

Leiden Universiteit

Civil Society Participation in EU Policy-Making
'Greening' in the 2013 CAP Reform



Universiteit Leiden
The Netherlands

MA EUROPEAN UNION STUDIES

Final Thesis

December 29th 2016

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Word count: 22440

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1. Introductory Chapter: EU Policy Making and Participatory Democracy

There is controversy among scholars about the impact and involvement of interest groups¹ in European policy making, and the means how to measure this influence. The European Commission is actively reaching out to European civil society in order to seek expertise and to identify interests and potential conflicts. Democratic legitimacy of EU decision making is dependent on participation by groups and individuals from civil society. Participatory democracy has been written into EU instruments as a key tool to provide legitimacy for EU policies, but there has been little scrutiny of the participation channels established to achieve such aims. Inconsistencies in the contextual factors determining interest group involvement and inherent difficulties in empirically measuring the influence of interest groups create obstacles for researchers. This is partly due to the fact that policy issues differ largely in the public attention they raise, their technical complexities and the conflicts they create among stakeholders. Moreover the EU offers a *sui generis* highly fragmented and constantly evolving institutional framework. This creates an environment in which interest groups have, depending on their resources, many optional access points where they can enter the policy process, including the national and sub-national level. Depending on specific factors, this multi-layered opportunity structure can sometimes work as a constraint, but might also open up possibilities for interest groups².

Many scholars argue that the Commission's ideal of participatory democratic governance is unachievable, because of structural under-representation of public interest in contrast to business interests. Moreover, European citizenship remains underdeveloped, is not sufficiently promoted by European institutions and active involvement of the individual with the governance of the EU remains limited³. This critique of a systemic lack of agency regarding the representation of societal interests as opposed to business interest is also the driving motivation behind this research. Interestingly in this regard is, that institutional dynamics have in recent decades provided increasing access for societal interest civil society organisations (CSOs) to EU policy making in certain policy areas. However, this is not without reason. A lot of hope is being put into CSOs, to bridge the gap between European civil society and EU decision making. They are expected to embody a novel form of citizen representation for societal interests on European level, mediating between European citizenry and decision makers and thus alleviating the democratic legitimacy crisis of the EU⁴. Direct involvement of CSOs in the EU policy making arena and their role and mandate as the new agents of citizen representation for societal interest need to be scrutinised. This contribution will address controversial issues about the institutionalisation of CSO representation of societal interests in EU governance. It aims at answering the research question, whether the increased inclusion of CSOs advocating societal interests *effectively* redresses imbalances in interest representation in EU policy making, by contextualising the nature of their participation in discourses on democratic legitimacy and European integration.

¹ Henceforth the term "interest group" will be used interchangeably with „civil society organisation“ or “lobby group”.

² Klüver, H., Braun, C., & Beyers, J. (2015). Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union. *Journal of European Public Policy*, 22(4), 447-461.

³ Kohler-Koch, Beate. "Civil Society Participation: More Democracy or Pluralization of the European Lobby?." *Demystification of Participatory Democracy. EU Governance and Civil Society* (2013): 173-191

⁴ Kröger, Sandra. "Creating a European Demos? The Representativeness of European Umbrella Organisations." *Journal of European Integration* 35, no. 5 (2013): 583-600.

As will be thoroughly elaborated, the scrutiny of interest group involvement in policy making is a delicate and complex affair. Diverse circumstances for individual policy files make it difficult to produce results that are generalizable, since policy- and polity-related factors determine the extent of stakeholder involvement. However, since the scope of this contribution is rather limited I have chosen to conduct an in-depth single case study to portrait interest group involvement on a contentious dossier with unique issue specifics - the Common Agricultural Policy (CAP) Reform 2013 - where I will focus on the introduction of environmental provisions in the direct payment regulation⁵. Hence, the objective of this contribution is not to produce results that are generalizable; rather, it will shed light on the current practices of civil society involvement in one specific policy field. The results will be embedded in a broader discourse on democratic legitimacy and the role of CSOs in EU policy making. Accordingly, this research is aimed at producing a qualitative case study on the complex issue of CSO participation in EU agricultural policy, for the purpose of contributing to a wider debate on recent practices of civil society participation in EU policy making.

Among policy makers and stakeholders alike, the introduction of the so-called ‘greening’ measures into the first Pillar of the CAP was extremely contested. This was aggravated by the fact that the 2013 CAP reform was the first to be held under the Lisbon Treaty’s co-decision⁶ procedure. The involvement of the European Parliament (EP) was perceived as a game-changer by virtually all stakeholders, multiplying the potential access points for interest groups to influence the policy outcome. The Parliament’s role as directly elected citizen’s representation in EU policy making is particularly significant, when looking at the influence of CSOs. However, this was only one of the multiple contextual factors influencing the lengthy reform process. This case study serves to exemplify the level of complexity of the political context interest group mobilisation takes place in and the elaborate analytical framework which is needed to capture such processes.

2. Contextual Framework

The contextual framework applied to my individual case rests upon two complementary parts, which result in two hypotheses to be tested in the case study. The first part will discuss the role of civil society organisations in EU policy making and review how it has evolved in recent decades. It will mainly be focused on the participation of societal interest CSOs, while emphasising processes of Europeanization. It will be structured as follows. First it will establish a coherent definition of “CSOs” to be used in the framework of this research. Second, it will elaborate on the evolvement of European governance in recent decades, the specific role that was prescribed to especially public interest CSOs in this regard, and how it was interlinked to the discourse of the EU’s democratic deficit. Lastly, it will engage in criticism on the role of CSOs in European governance in terms of their *representativeness* and their *effectiveness* respectively.

⁵ EU Commission. "Proposal for a Regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy." COM (2011) 625 (2011).

⁶ Formally the new procedure in EU decision making as introduced by the Lisbon Treaty is called “Ordinary Legislative Procedure”. It will be referred to as “co-decision” hereinafter.

In the second part, I will address operational issues that need to be worked out in the terms of determinants of influence. Within ‘interest group research’ as a field of study, these have been heavily disputed. Contemporary scholars have in recent decades made concerted efforts to analyse existing studies on interest group influence and tried to address the issues that have led to the diverging results we are faced with. Various theoretical perspectives have been applied to appropriate what determines successful influence attempts in different regulatory contexts. Scholars have made sophisticated attempts to construct a contextual framework that allows for acknowledgment of the different subjectivities, provides with an overview of the different factors that determine how interest groups mobilise – which strategies they use, how they wield their influence, how successful they are with it and why – while they are at the same time controlling for alternative explanatory variables. I will draw from the contributions which I deem most valuable in this regard to establish an analytical framework, which then serves as a means to cluster the determinants of influence and facilitate the research process.

2.1. Role of Civil Society Organisations in EU Policy Making

Before engaging in a discussion about the role of CSOs in participatory democracy, it is important to develop a clear definition of the term “civil society organisation”, as it is the main subject of this study. Definitions in contemporary literature offer a broad range of classifying criteria, with varying levels of detail and differentiation. The distinguishing feature, which is also most relevant in this study, is which types of interest organisations are regarded as belonging to “civil society”. In scholarly literature on civil society participation in EU policy making, definitions of the term intentionally - for pragmatic reasons - coincide with the broad reading the European Commission employs. This inclusive view unties what is commonly known as lobby groups (usually associated with business interests) and NGOs (usually associated with advocacy for the greater public good) under the umbrella of “civil society”. A widely used definition was developed by Nanz and Steffek, which defines CSOs “as a non-governmental, non-profit organisation that has a clearly stated purpose, legal personality, and seeks to reach its goals in non-violent ways”⁷. It is similar to the Commission’s reading as elaborated in the White Paper on European Governance and includes “trade unions and employers’ organisations (“social partners”); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities.”⁸

The alignment of definition with the European institutions has practical purposes, since the organisations under scrutiny, regardless of their organisational focus and structure, are (allegedly) all treated the same way by the European institutions. It is also of major importance for the research design of this study, since the main subjects will be so-called European umbrella-organisations. These

⁷ Nanz, Patrizia, and Jens Steffek. "Assessing the democratic quality of deliberation in international governance: criteria and research strategies." *Acta politica* 40, no. 3 (2005): 368-383.; E.g see: Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.; Friedrich, Dawid. "Participatory Democracy in the European Union? European Governance and the Inclusion of Civil Society Organisations in Migration and Environmental Policies." *Fifteenth International Conference of the Council for European Studies March*. 2006.

⁸ EU Commission. "European Governance. A White Paper." COM (2001) 428 (2001).

are Brussels-based organisations with a centralised network-type organisational structure, whose members are typically not individuals but member-based national organisations, which are strategically pooling their resources to advocate consensual positions on EU level. Within recent decades, such organisational types have institutionalised as the leading agents of civil society representation in the EU context. Their setup is closely aligned to the mode of governance of the EU, as they can work more individually from their national constituents, meeting the institutional demands of the multi-level framework.

The most convincing case for a broad definition of CSOs is made by Kohler-Koch⁹. In an elaborate attempt to conceptualise civil society, she conducted an online survey among scholars working on civil society in Europe, linking their understanding of CSOs' democratic potential to the underlying normative theoretical positions. After crystallizing theoretical approaches, she further shows how the understanding of CSOs role in EU governance correlates with diverging images of the European constitutional reality; meaning roughly whether the objective of civil society participation from the onset was improved performance through increased stakeholder input (private-public partnership) or more integrated institution-building and the creation of a European demos (active citizenship). According to her assessment the truth lies somewhere in-between. "The institutions employ new modes of governance in many different ways to improve their performance, but they do so within the framework of a (truncated) system of representative democracy."¹⁰

Yet, the contentious issue remains, whether only NGOs with an orientation towards the 'common good' should be considered as CSOs ("diffuse interests") or also organisations that focus solely on the interests of their own members ("concentrated interests"). Kohler-Koch advocates a broad definition based on the inherent difficulty in establishing clear-cut differentiation among the diverse organisations and associations under scrutiny. This argument is further pursued by Kröger, who bluntly criticises the "range of normative connotations" that 'civil society' often raises in democratic theories¹¹, while there is "nothing *intrinsically* democratic about 'civil society organisations'"¹².

However, while this is indeed a fair point, I argue that in perspective of the EU's mode of governance inclusion of *all* types of CSOs is necessary, since democratization requires the full spectrum of societal interests to be represented towards EU policy makers. Engaging in normative classification of righteous civil society advocates for the 'common good' and their selfish counterparts in the business lobby is reductionist thinking and beside the point. Nonetheless, grouping of CSOs in different group types with common organisational structures, membership base, strategies and policy goals is considered necessary. Thus, what is more important to ask is whether CSOs enter the policy arena on well-balanced ground. Besides the legal ground in the treaties, this is very much up to the European institutions and their handling of stakeholder consultation processes. If in certain policy contexts the determinants of influence (group type, resources, institutional demands, privileged

⁹ Kohler-Koch, B. "Civil society and democracy in the EU. High expectations under empirical scrutiny." *Demystification of participatory democracy. EU governance and civil society* (2013): 1-17.

¹⁰ *Ibid.*

¹¹ Kröger, Sandra. "Europeanised or European? Representation by Civil Society Organisations in EU Policy Making." *ECPR Press* (2016).

¹² McLaverty, Peter. "Civil society and democracy." *Contemporary Politics* 8, no. 4 (2002): 303-318. (As cited in Kröger 2016)

access etc.) are systemically stacked in favour of certain stakeholders, this is an issue that needs to be addressed urgently.

To answer this, it is necessary to examine how European governance evolved in recent decades, in practice as well as in academic discourse. In the following paragraphs, I will elaborate how it was interlinked to a widely debated crisis of democratic legitimacy and the role that especially public interest NGOs play in this regard. Further, I will critically engage with the assessments academic literature has to offer, touching on issues like imbalanced interest representation, public awareness of EU politics, active EU citizenship, public accountability, centralisation in CSO diplomacy and representativeness of CSOs. The objective is to establish a clear hypothesis on the effectiveness of CSOs and their contribution to democratise the EU decision making process, by redressing imbalances in the representation of societal interests.

It is of utmost importance for the assessment of the increased political and scholarly interest in the role of CSOs in the governance of the EU, to contextualise it in the debates over the democratic deficit of the EU. When initially governance described a shift to more decentralised horizontal decision making structures designed to cope with the challenges of globalisation through greater involvement of non-state actors; the concept quickly met fertile ground in the multi-level institutional framework of the EU, where the European Commission gave impetus to the idea. Naturally it was the Commission, who advocated for institutional change to increase participatory opportunities for CSOs. It is the institution lacking a national voter base, hence being in the centre of criticism regarding the EU's democratic deficit. This dynamic paved the way to a more value-oriented discussion on CSOs in the EU, which was later being described as the "normative turn"¹³ or "governance turn"¹⁴ in EU studies. The emphasis moved from CSOs' role as provider of output legitimacy (government *for* the people) through expertise and information, to their contribution to the EU's input legitimacy (government *by* the people) through representation of citizen's interests.¹⁵

This linkage of CSOs' role in EU governance to the democratic deficit of the EU is also evident in the publications from the European institutions, especially the Commission¹⁶. With the discussions of a legitimacy crisis gaining momentum, the language used to describe CSOs progressively changed over a decade after the adoption of the Maastricht Treaty 1992, resulting in a Commission White Paper on European Governance advocating the output- as well as input legitimacy provided through the involvement of CSOs.¹⁷ Here, the Commission also extended its definition of civil society beyond special interest organisations and formally recognised societal groups' part to play in participatory democracy.

¹³ Bellamy, Richard, and Dario Castiglione. "Legitimizing the Euro-polity and its Regime. The Normative Turn in EU Studies." *European journal of political theory* 2, no. 1 (2003): 7-34.

¹⁴ Kohler-Koch, Beate, and Berthold Rittberger. "Review article: The 'governance turn' in EU studies." *JCMS: Journal of Common Market Studies* 44, no. s1 (2006): 27-49.

¹⁵ For a description of the concept of output- and input legitimacy see: Kröger, Sandra. "Nothing but consultation: The place of organised civil society in EU policy-making across policies." *European Governance Papers (EUROGOV)* No. C-08-03, (2008).

¹⁶ Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.

¹⁷ EU Commission. "European Governance. A White Paper." COM (2001) 428 (2001).

Parallel to the EU's polity building, scholars have taken a lively interest in the EU democratic deficit and its interrelation with the new modes of European governance. While there is no space here to elaborate on the lengthy arguments of the decade-long discourse, it is fair to say that most scholars recognise manifest deficiencies of EU institutions in terms of democratic representation¹⁸. Out of the many different ways proposed by scholars how to enhance democratic legitimacy, the consultation of CSOs is among the most prominent ones. In this view the role of CSOs in the EU's decision making process is not merely that of an expert body, but their status is alleviated to being representatives for the societal interests of the European citizenry. This perspective – commonly referred to as 'deliberative democracy'¹⁹ - sees the broad consultation process as key to opening the debate to all positions, which are then considered rationally for the common good. In this regard it is mandatory to enable citizens to voice their concerns through various participation channels. One precondition for the functioning of deliberative democracy is public awareness of EU politics and active EU citizenship. The absence of such a European *demos* is to be remedied through CSOs, who function as 'transmission belts' (a concept developed by Nanz and Steffek²⁰) and represent the interests of European citizens. The role of CSOs is thus no less than to 'mediate between the national and the supranational, thereby connecting national society to transnational governance'²¹, balancing the deficiencies in democratic representation.

As Rodekamp points out, discussions on CSOs in deliberative democracy are strongly interlinked and often overlap with debates about CSOs' role in participatory democracy²², which extends beyond the creation of a European public sphere. To enable more direct citizen's participation CSOs contribute to bridge the gap between EU citizens and policy makers by "providing expertise [...] for better policy-making, holding EU institutions accountable, mobilising interests and enhancing civic participation"²³.

Yet, increased academic interest in the matter also raised many voices among spectators, who were critical of the idea that CSOs could provide this multitude of essentially democratising functions in European governance. Critique on the positive connotations of CSO involvement in EU politics evolved on two levels. On a systemic level, the effectiveness of their participation through pluralisation and equalisation among represented interests in the decision making process was questioned. This is measured in policy outcomes and the level of accessibility of the decision making process for a wide range of CSOs. It is the main focus of this study to evaluate the effectiveness of

¹⁸ For a summary of the discourse on the democratic deficit of the EU See: Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.

¹⁹ E.g. see: Holzhaecker, Ronald. "Democratic Legitimacy and the European Union." *Journal of European Integration* 29, no. 3 (2007): 257-69.; McLaverty, Peter, and Darren Halpin. "Deliberative Drift: The Emergence of Deliberation in the Policy Process." *International Political Science Review* 29, no. 2 (2008): 197-214.; Eriksen, Erik O. "An Emerging European Public Sphere." *European Journal of Social Theory* 8, no. 3 (2005): 341-63.

²⁰ Nanz, Patrizia, and Jens Steffek. "Assessing the democratic quality of deliberation in international governance: criteria and research strategies." *Acta politica* 40, no. 3 (2005): 368-383.

²¹ Rumford, Chris. "European civil society or transnational social space? Conceptions of society in discourses of EU citizenship, governance and the democratic deficit: An emerging agenda." *European Journal of Social Theory* 6, no. 1 (2003): 25-43.

²² Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.

²³ Kohler-Koch, Beate. "The organization of interests and democracy in the European Union." *Debating the democratic legitimacy of the European Union* (2007): 255-271. (As cited in Rodekamp 2013)

the new modes of governance of the EU in terms of policy outcomes. As mentioned above, this is investigated by developing hypotheses on the role of CSOs in EU policy making and the determinants of influence in the EU multi-level institutional framework, which are further tested against the data gathered in the case study.

However, the second level of critique is organisational and brings CSOs themselves under scrutiny. While this won't be the focus of this study, I will briefly touch upon a few salient points, as it represents an important segment of the overall debate over CSOs' potential to relieve democratic legitimacy issues of the EU. Most recent contributions in the academic debate have increasingly questioned the doubtful democratic credentials of CSOs, most prominently regarding their *representativeness*.

As the emphasis concerning CSO involvement in EU policy making gradually shifts from 'participation' to 'representation', we are currently witnessing what is being dubbed as the "representative turn" in EU-studies, signalling "the need to enlarge the conceptualization of democratic representation beyond elections."²⁴ In her comprehensive study on the bridge that CSOs are meant to build between their constituents and the institutions of the EU, Rodekamp emphasises the perceived cleavage that developed between organisational leadership and their membership base in the process of professionalization.²⁵ Moreover, it is suggested that unequal power-relations and participation opportunities among members of highly professionalized CSOs further threaten the legitimacy of such organisations to be regarded as representatives of their claimed constituents. This is especially relevant in case of Europeanized CSOs in Brussels, which generally show a high level of professionalization and have repeatedly been subject to such claims.

In her account on the creation of a European *demos* through European umbrella organisations, Kröger investigates "whether European umbrella organisations are representative of the constituents they claim to represent."²⁶ She argues that the reasons why this question is important are manifold. Firstly, while the Commission regularly consults CSOs for various reasons, it also provides funding for a number of CSOs, which oftentimes makes up large parts of their overall budget. By doing so, the Commission not only supports organisations which are dependent on private donations from their membership base so they can sustain themselves and contribute meaningfully. It also practically buys legitimacy for its proposals, which have greater political weight if they project diversification of stakeholder involvement.

Secondly and even more importantly, Kröger scrutinises the contribution of the input legitimacy provided by European umbrella organisations to the Commission, as she questions the scope of political contributions from their national constituencies²⁷. In her elaborate study on the representativeness of agricultural, environmental and anti-poverty CSOs, she combines Europeanisation literature with representation theory and argues that since the representation of CSOs

²⁴ Kröger, Sandra, and Dawid Friedrich. "Introduction: the representative turn in EU studies." *Journal of European Public Policy* 20, no. 2 (2013): 155-170.

²⁵ Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.

²⁶ Kröger, Sandra. "Creating a European Demos? The Representativeness of European Umbrella Organisations." *Journal of European Integration* 35, no. 5 (2013): 583-600.

²⁷ Ibid.

is non-electoral, contribution from national constituents to the organisation's policy positions is pivotal for legitimate representation. Her findings show that representational legitimacy is heavily dependent on group type. Sectoral interest groups, which represent only their member's professional (economic) interest (e.g. COPA-COGECA, the European Farmers Organisation), show strong involvement of their constituents in their will-formation. On the other hand, members of interest groups that are bound by a 'cause' (e.g. environmental protection) are not directly – at least not economically - affected by the success of their CSO. These CSO types showed mixed results of direct involvement in will-formation, suggesting a relationship between the constituents and the CSO which is based on trust that the organisation will represent positions in-line with the principles of their members. Lastly, the representatives of so-called 'weak interests' represent groups or peoples which have been structurally or historically disadvantaged and lack the resources to organise themselves (e.g. people affected by poverty, social exclusion, prisoners or children). As expected, these European umbrella organisations have a rather low level of representativeness in terms of will-formation.

Even though the results of Kröger's research are partly explained by structural variables (e.g. CSO resources, degree of Europeanization of policy field, heterogeneity of the constituency etc.), they lead her to the conclusion, that European umbrella organisations "are ill-suited to provide the kind of Europeanisation of their constituencies that would seem necessary for the creation of a supra-national polity or for combating the democratic deficit of the EU."²⁸ Nevertheless, she notes, that this does not neglect the role CSOs play in EU policy making, which is to address otherwise disregarded issues on European level.²⁹

It becomes clear from the discussion on the *representativeness* of CSOs, that their suitability to counter the democratic deficit of the EU is highly questionable. However, as Kröger pointed out, this doesn't answer the question of their *effectiveness* to remedy imbalances of interest representation in EU policy making. This refers to the above mentioned systemic level of critique, which challenges the idea of 'pluralism', namely that the diversification of interest groups in Brussels transposes into an equalisation of interests represented³⁰. In other words, neither does the spectrum of CSOs reflect all interests located within a society, nor do those CSOs active in Brussels work on equal grounds. While the first point goes well beyond the scope of this research, the question of what determines the effectiveness of CSOs in balancing the representation of societal interests in EU governance is at its centre.

In the Lisbon Treaty, under Title II, 'Provisions on Democratic Principles', CSOs are mentioned for the first time in EU treaty reform as a valid partner for dialogue, stating that the "institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society"³¹. Even though this commitment reinforces accessibility to EU institutions for CSOs, Kohler-Koch argues that the treaty did not mark a significant turning point for CSOs, since it only confirmed

²⁸ Warleigh, Alex. "'Europeanizing' civil society: NGOs as agents of political socialization." *JCMS: Journal of Common Market Studies* 39, no. 4 (2001): 619-639. (As cited in Kröger 2013)

²⁹ Kröger, Sandra. "Creating a European Demos? The Representativeness of European Umbrella Organisations." *Journal of European Integration* 35, no. 5 (2013): 583-600.

³⁰ Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.

³¹ Consolidated Version of the Treaty on European Union C 83/13; 30.3.2010, *Official Journal of the European Union*.

practices that were already common at that time anyway. She continues, that the lack of a formulation of concrete rules and procedures of the dialogue still leaves CSOs in a weak position.³² Friedrich goes even further when arguing, that by failing to make CSO involvement a *conditionality* the Commission effectively denies CSOs an explicit *right* to access, which results in a situation where participation in deliberative policy making is dependent on the good-will of policy makers.³³ This lack of an accreditation system in the Commission leaves the modes of participation largely to the Directorate-Generals' (DG) discretion. The Commission communicated that "an over-legalistic approach would be incompatible with the need for timely delivery of policy"³⁴, arguing that this would interfere with the decision making process according to the treaties and put its own initiatives at risk of being challenged in court.

However, as Kohler-Koch shows in the conclusive chapter of a broad study on CSOs and EU governance, even though not legally binding, the commitments to civil society participation have established a "normative framework for action" which introduced "a soft form of responsibility, without provisions or sanctions."³⁵ It follows, that through the commitment to inclusion of CSOs as reinforced in the Lisbon Treaty, the political culture in EU institutions has been profoundly altered, as we witness broad participation of a variety of CSOs in EU policy making.

The next logical step is to ask whether this pluralisation of the European lobby has contributed to work as a counterweight to the continuous dominance of traditionally powerful special interest groups. NGOs are at the centre of the debate with their perceived role in defending societal interests, along common norms and values, against the permanent attacks of ruthless economic interests, embodied in the business lobby and their friendly associates within the European institutions. In this regard, the crucial aspects under scrutiny are not only the plurality of interests represented in the decision making process but also the degree of openness and political weight that policy makers themselves give to NGOs' positions. The inherent normative dimension in the lobbying of NGOs is linked to their official status, as citizen's organisations that give a voice to otherwise unheard positions. This grants legitimacy to their cause and gives their positions additional political weight, which is different in nature from those who only advocate in their (constituent's) economic interest. It contributes to the creation of a separation of powers, with NGOs performing a role of checks and balances, demanding justification for the decisions and positions taken by actors public and private alike. As Kohler-Koch argues, they do present a welcome counterweight to traditionally powerful interests, even if the participation channels lack public accountability and thus, democratic participation can't be guaranteed.³⁶ It is the main goal of this study, to evaluate the potentials and limitations of NGO participation to outbalance the dominant position of economic interests.

³² Kohler-Koch, Beate. "The role of civil society beyond Lisbon." *Maastricht Monnet Paper Series 2* (2011).

³³ Friedrich, Dawid. "Participatory Democracy in the European Union? European Governance and the Inclusion of Civil Society Organisations in Migration and Environmental Policies." In *Fifteenth International Conference of the Council for European Studies March*. 2006.

³⁴ EU Commission. Towards a Reinforced Culture of Consultation and Dialogue: General Principles and Minimum Standards for Consultation of Interested Parties by the Commission. *Office for Official Publications of the European Communities*, 2002.

³⁵ Kohler-Koch, Beate. "Civil Society Participation: More Democracy or Pluralization of the European Lobby?." *Demystification of Participatory Democracy. EU Governance and Civil Society* (2013): 173-191

³⁶ Ibid.

Authors critical of the balancing function of NGOs in the EU policy making process have shown that, at least in certain policy fields, inclusion does not equal influence.³⁷ However, while this argument is too short-sighted to provide for a useful hypothesis, it becomes more meaningful when contextualised in a broader perspective. Shifting the focus from a simple consideration of *how* civil society participation can enhance democratic decision making, it becomes necessary to also consider *why* participation is promoted by different actors, in order to assess its potentials and limitations. Apart from the evaluation of the democratic gains of participation, discussions on CSO involvement need to be embedded in the discourse over the EU's institutional balance and the process of European integration in general.

Throughout the history of European integration the Commission, in its strive to further its competencies by deepening economic and political integration, has always relied on allies from civil society. As mentioned above, CSOs lend output- and input legitimacy to the Commission's proposals, which is especially crucial in policy fields with a vague treaty base.³⁸ This top-down encouragement of political participation has been dubbed 'participatory engineering'³⁹. Kohler-Koch argues, that while historically such collaborations between the Commission and civil society consistently furthered integration, they are not necessarily strategic part of a grand scheme, but rather just actors following their individual political objectives.⁴⁰ It is crucial to keep this in mind when evaluating the success of CSOs in pushing their agenda at different stages of the decision making process. As Kohler-Koch points out, the special legitimacy of NGOs advocating societal interests quickly evaporates after the orientation phase: "as soon as political opinion-forming shifts from the phase of formulating programmatic goals into the phase of developing detailed measures to be adopted [...] NGOs find themselves overtaken by the representatives of special interests with the relevant expertise who are able to contribute to the practical implementation of measures."⁴¹

This limited position of NGOs in the policy cycle leads to my main hypothesis concerning my research question, that the Commission employs an opportunistic approach to their involvement, where the political participation of societal actors is instrumental to grant legitimacy to its proposals and strengthen its position in the inter-institutional power games of the EU, rather than giving significant political weight to public interests.⁴²

In order to collect sufficient data to either substantiate or falsify the hypothesis, I have given additional attention to the question, in which specific phase of the policy process CSOs have been most successful in advocating their positions and when policy makers showed the most openness towards which types of interest groups. However, due to the complexity of the EU multi-level

³⁷ E.g. see: Dür, Andreas, and Dirk De Bièvre. "Inclusion without influence? NGOs in European trade policy." *Journal of Public Policy* 27, no. 01 (2007): 79-101.

³⁸ Kröger, Sandra. "Nothing but consultation: The place of organised civil society in EU policy-making across policies." *European Governance Papers (EUROGOV)* No. C-08-03, 2008.

³⁹ Zittel, Thomas. "Participatory engineering: promises and pitfalls." *Opening EU-Governance to Civil Society* (2008): 119.; Broscheid, Andreas, and David Coen. "Lobbying activity and fora creation in the EU: empirically exploring the nature of the policy good." *Journal of European Public Policy* 14, no. 3 (2007): 346-365.

⁴⁰ Kohler-Koch, Beate. "Civil Society Participation: More Democracy or Pluralization of the European Lobby?." *Demystification of Participatory Democracy. EU Governance and Civil Society* (2013): 173-191

⁴¹ Ibid.

⁴² Kröger, Sandra. "Nothing but consultation: The place of organised civil society in EU policy-making across policies." *European Governance Papers (EUROGOV)* No. C-08-03, 2008.

institutional architecture and its legislative process, it is crucial to contextualise this hypothesis in an analytical framework, which serves to provide an operational understanding of what determines interest group influence. This is necessary because without a systematic approach to the multitude of different factors impacting the policy process, it is simply not possible to evaluate the role of CSOs in EU policy making.

2.2. *Determinants of Influence in EU Interest Group Studies*

Given the sheer amount of pressure groups surrounding the EU decision making process, the multifaceted opportunity-structures in EU governance and the diverse contexts in which policy is made, it is obvious that developing a coherent theoretical framework on the determinants of influence is a complex affair. Despite the central stage that CSOs take in the EU and the openness the institutions show toward them, most scholars kept away from systematically addressing the question why some groups are more successful than others. Yet, the answer to that question has major implications for the analysis of policy outcomes, as well as for a broader discourse on the EU's democratic legitimacy. With regards to democratic legitimacy, I have already pointed out the questionable suitability of CSOs to enhance democratic legitimacy in the EU in terms of their *representativeness*. However, analysing the determinants of influence has major implications for the EU's democratic deficit too. As Klüver notes, "interest group participation can only enhance the democratic legitimacy of a political system if public policy is not systematically biased in favor of some powerful interests while others are constantly losing."⁴³ Further, it is also very important to scrutinise the common practice in the relations between the European institutions and CSOs, and the determinants that shape this relationship. Thus, it is necessary to review the existing literature in research on interest group influence.

The diverging and sometimes contradictory results in previous studies of interest group influence create the necessity to scrutinise and determine the source of this incoherence. This led some scholars to analyse the source of this ambiguity and develop analytical frameworks designed to overcome these obstacles. In the following paragraphs I will elaborate on two contributions, by Dür and Klüver, Braun & Beyers, which I deem most suitable in this respect. I will first briefly summarise their value to my research and then point out the most relevant findings.

Dür⁴⁴ delivers a comprehensive account on the sources of the divergence in results from case studies on interest group influence and offers suggestions of how to arrive at more clear-cut results. He summarised the underlying hypotheses about the influence of interest groups in policy making and the factors that are thought to determine the success of their influence attempts, based on a critical review of the existing literature from the EU as well as the US context. Further, he clustered them in four broad categories, namely interest group resources, political institutions, issue characteristics and interest group strategies. Lastly, he identified three obstacles inherent to interest group research and offered ways to address them in order to promote less ambiguous findings in forthcoming studies.

⁴³ Klüver, Heike. *Lobbying in the European Union: interest groups, lobbying coalitions, and policy change*. Oxford University Press, 2013.

⁴⁴ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

His contribution presents a useful overview of how scholars see the explanatory variables in interest group politics. It is, however, limited due to the rigid separation of categories, which neglects the dynamic interplay of the various determinants of influence as well as alternative explanatory variables of contextual nature.

The more recent contribution by Klüver *et al.*⁴⁵ on the other hand, presents a perspective emphasising the contextual policy- and polity determinants of influence. This perspective approaches interest group politics in a more flexible manner. It highlights the individuality of each policy file, arguing that “[s]tudying EU interest groups is not a matter of one-size-fits-all theories, but rather involves the careful development of midrange theories that are attentive to the contextual nature of each of the different stages of the influence production process.”⁴⁶ By doing so, this approach enables to distinct between individual actor properties and the contextual factors of an individual policy file. In conclusion, both contributions present very useful theoretical perspectives which, combined, will serve as an operational framework to apply to my case.

First determinant of influence, according to Dür’s review of existing studies on interest group influence, are an interest group’s endowment with *resources*⁴⁷. Even though money is an essential factor resources are not necessarily of financial nature, but come in various forms that further an interest group’s potential to influence policy outcomes. They range from expertise and access to information, to political support from a powerful constituency or, as mentioned above, legitimacy through the representation of broad segments of society. Dür argues that interest groups trade their resources for political influence and thus, what determines their success is the demand on the side of policy makers, which is identified as achievement of either re-election or specific policy objectives. In her broad study on the lobbying in the European Union Klüver uses a similar theoretical model, which conceptualises lobbying as an exchange relationship between interest groups who supply information, citizen support and economic power for political influence within the EU institutions.⁴⁸ However, she then follows that since lobbying in the EU is a collective process which includes broad policy coalitions, it is not the individual group’s resources that count but the aggregated resources of the different lobbying coalitions. Both authors emphasise the importance of how dependent decision makers are on the resources of a specific group, to determine how much influence it can gain, as there is of course competition between huge amounts of various actors who offer different forms of the same types of resources. However, Dür goes one step further by also acknowledging that certain interest groups may actually try to use their resources to convince policy makers by influencing their opinions instead of aiming to bargain⁴⁹. This is especially meaningful when considering lobbying strategies characteristic for public interest NGOs, which often entail a moral component. Finally Dür

⁴⁵ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁴⁶ *Ibid.*

⁴⁷ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

⁴⁸ Klüver, Heike. *Lobbying in the European Union: interest groups, lobbying coalitions, and policy change*. Oxford University Press, 2013.

⁴⁹ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

concludes that in terms of measuring influence empirically, resources are not practical, since it deals with variables which are not quantifiable (information or demand of decision makers).

In terms of contextual factors, Klüver *et al.* mention that context is not necessarily always an exogenous variable, as individual actor properties (such as resources) are sometimes interrelated with context.⁵⁰ The emergence of new types of interest groups for example can be tied to institutional change (as witnessed in the process of Europeanization of CSOs); or the salience of specific policy issues can be deliberately influenced by CSOs who use outside lobbying strategies to raise awareness. The relationship between individual actor properties and contextual factors is of a reciprocal nature, both influencing each other. Or as Klüver *et al.* put it: “political influence and behaviour is more than the sum of individual groups and advocates; they profoundly affect each other.”⁵¹

As second determinant of influence Dür identifies in the literature are *political institutions*. Here the decisive factor is predominantly the level of access interest groups enjoy in the decision making process. The changing role of CSOs in EU governance, which are now in the position of citizen representatives and enjoy increased legitimacy to access to decision makers, was already discussed at length in the previous chapter. However, this also exemplifies how quickly the dynamic political culture of the EU transforms, which makes it inherently difficult to create coherent hypotheses about their functioning. When theorising about the influence of CSOs, most scholars emphasise the two-level-game of vertical and horizontal division of power in the EU legislative process, even if there is no agreement whether this institutional setup increases or decreases their agency.⁵² The argument goes both ways, depending how it is framed. On the one hand, as already mentioned above, the poor resources of EU institutions in terms of information and legitimacy set the stage for increased access of CSOs. Moreover, if traditionally powerful domestic structures dominate certain policy fields in a member state, CSOs can circumvent them on supranational level. On the other hand, the incredible complexity of the EU’s institutional architecture, combined with an overall lack of transparency of the decision making process, may adversely affect CSOs with little resources to the advantage of concentrated interests.

Apart from this, institutional characteristics also play an important role. While politicians in the Commission do not have to worry about being re-elected but instead face a lack of democratic legitimacy, Members of the European Parliament (MEPs) do have electoral concerns limiting their flexibility.⁵³ The importance of institutional characteristics is highlighted by Klüver *et al.*, who argue

⁵⁰ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁵¹ *Ibid.*

⁵² See e.g.: Princen, Sebastiaan. "Advocacy coalitions and the internationalization of public health policies." *Journal of Public Policy* 27, no. 01 (2007): 13-33.; Moravcsik, Andrew. "Why the European Union Strengthens the State: Domestic Politics and International Cooperation. *CES Working Paper*, no. 52, 1994." (1994): 79.; Grande, Edgar. "The state and interest groups in a framework of multi-level decision-making: The case of the European Union." *Journal of European public policy* 3, no. 3 (1996): 318-338.

⁵³ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

that we have to take into account not only the differences in the internal configuration of institutions, but also the inter-institutional relations and differences between member state's institutional setup.⁵⁴

Political institutions, European or national, are by no means homogenous bodies, but consist of various administrative levels, power structures and relations to outside players. With regards to the European Commission, the decision making process is not only divided into sectoral DGs with their respective competencies and (sometimes outright opposite) interests. Below the political level, where the College of Commissioners and their personal Cabinets set the tone, policies are mainly being drafted on administrative level by the DGs, all of which have their independent political culture overarching the chain of Commissioners in office. It is thus of major significance for lobby groups in terms of success, choice of strategy and mobilisation, which DG is responsible for a dossier.⁵⁵ Moreover, as scholars have shown, almost all Commissioners have had political careers on the highest level, which makes them prone to domestic bias in their decision making. Further, they were selected through a political process in which partisanship plays an increasing role.⁵⁶ This indicates that individual personality of the Commissioner in charge and the political environment he comes from has a significant effect on the policy outcome and needs to be taken into account by CSOs.

In the Parliament there are two overlapping institutional structures to take note of, political parties and the committee system. While the Parties, have certain influence of their members voting behaviour and represent important ideological positions of their members as well as electorate, most legislative work is divided into the sectoral parliamentary committees. Researchers have already shown the difference in working cultures of the committees and the doubtful representativeness of the plenary⁵⁷. For interest groups, the committee in charge of a dossier has important implications on their strategies, since the open amendment phase can have considerable impact on the policy outcome. Most important lobbying targets within the committees are usually the chair and the rapporteur. The committee chair holds significant legislative power, even though collective actions of influential subgroups of committee members have shown to be crucial in defining the final position⁵⁸. The rapporteur files a report on the proposal, which is later the basis of discussions in the committee. Thus, he holds an important agenda-setting position, which is only monitored by the shadow rapporteurs from the other parties. Shadows give voting instructions to their parties and draft reports on the legislative process.⁵⁹ In this sense, the function of rapporteurs also have crucial implications for the success of interest groups, for they can determine the voting behaviour of whole political parties.

⁵⁴ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁵⁵ Ibid.

⁵⁶ Wonka, Arndt. "Technocratic and independent? The appointment of European Commissioners and its policy implications." *Journal of European Public Policy* 14, no. 2 (2007): 169-189.; Wonka, Arndt. "Decision-making dynamics in the European Commission: partisan, national or sectoral?." *Journal of European Public Policy* 15, no. 8 (2008): 1145-1163.

⁵⁷ Yordanova, Nikoleta. "The Rationale behind Committee Assignment in the European Parliament Distributive, Informational and Partisan Perspectives." *European Union Politics* 10, no. 2 (2009): 253-280.; McElroy, Gail. "Committee representation in the European Parliament." *European Union Politics* 7, no. 1 (2006): 5-29.

⁵⁸ Marshall, David. "Who to lobby and when: Institutional determinants of interest group strategies in European Parliament committees." *European Union Politics* 11, no. 4 (2010): 553-575.

⁵⁹ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

With regards to the Council of the European Union (hereinafter: Council) the main targets for the advocacy of interest groups on EU level are its preparatory bodies, which already take most of the decisions before the ministerial meetings. This includes the Council working groups and the Committee of Permanent Representations. However, the national level also needs to be taken into account. Even if this study focuses on European umbrella organisations, the positions they represent are to a large extent already compromises composed of the various independent positions of their national constituents. Thus, national interest groups which do not see themselves represented properly in the position of such organisations often seek to venue-shop at other institutions in the multi-level institutional framework ('composition hypothesis'⁶⁰).

At last instance, it is also important to consider the effect of less formal institutional arrangements as access points for interest groups. The trialogues are a famous example of how in the last phase of the legislative process, important consensus is reached on many issues in order for the decision making to be concluded at first reading. In the trialogues the EP committees negotiate on behalf of the whole EP, further strengthening the position of the committees towards the plenary. Even though they happen behind closed doors, there are various informal information channels that are being used, primarily via social media or personal contacts, which allow interest groups to take a last chance to exert influence. However, since this is mostly possible through personal contacts, privileged interest groups generally have better chances in achieving this. Another aspect is the informal communication between institutions that is happening to reach agreements before first reading⁶¹. These also may be leaked by some politicians friendly to certain groups.

The third determinant of influence by Dür are *issue characteristics*, such as policy type, technicality and salience⁶². However, like Klüver *et al.*, I will merge it with Dür's fourth determinant of influence (interest group strategies) under 'policy-related factors', also including the degree of conflict, the *status quo* and interest group strategies such as the size and composition of lobbying coalitions.⁶³

For both Dür and Klüver *et al.*, the first policy-specific factor that shapes mobilisation, strategies and influence of interest groups is policy type. They distinguish between distributive (from the government to a societal group), redistributive (from one group to another) and regulatory policies (aimed to influence behaviour). Consistent with Olson's *Logic of Collective Action*⁶⁴, Dür argues, that in distributive policies – where benefits are concentrated and costs diffuse - concentrated interests have a better chance of gaining influence, since diffuse interests face collective action problems.⁶⁵ The "free-rider problem" refers to the argument, that groups representing diffuse interests of the broad public face difficulties mobilising, since there are fewer incentives for individual engagement, an

⁶⁰ Beyers, Jan, and Bart Kerremans. "Domestic embeddedness and the dynamics of multilevel venue shopping in four EU member states." *Governance* 25, no. 2 (2012): 263-290.

⁶¹ Marshall, David. "Who to lobby and when: Institutional determinants of interest group strategies in European Parliament committees." *European Union Politics* 11, no. 4 (2010): 553-575.

⁶² Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

⁶³ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁶⁴ Olson, Mancur. "The Logic of Collective Action: Public Goods and the Theory of Groups". *Cambridge, MA: Harvard University Press*, (1965).

⁶⁵ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

issue that groups representing only the interests of active members don't have.⁶⁶ Regulatory policies on the other hand mostly impose concentrated costs and benefits on opposing groups, creating highly conflictual situations with greater mobilisation potential; while redistributive policies impose diffuse costs and benefits with lesser potential for group mobilisation.⁶⁷

Another policy-related factor shaping interest group involvement and impact on policy outcomes is the complexity and technicality of a legislative proposal. In many instances, policy proposals are highly technical and require specialised experts to develop meaningful recommendations. As already outlined in the theoretical model of lobbying as an exchange relationship, the demand of policy makers in terms of information and expertise clearly rises with the degree of technicality of an issue, making them more dependent on CSOs to deliver such skilled personnel⁶⁸. Thus, it is argued that the higher the complexity of a proposal, the greater the influence of CSOs. This is also related to another contextual factor, the status quo of a legislative proposal, as most policies build on existing legislation.⁶⁹ In this regard opposing groups are often characterised by one group defending the status quo and another one striving to change it.⁷⁰

Furthermore, the salience of an issue is a major determinant of how different actors are able to achieve their policy goals⁷¹. Salience is usually measured in how much attention an issue gets from stakeholders and the media in contrast to others. Campaigning to raise public awareness can be an effective strategy to increase pressure on policy makers and shift the focus of the debate. Naturally, salience is interrelated with another contextual factor as pointed out by Klüver *et al.*, which is the degree of conflict in a policy debate.⁷² Generally, the more conflictual a proposal, the more difficult it gets for individual stakeholders to make their voices heard by decision makers. They argue that with mounting pressure on EU institutions from multiple opposing interest groups, the chance increases of unsatisfying results for all parties, taking the form of watered-down compromises.

Lastly, an important determinant of influence are interest group strategies. As provided by the complex institutional framework in which decisions are taken in the EU, it is understandable that strategies of interest groups vary as much as access points in the policy process. While interest groups can lobby at EU level, national level and even sub-national level, their choice of strategy is usually based on various factors including opportunity structures, issue characteristics, their advocacy goals and past experiences.⁷³ There are even various books written to advise lobbyists how to best work

⁶⁶ Rodekamp, Meike. *Their members' voice: Civil society organisations in the European Union*. Springer Science & Business Media, 2013.

⁶⁷ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

⁶⁸ Bandelow, Nils C., Diana Schumann, and Ulrich Widmaier. "European Governance by the Emergence of a new Type of Package Deals." *German Policy Studies/Politikfeldanalyse* 1, no. 1 (2000): 8-38.

⁶⁹ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁷⁰ For US context See: Baumgartner, Frank R., Jeffrey M. Berry, Marie Hojnacki, Beth L. Leech, and David C. Kimball. *Lobbying and policy change: Who wins, who loses, and why*. University of Chicago Press, 2009.

⁷¹ Mahoney, C. (2007) 'Lobbying success in the United States and the European Union', *Journal of Public Policy* 27(1): 35-56.

⁷² Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁷³ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

towards their goals⁷⁴. One prominent strategy among interest groups in the EU context is forming issue specific policy coalitions. As Klüver *et al.* argue, the size and resources of such coalitions have considerable impact on the influence of interest groups.⁷⁵ Especially on European level it has to be considered, that individual actors regularly strengthen their position to influence policy makers by joining Europeanized coalitions or organisations, which produce consensus based policy recommendations. This has even been explicitly recommended by the Commission in its 2000 Communication, where it “encourages organisations to work together in common associations and networks at the European level since such organisations considerably facilitate the efficiency of the consultation process.”⁷⁶

As is mentioned by Klüver *et al.*, there are certainly more contextual factors that determine the influence of interest groups, which unfortunately can’t be taken into account here. Examples would be how the density of the interest group population vary through certain policy fields⁷⁷ or how framing strategies applied by CSOs are individually adapted to the DG responsible.⁷⁸ In conclusion, it becomes obvious that lobbying is happening in such diverse contexts, that establishing generalizable theories through quantitative studies seems highly problematic. The analysis of lobbying efforts of each specific policy file need to be embedded in a contextual framework, carefully dissecting all circumstances determining the role of interest groups in the policy process. Thus, as I will be arguing in more detail in my chapter on methodology, I consider it necessary to test the hypotheses established in the framework of *large-N* studies with the depth of analysis only qualitative case studies can achieve.

In this regard, I will be testing the hypothesis as established in a quantitative study conducted by Dür *et al.*, who answer the question when and why business actors lose in comparison to citizen groups.⁷⁹ They create an elaborate research design, testing their hypothesis on 70 research proposals and come to a robust result. They find that, opposed to the common assumption, business actors are overall less successful in achieving their policy objectives than citizen groups. They explain their results, that since most legislation is about market regulation and business actors generally rather oppose regulation, they often take a defensive stance against the Commission, trying to minimise their losses. Citizen groups on the other hand, mostly support new regulation and thus find a natural ally in the Commission. They further argue that under certain circumstances business actors might be able to defend their position. This is, if there’s low levels of conflict or when the EP’s involvement is limited. In their research they alleviate group type as the major determinant of success. Moreover, they

⁷⁴ E.g. see: Hardacre, Alan. *How the EU Institutions Work And... How to Work with the EU Institutions*. London: Harper, 2011.

⁷⁵ Klüver, Heike, Caelesta Braun, and Jan Beyers. "Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 447-461.

⁷⁶ EU Commission. "*The Commission and non-governmental organisations: Building a stronger partnership.*" COM (2000) 0011.

⁷⁷ Berkhout, Joost, Brendan J. Carroll, Caelesta Braun, Adam W. Chalmers, Tine Destrooper, David Lowery, Simon Otjes, and Anne Rasmussen. "Interest organizations across economic sectors: explaining interest group density in the European Union." *Journal of European Public Policy* 22, no. 4 (2015): 462-480.

⁷⁸ Klüver, Heike, Christine Mahoney, and Marc Opper. "Framing in context: how interest groups employ framing to lobby the European Commission." *Journal of European Public Policy* 22, no. 4 (2015): 481-498.

⁷⁹ Dür, Andreas, Patrick Bernhagen, and David Marshall. "Interest Group Success in the European Union When (and Why) Does Business Lose?." *Comparative Political Studies* 48, no. 8 (2015): 951-983.

measure success as opposed to influence, which doesn't imply causality and thus can't rule out luck as a factor.

While I respect their elaborate research design and its value to the overall discourse on the determinants of influence in EU policy making, I reject their results and its main hypothesis. The notion of the Commission as a driving force for market regulation is generally acceptable, but needs to be contextualised. It generally employs a strong ideological stance for economic liberalism and regulation is passed for harmonisation, sustainability or to secure fair competition. Market regulation is naturally opposed by actors engaging in these markets, since it means adaption costs. However, this can't be simply translated in lobbying success of CSOs advocating for societal interests like the environment, consumer affairs, social justice and the like. Moreover, involvement of the EP can't by default be translated into greater regard for citizens groups, since it is a diverse institution with representatives from various sectors and segments of society.

I suspect the critical flaw of the research design is the notion of "success", which equalises the failure of business interests who want regulatory legislation to be dropped with success of citizen groups. However, taking a closer look at the actual demands of citizen groups, comparing their positions to policy outcomes, they are far less likely to be "successful". I argue that it is this false conception of success, which leads Dür *et al.* to their conclusion, but the reality is much more nuanced. By critically looking at influence of interest groups (and its determinants as described above), I argue, this hypothesis will quickly become meaningless, as it depicts a simplified view on the political reality.

As I will elaborate further in my chapter on methodology below, the methods used for this study are valuable because they represent qualitative approaches which allow for a deeper level of insight and nuance. I argue that such research is a necessary complement to *large-N* case studies, since it applies methods suitable for confirmative testing of opposing hypotheses. In this light, I will test my main hypothesis against the one established by Dür *et al.* on the basis of the data collected for my case study.

Coming back to the analysis why previous studies on interest group influence deliver such contradictory findings, Dür identifies three intrinsic challenges scholars face in interest group studies: finding a coherent definition of 'influence', the consideration of the different pathways of influence and the methodological difficulties in measuring influence.⁸⁰ In the next chapter I will lay out the methodological approach designed to tackle the challenges inherent in the study of influence and address the three issues highlighted by Dür.

3. Methodology: Measuring Interest Group Influence

As proposed by Dür, I will first define 'influence', a key concept to this study. Most scholars relate influence to the concept of 'power', one of the most contested issues in social sciences. Commonly, scholars studying interest group politics refer to the three *faces of power* when conceptualising

⁸⁰ Dür, Andreas. "Interest groups in the European Union: how powerful are they?." *West European Politics* 31, no. 6 (2008): 1212-1230.

influence.⁸¹ While the first face of power refers to an actor's ability to shape political decisions to their will and the second face of power is the ability to determine which issues are on the agenda⁸², the third face of power refers to the ability to manipulate others to a false consciousness of what their actual interest are⁸³. Since the third face of power is virtually impossible to determine, this study will focus entirely on the first and the second face. Even so, it will have a very limited understanding for the second face of power, restricting the ability to "set the agenda" only to the policy process of stakeholder consultations before the publishing of the policy proposal. Thus, the main focus of this study when measuring influence will be the first face of power, namely the ability to shape a political decision to one's preferences. The difficulty in measuring whether stakeholders were actually influential in shaping policy outcomes is to account for coincidental alignment of positions. To establish one's influence over policy decisions, it requires proof of causality between their individual actor properties and the outcome, in order to rule out luck as a factor. Establishing causality can only be achieved through sophisticated methodological approaches.

One of the most controversial but crucial aspects in the study of interest group involvement lies in the methodological challenges inherent in the field. As already pointed out in the previous chapter, the variety of different studies conducted to establish causality between interest group participation and policy outcomes produce very little valuable and often contradictory findings. Generally, the challenges faced by scholars, who devote themselves to the study of the influence of organised interest on policy making, lead to numerous studies that significantly vary in their methodological and theoretical approaches. Hence, they lead to mixed results and very little empirical evidence of direct influence by lobby groups⁸⁴. Looking for scientific proof of wielded influence is a lot like "fishing in troubled waters", for it is subtle and often happens behind closed doors, with stakeholders having a strategic interest in confidentiality. However, in the context of new emerging forms of governance - with the increasing number of politically participating societal groups adding a normative dimension - reliable academic accounts on the channels of influence gain significance.

Most of the literature on organised interest stems from the US context, while in the EU, which displays an even more multi-faceted playground for civil society participation, broader academic interest has only sparked in recent decades. The limited number of empirical EU interest group studies often apply a narrow focus, dealing with the issue specifics of single (or few) cases and analysing the strategies of certain types of civil society actors. However, as scholarly interest increased, a number of determined scholars have taken up the difficult task to develop different models of interest group research, with promising results. The depth and consistency of new interest group studies has progressively increased since the new millennia (e.g. see INTEREURO⁸⁵). These contemporary contributions to interest group studies have elaborated on the existing quantitative and qualitative

⁸¹ E.g. see: Klüver, Heike. *Lobbying in the European Union: interest groups, lobbying coalitions, and policy change*. Oxford University Press, 2013.;

⁸² Bachrach, Peter, and Morton S. Baratz. "Two faces of power." *American political science review* 56, no. 04 (1962): 947-952.

⁸³ Lukes, Steven. *Power. A Radical View*. Basingstoke and New York: Palgrave MacMillan (2005) [1974].

⁸⁴ Lowery, David. "Lobbying influence: Meaning, measurement and missing." *Interest Groups & Advocacy* 2, no. 1 (2013): 1-26.

⁸⁵ Beyers, Jan, Laura Chaqués Bonafont, Andreas Dür, Rainer Eising, Danica Fink-Hafner, David Lowery, Christine Mahoney, William Maloney, and Daniel Naurin. "The INTEREURO project: Logic and structure." *Interest Groups & Advocacy* 3, no. 2 (2014): 126-140.

case studies in the field and have produced methodological guidelines designed to advance the state of the art. In my research I will draw on those approaches, which I deem best fit to serve my purpose.

In the following paragraphs I will distinguish some of the authors that contributed most to the methodological development and elaborate on the challenges inherent in interest group research. The obvious question, crucial to answer in the context of EU interest group research, is how to measure influence empirically. How to deal with this methodological challenge greatly shapes the outcome of studies and different approaches have contributed greatly to the confusion and contradiction apparent in the findings. For coherent research design, it is important to select a method which is appropriate. Generally speaking there is a divergence of *small-N* and *large-N* studies and the depth of analysis which is considered for individual policy issues. After reviewing different and sometimes overlapping attempts to produce an answer to this complex issue, I have selected few useful approaches. Building on these I will construct the methodological framework to analyse the data collected for my case.

Dür, who was part of the INTEREURO project, has devoted much of his work to progress EU interest group studies on a theoretical and analytical level. In his account on methodology he gives an overview of the challenges inherent when it comes to measuring the influence of interest groups on policy processes⁸⁶. In trying to overcome the methodological problems that previous authors were facing and with the broader goal to stimulate further research on the issue, he identifies three broad approaches: *process-tracing*, assessing *attributed influence* and evaluating the degree of *preference attainment*. Further he evaluates the advantages and drawbacks of each of those methods and elaborates in which context their application is reasonable. His conclusion is, that even though each has its methodological disadvantages, the obstacles in measuring influence should not be exaggerated. Ultimately, the study of influence is doesn't fundamentally differ from other scientific attempts to establish causality. He suggests the combination of different measurement methods – 'methodological triangulation' – in order to even out the methods' individual shortcomings and takes a positive outlook on progression in this field of study. Since I reckon that no single method has so far been sufficient to address this complex affair, I am keen to follow his example and engage in 'method shopping' in order to create the best possible analysis of my case. In the following paragraphs I will elaborate on his findings and their applicability to my specific case study.

Dür identifies three intrinsic challenges in measuring influence in the context of EU policy making⁸⁷. First, the playing field on which lobbying occurs in a Europeanized context offers many access points in the multi-layered institutional framework. Hence, the different players in the game use various channels through which they exert influence. Depending on their political weight and other strategical considerations, they will choose different channels through which they seek to influence the policy outcome. This choice includes considerations of *structural power* interest groups wield in certain sectors, but also the most effective *selection of policy makers* in specific circumstances. In this regard tactical deliberations on the different forms of *direct lobbying* (in the form of expert consultation) or *outside lobbying* (geared to influence public opinion through campaigns) present other channels of influence which vary greatly among interest groups. Evidently it is difficult to control for all the

⁸⁶ Dür, A. (2008). Measuring Interest Group Influence in the EU A Note on Methodology. *European Union Politics*, 9(4), 559-576.

⁸⁷ Ibid.

different channels at once, which is certainly one of the reasons why many studies on interest group influence show such variety in their outcomes.

Second, Dür highlights that a policy outcome doesn't necessarily reflect success of lobbying activities, since there are numerous variables that need to be controlled for⁸⁸. For instance there is counteractive lobbying, which means that two lobbying groups compete over opposing outcomes, which results in outcomes that might seem not very successful but actually present a fiercely contested compromise. Another variable is the impact that public opinion and the level of attention plays in policy making, which can lead to false assumptions about the impact of certain lobbying strategies. To control for outside variables is most significant for qualitative studies that assess the degree of preference attainment, a method that will be described below. Lastly, the different stages in the policy process need to be taken into account, since it opens up a great variety of opportunities for interest groups to enter the policy process and project influence. Measuring influence at every stage of the process might be difficult, but experienced practitioners know that successful lobbying starts at the earliest stage, namely the level of expert groups and public consultations. Hence, to achieve a credible outcome scholars need to thoroughly investigate each step in the process.

Taking these into consideration, Dür presents three broad methodological approaches, each displaying a number of advantages and drawbacks when faced with the challenges described above⁸⁹. In order to provide guidance for scholars to pick the right method (or combination of methods) fit to serve their purpose, he analyses their qualities, reviewing the state-of-the-art research in the field. For my contribution I will combine the methods '*process-tracing*' and '*preference attainment*', which offer the most promising results in the context of an in-depth single case study, as I show in the following paragraphs. Through this 'methodological triangulation' I am aiming to outweigh the shortcomings of each method.

3.1. Process-Tracing

Process-tracing is the most widely used methodological approach in EU interest group studies. It allows researchers to map out the decision making process and determine the causal mechanisms. This refers to the assumed causal relationship of events, conditions and processes that connects an independent variable *X* to the outcome of a dependent variable *Y*. This is done by carefully investigating sequences of dependent, independent or intervening variables in the causal chain, to establish causality in the process. In social and political sciences the method is mostly used in single or *small-N* case studies, where it is especially suitable for confirmative theory testing. Following this approach, a scholar with comprehensive knowledge of a case can examine his hypotheses against the causal mechanisms. The viability of different hypotheses can be tested against each other to control for outside explanations⁹⁰. As described by Collier in his attempt to contribute to the systematic development of qualitative methods by reformulating process tracing, it "is defined as the systematic

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ "Process Tracing: Discussion." A Users Guide to Political Science RSS. January 31, 2011. <http://govthesis.site.wesleyan.edu/research/methods-and-analysis/analyzing-qualitative-data/process-tracing/#discussion>.

examination of diagnostic evidence selected and analysed in light of research questions and hypotheses posed by the investigator⁹¹.”

For measuring influence in EU policy making, process-tracing requires a deep understanding of all the factors concerning political decisions for each case⁹². This includes analysing each stakeholder's preferences, their different strategies in wielding influence, their structural position in the policy field, policy maker's responses and the degree to which stakeholder's positions and efforts are reflected in the policy outcome. Since some of these factors might change due to strategic considerations actors might make along the way, the researcher must be extremely careful with his conclusions about causality. Methods to obtain this kind of data for my specific case will include semi-structured interviews with policy makers and lobbying practitioners from all groups of stakeholders. This will help me gain insider views and knowledge, which would be unattainable through plain literary or document research. Further, extensive research of press reports, position papers, lobbying events and policy recommendations from different sides of the spectrum will fill in the blanks and provide me with the bulk of material needed for establishing the causal mechanism.

The strengths of this method for measuring influence lie in the thoroughness of the analysis for a single case. In inherently complex affairs like interest group research, detailed knowledge of a case provides for a level of insight that quantitative studies can never wish to achieve. Therefore, I argue, that qualitative case studies in interest group research will be a necessary complement to the current trend of quantitative studies conducted in the field. Moreover, this comprehensive analysis opens up space for confirmative testing of different rival explanatory hypotheses⁹³. This cross-checking is crucial, since determination of causality between lobbying attempts of a specific group and a policy outcome is difficult and can be very deceptive.

Notably, Dür also warns of several serious shortcomings process-tracing has in this context, which need to be touched upon here briefly⁹⁴. First and foremost, it is difficult if not impossible to detect all the elements in the causal chain, since there are many different players acting simultaneously, not only in Brussels but in all EU Member States. Moreover, as mentioned before, most lobbying happens behind closed doors, further complicating the detection of proof. Hence, researchers tend to give too much weight to the evidence they have collected. If this is interviews with stakeholders, these might turn out to be unreliable due to strategic bias of the interviewee. Furthermore, evaluating the degree of influence projected is subjective to the researcher's individual assessment, since there is no numeral unit of influence. This in turn is linked to the problem, that the observable interest group activities *per se* are not a reliable indicator for the impact of influence, as already mentioned above in the paragraph on the three intrinsic challenges in measuring influence.

Last but not least, process-tracing bears the curse that results are mostly not generalizable, due to the small number of cases involved. Though in some instances these case studies are not intended to be representative of a general population. Rather, scholars have picked particularly conflictual cases to

⁹¹ Collier, David. "Understanding process tracing." *PS: Political Science & Politics* 44, no. 04 (2011): 823-830.

⁹² Dür, A. (2008). Measuring Interest Group Influence in the EU A Note on Methodology. *European Union Politics*, 9(4), 559-576.

⁹³ Ibid.

⁹⁴ Ibid.

showcase a very specific issue context which can't be dealt with in the framework of *large-N* studies and therefore need to be analysed individually. This is also the reasoning behind my decision to use the methodological tool of process tracing to conduct an in-depth single case study of the "greening" provision of the 2013 CAP reform.

3.2. Assessing the Degree of Preference Attainment

In simplistic terms this methods rests on the comparison of each actor's initial ideal position and the negotiated outcome of the policy process. As a means to quantify influence, the degree of preference attainment is measured as the difference between these positions. However, many studies engage in more sophisticated research designs that allow to account for additional explanatory variables for shifting outcomes and positions. Consequently, the method was often used in context of EU interest group studies⁹⁵, where it delivers a broad range of advantages but also certain drawbacks.

First and foremost, by scrutinising the outcomes of a policy process, assessing the degree of preference attainment is capable of identifying hidden channels of influence⁹⁶. Given that influence is wielded through many different channels in the multi-layered institutional framework and lobbying strategies target various access points along the policy process, process-tracing is likely to overlook some of them, as pointed out above. Measuring the degree preference attainment on the other hand is especially valuable to control for variables like secret lobbying or structural power of interest groups, since exerted influence will be visible in the policy outcomes. Thereby the method functions as necessary back-up to compensate for the shortcomings or process-tracing. Another advantage in contrast to process-tracing is, that it can measure influence within specific timeframes (e.g. at the stage of public consultations or after the first reading), while process-tracing is reduced to establish whether or not a group was able to exert influence.

Nonetheless, as Dür points out, researchers measuring preference attainment also face some complications⁹⁷. The first of which directly relates to the consideration of different channels of influence. Even though it is considered as an advantage of the method, there are certain drawbacks entailed, since it is unable to specify the channel through which influence is wielded. Drawing conclusions solely from initial positions and policy outcomes means black-boxing the process in between. Further, this methodological design also lacks consideration for selection effects and strategic behaviour of decision makers. This refers to the instances when decision makers make policy proposals in line with certain civil society actors, already taking into account their specific interests.

⁹⁵ E.g. see: Bunea, Adriana. "Issues, preferences and ties: determinants of interest groups' preference attainment in the EU environmental policy." *Journal of European Public Policy* 20, no. 4 (2013): 552-570.; Dür, Andreas. "Bringing economic interests back into the study of EU trade policy-making." *The British Journal of Politics and International Relations* 10, no. 1 (2008): 27-45.; Mahoney, Christine. "Lobbying success in the United States and the European Union." *Journal of Public Policy* 27, no. 01 (2007): 35-56.; Schneider, Gerald, and Konstantin Baltz. "The power of specialization: How interest groups influence EU legislation." *Rivista di Politica Economica*(2003).

⁹⁶ Dür, A. (2008). Measuring Interest Group Influence in the EU A Note on Methodology. *European Union Politics*, 9(4), 559-576.

⁹⁷ Ibid.

Due to the resulting lack of controversy, exerted influence is then likely to be underestimated, since there is no apparent change in the positions of policy makers.

Secondly, while in many instances the preference of specific actors can be safely assumed to be obvious, it is often necessary to identify preferences empirically through interviews and document research. Deliberate misrepresentation of interests is often applied by stakeholders as a strategy and can distort the evidence obtained, consequently the underlying preferences stay under the radar. Thus, expert interviews must be conducted with conscious suspicion about their reliability⁹⁸. To tackle this problem to establish preferences, I will rely on document research and position papers published by stakeholders, as well as analysis of stakeholder's structural positions. This will enable me to gain deeper insights in the preferences of each interest group. Furthermore, since assessing preference attainment only analyses stakeholder's positions and policy outcomes, there is a tendency to disregard coincidental overlapping of positions through alternative factors, which lead to false conclusions of exerted influence⁹⁹. To control for alternative explanatory variables, again, process-tracing is a useful tool, since it allows to use qualitative evidence to test rival hypotheses. Nonetheless, cancelling out all alternative explanations is nearly impossible and especially difficult in *small-N* studies.

Lastly, measurement of influence remains difficult with regards to multidimensional policy issues¹⁰⁰. When a policy proposal is comprised of a range of different issues, it becomes difficult to control for each interests group's preferences and their relative salience for each separate issue. To only quantitatively evaluate preference attainment therefore lacks for consideration of interest groups' salient issues, which will clearly claim the bulk of their lobbying resources. Thus, salience is an important variable to control for and only qualitative analysis of each issue-specific context will lead to satisfying results.

4. Case Study: "Greening" in the Direct Payment Regulation of the 2013 CAP Reform

The "Cioloş" Common Agricultural Policy Reform was concluded in 2013, establishing the policy framework for the period from 2014-2020. The reform process was particularly lengthy, starting with an informal process (The CAP "Health Check") in 2008, continuing more formally with the public debate launched by the Commission in April 2010 with political agreement reached in December 2013. The outcome of the process was unsatisfying for the majority of stakeholders, decision makers and spectators alike. The main controversy clearly concerned the Commission's proposal for a 'greening' of direct payments¹⁰¹, a measure designed to enhance the overall environmental performance of the CAP, by introducing environmental provisions linked to 30% of the budget of the CAP's first Pillar. It presents the major change in the architecture of the CAP and has sparked heated debate and intense lobbying activities from various stakeholders. These lobbying activities will be

⁹⁸ Dorussen, Han, Hartmut Lenz, and Spyros Blavoukos. "Assessing the reliability and validity of expert interviews." *European Union Politics* 6, no. 3 (2005): 315-337.

⁹⁹ Dür, A. (2008). Measuring Interest Group Influence in the EU A Note on Methodology. *European Union Politics*, 9(4), 559-576.

¹⁰⁰ Ibid.

¹⁰¹ EU Commission. "Proposal for a Regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy." COM (2011) 625.

the main subject of this study. Thus, I will in greater detail elaborate on the concept of the proposal and create a timeline of key points in the policy process. Moreover, I will construct a stakeholder map, cluster them in four main groups and describe their positions on the salient issues of the debate. By outlining the reform process, I will put special emphasis on the determinants of influence as described above, to set the scene for a deeper analysis of the factors influencing the legislative process. However, before doing so I need to address some contextual factors that were unique to this CAP reform. These underlying themes were not particularly connected to the policy proposal in question, but rather influenced the entire reform process on a greater scale.¹⁰².

4.1. Context of the Proposal

There were four contextual factors that greatly shaped the policy process in this CAP reform, which undeniably complicated the process. The first factor is polity-related. It was the first CAP reform after the ratification of the Lisbon Treaty, hence it was the first time for the EP to co-decide on the CAP on equal grounds. This greatly shook the institutional balance of power in EU agricultural policy. Traditionally, when the CAP was negotiated between the policy initiator and member states, there was a longstanding hegemony of the Council, dominated especially by the traditionally agricultural member states, with France leading the way. This is only natural considering two things. First, the budgetary scope of the CAP, which still makes up almost 40% of the entire EU budget. It is the largest distributive policy in a Union which is usually centred on regulatory policies and agricultural interests have a stark tendency to resist CAP budget cuts, even under enormous pressure. Second, rural constituencies still make up a strong electorate in some member states, creating more incentives for national governments to maintain a tight grip on the CAP.¹⁰³ In this context, the involvement of the EP had significant impact on the overall course of the reform process, by affecting the power distribution among the European institutions. A more detailed analysis of the EP's positions, the role of the Committee on Agriculture and Rural Development (COMAGRI) and how they were affected by CSO participation will follow further below. However, in terms of providing context it shall be noted that the COMAGRI was favouring a status quo approach, strongly opposing radical reform changes through the introduction strong environmental provisions¹⁰⁴.

Second contextual factor influencing the reform process was also related to the institutional context, namely the overlapping negotiations on the overall EU budget in the multi-annual financial framework (MFF). Pressures to review the entirety of EU spending, including the CAP, mounted after the 2008 financial crisis and the subsequent monetary crisis in the Eurozone. Governments of all member states were facing budgetary problems, with many being forced into fiscal austerity. As

¹⁰² Swinnen, Johan. "The political economy of the 2014–2020 Common Agricultural Policy: introduction and key conclusions." *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹⁰³ Roederer-Rynning, Christilla. "COMAGRI and the 'CAP After 2013' Reform: In Search of a Collective Sense of Purpose." *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹⁰⁴ Swinnen, Johan. "The political economy of the 2014–2020 Common Agricultural Policy: introduction and key conclusions." *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

pointed out by Matthews¹⁰⁵, the MFF negotiations had a decisive impact on the CAP reform process in three ways, two of which being relevant for this study. Firstly, parallel negotiations of the MFF and the CAP put pressure on decision makers to develop a narrative legitimising the large share of EU money flowing into the CAP. This point is especially crucial for the contextualisation of the discussion on greening, since it was largely based on the argument ‘public money for public goods’. In need for justification, Commissioner for Agriculture and Rural Development Dacian Cioloş found allies in the Commissioners for Climate Change and Environment, by framing the argument this way. As Matthews noted, the outcome of the public debate also strongly suggested the need of the CAP to deliver public goods. However, political support in the College of Commissioners was primarily found through this momentum. Secondly, the overlapping negotiations led to a situation where after the publishing of the policy proposals by the Commission, the EP deliberately delayed the further negotiations until the inter-institutional agreement on the budget was reached. As pointed out by Matthews, this strengthened the position of those with a position favouring the status quo, with less inclination to radical reform. As evident in the negotiations, political support for the argument ‘public money for public goods’ considerably declined once the budget was sealed.

Third contextual factor affecting the 2013 CAP reform negotiations was the Eastern enlargement. Not only did it significantly increase the number of decision makers on the table, but it also altered the composition of agriculture and food systems covered by the CAP and consequently the related policy preferences. By adding the new member states to the mix, the relative positions of all member states were affected. Naturally, new member states demanded external convergence (more equal distribution) of direct payments, since they weren’t present at the previous round of negotiations in the previous Fischler reform in 2003, which unambiguously favoured old member states’ agricultural sectors. In this sense, new member states strongly opposed a cut of the budget of direct payments and lobbied in favour of their preservation.¹⁰⁶

Fourth factor influencing the CAP reform was the recent increase in food prices. As Swinnen pointed out, “changes in commodity prices and market revenues influence agricultural and food policies” and “alter the political incentives for interest groups and political decision-makers. [...] In other words, when prices increase, producers turn to the market to increase their incomes and then prices fall, producers turn to governments to assist them, and vice versa for consumers.”¹⁰⁷ This also affected the negotiations on environmental provisions. The argument goes both ways. On the one hand farmer’s incomes had risen significantly during 2011-12, which arguably gives them more leeway to be subjected to regulation. On the other hand, increased prices translate into higher losses if production is limited by regulations. Ultimately, the increase in prices gave credibility to the argument that environmental restrictions on food production threaten food security worldwide. The latter point was decisive in turning the tide to the disadvantage of greening.¹⁰⁸

¹⁰⁵ Matthews, Alan. "The Multi-annual Financial Framework and the 2013 CAP reform." *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹⁰⁶ Ibid.

¹⁰⁷ Swinnen, Johan. "The political economy of the 2014–2020 Common Agricultural Policy: introduction and key conclusions." *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹⁰⁸ Ibid.

Overall, in a simplified framework, distinguishing between contrasting positions of ‘reform’ and ‘status quo’, it has to be acknowledged that the contextual factors strongly suggest conditions disadvantageous to the prospect of radical reform. The 2013 CAP reform has been characterised by circumstances playing into the hands of those taking a ‘productivist’ stance, ergo pushing to sustain and promote domestic production levels at all costs¹⁰⁹. As pointed out by Erjavec and Erjavec¹¹⁰, who conducted a discourse analysis on documents of the CAP reform, the ideological level played a major role in the framing of the debate. They find three distinct ideological positions, which are competing among decision makers and stakeholders, but also incorporating each other’s arguments: the ‘productivist’ discourse (domestic producers are threatened by global competition and thus need to be protected by the state, also referred to as ‘protectionist’ or ‘mercantilist’), the ‘neoliberal’ discourse (objecting any market interferences from the state), and the ‘multifunctional’ discourse (promoting state support for the multitude of functions performed by agriculture). Even though these discourses are not always apparent, they accompany the negotiations and are persistently present in actors’ positions on a meta-level.

4.2. The Reform Process: Concept, Timeline & Salient Issues

As the representative policy of the Cioloş reform, the greening provisions were set out to enhance the sustainability of European agriculture by promoting its ability to deliver environmental public goods. This was one of the primary concerns of citizens and stakeholders stated in the public debate in spring 2010, but also a way to legitimise maintaining the CAP budget. On a symbolic level the Cioloş reform had the potential to represent a turning point in agricultural policy, ensuring a basic level of environmental sustainability in agriculture across Europe and be the foundation for further reforms following this path. Yet under the given context, the Commission came up with already compromised proposals. Consequently, it was met with fierce opposition from virtually all stakeholders. In the following paragraphs I will construct a timeline of the whole reform process, which shall portray, from the institution’s perspective, the most significant cross-roads in the policy process in an analytical manner. In doing so I will briefly discuss the contents of the greening provisions and its most salient issues. Since one of the two hypotheses that I will test involves the EP and because it was the first time co-deciding the CAP, I will put special emphasis on the role of the EP.

The CAP negotiations are split in three main policy phases, first the agenda-setting phase, then co-decision and eventually the trialogues concluding with political agreement. With so many overlapping contextual factors to take into account, it is difficult to precisely determine at which point the agenda-setting started. The environmental narrative ‘public money for public goods’ as a means to legitimise CAP expenditures had already found an echo in the months leading to the Commission Communication, yet the right system to achieve such aims was highly controversial.¹¹¹ This is another strong indicator of the major effect the MFF negotiations had on the CAP reform. In March 2010 the

¹⁰⁹ Ibid.

¹¹⁰ Erjavec, Karmen, and Emil Erjavec. “‘Greening the CAP’—Just a fashionable justification? A discourse analysis of the 2014–2020 CAP reform documents.” *Food Policy* 51 (2015): 53-62.

¹¹¹ Hart, Kaley. “The fate of green direct payments in the CAP reform negotiations” *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

discussions in the Parliament had already commenced with the report from George Lyon¹¹² from ALDE, who was the party's shadow rapporteur of the direct payments regulation. The report, which was adopted in summer, already set the tone for the subsequent EP negotiations. While environmental provisions were featured among the most prominent issues, the question of what would identify as a 'public good' already revealed divergences. An amendment tabled by the EPP, which was later adopted, defined food security and food safety as 'first generation' public goods while the environment was considered as being 'second generation'¹¹³. This already demonstrated priorities in the EP. The strong opposition against a major overhaul of income support within COMAGRI fits the 'productivist' discourse. Overall it showed strong political cleavages along party lines and a first sign of hardening fronts between 'reformist' and 'status quo' positions.

After the publication of the Commission Communication for the first time introduced the greening measures in its later form – three environmental measures as conditionality for 30% of direct payments in Pillar I – the EP's first response was the controversial Albert Dess Report¹¹⁴. The draft report rejected the Commission's measures and proposed for greening to be introduced under Pillar II. Though it failed to get support in the plenary in this form, by suggesting such a radically different approach on greening, it served as a sign that the EP now worked on equal grounds. When the report later was adopted, greening was amended significantly. By ambiguously not endorsing but also not completely defying the Commission's proposed measures, it gave way for greening to be put into a proposal as the Communication suggested.¹¹⁵

When the Commission launched the proposals in October 2011, greening was part of a greater scheme to redistribute and better target direct support under Pillar I for farmers between and within member states. Based on the policy options as outlined in the Commission Communication (though significantly weaker in its environmental requirements), it was designed to meet the objectives of the CAP 2014-20, namely viable food production, sustainable management of resources and climate action and balanced territorial development. Building on the established narrative 'public money for public goods', it was set out to promote efficient management of natural resources for smart, inclusive growth as foreseen in the Europe 2020 strategy.¹¹⁶

In TITLE III Chapter 2 of the proposal, 'Basic Payments for agricultural practices beneficial for the climate and the environment', the greening practices were described in Articles 29-33¹¹⁷. They required member states to allocate 30% of their budgetary envelope to three greening practices,

¹¹² European Parliament. "Working Document on the Future of the CAP after 2013". Committee on Agriculture and Rural Development, Rapporteur George Lyon (2010).

(www.europarl.europa.eu/meetdocs/2009_2014/documents/agri/dt/806/806610/806610en.pdf).

¹¹³ Hart, Kaley. "The fate of green direct payments in the CAP reform negotiations" *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹¹⁴ European Parliament. „Draft Report the CAP towards 2020: meeting the food, natural resources and territorial challenges of the future". Committee on Agriculture and Rural Development, Rapporteur Albert Dess (2011).

¹¹⁵ Hart, Kaley. "The fate of green direct payments in the CAP reform negotiations" *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹¹⁶ European Commission. "Proposal for a Regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy." COM (2011) 625.

¹¹⁷ Ibid.

mandatory to all farmers with exception of some practices (e.g. organic farming) which were labelled as ‘green by definition’¹¹⁸. The measures were as followed:

- **Crop Diversification:** Farmers with more than 3 hectares of arable land need to grow a minimum of three different crops, with none covering less than 5% or more than 70% of arable land.
- **Permanent Grassland:** Farmers have to maintain 95% of their permanent grassland as declared in 2014.
- **Ecological focus areas (EFAs):** “Farmers shall ensure that at least 7 % of their eligible hectares as defined in Article 25(2), excluding areas under permanent grassland, is ecological focus area such as land left fallow, terraces, landscape features, buffer strips and afforested areas as referred to in article 25(2)(b)(ii).”¹¹⁹

Table 1: Greening Measures

The primary reactions of decision makers and stakeholders were affected by two specific issues regarding the proposed measures. First, there was a significant lack of evidence concerning the environmental impact of the greening provisions, as they differed from the Communication, on which the original impact assessment was based.¹²⁰ This greatly affected all participants and even led the EP to issue two studies to further investigate the opportunities and risks entailed in the greening proposals as well as possible alternative options for the deliverance of environmental public goods¹²¹. However, alternative measures in the framework of the Commission’s proposal to green Pillar I were vanishingly scarce and difficult to implement¹²². Second and even more important, the contents of the measures were not ultimately defined yet, but the Commission remained the right to further define its specificities through delegated acts. In this context, naturally, stakeholders were very concerned with the actual requirements and procedure of the measures, as neither the benefits nor the costs were clearly pronounced. They remained highly speculative and ultimately depended on the detailed requirements through delegated acts.

Furthermore, greening provisions were extremely contentious, criticised by stakeholders as being both too weak in the deliverance of environmental public goods and too demanding on European

¹¹⁸ Ibid. Article 29(4) and Article 33

¹¹⁹ Ibid. Article 32

¹²⁰ Hart, Kaley. “The fate of green direct payments in the CAP reform negotiations” *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹²¹ Hart, Kaley, Peter Weingarten, Andrea Povellato, Corrado Pirzio-Biroli, David Baldock, Bernhard Ostenburg, Francesco Vanni, and Alison Boyes. “What tools for the European agricultural policy to encourage the provision of public goods?.” Report prepared for the European Parliament (2011).; Matthews, Alan. “Environmental public goods in the new cap: impact of greening proposals and possible alternatives.” Committee on Agriculture and Rural Development, European Parliament (2012).

¹²² Hart, Kaley, and Jonathan Little. “Environmental approach of the CAP legislative proposal.” *Politica Agricola Internazionale-International Agricultural Policy* 1, no. 2012 (2012): 19-30.

farmers.¹²³ As the discussions progressed in the EP and Agriculture Council, three concerns crystallised in the framework of the ‘productivist’ discourse. First, demanding more flexibility for member states’ specific situations; second, that greening measures do not impede productivity; and third, to keep the additional administrative burden to a minimum. Within the institutions, environmentalist concerns on the deliverance of public goods from were only marginal at that time. As became evident from the discussions, the cleavage between the positions of those seeking to maintain the status quo and those genuinely trying to improve the environmental benefits kept widening further.¹²⁴ However, as noted above, this hardening of positions has to be seen in context of an uncertain CAP budget, since the MFF negotiations were not concluded at that time.

Unfortunately, it won’t be possible to go into detail of all the different measures proposed in context of the three main concerns of the EP and the Council at that time. However, it shall be noted that proposals were almost exclusively pushing to offer more flexibility in terms of presenting more greening options for farmers, considering a broader group of farmers as ‘green by definition’ or lowering the penalties for non-compliance. While in the EP there was at least a subgroup of MEPs from the Socialists & Democrats (S&D) – the ‘Viking Group’ – which rejected a dramatic weakening of the greening measures, propositions from the Council very much advocated an approach to maintain the status quo by undermining environmental provisions.¹²⁵

To answer these calls for simplification and flexibility, the Commission published a concept paper on greening¹²⁶. This paper had a noteworthy impact on further debate, as it significantly altered the contents and thresholds of the measures. Most importantly, it introduced ‘equivalence’, which means that under certain conditions, beneficiaries from the Pillar II agri-environment-climate measures as well as farmers subject to an environmental certification scheme could be considered as fulfilling one or several of the greening measures, provided that its environmental ambition exceeds those of the greening measures. Moreover, the threshold for crop diversification was raised from 3 to 10 hectares and the definition of permanent grassland was made more flexible. Through this unconventional and somewhat rash way of proceeding – to supplement a policy proposal through a semi-official document before even preliminary mandates were formed – the Commission caused great uncertainty, which in turn allowed for a greater flexibility for the EP and Council to conduct their own interpretations. Additionally, it ignited hope for further flexibilities concerning the EFAs and generally nurtured the ground to water down of the greening provisions.

The process leading to a final position of the EP was particularly long and complicated, with literally thousands of amendments being tabled. Under the leadership of rapporteur Capoulas Santos from S&D, the COMAGRI pushed for a further weakening of the greening provisions on the basis of the concept paper. In the period leading up to the COMAGRI vote in January 2013 and the subsequent plenary vote in March 2013, interest group activity was most intense, as confirmed from a number of interviewees, both stakeholders and decision makers. Even though they can’t all be mentioned here,

¹²³ Agra Europe. "Commission publishes CAP reform proposals." October 12, 2011. <https://www.agra-net.com/agra/agra-europe/policy-and-legislation/cap/commission-publishes-cap-reform-proposals--1.htm>.

¹²⁴ Hart, Kaley. "The fate of green direct payments in the CAP reform negotiations" *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹²⁵ Ibid.

¹²⁶ EU Commission. "Concept Paper – Greening" (2012). http://ec.europa.eu/agriculture/cap-post-2013/legal-proposals/concept-paper-on-greening_en.pdf

the list of amendments approved in the COMAGRI vote was pushing further the concessions to those favouring a status quo approach, watering down greening provisions by weakening thresholds and requirements in the name of flexibility and simplification.¹²⁷

Naturally, this led to outrage among proponents of a stronger greening component. However, with the amount of amendments approved, only two particularly contentious proposals were seriously up for debate in the plenary vote: The permission of double funding for the same activities from Pillar I and Pillar II, and the scope of the ‘green by definition’ exemption. The issue of double funding is counter to one of the fundamental principles of EU public expenditures, accordingly it was rejected by a clear majority. ‘Green by definition’ on the other hand, was a highly political issue which drove political parties in opposite positions, averting a successful vote. However, the bulk of the amendments tabled by the COMAGRI was left untouched, a few of which shall be highlighted. First, the link between greening payment and basic payment was dissolved, basically making it voluntary. Second, EFAs were compromised through the introduction of a threshold of 10 hectares. Moreover, it demanded allowing production of certain crops on EFAs (e.g. nitrogen fixing crops) and reduction of percentage from 7% to 3% in the first year and 5% after that. Also, crop diversification was raised to 10 hectares (as proposed in the concept paper) and only required two crops between 10 and 30 hectares. The single amendment enhancing environmental effectiveness was tabled by the Greens, which banned ploughing on carbon-rich soils among others.¹²⁸

The negotiating mandate of the Agriculture Council was agreed shortly after the plenary vote. It entailed proposals to reduce environmental provisions even further than the EP, also on the basis of the concept paper and strongly building on the concept of ‘equivalence’. At this point the MFF negotiations had already been concluded. In the European Council, Germany controversially intervened the CAP reform process by addressing the issue of EFAs, determining that EFA requirements wouldn’t require the land to be taken out of production.¹²⁹ This had severe consequences for the final content of the measure. Moreover, the Council considerably extended the list of equivalence measures and EFA thresholds, making their positions relatively weaker than the EP’s in terms of environmental requirements.

Hence, in the trialogues the EP and the Council both started with a mandate with drastically weaker environmental components than in the Commission’s original proposal. As argued by Hart¹³⁰, there was a strong structural bias for further watering down greening in the trialogues negotiations. This evolves around two arguments. First, due to the absence of a clear assessment of the environmental benefits of the measures by the Commission, they failed to inspire passionate advocates among decision makers, who truly believed in their value. This was even reinforced by the strong doubts voiced from environmental stakeholders, who continuously criticised the low level of ambition. In contrast, the additional costs and red-tape for farmers and administrators created clear incentives for those opposing strong greening provisions. Second, the conclusion of the MFF negotiations which

¹²⁷ Hart, Kaley. “The fate of green direct payments in the CAP reform negotiations” *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

had secured the CAP budget lifted political weight from the greening argument, as it was not needed for legitimisation anymore.

In this context it is a small wonder that the trilogues concluded with significantly watered down greening provisions. As Hart notes, the weakening of greening is related to five policy decisions.¹³¹ First, the reduction of farms subject to greening provisions through the label 'green by definition' and other exemptions, which were pushed by both EP and Council. Second, environmental benefits were jeopardised through a continuous weakening of the measure content. Especially with EFAs, where a list of practices was presented which would ensure that the areas wouldn't have to be taken out of production, but also concerning the thresholds. Third, inspired from the Commission's concept paper, equivalent measures and national certification schemes for better tailoring of measures to national contexts delivered another opportunity to skip the greening measures. Fourth, one of the most contested issues was the greening baseline and double funding. Here the alliance of the Commission and the EP ensured that the EU treaty was adhered. Fifth, the EP pushed to disassociate penalties for non-compliance from the basic payments, which they failed due to opposition from both the Commission and the Council.

In conclusion, the dramatic watering down of the greening provisions was due to a mix of contextual factors and the strong status quo orientation in the COMAGRI and the Council. The Commission also shares a significant part of the responsibility, as it made some tactical mistakes that set the ground for further concessions. The result is an extremely compromised greening component, which only concerned a fraction of farmers and offered them a number of legal loopholes (e.g. 47% of arable land and 89% of farmers will be exempted from the EFA provision). Understandably this evoked massive criticism from environmental stakeholders.¹³²

4.3. CSO Participation in the Ciołoş Reform

As pointed out by Paolo de Castro¹³³, who was COMAGRI chair during the Ciołoş reform: Starting the reform process with a public debate was an expression of the need for broad civil society participation as a means to legitimise maintaining the CAP budget, which has been subject to widespread criticism. With the CAP being the largest EU policy in budgetary terms and resilient to radical change or cuts, it is needless to say that the farmers' lobby is a powerful force in EU agricultural policy. However, as scholars have pointed out, several factors point towards a progressive weakening of its political strength¹³⁴. In the context of this reform, where environmental concerns were at the forefront at least of the public debate, the diversification of stakeholders was a major factor contributing to a more balanced discussion. Table 2 is a map of the most prominent

¹³¹ Ibid.

¹³² Brunner, Ariel. "Birdlife: CAP reform is dead." December 29 (2013): 2013. (<http://capreform.eu/birdlife-cap-reform-is-dead>); Hart, Kaley, and David Baldock. "Greening the CAP: Delivering environmental outcomes through pillar one." *Institute for European Environmental Policy* 26 (2011).; Pe'er, G., L. V. Dicks, P. Visconti, R. Arlettaz, András Báldi, T. G. Benton, S. Collins et al. "EU agricultural reform fails on biodiversity." *Science* 344, no. 6188 (2014): 1090-1092.

¹³³ De Castro, Paolo and Angelo Di Mambro. "Perspective from the European Parliament" *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

¹³⁴ Bednarikova, Zuzana, and Jirina Jilkova. "Why is the agricultural lobby in the European union member states so effective?." *E+M Ekonomie a Management* 2 (2012): 26.

stakeholders in the reform process, to capture the variety of actors who contributed to shaping the CAP in its latest transformation. As pointed out above, I will primarily investigate stakeholders on European level, namely European umbrella organisations. For the purpose of this paper, stakeholders will be divided into four main groups, from each of which I have selected the most relevant European organisations and coalitions according to their representativeness and visibility in the negotiations.

Stakeholders	Eurogroups and Coalitions	Notes
Farmers Interests <i>Status quo</i>	COPA-COGECA	It shall be noted that there were wide cleavages between positions of farmers' organisations from different member states.
Food Industry <i>Status quo</i>	ECPA (European Crop Protection Association) FoodDrinkEurope CELCAA (European Liaison Committee for Agricultural and Agri-Food Trade)	
Environmental NGOs <i>Radical reform</i>	EEB (European Environmental Bureau) Birdlife Europe FoE (Friends of the Earth Europe) PAN (Pesticide Action Network Europe)	
Small/Organic Farmers Organisations <i>Radical reform</i>	Arc2020 Rural & Agricultural Convention Via Campesina Europe IFOAM (International Federation of Organic Agriculture Movements Europe)	The notion that the traditional (European or national) farmers' organisations represent all farmers equally is misleading. Various others, especially small and organic farmers' organisations, represent interests contrary to those of e.g. COPA-COGECA.

Table 2: Stakeholder Map

In the following paragraphs I will assess the influence of each different group of stakeholders on the reform process through the analysis of document research and interviews with CSO representatives and decision makers. The analysis is conducted on the basis of the contextual framework, examining the role of NGOs during the different stages of the legislative process, and with the methodological tools described in the chapter on methodology.

First group of stakeholders are traditional agricultural interests, namely farmers' interests. Farmers' organisations are set up differently in each EU country, typically with close ties to the political class. On the European level they are represented through the European umbrella organisation COPA-COGECA, which represents 35 full members from EU member states, four affiliated members and 36 partner organisations, also including representatives from countries like Turkey, Iceland, Switzerland and Norway. It consists of one person per member organisation, typically the president, and represent all major European farmers' organisations. It is by far the strongest agricultural interest group on EU level. That being said, COPA-COGECA was one of the fiercest critics of the Commission's proposal on greening from the onset of the negotiations. After the publication of the

proposals it took a position favouring the status quo, within the framework of the productivist discourse. It argued, that public benefits are achieved by ensuring the sustainment of agricultural production levels and farmer's incomes, as this ensures food security and other non-specified social and economic benefits.¹³⁵ Further, with the reinforcement from EU farm ministers, it stressed that in the face of rising food price volatility, greening measures can only be accepted if they do not impede production levels, since this would only outsource production to countries where production is less sustainable.¹³⁶

In September 2012 COPA-COGECA released a proposal promoting the idea of "green growth".¹³⁷ In this paper it argued that the Commission's proposed measures would not contribute to growth, rural employment or food security. Alternatively it promoted innovative measures, which it believed could ensure a positive impact on environment and climate change, while not imposing constraints on production levels. Strongly opposing a one-size-fits-all approach, it argued that greening should be moved to the second Pillar and made voluntarily. The proposed measures under Pillar II should be focused and provide incentives for: resource efficiency (nutrients, plant protection products, water and wastage), reduction of greenhouse gas (GHG) emissions, carbon sequestration in soil and biomass and animal welfare.

Assessing the final policy outcome and the source material collected through interviews and policy documents, the following picture emerges. Evidence suggests that COPA-COGECA itself had very little impact on the policy formation during the agenda-setting stage. None of their concerns were echoed in the Commission's proposals. When interviewed, the former Agricultural Commissioner's Chief of Staff, Georg Häusler even argued that none of the European organisations had any significant impact on the policy proposal. He stressed that knowing the position of COPA-COGECA is useless for policy makers, since it already embodies a compromise, which the Commission ought to create itself. He argued that all meaningful contributions came from national organisations, since they are much closer to the farmers and thus are informed about the political sensibilities. Moreover, he claimed that COPA-COGECA moved very slowly and its contributions were useless in terms of being transposable into legislation. Yves Madre, another member of Cioloş' staff, confirmed this by stating that COPA-COGECA was the only organisation who still worked in an "old-style" reactive way of lobbying.

When interviewed, COPA-COGECA representative Paulo Gouveia also spoke of the personal political agenda of the Commissioner and stressed that what mattered was what happened after the publishing of the proposal, further indicating the organisation's lack of success in setting the agenda. However, the situation changed significantly at first reading. Even considering stakeholder bias, both NGOs and policy makers stressed the strong influence that farmers' organisations had on the policy process during co-decision. This is also evident in the turn the negotiations took, with the majority of policy makers pushing for a weakening or abolishment of greening. As Georg Häusler pointed out, the position of the Austrian minister is 99,5% determined by the position of the main Austrian farming organisation. While it is clear that agricultural ministers' have close political ties with their national

¹³⁵ Copa-Cogeca. "The Future of the CAP after 2013". (2011a). www.copa-cogeca.be/Download.ashx?ID=651808

¹³⁶ Copa-Cogeca Press release "Ministers Call for strong CAP"

¹³⁷ Copa-Cogeca. "The Future CAP after 2013: Copa-Cogeca Proposals for 'green growth'" (2011b). www.copa-cogeca.be/Download.ashx?ID=836985

farmers' representatives and have privileged access to policy makers, this can't be fully conferred to COPA-COGECA. Even though they consist of members from all member states, they still have to represent a common position of all national farmers' organisations. However, those positions were divergent between member states. As pointed out in various interviews, the Ciolos reform was characterised by a weak Franco-German axis, with France being the first supporter of greening and Germany opposing it, pushing a strong productivist narrative. In this sense, greening soon became an ideological question between opposing narratives, which hindered constructive discussions on the measures themselves. Edith Klauser, who was the principal representative for the Austrian minister in the negotiations on Pillar I, argued that the parallel negotiations of the regulations on market measures, rural development and direct payments led to a situation where block-building became difficult, a tactical move by the Commission.

Nonetheless, during co-decision conservative voices were in the majority both in the Council and the COMAGRI, leading to strong pressure on environmental measures, as evident in the outcomes of the debates. Since the Commission was insisting on maintaining the greening measures in its initial form, it appears that the strategies of decision makers in EP and Council changed to undermining environmental provision as much as possible, forcing the Commission to make numerous concessions. With regards to negotiations in the Council, Dermont Ryan (Irish EU Presidency) argued that ministers varied in their position on greening due to some of them holding the title of minister of agriculture *and* environment, thus not being able to fully disregard greening. Ultimately member states tried to renegotiate the greening provisions to a point where they were either much easier to implement or in fact represented what was already existing current practice in those member states, therefore reducing the level of ambition. This partly explained why the Council put so much effort into introducing equivalent measures and other exemptions into greening.

While national farmers' organisations traditionally have a strong influence on their ministers, this is not self-evident for the EP, which is supposed to represent European interests. However, virtually all interviewees (including COMAGRI chair De Castro) emphasised the strong influence of farmers' interests on the positions of the COMAGRI, some pointing out that many of the prominent members were former (or future) agricultural ministers themselves. It is generally agreed that the involvement of the EP further complicated the reform process. Yet, while the Parliament is not a homogenous organisation and represents a broad spectrum of interests, it was business as usual in the COMAGRI, paying little to no attention to the concerns of the committees of opinion. This is partly due to the fact that delicate compromises had to be found within the COMAGRI. Interestingly, while many stakeholders I interviewed indicated the strong influence national farmers' organisations had on their MEPs in the COMAGRI, an insider interview with Ana Camilo (personal assistant of rapporteur Capoulas Santos) told a different story. She argues that while agriculture is generally an issue where partisanship plays a minor role and MEPs have a strong tendency to vote in line with their national interests, exceptionally this wasn't the case with greening. Firstly, the issue of greening was highly ideological, driving MEPs towards the position of their political party. Secondly, the complexity of the matter made it impossible for the majority of MEPs to stay on top of things throughout the lengthy process, leading them to delegate responsibility to their shadow rapporteur. Thus, the biggest political groups were mostly aligned around the compromises. Furthermore, farmers' organisations were wide awake to the process, pushing their agenda onto the rapporteurs, with considerable success. The final

outcome of the vote in the COMAGRI and subsequently in the plenary reveals an overwhelming majority of MEPs in the COMAGRI took a status quo position in line with farmers' interests.

The second group of stakeholders are the representatives from the food industry. While most stakeholders published position papers on the CAP reform at an early stage, recognising the need for increased sustainability to legitimise the budget, no concrete policy proposals how to achieve this have been published¹³⁸. Evidence suggests very little personal investment of industrial stakeholders into the reform process. When interviewed, Martin Angel (ECPA) stated that the main interest of the food industry was not on greening but rather innovation in agriculture, thus being irrelevant for this study. Decision makers consistently confirmed their lack of involvement in interviews. Moreover, Martin Angel noted that the absence of any meaningful cooperation of stakeholders from the food industry led to the formation of the Agri-Food Chain Coalition (AFCC) to establish a long-term policy vision of the sector years after the reform process was concluded. Ultimately, voices from within the sector backed farmers' organisations in their concerns on food security and the maintenance of production capacity¹³⁹. As it appears, their individual voices had very little impact on the reform process, apart from strengthening the anyhow strong position of farmer's interests.

Due to their strong interconnectedness in policy coalitions and overlapping policy proposals, environmental NGOs and small/organic farmers' organisations shall be considered jointly, as one political force advocating radical reform through strong environmental measures. Although, as shall be explained below, some individual organisations demand special recognition due to their unique role in the reform process.

Turning to the role of NGOs in the reform process, it has to be acknowledged that NGOs had a significant influence on the overall direction the CAP took. At least in the beginning of the process environmental concerns took centre-stage in the public debate (represented in the narrative 'public money for public goods'), which was subsequently picked up by policy makers as the centre narrative to legitimise the CAP budget. Indeed, environmental organisations, agricultural economists¹⁴⁰ and other civil society actors have been pushing for a more sustainable CAP since the very early stages of the process. However, after the Commission published its proposal, there was widespread discontent among environmental stakeholders, who argued that it was not responding to environmental challenges¹⁴¹. When interviewed, representatives from small/organic farmers' organisations and NGOs said they quickly realised that the environmental provisions at the centre of discussion was just a way to justify the CAP budget.

Even though it is difficult to clearly distinguish between the position of different environmental stakeholders since most of them were part of the same alliances in some way or another, it appears that stakeholders were dealing with this situation in fundamentally different ways. There were those,

¹³⁸ Klavert, Henrike, and Niels Keijzer. "A review of stakeholders' views on CAP reform. What They Say and What They have achieved." *Overseas Development* (2012).

¹³⁹ FoodDrinkEurope. "CAP reform: A missed opportunity say food operators." (2011).

(<http://www.fooddrinkeurope.eu/news/press-release/cap-reform-a-missed-opportunity-say-food-operators/>)

¹⁴⁰ Reform the CAP. "For an Ambitious Reform of the Common Agricultural Policy: 2010 Declaration by Agricultural Economists." <http://www.reformthecap.eu/declaration>.

¹⁴¹ Birdlife International; EEB (European Environmental Bureau); IFOAM EU Group; WWF. "CAP to keep pumping cash into EU's most environmentally harmful farms, reveals leaked proposal." (2011).

<http://www.eeb.org/?LinkServID=5E3B6C62-E611-8E52-B0DF9ADA3DC1171D&showMeta=0>

who expressed signs of resignation after the proposals were published. In an interview Stanka Becheva (FoE) pointed towards a fundamentally different framework for envisioning environmental protection the organisation employs in contrast to the Commission, emphasising that the environment doesn't stop at national borders. For instance, FoE emphasised the impact of factory farming of livestock, which is responsible for 85% of total greenhouse gas emissions from the agricultural sector and has devastating effects on agricultural sectors in other parts of the world (e.g. South America).¹⁴² This fundamentally different perspective on the issue, evident in various NGO position papers¹⁴³, led to difficulties in the cooperation with policy makers. Frustration was also communicated by interviewees from the Commission. They criticised that most NGOs would not come up with feasible proposals, which are transposable into concrete policy, but ignored the political reality behind the reform. Yet, Yves Madre emphasised that the civil society group which stood out from the rest was the Arc2020 Rural & Agricultural Convention. What can be confusing, is that most of the other NGOs were to some extent involved in the Arc2020 coalition. However, it became clear in the interviews that while environmental stakeholders lent their name and voice to the coalition and developed a common position, advocacy was mostly done individually.

When interviewed, Arc2020 spokesperson Samuel Féret pointed out significant differences in the strategies employed by Arc2020 in contrast to other NGOs. The first being that Arc2020 proposed from the beginning of the negotiations to include greening in Pillar I, while most NGOs preferred to strengthen the second Pillar. He pointed out that Arc2020 was strongly connected to a French platform of NGOs called 'Groupe de PAC 2013', which Féret coordinated at the time. This group, which has close ties to agricultural decision makers in France, had already proposed to the French ministry as early as 2009 to create a financial instrument in Pillar I based on Article 68 of the former CAP and to dedicate a share of payments to farming practices beneficial to the environment. Féret suggested that the French ministry has taken this idea for granted and pushed it on EU level towards the new Commission. That the idea met fertile ground there seems reasonable, considering Cioloş' background and his close ties to French agriculture. This development is also mirrored in the accounts from other interviewees, though framed differently. There it was argued that greening was a French idea, which was used to legitimise the CAP budget while being easy on French agriculture, since France already has implemented similar practices on national level.

While this exposes incentives for the French ministry (avoiding further debate on shifting money from Pillar I to Pillar II for environmental purposes), it also reveals a great deal of the approach taken by Arc2020. Adopting a reformist mind-set, Arc2020 opportunistically chose to work on the reform in the given context and apparent limitation in scope. Féret pointed out that while it was not possible to change all the bad things within the CAP, they concentrated on key aspects to make the CAP greener and fairer. However, as Féret pointed out, they had a much more ambitious proposal than the

¹⁴² Friends of the Earth Europe. "Public Money for Public Goods, Common Agricultural Policy 2014-2020: More environmental protection and better for farmers?" (2011). www.senedd.assembly.wales/documents/s3797/Consultation%20response%20CAP%2020-%20Friends%20of%20the%20Earth.pdf

¹⁴³ E.g. see IFOAM EU Group. "Reaction to the CAP Legislative Proposals 2014-2020" (2012). www.ifoam-eu.org/sites/default/files/ifoameu_policy_cap_position_20121126.pdf; European Coordination Via Campesina. "Towards a Common Agriculture and Food Policy 2013 within a Food Sovereignty Framework." (2010). <https://viacampesina.org/en/index.php/main-issues-mainmenu-27/food-sovereignty-and-trade-mainmenu-38/846-towards-a-common-agriculture-and-food-policy-2013-within-a-food-sovereignty-framework>

one being accepted at EU level. He reported close cooperation with the Commissioner, as well as French MEPs and ministry during co-decision. In this context it shall be noted, that one of the initiators of Arc2020 was German MEP Hannes Lorenzen (European Green Party), who brought further contacts and insider knowledge of EU policy making to the mix.

Nevertheless, once proposals were on the table and the budget sealed, the influence of all NGOs (including Arc2020) decreased significantly. The game changed at first reading, when NGOs were forced to focus their energy on defending greening rather than improving the proposed measures. Their access points were reduced to progressive MEPs, of which there were few in the COMAGRI, and some individual contacts within national ministries. It shall be noted here that virtually all environmental organisations were reporting significant lack of capacities, with only one or two people working on the CAP reform permanently for a time of approximately three years. This had a great impact on their ability to influence the process at co-decision, when multi-level institutional politics require considerable manpower to impact policy makers. Moreover, as Stephen Meredith from IFOAM pointed out, Brussels is a fluid lobbying environment where much of your impact depends on the ability to build and tend for relationships over years to gain access to information.

Initially, environmental stakeholders pushed for more ambitious greening provisions and developed a set of clear policy proposals communicated through the Arc2020 coalition¹⁴⁴. First, they demanded greening measures to be made mandatory for receiving any direct payments, whilst rejecting exemptions and certification schemes undermining greening provisions. Second, the proposed 'Crop diversification' measure was rejected on the basis that this would enable farmers to maintain their monocultures on the vast majority of their land while still collecting greening payments. Instead, they advocate a return to the 'Crop rotation' measure as envisioned by the Commission Communication. Third, permanent pastures should be maintained on farm level and lastly, for EFAs, Arc2020 demanded to at least stay at the threshold of 7% as initially proposed by the Commission. These policy proposals largely mirrored those of the other environmental coalitions¹⁴⁵. As the proposal to maintain the threshold for the EFA measure already indicates, the evident shift from a demanding towards a defensive stance on greening was taken by environmental stakeholders as the support for greening faded with the conclusion of the MFF negotiations.

As a last resort and in response to the receding accessibility of policy makers, environmental stakeholders engaged in advocacy strategies aimed at influencing public opinion. Two joint campaigns were performed by the coalition. First, the 'Good Food March' in September 2012 in Brussels in front of the EP. Second, in an initiative following the disappointing COMAGRI vote and just before the plenary voted, NGOs urged citizens to 'Go MAD' (go meet a deputy). It was an attempt to put pressure on directly elected MEPs. The website created enabled citizens to look up their MEPs in order to meet them either in the capitals, Brussels or Strasbourg. While it is difficult to measure the success of the campaigns, Ana Camilo reported that they had a significant impact on the plenary vote, by appealing to what she called the 'emotional factor'. However, this can be seen only as

¹⁴⁴ Arc2020. „Support a greener and fairer CAP! MEPs have the power to strengthen the Commission's proposal in the CAP reform plenary vote." (2011). http://www.ifoam-eu.org/sites/default/files/page/files/arc_policy_cap_ep_plenary_position_201303.pdf

¹⁴⁵ Birdlife International; EEB (European Environmental Bureau); IFOAM EU Group; WWF. "BRIEFING: Reform proposals for the Common Agricultural Policy." (2012).

moderate success, since only the most controversial issues were actually put up to debate in the plenary. Issues which most likely would have failed anyway, while others remained untouched.

5. Conclusion

It has to be acknowledged that environmental stakeholder had little to no foothold in the negotiations after co-decision. A picture emerges where at the agenda setting stage the Commission, in their quest to formulate environmental measures, remained an open dialogue with environmental stakeholders. However, the Commission was seeking proposals, which fit the specific policy context of this reform and were transposable into policy that could find at least marginal support among member states. Considering the unfavourable contextual factors, these pragmatic limitations had to be taken into account, as fierce opposition from farmer's organisations was already expected. This is why the proposal from Arc2020 found such fertile ground, while the majority of concerns and propositions from environmental stakeholders were rejected or simply ignored. While they did not envision the political context sufficiently, Arc2020's proposal was communicated by the French authorities, already entailing support from one of the major agricultural member states. That being said, farmers' interests were in a weak position to influence the Commission, with little to offer but firm opposition to the greening agenda. The table turned at co-decision, when the budget was set. Suddenly greening lost political weight and all environmental stakeholders could do was oppose further weakening of the environmental provisions. Naturally in a weaker position in terms of resources and lacking long-standing ties to national policy makers, NGOs were not able to sustain opposition like farmers' organisations during the co-decision phase.

The source material collected through interviews, document research and literature review reveal how environmental stakeholders were not able to gain considerable support for their proposals from neither Council nor Parliament. As described by Irmi Salzer (Via Campesina) in an interview, the COMAGRI sometimes seemed to act as a "Mini-Council", echoing the productivist concerns of the national farmer's organisations. Hence, Dür's hypothesis that the success-rate of societal interests increases with the role of the EP in the legislative process is in this case falsified. As expected the critical flaw in this hypothesis is to equalise business actors' (farmers') failure to sabotage regulatory legislation with success of citizen groups. When taking a closer look at the achievement of NGOs in influencing the EP to take up their positions, the results are marginal and farmers' were very successful in undermining results by influencing policy makers to alter legislation to their will.

Now turning toward my main hypothesis. The interconnection of the reform process with MFF negotiations, as well as the strategic behaviour of the EP to stall negotiation until the budget was secured, both confirms the opportunistic application of environmental legislation. The 'public money for public goods' narrative has served to legitimise maintaining CAP spending levels. Once it served this purpose it was undermined and fell victim to negotiations dominated by a 'productivist'

discourse. This fits the classic pattern of ‘greenwashing’ legislation, which carries the environmental brand, but doesn’t actually deliver the promised results.¹⁴⁶

For the Commission however, much evidence suggests the Commissioner’s genuine interest in delivering environmental public goods through this reform. Many interviewees pointed out the personal agenda of the Commissioner, who was friendly with organic agriculture due to his background. It is fair to say that the Commissioner was among the few true allies of environmental stakeholders within the institutions. However, several factors weakened the position of the Commissioner to determine the outcome of the reform. First and foremost, since it was the first reform with co-decision, Cioloş deliberately took a position that was rather that of a facilitator, quite in contrast to his predecessors. As his staff reported in interviews, Cioloş repeatedly said that this was the “Parliament’s reform”. Moreover, other interviewees claimed that he was not a “political animal”, indicating his lack of strength in defending greening against pressures from traditional agricultural interests, by making strategic mistakes like the premature publishing of the concept paper. Further it was reported, that the Commissioner didn’t have many friends within the DG for Agriculture and Rural Development itself, which was traditionally closer to farmers’ interests. Finally, the proposed greening measures failed to gain necessary support from environmental stakeholders, who considered them too weak to deliver any significant gains for the environment. As pointed out by Defossez (EEB), this could have been used by the Commissioner as an argument against farmers’ interests pushing for further weakening, but instead of making allies of environmental NGOs he rather felt personally offended by their criticism.

Putting my first hypothesis on the nature of civil society participation to the test, merging all the individual pieces, it is entirely confirmed. Asking the critical question of *why* civil society was allowed to participate to such an extent in policy making, the answer quickly falls on the legitimising effect the inclusion of societal interests has on the CAP budget. This is evident in the course of negotiations, denying CSOs any significant say in the formulation of concrete policies after the budget was set. Their participation is limited to the scope in which it is furthering actors’ individual political agendas, which is exemplary for ‘participatory engineering’. Even where participation obviously had a great effect in shaping the direction of the reform – the involvement of Arc2020 and its role in shaping the greening provisions – participation emerges as just another CSO being instrumentalised to further national French interests. Again, this analysis should not condemn CSO participation and the great contributions it brings to EU policy making, but rather reveal the hidden motives behind it. As implied in the pragmatic approach taken by Samuel Féret, apparently stakeholders have learned to work their way forward within the limited scope of CSO participation, feeding into the legitimacy-demands of the EU to achieve the highest possible outcome for societal interests. While increased participation from civil society actors at least partly contributes to a more balanced representation of interests in EU policy making, the nature of this participation confirms the concerns of scholars criticising the high hopes being put into CSO participation as the solution to the EU’s democratic legitimacy crisis.

¹⁴⁶ Erjavec, Emil, Marko Lovec and Karmen Erjavec. “From ‘Greening’ to ‘Greenwash’: Drivers and Discourses of the CAP 2020 ‘Reform’.” *The Political Economy of the 2014-2020 Common Agricultural Policy: An Imperfect Storm*. Rowman and Littlefield International (2015).

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7. Appendix: List of People Interviewed

ORGANISATION	POSITION	NAME	DATE	PLACE
Arc2020	Lobbyist	Samuel Féret	15.09.2016	Phone
Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management	Principal representative of Austrian Minister Berlakovich in negotiations on Pillar I	Edith Klauser	17.09.2016	Vienna, Austria
Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management	Principal representative of Austrian Minister Berlakovich in negotiations on Pillar II	Markus Hopfner	15.09.2016	Vienna, Austria
COPA-COGECA	Lobbyist	Paulo Gouveia	09.09.2016	Brussels, Belgium
Council of the European Union	Irish Presidency: Chair of the Special Committee on Agriculture	Dermot Ryan	16.09.2016	Phone
European Environmental Bureau	Lobbyist	Faustine Defosse	08.09.2016	Brussels, Belgium
European Commission	Head of Commissioner Ciolos' cabinet	Georg Häusler	06.09.2016	Brussels, Belgium
European Commission	Member of Commissioner Ciolos' cabinet	Yves Madre	06.09.2016	Brussels, Belgium
ECPA	Lobbyist	Angel Martin	16.09.2016	Phone
European Parliament	Chair of the COMAGRI	Paolo De Castro	13.09.2016	Phone
European Parliament	Assistant of Rapporteur Luís Manuel Capoulas Santos	Ana Camilo	21.09.2016	Phone

Friends of the Earth Europe	Lobbyist	Stanka Becheva	07.09.2016	Brussels, Belgium
IFOAM	Lobbyist	Stephen Meredith	12.09.2016	Phone
ÖBV – Via Campesina Austria	Lobbyist	Irm Salzer	20.09.2016	Phone
Reform the CAP	Agronomist	Alan Matthews	07.09.2016	Phone