/eu-history/index_en.htm) (7th January 2013)6) [http://europa.eu/about-eu/eu-history/2000-2009/index\\_en.htm](http://europa.eu/about-eu/eu-history/2000-2009/index_en.htm) (7th January 2013)7) [http://sociology.socialsciencedictionary.com/Sociology-Dictionary/PERIPHERY\\_COUNTRIES](http://sociology.socialsciencedictionary.com/Sociology-Dictionary/PERIPHERY_COUNTRIES) (8th January 2013)9) <http://www.eurunion.org/News/eunewsletters/EUInsight/2008/EUInsight-Lobbying-Sept08.pdf> (12th January 2013)10) Notes taken during " Politics of the European Union" lectures11) [http://europa.eu/about-eu/institutions-bodies/european-commission/index\\_en.htm](http://europa.eu/about-eu/institutions-bodies/european-commission/index_en.htm) (14th January 2013)12)

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