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# DEMOCRACY AND LOBBYING IN THE EUROPEAN UNION



campus



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All representative systems have had to confront the opportunities offered as well as the threats posed by the formation and activities of interest groups. Up until the mid twentieth century the anticipated threats dominated the assessment of interest groups and their activities, giving rise to such descriptive phrases as "the anonymous empire" (Finer 1960) or "the rule of associations" (Eschenburg 1955). James Madison's definition and judgment of interest groups is simply one of the better known ones:

By a faction I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community. There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects. (2003, orig. 1787-88: 51)

Several developments have since come to bear on societal and political perception and have decreased the fear of faction. First, the view of interest groups and their role within a representative system has become more differentiated, driven mainly by pluralist theory and new political concepts such as participatory and associative democracy. Second, heightened awareness and technological developments have increased public transparency on interest groups and have in some cases lead to a better regulation of their influence on political decision-making. Yet, the underlying question remains the same: How are interest groups to be integrated into representative democratic systems without destroying the legitimacy grounds of democratic decision-making?

This question can be posed both in the context of political theory and in the practical, empirical setting of an existing representative system. Accordingly, this work intends to explore the possible role of interest groups and the impact of their involvement on a democratic representative system both in theory and in the context of the experience of democracy and lobbying in today's European Union.

Not even the greatest critics of European democracy and its interest group system negate the important role of interest groups within representative democracies. The role of groups has supposedly always been to provide representatives with information on diverging interests within the population, which in turn enables officials to balance all interests to the advantage of the whole. In today's system of, on the one hand, heightened complexity of policy issues calling for technical expertise and, on the other hand, of growing distance between the representatives and the European people the supporting role of interest groups is magnified. At the same time, the complexity and centralization - also characterized by a pronounced intransparency of the decision-making process - give rise to questions as to the complementarity or opposition of lobbying and democracy in the European Union:

Is lobbying complementary to the other forms of institutionally formalised representation, such as the European Parliament, the Social and Economic Committee, the Committee of the Regions? Does it support them by the production of expertise? Or does it destabilise them, short-circuit them through the play of competing intervention mechanisms? Does the predominance of technical expertise not conflict with the very nature of universal suffrage? (Gobin et al. 1998)

In other words, is there a real threat that the democracy of citizens could be replaced by a "democracy of organizations" (Andersen et al. 1996a: 230) or has EU democracy indeed already been transformed into a "lobby-cracy", Lobbykratie (Bode 2003: 208), by the dominating influences of special interests?

Since the early 1990s both Anglo-Saxon and German academic research and writing have shown an increasing interest in topics concerning lobbying in the European Union. Much effort has been made to compile information on and analyses of the workings of the relevant EU institutions from the point of view of the various types of lobby groups working in Brussels (Mazey et al. 1993c, Buholzer 1998, Teuber 2001). A vast library of how-to guides (e.g., Cassidy 2000, Vandenberghe 1995) and, mainly,



industry case studies has accumulated. Many of these works are marked by an interdisciplinary approach combining political science with communication science (Fischer 1997, Geißler 2002) and sociology (Lahusen et al. 2001).

At the same time there exists a long tradition of critical works dealing with the almost proverbial lack of democratic legitimacy of the European Union, its processes and institutions (Abromeit 1998b, Decker 2002, Greven 2000a, Schmuck 1993, Veit 1989, Zürn 1996, Zweifel 2002). The question of interest lobbying is but one of many aspects constituting this so-called democratic deficit.

The increasingly widespread criticism of the EU is not a result of political manipulation which can be corrected by neutral information but stems mainly from the discrepancy between the prevailing normative model of political organization (i.e. the democratic state) and perceived deficits of the EU with reference to this model. [...] the public political debate is in desperate need for models of the European polity which give a realistic analytical image of the EU and at the same time serve as normative guideposts for feasible reforms balancing democracy and governance. (Jachtenfuchs 1997: 11)

In the years since Jachtenfuchs' appeal many such models have been suggested though most authors continue to focus on state-centric approaches. Some models - such as that of the multi-level governance system relying to a large part on policy networks - go beyond official institutions in their consideration of political players shaping EU democracy and offer a wider range of solutions. The present work aims at adding to current models by choosing an interest group focused and lobbying-centric approach. In this it joins the comparatively short list of works combining the question of European democratic legitimacy with the question of the role of public and private interest groups. A collection of essays resulting from a 1997 conference and compiled by the Groupe d'étude de Lobbyisme Européen at the University of Brussels was one of the first substantial attempts at "the connection between democracy and lobbying, ethics [and] the evolving political system of the EU" (Claeys et al. 1998a: cover text).