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Lobbying in Europe
institutions, strategies, and
transparency. Lessons from
the VW case.

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Table of contents

Introduction	1
1. Lobby activity: an organizational perspective	3
1.1. What is lobbying for organizations	3
1.1.1. Why interest groups lobby (Literature-guided explanation)	8
1.2. Lobby as organizational strategy	15
1.3. Organizational strategies of lobbies: direct and indirect	21
1.3.1. Direct lobbying	23
1.3.1.1. Intensity of cooperation	23
1.3.1.2. Nurturing relationships with government	24
1.3.1.3. Expertise provision and law firms' engagement	26
1.3.1.4. The revolving door	27
1.3.1.5. Hospitality and gifts	30
1.3.1.6. Buttonholing	31
1.3.2. Indirect lobbying	31
1.3.2.1. Larger industry coalitions	31
1.3.2.2. External channels	32
1.3.2.3. Scholars-for-dollars	33
1.3.2.4. Think tanks, front groups, and astroturfing	35
1.3.2.5. Financing of campaigns	37
1.4. The lobby risk of corruption	38
1.4.1. Lobbying and corruption: substitutes or complements?	39
2. Lobbying the EU legislative process	47
2.1. European Union law	48
2.1.1. EU legal acts: forms and application	49
2.1.2. EU main institutions and bodies	51
2.1.3. EU legislative process	52
2.2. Lobbying the EU institutions in the EU legislative process	56
2.2.1. Lobbying the EU Commission	56
2.2.1.1. Lobbying the EU committees	60
2.2.2. Lobbying the EU Parliament	62

2.2.3.	Lobbying the Council and the EU Council	66
2.3.	The matter of transparency	68
2.3.1.	Three hypotheses of lobbying transparency	70
2.3.2.	Transparency in the EU Institutions	76
2.3.3.	Towards the Transparency Register.....	77
2.4.	The Transparency Register	83
2.4.1.	TR Features and Registration procedure	85
2.4.2.	TR extent of coverage.....	89
2.4.3.	Latest reform of the TR.....	92
3.	EU lobbying in practice: the VW case study.....	96
3.1.	Relevance of the case study.....	96
3.2.	VW case study.....	103
3.2.1.	VW lobbying analysis: 2015 - today	107
3.2.1.1.	2015	107
3.2.1.2.	2016	114
3.2.1.3.	2017	117
3.2.1.4.	2018	119
3.2.1.5.	2019	120
3.2.1.6.	2020	121
3.2.1.7.	2021 - today.....	122
3.3.	Summary of the findings.....	123
	Conclusion	130
	Appendix	133
	Bibliography and Websites	137

Introduction

The foundation of this study is an analysis of the phenomenon of organizational lobbying occurring in the institutions of the European Union: The Commission, Parliament and Council. Particular emphasis is placed on the regulatory and transparency instrument of lobbying: the Transparency Register.

It is important to study this phenomenon from two different perspectives. From a general point of view, recent years have seen the enactment of increasingly stringent and demanding laws and regulations at the national, international and European levels and, as a result, an increased focus on safety, the environment and people. In order to be competitive, organizations - profit or nonprofit - must be able to exert pressure on politics to an ever-increasing extent, developing new strategies for interacting with government, various agencies, and entities in ways that meet their business needs, achieve their policy goals, and respond to environmental pressures. Therefore, to ensure that these efforts are not in vain, lobbying is a key element in achieving success.

Unlike political science studies, in the field of management, this phenomenon has not been much addressed. In Europe, even more than in the United States, lobbying is frowned upon ethically because there is a particular bias in openly declaring that one is doing it. Lobbying has not been studied much both because academics in management have backed off because they are oriented toward learning positive examples of business activity and because companies were not openly declaring that they were doing it.

Every day, in parliaments, ministries, regions and cities, politicians and civil servants have to make important decisions that can directly affect our lives. It is the lobbyists who provide public decision-makers with data, information and news, on the basis of which decisions are made. In recent years we are witnessing a growing climate crisis in which both we citizens and, perhaps to a greater extent, organizations and their lobbyists are involved. Therefore, as an Italian citizen and, on a broader level, as a European citizen, I am particularly interested in taking on the responsibility to consciously and disenchantedly realize how and

at what level European institutions represent my rights and, above all, whether in the field of emissions they represent more the interests of civil society or those of businesses.

The goal of this thesis is to provide a thorough review of the literature on the phenomenon of lobbying and its penetration into key European institutions, highlighting the motivations that interest groups have and the tactics they use, the dynamics of European legislative processes and entry points for lobbying, and finally how the Transparency Register regulates and makes transparent these activities. In this way, the paper aims to propose new keys to understanding the phenomenon of organizational lobbying and European legislative processes.

The thesis is divided into three chapters. The first chapter describes lobbying by (1) understanding how the term and practice have evolved and spread, (2) its main characteristics, and (3) the reasons why, according to the literature, interest groups do lobbying. In addition, a detailed analysis of direct and indirect lobbying strategies is made with practical examples, and finally, the chapter focuses on when lobbying practices become corrupt. The second chapter introduces European law and the main European institutions and then understands how lobbying influences the legislative process of these institutions. It then addresses the issue of transparency, seeking to understand why it is so important nowadays through a detailed study of the Transparency Register. Finally, the third chapter uses the Transparency Register as a research tool in the Volkswagen case study. Through the register, a dataset is created of meetings between the VW group and the various associations to which it belongs and the European Commission over the years. This dataset is useful for investigating VW's lobbying practices. The chapter, therefore, discusses the lessons learned from the VW case through the evidence gathered with the Transparency Register.

1. Lobby activity: an organizational perspective

1.1. What is lobbying for organizations

There are several theories about the origin of the term "lobby". According to the United States Capitol, the term is derived from the Speaker's Lobby, a room where congressional members would gather just outside the House Chamber. Other opinions attribute the coining of the term to President Ulysses S. Grant when he was frequently approached by citizens in the lobby of the Willard Hotel during the 1860s. Still others juxtapose the term with the antechambers or lobbies found outside the British Houses of Parliament. However, all these views are more like legendary than true (History, Art & Archives, U.S. House of Representatives, 2015).

Etymologically speaking, the term "lobby" is derived from the Old High German *loubā*, signifying hall or rooftop. The term was used in 18th-century British theaters, where the "box-lobby lounge" became a common sight (History, Art & Archives, U.S. House of Representatives, 2015).

"Lobby" as a political term appeared in the state houses in the northeastern United States around 1810s. In those years, newspapers began to talk about "lobby members" whose job was to defend petitions before the legislature from extraneous influences. The very first lobby that existed was the outer room of the House Chamber when the United States Congress started; it was indeed one of the more accessible places to meet House representatives. There, people could meet politicians, give them their opinions, and try to persuade them to vote a certain way (History, Art & Archives, U.S. House of Representatives, 2015).

Nowadays, these physical lobbies are no longer used to hold meetings and the meaning of the term has changed. According to Susan Mulcahy of Transparency International (2015), there is no standard international qualification by which one can define the role of a lobbyist and indicate what truly constitutes lobbying. However, if we looked up the term "lobby" in the dictionary we would find that it denotes groups of people who exert an important influence on political bodies or institutions that have the power to make political decisions. These groups of people do not belong to legislative bodies, nor do they

occupy governmental positions. The main purpose of lobbying is to obtain the enactment of legislation on certain issues or interests, whether it is in their favor or that of their clients (Treccani, accessed February 2022). Furthermore, through lobbying, the quality of decision-making is also improved by the creation of channels that bring the competence of technical experts to legislators and policymakers (Mulcahy, 2015).

There are, in any case, interest groups such as those just mentioned that consider themselves representatives of public interests or affairs rather than lobbyists or describe their activities as advocacy. The consequence of such semantic issues is that regulators who do not consider certain individuals lobbyists make them exempt from typical control mechanisms used to govern industries. The mechanisms in question would be registries where lobbyists must mandatorily document their efforts to influence public officials (Mulcahy, 2015).

Before we can comprehend the methods that firms adopt to lobby for their interests, and at the same time the steps they are willing to take to safeguard those interests, it is necessary to understand their incentives to do so. In the field of lobbying literature, three main reasons for which interest groups develop so-called "lobbying strategies" have been distinguished (Jenkins & Mulcahy, 2018):

- to achieve policy objectives;
- to meet corporate needs, and;
- to react to environmental pressures.

Business lobbying can take many forms and can be practiced in many diverse contexts (OECD, 2021).

- Lobbying through the establishment of contracts with professional lobbying or public relations firms, law firms, as well as independent lobbyists delegated to represent a firm's interests. Based usually on key decision-making centers, such companies or individuals have a thorough understanding of the political process in each country and are good at negotiating institutional complexities. These actors are often referred to as "consultant lobbyists" in countries with lobbying regulations and account for what is traditionally known as lobbying.

- Direct lobbying occurs when companies lobby through their government affairs or public affairs departments as well as in-house lobbyists. In this case, lobbying is done directly by companies.
- Indirect lobbying is implemented through either industry or trade associations.
- Donations to political parties, candidates, and election campaigns. Trade associations and third-party organizations are included.
- The growth in the use of traditional and social media to inform, as well as misinform, or even persuade members of the public to lobby political actors and indirectly influence government decision-making. Political debates are also being shaped through these media.
- The increased use of gifts and honoraria to indirectly exert power over the work of scientists, professionals, and, again, politicians.
- The so-called “revolving door phenomenon” entails the relocation between the private and public sectors of business executives, public officials, and specialists.
- The act upon special interests through membership in designated institutions, for example, government advisory and expert panels, not to mention parliamentary intergroups.
- The influence of foreign governments and their affiliates, state-owned corporations, state-sponsored NGOs and media, as well as cultural organizations.
- The influence of state policies by and via NGOs. They are indeed one of the world’s most diverse and comprehensive non-state lobby groups. Through research and advocacy, these organizations lobby like other stakeholders when they pursue ways to increase attention to a policy issue. NGOs can be grassroots, business-driven, or even government-sponsored. Despite this, they are frequently funded by corporations, governments, or individuals, and serve as representatives of specific interests and political stances.
- Lobbying through academic institutions – for example, universities and their research centers – or renowned experts and practitioners. They can easily influence decisions on key policies and facilitate the achievement of someone’s interests too.

- Finally, think tanks¹ are also crucial in the modern domain of lobbying, either directly or indirectly because they make certain policy issues knowledgeable while also providing solutions for them (Corporate Europe Observatory, 2011).

Lobbying is present everywhere, but it is more heavily established in the United States than in Europe as an accepted and recognized practice. Washington DC is, to date, the world's leading lobbying center. Lobbying may be found in a variety of industries such as pharmaceuticals, oil and gas, insurance, defense and aerospace, banking, manufacturing, and real estate. Among these, the pharmaceutical industry keeps ranking first in lobbying efforts. In 2015, its lobbying expenditures in the US amounted to more than \$230 million. In the first three months of that year alone, \$64 million was spent influencing federal policies due to the new Congress in the US (GWU Online Degrees, 2020).

Moreover, over the past 23 years, miscellaneous manufacturing and distribution have spent over \$2 billion on lobbying efforts. In 2021, the National Association of Manufacturers alone spent \$10.9 billion (Frankenfield, 2021).

The insurance industry includes home, auto, and life contracts, but the area where lobbying efforts are most focused is health insurance for sure. Climate change is yet another source of intense lobbying from the insurance industry on politicians. With more severe storms, hurricanes, and floods occurring more frequently than ever before, the insurance industry would like lawmakers to support them in paying less in customer reimbursements.

During the past three decades and more, science has revealed that certain natural resources are finite and promote climate change and pollution. Furthermore, the oil and gas industry, like the tobacco industry in the past, is not keen on this impacting their bottom line. As a result, they have lobbied politicians to avoid regulating the matter. To slow down legislation that would lessen reliance on fossil fuels, oil and gas lobbyists are working hard

¹ A group of experts who provide advice and ideas on political, social, or economic issues (OAAD, accessed February 2022).

to keep our cars running on gas for as long as they possibly can (GWU Online Degrees, 2020).

Some other areas in which the lobbying phenomenon is not viewed serenely because of its negative impact are certainly weapons and tobacco.

In Figure 1, the OECD (2021) reported recent data regarding lobbying expenditures in six key sectors together with the top ten spenders.

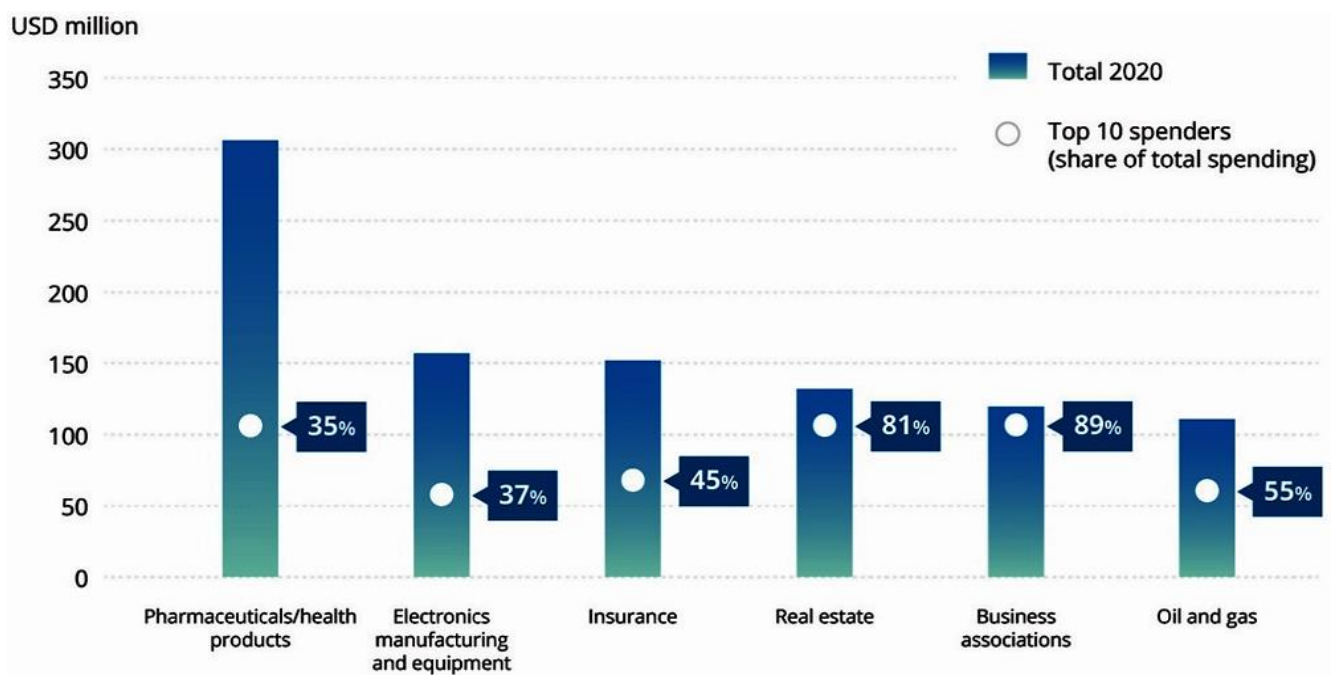


Figure 1. Lobbying spending is highly concentrated among key sectors.

Source: OECD, 2021

In 2020, 28% of total federal corporate lobbying spending in the United States was allocated among corporate interests in pharmaceutical (more than \$300 million), electronics (\$160 million), insurance (\$150 million), real estate (\$130 million), business associations (\$120 million) and finally, oil and gas sectors (\$110 million). Lobbying spending among these sectors amounted to up to 90% of total lobbying expenditure. Amid the technology sector, lobbying spending increased by 412% each year between 2010 and 2020. In 2020, the top five spenders took almost 73% of total spending in this sector (OECD, 2021).

At the European level, digitalization was among the most targeted portfolios of European commissioners from 2014 to 2019. As legitimate and expected development as

this is, given that it will eventually lead to better-informed policies in this area, it also brings with it the risks mentioned above (OECD, 2021).

Brussels is the second leading lobbying center. It seems that there are between 15,000 and 30,000 lobbyists, two-thirds of whom work for corporate interests, while the remainder is represented by civil society and trade unions. Just in Brussels, where all the above takes place daily, one billion euros of annual turnover was exceeded in 2011. The Brussels lobbying environment is populated by an important variety of individuals and organizations intent on lobbying practices. Here, companies and associations categorized to represent the direct interests of their employers are the first to seek out "in-house" lobbyists, which is the largest category. They usually work with consultants who are hired and paid for several different clients, these are employed by either large public relations firms or international law firms. These "for hire" companies will occasionally specialize in fixing reputations that have been damaged or forming front groups or counterfeit NGOs. In very prominent locations in Brussels, companies such as Rolls Royce, E.ON, Thales, and BASF have their own lobbying offices (CEO, 2011).

The ultimate and most important goal for companies is to increase profit, or at least strive to maintain it. To do this, different managerial strategies are used, including marketing or advertising techniques, public affairs, market analysis, and so on... to make sure that these efforts are not in vain, lobbying public sector officials is a fundamental element to achieving success. Moreover, as Bitonti and Harris point out in *An Introduction to Lobbying and Public Affairs in Europe* (2017), globalization has brought greater and greater challenges to today's marketplace, and to be competitive one must be able to lobby government to an ever-greater degree. Finally, Andrews (1996) denotes that an important contributor to business performance is precise knowledge of the political marketplace. "A company's return on lobbying and campaign contributions – let's call it return on political investment, or ROPI – is astronomically higher than any real investment it can make" (Miller, 2006).

1.1.1. Why interest groups lobby (Literature-guided explanation)

The reasons why companies seek to lobby political actors are many. The state, as such, can act as both a regulator and a buyer; depending on this, two main areas are created in

which companies seek not only to build political capital but also to be influential (Bitonti & Harris, 2017).

- The state as regulator and legislator

Governments legislate and regulate a wide range of issues, ranging from the safety of products and packaging to the protection of intellectual property, fair commercial practices, as well as civil rights, environmental issues, and so forth (Bitonti & Harris, 2017). The regulatory and legislative measures can all exert a direct impact on how valuable a given business environment is for a company, and companies, as a result, have a vested motive to try to lobby policymakers to make the market the most beneficial it possibly can be. Lobbying has been shown to not only add market value but is also beneficial to achieving desired political goals (Jenkins & Mulcahy, 2018).

- The state as buyer or allocator

- Winner-takes-all. In this scenario, only one contract or bidding opportunity exists, and lobbying becomes very intense as the public decision is usually highly visible. Examples of a winner-takes-all situation are military contracts, the awarding of national lottery licenses, as well as getting international sports events like the Olympics, FIFA World Cup, or Rugby World Cup (Bitonti & Harris, 2017).
- Large, infrequent contracts. Contracts for major public works and defense fall into this category. Main international infrastructure projects are the main example. These include the construction of airports along with shipping and rail facilities (Bitonti & Harris, 2017).
- Regularly supplied items. These types of items are usually obtained through competitive bidding, which is considered a standard purchasing method unlike those used to provide highly specialized items. With such procedures, lobbying becomes even more challenging except as may be necessary to qualify a vendor for inclusion on the approved list or to overcome any other pre-tender hurdles (Bitonti & Harris, 2017).

David Lowery (2007), a professor in the Department of Public Administration at Leiden University in the Netherlands, also studied why organized interests lobby. Lowery's research on the reasons why organizations lobby starts from "the paradox of lobbying". Through a

historical analysis of the organized interest literature, he highlights two major revolutions in the understanding of the politics of organized interests that both began with the pluralist theory developed by Robert Dahl (1961) and David Truman (1971).

- The *pluralist view* sees lobbying as something purely instrumental where individuals with similar mindsets naturally come together in response to disruptions in the political environment. Lobbying is, in fact, severely restricted in a way that made it an essential support to democratic governments rather than a threat. Furthermore, interest groups adequately reflect the collective interests of society itself. Consequently, the tactics they employ to lobby are considered benign (providing technical information to elected officials). The result is that policy outcomes reflect the will of the public.
- The first departure from pluralist theory is the so-called *transaction perspective* (Lowery & Gray, 2004). According to the transaction perspective, the relations among political actors during the lobbying activity are characterized by narrowly defined exchanges. Then, to obtain participation, selective incentives are exchanged because interests in themselves do not provide sufficient incentives for mobilization. Furthermore, in light of variations in the magnitude of the collective action problem and access to resources with which to provide selective incentives, the distribution of society's interests is not reflected by lobby organizations but is skewed in favor of small groups with interests in political affairs that acquire politics through lobbying. This unrepresentative sample of interests in society is expected to buy politics through lobbying. Interests organized in this transaction perspective are thus threatening democratic governance (Lowery, 2007).
- During the 1990s, more and more empirical results demonstrated the stark contrast with the motivations of transaction theory, and thus began the second revolution that had the *neo-pluralist perspective* at its center (Lowery & Gray, 2004). Research showed that through different types of creative means such as targeted and supportive incentives, leaders of organized interests could overcome free riding. Thus, lobbying communities into which many different types of organizations enter reflect a wide range of interests in society. Moreover, the neo-pluralist perspective views lobbying

tactics as often uncertain and inefficient; For instance, in *The Hollow Core* (1993), John Heinz, Edward Laumann, Robert Nelson, and Robert Salisbury portrayed the world of lobbying as lacking almost all the certainties of a market with well-defined roles, goals, and prices. They saw the lobbying environment as governed by extraordinary uncertainty in goals, means, and especially the relationships between them. Finally, outcomes such as this pointed to the difficulty of lobbying in front of an attentive audience with strong preferences (Lowery, 2007).

The very “paradox of lobbying” emerges from the studies conducted in those years, which were unable to find evidence of significant influence where it seemed more obvious to find it: in cases where many organizations start titanic battles on new and important issues, spending a large amount of money and lobbyists. It turned out, by contrast, that better evidence of influence came from contexts in which a single organization or a few lobbied on a largely technical and narrow issue of little interest to the public (Lowery, 2007). In his words: “beyond a threshold of an absence of lobbying, the influence of organized interests – all other things equal – seems to be negatively associated with the scope of lobbying battles as measured by the number of organizations involved, the intensity of their lobbying, and how attentive the public is” (Lowery, 2007: 7)

Lowery (2007) finally distinguishes four distinct responses to explain why organizations lobby.

1. In the first answer, a rather surprising result emerges, namely that lobbying is a rare event if one shifts his/her attention to the issues being lobbied. For example, in 2001, Baumgartner and Leech studied lobbying reports conducted by the U.S. Congress on 137 issues and found that the modal number of lobbyists was zero. Additionally, this modal applied to over 40% of legislative proposals. This indicated that most lobbying practices are focused on a low number of proposals that legislatures consider. The conclusion is that if governmental institutions have enough incentives to represent their interests without the help of lobbies, or if organizations are satisfied with their status, they will not need to lobby.

2. The second answer holds that lobbying is instrumental in the strictest sense. For instance, Microsoft did not start lobbying until after 1995. While in 1998 in its Washington office it was spending about 2 million dollars on lobbying through contracts with nine different lobbying firms. As of 2000, Microsoft had 15 companies working for it with expenditures totaling nearly \$7 million. From the 1994 to 2000 elections, contributions by soft money, PACs², and individual Microsoft employees to political campaigns increased from \$109,134 to \$4,701,631. In this explanation, to view lobbying as instrumental is to realize that most lobbying organizations are short-term visitors to the political process, entering the world of politics for fairly specific reasons and then leaving when the political cycle of their interest is over.
3. The third explanation, on the other hand, sees lobbying as a phenomenon essentially devoid of rationality in terms of instrumental interpretations of the pluralist and transactional models. According to Olson (2009), lobbying was merely the byproduct of using selective incentives to overcome freeriding. If this is the case, then the leaders of organizations were free to lobby on what interested them without having to worry about the political returns to members. Alternatively, lobbying could be seen as a scam played by highly informed actors to poorly informed principals for the sole purpose of extracting money. Or again, Olson (2009) saw the lobbying of his time as nothing more than a legacy of the instrumental lobbying of the past.
4. In the fourth and final explanation, the complexity of the lobbying process is emphasized. Drawing on studies from neo-pluralist research, two observations are important to mention.
 - The first observation is that lobbying is often driven by multiple goals that are also closely intertwined. This assertion contrasts with the empirical research of the pluralist and transactional schools of thought; these focused more on a final decision on a single policy where competition is usually narrowly defined (for example, environmental groups and manufacturing firms). Moreover, earlier stages of the lobbying process – such as mobilization or retention issues

² Political Action Committee.

or even securing a space on the agenda in which to consider a response – are associated with issues that Lowery (2007) assumes have been resolved in ways that have little influence on final decisions.

On the contrary, the neo-pluralist school has demonstrated the significant linkages across different phases of the influence production process and the manifestation of feedback through these activities. Along with Gray, for example, Lowery (1998) observed that the density and diversity of interest communities are both strongly shaped by differential rates of mobilization. And the density and diversity of interest communities in turn strongly influence the variety of lobbying techniques that can be effectively employed. “Thus, the size and structure of the interest community acts in a density dependent manner to relax or intensify constraints on mobilization” (Lowery, 2007: 11). In addition, it has been shown that the use of specific lobbying tactics can have an impact on the chances of business survival; this of course in turn affects the structure and size of communities of interest (Gray et al., 2004). Ultimately, lobbying on an issue that may be less than central to an interest organization can be decisive in securing the support of political elites or coalition allies on issues of concern to the organization. In conclusion, what has been said up to this point underlines how elusive it is to identify a simple and direct relationship between lobbying and final political decisions.

- In the second observation, neo-pluralist research challenges a key element of the lobbying paradox: the influence of organized interests and the scope of lobbying activities are negatively associated. Indeed, the assumption that all things are equal is being questioned because they rarely are.

Neo-pluralist research emphasizes the importance of context. Choices about which issues to lobby on and the tactics to employ, as well as the likelihood of success for interest groups, depend on various elements/factors (Lowery, 2007).

- Public opinion. According to Ken Kollman (1998), the popularity and relevance of the issues discussed have a direct impact on the effectiveness of inside and outside lobby

strategies. However, one must keep in mind that popularity and relevance are only temporary and, as Baumgartner and Jones (2010) note, changing them distorts the venues and prospects for lobbying success in the long run. Moreover, another study by Jack Wright (2004) investigated PAC contributions' impacts on tons of Congressional votes on tobacco policy. Results showed that the millions of dollars spent by Big Tobacco on both campaign contributions and lobbying had very little effect on the vote. This was due to the large popularity that hitting tobacco has. Instead, bills for the agricultural sector represented one of the few alternatives because "support could be framed in terms of a rival popular issue" (Lowery, 2007: 12).

- Institutions. In this context, what matters most is where the lobbying activity takes place. The importance of location becomes particularly clear when considering the sequence of the series of decisions needed to change policy. This is because the task of lobbying, and consequently its definition of success, changes as organized interests transition from initially competing for the time and energy of legislative champions with other organizations and issues also supported by the legislature to convincing the undecided and even political opponents as the final vote approaches.
- Finally, size matters as well. The economies of scale that govern how the distribution and number of interest organizations in society become the distribution and number of lobbying organizations present fairly real variations. There is a positive correlation between the size of political jurisdictions and the severity of the collective action problem, the mortality of organized interests, and, ultimately, the composition of interest groups. As a result, these have an impact on the choice of types of lobbying tactics of organizations and the passage of legislation becomes more difficult as well. In conclusion, as long as institutions and opinions are kept constant, the mix of organized interests promoting alternative policies, the tactics they use, and the difficulty of getting laws passed as you move from a smaller to a larger state will change.

Among the many motivations for which organizations lobby, some do not relate solely and exclusively to political objectives such as the adoption of regulations and the passage of specific laws. As is well known, the resources available to businesses are limited but vital to their survival. Furthermore, one must consider that lobbying records change at an insane rate nowadays. All this makes the alternative range of motivations for lobbying even wider and more common than ever (Lowery, 2007).

The context in which organizations operate, given by institutions, public opinion, and the size of political jurisdictions, is certainly a crucial factor in determining the resource scarcity mentioned above. For example, lobbies may be interested in retaining the same number of members already present or in ensuring that political elites have access to other issues of interest to them, or they may want to change the popularity and salience of the issue in the long term. Finally, lobbies also need to be wary of their rivals, so much of their business may also be centered on preserving their agenda, membership base and patrons, and so on (Lowery, 2007).

1.2. Lobby as organizational strategy

Since lobbying began to be recognized by businesses as an indispensable mean to gain competitive advantage, several phenomena have been observed concurrently: from a greater professionalization of the lobbying industry to the emergence of grades specifically dedicated to lobbying, to the establishment of professional bodies for lobbyists. All of this has been witnessed by rapid growth in the number of lobbyists active in the marketplace (Bitonti & Harris, 2017). For example, in the US over the past decade (Mancini, 2021):

1. Google has spent \$115 million on lobbying, far more than other Silicon Valley companies primarily for its approach to managing children's data. For 2019 alone, it spent \$12 million. In the second half of 2019, it focused more on privacy and competition issues in online advertising, one of its most lucrative branches, in the crosshairs of lawmakers in Washington and the Justice Department.
2. Amazon for its part has also spent \$80 million on lobbying over the past 11 years. In 2021 alone, Amazon spent \$19.3 million (OpenSecrets_1, accessed February 2022). The political clout of the e-commerce giant, which also includes Amazon Web

Services, the company's most profitable cloud-computing division, grew exponentially as soon as federal lawmakers and administrative regulators began fleecing the company with similar antitrust investigations. Lobbying also worked on facial recognition technologies because of Amazon's criticism of the privacy implications of facial recognition features also offered to police and activated on surveillance cameras. Following the killing of George Floyd in Minneapolis, Amazon stopped providing police with this technology (Mancini, 2021).

3. As for Apple, previously absent from Washington, it has greatly increased its lobbying efforts to ensure that former President Trump's tax and tariff policies (especially with China) do not hurt its balance sheet. Over the past year, the company has spent almost \$7 million on lobbying, and while much less than its competitors, it is at the peak of its "political" investment.
4. Ten years ago, Uber did not even have a lobbyist in Washington, while now it spends millions of dollars on this activity, precisely \$2.36 million in 2019 and \$2.11 million in 2021 (OpenSecrets_2, accessed February 2022). Uber's main goal is to influence future legislation in the field of transportation and the "gig economy" that also covers home food delivery. Its lobbyists have mostly worked for looser rules on self-driving vehicles and more visionary issues like vehicle takeoff and landing technologies, basically flying cars (Mancini, 2021).

To have an idea of the lobbying scene in Europe, Figure 2. below by the Corporate Europe Observatory (2021) shows the top 10 tech firms ranked by how much they spend on lobbying the EU institutions. Groups and trade associations lobby the EU institutions on EU digital economy policies with 612 companies spending over €97 million per year. Therefore, tech firms represent the biggest lobby industry in the EU by spending, followed by pharmaceuticals, fossil fuels, finance, and chemicals.

Together, Vodafone, Qualcomm, Intel, IBM, Amazon, Huawei, Apple, Microsoft, Facebook, and Google spend more than €32 million, as shown in Figure 2. below.

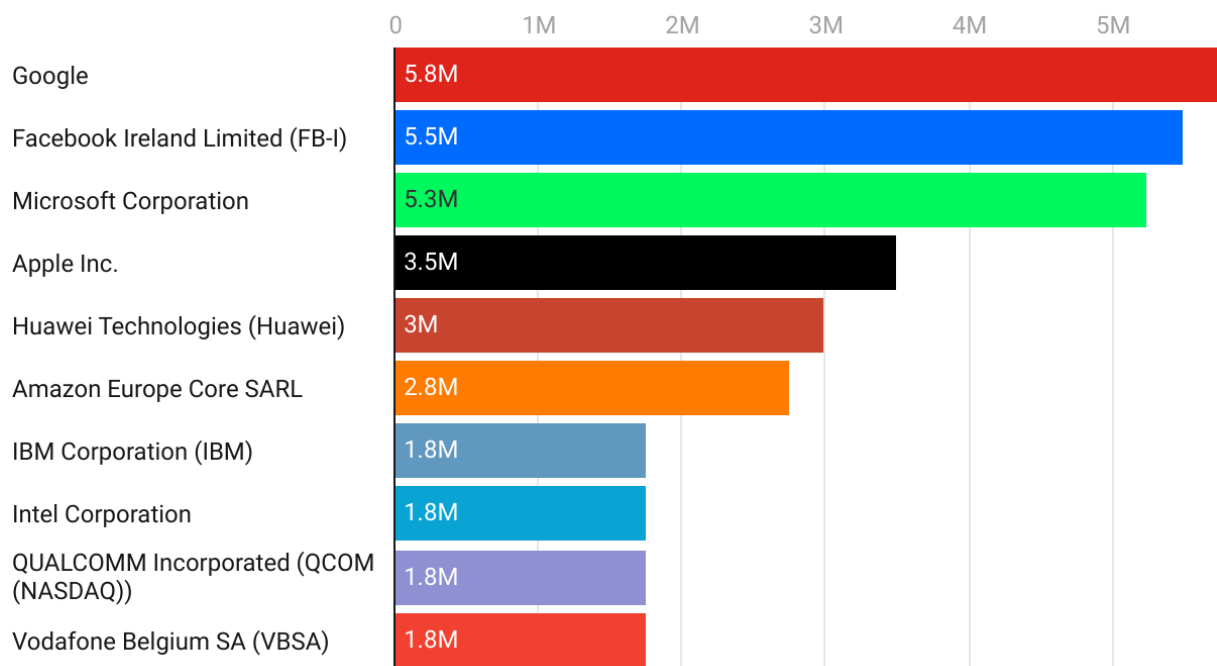


Figure 2. Top 10 digital industry lobbyists

Source: CEO, 2021.

If interest groups are to achieve their goal, they develop a strategy or plan of action and execute it through specific tactics (Thomas, 2021). These may include, for example, the appearance of corporate representatives before legislative committees or the provision of research to them, as well as input from "experts" or industry positions. Moreover, other tactics may include "buttonholing" government officials in a way to pressure them personally, the use of massive public relations campaigns to influence public opinion and providing favored candidates with services and money for example through bribes or contributions to political campaigns (Jenkins & Mulcahy, 2018).

There is wide variation in the strategies developed and specific tactics used, however, both among and within political systems. Thus, when designing them, there are three factors of singular importance (Thomas, 2021).

1. The first is whether the political system is democratic or authoritarian. With democratic societies generally having few restrictions on interest groups, they have more options available at their disposal (e.g., hiring lobbyists, using the press, and arranging public rallies). As a result, strategies and tactics are more formalized and

open than in authoritarian societies, where they must be more ad hoc and less visible to the public.

2. A second consideration is the structure of the political process. In parliamentary democracies, there is less importance on the legislative branch in policymaking than the prime minister and cabinet. This is because the executive derives from the leading political party or coalition of parties in parliament (this is the case in Ireland, India, and Finland). The United States, by contrast, is one of the few jurisdictions where legislative lobbying is a prominent strategy of interest groups, given the power lodged in the U.S. Congress and within state legislatures. Then, in most parliamentary systems, the courts also play a smaller role in the decision-making stages. The opposite is true in the United States where the courts play a significant role in decision-making because of the separation of powers system. The courts are vested with the power to nullify laws, which is why American groups of interests need litigation tactics so often.
3. The third and final factor is the political culture in relation to lobbying and group activity. Regarding the use of contract lobbyists, two contrasting situations can be distinguished between the United States and the European Union. Contract lobbyists are specifically hired by contract to lobby the government. This practice is much more accepted in the United States than in most Western democracies, among which is the European Union. There, public officials prefer to negotiate directly with members of the group, organization, or company involved (Thomas, 2021).

Hence, depending on the political environment and corporate strategy, an organization may opt to hire "outside" lobbying professionals or act by advancing its direct interests through the cultivation of stable "in-house" lobbyists (Jenkins & Mulcahy, 2018). European companies, for example, have traditionally sought to lobby on public policy by employing membership associations and organizations that usually implement their collective interest through established or semi-official channels (Mulcahy, 2015). Examples of these associations are trade associations, chambers of commerce, and other professional associations (Center for International Private Enterprise, 2011). It is easy for clusters of private

firms by sector such as these to hide a wide range of interests and vary considerably in size, available budget, the scope of influence, and lobbying behaviors (Mulcahy, 2015).

Business associations are the leading lobbying players for most European countries and, their participation, together with trade associations, in public life has been “quasi-institutionalized with the decision-making processes” (Mulcahy, 2015). Moreover, they still are the main thread for SMEs seeking not only to articulate their interests but also to influence decision-makers (Mulcahy, 2015). At the same time, larger companies may also opt for the U.S. model, so they rely on professional lobbyists like Burson-Marsteller and FleishmanHillard (Lundy, 2017).

An interesting paper by Nalick et al. (2022) analyzes the extent to which CEO ideological divergence affects firms’ lobbying strategies. Throughout the years, literature has shown how the CEO's political ideology shapes the decision-making process and consequently impacts numerous corporate outcomes such as corporate social responsibility, fiscal conservatism, and even the evaluation of workforce wage equity. But not only that, political ideology is a mechanism through which CEOs interplay with the impact of the political climate on business. For market-related actions, the result of divergence between a CEO's political ideology and the national political climate is that the former will perceive this as a threat and reduce market-related investments accordingly.

However, research has yet to show how this ideological divergence impacts CEO interpretation and policy actions aimed at shaping this divergence at the governmental level. There is no evidence of how the CEO's political ideology may influence attempts to shape the political climate. This means that theoretical gaps about how a CEO's political ideology and national political climate align for non-market activities exist, most notably for corporate actions that are committed to the political arena as they attempt to impact government decisions. To direct government policy for the benefit of the firm, CEOs drive corporate approaches to corporate political activities (CPAs), therefore how the CEO views the government as either an ally or opponent is paramount when accounting for non-market actions and strategic decision making for political activities. Besides, most of the research on CEO ideology and non-market strategy pays very little attention to CPA. Thus, very little is known about the relationship between CEO political ideology and CPA. And because the

authors want to apprehend how ideology transforms non-market strategy, they need to understand first how CEOs judge the potential impact of these actions on the political environment.

To this end, lobbying is considered a nonmarket strategy because it is not only the most common example of political interaction between companies and governments but also has an impact on the political climate in which threat-related perceptions arise.

To conduct their research, Nalick et al. (2022) implement a statistical study with 4 hypotheses using a sample of public companies with governance data and CEOs involved in campaign contributions from 1998 to 2018. Together, their hypotheses address contexts in which CEOs may proactively opt to spend less on lobbying when the opposing political party is in power. They derive this notion from the CEO mindset that perceives insufficient value congruence and strategic complementarity with politicians as detrimental to the effectiveness of lobbying investments. As they argue, the ideological-political preferences of CEOs lead to three outcomes when compared to political strategy (Nalick et al., 2022).

1. Having an ideological divergence between the governing party and the CEO is negatively correlated with the amount of lobbying investment. To put it another way, the more significant the divergence between the CEO's political ideology and the governing party, the more the firm reduces lobbying expenditures.
2. The CEO's ideological divergence has an impact on the lobbying strategy. This means that, as the degree of divergence augments, the firm will invest less in internal lobbying and more in external lobbying. Additionally, the authors recommend that in high-divergence contexts, it is more likely that CEOs perceive those external lobbyists have greater credibility and social connections. As a result, external lobbyists will also have greater strategic complementarity and value congruence compared to inside ones.
3. Regarding a firm's level of regulation, firms with high regulation may be found to be more likely to experience fewer effects from CEO divergence/convergence for both sourcing decisions and lobbying investments. This is because the authors suppose that more highly regulated firms exhibit less strategic flexibility in lobbying since the actions of the government can meaningfully alter their bottom line. Consequently,

firms' preoccupations over the effect of regulation on their performance outweigh concerns over ideological differences which will lead them to embark on a strategy of establishing long-term relationships with a different political coalition to make relational inroads with both governing parties, thereby insulating themselves from fluctuations occurring in the national political climate.

1.3. Organizational strategies of lobbies: direct and indirect

Amidst lobbying strategies, one can distinguish direct (insider) and indirect (outsider) approaches. This distinction was first recognized by Wyn Grant in *Insider groups, outsider groups and interest group strategies in Britain* (1995). While "insider" groups may have easier access to decision-making processes, "outsider" groups rely more on indirect lobbying strategies. More specifically speaking, direct strategies distinguish between actions directed toward bureaucratic players and those that target policymakers and various political parties (Binderkrantz, 2005).

Grant (1995) supported that, only temporarily, interest groups could also mix insider and outsider strategies, as long as they ultimately chose to follow only one of them. He believed that in the long run, pursuing two different strategies simultaneously could lead to the deterioration of relationships with decision-makers. Alternatively, however, Binderkrantz (2005) pointed out that some researchers argued that the use of different strategies might exist for different stages of policymaking and different purposes.

In most cases, when seeking to lobby to their advantage, interest groups approach decision-makers through direct rather than indirect approaches. Internal strategies are, usually, known to be more effective. Yet, there has been an increase in the use of outsider ones which has, in turn, increased the perception of their effectiveness as well.

For instance, lobbying strategies that try to sway the outcome of a tender are more likely to be direct (Jenkins & Mulcahy, 2018). Instead, as far as indirect strategies are concerned, we distinguish between those that target the media and those that strive to mobilize citizens or members (Binderkrantz, 2005). Moreover, indirect lobbying operates mostly on an industry-wide basis; it is more likely to be coordinated and attempts to turn around the narrative on given political matters while also spreading industry-friendly

material through the establishment of front groups and the use of favored third-party experts. Alternatively, it is also referred to indirect tactics in cases where lobbyists seek to block government proposals and oppose them through public means and in a hostile manner.

Research on lobbying strategies has very often sought to analyze what factors or different situations influence the choice between direct or indirect tactics. For example, three key aspects that organizations should take into consideration before deciding between direct or indirect tactics are the type of interest group, the political context, and the lobbying actor maturity.

In a study that analyses five European countries, Dür and Mateo (2013) argue that group type is a key determinant of the choice between lobbying strategies while its effect is at the same time conditional on the group's material resources endowment and the issue context. For business associations, one key factor they should keep an eye on is the costs and benefits of political decisions because it should give them an incentive to look closely at what the association of which they are a member is doing. Furthermore, following the endowment of resources theory, business associations have easier access to political institutions due to their better knowledge of specialized information which is in high demand with policymakers (Dür & Mateo, 2013).

Citizen groups' resources (for example, volunteers) are more important for indirect tactics. Moreover, citizen groups face a trade-off when deciding whether to focus on inside or outside tactics, that is impact versus survival. On many occasions, the successes that result from internal lobbying will barely be visible to the group's wide circle. On the other hand, when outside lobbying is opted for, citizen groups may not be able to attain their stated goals. Nonetheless, public campaigning delivers publicity for citizen groups to a wider audience, which can secure the organization's livelihood. As a result, to favor survival, both citizen groups and NGOs will more likely opt for indirect tactics such as large-scale media-oriented campaigns (Dür & Mateo, 2013). The same study was later echoed and confirmed by Weiler and Brändli (2015).

Regarding the political context, in countries with a democratic regime, the choice between direct and indirect lobbying varies depending on the political party in power. If a

party in power is supportive of an interest group's agenda, the interest group will choose a direct lobbying approach. Conversely, if there is a party in power that disagrees with a group's agenda, the group is more likely to opt for indirect tactics (Thomas, 2021).

Similar to what was said about the type of organization, the maturity of the lobbying entity can also affect its strategic choice. Between companies that have been established in the market for a long time and those that have been formed recently (start-ups), there are certainly differences in the resources they possess and the contacts they can access. The number of resources possessed by mature companies and their well-established contacts with political officials allows them to balance their connections with associates to further their goals and thus opt for direct tactics. For new-born firms, however, it is certainly more difficult to make good contacts and secure all the necessary resources. They will opt for indirect tactics such as public relations campaigns (Thomas, 2021).

1.3.1. Direct lobbying

1.3.1.1. Intensity of cooperation

Weiler and Reißmann (2019) studied how the intensity of cooperation might as well affect the choice between lobbying strategies. In doing so, they deny the assumption that interest groups, in many policy fields, are alone in representing their constituency interests. They notice that interest groups normally contribute to policy debates together with other actors of many types who share the same goals. Thus, cooperation and coordination of lobbying efforts among interest groups that share similar goals can bring important benefits (including profit) to all of them. Many arguments support this affirmation.

First and most importantly, by building coalitions, interest groups can pool their financial resources and share large expenses such as hiring professionals, maintaining positive relations with politicians, and developing media campaigns. Money is essential for implementing effective lobbying strategies and if groups intensify their coalition, they can reduce relative costs and at the same time increase their financial spending power or increase scale.

In addition to pooling their financial resources, interest groups should also think about combining the information they each possess about the legislative processes

surrounding the target of their lobbying efforts. The availability of the right information at the right time is an invaluable competitive advantage for any coalition trying to make its way in a particularly saturated environment that is lobbying. Although it is somewhat difficult for individual entities to acquire such information, important opportunities for information exchange are formed through cooperation using occasional conversations among like-minded lobbyists. Information exchanged may relate to the latest developments on discussions or policies for which coalition members are collaborating in a way that saves time and resources.

Last, the number of experts that groups collectively possess when forming coalitions is important too. Experts possess technical knowledge about complex issues that decision-makers face daily during their job. Experts are usually hired to persuade legislators. By grouping them, interest groups not only appear more attractive in the eyes of legislators but can also have better chances of obtaining access compared to individual organizations. The result is an increase in the use of insider tactics. The same cannot be said about outsider tactics because press conferences, protests campaigns, etc. rarely require the job of expertise.

From their analysis of a sample of 1117 interest groups in Switzerland and Germany, Weiler and Reißmann (2019) concluded that both insider and outsider lobbying goals intensify for interest groups as their coalition becomes more intense. Despite this, both their individual models for insider and outsider lobbying and the specific model capturing the relative strength of the use of insider versus outsider tactics show that the former are more strongly influenced by intensifying cooperation.

1.3.1.2. Nurturing relationships with government

While the reality is that lobbying tactics vary widely, as a matter of fact, one thing remains common for all companies regardless of the political system in which they operate, and that is that developing and maintaining personal contacts with public officials is of great importance. The relationship that results from such contacts serves as an interface between the state and a given firm. Moreover, organizations can certainly benefit from this situation because if lobbyists are committed to cultivating their contacts with officials and become

more adept at doing so, companies will become increasingly effective at passing their key demands on to the government (Thomas, 2021).

Relationships that are carefully cultivated can pay dividends. There was evidence, based on Holland and Sourice (2016), of the extent to which the U.S. State Department would go to great lengths to boost its companies' interests abroad, according to WikiLeaks cables. To mention one example, U.S. embassies and consulates in Argentina, Egypt, Germany, Slovakia, South Africa, and Spain would allegedly advertise Monsanto's products and positions, and one memo even featured "an advocacy toolkit for diplomatic posts" to lobby in support of selected companies.

Political scientists in the United States refer to so-called "iron triangles," this is where lobbyists, public officials, and legislators collaborate to guarantee desired results, regardless of whether it is public health or defense contracts. As special interest groups leverage electoral support and campaign funding for favorable members of Congress, they are provided with advantageous legislation and lax supervision in exchange (Irfan, 2017). The privilege of access gives "insiders" a large voice over public policy.

Creating industry forums with cross-party political representation is a tactic used by companies to build relationships with influential politicians while gaining influence in relevant forums (Lundy, 2017). At the European level, this practice is very popular. The European Parliamentary Financial Services Forum and the European Internet Forum represent two important examples. The former includes 42 members of the European Parliament (MEPs) from all political groups along with representatives from the largest banks (Haar, 2018) while the latter features 77 MEPs plus 49 companies and 71 federations of companies (Falgueyrac, 2018). Now according to Haar (2018), the point is both to build up insider networks with policymakers and to have officials believe that they need companies to supply them with resources, expertise, or political capital.

The use of such practices has certainly led to positive results. Indeed, their effectiveness is proven by the growing tendency of both legislators and politicians to increasingly approach businesses proactively for their input on policies. This phenomenon called "reverse lobbying" has also been discussed. Fritz (2015) explains that this phenomenon occurs when officials themselves seek large contributions from businesses

during the drafting of policies or legislation. By doing so, the officials become an active part of the lobbying process. In other words, “the public authority lobbies business to lobby itself” (Woll, 2011). Internal documents from the European Social Fund and DG Trade have revealed that during the Transatlantic Trade and Investment Partnership (TTIP) negotiations, reverse lobbying by the European Commission had played a very important role. As a matter of fact, before drafting its proposals for the TTIP, The Commission “actively solicited input” from hard lobbying sectors like the pesticide industry (Fritz, 2015; De Clerck, 2018). In contrast, there were no signs of efforts to engage other interest groups such as labor unions, consumer groups, or NGOs (De Clerck, 2018).

The unequal access to politicians that corporations have compared to other interest groups is in some part a function of the substantial lobbying effort they invest. In Brussels, the number of lobbyists representing the financial sector alone (1,700) is estimated to exceed MEPs by a factor of 2.5 to 1. In addition, the financial industry reportedly devotes approximately €120 million per year to lobbying in the EU (Wolf et al., 2014). Besides, it seems that more than 90% of the stakeholder meetings held between the DG for Financial Services and interest groups consisted of corporate interests (Haar, 2018). In like manner, Katzemich (2018) notes that, from September 2015 to May 2017, German government ministers and secretaries of state held approximately 325 meetings with automotive industry representatives, as against only 21 times with environmental organizations.

1.3.1.3. Expertise provision and law firms’ engagement

One other strategy of direct lobbying is to contribute to government “expertise”. For this strategy, lobbyists need to seize every opportunity that comes their way (Jenkins and Mulcahy, 2018). Governments have established a wide array of advisory groups to guide on technical matters. At the European level, for instance, the Commission has instituted more than 1,000 groups of this kind (Lundy, 2017). It is these advisory groups that, by providing drafts of new regulations and laws to government officials, often succeed in initiating meaningful policy proposals. In the European Union, advisory groups, especially those dealing with highly technical topics, are dominated by industry representatives. For example, to advise on financial services in groups established by the Commission, 80% are

representatives of financial companies (Haar, 2018). On the other hand, when it comes to the formation of light vehicle emissions advisory groups, 78% of the members are representatives of the automotive industry (Katzemich, 2018). David Lundy of the Corporate Europe Observatory (2017) states that membership in these groups is a key ingredient that companies use to lobby their business interests.

Alternatively, companies find other "odd" ways to try to strike legislation. There is a tactic by which companies, wanting to target upcoming legislation, provide legislators with sympathetic amendments to specific bills. To this end, according to Lundy (2017), companies hire law firms to have them draft amendments that look professional so that politicians can pass them off as their own.

Furthermore, with the transparency rules introduced by the establishment of lobbying registries, firms that want to make their lobbying practices opaquer are increasingly turning to law firms when seeking to lobby policymakers (Lundy, 2017). Doublet (2012) notes that law firms are often called upon to seek exemptions from the ordinary rules governing lobbying to claim the need to ensure the confidentiality of their clients. This occurs even though they can exert considerable influence through a variety of means such as lawsuits for damages due to lost revenue from unprofitable public policy decisions.

1.3.1.4. The revolving door

The phenomenon known as revolving door refers to "the practice of public officials or employees abandoning public service for lobbying positions" (NCSL, 2021). With this movement occurring between government offices and private industry comes serious risks for conflicts of interest. A case in point is when businesses try to pressure government decisions in favor of very specific causes or outcomes in return for the promise of remunerative future employment (Jenkins & Mulcahy, 2018). In one of his testimonials, Jack Abramoff, a former Washington lobbyist, reveals that "there was no greater control that people could have over congressional offices than to have the head of that office know that they were going to come in a few months to come work for a lobbying firm. From that minute on, those people were focused on that lobbying firm and their clients" (Wilson, 2012).

The revolving door can be seen as part of a lobbying strategy and manifests itself, as we shall see, in two opposite directions. On the one hand, it may be the companies themselves who recruit former public officials so that they can leverage their inside knowledge and contacts acquired over time. On the other, it may be someone from the industry who is transferred to get an influential position in one of the public institutions. In these cases, even, the new public servant may be tasked with regulating the same companies they worked for in the past. Then, after their time in the public sector has passed, they may return to private industry. The United States has been declared the country with the fastest revolving door in the world. The Center for Responsive Politics³ noted that, in 2013 and 2014, more than half of CropLife America's lobbyists previously held government positions. Additionally, 37 of the 48 Monsanto lobbyists who registered between 2015 and 2016 previously worked for the government (Holland & Sourice, 2016).

At the European level, the banking sector is one of the most affected by this phenomenon and the European Commissioners are the main actors. The last time before the Commission was renewed in 2009, three Commissioners got jobs as lobbyists in the financial sector: Meglena Kuneva started working for French bank BNP Paribas, Günter Verheugen joined the Royal Bank of Scotland, and investment firm NBNK hired Charles McCreevy (Hoedeman et al., 2010). This happened again at the next change of Commission, and the following year, the same was repeated in the case of former European Commission President José Manuel Barroso, who after his term in office, was hired by the US investment bank Goldman Sachs. But he was not the only EU official to continue his path within the well-known American bank. It is worth mentioning former Commissioners Peter Sutherland and Mario Monti, former President Romano Prodi, and former ECB President and current Italian Prime Minister Mario Draghi. Furthermore, Jonathan Hill left his post as financial regulation commissioner after the Brexit vote in 2016 and embarked a year later on a career at Freshfields, a lobbying firm for the financial sector. In later years, he also worked for Swiss

³ The Center for Responsive Politics is a non-partisan, non-profit research group based in Washington, D.C. The CFRP tracks money in politics and its effect on elections and public policy (OpenSecrets_3, accessed February, 2022)

bank UBS, then also for Aviva and Deloitte, two giants of the insurance industry (Crysmann, 2017; Silva, 2018).

There is evidence that the revolving door is also turning frantically at the directorate responsible for financial services regulation, DG FISMA. Of the five DG FISMA directors who left their positions between 2008 and 2017, four went on to work for the firms they once supervised, or their lobbyists. Seven of the 22 deputy unit heads previously worked for the financial industry during the same period, while 1 of the 3 unit heads who resigned from their departments went to work for the financial industry (Vassalos & CEO, 2018). It is also not unusual for Members of the European Parliament (MEPs) to seek employment in finance at the end of their term. Several MEPs did so in 2014, among these, British MEP Sharon Bowles who joined the London Stock Exchange, and Danish MEP Emilie Turunen who was hired by the Danish bank Nykredit (CEO, accessed February 2022).

The dynamics of lobbying influence can potentially be transformed by the revolving door phenomenon (Yates & Cardin-Trudeau, 2021). Cerrillo-i-Martinez (2017) formulates two hypotheses to explain the occurrence of two diverse scenarios: the "rent-seeking hypothesis" and the "human capital hypothesis". The first possible scenario may occur in the case where a revolving door lobbyist reaps the benefits of the inside information obtained or the close contacts he or she has had during his or her public tenure. Under the "rent-seeking hypothesis", lobbyists may unfairly and allegedly profit from this situation. At the same time, their employer or clients may also be rewarded by the beneficial connection to the political forces in power that results. This gives "connected" lobbyists a crucial advantage over their competitors in the same field. Indeed, connections to people in power represent a critical asset for the actors who serve as intermediaries in the lobbying process (i Vidal et al., 2012).

The other scenario illustrates the "human capital hypothesis". During their public mandate, revolving door lobbyists acquire insider political knowledge on which they rely heavily (Yates & Cardin-Trudeau, 2021). For them, this expertise in the legislative and decision-making process is the most valuable asset (LaPira & Thomas, 2014). LaPira and Thomas (2014: 7) state that "knowing how the process really works provides far more productive advocacy and political risk-reducing benefits to lobbying clients than having

close insider connections does". Moving to the private sector, individuals with familiarity with the functioning, rules, and restraints within the system of the government can foster reciprocal understanding. And their greater professional experience in negotiating policy issues – also known as "bureaucratic capital" (Brezis, 2017) – may also boost the productivity and efficiency of private organizations when dealing with the government (Yates & Cardin-Trudeau, 2021).

Finally, through the revolving door, a close circle of actors related to both the political and administrative sphere is created (Yates & Cardin-Trudeau, 2021), and "these 'politically-connected firms' through the revolving door will gain significant advantage over their 'non-connected' competitors, by benefitting from a wide range of preferential treatments: tailored regulations, lenient regulatory oversight, biased procurement processes, and so on" (Brezis & Cariolle, 2017: 54).

1.3.1.5. Hospitality and gifts

Money definitely plays an important role in most lobbying activities. In fact, a handful of Representatives (Congressmen?) might be willing to embrace the lobbyists' agenda over a fancy breakfast, dinner, or cocktail party, during an all-expenses-paid trip (to offshore offices, factories, energy plants, etc.) or after being presented with a gift (Lundy, 2017).

Corporate interests focused on profit are pitted against the public interest in many lobbying battles. But corporations, which typically have much more money to spend on lobbying and influencing public opinion than their opponents, should further increase their spending around important lobbying battles to help cement the opinions of the public and politicians in their favor (Lundy, 2017). Lobbyists hope that public officials will return their favor once they compete for bids or in cases of regulation or oversight of their company (OECD, 2009).

To cite one example, tobacco companies use gifts and other similar tactics to impede or undermine progress on tobacco control (University of Bath, 2020). Gifts such as dinners or tickets to famous events are targeted at those who could influence the passage of tobacco control laws. The purpose is to aim to build positive relationships with policymakers and influence their behavior and understanding to vote on these regulations. The British Tobacco

Manufacturers' Association (TMA), between 2002 and 2008, funded the Lords and Commons Cigar Club while also organizing one-day shooting trips in Bedfordshire. But the Japan Tobacco International has been the most active in offering UK politicians hospitality by gifting them tickets to many events including the Rugby World cup and rock concerts. Other notable names include Imperial Tobacco and British American Tobacco (BAT) which have both been providing politicians with tickets for the Wimbledon tennis tournament (University of Bath, 2020).

1.3.1.6. Buttonholing

Finally, another direct tactic for lobbying is one called "buttonholing" which is defined as "the action of accosting someone and detaining him or her in conversation, frequently (later especially in U.S. political contexts) so as to persuade or influence him or her. buttonholing is now the more usual term" (Lexico.com, accessed March 2022). In *Lobbying in Europe: Hidden Influence, Privileged Access* (2015), Mulcahy highlights the occurrence of this phenomenon in three countries: Hungary, Italy, and Ireland. In Hungary, companies are said to be "desperate" for occasions to meet with government officials; in fact, their lobbyists usually attend overseas government business delegations, as well as soccer matches just to have a go at petitioning policymakers. In Italy, instead, lobbyists used to regularly meet with politicians in the lounge of Alitalia's exclusive fidelity club at Linate Airport in Milan. While in Ireland, the meeting place par excellence are the Houses of Parliament. Interest groups stated that they routinely positioned themselves in several locations surrounding the Leinster House complex, particularly at the Dàil bar and the coffee dock.

1.3.2. Indirect lobbying

1.3.2.1. Larger industry coalitions

Plenty of lobbying efforts take the form of direct communication, be it through public hearings during consultations, formal meetings with policymakers, or even a subtle word in a close contact's ear. But more and more sophisticated indirect tactics of lobbying are currently gaining traction around Europe even though some of them are giving concern and seem to be questionable. Such techniques embrace public relations campaigns, mobilizing

the public through advertising, financing advocacy agencies or think tanks, as well as using grassroots campaigns (Mulcahy, 2015).

For the most part, companies use indirect approaches to lobbying by relying on coordinated industry-wide efforts in which they team up with competitors in the marketplace to secure favorable business outcomes. In this, a common vehicle is business associations, which are very useful for coordinating lobbying efforts and messaging. The Business Alliance for Transatlantic Trade and Investment Partnership (TTIP) makes a good example. Among its participants, there are entrepreneurial associations such as BusinessEurope, European Social Fund (ESF), AmCham EU, the Transatlantic Business Council, and many others. Together, to communicate TTIP benefits, they hired the specialized Hill+Knowlton, a specialized lobbyist consultancy (De Clerck, 2018).

It is common for large corporations to lobby not only as single entities but also as a part of larger industry coalitions. In Europe alone, Microsoft is a member of 30 distinctive associations, federations, and think tanks. Moreover, there are 24 such organizations representing Google (Falgueyrac, 2018). As of today, Volkswagen AG is a member of several hundred clubs and associations, ranging from industry associations to state fire brigade associations. Some of these include the European Automobile Manufacturers Association (ACEA), BusinessEurope Advisory Group, CSR Europe, Center for European Policy Studies (CEPS), and European Road Transport Research Advisory Council Supporting Institutions Group (ERTRAC) (LobbyFacts_1, accessed March 2022).

1.3.2.2. External channels

The use of external channels is among the most common indirect tactics of lobbying. Via this tactic, lobbyists seek to influence public policy by publicly warning of the effect a proposed measure would have on the marketplace but more significantly on job losses. And especially in constituencies where a certain company or industry plays a dominant role in the economy, vocal expressions of displeasure from businesses can be an effective means of killing initiatives that businesses oppose (Thomas, 2021). A report by major European banks in 2010 claimed that proposals for tighter regulation would slow growth by 0.6% with a knock-on effect on unemployment. Since then, the proposals have been significantly

weakened (Haar, 2018). Teeffelen (2018: 49) affirms that “the tax system in the Netherlands has been shaped by and for multinational corporations, with the result that they pay less than their fair share of tax. This increases the tax burden on regular citizens and erodes the resources available to invest in public services like education and healthcare”. He reveals that internal files in the Netherlands exposed that the threat by Unilever, Shell, and the chemical company AkzoNobel to relocate their offshore operations played a very influential part in the government's decision to lift the dividend withholding tax. Both Unilever and Shell had a conversation with the country's main political party VVD during the process of government formation and demanded directly that this policy be included in the government's coalition agreement. As a matter of fact, between Dutch policymakers and corporate lobbies, a close relationship exists. The Dutch big business lobby group VNO-NCW and the American Chamber of Commerce (AmCham), which promotes the interests of American multinationals, have established extensive and long-lasting relationships with the Ministry of Finance over time. Notwithstanding, no evidence exists on lobbying expenditures to influence tax policies because no legislation in the Netherlands requires it. There is also no evidence of how much informal chatter there is between Dutch politicians and corporate interests; one example comes from the time AmCham gave Joop Wijn, former state secretary for finance, an “Investment Award” for Wijn's important contribution to the Dutch investment climate (Teeffelen, 2018).

1.3.2.3. Scholars-for-dollars

Some other ways that companies use to do indirect lobbying involve trying to discredit scientific findings that do not reflect their interests and instead funding research that will be beneficial for the industry (Devitt, 2015). There exist so-called “shadow lobbyists”, whose employment has grown significantly over the years. These agents of unregistered influence, unhampered by lobbying laws, have the potential to be far more powerful than traditional lobbyists (Wedel & Keenan, 2011). Wedel and Keenan (2011) studied these individuals and observed that it is primarily companies from the financial regulatory to health care sectors that hire “prima facie” neutral academics to lobby on their behalf. They add that it is precisely this image, that of the incorruptible and neutral intellectual that is bought and

sold. And by exploiting the reputation of the impartial scholar, shadow lobbyists can be particularly effective and tricky. The authors refer to them as “Scholars-for-dollars” and report the example of the Harvard-powered consulting firm Monitor Group which helped conduct a propaganda blitz during times of war in Libya in 2011. The group's task was to use its distinguished academics and public intellectuals from both sides of the Atlantic to help polish Libya's image. While working to liberalize Libya, the Group was also paid handsomely by the State to carry out a public relations campaign for Gaddafi. Intellectuals were sent to Libya to confer prestige on their famous client. So, whereas Gaddafi benefited from the credibility the academics brought with them and the relationships some allegedly gave to government officials, Monitor Group, on the other hand, was not even registered as a lobbyist for Libya.

Moreover, Epstein and Carrick-Hagenbarth (2010) note that academic economists function as experts in the media to shape public opinion and yet are also important players in the politics of government. Their study showed that most leading academic financial economists did not reveal their private financial affiliations to either corporations or other business types including when reporting articles on financial reform.

In addition, the industry uses other indirect tactics such as commissioning private research projects designed to generate favorable data as well as funding scientists deemed aligned with pro-industry messages or doing coordinated critiques of scientific studies to cast doubt on autonomous studies (Lundy, 2017). For instance, The U.S. company Philip Morris International has made a sophisticated lobbying effort to prevent the introduction of plain packaging in the United Kingdom. It had a study conducted attacking the evidence base on why plain packaging of cigarettes should reduce smoking (Doward, 2013). In the United States, however, documents published by the New York Times (2015) showed, through emails, that professors at the University of Florida received unlimited grants from the multinational corporation Monsanto, which, in doing so, believed they would be lobbying on its behalf.

1.3.2.4. Think tanks, front groups, and astroturfing

Alternatively, companies from time to time reach out to allied NGOs and think tanks to advocate for their message. These entities are usually financially dependent on their corporate sponsor or even have been devised by them.

“Think tanks are non-profit, research and educational organizations with the explicit goal of affecting economic policy” (Leeson et al., 2012: 62). Technically, the law prohibits think tanks from lobbying in traditional ways or providing support to candidates for public office. However, there are other means by which they can exert influence on policies. For example, they can endorse or criticize policies that are closely tied to specific candidates to influence both the electoral process and the platform of politicians. Think tanks operate through indirect lobbying tactics. And their strategy is to shape what citizens believe about the appropriate role of government in economic affairs. They do this through conducting and publishing research studies, and editorials, and disseminating their unique ideas and policy suggestions through a variety of media sources (Leeson et al., 2012).

In Brussels, think tanks have become quite influential players. Some of them act as a conduit to assist their corporate sponsors in their lobbying activities and this conduit is seemingly independent and convenient. However, this makes the "think tank" label vulnerable to abuse and can actually function as a neat cover for corporate interests as it offers a patina of objectivity and openness to debate. Think tanks can also contribute to the ideological creation of political agendas and this role is considered very important. These political agendas would serve their corporate supporters; an example would be cutting social spending or lowering corporate tax rates. Yet another important task performed by think tanks is to allow members and followers to network at different levels, including informal meetings between Commission officials and lobbyists.

One related tactic is the employment of front groups. It is relatively easy in some jurisdictions for an interest group to create an NGO to cover its lobbying or public relations activities, masking its source of funding. There has been a heated debate in the United States concerning the impartiality or otherwise of some NGOs and think tanks (Seifter & Robbins, 2015). Likewise, here in Europe, the activities of some lobbyists are specifically designed to obscure the real grantees from government or even public scrutiny. It was revealed in 2017,

for example, by Friends of the Earth Europe that the gas industry group, the European Network of Transmission System Operators (ENTSOG), had falsely identified itself in the European Transparency Register as an NGO. It later changed its registration as a trade association, but only after a complaint (Douo, 2018).

This can become even more obscure when it transforms into “astroturfing”, in other words, the controversial practice whereby lobbyists mask themselves behind front groups to deliver a semblance of grassroots popular support for a cause that is instead funded by private interests. “Astroturfing” can be considered a real lobbying technique that gives legitimacy to hidden interests. The Department of Health in the United Kingdom released documentation in 2012 revealing allegations that a lobbying group funded largely by the tobacco industry attempted to forge signatures overestimating support from third parties for their campaign against the regulation of plain packaging. It was alleged by the industry that roughly half a million people all opposed the measure, and this was reflected by the petitions signatures, online forms, and postcards/letters forwarded to the Department of Health. This was later revealed, however, that some of the support statements were false. The tobacco front group Forest used to run the “Hands Off Our Pack” campaign that was largely financed by the tobacco industry itself. This campaign hired a special agency for recruiting signature gatherers which consequently incentivized staff based on the number of signatures collected. While Forest later admitted that several signatures were forged, he denied that this was encouraged or intentional and blamed the individual signature gatherer (Jenkins & Mulcahy, 2018).

Furthermore, combined with the potential of today's technologies, astroturfing can be very powerful when implemented by particularly relevant institutions. A striking example in this sense is the one revealed by the researcher and former CNN journalist Rebecca MacKinnon who, in 2010, accused the Chinese government of having hired at least 280 thousand people to work as “online commentators”, thus promoting positive conversations about the Chinese government and manipulating the debate within chats, social networks, blogs and so on (Inside Marketing, accessed March 2022).

1.3.2.5. Financing of campaigns

An ultimate tactic that is employed as part of a broader lobbying agenda may include financial contributions to politicians or parties seen as supportive of industry demands. The political outcomes are not expected to be directly impacted by such donations, but the latter can indubitably help cultivate good relationships with parties and promote a sense of expected reciprocity (Mulcahy, 2018). What this tactic does is commonly related to longer-term goals, for example, ensuring a candidate's enduring support once in office, and may not be attached to a given policy or legislative act. The Center for Responsive Politics discovered that the National Education Association in the U.S. has supported federal candidates and committees with nearly \$130 million since 1990, for example, 97% of which supported Democrats and liberals (OpenSecrets_4, accessed March 2022). By contrast, the National Rifle Association (NRA) is closely aligned with the Republican Party (OpenSecrets_5, accessed March 2022). In 2018, a total of 307 of the 535 members of Congress were awarded direct campaign contributions from the NRA or enjoyed independent NRA spending on items like advertising to support their campaigns. There were only six Republican members of Congress who had not previously had any form of support from the NRA. Moreover, the NRA was carefully cultivating long-term relationships with legislators, CNN found. In fact, over the course of the careers of then-current legislators, \$13 million had been contributed to congressional campaigns (Kessler, 2018). During the same time, the NRA was also investing quite heavily in independent expenditures on election advertising. Through the 2016 presidential election, the NRA reportedly spent \$53.4 million (Rushe, 2018).

However, the issue of money in politics goes far beyond just the United States. After all, in 2009 the automotive industry in Germany provided over €17 million in donations to all major parties: the center-right CDU/CSU, center-left SPD, as well as the liberal FDP, and Greens (Grüne). Of these, the center-right CDU/CSU, as well as the liberal FDP, were the largest recipients. In Germany, party sponsoring is not only tax-deductible for corporations but also non-transparent; that is why it has become a very popular practice in the country. For its part, BMW Group said in 2014 that it would completely move away from donations to parties and toward sponsorship. There is a limited indication of the size of its sponsorships, yet BMW listed 11 CDU, SPD, and Green Party events to which it gave money

in 2015. An investigation by Stern magazine reported that the group gave €15,000 to the CDU on its own for a press reception at its party convention in 2016 (Katzemich, 2018).

1.4. The lobby risk of corruption

In the world of lobbying, unfortunately, not everything is always rosy, so it is necessary to consider its "darker" side as well. For this reason, making an in-depth study of the distinction between corruption on the one hand and lobbying on the other is useful for recognizing the good or bad practices of lobbying.

Lobbying and corruption are means used to influence the regulatory environment and have both been the subject of much public interest and research. Over the years, they have been studied separately but have also sometimes been considered to be the same thing. It is unclear what motivates companies to decide to lobby or to bribe. And the consequences of that choice also remain unresolved (Harstad & Svensson, 2008).

Harstad and Svensson (2008: 2) cite: "We define lobbying, taking the form of campaign contributions or influence-buying through other means, as an activity that aims at changing existing rules or policies, while we view bribing as an attempt to bend or get around existing rules or policies". They believe that several dimensions exist in which lobbying differs from corruption. To begin with, lobbying is considered legal and subject to regulation in many countries. Corruption, on the other hand, is not. Second, lobbying results in the change of one or more rules that targets all firms. In contrast, the return of corruption is more firm-specific. Third, the concerns of a government contemplating a change might be very different from those of a bureaucrat considering a bribe. A final consideration is that rule-bending is a temporary affair only. Because corrupt deals are not enforceable in court and over time companies negotiate like different officials, it is rare for bureaucrats to commit to not solicit bribes in the future. Furthermore, a change in legislation modifies the status quo, and its effect lasts longer. The authors assume that changing the rules is durable compared to bending them even though politicians and policies also change over time.

They go on to note that common perception holds that firms in developing countries are more likely to pay bribes to circumvent regulatory restrictions. In developed countries, on the other hand, companies appear to be more likely to lobby the government to change

regulations that negatively affect their business. There is evidence suggesting that the extent of lobbying increases with income, and this occurs both across and within countries. This evidence also supports that lobbying and corruption are substitutes.

Campos and Giovannoni (2007) also discuss lobbying, corruption, and political influence. Specifically, they ask what the relationship between lobbying and corruption is, and, focusing on this question, they bring some empirical evidence to address it. They investigate lobbying, corruption, and political influence through an examination of the characteristics of firms and institutions in the countries in which they operate. Specifically, they utilize data from 4000 enterprises in 25 transition economies.

In their view, both lobbying and corruption are ways of getting help from the public sector and then getting favors in return. One could almost consider lobbying as a particular form of corruption that focuses primarily on legislative bodies or some other regulatory agency. However, important differences exist. For example, the form of lobbying is not always that of bribes or campaign contributions, but in most cases, lobbyists have skills that even politicians do not possess and can influence them by sharing those skills (Campos & Giovannoni, 2007). Other times, lobbyists support them or threaten to disclose risky information about themselves or their policies (Grossman & Helpman, 1999). A second difference lies in the notion that lobbying mostly targets political institutions and not the bureaucracy. The reason for this is that legislatures establish not only the policies of interest to lobbyists but also the rules by which bribery is easier or less easy. It follows that lobbying can make corruption easier if it succeeds in attacking the application of rules, but it can also make it irrelevant if it manages to influence politics.

1.4.1. Lobbying and corruption: substitutes or complements?

Thus, lobbying can be interpreted as a complement or substitute for bribes. Svensson together with Harstad (2006) and Damania et al. (2004) have highlighted and explained these two alternative views. Svensson and Harstad (2006) find that lobbying and corruption are substitutes to some extent. They build a model in which companies lobby politicians and bribe bureaucrats. The difference is that through lobbying, companies may be able to get the rules changed to their advantage by convincing politicians, whereas when it comes to

bureaucrats, the only thing companies can hope for is to stop them from enforcing the rules. The two authors then make some assumptions about this model. First, it is difficult for already corrupt bureaucrats to commit to not asking for bribes in the future, but it is much more difficult to overcome a change in the rules themselves through the intervention of politicians (Campos & Giovannoni, 2007). "Promises by individual bureaucrats not to ask (or extort) for bribes in the future are not credible because contracts cannot be written (since corruption is an illegal activity) and since firms will deal with different officials over time." (Svensson & Harstad, 2006: 56). Roughly put, through lobbying, a firm can then ensure that it will not make any further payments to public sector figures in the future. The second assumption concerns the bargaining power of a firm. When this is brought to bear on bureaucrats, it will diminish with the level of investment the firm undertakes. This, on the other hand, is less of an issue for lobbyists facing politicians. The significance of this should be that in more developed countries, lobbying will be the predominant method of influence, while in less developed countries or where bribes are less expensive, influence through corruption will be predominant.

Moreover, some implications emerge from this theoretical framework, and they are crucial and testable. The first is that the correlation between lobbying and corruption should be negative. Indeed, if a firm exerts influence by choosing corrupt methods, the chances that it will then be involved in lobbying practices are very low. Second, considering the size of firms and the degree of development of countries, two opposite results should be highlighted. As already anticipated, for companies operating in countries where the level of development is high, but also for larger companies, lobbying will prevail as an influence technique. On the contrary, corruption will be more pronounced where there is less economic development and firms are smaller. Yet another observation relates to a country's political instability. Lobbying should in theory be less effective where politics is less stable. In fact, if governments in any political system change fairly frequently, new incoming politicians could overturn or make susceptible and fragile the concessions obtained by the current government, as long as they are not influenced by lobbying again (Campos & Giovannoni, 2007).

But the theory has cross-sectional implications too. In cases where the activity of a company or industry is subject to negative externalities in production (such as pollution) or even its output is seen as "bad" (illegal substances for example), the cost of lobbying rises exponentially and at the same time, the likelihood that these companies/industries will lobby the government to loosen regulations is greatly reduced. This leads to companies in these sectors resorting to corrupt lobbying practices even in the long run. Conversely, if positive externalities from corporate operations benefit the government, then lobbying costs will decrease and this would lead to an increase in lobbying activities as a result (Svensson & Harstad, 2006).

Instead, Damania et al. (2004) find that lobbying and corruption are complementary. Their thinking revolves around the idea that lobbying, instead of reducing corruption, makes it easier. And that is precisely because it is a tool to convince politicians to invest less in law enforcement, so it should not change the rules favorably. Thus, unlike the previous framework (Svensson & Harstad's), when bribery methods are used on bureaucrats, firms are also more likely to influence through lobbying. Moreover, Damania et al.'s (2004) predictions of political stability also differ from the previous model. Lobbying is more likely to occur in unstable political systems because instability generates concerns for firms who, feeling threatened, will begin to believe that future governments will be tougher on enforcement. And because enforcement requires significant investment, lobbying for an underinvestment today will have the potential to significantly undermine any future government's enforcement efforts.

Goldberg (2018) contributes additional insights to the literature on the differentiation between lobbying and corruption. He presents a model that through theoretical considerations distinguishes lobbying from corruption by investigating their damage to democracy. Specifically, in his view, lobbying turns into corruption as soon as it becomes a cause of exclusion from any democratic process. His approach is integrated by discussing several gray areas between lobbying and corruption. He also addresses the discourse concerning the relationship of substitutability or compatibility of the two.

First, Goldberg (2018) notes that lobbying and corruption are both actions that carry quite a bit of cost and risk, so with that in mind he wants to investigate the motivations

behind them. Lobbyists constantly run the risk of being exposed and sued, as they spend their time building contacts and formulating policy goals that are not only accurate but also effective. Corrupt individuals on their side, if revealed, face not only social but more importantly legal punishment.

The motivations behind lobbying are definitely strategic in nature. The policy goals of lobbyists are specific and to achieve them, the right networks must be maintained. Lobbyists want to influence policies that reflect their key interests, and once they make contact with a politician, they need that relationship to last. Maintaining contact is part, for the lobbyist, of their organizational maintenance. But that's not all, in fact, that very contact may prove crucial in the future. On the other hand, what the corrupt person seeks is private gain. To satisfy his or her interest, the corrupt will try to pass or prevent legislation by bribing parliamentarians (Goldberg, 2018).

So, the interests pursued by lobbyists and corrupt agents are special or private. In a corrupt transaction, the partners involved are usually two profiteers. In lobbying, the interests pursued may be either those of some other actors or of the entire population. For example, in the first case, we talk about similar companies operating in the same industry, while an example of the second case could be the reduction of value-added tax.

One thing in common is that both are forms of social interaction and this can be either mediated by an intermediary or occur in person. If one refers to lobbying in its "internal" version, then he/she wants to indicate the action of making interpersonal contact with officials, politicians, or judges. In this sense, corruption can also take many forms, for example, nepotism, bribery, or fraud (Goldberg, 2018).

Another common view for scholars is to see corruption and lobbying as exchange activities. According to this view, corruption is conceptualized as the exchange of money or inducements against beneficial behavior, which can be, for example, a vote or enforcement of laws or even covering an important position in a certain job. While lobbying is seen as the exchange of information or expertise that will need to be reciprocated with access or political influence (Goldberg, 2018).

It is precisely access that has been identified in the literature as a central prerequisite for lobbying. Lobbyists are successful in gaining access if officials, politicians, and judges

expect that partnership will bring them long-term benefits, such as specific expertise or an increased likelihood of reelection. Another key factor in gaining access is trust; that is, the lobbyist must appear trustworthy. This is because when the transaction takes place, the value of the assets being exchanged (e.g., information) is often undisclosed, and typically each partner must be confident that the other is not simply looking for immediate profit (Goldberg, 2018).

In addition to being a prerequisite for lobbying, access is also a prerequisite for corruption. Indeed, a "corrupt" transaction can only occur if the initiator can enter a relationship with the recipient. But an equally important element is interpersonal trust. Unfortunately, even after an exchange has already been completed, the participants in the deal are somehow locked into each other. But not only that, because fearing being extorted and forced to pay for silence, they will begin to live at each other's mercy. Interpersonal trust is the only institution that reduces transaction costs such as the risk of exposure or extortion in these cases (Goldberg, 2018).

Lobbyists, moreover, because of their organizational maintenance, desire and especially seek to maintain a positive relationship with their target of interest. And so it is that lobbying, viewed as a social exchange, normalizes along with the possibility that the relationship will end if it is no longer useful. This normalized interaction between lobbyists and politicians will then open the door to a stable working relationship. For a corrupt transaction to normalize, however, is more difficult and only happens once the exchange is finalized. Interpersonal trust will then increase, and the partners will not be "stuck" again because the risk of exposure will not be repeated. Any future corrupt transactions will need to be re-negotiated though (Goldberg, 2018).

Expected utility is another factor in which interpersonal access and trust mechanisms differ between lobbying and corruption. Indeed, the relationships between a lobbyist and a politician present different dynamic than those that exist in relationships between two corrupt partners. To obtain private gain, any corrupt agent may promise a certain outcome such as a grant of a contract or the sale of a vote. In contrast, what a corrupt official or politician may promise is a position only towards a certain policy. And finally, a parliamentarian, since his means are limited to the production of laws, may or may not

promise to vote for a certain bill. The result of this is that despite their efforts, lobbyists cannot be sure of their results. On the other hand, as far as a corrupt transaction is concerned, the previously agreed upon deals will surely be produced if the partners abide by the agreements made (Goldberg, 2018).

With the assumption that laws are not particularistic but universally enforced and policies are binding on each individual in a society, it is clear that should politicians wish to implement lobbyists' demands into legislation, they should be able to translate these demands into universally binding rules. Politicians often need a compromise to get a majority to pass a law. In addition to this, one must also consider that the execution of law may ultimately be different from what was the initial intention of the politicians although the legislature was able to execute certain steps. The lobbyist's efforts are thus threatened by the universalist nature of the legislative process and insecurity increases. This is not the case for particularistic corrupt exchanges (Goldberg, 2018).

Lobbyists also compete with each other for access. To outcompete a competitor, the information a certain lobbyist provides must be not only more useful but also more efficient than that of others. If a lobbyist has neither information nor access, then his or her chances of success are drastically reduced. Otherwise, the act of corruption is used by corrupt partners either to avoid such competition and secure access or to gain an advantage. For example, a bribe might be the crucial incentive to gain access where access is exclusive to certain actors and consequently competition among lobbyists is fierce (Goldberg, 2018).

A final distinction has to do with transaction visibility. While in cases of direct lobbying (or internal personal lobbying) the conversation often takes place behind closed doors, in cases of corrupt exchanges this always takes place behind closed doors as it lies in the inherent nature of any illicit activity (Goldberg, 2018).

Goldberg (2018) defines the relationship between democracy and the market as ambiguous. Capitalist democracies, being more economically modernized, have a better chance of survival. Despite this, however, he states that the very organization of the capitalist market is undemocratic. This is because exclusion is inherent; that is, the goal of profit-seeking firms is always to internalize the benefits and externalize the costs onto others. And with the desire to pursue their political preferences, they seek to influence the legal whole.

Corruption is encouraged where cooperation between politicians and economic actors is allowed. For state agents, profit-seeking activity might be stimulated because of a sale of regulatory or monopoly powers. Thus, the anti-democratic logic of the market is complemented by this action which also undermines the ethics of rights and equally distributed powers.

We have already talked about several lobbying strategies, including direct and indirect lobbying. Let us now look at when these are perceived as a form of corruption. For example, grants, campaign contributions, or other financial incentives but also hospitality, gift, or meetings are lobbying strategies that sometimes prove to be corrupt.

Among the several cases that Goldberg (2018) presents, one, in particular, takes on some relevance because of the consequences that Russia's invasion of Ukraine is bringing to the world today. In July 2005, two weeks after losing a vote of confidence in the Bundestag, Gerhard Schröder (former Federal Chancellor of Germany) joined the North European Gas Pipeline (NEGP) serving as chairman of the supervisory board. The NEGP is the operating company for the North Stream undersea pipeline. This project was actively pushed by Chancellor Schröder together with Vladimir Putin. Schröder was accused by critics of having personal interests in North Stream, but the former chancellor countered that his position on the supervisory board would not serve personal or NEGP interests, but rather German and European interests.

Such exchanges, according to Goldberg (2018), turn into corruption when they go to circumvent public deliberation and implement secrecy. For example, duplicity and secrecy are seen as forms of exclusion that can harm anybody. In the case just seen, the duplicity of speech occurs if the orator promotes political goals to be employed once his or her political career is over instead of prosecuting their personal political interests. It would be good if politicians didn't adjust their preferences to the prospect of a revolving door job. No suspicion of corrupt or unethical behavior will arise if they can avoid this.

Turning to the specifics of the case, the harm and duplicity would emerge if Schröder's involvement with the pipeline had been directly correlated to his perspective of becoming a lobbyist after his chancellorship. Lobbying for Russian companies using the representation of German and European interests as a pretext is tantamount to corrupting democracy. In

fact, the construction of a Romanian gas pipeline was inhibited because of the construction of North Stream, and this increased the dependence on Russian gas along with the disadvantage of the need to pay monopoly prices that hurt not only the economy but also society (Goldberg, 2018).

2. Lobbying the EU legislative process

Scholars and researchers have been interested in lobbying practices in the European Union for more than 30 years to the extent that they have published numerous studies on interest groups not only at the national and supranational levels but also at the transnational level. The literature on the subject includes studies on different interest groups in the EU and research that addresses a range of different ways in which policy outcomes are influenced by private actors. This large amount of activity is due, with few exceptions, to a growing representation of interests at the supranational level that became apparent in the period immediately following the Single European Act (effective July 1, 1987) (Woll, 2006).

In Brussels, between 1986 and 1994, an explosion in lobbying activities was observed. During those years, several European federations were founded, and many national associations and companies opened offices in the European capital (Woll, 2006). Some other sources report that in 1985 there were about 654 lobbyists in Brussels. But the flow did not stop. As of 1992, more than 3000 public and economic lobbies became active (Green-Cowles, 1993). Moreover, by 2010, more than 15,000 lobbies were lobbying the European institutions and most of this happened in the 4,000 square meters of the European Quarter between the headquarters of the Commission and the European Parliament. It could be argued that Brussels is nowadays competing with Washington for the title of the world's largest lobbying capital (Dinan & Wesselius, 2010).

Corporate interests are the ones most represented by lobbyists in Brussels. Citizen and public interest lobbies exist but in much smaller numbers. It appears that corporate lobbyists outnumber public interest groups by a factor of five to one (Dinan & Wesselius, 2010). This is because corporate lobbyists have much more cash at their disposal than others. For public interest lobbyists, it is a real uphill battle even though they may enjoy the positive reputation of their organizations and the commitment of their staff. This battlefield that is created between commercial and public interest lobbyists is already unequal, but the game gets tougher with large corporations because they usually enjoy privileged access to decision-makers. The lobbying power of industry consequently weakens EU directives, regulations, and other policy initiatives (Dinan & Wesselius, 2010).

A dense network of lobbyists has thus formed and functions as a political echo chamber for pro-business messages aimed at influencing decision-makers in Brussels. During political discussions, these messages are repeated and reinforced by interest groups through the organization of political receptions and seminars and publications, brochures, and policy documents. And finally, to help cement the impact of ideas and interests on European decision-making, large corporations must increasingly engage in propaganda activities (Dinan & Wesselius, 2010).

2.1. European Union law

All the norms put in place by the founding Treaties of the European Union (Treaty on European Union, Treaty on the Functioning of the European Union), and the law deriving from these Treaties and atypical sources constitute a special type of law compared to international law. While the norms of international law are addressed exclusively to international subjects (International Personality), those of European Union law are addressed both to Member States and subjects of internal law (Community regulations); they have characteristics of both internal law (for example, the existence of a centralized system of ascertainment and implementation of law) and international law (for example, having as a source the treaties) (Treccani, accessed April 2022).

European Union law sources can be divided into primary sources and secondary sources.

- Primary legislation comes mainly from The Founding Treaties (TEU and TFEU) (EUR-Lex_1, accessed April 2022). They are binding agreements between EU Member States. What they do is set forth how the EU is arranged and governed along with giving powers to EU institutions to carry out and modify secondary laws (Citizens Information Board, accessed April 2022).
- Secondary legislation instead covers any act adopted by the EU institutions that permit the European Union to execute its powers. It includes regulations, directives, and decisions (EUR-Lex_2, accessed April 2022).

The law of the European Union can be binding (regulations, directives, decisions) or non-binding (recommendations, opinions) and is equipped with a system of sanctions and coercion that guarantees its implementation (the Court of Justice).

As for internal legal systems, these rules are placed on a higher level than those of the legal systems of the Member States (due to the principle of the prevalence of Community law over domestic law). The regulations, by the mere fact of their enactment at the Community level, are directly applicable in the domestic legal system. This feature is reinforced by the fact that, in certain matters, the Member States have transferred to the Union part of their prerogatives and competencies, no longer being able to enact legislation in contrast with EU acts (Treccani, accessed April 2022).

2.1.1. EU legal acts: forms and application

Article 288 of the Treaty on the Functioning of the European Union (TFEU) defines the only acts that may be adopted: regulations, directives, and decisions are legally binding acts while recommendations and opinions are non-legally binding (EU_1, accessed April 2022).

- Regulations. A regulation “is a binding legislative act. It must be applied in its entirety across the EU. For example, when the EU wants to make sure that there are common safeguards on goods imported from outside the EU, the Council adopts a regulation” (EU_1, accessed April 2022). A regulation replaces national law when it conflicts with the existing law of a member state regarding the same subject matter (University of Illinois Law Library, 2020).
- Directives. A directive is defined as “a legislative act that sets out a goal that all EU countries must achieve. However, it is up to the individual countries to devise their laws on how to reach these goals. One example is the EU consumer rights directive, which strengthens rights for consumers across the EU, for example by eliminating hidden charges and costs on the internet and extending the period under which consumers can withdraw from a sales contract” (EU_1, accessed April 2022).
- Decisions. A decision “is binding on those to whom it is addressed (e.g., an EU country or an individual company) and is directly applicable. For example, the Commission issued a decision on the EU participating in the work of various counter-

terrorism organizations. The decision related to these organizations only" (EU_1, accessed April 2022).

- Recommendations. A recommendation "is not binding. When the Commission issued a recommendation that EU countries' law authorities improve their use of videoconferencing to help judicial services work better across borders, this did not have any legal consequences. A recommendation allows the institutions to make their views known and to suggest a line of action without imposing any legal obligation on those to whom it is addressed" (EU_1, accessed April 2022).
- Opinions. An opinion is intended as "an instrument that allows the institutions to make a statement in a non-binding fashion, in other words without imposing any legal obligation on those to whom it is addressed. An opinion is not binding. It can be issued by the main EU institutions (Commission, Council, Parliament), the Committee of the Regions, and the European Economic and Social Committee. While laws are being made, the committees give opinions from their specific regional or economic and social viewpoint. For example, the Committee of the Regions issued an opinion on the clean air policy package for Europe" (EU_1, accessed April 2022).

It is the national authorities' job to ensure that regulations and decisions are correctly applied in each EU Member State. The exception is if someone has negotiated an "opt-out" or some sort of exemption and if that happens the States involved will not have to implement certain policies or specific clauses in legislation (The Royal Society, 2016).

Finally, there are different types of policy proposals for which each Member State implements EU policy. The process of incorporating - known as "transposition" - a directive into a Member State's national law takes a certain amount of time, and it takes just as long for the subsequent application to national law. The issue is different for regulations; all Member States must implement them in their exact form within a specified period and they usually become part of national law only after they come into force. For other policy areas, their regulation in the member states takes place exclusively by legislation developed at the EU level (The Royal Society, 2016).

2.1.2. EU main institutions and bodies

The European Union is governed by institutions that form a unique set-up and its decision-making system is in constant evolution. It counts 7 European Institutions, 7 EU Bodies, and 30 decentralized agencies which together work to ensure the pursuit of the common interests of the Union and its citizens. The specific roles of the establishments of the EU are many. Such roles can be the development of EU laws or the process making and implementation of policies and the focus on areas of specialization like for example medicine, transport, health, and the environment (EU_2, accessed April 2022).

The European Union administration is led by four main decision-making institutions that provide the Union with political orientation and have a crucial role in its law-making process. The main European institutions are the following (EU_2, accessed April 2022):

- The European Parliament represents the citizens of the EU Member States, and it is the EU's legislature lower chamber. Citizens of the Member States are responsible for directly electing the Parliament. The Parliament approves the EU budget and, together with the Council of the EU, takes decisions on European laws. Members of the EU Parliament (MEPs) are re-elected every 5 years simultaneously in each Member State and representation must be proportional. The Parliament does not have the power to initiate legislation as it happens in national legislatures.
- The European Council is composed of the heads of state or governments of the Member States. These come together to lay out the general policy direction and agenda for the European Union. The term of office of the president of the European Council is 2.5 years and is renewable once. Except for amendments to the EU Treaty, the European Council shall not adopt laws.
- The Council of the EU represents the governments of the member countries and is where the national ministers of each government gather to adopt laws and coordinate policies. There are different configurations of ministers, based on the topic to be discussed. The Council Presidency changes every six months. Together with the European Parliament, the Council decides on European laws.
- The EU Commission represents the executive power of the European Union and gives voice to its common interests. Proposals for new laws are submitted by the

Commission through its "right of initiative." These are then considered and adopted by the EU Parliament and Council. In addition to this, the Commission manages the Union's policies (except common security and foreign policy) and its budget and ensures that Member Countries properly apply EU law.

There is a commissioner for each state. One serves as the president and the others are each responsible for a different policy area. It is the president's job to assign cabinet portfolios to the commissioners.

Acting as the voice of the Commission throughout the Union are the representation offices, which have several tasks: they monitor and analyze public opinion in the country where they operate, provide information on the functioning and policies of the union, and finally facilitate cooperation between the Commission and the host country.

Finally, the main European institutions are assisted by other bodies and institutions, these are the Court of Justice, the European Central Bank, and the European Court of Auditors (EU_2, accessed April 2022).

2.1.3. EU legislative process

Policies are created through a process, policymaking, which is used to develop plans or ideas that will then be implemented through legislation. In doing so, a regulatory system is created. In the European Union, there are three institutions involved in this process: the Commission (representing the EU's overall interests), the Parliament (representing EU citizens), and the Council of the European Union (representing EU governments) (european-union.europa.eu). In addition, Member States, through their representation in both the Parliament (through elected representatives) and the Council (through representatives of national governments), have various opportunities to participate in the European legislative process.

The development of new policies is linked to many different factors, among which social needs and advances in technology are certainly of great importance. This means that legislation is no longer fit for purpose. Since November 2014, which is when the previous

Commission took office, the Commission has pursued a "Better Regulation" agenda intending to streamline legislation and cut paperwork. In any case, the intention, as per official statements, is to create a clear and coherent picture for the promotion of better growth and jobs. And although scientific issues are not yet included, there is still a strong focus on improving impact assessment.

Since the introduction of the Lisbon Treaty in 2009, most EU legislation is nowadays subject to the Ordinary Legislative Procedure which applies to over 85 policy areas (Consilium EU, accessed April 2022). The European legislative process begins with the European Commission – the right of initiative. This is where proposals are developed with the help of citizens, stakeholders, and experts who contribute through consultations and committees. An impact assessment (IA) may be required if a policy proposed by the Commission is expected to have significant economic, social, and environmental impacts. The same is true for both legislative and non-legislative initiatives but also for delegated acts and implementing measures. More technical changes can be made by the Commission to implementing measures and non-essential aspects of the legislation can be modified (The Royal Society, 2016).

For 95% of proposals, the path is set by the ordinary legislative procedure (Consilium EU, accessed April 2022). Any legislation drafted by the EU Commission must first be approved by the EU Council and the EU Parliament. They consider the proposals in parallel.

In the Council, proposals are assigned to a working party based on the subject. There are about 150 of them, composed of national experts from each Member State. They review the proposal and try to reach an agreement.

Once ready, the proposal moves on to the COREPER, the Permanent Representatives committee composed of the ambassadors or their deputies from the Member States. COREPER can either continue discussions on the proposal until the Member States reach agreement or send the proposal back to the working party for further work.

Once agreement is reached by COREPER, trilateral negotiation meetings, trilogues, can begin. The three main institutions (Council, Parliament, and Commission) are represented in the trilogues. The Council is usually represented by the presidency.

If a draft agreement is reached during the trilogue, the Parliament presents the text to a plenary vote and adopts it. Then, if ministers meeting in the Council can accept Parliament's position, the proposal is adopted at first reading.

If no agreement is reached at first reading, a second reading is initiated, where discussion continues. If there is still no agreement on the amendments at second reading, a conciliation committee is set up. Finally, if an agreement is reached, the legislative act is adopted by the Parliament and the Council. It is then published in the Official Journal in all EU languages and becomes EU law (Consilium EU, accessed April 2022).

Figure 3. below outlines the three phases of the ordinary legislative procedure. The EU legislative process in full can be found in the Annex.

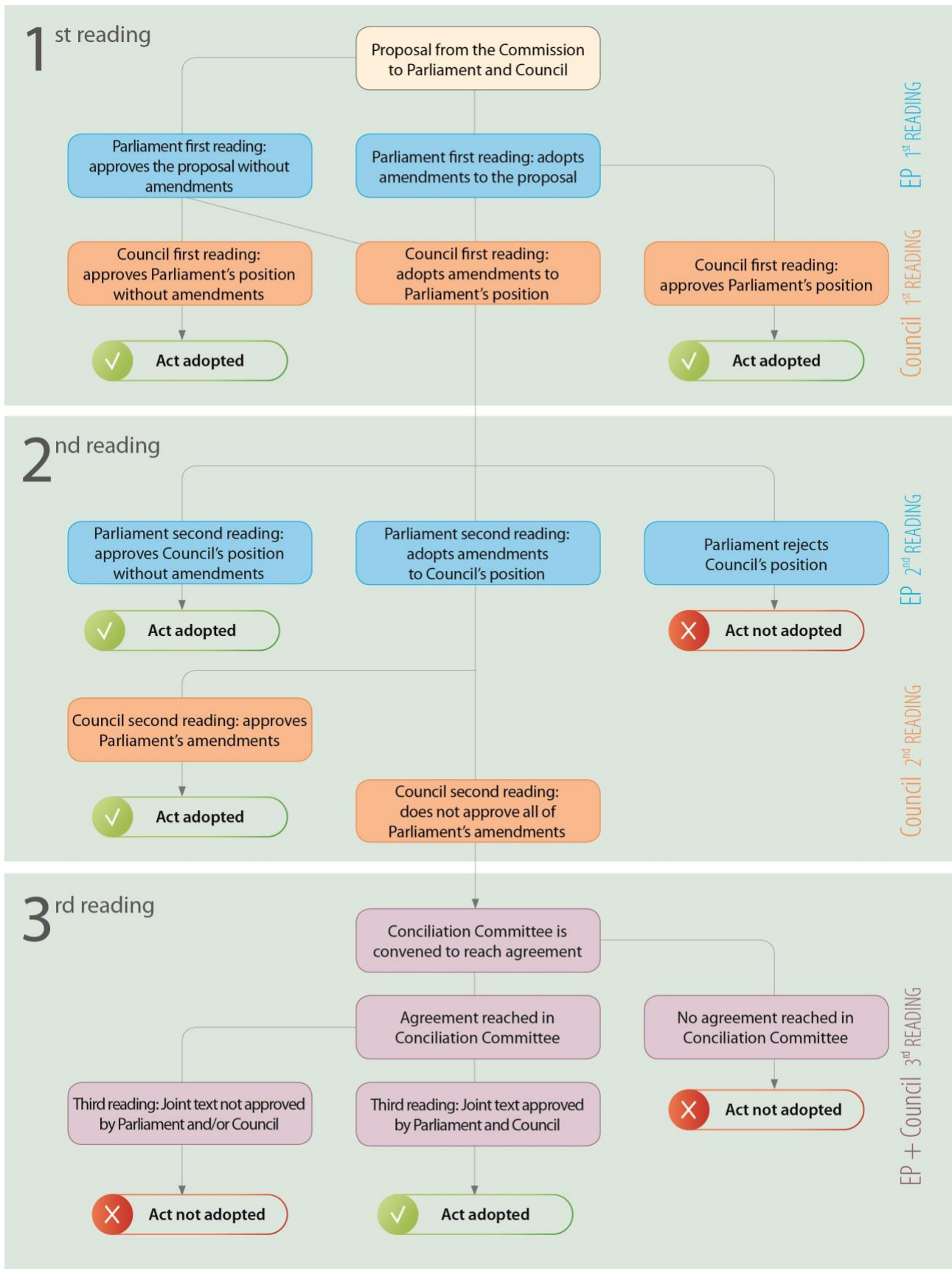


Figure 3. The three phases of ordinary legislative procedure

Source: EU Parliament, accessed April 2022.

2.2. Lobbying the EU institutions in the EU legislative process

The role of lobbies in European decision-making processes has always been the subject of careful analysis by scholars and experts who have had to underline the peculiarities of the European lobbying to the complex European institutional architecture and the vastness of the interests represented within it, which have made Brussels one of the world capitals of lobbying (Marchetti, 2018).

The openness of the European institutions towards pressure groups is not a recent development. Reasons for this are many and often overlapping: they range from the objective observation that pressure groups are present where decision-making centers are concentrated, to operational reasons related to the need for European institutions to acquire information and expertise, to the consideration of the complex institutional structure and the legitimacy deficit that characterizes some institutions, first and foremost the European Commission (Marchetti, 2018).

The preceding paragraphs, relying mainly on official sources, have objectively introduced European Union law. They described forms and applications of its legal acts and listed the European institutions by making their roles and powers explicit, and finally they also briefly described its legislative process. Now, we want instead to analyze the interferences between lobbyists and European institutions in the practices of the legislative process. To do so, several theories taken from the literature found on the subject are presented. Therefore, how and where lobbyists interfere with European institutions is explicated in the following section through the interpretation of the literature on the subject. There are no sources per se to guarantee its officialdom.

2.2.1. Lobbying the EU Commission

The Treaties grant the Commission the power of legislative initiative. Under this power, the Commission finds itself having to deal with two different sets of issues (Marchetti, 2018):

1. the need to obtain access to expert information in the face of the difficulty of being able to cope with the demand for expertise that European decision-making processes require with internal resources;

2. the need, no less compelling, to legitimize its actions, at a time when an institution not elected by the citizens holds such an important fraction of legislative power.

Therefore, on the one hand, the Commission identifies pressure groups as a useful tool for acquiring information and verifying *ex ante* its decisions; on the other, it sees them as an indirect source of legitimacy for its work, since it is substantially deprived of that primary source which is the will of the people as expressed through free elections. Direct access to the Commission is but one of how lobbyists can get their positions across (Marchetti, 2018).

Similarly, Bouwen (2002) tries to explain the logic behind lobbies' efforts to gain access to the multi-level European system using a supply-demand theory of access goods. As such, in this model, organized interests are the suppliers of access goods demanded by an institution in exchange for access to that institution. According to the theory of access goods proposed by Bouwen (2002), the access goods the EU institutions demand from private interests are three and they all have a common characteristic that is information:

1. Expert Knowledge (EK). It includes the expertise and technical know-how demanded of the private sector to understand the marketplace. These kinds of technical information are indispensable for developing effective EU legislation in each policy area;
2. Information about the European Encompassing⁴ Interest (IEEI). This means that interests are aggregated at the European sectoral level; and
3. Information about the Domestic Encompassing Interest (IDEI). The interests' aggregation occurs at the national sectoral level.

Now, each EU institution will have some dependencies. The Commission, for example, requires information about the European Encompassing Interest (EEI) to satisfy its role as a

⁴ "An interest is more encompassing when more interested parties are involved in the formulation of the interest [...] A national trade association can, for example, be said to represent an Encompassing Interest because it is specialized in bundling the needs and interests of its member companies" (Bouwen, 2002: 8).

promotional broker in the EU legislative process. For the Commission, this access good is essential because it can help identify common European interests. Moreover, since the Commission is responsible for drafting legislative proposals, it has the formal right of initiative. And since drafting proposals is the first of the stages of policymaking, it requires an important amount of expertise. Expert knowledge (EK) is, therefore, a crucial resource for the Commission's legislative tasks, but the acquisition of such expertise depends on resources outside the Institution because of its severe budgetary constraints and staff shortages.

Instead, the Commission is not interested in Domestic Encompassing Interest (DEI) information at the agenda-setting and policy development stage. The private national interests and the interests of most Member States in the issues involved have not yet been identified at this early state of the legislative process. As a result, the DEI cannot be determined at this point. Such is even more true for technical matters. On top of that, the Commission is geared toward promoting common European interests; hence, DEI is not in its main interests. Nevertheless, the Commission becomes interested in this kind of information in case it must, for example, reach a compromise in the Council and the Parliament and thus amend its legislative proposal. In that event, Domestic interest information about a particular member state may prove pivotal (Bouwen, 2002).

In 2007, David Coen also studied EU interest politics and conducted research of the variance in lobbying activity within the Commission. Figure 4. shows that within the Commission, in terms of total activity numbers, interest groups tend to "shoot where the ducks are" (Mazey & Richardson, 2015).

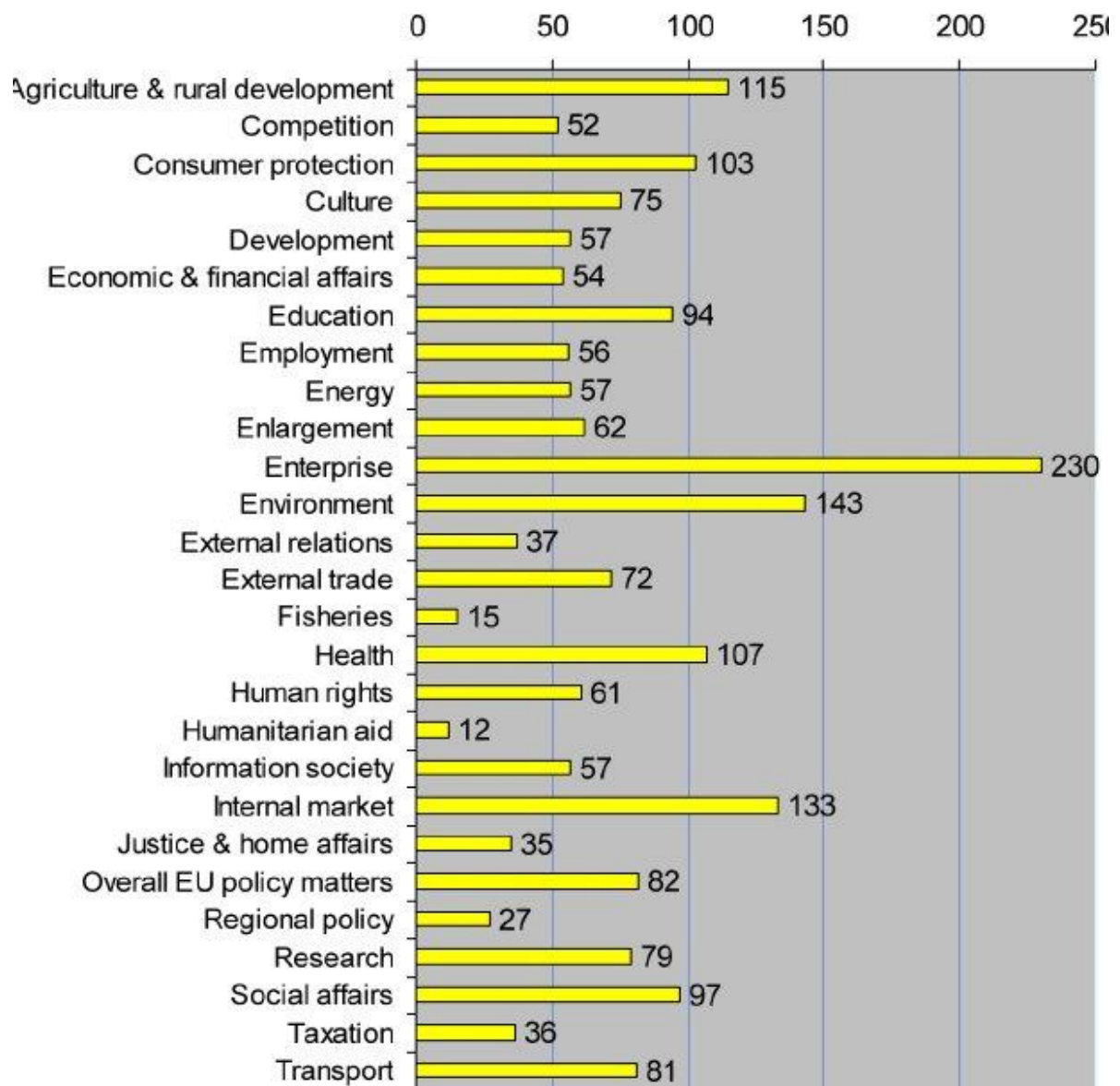


Figure 4. Number of interest groups by policy area.

Source: Coen, 2007.

So, the nature of the political good dictates the style and location of intergovernmental politics within and across EU institutions. Simply put, as we see in the image above, the most lobbying activity will be concentrated around the institutions and committees that have the most regulatory output and expertise. We can see that the lobbying activity in the Commission clusters more around the sectors with regulatory and market responsibilities, i.e., Environment and Enterprise. The health sector is the fastest growing. And where instead the debates are more intergovernmental - in sectors such as

Justice, Internal Affairs, and Foreign and Security Policy - lobbying activity is limited (Coen, 2007).

According to Lehmann and Bosche (2003), the increasing presence of active lobbyists in Brussels has led the Commission to attempt to use its resources more effectively by focusing on a stronger inner core of interest groups. It has therefore begun to prioritize a small number of better-established groups rather than a larger number of smaller, new, or less institutionalized groups. The latter groups lobby others who believe they have the Commission's attention, and in this way "secondary lobbying" grows. The Commission is, for the lobbyist, the primary and most important institution from which the lobbying process begins. For this reason, Schaber (1998) stated that "you do not lobby the European Parliament or the Council, but you lobby the Commission through the Parliament or the Council". In following the process of a European legislative proposal, one key thing the lobbyist must do is identify the Commission officials involved. Of these, one is responsible for the project and the others handle the consultative phase (Lehmann & Bosche, 2003).

According to O'Connor (1997), pressure groups can lobby the EU Commission in 3 ways: 1) by promoting a bill, (2) by influencing or blocking a bill and (3) by influencing the exercise of the Commission's discretionary powers. Among these, the third is the most common. And finally, Lehmann & Bosche (2003) suggest that contacts with appropriate officials be arranged during the last phase of consultation by the Commission which involves trade unions and experts from Member State administrations. It is at this last stage that negotiation takes place among all these realities-the commissioners, trade unions, member states, and other external stakeholders-within advisory bodies, committees, and expert groups according to a logic not of voting (the Commission's official one) but rather of negotiated consensus. These bodies in which everyone meets are "technocratic", knowledge-based entities that support the Commission in preparing its legislative proposals to the other European institutions (Lelieveldt & Princen, 2015).

2.2.1.1. Lobbying the EU committees

The committee structure as part of European decision-making mechanisms has been discussed, strained, and adjusted frequently. On the one hand, there are formal committees,

established by a Commission decision, and on the other hand, there are informal committees, established by a Commission department with the consent of the responsible Commissioner and Vice-President and the Secretariat General (Marchetti, 2018). On closer inspection, they constitute likewise places within which lobbying can take place (Marchetti, 2018).

In this regard, Graziano (2002) notes that the dream of every interest group is to be included in an advisory committee of the Commission. Indeed, this consecrates its influence and allows it to formally exercise it. The types are very different and can range from the participation of individual experts to the presence of authorities representing the Member States. The committees are established by an act of the European legislator with which they are called upon to assist the Commission. Generally, they are experts from the individual ministries of the Member States, from the various sectors involved for which a special register has been set up (Marchetti, 2018).

Within the committees, the level of the interrelationship between national states and European institutions, powerful lobbies, and administrative apparatuses is very high. This leaves ample room for intervention by pressure groups, which can decide from time to time the level on which to direct their activity, be it supranational, national, or subnational.

Lastly, the European decision-making process also sees the presence of consultative bodies like the *European Economic and Social Committee* (EEOC) and the *Committee of the Regions*. They both constitute institutional channels for the representation of interests, within which, the EEOC, there are sector representatives who, at other levels, are often found as lobbyists. One form of activity does not exclude the other, but, on the contrary, integrates them, in a mechanism of multilevel governance (Piattoni, 2009) that allows the same actors to act on different areas and/or levels, dialoguing with European institutions in ways that are specific and dictated by opportunity and circumstances. One example is the employers' associations, whose representatives are present by right in the EEOC. In addition to participating in the social dialogue as representatives of one of the social partners, they also take part in Commission consultations and various consultative committees and may even act, if they see fit, in the manner of traditional lobbying.

There are also the channels made available by "participatory democracy" practices, provided for in art. 10 of the Lisbon Treaty. Through consultation and the initiative of European citizens, it is possible to get one's position across, albeit with a much more limited ability to influence the institutions (Marchetti, 2018).

2.2.2. Lobbying the EU Parliament

The lobbying activity carried out in the European Parliament originated in the 1990s (Marchetti, 2018), more precisely in July 1987 when the Single European Act (SEA) entered into force (Lehmann & Bosche, 2003). The Parliament gradually began to acquire co-legislative powers which currently see this institution in a position of balance with the role of the Council. Lobbying of the European Parliament is more political in nature than lobbying of the Commission, even though the members of Parliament themselves increasingly need access to technical information and expertise. Besides, like lobbying on the Council, it can be carried out at a national level by subjects capable of influencing the positions of their government. It was primarily the less organized interest groups that made an effort to forge alliances with the EU Parliament on the issues that most closely affected public opinion. The main strategy of these groups, Schaber (1998) notes, is to lobby the Commission and the Council as end targets through the Parliament.

As early as 2003, annual individual contacts between MEPs and interest groups were estimated to be 70,000 (Lehmann & Bosche, 2003).

In the Parliament, the most important member is the Rapporteur. The Rapporteur is a member of the Parliamentary Commission who has the primary responsibility for examining and reporting on a new measure. The choice of Rapporteur can be a very important decision, and for internal market measures the Rapporteur has often been appointed before the formal adoption of the Commission proposal (O'Connor, 1997). As soon as the Rapporteur of the relevant Committee initiates the preparation of his or her report, and the debate begins within the Committee and political groups, the Parliament enters the crosshairs of special interests. The Rapporteur and Committee Chair are therefore the key guardians in shaping Parliament opinion (Lehmann & Bosche, 2003).

For a Parliament member, standing within a committee matters even more than standing within a political group or his/her general reputation inside the Parliament. For lobbyists, personal connections, nationality, or political affiliation that are likely to sway the accessibility and openness of parliamentarians are relatively unimportant. Likewise, staff assistants, political group secretariats, or Parliament research departments are also perceived as having less significance among lobbyists. Instead, they prioritize staff close to the rapporteur and the Committee secretary. Moreover, both lobbyists and MEPs agree that it is more efficient to meet with a MEP face to face. And on average, requests for help and support sent to MEPs are usually by letter (Lehmann & Bosche, 2003).

In this respect, Rasmussen (2012) found that the crucial flow of information between the EU Parliament and interest groups happens mainly through informal contacts during the Committee stage. Interest groups are provided three main entry points by the EP Committees' decision-making procedure, they are (Rasmussen, 2012):

1. The Rapporteur's draft report phase. The Rapporteur shall write a draft report to suggest amendments to the proposal of the Commission. But since MEPs rarely have detailed knowledge of the specific proposal under consideration, their primary source of information is interest groups. They regularly send position papers and amendments to the Rapporteur during the writing of his report.
2. The amendment phase. The draft report is presented by the Rapporteur which is then discussed by the committee. A time limit for amendments is thus set, here any committee member can propose amendments to the Rapporteur's report. If interest groups have been unsuccessful in getting their views reflected in the draft report, they can now try to influence all members of the committee and convince them to launch amendments in their favor.
3. The voting phase. Proposed amendments are voted on by a simple majority at a subsequent meeting, and those that are adopted become part of the committee's final report. To be formally adopted by the House, this report is then presented to the plenary. Before the committee vote, interest groups often send voting lists to its members indicating how they would like MEPs to vote.

In the Rules of Procedure of the European Parliament, Rule 2 reiterates that there are no constraints on EP Members from any instructions or binding mandates. The equivalent of accepting a "binding mandate" would be agreeing to vote in particular ways in exchange for any advantage offered by a lobbyist. About this, Former Congresswoman Stihler once explained how lobbyists would call MEPs for urgent meetings or even knock on their doors without any prearranged appointments. There are other even more disturbing practices, however. For example, at the time of the debates on the parliamentary reports on the biotechnology directive, companies such as SmithKline Beecham, Boehringer, Hoechst, or Ciba-Geigy pestered MEPs with letters and phone calls. Later, those MEPs, being in despair, expressed the hope that such pressure from outside organizations would not be repeated (Lehmann & Bosche, 2003).

Lobbyists think that the European Parliament and Commission have the same degree of openness when compared to other institutions. Instead, they find access to the Council more difficult. Despite this, lobbyists are also aware that they face varying degrees of acceptance in the Parliament; this is due to reservations based on national culture and political allegiance. For example, between Northern and Southern countries there is a clear distinction between those familiar with professional lobbying and those where this industry is not yet well established (Lehmann & Bosche, 2003). At the time the authors were writing, as of 2003, professional lobbying of public affairs consultants was well known in the United Kingdom and less so in Latin countries and Germany. Nowadays, the situation has certainly changed a lot and countries like Germany are even among the top lobbyists in Europe. This will be discussed more extensively in the third chapter.

Anyways, according to Lehmann and Bosche (2003), compared to the Social Democratic and Green parties, the Conservative and Liberal parties are more open to lobbying by producer interest groups. The opposite of this can be seen with certain civic interests. Moreover, consultants are reputed to be too pushy with some MEPs who do not see them as actors to be relied upon or included in the personal network because most of these consultants represent their clients' interests and not their own. Instead, deputies favor those outside interests that can provide them with a unified view of the most viable ways to

tackle economic problems and consequences, or those that represent a larger constituency such as labor unions, social movements, or political parties.

Buholzer (1998: 247) wrote that "lobbyists should be alert to opportunities to make individual speakers "shine" in the eyes of their colleagues. Well-crafted legislative reports, based on careful investigation and meticulous analysis, can enhance the reputation of a newly elected Congressman. And a reputation for diligence and intellectual acumen can lead to leadership positions in the future". MEPs largely act as individual members. But to secure re-election they will seek to use interest groups and enhance their reputation in their constituency and the national party. In addition, MEPs also draw on lobby group information, especially if they are trusted to make sound judgments about technical details and scientific expertise (Lehmann & Bosche, 2003).

When we addressed lobbying practices in the European Commission, we cited what Bouwen (2002) did in his article. He tried to explain the logic behind lobbying efforts to gain access to the European multilevel system using a supply and demand theory of access goods. Recall that in this model, the supply is represented by interest groups while the demand is represented by European institutions. The Parliament too, although to different degrees, has an interest in obtaining from private interests the following three access goods: expert knowledge (EK), information about the European Encompassing Interest (EEI), and the Domestic Encompassing Interest (DEI). Since the EU Parliament has two characteristics together, one supranational and one intergovernmental, its demand for EK is quite limited considering its legislative role. This is because at the stage when the Parliament "comes into play" the Commission has already drafted a proposal in a technical and detailed manner. In addition, the amount of technical market expertise needed to amend and make decisions is much lower at this point in the process, although some basic knowledge is essential. Instead, what the Parliament needs most is information that allows it to evaluate the legislative proposals made by the European Commission. It is Parliament's job, as an elected supranational assembly, to evaluate legislative proposals while maintaining a European perspective. The information that the Parliament needs for this evaluation is the information on the EEI. This information is an access asset that is the institution's most important resource because the information it provides is all-embracing of the private sector's needs

and interests in the EU's internal market. Finally, to better understand the role of Parliament in the legislative process, it is also good to consider the constituency orientation of MEPs. Members of Parliament maintain close ties with their electorate at home because they are elected at the national level and, as a result, to have a better chance of being re-elected they need to obtain information about their national electorate. This leads MEPs to also request information on the Domestic Encompassing Interest (DEI) as it provides data on the needs and preferences of their constituents (Bouwen, 2022).

2.2.3. Lobbying the Council and the EU Council

Today, the Council and the European Council represent two important and powerful players in the European Union, and as confusing as their similar names often are, they remain separate, yet interconnected, bodies with distinct policy-making roles. Increasingly, along with the Parliament, the Council is the EU's main decision-making body on day-to-day issues. The European Council, on the other hand, oversees the making of the strategic decisions that will shape tomorrow's Europe (Coen & Richardson, 2009).

As their respective roles are cardinal, it only seems reasonable to imagine an intense amount of lobbying of these two organs and their constituents on the part of those seeking to influence the course of deliberations at the European level. But there is actually scant evidence from the literature about lobbying at the Council, with even less regarding the European Council. This may be because they are lobbied less or in different ways than other European institutions, or they are both lobbied less and in different ways. All of which hints at the fact that the European Council and the Council, in general, are not seen the same way by lobbyists as they see the Commission and the European Parliament. In no small part, this is presumably attributable to the longstanding and much-repeated Council's reputation as the most secretive and least accessible among EU institutions. And the same perception can be applied to the EU Council (Coen & Richardson, 2009).

De Fouloy (2001) points to the informal consultations that take place before the proposal is publicly released among Council officials, its councilors, and the Commission. The draft begins to be considered by working groups without them waiting for reactions from committees or Parliament and, making this deviation from the formal procedure

implies that lobbyists initiate contact with Council officials by the time the Council formally considers other EU institutions' stances.

In lobbyists' opinion, the Council of Ministers is the least accessible EU institution. According to Lehmann and Bosche (2003), lobbyists supposedly exert influence on the EU Council and its decision-making process indirectly through contacts with representatives of the government. As per their rule, lobbyists talk to low-ranking officials instead of ministers. And since the groups work behind closed doors, it is crucial to obtain access to qualified information sources about variations made to draft legislation. And in case the changes are going in the wrong direction for the specific interest group, this would allow for a quick reaction. Furthermore, lobbyists need the information from the permanent representation so that they can identify government representatives who are members of the working groups and get in touch with them; this is their main task. For lobbyists, these officials are also valuable because they influence the Council's decisions, its agenda, and priorities. They also present the conclusions of the work of the working groups to the Council. Lehmann & Bosche (2003) suggest that if lobbyists wish to work with the Council, they must maintain a connection with their country's representatives and develop good relations with other representatives and have expert knowledge (EK) of the political, cultural, and technical realities at home and overseas. In their own words "The influence of the country holding the presidency is particularly significant for lobbyists" (Lehmann & Bosche, 2003: 42). Finally, in cases where the national experts live in their own country and not in Brussels, lobbying the Council may even result expensive. And yet, coordinating activities at the international level can be another problem. It follows that only large companies and companies with adequate financial resources will do comprehensive lobbying at the Council which is contingent on an established network of contacts in each of the Member States' capitals and Brussels (Lehmann & Bosche, 2003)

Concerning the theory of access goods, Bouwen (2002) explains that the Council, in complete contradistinction to the Commission, is the most intergovernmental institution in the EU's legislative process. Being the ultimate body of decision-making in the Union, it provides a suitable arena for harmonizing the Member States' distinct purposes and powers. In the Council, the dominance of national interests prevails, and consequently identifying

their national or domestic interest is crucial for Member States. Accordingly, Member States' demand for information about the Domestic Encompassing Interest (DEI) is very strong. DEI is the critical access resource of the Council as it informs the Member States on their internal market needs and interests. Its intergovernmental features notwithstanding, the Council incarnates the recurring struggle in European Union building between intergovernmentalism and supranationalism. This institution has a supranational flavor that is given to it by the Council Secretariat and its presidency as they embody a sense of purpose and collective commitment. That is why the Council also has an interest in informing about the Encompassing European Interest (EEI) despite its predominantly intergovernmental constitution.

As already mentioned by Coen and Richardson (2009), the Council and the European Parliament increasingly share their legislative powers. The Council amends and decides on legislation by reaching a decision that is acceptable to all or, at least, to the majority. There are four main legislative procedures (Bouwen, 2002: 1) the consultation procedure, 2) the assent procedure, 3) the cooperation procedure, and 4) the co-decision procedure. Based on the procedure used, the Council can impact the final form of the legislative proposal to different degrees. By the time the decision-making process in the Council is involved, there is already a technical drafting of the proposal and therefore the demand for Expert Knowledge (EK) on the part of private interests is reduced considerably. If a proposal is to be commented on or amended, it requires a different kind of information than if it is actually drafted by the Commission. The Council at this stage of the decision-making process has a greater interest in such information that can assist the negotiation activity amongst the Member States (Bouwen, 2002).

2.3. The matter of transparency

Lobbying certainly has potential for good but at the same time, it can also meaningfully undermine the functioning and weaken the perceived legitimacy of a governmental system. And this in turn produces monetary wealth or other private benefits for public officeholders and influences governmental decision-making in ways that could weaken attempts to serve the perceived broader public interests at stake in the legislative

and administrative process. A wide variety of legal responses have been provoked to address such dangers, including regimes that seek to ensure transparency (Holman & Luneburg, 2012).

Transparency in the lobbying arena can, theoretically, bring many benefits. Some of them include (Holman & Luneburg, 2012):

- Preventing corruption of government officials and the government processes in which they participate (e.g., Cordis and Warren (2014) suggest that disclosure can deter corruption);
- Preventing corruption appearance that has the potential to further undermine public confidence in the integrity of governmental decision-making;
- Government officials' accountability improvement whose actions and possible motives behind them, if revealed, may well result in them being forced out of the office or, at the very least, changing their positions in ways deemed more consistent with the public interest as a whole;
- Enabling public officials to be aware of who is attempting to exert influence on them or others in authority, by empowering them to act to oppose influences they believe are inappropriate or opposed; and
- "Leveling the playing field" (Holman & Luneburg, 2012: 79) in between groups seeking to impact governmental decision-making by enabling responses (i.e., counter-lobbying) to thwart the efforts of those who might otherwise be able to achieve their goals more effectively behind closed doors.

Transparency is the benchmark used to measure the quality of the administrative action and the correctness of the work pressure groups. However, of the many solutions tested, few have produced satisfactory results from the point of view of monitoring the volume (and typology) of relations between institutions and pressure groups. One of the consequences was the increase in civil society organizations whose goal is to control the exercise of lobbying, overcoming the inertia of public bodies formally appointed to control activities (Sgueo, 2014).

Scholars Bani and Sgueo (2015) attribute three inter-related aims to transparency:

1. to inform citizens simply and understandably about the government's decisions,
2. to promote civil society participation and engagement; and,
3. to oversee and prevent corruption.

In 2015, the European Commission estimated that corruption costs the EU economy about €120 billion a year (Bani & Sgueo, 2015). Given that corruption and opaque policies can develop regressive forms of governance, insufficient transparency is both an economic and political issue. And this, of course, diminishes not only the political participation of citizens but also the understanding of how the governmental engine works. For many Western democracies, this "participatory deficit" is usual. The notion of popular power, the "core of democracy", has been diluted to the extent that the vast majority of citizens exercise their putative sovereignty only through periodic elections of representatives, and thus their contribution to political processes is extremely limited. Then, because elected representatives embody a range of competing "interests" (party, ideological, corporate ones) that may or may not coincide with those of the electorate, the deficit is further exacerbated (Bani & Sgueo, 2015).

Lastly, transparency's ultimate goal is a better accountability of government and politics as well as participation (Bani & Sgueo, 2015).

2.3.1. Three hypotheses of lobbying transparency

Transparency of lobbying is not regulated in the Treaties. However, Article 11(1) of the TEU refers to the importance of consultation and states that the European institutions are required to "give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action." Furthermore, according to point (2) of the same article, the institutions "shall maintain an open, transparent and regular dialogue with representative associations and civil society." Therefore, Article 11(1) TEU explicitly formulates the transparent nature of this dialogue ('open, transparent and regular dialogue'). Article 15 TFEU, on the other hand, addresses the issue of transparency by requiring that all EU institutions "conduct their work as transparently as possible," to ensure their accountability and thus the possibility of democratic control. This, say Maňko et al.

(2014), has led some to argue that there is a tension between the principle of transparency (requiring disclosure of all contacts) and the principle of openness (requiring free access to officials and members of the institutions) (Mańko et al., 2014).

As Sgueo (2014) explains, the commonly accepted yardstick for measuring the transparency of lobbying is the register of stakeholders. The register is a document in which all those who represent private interests to public decision-makers are listed. Those registered (generally natural persons but, in some cases, also legal persons) are bound to comply with current legislation regarding the carrying out of activities of professional representation of interests. Moreover, he formulates three hypotheses of transparency of lobbying activity, to which correspond three different forms of monitoring it (Sgueo, 2014).

1. The first is the hypothesis of "non-transparency". That is one in which a register, or any other form of census, is absent (Sgueo, 2014). This is, among others, the Italian case. As of 2021, in Italy, there is no specific legislation at the national level but there are some internal regulations for a branch of Parliament, five regions, and three ministries. Generally, at least for lobbyists, these regulations are not mandatory but may impose obligations on members of the administration that adopted the regulation. The ministries that have established some sort of registry are the Ministry of Economic Development, the Ministry of Agricultural Policy, and the Ministry of Labor and Social Policy. And the five regions with internal regulations are Toscana, Molise, Abruzzo, Calabria, and Lombardia (European Parliamentary Research Service, 2021). Interaction between the latter and the institutions, therefore, takes place in the absence of any monitoring or detection. The timing, forms, and means are unknown. The only sporadic information available comes from research activities research carried out by private organizations or, more rarely, by universities (Sgueo, 2014).

The Italian case is not isolated though. Similar conditions can be found in most European countries. For example, as of 2021, Denmark, Finland, Latvia, Malta, Sweden, and Czechia have no registry and, apart from Malta, have a code of conduct of "self-regulation". Another singular situation is found in Bulgaria, Estonia, Portugal,

and Slovakia where the possibility of a registry is "under discussion" (European Parliamentary Research Service, 2021).

2. The most frequent hypothesis is that a register (or an equivalent instrument) exists, but the registration of lobbyists is optional. The decision to allow lobbyists the freedom to register (and thus make their professional activity subject to monitoring by the public decision-maker) aims to establish a separate regime of guarantees. Those who join the register have the opportunity to gain advance access to the documentation accompanying a legislative proposal and to submit their comments. Those who do not join the register may still view the documents and participate in the formation of decisions, but a subordinate position for those registered (Sgueo, 2014). As of 2021, voluntary registration is found in Belgium, Catalonia, Croatia, Germany, Italy, Romania, Spain, and Scotland (European Parliamentary Research Service, 2021).
3. Lastly, there is the full disclosure option. This is the solution adopted by the US government. Since 1995, US federal law has imposed precise constraints on all those who lobby Congress and federal agencies. In addition to the detailed report of their activities, which must be provided every six months, individual lobbyists and companies must indicate the agenda of their meetings with public decision-makers, the purpose of their lobbying activities, and, above all, the budget allocated for each year to lobbying.

Total disclosure makes a wealth of information available to stakeholders. The data tracks the trend in funding for lobbying activities, the professional mobility of lobbyists, the frequency and purpose of meetings between political office holders and corporate representatives, as well as a wealth of information on the development of the profession (average age, gender difference, educational qualifications). This is an invaluable resource for researchers and journalists, as well as for legislators, who own the necessary information to evaluate the adoption of corrective measures to the current discipline. It happened, for example, in 2007, with the approval of the Honest Leadership and Open Government Act (an act that introduced new transparency constraints on lobbyists) and, again, in 2012, when the government

approved new restrictive measures against the professional mobility of lobbyists. In both cases, the government was able to intervene with ad hoc measures, taking advantage of the information made available by the register (Sgueo, 2014).

As of 2021, in Europe, mandatory registration exists in Austria, France, Ireland, Lithuania, Poland, Slovenia, and the Netherlands. In the United Kingdom, the Transparency of Lobbying Act of 2014 also has mandatory registration even though the code of conduct is one of self-regulation (European Parliamentary Research Service, 2021).

Table 1. by the European Parliamentary Research Service (2021) on the next page summarizes the discourse about the three hypotheses of lobbying transparency just discussed.

	Legislation	Register	Code of Conduct	N. of registrants
Austria	Transparency Package (2013)	mandatory	self-regulation	345
Belgium	soft regulation	voluntary	legislation	-
Bulgaria	under discussion	under discussion	none	-
Catalonia	Catalan Transparency Act (2017)	voluntary	self-regulation	79
Croatia	self-regulation	voluntary	self-regulation	64
Czechia	self-regulation	none	self-regulation	-
Denmark	self-regulation	none	self-regulation	-
Estonia	under discussion	under discussion	none	-
Finland	self-regulation	none	self-regulation	-
France	'Loi Sapin II' (2017)	mandatory	legislation	2210
Germany	soft regulation	voluntary	none	2285
Ireland	Regulation of Lobbying Act (2015)	mandatory	legislation	2110
Italy	soft regulation	voluntary	self-regulation	140
Latvia	self-regulation	none	self-regulation	-
Lithuania	Law on Lobbying Activities (2021)	mandatory	legislation	151
Malta	under discussion	none	none	-
Poland	Act on Legislative and Regulatory Lobbying (2006)	mandatory	self-regulation	507
Portugal	under discussion	under discussion	none	-
Romania	soft regulation	voluntary	legislation	241
Slovakia	under discussion	under discussion	none	-
Slovenia	Integrity and Prevention of Corruption Act (2020)	mandatory	self-regulation	82
Spain	self-regulation	voluntary	self-regulation	579
Sweden	self-regulation	none	self-regulation	
The Netherlands	soft regulation	mandatory	legislation	114
United Kingdom	Transparency of Lobbying Act (2014)	mandatory	self-regulation	166
Scotland	Lobbying (Scotland) Act (2016)	voluntary	self-regulation	1366

Table 1. Transparency of lobbying in Member States and the UK.

Source: European Parliamentary Research Service, 2021.

Another aspect Sgueo (2014) takes into consideration regarding the problem of transparency in lobbying is the proliferation of initiatives promoted by the private sector (and, in particular, by non-profit organizations) intending to improve lobbying transparency. The first initiatives date back to mid-2010, their aim was to make up for the shortcomings of public decision-makers in guaranteeing the transparency of lobbying activities. Examples include the Italian Openpolis, the French Regards Citoyens, the German Lobbyplag, and, finally, the Indian I Paid a Bribe. Since 2013, Transparency International has also started a project to monitor lobbying groups across Europe, involving activists, academics, and lobbyists of different nationalities.

The case of private initiatives that arise in total disclosure regimes is different. In this case, the aim is to collect and process data made available by the legislator. It is not, therefore, a question of filling a gap, but rather of enriching the information available and, where present, identifying critical points on which to call for corrective action on the part of the public authorities. Among the best-known cases in the United States are Maplight and Legistorm. The former shows the correlation between the funding received by congressmen and the voting preferences expressed by them during the legislature. Legistorm, on the other hand, tracks and disseminates all the activity of members of the U.S. Congress, including statements to the media and collateral activities in which they are involved.

Some objections are raised against the activity of private associations, or watchdogs, that monitor the activity of public decision-makers. The first concerns the certification of the information disseminated. In some cases, the projects promoted by non-profit organizations end in a very short period, the time between the start and end of a media campaign. In these cases, it is impossible to certify the validity and scientific rigor of the data disseminated.

Moreover, it is not uncommon for private organizations to proceed intermittently due to the absence of financial backers and the predominantly voluntary nature of the contribution of those assigned to projects. For this reason, too, it is difficult to certify the accuracy of the data collected.

The third concern is common to all nonprofit associations. If they gain access to public funding, private associations that claim to exercise supervisory functions paradoxically find themselves in the same position as the public bodies they purport to control. In other words,

they must certify that they are third parties concerning any interest, but they do not have any third-party body formally appointed to control their work. The solution to this problem on the part of some associations has consisted in the approval of ethical standards to guide their work, as well as the maximum transparency of budgets through the web (Sguelo, 2014).

2.3.2. Transparency in the EU Institutions

Over the past 25 years, in the political and institutional debate in the European Union, lobbying has become such an important issue that many now compare Brussels to Washington DC in this respect. The European Union's growing role as a policymaker has certainly contributed to the development of this phenomenon. And as the European institutions have expanded their regulatory powers in areas such as environmental law, the single market, consumer protection, and policy proposals have become more nuanced, they have come to rely more on technical expertise to draft legislation, provided by outside interest groups among others. Several effects have been attributed to this process.

First, through this process, a stronger relationship has been created between interest groups, who desire access to the EU legislative process, MEPs, and EU officials more generally, who often welcome information that lowers uncertainty about policy outcomes and offers support for the policy process itself. This process has also encouraged steps toward greater transparency and accountability in EU decision-making. The inclusiveness of interests from civil society and business sectors has also been fostered. European citizens were given a "voice" by interest groups between elections, thus helping to overcome the democratic deficit within the Union. Finally, the plurality of the Union's decision-making process has also been encouraged. And in addition to large corporations, trade unions, and NGOs, smaller and weaker lobbying groups are also lobbying the EU. These have been able to gain access to the EU's decision-making process and provide underrepresented minorities with a greater voice in the EU's legislative process.

Effective regulation of lobbying would mean that regulation should not only support both information and data flow from the lobby representatives to the decision-makers but also ensure transparency about who is influenced by whom, and for which policy (Sguelo, 2015).

Finally, Sgueo (2015) highlights four concerns regarding the transparency and accountability of lobbying practices in the EU case:

1. estimates of interest groups lobbying the EU institutions' numbers;
2. information on EU interest groups typology;
3. information on lobbying expenses; and
4. conflicts of interest.

2.3.3. Towards the Transparency Register

Widespread lobbying in the EU institutions has led to criticism regarding the transparency and accountability of the EU decision making process (Mańko et al., 2014). In Europe, the debate on the transparency of acts and behaviors, but above all on the enormous relevance of the economic interests subjected to legislation, began to take shape in the second half of the 90s (since 95 the Parliament began to keep a register) (Troiso, 2020).

Marchetti (2018) explains transparency measures within the EU institutions.

The first phase of transparency measures involves the two main institutions, Parliament, and Commission, to ensure greater transparency in decision-making processes. The period is immediately following the Single European Act, when for the first-time majority voting was introduced in the Council, causing a strong shift of lobbyists from the national to the European level. In this first phase, the two institutions proceeded separately to adopt a series of measures that marked a first commitment in the direction of the emergence of lobbies. These measures resulted in the publication in January, in the Official Journal, of the annual legislative program and the formulation of a Code of Access to Documents that required the Commission to make accessible any internal document except those that could harm public or private interests. In the same years, the Parliament, after a long and tortuous process, also regulated the right of access through an annual personal pass that could be renewed after the presentation of a report on the activities carried out.

The second phase of transparency measures seemed to take a more incisive turn with the declared awareness in the 2001 White Paper on "European Governance" of the need "to renew the Community method". That text starts from the observation that the Union is

increasingly perceived "as something too distant and, at the same time, too intrusive", creating in fact "a growing gap" between the European Union and its citizens.

In a context of deep crisis in the European project, the European Commission resumes the path of regulation of lobbying, interrupted in the mid-90s, and launches the "Transparency Initiative" (2005), followed by the publication of the "Green Paper on the European Transparency Initiative" (2006). In the Green Paper, the Commission for the first time adopts a definition of lobbying that is essentially "operational", i.e., aimed at considering the lobbying activities carried out, and not substantial, i.e., attentive to the different types of interests represented. In adopting the definition of lobbying proposed by the Commission, it can be deduced that this category includes any activity of pressure exercised on institutions. This definition, however, does not consider a further level of analysis that looks at the distinction between private interests and the obligation of the European institutions to identify and safeguard "the general interest of the Community". In this way, the Commission sidesteps one of the main issues highlighted by studies on pressure groups, namely the contraposition between strong and weak interests. Over the years, this opposition has in part been reduced and has been flanked by the opposition between private interests and public interests, which also changes the perspective from which lobbying activities are viewed. If viewed from the outside, the activities carried out can easily be equated - in any case, it is an act of pressure on the institutions - on a substantive level, it is different if these activities are carried out in the name of private interest or public interest.

Since the publication of the Green Paper on the European Transparency Initiative, the Commission has launched an open consultation in which interested parties have participated, including some EU member states, private sector interest groups, NGOs, and numerous private citizens. In particular, the various participants in the consultation process expressed a critical opinion regarding the Commission's use of the term "lobbying", which reiterated that this term did not imply any negative judgment, emphasizing the usefulness and legitimacy of lobbying activities in democratic systems. However, accepting these comments, he proposed calling the Commission's registry the "Register of Interest Representatives." The most important consequences of the Transparency Initiative are

contained in the Commission's 2008 Communication in which a Code of Conduct was presented, and a Register of Interest Representatives (ROIR) was established voluntarily. At the time of registration, which remains voluntary, the organizations agree to comply with the Code of Conduct established by the Commission (or a comparable professional code). The drafting of the Code of Conduct was in turn preceded by a public consultation that drew more than 60 contributions. As stated in the Commission's communication, the consultation revealed a broad consensus on a concise and concrete code as proposed in the consultation document. Several organizations would like to see a more ambitious code, with a broader scope covering issues such as conflicts of interest or so-called "revolving doors", which the Commission does not consider to be within the remit of this initiative. The Communication closes with an invitation to the European Parliament, the Committee of the Regions, and the European Economic and Social Committee to consider the possibility of closer cooperation in this area.

One controversial point, says Marchetti (2018), is the requirement to declare information about sources of funding at registration. This is a particularly incisive novelty: groups in the category of consultancies and law firms should declare the total turnover generated with the activities of interest representation (total income from the various clients); "in-house lobbyists" representing trade associations should provide "an estimate" of the total cost of representation; other groups, NGOs, study centers and other organizations, should indicate their budget with the various sources of funding (public funds, donations, contributions). This financial information should be updated annually. Periodically, the Commission takes stock of the situation and launches some initiatives for the future. Registrations show a steady growth rate, although there are numerous requests for clarification regarding the publication of financial data.

In its 2008 communication, the Commission announced the launch of a path of cooperation with the European Parliament, thus laying the foundations for the next step which will lead in June 2011 to the signing of the Parliament-Commission Interinstitutional Agreement for the establishment of a "Single Transparency Register" (OJ L191/29 22.7.2011). The Agreement provides for the categories to which registration is open (Annex I); the information required, including financial reporting obligations (Annex II); and a Code of

Conduct (Annex III). It is interesting to note that the text of the Interinstitutional Agreement does not explicitly refer to lobbying (except in the annex containing the subjects for which registration is provided), preferring to use the formula: "Transparency Register for organizations, legal persons and self-employed persons engaged in the development and implementation of Union policies". At the same time, it broadens the scope of activities for which registration is envisaged; in practice, the Registry involves all those who to some extent seek to influence the implementation of European policies and decision-making processes. In this perspective, although parties, local authorities, churches, and religious communities are excluded from the Register, organizations supported or created by parties or religious movements and offices created to represent the interests of local authorities are not.

Lastly, those who register are required to sign a Code of Conduct, which is substantially the same as that proposed in the 2008 communication, for the violation of which a system of sanctions is envisaged (see Annex IV of the Interinstitutional Agreement).

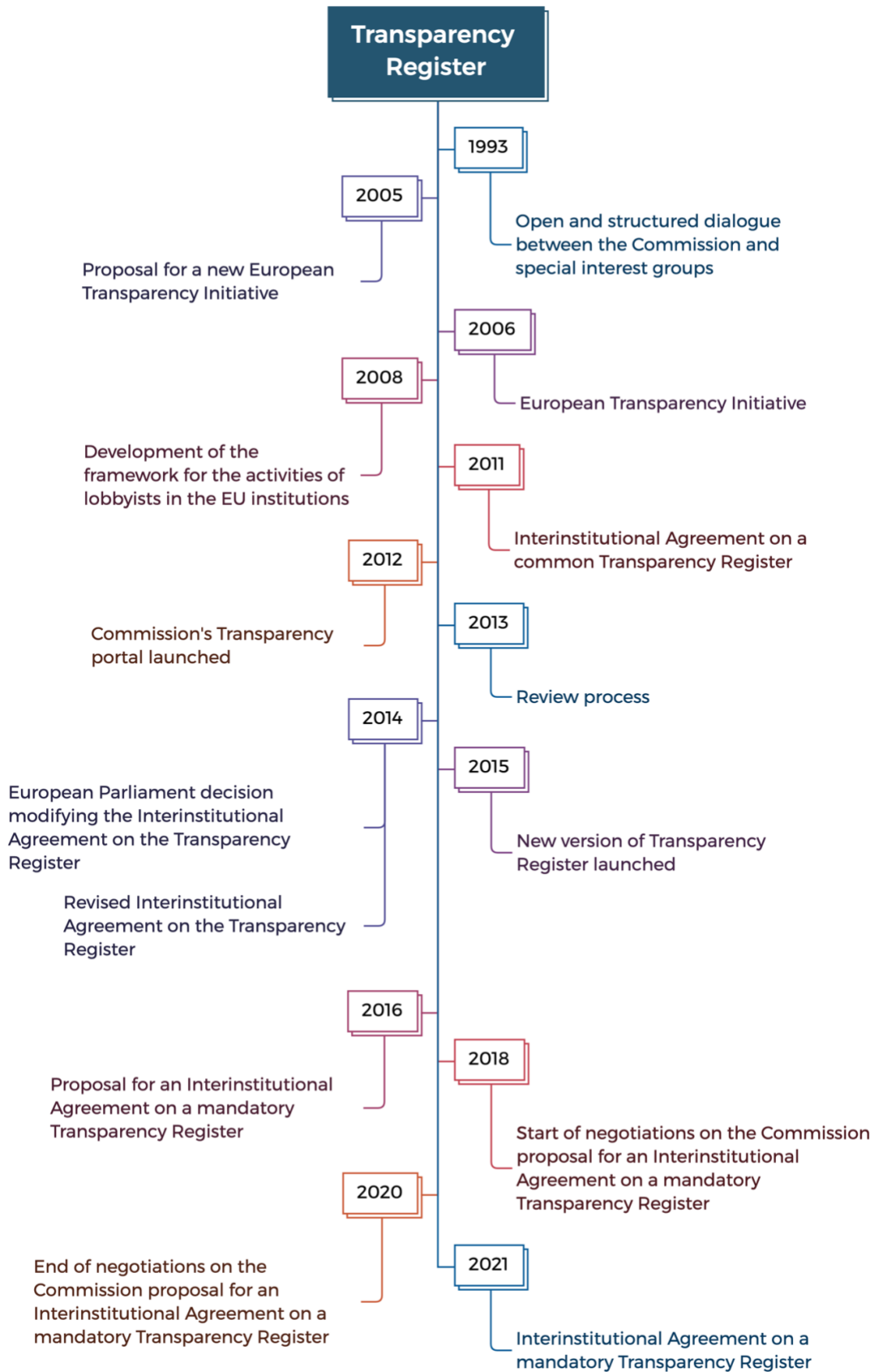
The Parliament/Commission Interinstitutional Agreement was revised in April 2014 (L 277, 19.9. 2014), but in fact, its basic approach has not been altered: it changes in part how human resources carrying out lobbying activities are declared; additional information is required on participation in committees, forums, intergroup and similar structures within the EU and on the legal files currently followed (to avoid the phenomenon of revolving doors); it extends to all registered entities the obligation to declare the estimated costs related to such activities.

In March 2016, the Commission launched a public consultation to prepare a single Register, mandatory for Parliament, Commission, and Council, following which it received 1,700 contributions; in September of the same year, the Commission submitted a proposal for an Interinstitutional Agreement to the other institutions. The proposal contains a soft definition of lobbying, compared to the definition given by the Green Paper on transparency. It states that "this Agreement applies to activities that promote certain interests through interaction with any of the three signatory institutions, their members or officials, intending to influence the formulation or implementation of policies or legislation, or the decision-

making process within those institutions". In contrast, the Green Paper on Transparency explicitly referred to "all activities" and not just "interaction."

In June 2018, the second round of consultations between the three institutions was launched, with the hope that an agreement could be reached before the European election deadline (Marchetti, 2018). Moreover, in 2020, there was the end of negotiations on the proposal for an Interinstitutional Agreement on a mandatory Transparency Register which finally enter into force in 2021.

On the next page, the long path towards the Transparency Register as it is known today is summarized in the timeline in Figure 5.



Presented with XMind

Figure 5. Transparency Register timeline.

2.4. The Transparency Register

“The Transparency Register (TR) is a database listing ‘interest representatives’ (organizations, associations, groups, and self-employed individuals) who carry out activities to influence the EU policy and decision-making process. It is designed to show what interests are being represented at the EU level, by whom and on whose behalf – and the resources devoted to such interest representation activities (including financial support, donations, sponsorship, etc.) [...] The Register is managed by a Secretariat, comprising staff from the European Parliament, Council and Commission” (TR_1, accessed May 2022). Moreover, “entries must be accurate, complete, and up to date and all those on the register must sign a code of conduct. Every new organization asking for registration will be checked and can be removed if there's a complaint” (EU Parliament, 2016).

The EU Commission and Parliament have had a joint register since 2011 called the Transparency Register which has replaced the two registers that used to be maintained separated by these two institutions. While the Parliament's register dates to 1995, the Commission's register only came into being in 2008. The Council, on its side, has played the role of observer of the current process since 2014, but it is only under the conclusions of the negotiations on the new agreement reached in late 2020 that it became a full member.

The Transparency Register aims to provide more accessibility to those who want to interact with the EU institutions, allowing them to publicly declare their interests and provide their information. However, registration becomes necessary if one wishes to carry out certain activities aimed at influencing EU policies, such as speaking at a public hearing of a European Parliament committee (EU Parliament, 2021).

As Figure 6. shows, the number of registered organizations (y-axis) has grown over the years (x-axis). As of April 2021, there were about 12,500 organizations with a total of nearly 50,000 workers, including non-governmental organizations, trade associations, companies, trade unions, and expert committees (EU Parliament, 2021).

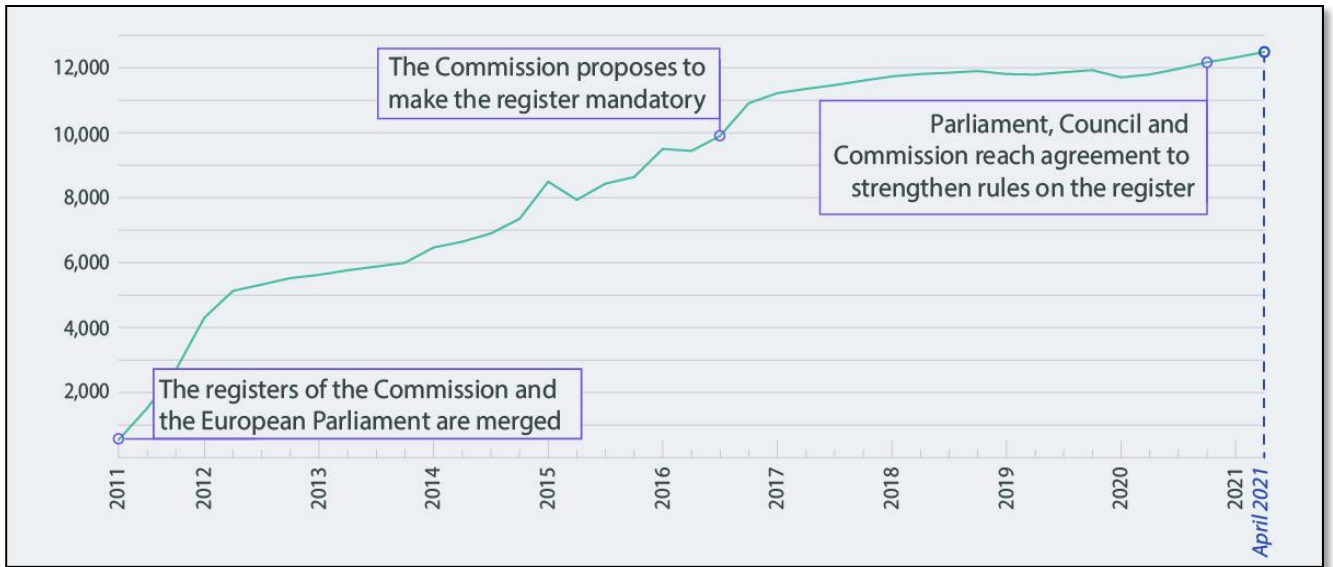


Figure 6. Number of registered organizations on the TR

Source: EU Parliament, 2021.

Finally, the organizations that appear on the registry vary widely in size and interest. However, for most organizations, the topics with the highest interest are the environment, research and innovation, and climate action. And, as Figure 7. shows, nearly one-fifth of these organizations (equivalently the 18.2%) have an office in Belgium (EU Parliament, 2021).



Figure 7. Breakdown of the registered organizations on the TR

Source: EU Parliament, 2021.

2.4.1. TR Features and Registration procedure

The Transparency Register (TR) is currently the most advanced instrument for the regulation of lobbying in the EU, especially concerning powerful interests. At the same time, it is not without its limits and contradictions (Greenwood & Dreger, 2013).

Interests represented in the TR are mainly of 3 types: those who do not represent commercial interests, those advancing interests of their clients, and those promoting their own interests or collective interests of their members. Figure 8. below presents a pie chart with the percentages of interests represented in the TR. As one can see, the larger category is the grey one with a 64% share, that is "Registrants promoting their own interests or collective interests of their members" (TR_2, accessed May 2022).

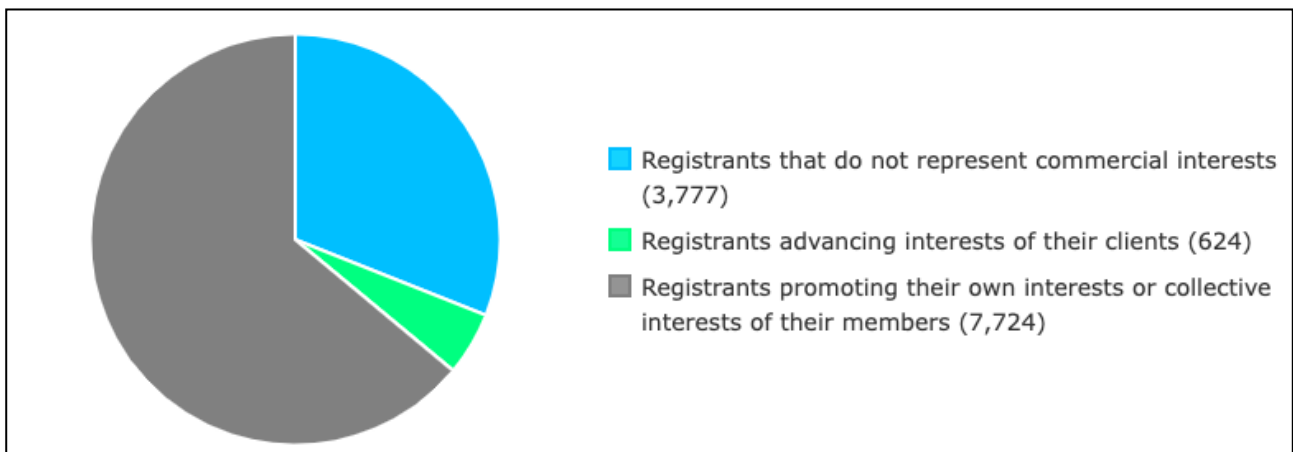


Figure 8. Interests represented.

Source: TR_2, accessed May 2022.

Its broad scope is the most distinctive feature of the scheme, with an explicit focus on indirect forms of lobbying. Its scope includes both the informal networks that are identified by the accompanying guidelines and the indirect means of lobbying such as events and conferences. Moreover, there are numerous incentives to join the Register, some are (Greenwood & Dreger, 2013):

- The option (in theory) to exempt unregistered organizations from selective consultation meetings when other consultation opportunities (such as public consultations) are in place;

- Directions to Commission personnel concerning the issuance of invitations to register for meetings;
- Accreditation of 12 months for a daily access pass to the European Parliament;
- Appointing and disgracing unregistered organizations; and
- In the Register, the option to subscribe to consultation notices for named policy areas.

To date, the Transparency Register includes 13 registrant categories. Among these, the top 3 by the number of registrants are (in ascending order) "Trade and business associations" (2,616), "Companies & groups" (2,865 registrants), and "Non-governmental organizations, platforms and networks and similar" (3,389) (TR_2, accessed May 2022). Figure 9. represents a bar graph with the type of registrants on the y-axis and the number of registrants on the x-axis.

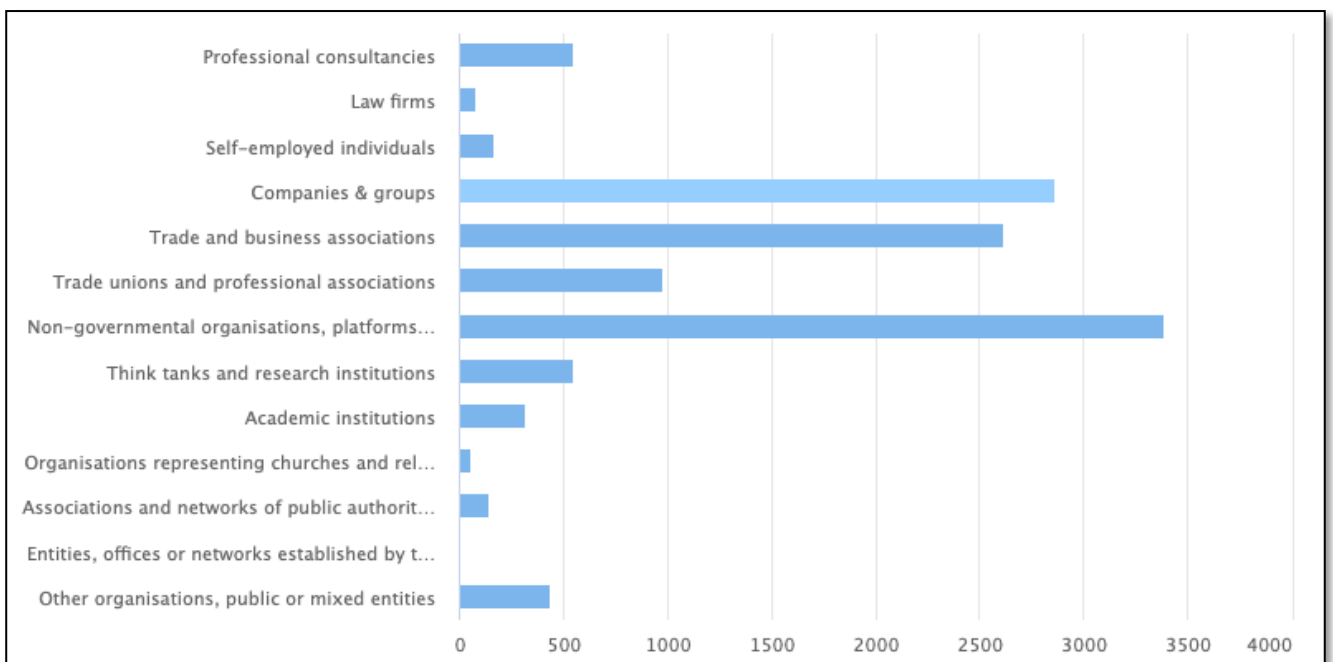


Figure 9. Categories of registrants.

Source: TR_2, accessed May 2022

In addition to categories, subscriptions are also distributed into subcategories. These cover the "usual suspects" and more, all the way down to research institutions, think tanks, and even representations of public authorities (Greenwood & Dreger, 2013)

Registration can be done in any of the 24 official languages of the European Union. And this incites discussions of transparency. Greenwood and Dreger (2013) tried to find evidence of strategic language use, i.e., non-native or less popular languages, during the registration process. But analysis of the relatively low number of Cyrillic and Polish entries provided zero evidence of this. Through a web interface, any registrant enters responses to mandatory information fields on (Greenwood & Dreger, 2013):

- organizational details;
- contact information and responsible persons;
- lobbying expenses;
- objectives and mandate;
- the "number of persons engaged in activities falling under the scope of the Transparency Register";
- the names of any persons accredited for access to Parliament's premises;
- and to confirm compliance with the code of conduct.

Early in the registration process, there is a potentially important point that will determine future data entry requirements, which is when the registrant chooses the category under which to appear on the Register. In general, the rule is that consulting firms, business-related interests, and labor unions (i.e., producer interests, which comprise categories I and II of the TR) are required to disclose lobbying expenditures (consulting firms are required to disclose their clients with turnover data), while for others (for the most part, non-producer interests in categories III-VI of the TR, populated primarily by NGOs) it is optional.

On the contrary, non-producing interests are asked to provide information on their territorial membership spread, while most producing interests are not. Such differences are strengthened by the scheme's presentation of registration categories on its website through the use of a "bold black line" that conspicuously distinguishes producer interests from others (de Castro Asarta, 2011).

During the process, there are options to provide additional information in some fields. Either way, registration can be completed even without answering questions about network membership or lobbying practices from the previous year. There is an option through which you can receive consultation notices for named areas of interest. Once registration is complete, an entry is published on the website automatically, i.e., the EU institutions do not conduct any preliminary examination. Using a search engine, a limited number of data fields can be analyzed and cross-referenced as well. It would seem to be the EU institutions with their requirements for identifying consultants that would drive the selection of survey fields.

“The Register is managed by its Secretariat made up of officials from the units responsible for transparency issues in the European Parliament, the Council, and the Commission. Its tasks include the day-to-day functioning of the register, deciding on the eligibility of applicants and monitoring the content of the register, establishing guidelines with practical information for registrants, examining complaints and carrying out investigations, and providing helpdesk support to applicants and registrants. A Management Board of the register made up of the Secretaries-General of the 3 institutions (European Parliament, Council, and Commission) oversees the work of the Secretariat” (TR_3, accessed May 2022).

The Secretariat of the Joint Transparency Register (JTRS) monitors data in limited quantities, administers complaint procedures, and imposes sanctions that include both withdrawals of pass access to EP buildings and certain reputational consequences. Registration entries are not routinely checked by JTRS because the European Commission prefers those nuances of accreditation to be avoided but it is also true that there is a lack of resources to do so (Greenwood & Dreger, 2013). The JTRS undertakes random quality checks. For example, "targeted" data fields are identified on TR web pages as being subject to a particular check. Two fields are flagged as targets for quality checks (Greenwood & Dreger, 2013).

- The category of entry chosen by registrants – manufacturer-related interests may avoid disclosing financial information by selecting other categories. In this way, opportunities for miscategorization are created because of the presence of some design flaws.

The question "in which section do you want to register?" appears as an invitation to both choice and deliberation. Nomenclature errors may appear to justify manufacturer-related organizations selecting an alternative subcategory "non-governmental organizations, platforms and networks, and the like" or another for "other mixed entities." In 2013, Greenwood and Dreger (2013) identified 15% (equal to 253 entries) of the total NGO entries (1553) to be miscategorized. In particular, about 150 entries were more likely to pertain to the subcategory "trade, business and professional associations". Some of the organizations involved were Qantas Airways Limited, the Federation of European Private Port Operators, the International Organisation of Aluminium Aerosol Container Manufacturers, the Architects' Council of Europe, the German Association of Political Consultants, and the Malta Stock Exchange plc. The consequences can be impressionistic, this is because the presentation of category counts is among the first points of entry to tabular information on the TR website.

- Entries for lobbying expenditures – these are located at the extremes of the ranges. Outliers that are excessively high have a temporary life on the Register as they suggest that there is some monitoring going on. In the very first annual revision of the TR in November 2012, the JTRS undertook an average of 15 weekly checks that revealed that 40% of entries were problematic. The quality of the data was somewhat dependent on the monitoring of entries undertaken by outside activists. One way the JTRS could improve the efficiency of its random checks was with the progressive introduction of IT tools. In this regard, the Commission of the European Communities (2007) once rejected the idea of having an external monitoring agency on the basis that doing so would blur the lines of accountability for interactions with interest groups.

2.4.2. TR extent of coverage

The Transparency Register is the product of a combination of systems of record administered by the EU Commission and Parliament, but it more closely resembles the Commission's 2008 Register of Interest Representatives (ROIR) system in concept and

operation, epitomized by the leadership of the Commission of the JTRS. The Register has followed each of its predecessors in encouraging registration but leans more heavily on the ROIR legacy in providing the public with information about lobbying groups. The previous Parliament's Accredited Lobbyist (AL) scheme dating back to 1997 provided for registration of individuals in exchange for signing a code and access pass to Parliament buildings but no public information was provided from the registration results other than listing on its website the pass holders names and their organizations of employers. Instead, the TR is oriented toward generating useful public information rather than creating arrangements for elites for their access to political institutions. In doing so, the TR scheme sits in a tradition preoccupied with legitimacy (Greenwood & Dreger, 2013). Finally, incorporating the Register within a set of broader legitimacy-oriented governance arrangements meets the core criteria for lobbying regulatory systems recommended by the Organization for Economic Cooperation and Development (OECD, 2009).

The scope of coverage of the Registry was extended by the name change, this made it easier for those organizations that were opposed to their inclusion in the ROIR to join. Another new feature of the TR was the reinforcement of it with the "bold black line" separating producer interests from others (Greenwood & Dreger, 2013). The justificatory discourse also changed. In fact, TR's words of introduction on the website focus on the citizen alongside the ambitious discourse of "avoiding privileged access to information and decision-makers" even though ETI's 2006 Green Paper had articulated the "legitimacy of lobbying" (de Castro Asarta, 2011).

For registers, the ultimate test is the degree to which they capture the population that routinely lobbies political institutions. ROIR drew more than 4,000 registrations before the TR transition. Stronger incentives to register to the TR caused ex-custodians, Commission Vice President Šefčovič and former EP Vice President Wallis, to depict it as "de-facto mandatory" (Moss, 2011: 25). This claim was first challenged by ALTER-EU in mid-2012 with the Dodgy Data report which demonstrated that the "de-facto mandatory" label was not justified. The report listed 120 firms and 68 lobbying consultancies that were not registered on the TR but had a Brussels address classified in one of the most popular EU lobbying organizations' commercially available directories (ALTER-EU, 2012). Of these directories, 9

firms and 12 consultancies had then registered. The remaining 167 absentees, while representing a small proportion compared to the 2095 entries in the TR with a Brussels office, still represented a much larger proportion compared to their categories. By the time the 111 absent firms were added to the population of firms in the Brussels-based TR (303), the absentees constituted 27% (111 of 414) of the total. The equivalent figure for consultants was 24% (56 of 233). The missing constituency, therefore, constituted 25.8%.

In addition, Greenwood and Dreger (2013) examined the content of the TR's "NGO" category. In particular, they confronted it with a list of 122 member organizations identified from the websites of eight "families" of EU NGOs that were either incorporated at the European level or had an office for EU policy in Brussels. At the time, this represented 35% of all NGOs with an office in Brussels representing European interests. And of this sample, 41% (equal to 50 data) had no entry in the TR. This represented an indicative percentage of NGO coverage of about 60%. What the authors noted was the possibility that some organizations may have mistakenly believed they had "indirect" registration through their membership in another organization on the Register. For example, Ryanair made a similar claim regarding its membership in the Association of European Airlines (The Irish Times, 2012).

Among the various incentives for joining the Transparency Registry is definitely the European Parliament pass. An important incentive for registered organizations is that, for them, the EU institutions reserve limited invitations to meetings. This is because discussions with key stakeholder organizations on specific policy details take place across diverse consultative forums. Practically, unregistered organizations are not excluded by the European Commission but at most are invited to join the Register, either in the context of bilateral or multilateral meetings. In addition, consultative forums webpages of the Commission vary. While the webpages for DG Trade Civil Society Dialogue highly reinforce the importance of being on the Transparency Register, those for DG Sanco's EU Health Policy Forum in contrast do not mention it, and its membership list includes several unregistered organizations. Yet a "naming and shaming device" lists participants in consultations not being on the Transparency Register independently from others in follow-up reports that can be found on the European Commission's consultation portal that is Your Voice in Europe.

From the ROIR to the TR, there has been an expansion of operational guidance to identify a list of activities and facilities covered by and exempt from the Register. The effect appears to have been the capture of most of its predicted targets. In any case, registrations driven by pure reasons of opportunity for free publicity are in no way discouraged unless there is active administrative intervention. In 2013, roughly 35% of registrations on the Register (1975 registrants) did not identify "European" in the territorial levels of interests they represented. Several bizarre examples may be on the Register, and these have little or no apparent connection to European lobbying. These cases are "distracting noise" when compared to the progress made to improve the quality of voices for the key players present in Brussels even though to some it seems that their presence discredits the Register. NGOs like ALTER-EU, understanding the need to lead by example, demand transparency from others. In fact, among its more than 200 members, ALTER-EU has circulated a methodological model that some companies have used to calculate their data. Other companies, however, prefer to follow the guidelines of the Society of European Affairs Practitioners (SEAP) and the European Public Affairs Consultancies Association (EPACA). As a result, since the beginning of the TR, there has been a gradual upward drift in data quality, with the voices most complete from those striving for higher standards, and from those in their firing line (Greenwood & Dreger, 2013).

2.4.3. Latest reform of the TR

In July 2021, the 2021 Interinstitutional Agreement on a mandatory Transparency Register entered into force. "A new registration form was introduced, which reflects requirements resulting from the Interinstitutional Agreement. Registrants have received an invitation to amend their registration between 20 September 2021 and 19 March 2022, to remain on the register". As of today, 100% of registrants have amended their registrations (TR_2, accessed May 2022).

Kim Fhyr (2021) analyzes the negotiations on the TR reform from the angle of the legislative process and focuses on the TR proposal life cycle. He argues that "the achieved compromise provides added value to the TR regime of the EU. Moreover, the compromise has contributed to transforming the EU TR towards a hybrid transparency system consisting

of elements of a different nature” (Fhyr, 2021: 177). Fhyr (2021) uses data from early 2010s TR instruments to reflect on the latest reform of the Register. Early 2010s TR instruments provide a key starting point for an assessment of the fundamental changes made during the 2021 reform.

The Commission presented its proposal for an interinstitutional agreement on a mandatory Transparency Register in September 2016. For the Transparency Register reform, the legal basis was Article 295 TFEU, which foresees the use of interinstitutional agreements. And the Juncker Commission's reinforced commitment to enhancing transparency was in the background. In a press release on September 28 of 2016, the EU Commission stated:

“The Commission has today proposed an Interinstitutional Agreement (IIA) which will put in place a robust system ensuring the transparency of lobbying activities, building on the existing voluntary Transparency Register of the Parliament and the Commission. The Commission is proposing that all three institutions – including the Council - be subject to the same minimum standards for the first time. Under these proposals, meetings with decision-makers from the three institutions would become conditional on prior registration in the Transparency Register. Since the Commission introduced this rule for its own interactions with interest representatives in November 2014, there were around 4,000 new entries in the existing Register” (EU Commission, 2016).

Fhyr (2021) continues and explains that the Commission College has over the years adopted a uniform position on transnationality standards for meetings with lobbyists. Lobbyists wanting to meet with Commissioners and Commission officials must register in the TR. Failure to do so will result in the meeting not taking place. One should keep in mind that the Commission and the EP are supranational institutions, meanwhile, the Council is intergovernmental and is, therefore, *sui generis* in terms of transparency best practices. Hence, the key difference is that transparency rules of an instrumental part of the Council – the Permanent Representations of the Member States – can be stemmed from national law.

Under its proposal, the Commission has also taken up civil society's demand for more transparency in EU policies. People have criticized the EU for making decisions behind closed doors for decades, and the Commission's proposal was a tentative response to such criticism.

NGOs had objected to the voluntary nature of the former TR. So, extending the TR seemed a very natural course.

From the standpoint of its content, the 2016 Commission proposal's most significant change compared to the 2014 TR concerns the scope. In fact, the proposed Interinstitutional Agreement (IIA) extended the scope of the Council. The coverage of transparency agreements for the Council has been extended to the Council Secretariat, albeit to a limited extent. Moreover, the proposal went beyond the rules present in Article 5 of the IIA and covered the interactions of the Permanent Representative and the Deputy Permanent Representative of the current and next Council Presidencies. Then, Article 13 provided for the possibility of voluntary involvement of the Permanent Representations of EU member states.

Transparency Register inter-institutional negotiations went on during the Bulgarian, Austrian, and Romanian presidencies until 2019 when they came to a halt due to the European Parliament elections and the resulting internal organization of the EP and the change of the Commission. Throughout this negotiation stagnation, the European Ombudsman Emily O'Reilly made suggestions on the TR in June 2019 because of the complaints filed. She wanted the Register to be a "central transparency hub" for all institutions and agencies and believed that monitoring and sanctions should be regulated. Another issue raised was the need to regulate lobbying by member state officials.

The negotiations resumed in 2020 after the institutional changes. The most important political and legal issue to be extracted from the negotiations was conditionality, that is the implementation of the "no registration, no meeting" principle. From the part of the Commission, there was a lot of fidelity to the principle until the change of its mandate. But the institutions agreed on an alternative path, including complementary elements of a different nature than the TR agreements, because it was evident that it would not be possible to agree on the application *stricto sensu* of the conditionality principle because of legal constraints.

Negotiations regained momentum during the German Council presidency, despite the technical restrictions that COVID-19 imposed on the conduct of negotiations. The

settlement found was characterized by a slightly lower level of ambition, but it constituted a convenient and relevant way for all institutions to be involved in the TR.

Finally, a compromise on the package was reached by the European institutions in December 2020. On April 13, 2021, the EP AFCO committee voted on the package, and the EP plenary adopted it on April 16, 2021. The Council agreed on May 6, 2021, to the adoption of the entire package, which was published in the Official Journal on June 11, 2021. At present, it comprises the IIA, the Council Decision, and the Code of Conduct (Fhyr, 2021).

3. EU lobbying in practice: the VW case study

3.1. Relevance of the case study

The VW case is exemplary for studying lobbying in the EU for several reasons.

First, VW is a German company, and Germany is an area where there is more of a lobbying culture in the EU than in other national cases. In addition, VW, both as a stand-alone group and as a member of various trade associations (ACEA, VDA, BDI, etc.), engages in intensive lobbying, taking advantage of well-thought-out strategies, both direct and indirect.

At the end of 2020, German companies that spent the most on lobbying were Bayer AG (€4.3 million), Siemens AG (€3.3 million), and Volkswagen AG (€3.3 million). As for the trade associations, the biggest spender was the German Chemical Industry Association (€4.5 million), followed by the German Engineering Federation (€4 million), the German Association of Energy and Water Industries (€3 million), and the Federation of German Industries (BDI) (€3 million). At the end of 2021, the biggest lobbying spenders were Bayer AG (€4.3 million), BASF SE (€3.3 million), and again Volkswagen AG (€3.3 million). As for the trade associations, the German Chemical Industry Association ranked first (€4.3 million), followed by the German Engineering Federation (€3.8 million), the German Association of Energy and Water Industries (€3.3 million), and the Federation of German Industries (€3.3 million) (LobbyFacts_2, accessed June 2022). Finally, as of today, the following German companies have spent the most money on lobbying in Brussels: Bayer AG (€4.9 million), BASF SE (€3.3 million), and Volkswagen AG (€3.3 million). Among the associations, the German Chemical Industry Association tops the list once again with €4.2 million, followed by the German Engineering Federation (€3.7 million), the animal and environmental protection associations Deutscher Naturschutzring (€3.3 million), the German Association of Energy and Water Industries and the Federation of German Industries (€2.9 million) (LobbyFacts_2, accessed June 2022).

Furthermore, Katzemich (2018) reveals by a comparison of the automobile lobbies of the major car-producing countries that the German capital dominates. Europe's 10 largest automakers and automobile associations in Brussels employ about 70 lobbyists and spend

€20 million each year. Of this total, half, €10 million, comes from the German automotive industry alone, which employs about 50 of the 70 lobbyists. At the EU level, Carmakers employ many different lobbying strategies, for example (Haas & Sander, 2019):

- Meetings between automotive industry representatives and EU officials are the most common lobbying strategy. Katzemich (2018) observed that the EU Transparency Register showed that between 2015 and 2018, the European Automobile Manufacturers Association (ACEA) had 91 meetings with EU commissioners and Director-Generals (DGs). VW had 60 meetings. Among the 15 most politically active actors in the automotive sector in 2018, German car companies and the German Association of the Automotive Industry (VDA) alone had as many meetings as other 10 actors combined. Finally, when one considers that the transparency registry counts only formal meetings and not informal discussions with European bureaucrats, these data represent only the tip of the iceberg (Haas & Sander, 2019).
- Forums for long-term exchanges among specialists are created by the European Union because of one of its main peculiarities, namely the close involvement of economic actors in every policy process. This is due to both EU's neoliberal orientation and the limited presence of European civil servants (a total of about 32,000), which implies the EU's dependence on expert groups. The most important forums are the Commission's about 1,000 expert groups. At the outset of a legislative process, expert group members draft an outline policy that is commonly adopted by the Commission. Often, representatives of capital dominate these groups in which social actors can also participate (Eberhardt, 2012).

As of 2018, ACEA was represented in 18 expert groups. While in 2005, the former Commissioner for Industry, Günter Verheugen of the Social Democratic Party of Germany (SPD), and the former Chairman of the Board of Management of VW and President of ACEA, Bernd Pischetsrieder, established the Competitive Automotive Regulatory System for the 21st Century (CARS 21) group which membership was prevalently made up of the automotive industry. The group aimed at gearing EU policies towards boosting the EU automotive industry competitiveness. Seven members of the group came from EU leading carmakers and their associations which

were joined by 3 Commissioners and 2 industry-friendly MEPs and even by individual ministers from strong automotive industry countries. Instead, only two civil society associations were represented. Intergroups (Katzemich, 2018).

- Parliamentary intergroups can be formal (registered with the EP) or informal. Both gather lobbyists and MEPs from all the relevant parliamentary groups to secure the closest possible contact at the level of economic players and policymakers (Eberhardt, 2012). For example, ACEA co-founded the Forum for Mobility and Society (FMS) which has BMW and Toyota as members. Even though FMS is considered a stronghold of the automotive lobby, not much is known about it as it is one of the informal groups. Of the 10 MEPs who are members of the FMS, five sit on the European Parliament's Transport and Tourism Committee as well and have lobbied time and again to have EU policies changed into more producer-friendly ones (CEO, 2015a).
- Personal ties are one of many mechanisms that preserve the predominantly male and informal networks of the ruling class, but they are at the same time another method of forming long-term ties between economic and state actors (Eberhardt, 2012). Through the revolving-door phenomenon, politicians can get jobs in industry after their term ends. In this manner, companies and associations gain valuable inside knowledge and direct access to the political world.

Most of the lobbyists for the major German automakers held positions of influence in Germany or the EU before assuming their current roles. Prominent positions in the mechanisms of the auto lobby are occupied by so-called "side-changers": people who know the political establishment from the inside. Matthias Wissmann, Eckart von Klaeden, Thomas Steg, and Dieter Althaus are the most prominent representatives of these side-changers. They all share intimate knowledge of political processes, contacts, and access to the highest echelons of government. Wissmann, for example, while being a German transport minister under Chancellor Helmut Kohl was a cabinet colleague of Angela Merkel, then environment minister. He later served as president of the VDA from 2007 to 2018. In that capacity, he repeatedly used his close

relationship with Chancellor Merkel to ease regulatory burdens on German automakers at both the national and European levels (Greenpeace, 2016).

As for Thomas Steg, he changed his role from government speaker to head lobbyist of VW. After two years at the Braunschweiger Zeitung, he joined the Lower Saxony DGB in 1988 as press spokesman, then the Ministry of Social Affairs in Hanover in 1991, and finally became a spokesman for the Lower Saxony SPD in 1995. In 1998, newly elected Federal Chancellor Gerhard Schröder (SPD) promoted him to deputy head of the Chancellery, first under Bodo Hombach, then under Franz-Walter Steinmeier. In October 2002, Steg was appointed the second spokesman for the German federal government, a position that gave him insight into the inner workings of the federal government. Finally, in February 2012 he became General Representative for External and Government Relations at VW. Greenpeace reveals that Steg and VW had established a small ritual in the chancellor's office: At the beginning of each year, VW head Martin Winterkorn asked Angela Merkel for a 45-minute personal meeting (Greenpeace, 2016).

- Sideline jobs or dual roles are other types of personal ties that politicians can have. Many Eurocrats are counselors or however appear on the payroll of prominent lobbying firms and corporate groups. Sigmar Gabriel (of the SPD party) exemplifies the typical politician who "wears two hats" (Haas & Sanders, 2019). GreenPeace (2016) explains that Gabriel comes from the VW state of Lower Saxony, where he became chairman of the state parliamentary group SPD at the age of 39. In 1999 he assumed the position of Minister-President in Hanover and automatically became a member of the Supervisory Board of the VW Group. However, not only did the SPD suffer a defeat in the 2003 state elections, but Gabriel's career was also severely damaged. Gabriel later reoriented himself and founded the company Communication, Network, Service (CoNeS), in which he initially held a 75% stake. In 2003, CoNeS signed a consulting contract with the VW Group, on whose board Gabriel had sat only a few months earlier. In early 2005, Gabriel's consulting work for VW became public. Based on the information provided, a daily rate of approximately 1,300€ is roughly calculated. VW thus paid Gabriel just under 130,000€. Still,

Greenpeace (2016) uncovered that ACEA's then-president, Bernd Pischetsrieder, instructed him to actively oppose the exhaust gas limit values set at the European level. In 2005, as federal environment minister, he ensured that the new government adopted ACEA's position on emissions regulation.

In comparison, environmental and consumer protection organizations are weak in EU transport policy. They have less political clout and fewer resources for lobbying. The NGO T&E was represented, at least for a time, in the influential CARS21 expert group. Not an obvious thing: often only capital officials are included in the groups. NGOs then must fight for a seat at the table of lobbyists and bureaucrats, publicly scandalizing their exclusion. NGOs can partially compensate for this weakness in their lobbying power through their public recognition. If they can expose the machinations of the auto industry through the media and bring their counter-experience into the public eye, they can exert pressure on European institutions.

Automotive lobbyists and environmentalists each have different connections in the EU apparatuses, showing strategic selectivity in favor of preferred social actors. All sector commissioners and their Directorate General (GROW) have consistently represented the interests of automotive capital, which with its large lobbying apparatus can also work flexibly with other commissioners. In contrast, the Directorates-General Environment (ENV) and Climate (CLIMA) tend to promote the position of NGOs. When it comes to regulating ENVs, the environmental and industry commissioners are always in conflict (Haas & Sander, 2019).

In the European Parliament, the constellation is similar. The Economic Affairs Committee protects the automobile industry, while the majority of the Environment Committee accommodates the demands of green actors. For organizations like T&E, it is mainly environmental politicians who are approachable, even across party lines. The apparatuses explicitly responsible for transport policy (DG MOVE, the TRAN Transport Committee, and the TTE Council of Transport Ministers) do not play a central role in many conflicts concerning the automotive industry. As a rule, they have a less prominent position

than the Ministries of Environment and Economy, but they also tend to side with industry (Haas & Sander, 2019).

Second, the importance of the case is also related to the fact that VW is involved in issues discussed so much at the European level such as climate change and emissions. The economic power and political lobbying of car capital is a central obstacle on the way to a social-ecological transport turnaround in Europe (Haas & Sander, 2019). As years of wrangling over fleet CO₂ targets show, automotive lobbying has a direct line to the EU's corridors of power to an even greater extent than at the Member State level. On several occasions, automakers and automobile associations have succeeded in imposing low CO₂ limit values and weakening legislation or ending overly ambitious draft regulations by regularly oiling the wheels of power in European institutions, dominating expert groups (CARS 21), and tapping into close personal ties between lobbyists and Eurocrats (Haas & Sander, 2019). "So far this has enabled vehicle manufacturers to make sure that any new stipulations are so toothless that they are spared any serious efforts beyond pursuing the technological innovations they were already working on" (Haas & Sander, 2019: 22).

In contrast, the environmental and consumer protection organizations have a tough act to follow. Nonetheless, by using public criticism and lobbying to help gradually tighten CO₂ targets, they can still achieve occasional successes. A partial victory for the environmental lobby is the recent agreement on the targets for 2025 and 2030 which shows that carmakers' power has a limit (Haas & Sander, 2019). However, on June 8, 2022, the EP voted for the stop on the sale of new gasoline and diesel cars in 2035. The stop on the sale of endothermic cars is one of several points in the European Commission's FitFor55 package. The package refers to the EU's goal of reducing net greenhouse gas emissions by at least 55% by 2030 (Paolini, 2022).

The negotiations on CO₂ limits are characterized by a second axis of conflict: The several EU Member States are quite willing to set stricter targets, and this is not only because their carmakers have competitive advantages around low-emission cars but also because they are oriented toward a faster switch to electric cars. Last but not least, the climate crisis is increasingly perceived as a problem to be fought. "Meanwhile, Germany's car companies and federal government, being intent on continuing to churn out their polluting – but

profitable – gas guzzlers for as long as possible, are working all-out to prevent any ambitious targets from being set. Unfortunately, these German manufacturers dominate the European car lobby, just as the German government dominates the EU” (Haas & Sander, 2019: 23). Their capacity to stall progress still carries enough weight to block an ambitious climate policy even if they have failed to impose their will across the board on the latest thresholds. (Haas & Sander, 2019).

The third and final reason for choosing the case study is that VW held intensive institutional relationships with EU officials around the time and the topic of the Dieselgate scandal. In this sense it may be representative of organizational lobbying “at the limit” (Starbuck & Farjoun, 2009).

The United States Environmental Protection Agency uncovered the scandal in September 2015: by using so-called tampering devices in its diesel cars, VW distinguished between the test bench and real driving conditions, keeping nitrogen (NOx) emissions below the legal limit through regulatory testing only. Cars emitted 4 to 40 times more NOx while being driven in real-world conditions (Katzemich, 2018). The United States case was not isolated though: VW had deployed this program software into 10,7 million cars worldwide, of which 8.5 million were used in Europe and 2,5 million in Germany alone since 2007 (Specht, 2018). Yet the scandal continued to spread. This was not just VW (and its high-end brands Audi and Porsche) that cheated, it also involved Daimler, Opel, and several others (Katzemich, 2018). But this phenomenon did not go unnoticed for so long. The EU Commission has had concrete indications since 2010 at the latest that carmakers were cheating on the emissions values of diesel cars. Some letters found by SPIEGEL ONLINE show that there were years of back and forth both within the Commission and with EU governments - and that the German government was also involved in meetings as early as 2012 that dealt with emissions cheating, as it then became known in September 2015 in the wake of the VW scandal (Becker, 2016a). In the process, political actors and government agencies both closed an eye to this evidence. For example, Zinke, ex-president of the Federal Motor Transport Authority (KBA), affirmed that, until September 2015, he had no knowledge or indication that illegal shutdown devices had been used in the automotive industry. However, in June 2012, then-EU Industry Commissioner Antonio Tajani wrote a letter to the

responsible ministers of Member States warning against "counterfeiting or manipulation" in connection with type approval. Everyone involved, Tajani added, was aware of the problem. But Zinke testified during a hearing before the European Parliament's Dieselgate committee that at no time did he suspect the use of illegal software, notwithstanding that he had been warned by civil society groups, other agencies, and the Commission. Neither was he aware of a concept from the Federal Environment Agency from 2008, which proposed exhaust gas measurements on cars in operation (Becker, 2016b).

3.2. VW case study

We have just seen that car lobbying is a central obstacle on the way to a social-ecological transport turnaround in the EU and that automakers wrangling over fleet CO2 targets has been going on for many years. And we have also seen that the German car industry is particularly active at the level of lobbying in Europe, and at the level of the German car industry VW seems to be taking the lion's share of the lobbying. So now the next phase is to take a look at VW's lobbying activity in practice, both on behalf of the VW Group itself and the associations to which it belongs.

Among the many associations VW Group is a member of, the most significant are:

- ACEA, Association des Constructeurs Européens d'Automobiles. ACEA unites Europe's 16 major car, truck, van, and bus makers. It is the voice of the auto industry and acts as one with common industry positions that also reflect the overarching interests of European citizens, transport users, operators, and car industry workforces (ACEA, accessed June 2022). VW has been a member probably since before 2010.
- BusinessEurope Advisory Group. BusinessEurope is an advisory group that promotes growth and competitiveness at the European level and acts on behalf of companies by campaigning on the issues that most affect their performance (BusinessEurope, accessed June 2022). VW has been a member since 2013.
- ERTRAC - European Road Transport Research Advisory Council Supporting Institutions Group. ERTRAC is the European Road Transport Research Advisory Council and is the European Technology Platform (ETP) for Road Transport. It mainly

provides a strategic vision for road transport research and innovation in Europe (ERTRAC, accessed June 2022). VW has been a member since 2013.

- VDA, Verband Der Automobilindustrie. VDA is a German interest group in the German automobile industry, both automobile manufacturers and automobile component, suppliers. VW has been a member probably since before 2010.
- BDI, Bundesverband der Deutschen Industrie e.V. BDI is the employers' confederation that unites all sectoral federations of German industry. BDI acts as an umbrella organization and is responsible for the perception and promotion of all interests of the industries united under its auspices (GBC, 2016). VW has been a member probably since before 2010.
- CSR Europe, The Business Network for Corporate Social Responsibility. CSR work is focused on the three priority areas of people, materials, and markets. In these areas, it promotes "An Inclusive Future of Work", "Financing an Inclusive Green Deal" and "Enabling Carbon-Neutral and Circular Supply Chains" (CSR, accessed June 2022). VW has been a member probably since before 2010.
- Finally, CEPS is the Center for European Policy Studies. CEPS is a leading think tank and forum for debate on EU affairs, ranking among the top think tanks in Europe. They offer exchanges and provide insights on potential solutions for EU policymaking (CEPS, accessed June 2022). VW has been a member probably since before 2010.

VW is a member, in addition to trade associations, of the following European Commission expert groups (TR_3, accessed June 2022):

- European ITS Advisory Group;
- Expert group on cooperative, connected;
- automated and autonomous mobility;
- Experts group on Safe and Secure Parking Areas for Trucks, Intelligent Transport Systems; and
- Working Group on Motor Vehicles.

As explained in the first and second chapters, expert groups are advisory groups of the European Commission and represent another important direct lobbying strategy. Lundy (2017) explains that governments establish a wide array of advisory groups to guide on technical matters, and the European Commission has established more than 1,000. Through them, significant policy proposals are initiated through the provision of drafts of new regulations and laws to political officials. At the European Union level, expert groups are usually appointed by industry representatives. Organizations such as ALTER-EU and CEO have demonstrated that a great number of the Commission's Expert Groups are dominated by big business interests. Moreover, CEO (2017a) claimed that the car industry was involved in two of the least imbalanced Working Groups, namely Light Duty Vehicles (RDE-LDV) and GEAR2030. The 'Real Driving Emissions-Light Duty Vehicles' is a sub-group of the Working Group on Motor Vehicles which was highly criticized from the European Parliament's inquiry into the Dieselgate NOx emissions-cheating scandal, the EMIS inquiry (CEO, 2017a). GEAR 2030 was formed after the Dieselgate scandal exploded to ensure the prolonged competitiveness of the car industry, it is the successor of CARS21 and CARS2020 (CEO, 2017b). Katzemich (2018) confirmed that when it came to the formation of advisory groups on light vehicle emissions, 78% of the members were representatives of the automotive industry.

Thanks to the VW case it is possible to see how the literature on lobbying and its strategies translates into reality. The VW case is exemplary in demonstrating the great power of lobbying in recent years because it bears an impact on the lobby activities in EU institutions.

To analyze the lobbying activities of VW and the associations of which it is a member in practice, we focus on one of the most hotly debated issues in the automotive industry over the past 10 years, namely emission reduction, green mobility, consumer protection, sustainability, and so on. In other words, climate-related topics.

For our case study, we use the Transparency Register as a research tool. Through the TR, in fact, it is possible to search and download the complete list of meetings that have taken place among VW, the various associations, and EU institutions over a period of time roughly from 2010 to the present. The list of meetings includes information about

Commission representatives, portfolio, date, location, and topic(s). Starting with the TR, we then constructed a database in Microsoft Excel containing the information just mentioned and other important data obtained from LobbyFacts.eu website. The final database then contains the following information for both VW and its associations:

- Category – The category of registration in the register;
- Subcategory - The subcategory of registration in the register;
- Who – The name of the organization;
- Reg. Tr. No - Identification number in the register;
- Financial Year;
- Lobbying Costs;
- Declared Lobbyists (FTE);
- Lobbyists with EP Accreditation (in number) - “Since the launch of the Transparency Register on 23 June 2011, organizations and individuals are required to be listed in the Register before requesting access to the EU Parliament. Any decision on a request is the sole prerogative of Parliament and registration in the Transparency Register shall not mean that the individual is automatically granted access. All applications for access to the Parliament must be submitted via the Transparency Register” (Transparency Register, accessed June 2022).
- Names of Lobbyists with EP Accreditation;
- Ordinal No. of Meetings with DG;
- Date – Date of the meeting;
- Place – The place of the meeting;
- Portfolio – In the EU Commission, a portfolio is a responsibility area allocated to a European Commissioner, usually connected to one or more Directorates-General (DGs);
- Commission Representative;
- Subject(s) – Subject(s) discussed during the meeting;
- Affiliations - Membership of any associations/(con)federations/networks or other bodies; and
- EU Commission President.

3.2.1. VW lobbying analysis: 2015 - today

Volkswagen Aktiengesellschaft (AG) registered in the TR on January 15, 2009. However, data on its meetings with representatives of the Commission start from 2015. From 2015 to the present day, VW held 70 meetings. As for VW affiliations: ACEA registered on December 18, 2008, and has held a total of 160 meetings, BusinessEurope registered on January 13, 2009, and has held a total of 339 meetings, ERTRAC registered on March 19, 2015, and has held 13 meetings, VDA registered on December 14, 2010, and has held a total of 56 meetings. BDI registered on December 10, 2008, and has held a total of 148 meetings. CSR registered on January 27, 2011, and has held only 5 meetings and finally, CEPS registered on June 2, 2020, and has held 10 meetings.

3.2.1.1. 2015

2015 is the year in which systematic cheating by VW during emissions testing was revealed (in September). The following month, in October 2015, Member States agreed on phasing in real driving emissions (RDE) testing developed on the Commission initiative. Finally, in December 2017, the EU Parliament formed the Committee of Inquiry into Emission Measurements in the Automotive Sector (EMIS Committee) (EU Commission, 2019).

In 2015, VW spent €2,800,000 on lobbying, with 4 of its lobbyists having accreditation to the European Parliament: Mr. Christof-Sebastian Klitz, Ms. Melissa Guennewig, Mr. Julian Herwig, and Mr. Fabian Zacharias. Between September and November 2015, VW on its own held 4 meetings regarding emissions issues. During these meetings the Commission representatives involved appear to have always been the same, namely Elżbieta Bieńkowska (Commissioner), Tomasz Husak (Cabinet member of Elżbieta Bieńkowska) and Rolf Carsten Bermig (Cabinet member of Elżbieta Bieńkowska). The main subject discussed during the meetings in the 2015 period by VW was, as was intended, "emission fraud."

Among these names of VW lobbyists, Christof-Sebastian Klitz listed in Greenpeace's Black Book of Car Lobbying (2016) certainly stands out. As Greenpeace (2016) explains, in 1991, Klitz joined the Federation of German Industries (BDI), where he was deputy head of the BDI Washington branch. Since 1999, Klitz has worked for VW as head of the Group Representative Office in Berlin. Since 2007 he has been VW's chief lobbyist in Brussels,

responsible for representing the company's interests at the European level. At the same time, Klitz sits on the federal board of one of the CDU's most powerful bodies, the CDU Economic Council. In addition to the social market economy, the Economic Council also deals with carbon dioxide limits and energy issues. In addition to his position as a lobbyist, Klitz also holds political positions in Brussels. Since December 2013 he has been chairman of the regional association of the Economic Council of the UNHRC. As of 2016, Klitz was a representative of the European automakers' umbrella organization ACEA, and a member of the Task Force on Transport and Climate Change of the CEPS think tank, the Centre for European Policy Studies in Brussels. Klitz initially wanted to downplay the VW emissions scandal. In a letter to members of the European Parliament, Klitz - along with VW's chief lobbyist Thomas Steg - describes the events as "misconduct by a few people." An assessment that will quickly become untenable, however.

According to Greenpeace (2016), Klitz is the perfect example of a double player. So-called double players are mainly the result of the special case of the automobile industry in Germany. As of 2016, Lower Saxony owned a good 20% of Europe's largest automaker, VW. Double players, therefore, come to install themselves in this field. They sit in parliaments but work for the VW Group (or its interests). Their purpose is twofold: on the one hand, VW needs to have direct market access to parliamentary processes. On the other hand, Lower Saxony politicians have an interest in influencing political processes in VW's sense. Automakers are interested in influencing but also in knowing what is going on in the legislative processes because: developing cars and cars' engines. Emissions control is a core competence of automakers because they are the ones who apply for vehicle type approvals for emissions. When we talk about pollutants we are talking about a normal output of the engine, meaning that if there is an engine there are bound to be emissions. So, the cycles of new product development (NPD) in the automotive industry are strictly connected to being present in European institutions. This is true for heavily regulated sectors and industries such as our particular case, the automotive sector.

Now, while in the literature on lobbying in EU institutions we have seen that lobby groups or individual lobbyists may act at 3 levels: that of the European Commission, Parliament, and Council, Klitz's example suggests that double players act primarily within the

premises of parliaments and VW lobbyists, among EU institutions, want access to this type of process. In this respect, Lehman and Bosche (2003) explain that lobbyists prioritize staff close to the rapporteur and committee secretary. And by mutual agreement between lobbyists and MEP, face-to-face meetings are preferred over remote meetings. Although requests for help and support are usually sent via written letters (as Klitz did). Then of course it is of importance that Parliament will have different degrees of acceptance of lobbyists based on their national culture and political orientation.

In addition to this, one should recall the access goods theory developed by Bouwen (2022) according to which, between European institutions and interest groups there is a supply-demand relationship where the bargaining chip is precisely access. Specifically, lobbyists desire access to institutions, which demand information in return. Indeed, VW wants direct market access to parliamentary processes while Lower Saxony politicians have an interest in influencing political processes in VW's sense. And what does parliament need most according to Bouwen (2002)? The European Parliament wants to get information from lobbyists about the Encompassing European Interest (EEI) and the Domestic Encompassing Interest (DEI). Information on the EEI is all-embracing of the private sector's needs and interests in the EU's internal market, while information on the DEI includes data on the needs and preferences of voters in each EU Member State. Moreover, DEI has particular relevance because it is related to the discourse of the role of Parliament in the legislative process, or rather the orientation of the electoral college of deputies. Indeed, MPs are elected at the national level, and therefore they need to maintain close contact with the constituents of Member States. And DEI information enables MEPs to have a better chance of being re-elected (Bouwen, 2002). Similarly, the transaction model developed by Lowery and Gray (2004) refers to relationships between political actors during lobbying activities as purely transactional, that is, based on narrowly defined exchanges. And to gain participation, selective incentives are exchanged because interests themselves do not constitute sufficient incentives for mobilization.

Although VW registered in the Transparency Register in January 2009, its meeting records begin in 2015. But, as seen in the first paragraphs of this chapter, the Group's lobbying developed its power several years before 2015. Indeed, CEO (2015b) notices that

since 2010, VW AG has increased both its lobbying expenses and the number of lobbyists employed. Moreover, "at the start of the decade, VW declared only a quarter of its 2014 spending (€800,000), while 2013 spending still only reached just over halfway (€1,250,000)" (CEO, 2015). It was also revealed that car manufacturers and their trade associations lobbying costs in 2014 exceeded €18 million. And among the top three industry spenders, there was, of course, VW which alone spent €3.5 million in the same year.

Several observations can be drawn from this phenomenon. The fact that no data can be found on meetings before 2015 could plausibly be explained by a lack of diligence on the part of the Group itself or by the fact that registration was not mandatory at the time. Tools of the scale of the Transparency Registry certainly take several years to adapt and reach their full strength, so much so that its mandatory status was not confirmed until 2021. Thus, when considering that the first Transparency Registry was launched in 2011, it can be concluded that it was not convenient for VW to register its lobbying activities before 2015. And since it was not required to register meetings for social legitimacy reasons—because VW manufactures cars, it does not do lobbying—it is possible that it preferred not to enter data on its formal or nonformal contacts. Ultimately, the tool could be used to show only what was intended to be shown, thus in an 'opportunistic' way. For trade associations like ACEA and VDA, on the other hand, lobbying is a fundamental part of their core business, what they were actually "born" to do. This may therefore explain why, unlike VW, the data we have on trade associations also go back to before 2015.

Furthermore, these findings also give pause and certainly suggest a relationship between the Dieselgate outbreak and VW's increased lobbying expenditures and pressure on the government and European institutions. Among Lowery's (2007) explanations of the motives interest groups may have in lobbying, there is one based on instrumentality. Lobbying would in fact be driven by very specific reasons that lead interest groups to enter the world of politics at the time when a certain policy cycle is of interest to them. Likewise, as soon as the policy cycle changes and no longer reflects their interests, they will tend to exit the scene. The same is true for pre-Dieselgate years. When regulations on transparency were looser, there was much less pressure to declare lobbying. Now because of stricter transparency rules, the use of the TR and similar tools have certainly increased.

The fact that VW lobbies for itself certainly indicates a direct lobbying technique. One might recall that direct and indirect lobbying strategies can be distinguished (Grant, 1995). If we were to reflect on the reality of this case what Thomas's (2021) scholarly research said, we should point out that through direct lobbying VW has managed to nurture its personal relationships with European institutions and this has allowed it over time to develop and maintain a kind of interface between itself and the state. And if organizations like VW engage in nurturing such contacts, it will only bring nothing but benefits, and they will over time become more and more effective in conveying their demands to the government. And last but not least, well-cultivated relationships pay dividends.

Moreover, as we have seen in Chapter 1, it is common for large corporations to lobby not only as single entities but also as a part of larger industry coalitions (Falgueyrac, 2018). Acting through affiliations represents the most common form of indirect lobbying strategy. Among indirect strategies, one can distinguish between those that target the media and those that strive to mobilize citizens or members (Binderkrantz, 2005). Companies commonly use indirect lobbying by relying on coordinated industry-wide efforts in which they team up with competitors in the marketplace to secure favorable business outcomes (Jenkins and Mulcahy, 2018). Trade associations are very useful in coordinating lobbying efforts and messaging (De Clerck, 2018).

In 2015, among the affiliations of which VW was a member, ACEA was the one that held the most meetings with Commission representatives concerning emission issues. Automobile manufacturers' trade associations are indeed important lobbyists in Brussels (CEO, 2015b). ACEA, for example, represents all the big brands that were involved in the emissions-cheating scandal, both VW and Daimler, and BMW. As of 2015, ACEA accounted for 80% of all automakers lobbying expenditures in Brussels and nearly half of all industry lobbyists (CEO, 2015). Moreover, Verband der Automobilindustrie (VDA) had the same budget as ACEA (€2.5 million) and almost twice the number of lobbyists (31). But VW, BMW, and Daimler are also corporate members of BusinessEurope, one of Europe's most influential lobbying groups and this gives them additional lobbying power (CEO, 2015b).

The data we found in the TR confirm that during 2015 ACEA spent between €2,000,000 and €2,249,999 on lobbying and had as many as 8 accredited lobbyists in the

European Parliament. The meetings with the Commission concerning emission issues between February and October 2015 were 7 and among the different representatives involved, we find again Rolf Carsten Bermig. The other affiliations to be considered for the same year are VDA and BDI, which together held 10 meetings with Commission representatives in 2015.

In 2015, ACEA discussed with Commission representatives the automotive regulatory framework, Energy Union and Climate Action regulation, air pollution, and more assiduously the Real Driving Emission (RDE) test. One can see the insistence on the topic of emissions, and this is certainly not a coincidence given the period under consideration. A similar framework can be noticed in the meetings held by VDA and BDI, although VDA focuses more on policies. Jumps out, for example, the February 2015 meeting regarding air quality policy with the then VDA president, Mr. Matthias Wissmann. We have discussed him previously.

When the European environment ministers decided in 1995 to address climate protection in the transport sector, the German environment minister was Angela Merkel, and her cabinet colleague Matthias Wissmann oversaw transport. Automakers had until 2012 to comply with the new limits. All cars sold in the EU had to emit a maximum of 120 grams of carbon dioxide per kilometer. Since then, these plans had been further weakened. Merkel's then-cabinet colleague Wissmann, who ascended to the throne of the German automobile lobby in 2007, had played an important role in this. Former Transport Minister Wissmann became president of the German Automotive Industry Association (VDA). He also represented the German automotive industry in the lobbying association Pro Mobilität, of which he was vice-chairman. Under his leadership, the auto lobby succeeded in postponing the enactment of carbon dioxide limits for another three years, until 2015. In addition, manufacturers of cars sold in the EU were allowed to be laxer with cleaner exhaust: The limit value was raised to 130 grams of carbon dioxide on average for a manufacturer's model range (Greenpeace, 2016).

Wissman is considered by Greenpeace (2016) to be one of the most important "side-changers" in the automotive lobbying scene. Side-changers are people who know the political establishment from the inside and thus have intimate knowledge of political processes, contacts, and access to the highest echelons of government. They are none other

than the protagonists of the revolving door phenomenon, the (perhaps) most talked-about of direct lobbying strategies. As mentioned in the first chapter, the phenomenon refers to "the practice of public officials or employees abandoning public service for lobbying positions" (NCSL, 2021) and has great potential to cause conflicts of interest. We have indeed studied the way Holland and Sourice (2016) explain that there are two opposite directions of the revolving door phenomenon. In this case, the direction it takes is from politics to industry. It may be the companies themselves who recruit former public officials so that they can leverage their inside knowledge and contacts acquired over time. Moreover, For La Pira and Thomas (2014), the most valuable asset that revolving door lobbyists can obtain is expert knowledge of the legislative and decision-making processes. Even, in their words, "knowing how the process works provides lobbying clients with far more productive advocacy and political risk reduction benefits than having close ties to insiders." Brezis (2017) then refers to the "bureaucratic capital" that can also increase the productivity and efficiency of private organizations when dealing with the government (Yates & Cardin-Trudeau, 2021).

Now, Wissman having been the chairman of VDA, it is clear that a meeting with him meant a unique opportunity for VW to be able to talk about its interests and turn policies in its favor regarding emissions from its vehicles, or at least make them softer. In this case, however, it was not VW directly, but its VDA affiliation acting as the voice and interpreter of its interests.

Turning instead to BDI meetings, one in particular also in February 2015 caught our attention. This is because it was a gala dinner. Although we cannot know what was discussed since it was an, shall we say, informal meeting, one could think of it as an important opportunity that VW's lobbyists had to be able to once again talk about their interests by exploiting personal contacts and favors whether they were in the form of money or not. Hospitality and gifts are two other important direct lobbying tactics. Indeed, as Lundy (2017) notes, a handful of Congressmen might be willing to embrace the lobbyists' agenda over a fancy breakfast, dinner, or cocktail party, during an all-expenses-paid trip or after being presented with a gift. And money certainly plays a role of the highest importance for most lobbying practices. The purpose is to aim to build positive relationships with policymakers

and influence their behavior and understanding to vote on these regulations (University of Bath, 2020).

In conclusion, it can be noted that the records on VW's association meetings in the Transparency Registry begin a year earlier, namely in 2014. This occurs particularly for ACEA and BDI. ACEA was already going to the European Commission in 2014 to talk about Directive 2007/46/EC concerning the approval of motor vehicles and their trailers, systems, components, and separate technical units intended for such vehicles. One rule of these associations is that they cannot express an opinion or advance a position without all members agreeing. And since VW is a member, they were also advancing its interests. Unlike the automaker VW, however, ACEA originated for lobbying purposes, and thus we could justify the records in the Registry as early as 2014 by this observation. Being present as early as 2014 in the Register could have been an opportunity for ACEA to demonstrate the efficiency of its work, legitimize itself, and get noticed by the European public.

3.2.1.2. 2016

The year 2016 was certainly the busiest for VW, both as a group and as a member of various associations. In fact, from the VW Group alone, we see as many as 11 meetings concerning emissions, mostly specific to the Dieselgate scandal. Despite this, the lobbying costs in 2016 were slightly less than in 2015: 2,660,000€ compared to 2,800,000€. The lobbyists accredited to EU Parliament were still the same as in 2015: Guennewig, Herwig, Zacharias, and the famous Klitz.

In January 2016, there was an update on the status of the case investigation, technical solutions, and the Group's alignment. In that month, the EU Commission proposed a fundamental reform of the vehicle type approval system (EU Commission, 2019).

The January 25th meeting on Diesel emissions was attended by Commission representative Günther Oettinger, European Commissioner for Budget & Human Resources from January 2017 to November 2019 (United Europe, accessed June 2022). We bring Oettinger to attention because he, too, appears in Greenpeace's Autolobby Black Book (2016) under the list of so-called "Loudspeakers," i.e., high-level politicians who intervene in ongoing debates and decisions on automotive policy for no apparent reason. Loudspeakers

are those who say and try to push through what automakers want after meeting with CEOs and their side-changers. Oettinger has been called "Wissman's friend in Brussels" by Greenpeace (2016). In 2012, the EU was discussing carbon dioxide limits for cars. Officials in the Federal Ministry of Economics took on board the VDA's concerns about German premium manufacturers and made a note for the man in charge, Philipp Rösler (FDP): "It would be helpful to have the highest possible level of support in influencing the EU Commission" and Economics Minister Rösler called Günther Oettinger himself. Anyway, Oettinger had already backed German automakers in 2011 with mandatory EU energy efficiency labeling. "When it comes to the automotive industry or chemicals policy, he interferes in the work of his colleagues," affirmed Luxembourg's Green MEP Claude Turmes (Greenpeace, 2016: 24).

Once again, we see in practice the establishment of different lobbying mechanisms. This could perhaps be a case of "reverse lobbying" in that it would appear that politicians themselves intervene and want to have space in the ongoing debates taking place in the automotive sector, in this case concerning VW and the Dieselgate scandal. Woll (2011) said "the public authority lobbies business to lobby itself." And Fritz (2015) explains that this phenomenon occurs when officials themselves seek large contributions from businesses during the drafting of policies or legislation. By doing so, the officials become an active part of the lobbying process.

During 2016 there were many other updates on the Dieselgate and concerns about consumer protection. In May 2016, two meetings were held by VW via phone call. These involved 3 Commission representatives: Bermig, Husak, and Bieńkowska; and were about VW's then-current issues. The fact that VW would allow itself to talk to the commissioners via a phone call might give pause for thought. Whether this was due to the emergency of the problem or to a relationship between VW and those 3 commissioners that was so well established and confidential, we cannot know. While this is not a formal lobbying method, it too is a recognized way of influencing European policies. And it once again demonstrates the exemplary nature of VW lobbying.

In July 2016, the Commission adopted a European Strategy for Low-Emission Mobility (EU Commission, 2019). During this period, VW talks with the Commission about a technical

update regarding fixing of cars and consumer compensation following the emissions scandal, updates on current issues, and consumer protection.

Finally, in December, the Commission opened infringement procedures against 7 Member States in breach of type-approval rules (EU Commission, 2019) and VW not surprisingly attended a meeting on the diesel case.

In 2016, among trade associations, ACEA held the most meetings on emissions issues. As many as 10 accredited lobbyists participated in these meetings along with Commission representatives Bermig and Bieńkowska. ACEA's lobbying expenses in 2016 did not change from those in 2015, which were still between 2,000,000 and 2,249,999 euros. Unlike the previous year, no particularly 'famous' names appear among the lobbyists attending these meetings.

In 2016 there is already a slight 'change of course' in the objects that are discussed in the European institutions; in fact, ACEA no longer focuses on the specific case of Dieselgate, but more on the general case of emissions (again) and for the first time it also discusses the future of the automotive industry.

Another association that comes into play in the same year is BusinessEurope. The first records we find in the Transparency Register for BE date back to 2014, and it was already spending about €4,000,000 to €4,249,999 on lobbying and had 21 accredited lobbyists. In 2016, BE still had €4,000,000-€4,249,999 in lobbying costs, and instead, as many as 29 accredited lobbyists in the European Parliament (again, no critical names stand out). In June 2016, the only meeting of interest to us was on Circular Economy, Innovation, Industrial Emissions, and Regulation No. 1907/2006 called "REACH."

One can notice that among BE's 339 total meetings with the Commission since 2014, very few relate to emissions and sustainability issues. The first is the one in June 2016 that we just mentioned. Now, given that the BE does precisely campaign on issues of interest to companies, it may become clear why it entered the emissions field in 2016. VW and European carmakers participating in the association, weakened after the Dieselgate debacle, given BE's great power of influence, may have been more insistent in wanting BE to campaign on issues of their interest to try to regain confidence and competitiveness in the automotive sector.

Finally, in 2016, we also see the involvement of VDA and BDI. While BDI focused its lobbying efforts on energy and environmental policy thanks to as many as 10 lobbyists, VDA was going to the European Commission to speak about the situation of the German automotive industry with only 3 lobbyists.

3.2.1.3. 2017

On February 28, 2017, the EU Parliament EMIS Committee voted on its final inquiry report on the Dieselgate scandal (CEO, 2017b). It's easy to think that it's a nice coincidence that ACEA in early February met twice with Commission representatives to talk about GEAR 2030, CO2 standards, the future of Diesel, and the RDE test, plus carbon mobility. 2017 has certainly represented a busy year for ACEA, and this can be seen in the numerous meetings (as many as 11) it has attended during the year since February. ACEA's 2017 lobbying activity was highly focused on emissions and CO2 standards. And while its lobbying expenses did not change, accredited lobbyists to the EP increased from 10 to 14. VDA also dealt with these issues assiduously, holding 6 meetings from February to October 2017 focusing on the future of the automotive sector and again GEAR2030 and CO2 emission targets. VDA spent 2,500,000€ in 2017 on lobbying by employing only 2 EP-accredited lobbyists: Schulz and Diemer.

In March 2017, the EU Commission launched the Clean Air Dialogue process, an exchange of best practices between the EU Commission and the Member States to enhance air quality and reduce air pollution. Later, in May, it presented Europe on the Move, the 1st Mobility Package for a socially fair transition to clean, competitive, and connected mobility (EU Commission, 2019).

In April 2017, the Parliament adopted recommendations on the basis of Emissions Measurements in the Automotive Sector (EMIS) Committee work (EU Commission, 2019). In the same month, ERTRAC's first meeting with Commissioner Oettinger (which we have already discussed) was officially recorded.

In that year, the association spent around 50,000€ - 99,999€ on lobbying activities while it had no accredited lobbyist in the Parliament. ERTRAC did not go to the Commission to discuss issues directly related to the VW case but rather related to the green car policy.

In June 2017, the Commission presented Europe on the Move package (EU Commission, 2019) while VW attended a dinner with Commission representative Friedrich-Nikolaus von Peter on matters of low emission mobility and digitalization of transport. Von Peter is a European Union official working at the European Commission's Representation in Germany where he mainly deals with communicating on fundamental rights, the rule of law, migration policy, and digital policy. However, in 2015 he also worked as a Member of a European Commissioner's private office, where he dealt with maritime transport, seaports, and a more sustainable and intelligent transport system (Dialogue Perspectives, accessed June 2022). Therefore, having also dealt with transportation systems including intelligent transportation systems in the past, it makes sense to understand the reason for the meeting.

One could perhaps see this episode (the dinner) as a clear example of a direct strategy used by VW to talk about its interests and issues to be addressed through the exploitation of personal contacts and connections within the European Commission. It could be that some VW representative already knew von Peter given his German nationality or because of perhaps attending the same school or university and so on... Again, we see that it is a common tactic for lobbyists to exploit informal occasions and personal contacts to talk about their interests and grab the attention of influential people within European institutions. Summing up, in 2017, VW spent 2,737,500€ in lobbying activities and employed 4 accredited lobbyists: Herwig, Guennewig, Kiehn, and again Klitz.

A breakthrough in European emissions regulations took place in September 2017: The Worldwide Harmonized Light Vehicle Test Procedure (WLTP) and the Real Driving Emission (RDE) become mandatory for all new car models (EU Commission, 2019). And the following month, in October 2017, VW participated in 3 meetings, one of which was about the European Urban Emissions Initiative and another just about the mobility package and Dieselgate.

Finally, in November, the Commission presented the 2nd Mobility Package Europe on the Move with new targets for the EU fleet-wide average CO₂ emissions for new cars and vans (EU Commission, 2019). During the same month, BDI (which spent again between 2,750,000€ - 2,999,999€ on lobbying in 2017) with its 12 EP-accredited lobbyists attended a meeting on Circular Economy, Natura 2000, and Sustainable Development Goals.

3.2.1.4. 2018

2018 was also a year of major breakthroughs in the field of emission regulations and new standards. During that year, total lobbying by VW and its affiliations exceeded €15,5 million and employed a total of 67 EP-accredited lobbyists.

During February and March, VW, ACEA, VDA, and BDI were still discussing the Dieselgate and related issues on emission, climate policy, the situation of the German car industry, and CO2 standards. ERTRAC instead remained out of the scene for the whole year. The next month, in April, the Commission proposed a New Deal for Consumers, including a European collective right of redress (EU Commission, 2019).

In May, the Commission published the Clean Air Communication, which outlined measures available to help member states combat air pollution and meet ambient air quality standards (EU Commission, 2019). The same month ACEA discussed low-carbon mobility and the following month, VW talked about sustainable mobility once again with Commissioner Oettinger, who now seems to be the Group's darling.

Oettinger was also present during a meeting with VDA held in September 2018 regarding the future of the automotive sector and electric mobility. In the meantime, WLTP became mandatory for new cars and RDE became mandatory for the measurement of ultrafine particles in new cars, and from September 2019 for the measurement of NOx. Moreover, in October 2018, The Commission's investments involved two additional state-of-the-art emission testing facilities, which would be operated by the Joint Research Center in Ispra, Italy. While from 2020, the new labs will begin testing cars in laboratories (WLTP) and real-world driving situations (RDE) (EU Commission, 2019).

In late 2018 and early 2019, Member States participated in several technical meetings to discuss future actions and best practices since Dieselgate (EU Commission, 2019). Despite this, in those months, there is no record from the Transparency Registry of any meetings regarding related issues for VW. Even, it appears that the Group has been out of the "emission field" for all of 2019.

3.2.1.5. 2019

2019 for VW was not a year of great lobbying activity. In fact, the Group participated in only 2 meetings over the course of the year, but none of them concerning issues of sustainable mobility or emissions regulations. This may be explained by the outbreak of the Covid-19 virus which, as we all know, has severely slowed down many sectors of the economy around the world, affecting small, medium, and large companies. It could be that with the outbreak of the pandemic VW has somewhat put aside some issues to prioritize the economic and social sustenance of the Group, worrying first and foremost about the health of its various representatives and employees. Furthermore, VW is no longer "considered" so much in the European Union once the Dieselgate working tables closed. In fact, while VW was not so active, ACEA and other associations were. However, VW lobbying costs during 2019 exceeded €3 million (like in 2018). The cause of this might be that the problems brought by Covid-19 to businesses may have required more lobbying than usual, e.g., for the development of policies to support businesses

In the field of emissions and the auto industry, the ACEA and BusinessEurope groups were quite active. In 2019, ACEA spent again around 2,750,000€ - 2,999,999€ in lobbying and employed 18 EP-accredited lobbyists. BusinessEurope spent again 4,000,000€ - 4,249,999€ and had as many as 29 EP-accredited lobbyists. ERTRAC and VDA, on the other hand, spent respectively 100,000€ - 199,999€ and 1,500,000€ - 1,749,999€. And only 2 EP-accredited lobbyists were employed by VDA. BDI, on its part, spent around 2,750,000€ - 2,999,999€ and employed 10 EP-accredited lobbyists. Nevertheless, it did not discuss issues of climate or the automotive industry for the whole year.

In January, updates to the WTLP and RDE rules went into effect that allowed for independent testing of vehicles in use (EU Commission, 2019). Meanwhile, ACEA was still dealing with CO2 standards, and the others (for example ERTRAC) were more oriented toward climate change policy and sustainability. In fact, in January, ERTRAC discussed partnerships for Road Transport in Horizon Europe and VDA addressed climate change policy in both its discussions with the Commission.

In March, the Commission handed over to the Council Presidency (Member States) a Clean Vehicle Roadmap outlining areas of action for the future (EU Commission, 2019) while

ACEA was appearing in the European forum to speak for the first time about the Green Deal, a set of policy initiatives proposed by the European Commission with the overall goal of achieving climate neutrality in Europe by 2050. BusinessEurope, instead, promised the publication of an energy and climate strategy to support climate neutrality by the end of the month.

Then, in September, NOx RDE measurements became mandatory for all new cars sold in Europe (EU Commission, 2019). In October, ACEA went to the Commission to exchange a vision on clean and smart mobility and climate policy, while BusinessEurope addressed the Green Deal, which would officially come into effect a few months later. Like this, they went on to discuss climate and sustainable goals until the official presentation of the European Green Deal on December 11 (EU Commission, accessed June 2022).

3.2.1.6. 2020

In 2020, EU actions in the face of Dieselgate stalled until the following year. That may well have been due to the coming into play of the Green Deal, which with its grand prospects and targets certainly kept European institutions and companies in every sector very busy as they had to get right to work on reducing emissions to zero by 2050.

In January 2020, the European Green Deal Investment Plan and Mechanism for a Just Transition was unveiled (EU Commission, accessed June 2022). Indeed, we are witnessing, as early as January 2020, a veritable Green Deal race that will extend almost to the present day. Both VW and ACEA but also BusinessEurope, BDI, and VDA often go back and forth to the Commission to talk about this new deal.

VW's lobbying expenses increased in 2020 to nearly 3.5 million euros, while the number of accredited lobbyists in Parliament did not change (with Klitz still present). ACEA spent the same amount in 2019, with 14 lobbyists instead of 18. BusinessEurope's spending also did not change, but its lobbyists were significantly reduced from 29 to 15. VDA spent about 1.8 million euros and its lobbyists also decreased from 4 to 2. BDI, on the other hand, increased its spending to about 3.5 million euros, but unfortunately, we do not know how many lobbyists worked that year.

In March 2020, a proposed European climate law was finally presented to ensure a climate-neutral European Union by 2050 (EU Commission, accessed June 2022). Also in March, the public consultation on the European Climate Pact took place. This and other topics - such as the circular economy and climate goals for 2030 - were discussed by stakeholder groups throughout the remaining year.

3.2.1.7. 2021 - today

The European Union's most recent move in the wake of the Dieselgate scandal was in January 2021, when the onboard fuel consumption monitoring device on all new cars sold in Europe became mandatory (EU Commission, 2019). A salient topic for lobbying by VW and its affiliates during 2021 was certainly Euro 7 and the FitFor55 package. Indeed, as a steppingstone toward climate neutrality, the EU has increased its climate ambition for 2030, pledging to reduce emissions by at least 55% by 2030. The FitFor55 package is a set of proposals to review and update EU regulations and implement new initiatives to ensure that EU policies are in line with the climate goals agreed by the Council and the European Parliament (Consilium EU, accessed June 2022).

As for VW's lobbying in 2021, we only know that it had 3 accredited lobbyists in Parliament, including once again Klitz. And from ACEA we know that it spent about 2.8 million euros (like in 2020). We have no other information about the costs or lobbyists of the other groups. We will have to wait some more time for the data to be available in the Transparency Register.

As for 2022, we have very little data. In February, VW participated in a meeting on the transition to zero-emission mobility, while VDA spoke about the automotive industry in general. In March, BusinessEurope covered revisions to the Industrial Emissions Directive and REACH. And BDI discussed EU climate and energy policy and its impact on German industry. Finally, in May 2022 VW and Frans Timmermans met in Davos (Switzerland) to discuss the EU Green Deal and FitFor55 package.

3.3. Summary of the findings

Wrapping up the case study, let us briefly review the lobbying activities of VW and its affiliates in the years under consideration (2015 to the present) by also showing graphs with the lobbying expenditures incurred in these reporting years.

VW's lobbying activity was most prominent during 2015 and 2016. Specifically, VW held as many as 15 meetings mainly on Dieselgate and consumer protection. These meetings were held in Brussels with various Commission representatives. Moreover, during those years VW spend almost 2.7 million euros and employed 14.75 FTE and 4 EP-accredited lobbyists. Between 2017 and 2018, there is a slight decrease in the meetings on the emissions issue attended by VW, in fact, the number is down to 10. VW lobbying expenses amounted to almost €2.8 million in 2017 and almost €3 million in 2018. It employed 17 FTE lobbyists and 4 EP-accredited lobbyists. Finally, there is an even greater decrease in subsequent years. In 2019 VW did not participate in any meetings regarding emission regulations or targets. Then, for both 2020, 2021, and 2022, the emissions and climate-themed meetings it participates in for each year are only 2. VW lobbying expenses in 2020 amounted to almost €3.5 million. Moreover, it counted 17.5 FTE lobbyists and 4 EP-accredited ones. In 2020, the EU Green Deal was the main topic. Finally, between 2021 and 2022 there is no data regarding lobbying costs. However, it is known that VW has employed between 3 and 4 EP-accredited lobbyists and 17.5 FTE lobbyists. The Green Deal has been one key topic these years along with the FitFor55 package. A graph on VW lobbying costs can be found below in Figure 10.

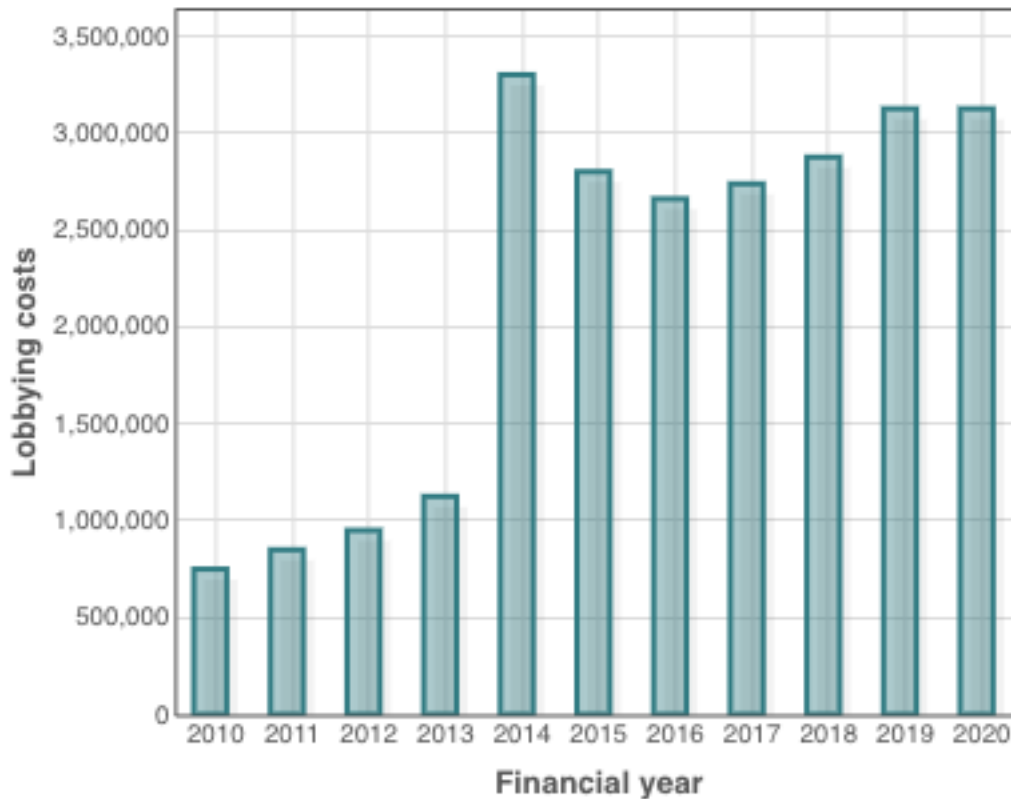


Figure 10. WV lobbying costs over the years.

Source: LobbyFacts Database_1, accessed June 2022

As for ACEA, between 2015 and 2016 it held 9 meetings mostly about on RDEs, it spent roughly a total of €2.5 million during those years and employed as many as 10-EP accredited lobbyists in 2016. During 2017 and 2018, ACEA was present at 16 meetings regarding emission, CO2 standards, and GEAR. In 2018, ACEA spent almost €3 million in lobbying and employed 13 FTE lobbyists and 17 EP-accredited ones. During 2019 and 2020, the number of meetings on emission for ACEA slightly decreased to a total of 12. And while its lobbying costs in 2019 amounted to almost €3 million, they decreased to almost €2.8 million in 2020. Similarly, ACEA’s number of lobbyists with EP accreditation decreased from 18 to 14 in 2020 compared to 2019. Finally, in 2021, ACEA participated in 13 meetings, but we just know that its lobbying expenses did not change compared to 2020 (almost €2.8 million). Topics addressed during 2021 were mainly concerning the Euro 7 legislation on emission, the Green Deal, and the FitFor55 package. A graph on ACEA lobbying costs during the years can be found below in Figure 11.

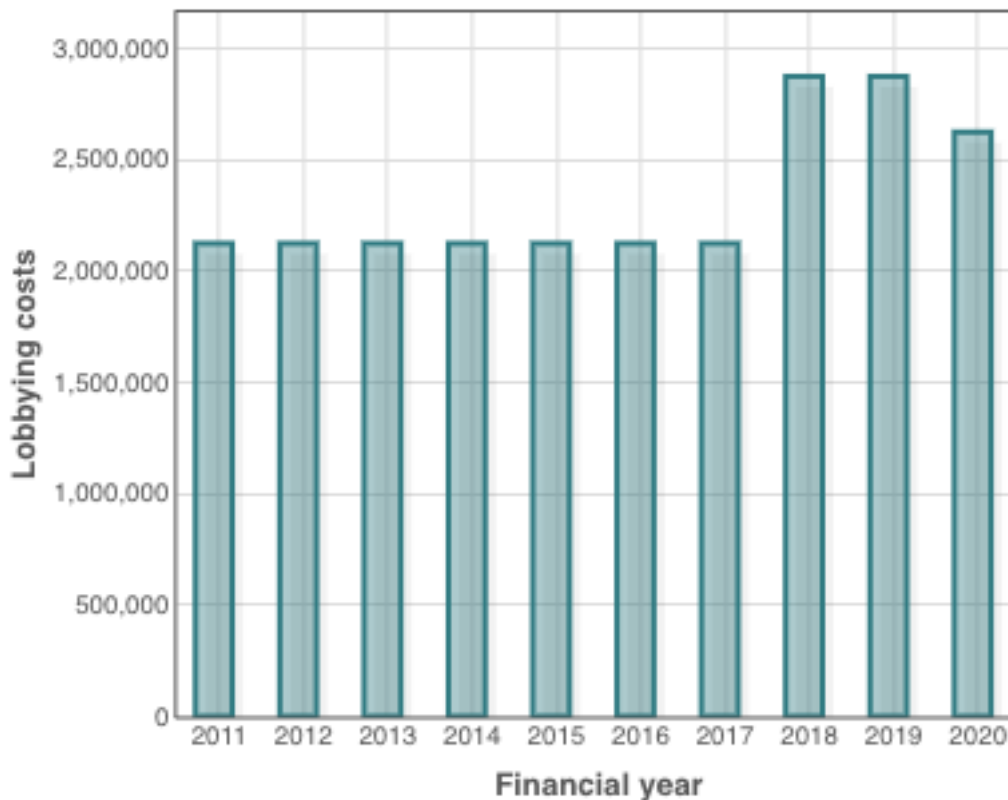


Figure 11. ACEA lobbying costs over the years.

Source: LobbyFacts Database_2, accessed June 2022

BusinessEurope was not much active in the field of emissions during 2015 and 2016. Between 2016 and 2018, there were only 3 emission-themed meetings in which ERTRAC participated. In these years it spent around 4.3 million euros on lobbying and had as many as 29 accredited lobbyists in 2016 and 28 in 2018 while instead 30 were FTE lobbyists. In contrast, the 2019 - 2020 biennium counted 13 meetings with Commission representatives. Lobbying costs during the biennium were always the same as in 2018 and previous years. In 2019, accredited lobbyists rose again to 29 while they suffered a major decrease to 15 in 2020. Finally, we have no data for the 2021 - 2022 biennium. A graph on BusinessEurope lobbying costs during the years can be found below in Figure 12.

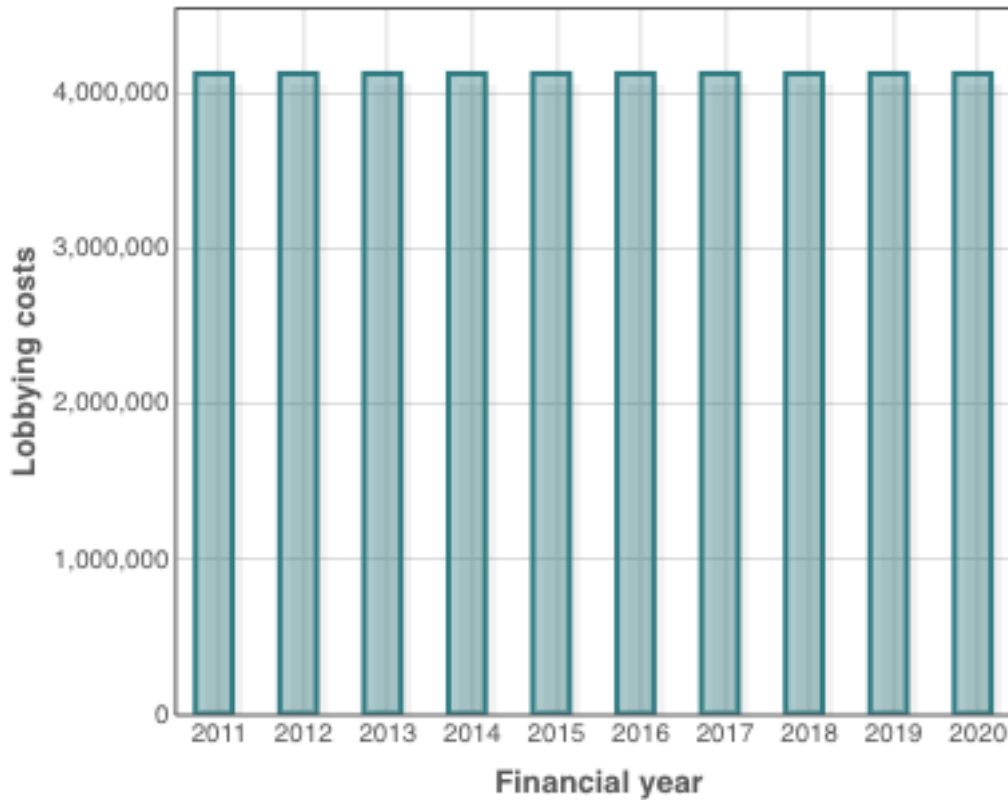


Figure 12. BE lobbying costs over the years.

Source: LobbyFacts Database_3, accessed June 2022.

ERTRAC has only been involved in the automotive industry and green policy since 2017. Over the years, in any case, it does not spend much on lobbying compared to VW and the other affiliations. Until 2016 it spends around 50,000 euros, then in 2017 it rises to almost 100,000, then goes up to 200,000 in 2018 until it hits a high of 300,000 in 2020. During all years there is only 1 FTE lobbyist, but no lobbyist accredited to EU Parliament. A graph on ERTRAC lobbying costs during the years can be found below in Figure 13.

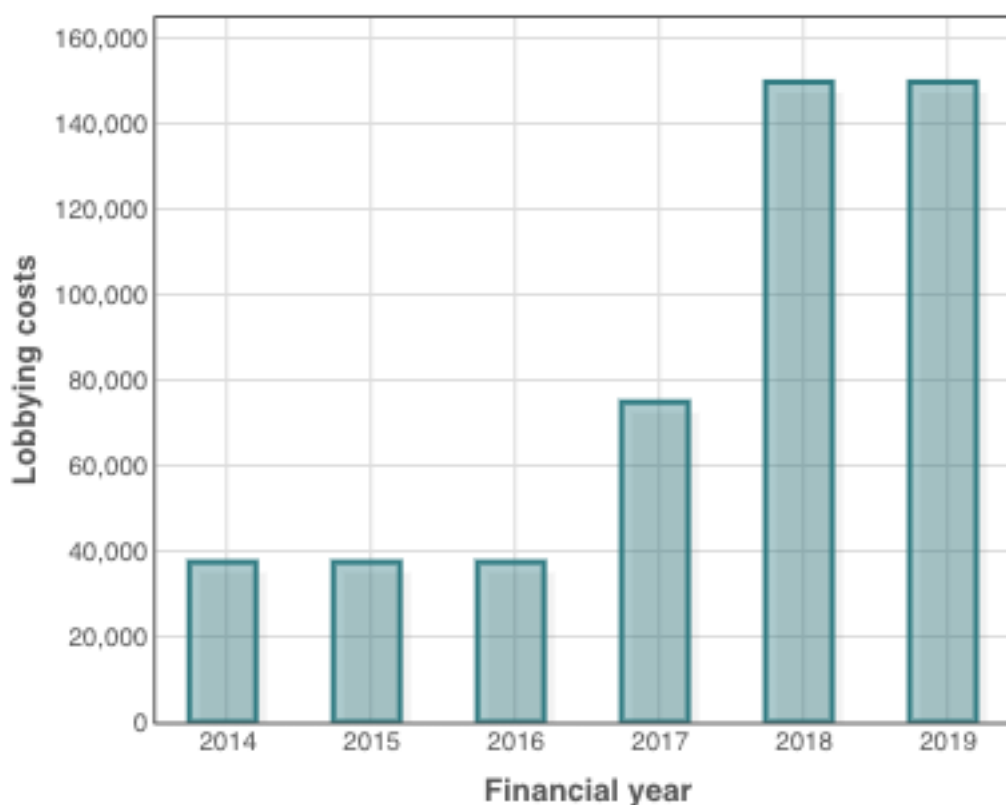


Figure 13. ERTRAC lobbying costs over the years.

Source: LobbyFacts Database_4, accessed June 2022.

Between 2015 and 2016, VDA participated in 6 emissions-related meetings, including 5 in 2015 alone. During each year it spent 2.5 million by employing 14 FTE lobbyists. In 2015 it had 4 accredited lobbyists, while in 2016 it had only 3. 2017 was the busiest year for VDA with 6 meetings on emissions, CO2, and GEAR 30. Lobbying costs remain around 2.5 million and FTE lobbyists also remained at 14. Accredited lobbyists, on the other hand, drop to 2. In the 2019 - 2019 biennium VDA holds 6 total meetings (4 in 2018 and 2 in 2019) discussing among others climate change policy. In 2018, lobbying costs decrease by almost half to 1.5 million. At the same time, FTE lobbyists remain 14, and those accredited to Parliament double to 4. Then the latest data on costs and lobbyists go back to 2020, the year VDA participates in 2 meetings both concerning the European Green Deal. In 2020 lobbying costs decrease again barely reaching 900,000 euros. FTE lobbyists also decrease to almost half the number of the year before: 5.8 FTEs in 2020 compared to 13 FTEs in 2019. The number of FTE lobbyists, on the other hand, remains the same as the year before (2). Finally, from 2021

we only know that VDA discusses in 4 meetings Euro 7 and FitFor55. A graph on VDA lobbying costs during the years can be found below in Figure 14.

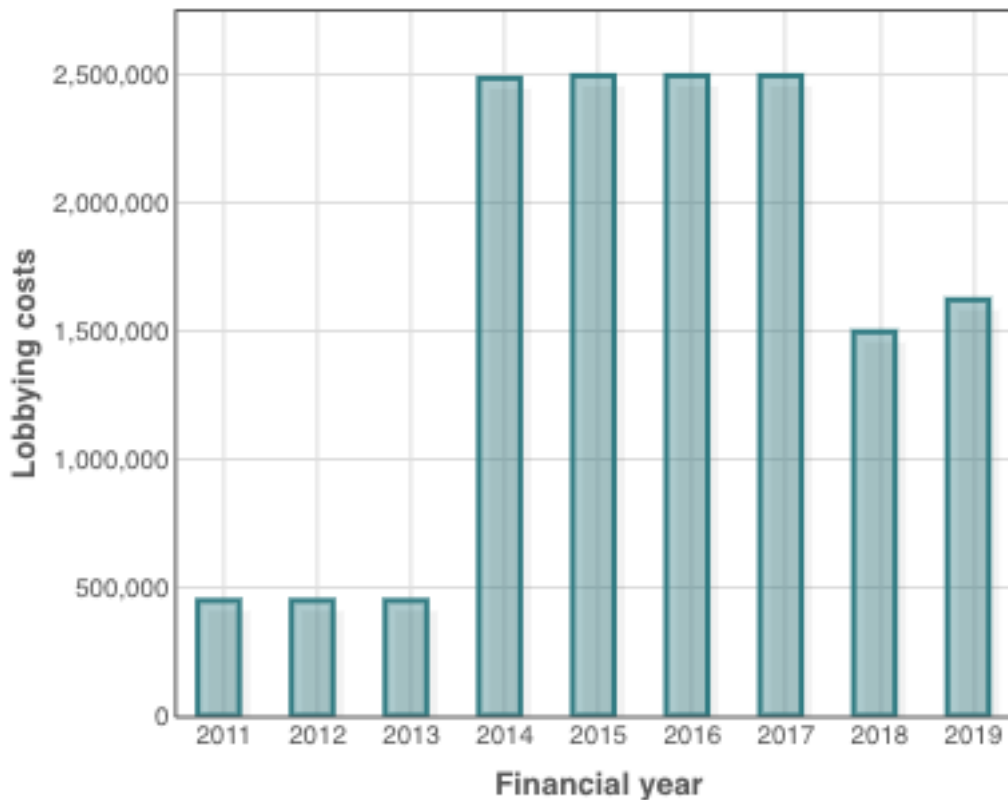


Figure 14. VDA lobbying costs over the years.

Source: LobbyFacts Database_5, accessed June 2022.

For BDI, lobbying regarding the automotive industry and emissions was mainly active in 2015, 2020, and 2021. In 2015, it participated in 5 meetings where it discussed climate and environmental issues spending nearly €3 million in lobbying and counting 24.75 FTE lobbyists and as many as 14 accredited lobbyists at the EP. Then, from 2016 to 2018 the meetings were only 3 in total. Lobbying costs did not change (€3 million is always approached) but accredited lobbyists to the EP decreased between 2016 and 2017: down to 10 in 2016 and 12 in 2017. And FTE lobbyists decreased between 2017 and 2018: 21 in 2017 and 20 in 2018. Finally, lobbying costs increased by nearly one million euros for the 2020 - 2021 biennium, approaching 3.5 million. Beyond that, we only know that there were 27.9 FTE lobbyists in 2020. A graph on BDI lobbying costs during the years can be found below in Figure 15.

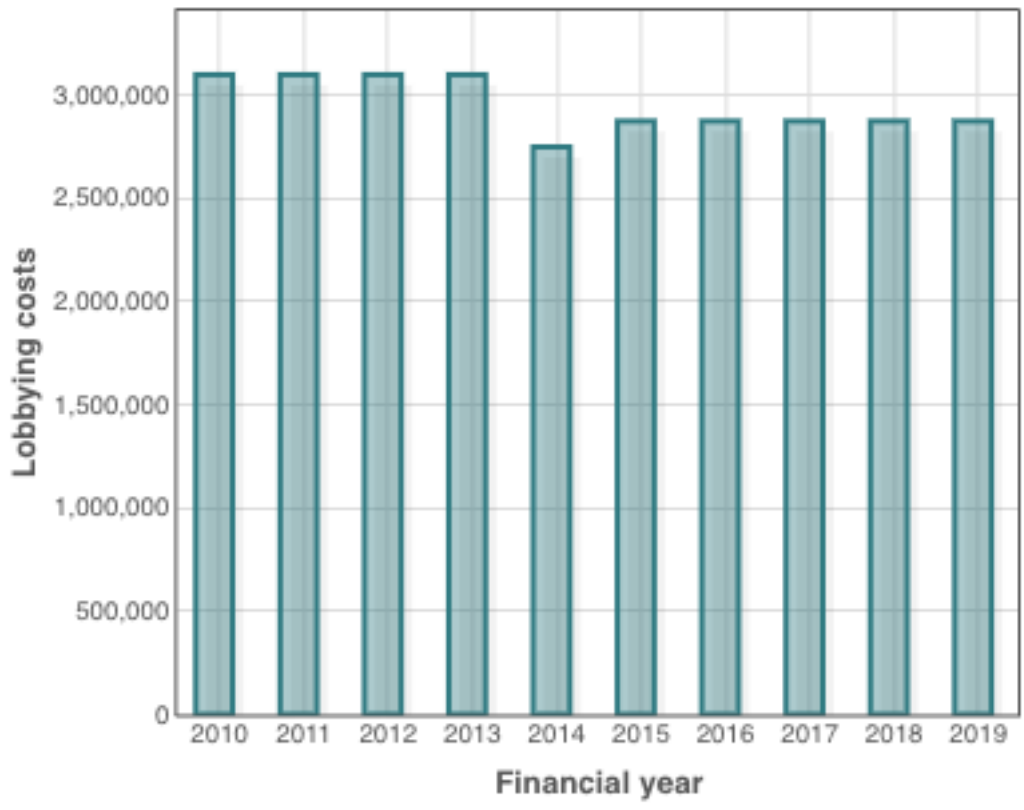


Figure 15. BDI lobbying costs over the years.

Source: LobbyFacts Database_6, accessed June 2022.

In the end, although VW is also a member of CSR Europe and affiliated with CEPS, we did not find any meetings related to emissions or the automotive industry for either group.

Conclusion

This dissertation sought to answer the question, "What is the influence of lobbies on the legislative processes of the main European institutions and how is their transparency ensured?".

This was accomplished by studying the literature on the phenomenon of lobbying, its strategies, and the entry points lobbyists use to access the European Institutions. In addition, a study of the Volkswagen AG case was conducted using the Transparency Register. The latter was used to collect various information (lobbying expenses, number, and names of lobbyists accredited to the Parliament, names of Commission representatives, etc.) on meetings held at the European headquarters in Brussels from 2015 to the present day between the Group and its affiliations and the European Commission. Only those meetings concerning the topic of emissions, CO₂, and Dieselgate have been considered as a reference. This is because, given the importance of the issue to the industry, it is plausible to think that this is something on which the institutional relations of the automakers have focused during recent years, particularly since the Dieselgate scandal has increased attention to the issue. The discussion of the Euro 7 legislation and the recent EP vote on June 8 on the FitFor55 package (and the like) demonstrate this. This data was collected in an Excel spreadsheet and then analyzed year by year comparing it not only with the literature regarding lobbying but also with the path of European regulations and policies toward climate neutrality.

It was evident from the case analysis that there is a dense network of interconnections between VW lobbyists and Commission representatives that is created through confidential interests and well-planned lobbying strategies. This result is consistent with the literature cited in this thesis, which suggests that the use of both direct and indirect lobbying strategies enables interest groups to influence political institutions to pursue their interests effectively and durably. Other than that, the attainment of goals is also achieved through the large sums of money and numerous professionals that companies and associations invest in lobbying activities.

The result obtained from the research work highlights the enormous power that lobbies have nowadays and the usefulness of tools such as the Transparency Register for their regulation. And the VW case is exemplary in demonstrating this.

However, it is important to keep in mind that this research focused exclusively on one multinational corporation (Volkswagen AG) and its affiliations and that the Transparency Register, although it has become mandatory, does not take into account meetings that occurred informally. Therefore, the results reflect only a part of the vast reality and mechanisms of lobbies. The main limitation of this research is that it is empirical and the usual disclaimer about generalization applies.

One recommendation for further future research would be to conduct a similar study using a larger sample of companies, or in different fields, and tending to a broader timeline by always keeping the Transparency Registry updates under observation. Beyond that, it would be interesting to see what happens to track records since the Transparency Register became mandatory in 2021. Yet another cue could be to conduct interviews with professional lobbyists to have a more nuanced view on how they go for one strategy or the other, confirm or discharge some of our hunches and speculations, etc.

My personal interest in the development of this thesis has been to understand how and to what extent European institutions represent my interests as a European citizen and, in particular, whether in the area of emissions they represent more the interests of civil society or those of interest groups (in this particular case, the automotive industry lobbies).

We have seen extensively, both through the literature and through the case study, that lobbying is a very effective strategy for automotive companies. We have also realized the importance of the Transparency Register as a useful tool for shaping European citizens' awareness of the transparency of European processes when companies lobby in this sector.

The entire transport sector is among the largest emitters of greenhouse gases in the European Union; emission volumes have increased significantly in recent years. As stated in the Fitfor55 plan, the European Union is expected to reduce its greenhouse gas emissions by 55% from 1990 levels by 2030. Last June 8, however, the European Parliament voted in favor of the Commission's proposal to ban the sale of new gasoline and diesel cars from 2035. So, while the EU is clearly working hard to combat the climate crisis, it is also clear that

the interests of automakers are still a very influential factor during discussions and consequently decisions made at the European level on emissions. Finally, I believe that we are still a bit far from seeing the interests of us European citizens being put first.

Appendix

European legislative process explained

The legislative proposal that the European Commission issues must be submitted to both the Council and the European Parliament. It also goes to the national parliaments and, in specific cases, to the Committee of the Regions and the Economic and Social Committee for scrutiny. Adoption of legislative proposals by the College of Commissioners occurs either by written procedure, meaning the text is not discussed, or by oral procedure, where the text is discussed. The Commission decides by a simple majority if a vote is required.

Both the Council and the Parliament may ask the Commission to carry out studies and submit legislative proposals. The Treaties define specific cases in which the ordinary legislative process can be initiated (Consilium EU, accessed April 2022):

- on the initiative of a quarter of the Member States if the proposal is about judicial cooperation in either police cooperation or criminal matters;
- on a European Central Bank's recommendation if the proposal concerns the statute of the European Central Bank and the European system of central banks;
- at the Court of Justice of the EU request if the proposal concerns the statute of the Court, specialized court establishment attached to the General Court;
- at the European Investment Bank's request.

The first reading of the Commission's proposal is examined by the European Parliament which may decide to (Consilium EU, accessed April 2022):

- adopt the proposal, or
- introduce amendments to the proposal.

Only after that, the Council of the EU may (Consilium EU, accessed April 2022):

- decide to accept the position of the Parliament, or
- amend the Parliament's position.

No time limit exists at the first reading at the Parliament and the Council. The resulting documents are (Consilium EU, accessed April 2022):

- Legislative act – regulation, directive, or decision;
- Council's position at the first reading, in the case the Council decides to amend the position of the Parliament;
- General approach, a Council-level political agreement that can be adopted while awaiting Parliament's first-reading position.

Before a position is agreed on in the first reading, there are a few intermediate steps. The Council gives the Parliament an idea of its position on the legislative proposal through the "general guidance" document; this occurs before the Parliament gives its opinion. In this way, through a general approach, the legislative procedure can be speeded up, and reaching an agreement between the Parliament and the Council is also made easier.

Furthermore, informal inter-institutional meetings, or "trialogues", can be held between the Council, Parliament, and Commission to help the three institutions reach an agreement. Representatives from each of the institutions attend these meetings.

The subject matter of "trialogues" can vary, covering both technical and political discussions involving commissioners and ministers. In addition to this, the "trialogues" are used to reach an agreement on legislative amendments between the Parliament and the Council which, although informal, must be approved according to the procedural rules of each institution (Consilium EU, accessed April 2022).

The procedure continues and The EU Parliament reviews the Council's position and may (Consilium EU, accessed April 2022):

- approve it, the act is adopted;
- reject it, the act will not enter into force and the whole process comes to an end;
- propose amendments and send back the proposal to the Council for a second reading.

Then, the Council reviews the Parliament's second reading position and may (Consilium EU, accessed April 2022):

- approve all Parliament's amendments, the act is adopted; or
- not approve all the amendments of the Parliament, the conciliation committee is convened.

The Council votes by a qualified majority on those Parliament amendments for which the Commission has given a positive opinion. In contrast, for those Parliament amendments that have received a negative opinion from the commission, the Council votes unanimously. The Council may only respond to parliament amendments (Consilium EU, accessed April 2022).

The deadline is three months for each institution but there is a one-month possible extension. The resulting documents will be (Consilium EU, accessed April 2022):

- European Parliament legislative resolution on the Council position at first reading if the Parliament approves the decision of the Council. In this case, the legislative act is adopted as either a directive, regulation, or a decision of both the Council and Parliament;
- European Parliament's position is adopted at the second reading in the case the Parliament votes to introduce changes to the position of the Council;
- In the case the Council approves the second reading position of the Parliament, the legislative act is adopted and is published as a directive, regulation, or decision of both the Council and Parliament;
- In the case the Council does not approve the second reading position of the Parliament, no official document exists.

Now, should the Council not approve all the amendments of the Parliament at the second reading, a conciliation committee is convened consisting of equal numbers of members of the Parliament and representatives of the Council. Here a text that is acceptable to both sides must be agreed upon. The committee may (Consilium EU, accessed April 2022):

- agree to the joint text which is sent to the Parliament and the Council for a third reading, or

- not agree on a joint text. In this case, the legislative act is not adopted, and the procedure comes to an end.

Within 6 weeks the conciliation committee must be convened, there may also be a possible extension to 8 weeks. After this period, there are 6 weeks available to agree on a common text. The resulting document is a joint text that the conciliation committee approves if it reaches an agreement.

After this, the Parliament reviews the joint text and may (Consilium EU, accessed April 2022):

- approve it. If the Council approves it too, the legislative act is adopted; or
- reject, or fail to act on it. The proposal is not adopted and the procedure ends.

The Council examines the joint text as well and may (consilium.europa.eu):

- approve it and the Parliament accepts it too then the act is adopted; or
- reject it or fail to act on it, so the procedure will end.

The Council accepts the joint text by a qualified majority. And starting from the date on which the joint text was approved, both the Parliament and the Council must act within 6 weeks.

Finally, “the Parliament adopts a legislative resolution on the joint text approved by the conciliation committee in which it either approves or rejects the joint text.

If the joint text is approved by both institutions, the legislation is published as a directive, a regulation, or a decision of the Parliament and of the Council” (Consilium EU, accessed April 2022).

On the contrary, “if a legislative proposal is rejected at any stage of the procedure, or the Parliament and the Council cannot reach a compromise, the proposal is not adopted and the procedure ends. A new procedure can start only with a new proposal from the Commission” (Consilium EU, accessed April 2022).

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