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PUBLIC AFFAIRS STRATEGY OF GOOGLE UNDER THE DIGITAL SERVICES ACT (DSA)

Bailly, Pierre

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PUBLIC AFFAIRS STRATEGY OF GOOGLE UNDER THE DIGITAL SERVICES ACT (DSA)

**Analysing Google's public affairs strategy and success
in the European Parliament**



Universiteit Leiden

**MASTER THESIS INTERNATIONAL RELATIONS:
EUROPEAN UNION STUDIES**

Name: Pierre Louis Jacques BAILLY

Student number: S3921026

Email: p.l.j.bailly@umail.leidenuniv.nl

Supervisor: Dr. Marije Cornelissen

Second Reader: Dr. Anne-Isabelle Richard

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I. Introduction:

In his Sorbonne speech delivered on April 25 2024, President Macron detailed his vision of the current state of the European Union.

Macron alluded to the new challenges created by digitisation, and his wish that the EU would "also have a real policy for removing terrorist content, but above all for removing hateful, racist and anti-Semitic content. And it's in Europe that we'll be able to get it from the platforms which, today, don't live up to their commitments on this subject, either in terms of moderation or in terms of restraint." (Elysée, 2024)

This speech by the French president highlights the European Union's proactive approach to regulating the digital world. Over the past decade, the EU has been at the forefront of legislation in the digital world, with the General Data Protection Regulation (GDPR), the Digital Market Act (DMA), the Digital Services Act (DSA) and, more recently, the Artificial Intelligence Act (AI Act). It is indeed in the context of digital companies "regulating themselves" when it comes to moderating their content that the DSA was proposed by the European Commission (AlgorithWatch, 2022) to replace the former e-Commerce Directive. The DSA and the DMA were primarily meant to tackle the hegemonic position of Big Tech companies (Corporate Europe Observatory (COE), 2020).

Faced with the EU's determination to impose new rules and as some procurements of the DSA aim at "taming the Big Tech" and will likely alter their business model (Blankertz & Jaursch, 2020), "heavy" lobbying was conducted by Google, Amazon, Facebook, Apple and Microsoft (GAFAM) (COE, 2020).

Lobbying can be defined as an activity which aims at influencing directly or indirectly the creation, implementation and interpretation of legislative measures, regulations, rules, and all kinds of decisions and speeches by decision-makers and policymakers (Vasilcovschi et al. 2014: 172).

In a European context, lobbying plays a key role in shaping regulations and laws and enables various pressure groups and interest groups to exert a degree of influence on European decision-makers.

In the context of the DMA and DSA digital regulations, and mindful of the potential impact on their economic systems, Big Tech has invested record sums in lobbying activities within the European Union. Of all these organizations, Google stands out as having invested the most (COE, 2020). In the more specific context of the end of the Commission phase of the DSA, the leak of the digital giant's influence strategy revealed by the Financial Times and picked up by Le Point on October 28, 2020, in which it is mentioned in particular "increase push back on Breton" and "weakening support" for the DSA (Le Point, 2020). This revelation, which came as no surprise to Commissioner Breton, led Google's vice president of public affairs strategy to apologise to him (COE, 2020).

Several scholars like Woll (2012) consider that the culture of lobbying at the European level is one based on constructive cooperation and a relationship of trust built up between private players and European decision-makers. Other factors also come into play, such as economic means, human resources, access to policymakers and many others.

The economic and human resources that Google can deploy according to Corporate Observatory Europe (2020) suggest that the group can be influential within the Parliament. However, the desire to weaken the DSA and pursue a confrontational strategy of influence as depicted in Google's leaked strategy does not correspond to the lobby culture in the EU as described by Woll (2012) and could hinder their capacity to influence the institutions.

This raises several questions: what was Google's strategy for influencing the European Parliament, and how was it implemented? What were Google's priorities during the DSA? Finally, was Google's strategy successful within Parliament and in general during the DSA?

To answer these questions, the following more general research question will serve as a guideline for this analysis:

How and to what extent was Google's public affairs strategy successful in defending its interest in the Digital Service Act (DSA) in the European Parliament?

Before analysing Google's lobbying strategy within the European Parliament, it will be necessary to situate this work with the existing literature on various issues.

It will first be important to explain the resources mobilised by pressure groups and the forms that lobbying activities. In addition, an analysis of several researches on lobby success and what makes an interest group successful in the EU context will be conducted.

In the following part and as this research focuses on Google's lobbying activities within the European Parliament, it will be relevant to study the existing literature on the form that lobbying takes within the various EU institutions. A particular focus will be dedicated to lobbying in the European Parliament and what the Parliament seeks to obtain from interest groups. In addition, this part will insist on the differences between lobby culture in the US and in the EU.

Furthermore, it will be relevant to look at the literature on the role of the DSA in the EU's broader digital strategy and what the EU is trying to achieve through these various regulations. Finally, in the context of increasing regulation in the digital world, it will be necessary to understand previous studies on Big Tech business models and interests. In addition, previous work on the lobbying activities of Big Tech and Google in particular within the EU will be analysed.

II. Literature review:

A. Lobbying: resources, strategies, and successes

Lobbying resources encompass financial means, information, expertise, legitimacy, and access (Coen and Richardson (2009); Dür (2008): 1214 cited by Dür and Matteo, 2012: 971). Among these resources, Chalmers (2013) considers that information is the most important and constitutes the “currency” of lobbying in the EU.

Analysing the role of information in gaining access to interest groups, Bouwen (2004) argues that lobbying in the EU takes the form of an exchange relation between the private and the public sector as both entities have resources that the other wants.

Seeking to challenge the understanding in some of the literature that a group's ability to provide information was primarily dependent on its economic capabilities (Klüver (2012) cited by Flöthe (2019)), Flöthe (2019) argues that while economic resources are indeed key in acquiring expertise, “political capabilities” (representation capacity and mobilisation capacity) are more effective in obtaining information about public preferences and are not dependent on financial

resources. As part of the "mobilisation capacity " described by Flöthe (2019), a large part of the literature has focused on lobby framing of a certain issue to their advantage. McGrath (2007) explains that lobbying can indeed take the form of persuasive communication as interest groups will look to formulate a certain issue to shape the potential solutions that policymakers will come up with and ensure that the final policy will fit as much as possible with their interests (McGrath, 2007). He also argues that interest groups also try to frame themselves in the best way possible. Certain groups may for instance hide their real intentions and objectives and frame themselves as a group that will attract the sympathy of policymakers (McGrath, 2007). Those pieces of information on lobbying resources are important as Google can allocate important means to its lobbying strategies and this thesis will be interested in looking at the resources such an interest group has at its disposal.

A large part of the literature focuses on the use of these resources through different lobbying strategies. As it is largely established that lobbying activities consist of an exchange of information (Bouwen, 2004), a consequent part of the literature focusing on lobbying strategies analyses the manner to convey information.

Hoffman (2017: 282-283) insists on the difficult situation in which interest groups are to build their public affairs strategy as they have to choose "who to lobby" (regional, national or EU institutional level, etc...), at "what stage of the policy process" (agenda-setting, legislative phase, implementation phase...). He also mentions two approaches that interest groups can have to institutions which are the "insider" and the "outsider" strategies. De Bruycker and Beyers (2018) describe "inside lobbying" as all forms of influence activities targeting directly policymakers at the EU level which tends to not generate a lot of public exposure. Inside lobbying techniques entail activities like meetings, phone calls and email communication to provide officials with information relevant to their work in exchange for access and more favourable policy to the interest groups' interests (De Bruycker and Beyers, 2018). They define "outside lobbying" as all forms of activities aimed at indirectly attracting the attention of the policymakers as well as raising the saliency of an issue in the public debate (De Bruycker and Beyers, 2018). Outside lobbying can be conducted through conferences, press releases and contacts with media, protest events, social media and public campaigns (De Bruycker and Beyers, 2018; Chalmers, 2013). By implementing such tactics, interest groups aim to influence policymakers to follow their interest.

An important part of the lobbying strategy is the ability to form coalitions. The literature agrees that coalitions are beneficial for an organization willing to be influential (De Bruycker and

Beyers, 2018). They can take the form of homogenous or heterogenous coalitions between interest groups (De Beyers and De Bruckyer, 2018). In the EU context, coalitions can, for instance, take the form of umbrella organizations to reinforce the credibility, power and hence access to institutions of its members (Coen, 1998, 81).

Finally, as this thesis aims to assess the success of Google's public affairs strategy, it will be relevant to understand previous research and how scholars identified lobbying success and failures.

In the framework of this work, "lobbying success" will be defined as the extent to which an interest group achieves its policy goal in a certain file (De Bruycker and Beyers, 2018).

Lobbying success is dependent on the tactics (inside vs outside) used by interest groups. However, the literature is divided in the extent to which each tactic succeeds. Chalmers (2013) defends that outside and inside lobbying strategies can bring about the same probability of success. In the same vein, De Bruycker and Beyers (2018) argue that both tactics can bring similar success. Similarly, Klüver (2013) explains that the wider context of an issue plays a role in lobbying success by pointing out specifically the importance of taking into account the fact that several interest groups may lobby at the same time and defend the same position, thus reinforcing their clout. According to her, lobbying should not be analysed as an individual enterprise.

Regarding the role played by the saliency of an issue in ensuring the success of lobbying campaigns, opinions diverge a lot. Mahoney (2007) defends that inside lobbying is the most efficient way to lobby and that outside lobbying will often produce saliency, decreasing the chance of achieving lobby success. Klüver (2013) is more moderate and believes that saliency can bring success to groups lobbying in large coalitions while decreasing lobbying success for interest groups parts of smaller groups. Contrary to Mahoney (2007), Chalmers (2013) believes that outside lobbying is not an "outsider" strategy and can result in certain access to policy-makers.

As this thesis will examine the lobbying success of Google, an important business actor, the findings article from Dür et al (2015) on the reasons explaining the loss of business will be relevant. In their work, Dür et al (2015) argue that business groups tend to adopt a defensive lobbying position as regulations often target some of their interest. They argue that business groups tend to win in situations in which situation where expert knowledge is required and in

cases in which the civil society and the European Parliament are not too involved (Dür et al, 2015).

Finally and as a transition to the following part of the literature dealing with lobbying in the EU context, Mahoney (2007) defends that lobbying success in the EU and the US differs. She explains that groups in a US context tend to achieve either complete success or failure by for instance preventing laws from being passed. In the EU context, in which proposals are almost systematically passed, groups tend to achieve moderate success.

B. Lobbying in the EU context: US vs EU lobby culture, lobbying the different EU institutions

Woll (2012) dedicated one of its articles to analysing the differences between both EU and US lobby cultures. Woll (2012) presented US lobbying as a process in which lawyers and money play an important role and portrayed lobbying activities in the EU as a process grounded on providing expertise. Woll (2012) argues that the resources used in both cases are the same (information and expertise) but the lobbying style diverges. In the US, lobbyists try to exert pressure on officials and policymakers. In the EU, interest groups must ensure to have a constructive relationship with officials and adopt a measured approach. Woll (2012) points out that the US tradition can not be applied in the EU context as nobody will expect the "aggressive" and "gangster" form of American lobbying. He provides an example in which an oil group named EUROPIA conducted an aggressive lobbying campaign targeting the EU Parliament to limit the standards on auto emission which backfired as the Parliament did not well receive the lobbying strategy and led them to reinforce the legislation (Woll, 2012).

As Google is an American group with very high spending on lobbying activities in the EU, it will be relevant to see if its lobbying campaign was adapted to the EU context or followed an American tradition.

Lobbying in the EU context entails that interest groups provide what each institution involved in the legislative process is looking for as their demands differ.

Bouwen (2004) provides an understanding of what each institution wants from interest groups to fulfil their work. He explains that the European Commission is mostly interested in expert

knowledge as they need technical information to create the framework of the legislation and its provisions. Bouwen (2004) then argues that the European Parliament is an institution interested in having information on European-wide preferences and to a lesser extent on domestic preferences as this institution aims at taking into account the interests of the private sector and other actors' needs. He finally explains that the Council, as an institution representing the member states, is primarily looking for information concerning domestic preferences (Bouwen, 2004). Looking at business lobbying in the European Parliament, Bouwen (2004) concludes that associations representing European interests and groups representing national interests have the most favourable access since the information they possess (EU and national-wide preferences of actors) is that which the Parliament seeks most.

Focusing on the form that takes lobbying activities in the European Parliament at the committee level, Marshall (2010) states that lobbying priorities are to lobby the debate at the earliest stages to modify and shape the framing of an issue, approach the most influential actors and finally to lobby the actors who already have a positive opinion of a given interest group and limit contacts with opponents. He insists on the point that the rapporteur of a file is the main target of lobbying for interest groups and even for groups that have opposing views as the rapporteur (Marshall, 2010).

As Marshall (2010) argued that reputation is key to being heard by policymakers, he demonstrated that interest groups refrain from lobbying demanding officials when they are not confident about the quality of their expertise. Marshall (2010) finally argues that business groups that were successful in the Commission phase will lobby MEPs to make sure that the provisions don't move. On the opposite, if the Commission proposal represents a threat to their interest, they will use the Parliament phase to try to modify the content of the file.

As this research will analyze the success of a business organisation (Google) and more precisely in the European Parliament, the work of Rasmussen (2015) on business lobbying success in the European Parliament will be useful to have an idea of the potential success of Google.

Rasmussen (2015) explains that the Parliament is portrayed as an institution defending precarious groups and a defender of causes like the environment and human rights. As such, he argues that business groups may not be in a favourable position when lobbying this institution (Rasmussen, 2015). In this disadvantageous context, he argued that business groups can still achieve lobby success when businesses ensure internal cohesion and when they lobby on technical issues in which the parliament needs the business groups' expertise (Rasmussen,

2015). He adds that certain committees like IMCO, ITRE or ENVI are more favourable to business interests as they deal with technical matters and are in stronger need than other committees for technical information. Businesses tend to be defeated in the European Parliament in situations in which trade associations are divided and when the issue is salient (Rasmussen, 2015). In addition, businesses tend to suffer from adversarial committees and are poorly perceived. Finally, Rasmussen (2015) argued that in the European Parliament, privileged lobby targets are the rapporteur and the shadow rapporteurs as they tend to be the more influential actors in the shape of legislation.

In contrast to Rasmussen's (2015) assertions that the Parliament is favourable to diffuse interests and less so to business, Kurzer and Cooper's (2013) work on food labelling reveals that NGOs were more successful in the Commission phase thanks to their framing of the issue than in the Parliament phase. They explain that the rapporteur disagreed with the NGOs' demands and that businesses working in coalitions larger than those of the NGOs ended up watering down the NGO's success in the commission phase (Kurzer and Cooper, 2013).

Finally, lobbying the Council has always been considered the hardest institution to lobby for business groups (Hayes-Renshaw, 2009). She indicated that this institution is an important one to lobby to achieve some last-minute win, however, the multiple layers and numerous actors, lobbying this institution requires a lot of resources which most interest groups won't be able to afford. Gaining access to the Council is difficult both formally and informally, but according to Hayes Renshaw (2009), interest groups can still access and achieve some success by lobbying national governments or by focusing on working party meetings which are among the earlier steps of the council phase. She explains that lobbying early is key to achieving success in the Council (Hayes Renshaw, 2009).

This section has shown that the lobbying culture and the needs of European institutions are important elements for lobbying groups to take into account. In the context of this research, which focuses on activities taking place within the European Parliament, the research presented above presented the parliament as an institution that does not give priority to businesses such as Google, and as an institution that seeks information on the interests of Europeans. In addition, the role of the rapporteur and the leading committee were also recognized as elements to be taken into account in any analysis of the European Parliament and lobbying activities.

Following this presentation of the forms and resources that lobbying takes, and the nature of lobbying within the EU, it will now be useful to look at the reasons that led the EU to create new digital regulations such as the DSA and DMA.

C. The European Union Digital Strategy: building European digital sovereignty

It is generally understood in the literature that the EU has adopted a regulatory approach to the digital market in opposition to a more ‘libertarian’ position from the US and a state control strategy from China (Hobbs, 2020).

However, it has not always been the case and the EU didn’t always have this regulatory approach to the digital market. Indeed, Heiderbrecht (2023) states that the EU during the 1990s up to the beginning of the 2010s has had what a called a “market liberalism” approach through private self-governance (Heiderbrecht, 2023: 212). Such an approach evolved to what he calls a “public intervention” approach with the GDPR but most notably through the DSA and the DMA (Heiderbrecht, 2023: 215). He qualified the former as “a new layer of rules that shift digital policy towards stronger public intervention” (Heiderbrecht, 2023: 216).

The literature provides explanations for this change of strategy from the EU during the early 2010s. Most of the literature agrees that several crises and abuses from the GAFAM convinced the EU to reinforce its involvement in the digital market and put an end to its non-interventionist tendency. Floridi (2021) points out that the failure of the GAFAM to address its ethical problem through self-regulation eventually led the EU to develop hard laws. Others like Heiderbrecht (2023) suggest that the multiplication of crises such as Cambridge Analytica or the Russian interference in the US election in 2016, revealed to the EU policymakers how vulnerable the EU was in the digital world and the need for more appropriate legislation. In addition, he adds that Big Tech represents economic, social and political challenges to the EU which leads them to try asserting their control through legislation (Heiderbrecht, 2023: 217).

A consensus exists in the literature regarding the sovereignty objectives of the EU through its legislative activities. For instance, Bendiek (2021) argues that the DSA/DMA policies are part of a larger ambition of the EU to restore its sovereignty in the digital world. He explained that the DSA/DMA works hand in hand with the EU’s objectives in cyber-security, key technologies, cloud development and digital structure (Bendiek, 2021: 6). Heiderbrecht (2023) adds that in this sovereignty reinforcement strategy of the EU, the DSA is meant to address

social and political concerns while the DMA is meant to tackle the economic hegemony from the GAFAM (Heiderbrecht, 2023: 215).

In addition, it is generally understood that EU legislation has a far-reaching impact and as such the DSA might set the rules for the rest of the world (Bradford, 2020). Indeed, a large part of the literature agrees on the fact that EU digital legislation will have a “Brussel effect”, meaning that de facto or de jure (Bradford, 2020), soft laws will be replaced by legal requirements and fines around the world (Floridi: 621). Indeed, Gstrein et al (2021) demonstrated that the extraterritoriality of the GDPR has led countries such as Japan and Korea to adopt similar legislation to maintain their access to the European market.

This section highlighted Europe's determination to assert itself as a sovereign power in the digital sector through its regulatory policy. This assumption of sovereignty seems to be in response to what the EU perceives as abuses by GAFAM in various areas.

But what precisely is the problem for GAFAM with the DSA, DMA and other regulations? What part of their business model is affected? How has Big Tech interacted with the European institutions in the context of these regulations?

The following section will look at the challenges that the EU regulations represent for the GAFAMs and will focus on Google's lobbying activities in several EU digital regulations.

D. Big Tech lobbying presence in the EU: business model and lobbying activities

Large firms lobbying in the EU has been long studied by several scholars like Coen (1998) in which he described the gradual decrease of national routes to lobby in favour of new EU-level lobby entries as the power of the institutions increased in the 1990s.

Several articles engaged in analysis of the Big Tech business model and their strategy, resources and capacity to influence legislation. Fontanel and Sushcheva (2018) stated that Google's revenue comes 86% from advertising and estimated that the lobbying activity of Big Tech in the US and the EU could reach up to 100 million. The effectiveness of the targeted ads business model and the revenue generated by them are based on the amount of data that Google can get on as many consumers as possible (Bachelot et al, 2020). By gathering extensive data

on consumers, Google can create for each individual an “advertising ID” reinforcing the quality of the targeting (Bachelot et al, 2020). There is indeed a strong link between the revenue generated by advertising and the quality of this advertisement. Bachelot et al (2020) summarised Google’s business strategy as a process in which Google collect “as much data as possible by any means necessary”, “extracts the value of those data to reinforce its technological advantage notably through AI” and “extracts the value of those data to generate revenues (targeted ads)” (Bachelot et al, 2020: 35).

Fontanel and Sushcheva (2018) explained that Google and other Big Tech companies have been targeted by the EU’s regulations and will to put an end to their dominant position.

Indeed, The DSA and DMA are regulations dealing mainly with large digital platforms and services (Ingram, 2023) which is exactly what the GAFAMs are. Such regulations will therefore likely impact the GAFAM business model. In addition and considering the worldwide impact potential of EU regulations as attested with the GDPR, lobbying the EU for tech firms to ensure that their interests are saved becomes a priority. It can be attested to the rise of spending in lobbying by Big Tech firms (Bendiek, 2021).

Fontanel and Sushcheva (2018) argued that states struggle to tackle the dominant position of Big Tech power as their lobbying activities prevent them from suffering too much from regulations introduced by the public sector (Fontanel and Sushcheva, 2018). They defend that by using digital trade associations like EDIMA (now DOT Europe) and by creating links with certain media like Agence France Presse, Big Tech ensures that EU regulations won’t be too damaging to their interests (Fontanel and Sushcheva, 2018).

Bachelot et al (2020) also analysed the lobbying activities of Google in the EU. They described their rise in terms of influence and resources invested notably in the framework of Directive 2019/790 on Copyright in the Digital Single Markets and argued that their lobbying strategy failed to water down this law. They reported that on the Copyright Directive, Google used YouTube and influencers to campaign against the project as well as sending thousands of mail to MEPs in an attempt to destroy the law (Bachelot et al, 2020).

In the file that this thesis is concerned with (the DSA), Bachelot et al (2020) provide an understanding of Google’s strategy in the European Commission phase. By analysing the “DSA 60-Day Plan Update” leaked document of Google, they portrayed Google as an organisation trying to water down the DSA to protect its business by pressuring key officials like Thierry Bretton as well as by getting the US government involved and by creating a coalition with an organisation like Carrefour, Ubisoft and Zalando (Bachelot et al, 2020). They

argued that Google's lobbying activities at the EU level and increasing resources spent on it didn't result in a decisive success. However, this report was published in 2020 and key regulations like the DMA, the DSA or the AI Act had not yet reached the end of the EU legislative process. Even if Google might not have been successful in influencing the GDPR or the Directive on Copyright and Related Rights in the Digital Single Market as argued by Bachelot et al (2020), they might have been in more recent files.

An article studying the lobbying strategy and success of Big Tech in the DMA by Tarrant and Cowen (2022) provides a more recent analysis of their capacity to defend their interest against EU regulations. Tarrant and Cowen (2022) argue that in the framework of the DMA, Big Tech encounters difficulties in lobbying successfully for multiple reasons. According to them, they first lack trust in the EU as they only have a slightly better image than the oil and tobacco industries (Tarrant and Cowen, 2022). The poor reputation of Big Tech groups consequently reduced the number of groups willing to work with them and they had a lot of opponents. Tarrant and Cowen (2022) argue that this complex lobbying position explains the fact that Big Tech didn't water down DMA provisions in the draft proposal and couldn't change much in the Parliament phase as well and most of the MEPs agreed on the need to regulate Big Tech. Tarrant and Cowen (2022) also provide an interesting understanding of the access to policy-makers that Big Tech lobbying organisations have. They argue that the high number of meetings that Big Tech groups had with the Commission or MEPs didn't necessarily mean that they were influential but that the EU institutions used those meetings to acquire the necessary expertise to regulate more effectively. They, however, argue that those groups still operate under a US strategy of lecturing and pressuring policymakers and the financing of trade associations and the production of questionable reports instead of providing them with solutions and making compromises which tends to be counterproductive (Tarrant and Cowen, 2022: 223).

Tarrant and Cowen 2022's work is relevant to understanding how Big Tech companies acted in the framework of the DMA, but lack a more precise understanding of their behaviour in the Parliament as their work mostly focused on the Commission. In addition, their work doesn't analyse at all Google's strategy during the DSA in which Google might have had a different strategy.

This section began by highlighting the GAFAM business model, which in Google's case is based on its ability to collect data to produce targeted advertising. Since the DSA and the DMA

wish to regulate the major digital platforms and their services, GAFAMs are directly threatened.

The articles by Fontanel and Sushcheva (2018), Bachelot et al (2020) and Tarrant and Cowen (2022) provide insight into Google's public affairs strategy. Google works in coalition and seeks to limit the scope and content of each regulation in which it invests. The aforementioned authors differ as to the level of success they attribute to Google, with Fontanel and Sushcheva (2018) considering it to be effective in dealing with states, whereas Bachelot et al (2020) argue that the significant resources invested by Google have not produced any great success. Similarly, Tarrant and Cowen (2022) claim that Google's overly aggressive strategy prevents them from achieving decisive success within the EU.

This literature review on different aspects of lobbying in the EU and Big Tech activities will allow us to justify the relevance of studying Google's public affairs strategy and its lobbying success in the DSA and focusing on the European Parliament phase.

This literature review revealed the resources (economic, human and political) that interest groups can use as part of different lobbying strategies (inside lobbying, outside lobbying...). The lobbying culture of the USA and of the EU and their differences were explained, as well as the different resources and ways of lobbying within the various institutions. It was then explained that the DSA and DMA are part of a European drive to assert itself as a sovereign power in the digital field. Finally, it was explained how the DSA may affect the business model of GAFAMs in particular. Moreover, the forms taken by the lobbying activities of these organizations in the context of several European digital regulations were presented.

III. Case Study Selection and Methodology:

An analysis of Google's lobbying strategy in the European Parliament during the DSA file allows us to analyse and question various aspects of lobbying activities in the EU context.

Studying the lobbying strategy in the Parliament will contribute to the existing literature on lobbying activities in the European Parliament. For instance, as the DSA was led by the IMCO committee, which according to Rasmussen (2015) tends to be more favourable to business

interests, this thesis will contribute by assessing the position of such committee regarding Google and the DSA.

Studying Google's lobbying activities in the European Parliament will also allow us to see the extent to which the Parliament acts as an institution defending civil rights and marginalised interest over business as argued by Rasmussen (2015).

Focusing this analysis on a case study on Google provide an opportunity to find out if the group conducted a more US lobby style like in the DMA and previous files as stated by Tarrant and Cowen (2022) or if they adopted a different approach, one fitting to a stronger extent with the EU's institutions expectations described by Woll (2012).

Finally, by analysing the degree of success of Google, a Big Tech company in the Parliament and the DSA overall, this research will complement the literature on lobbying success and lobbying success of Big Tech which is divided between the ones considering that their power and knowledge ensure that their business model has been untouched (Fontanel and Sushcheva, 2018; Bachelot et al, 2020) or others arguing that Big Tech has been unable to water down key EU regulations (Tarrant and Cowen, 2022).

In summary, this research will complement the analyses carried out on Google and the DSA during the Commission phase by Fontanel and Sushcheva (2018) by looking at its activities within Parliament. It will also complement Tarrant and Cowen's (2022) research on the strategy and success of Big Tech in the DMA by producing an analysis focusing on Google's strategy and its degree of success in the DSA.

This analysis of Google's lobbying activities in the EU Parliament in the DSA will be based on two methodological approaches presented by Dür (2008) in its methodological article: assessing the degree of preference attainment and conducting a process-tracing analysis.

This study will conduct a preference attainment analysis to assess the extent to which Google was successful in the European Parliament phase of the DSA and also the DSA overall. This method consists of analysing the degree to which a certain group successfully influenced a certain policy by conducting a comparison between its initial position and objectives with the initial position of a said institution with the final version of a said text (Dür, 2008).

This research will use position papers from Google as well as interviews with trade associations and EU policy-makers to first determine what was their key objectives in the DSA. After having

determined Google's priorities, several documents of the DSA will be analysed and compared with Google's position to assess what document of the DSA fits more with Google's interest. Once Google's key interests have been determined, a scale will be set up to determine Google's degree of success with each of the DSA documents analysed.

In the course of this analysis, Google's interests will be compared successively with the Commission proposal, then the leading committee draft proposal, the Council's common position, then the version adopted by the Parliament, before looking at the version agreed between the institutions and finally the final version.

However, as Dür (2008) points out, the preference attainment method does not show the process by which the influence was exerted.

To understand how Google interacted with the Parliament, how they conducted their lobby strategy as well as what the main elements explaining their success or failure were, a process-tracing analysis will be conducted. This approach is usually used by scholars trying to “uncover the steps by which causes affect outcomes” (Dür; 2008: 562).

In the framework of this analysis, the process-tracing study will focus on describing and understanding Google's lobbying strategy since the release of the Commission proposal up to the final Parliament document.

To do so, this analysis will first reset the general context in which Google's lobbying actions are taken place by assessing Google's perception in the EU Parliament as well as the internal setting of the EU Parliament (who is the rapporteur, what is the leading committee...).

Then, most of the analysis will be based on interviews with policymakers in the EU Parliament as well as with actors from the private sector to determine how Google's lobbying strategy was conducted, what resources they used, if they conducted a US or an EU style of lobbying approach if they changed the framing of the issue to their advantage and what can be considered as the key element (if there is one in particular) that made Google successful or not. As additional analysis resources, we will analyse press articles reporting on Google and its activities during the DSA, as well as studies carried out by EU lobbying research organisations such as Corporate Observatory Europe.

The process-tracing methodological approach is however not a panacea and tends to produce analyses that rely too much on interviews to fill the gap of the causal chains. Interviews are reliant on the perception of a certain actor in a situation which can lead to a misperception when the interview is not put in perspective with other documents for instance (Dür, 2008).

The combination of both preference attainment and process tracing will however likely produce a more robust analysis, as Dür (2008: 569) argues: "Process-tracing is likely to underestimate interest group influence and the measurement of preference attainment is likely to overestimate it, combining the two may correct these biases."

Before starting the analysis, a summary of the different interviews will be conducted. Four interviews have been conducted with three policy advisors from different left-political groups and one with a policy advisor from a right-wing group all involved in the European Parliament. Interviewing MEP policy advisors is interesting, as they are responsible not only for drafting documents but also for policy coordination and lobbying (Association of Accredited Public Policy Advocates to the EU (AALEP), 2011). These advisors therefore have precise knowledge of the legislation and the players involved.

Additionally, two interviews were conducted with policy officers working in trade associations involved in the DSA which had Google as a member. Interviewing trade association employees who were involved in the DSA will provide a professional perspective on how the European Parliament lobbied and what they thought was important. Getting their opinion on the nature of Google's activities or the Parliament's approach to targeted ads and whether this was a key point for them too.

Finally, an interview was also conducted with one researcher working in a research organisation studying lobbying activities in the EU. The opinion of a researcher provides an outside perspective on the progress of the DSA legislative process and an additional angle of understanding Google's strategy within the European Parliament.

Each interview will be named and stated in the analysis with the following names:

INTERVIEW 1: Policy advisor from a left-wing group in the European Parliament

INTERVIEW 2: Policy advisor from a left-wing group in the European Parliament

INTERVIEW 3: Policy advisor from a left-wing group in the European Parliament

INTERVIEW 4: Policy advisor from a right-wing group in the European Parliament

INTERVIEW 5: Policy officer of a trade association

INTERVIEW 6: Policy officer of a trade association

INTERVIEW 7: Researcher focusing on lobbying activities in the EU

This analysis faces several limits such as its dependency on interviews and the opinion and memory of the interviewees. In addition, most of these interviews were conducted with left-wing advisor in the Parliament. To have a more complete understanding, additional interviews with policy advisor from right-wing parties should have been conducted. Moreover, interviewing a person working in Google's public affairs would have been a relevant addition to get more precise information on the evolution of Google's strategy.

IV. Analysis:

1. Preference attainment analysis:

A. Determining Google's priority in the DSA

Having a clear idea of what were the priorities of Google in the framework of the DSA is key. The DSA was an extensive piece of legislation, dealing with several aspects of digitalisation such as the liability regime, the dependency of startups on large platforms for scaling up, fighting against illicit and harmful content in ads and much more. Google submitted in September 2020 a document detailing its position and suggestions for the DSA in the framework of the Commission's open consultation (Google, 2020). This document covers several points that the DSA wishes to address and on which Google has an opinion. However, the document does not make it very clear what Google's key interests are in the context of this regulation.

In October 2020, Google published a short article in which the vice president of public affairs and government relations of Google stated that the DSA should not harm economic recovery after COVID-19, but remains very vague about the threats posed by DSA to businesses and to Google itself. (Bathia, 2020). However, no other documents were published and can be found, which makes it complex to identify Google's priorities in the DSA.

To fill up this information gap, conducting interviews with policy advisors within the European Parliament was key. In all conducted interviews policy advisors were asked what they believed was the priority of Google in the DSA.

The answer was unanimous, the main priority of Google in the framework of the DSA was to prevent any meaningful regulations or ban on targeted advertising (INTERVIEW, 1; 2; 3; 4), which represents its main source of revenue as explained by Fontanel and Sushcheva (2018). Therefore, in the analysis of several documents of the DSA and the assessment of Google's success, will be compared the provisions concerning targeted advertising and their compatibility with Google's interests.

To assess Google's degree of success with the various DSA documents relating to targeted advertising, each document will be evaluated according to a scale of the strength of the regulation on targeted advertising.

This scale of Google's success regarding targeted advertising may vary as follows:

- no regulation
- light regulation
- moderate regulation
- strong regulation
- complete ban

B. Google's satisfaction with several documents of the DSA

In the Commission proposal, targeted advertising is mentioned in recital 52 and in recital 64 (European Commission, 2020: 32; 34). No mention or regulation is proposed in the articles put forward by the Commission.

Thus, it can be concluded that "no regulation of targeted advertising" is present in the Commission proposal and therefore that the interests of Google have not been impacted by this document.

The next document in the legislative procedure is the draft report of IMCO at the beginning of the parliamentary phase. Indeed, An article by TechCrunch, an american website on digital news, explained that as the issue was not tackled by the Commission proposal, it was to be expected that several MEPs would try to reinforce the legislation as they manifested their will to propose a more ambitious document (Lomas, 2021).

In the IMCO draft report, a regulation on targeted advertising is mentioned. Indeed, Amendment 92 proposing the creation of Article 13d "Recipients' consent for advertising practice" states, for example, in paragraph 3:

"When processing data for targeted, micro-targeted and behavioural advertising, online intermediaries shall comply with relevant Union law and shall not engage in activities that can lead to pervasive tracking, such as disproportionate combination of data collected by platforms, or disproportionate processing of special categories of data that might be used to exploit vulnerabilities." (Schaldemose, 2021).

At the very end of the report, the Rapporteur explains such a regulation on targeted advertising: "The Rapporteur firmly believes that the pervasive collecting and use of users' data to provide targeted, micro-targeted and behavioural advertising has spiralled out of control." (Schaldemose, 2021: 133)

In addition, this amendment aims to allow users not to be subjected to targeted advertising. They could be subject to targeted advertising on the only condition that they activate them manually and by giving their consent. (Schaldemose, 2021: 133)

Without stating openly, the IMCO draft report proposed a full ban on targeted advertising. On the website of the legislative train schedule on the DSA section, the ban on targeted advertising is mentioned: "Importantly, the Rapporteur suggested a ban on targeted advertising" (European Parliament, 2021a)

Thus it can be argued that the IMCO report proposes a "complete ban on targeted ads" and consequently goes decisively against Google's business model.

Then comes the analysis of the amendments that were published in July 2021. Many amendments from left-wing MEPs propose similarly restrictive measures against targeted advertising.

Several amendments (amendments 746, 973, 1019) submitted by MEPs from all committees proposed variable regulations and limits on the targeted advertising model.

For instance, amendment 746 submitted by several MEPs from the left groups (S&D, Greens and the Left) proposed the following provision:

“Providers of information society services shall only deliver and display advertising that is based on contextual information such as keywords, language context, or the approximate geographical region of the recipient of the service to whom an advertisement is delivered or displayed.” (European Parliament, 2021b).

The MEPs attached a justification to this amendment and argued that the IMCO study published in June 2021 demonstrated that “current targeted advertising are highly problematic from the perspective that they contribute to undermining consumer trust in digital markets” (European Parliament, 2021b) and added that SMEs and European companies are “struggling with fraud in the online advertisement market” (European Parliament, 2021b).

Similarly, amendment 973 creating article 12b on "Mitigation of risks to children", laid out the following provision regarding targeted advertisement:

“(f) preventing profiling, including for commercial purposes like targeted advertising;” (European Parliament, 2021c: 136).

Finally, amendment 1019 creating article 13b "targeted advertising" also proposes new restrictions:

“Providers of intermediary services shall not collect or use personal data of a service recipient for the purpose of targeting or tailoring digital advertising. If a service provider legitimately receives information that allows it to make assumptions about the physical, physiological, genetic, mental, economic, cultural or social identity of a user, this information shall not be used for advertising purposes, specifically not for targeting or tailoring of advertising” (European Parliament, 2021d: 10).

While Google didn't explicitly release documents or statements expressing its opinion on such a potential ban of targeted ads, several trade associations which have Google as a member denounced this attempt. Indeed, an open letter was released on the 16th of July 2021, a few days after the amendments were published, denouncing the will of certain political groups to ban targeted advertising (IAB, 2021). Among the signatories, was Iab Europe, an organisation representing digital advertising companies in Europe which has Google as a member.

If such amendments were to be adopted in plenary, this would again represent “a strong regulation” of targeted advertising and possibly an actual “full ban” of such practices which will in both cases not suit Google's interests.

Chronologically, the next document regarding the DSA was the General approach of the Council published in November 2021. On the issue of targeted advertising, the Council has a similar approach to that of the Commission and proposes “no regulation” on targeted ads. It approved some minor amendments to Commission recital 52 and 63 (European Council, 2021). Google’s interests are thus safeguarded within two institutions, the Commission and the Council.

The adopted text in January 2022 of the European Parliament does not entail any complete ban on targeted advertising anymore.

However, Amendment 500, which proposes the creation of Article 24, states in paragraph 1b:

"Targeting or amplification techniques that process, reveal or infer personal data of minors or personal data referred to in Article 9(1) of Regulation (EU) 2016/679 for the purpose of displaying advertisements are prohibited." (European Parliament, 2022a: 158).

Although such regulations are not in the interest of Google and offer a ban on any advertising activity for minors, the text adopted by the European Parliament is less ambitious on targeted advertising than the draft IMCO report or certain amendments.

It can, however, be said that the Parliament adopted text is more ambitious in comparison with the texts supported by the Commission and the Council, but much more limited in comparison with the initial positions of the IMCO report. Considering that the restriction proposed by the Parliament only concerns minors, it can be argued that this constitutes a "moderate regulation" of targeted advertising.

The provisional interinstitutional agreement contains a lighter restriction on targeted advertising through Article 24, paragraph 1b:

“Providers of online platform shall not present advertising on their interface based on profiling within the meaning of Article 4, point (4), of Regulation (EU) 2016/679 using personal data of

the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor.” (European Parliament, 2022b: 154)

In comparison to the ban in the Parliament text, the wording of this document explains that providers of services have to be sure that the person is a minor to not send targeted advertising to this person. Such a condition was not present in the Parliament version and offers considerable room for manoeuvre for providers of online platforms.

It can therefore be argued that the provisional agreement resulting from interinstitutional negotiations does not entail a strong restriction on targeted advertising for minors but a "light restriction".

Finally, the final version of the DSA mentions in Article 28, paragraph 2, a restriction similar to that of the inter-institutional agreement as regards targeted advertising:

“Providers of online platform shall not present advertisements on their interface based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679 using personal data of the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor” (Official Journal of the European Union, 2022: 60)

It can thus be asserted that the DSA proposes a “light restriction of targeted advertising” by limiting the profiling of minors in the creation of these advertisements provided that the service providers can be certain that the person is a minor.

The table below summarizes the evolution of the DSA and the proposed regulations on targeted advertising, as well as their impact on Google's business model.

DSA Documents	Degree of regulation on targeted advertising	Potential impact on Google’s business model of a regulation
Commission Proposal	no regulation	no impact
IMCO draft report	full ban on targeted advertising	strong impact
Amendments (746, 973, 1019)	strong regulation: (restriction on information to	strong impact

	be used for targeted ads; prohibited for minors; sensitive information can't be used for targeted advertising)	
General Approach of the Council	no regulation	no impact
Adopted text in the Parliament	moderate regulation: a ban on targeted ads for minor	moderate impact
Interinstitutional agreement	light regulation: if providers of online platforms is certain that the recipient is a minor, they can not send targeted advertising to it	light impact
DSA Final text	light regulation: if the provider of online platform is certain that the recipient is a minor, it can not send targeted advertising to it	light impact

In short, it can be said that Google has had moderate success. It has not avoided regulating its business model but the final regulation is light and won't impact severely Google's business model.

To understand how Google conducted its lobbying activities in Parliament and to what extent Google was successful, it will be necessary to analyse this strategy by conducting a process-tracing analysis.

2. Process-tracing analysis: how Google's public affairs strategy tried to avoid a strong regulation of targeted advertising in the EU Parliament.

Before analysing Google's strategy within the European Parliament, showing its strengths, weaknesses and developments, it is worth reviewing the framework for this analysis.

Google's lobbying manoeuvres within the Commission will not be discussed in this paper, and activities that took place in the final moments of the DSA in the interinstitutional negotiations

will only be touched on briefly. The main focus will be on Google's manoeuvres during the European Parliament phase as explained in the case selection.

Firstly, the general context in which Google found itself having to carry out these lobbying activities within the Parliament will be explained.

A. Lobbying context in the European Parliament: an unfavourable framework for Google

As explained by a policymaker from a right-wing group discussing the trust that MEPs can have in Big Tech companies: "The public perception of these companies affects of course, the way in which then they can reach policy advisors and how much they can gain the trust of policy, that is for sure true" and added that "trust is very important, at least the minimum level of trust" (INTERVIEW 4).

These arguments echo the literature's understanding of lobbying within the EU, which according to Woll (2012), is based on effective cooperation between policymakers and the private sector.

Given this requirement, it can be argued that Google is not in an advantageous position.

Indeed, Google is an American company, and this status does not automatically make it complacent within the European Parliament. Indeed, one of the policy advisors from one of the left-wing groups claimed that the fact that Big Tech groups such as Google were American meant that the Parliament could have a more suspicious attitude towards Google than towards a European player like Spotify (INTERVIEW 3).

In addition, with this American identity, Google entered the European parliament phase with a reputation tarnished by its lobbying activities within the Commission and in particular the leak of its lobbying strategy.

All the policymakers who were interviewed had to give their opinion as to whether the leak of Google's lobbying strategy, which was designed to put pressure on Mr Breton and play on the divisions between the European institutions, had an impact on the way Google was perceived within the Parliament and therefore on its influence.

Most of them stated that the leak of their lobbying strategy of Google was not an eye-opener as they were already aware of the "unorthodox" form that their lobbying activities can take, but

it certainly confirmed their views on their lobbying activities (INTERVIEW 1; 2). However, it seems that some members of the European Parliament were unaware of Google's activities and the nature of their strategy. Indeed, the policy advisor of a right-wing group expressed that this leak of their lobbying strategy allowed him to become aware of their practices (INTERVIEW 4).

Beyond Google's activities within the Commission which seems to have damaged its reputation, the configuration of the file in terms of the leading committee did not necessarily work in Google's favour.

Although the literature explained that committees such as IMCO were more receptive to the interests of businesses and more in demand of technical information (Rasmussen, 2015) that Google could provide, this committee in the context of the DSA was chaired by a socialist figure, Ms Schaldemose, whose desire to regulate the business model of Google and other Big Tech was quite visible from the IMCO draft report through the proposals to ban targeted ads. As previously demonstrated, the justifications section of IMCO's draft report clearly expresses the Rapporteur's desire to put an end to the targeted ads business.

In addition, players who traditionally tended to support business, and in particular Big Tech and the private sector, such as the EPP, were more reticent about Big Tech's influence (INTERVIEW 2). This group is mainly interested in European business and therefore wanted to act against the big American groups to reduce their influence (INTERVIEW 2).

All in all, Google had to implement its strategy to maximize its influence within an institution that was cautious about its interests. In a negative context for Google, an effective strategy is crucial.

Following this presentation of the general context within the Parliament and Google's perception of it, the strategy put in place to influence the legislation to its advantage will be described.

B. Google's evolving strategy: mitigating the effect of its damaged reputation.

Google's strategy was based first and foremost on its ability to lobby quickly and effectively. Indeed, Google was able to compensate to some extent for the perception of certain players by meeting with several MEPs at the very start of negotiations within the European Parliament.

In fact, from February 4, 2021, to December 2021, Google met with around twenty MEPs from all political groups and managed to speak twice with rapporteur Schaldemose (IntegrityWatch EU). This proliferation of meetings, particularly at the very start of the parliamentary phase at the beginning of 2021, and even though Google is not perceived as a player in whom MEPs have absolute confidence, certainly played in their favour. Interviews with policy officers at two trade associations whose members include Google seem to confirm that this practice is indeed strategic, to gain influence at a time when MEPs are most in need of information and arguments (INTERVIEW 5; 7). Pieces of information and expertise that a group like Google can provide as they know how their business model works more than the policymakers (INTERVIEW 3).

Beyond meetings at the most strategic moments, it is also the approach of Google and its way of lobbying that seems to have evolved.

The literature explains that there are different cultures of lobbying, the one present in the USA in which aggressiveness and conflictuality are rewarded and the other, that of the EU in which influence groups must work effectively and build trust with policymakers (Woll, 2012).

According to the information provided by the leak of Google's lobbying strategy within the Commission (COE, 2022), Google's strategy seemed to correspond to a more American model, particularly through the open will to put pressure on decision-makers and by playing on divisions between institutions.

It seems however that this strategy was revisited to adapt to the European model or in any case, that the pressure put on elected officials became more subtle.

According to the policy-maker of a right-wing group, Google "learned" to adapt to the mode of lobbying within the EU (INTERVIEW 4). He claims that at the beginning of the parliamentary phase, the group pursued a fairly aggressive lobbying policy by imagining that in this way the group could avoid the most dangerous regulations for its model (INTERVIEW 4). He also pointed out that Google now understands that this US-style strategy does not work in the EU and has sought a more constructive approach (INTERVIEW 4).

Other policymakers within left-wing groups also felt that Google's strategy was evolving and could resemble both the US form of lobbying while adopting traits of European lobbying culture. A policy advisor explained that there was a convergence of lobbying techniques between the US model and the EU model in the sense that Google no longer necessarily seeks to "kill the bill" (INTERVIEW 1). Abandoning the idea that destroying the DSA or preventing

its promulgation would be a possibility, Google prioritized its "aggressiveness" on some key aspects of the DSA to prevent them from passing such as the targeted ads ban (INTERVIEW 2). Moreover, this evolution of this strategy seems to respond to the predisposition of the Parliament in the sense that a policy advisor asserts that Google has understood that showing a strong aggressiveness in the European parliament can "quickly backfire" (INTERVIEW 3).

According to a policy advisor from a left-wing group, "Google is always a bit more shy, a bit less visible, and they are more cooperative normally, whereas Facebook their previous model was "move fast, break things". I think that also applies to their lobbying strategy. They're just very bold and in their communications as Google is much more sophisticated and much more diplomatic." (INTERVIEW 1).

In addition to this apparent tendency of Google to change its lobbying approach in the Parliament, it is interesting to note that the lobbying carried out by Google was both inside and outside lobbying. Indeed, one of the European Parliament's policy advisors explained that one of the strategies employed by Google, which he described as 'unorthodox', was to advertise in areas such as Strasbourg and Brussels railway stations, depending on the movements of MEPs (INTERVIEW 1). The policy advisor added that this indirect lobbying also took place online, with Google and other Big Tech companies buying advertising space in magazines and online media read in Brussels (INTERVIEW 1).

Beyond this partial adaptation to European culture and lobbying methods, and cooperating in good faith, it seems that Google has also sought to approach the European Parliament through intermediaries.

Indeed, as mentioned previously, Google is an American group whose reputation has been somewhat impacted by the leak of its qualified lobbying strategy. It is also a group whose business model is directly challenged in the European Parliament, notably by the Socialist Rapporteur and her desire to ban or heavily regulate targeted ads.

To avoid this disadvantageous situation, Google has delegated a large part of its lobbying activities to numerous trade organisations and federations.

This is what Corporate Observatory Europe reveals in one of its reports published in August 2021 entitled "BIG TECH'S WEB OF INFLUENCE IN THE EU", which describes how Google and other Big Tech companies have used coalitions with secondary organisations to lobby and defend their positions (COE, 2021).

Pieces of information put forward in this report were validated and completed in interviews with policy advisors at the European Parliament and with trade association policy officers.

One of the policy advisors from one of the left-wing groups confirmed that Google and other Big Tech organisations do not lobby directly but via other organisations such as the Computer and Communication Industry Association (CCIA), a federation representing American companies (INTERVIEW 3).

The researcher who was interviewed confirmed that it is sometimes difficult for these large groups to be influential within the European Parliament because of their unfavourable reputation, which explains their willingness to lobby via other organisations (INTERVIEW, 7).

The researcher's comments also seem to confirm the words of one of the trade federation's policy officers, who was interviewed. He explains that the reputation and image that their federation has within the European Parliament and other institutions is crucial to the success of negotiations and exchanges (INTERVIEW 6). For example, he asserts that his organization was perfectly reluctant to work with organizations such as the CCIA, which represented the interests of American groups almost exclusively, and therefore did not necessarily have a good image within the Parliament (INTERVIEW 6). He asserts that "they (Big Tech) would also recognize themselves that the value of our association is as a European association and that they don't want as to be seen as another CCIA", (INTERVIEW 6) explaining that through its membership of this type of federation, Google can at least partially channel its interests through a player with a better reputation with European institutions.

Interviews with policy officers from trade associations revealed that these organisations, to which Google belongs, often support positions similar to its own on targeted advertising.

When both policy officers were asked what their federation thought about the regulation of targeted advertising under the DSA, they both gave a similar answer:

"This is indeed one of the points we discussed and which, for us, would have been better regulated in a dedicated instrument rather than in the DSA. They did manage to get an article on targeted advertising with a ban on minors" (INTERVIEW 5).

"Our position on targeted advertising was no different to Google's. Like we didn't think there was a need to restrict target advertising in the DSA and the targeted advertising piece." (INTERVIEW 6)

Such positions indeed coincide with that of Google, as can be seen from their exchanges with the Swedish Government: "As regards the restriction of targeted marketing, they (Google) consider that the DSA is not the right forum to deal with these issues. (Swedish Ministry of Infrastructure, 2022).

To understand what kind of techniques such lobby organisations used to approach the Parliament, was asked the question of whether their strategy resembles more of a US form of lobbying or more of an EU one.

Both policy officers replied that they were following a European method (INTERVIEW 5; 6). One of them explained that the vast majority of trade associations followed this method of lobbying even when their interests diverged strongly from the Parliament, citing for example CCIA and DOT Europe (INTERVIEW 6).

Thus, by delegating its lobbying activities to organizations with a solid reputation in the institutions as well as to organisations conducting an appropriate EU form of lobbying, Google seeks to indirectly approach the lobbying method expected within European institutions to convey its message and defend its interest.

The question then arises as to the effectiveness of such a lobbying strategy by delegating these activities to dedicated organizations. Did the MEPs recognize that certain organizations were indirectly promoting Google's interests? Were they convinced by such arguments?

It seems that similar to the nature of Google's activities during the committee phase, some MEPs were aware of this, but others may have allowed themselves to be influenced by these organizations. This is what one of the policy advisors from a left-wing group said:

"I think some were more conscious, but I still think that there were a lot of people who were still influenced by those secondary instead like organizations because there is the people who are really working on the digital stuff. They might know this, but there are so many other MEPs who don't know exactly that this organization is actually Google organization. And when they make a good argument, they will believe them. So especially MEP that are more pro companies and more anti regulation for them, those arguments worked really well and they were not aware that these were actually Google arguments." (INTERVIEW 2).

All in All, it was established that to exert influence on the negotiations and mitigate the damaged reputation Google has with the Parliament, the group first sought to optimise its lobbying strategy by meeting as many players as possible at the start of the procedure and to limit their confrontational approach in favour of a more conciliatory and cooperative one, an approach likely to work within the EU lobbying culture.

In addition, and to reduce the impact of its reputation, Google has decided to delegate some of its lobbying activities to two types of organisations. Firstly, organisations representing American interests such as the CCIA group, but it has also opted to lobby within federations representing wider interests and in particular European groups, thereby taking the risk that these organisations will not exactly defend their position but will promote similar positions to the Parliament with a better reputation within the EU than Big Tech.

However, Google's strategy did not stop only consist as mitigating the effect of their reputation. A large part of their strategy was aimed at imposing, with the help of the various organizations they worked with, a framing of the targeted advertising in the debate that would be favourable to Google.

C. Google's attempt at creating a positive framing for their interest

As explained by some scholars such as Bouwen (2004), the European Parliament primarily seeks information on European actors or to defend the interests of the most precarious groups. Since Google is not a European group and is not considered to need assistance, it was not in a favourable position to defend these interests before the European Parliament.

The report published by Corporate Observatory Europe in August 2021 entitled "BIG TECH'S WEB OF INFLUENCE IN THE EU" states that Google's strategy aimed at establishing a narrative of its role as a defender of SME interest.

All of the interviewees confirmed that Google tried to influence the framing of targeted ads by ensuring that regulations on targeted advertising appear to be a threat to European SMEs.

One of the policy advisors from one of the left-wing groups explained that the conservative and liberal groups within the European Parliament are very attentive to the interests of SMEs and will always seek to defend their interests (INTERVIEW 2).

The researcher that was interviewed explained that: "There was a coalition which is funded by some big tech companies, then set up to fight back against the attempt to ban surveillance advertising" (INTERVIEW 7).

As explained by one of the policy advisors this strategy took the form of campaigns (events, open letters, emails...) from Google and their allies to explain that regulating targeted ads will be a threat to SMEs (INTERVIEW 1).

This policy advisor added that this campaign also took the form of the production of "unacademic" studies claiming that SMEs will suffer from regulations on targeted advertising (INTERVIEW 1).

The Corporate Observatory Europe report published in 2021 is interesting in the sense that it highlights this attempt by Google to influence the framing of the DSA. However, it does not address the effectiveness of such an approach in defending its interests.

Various interviews with political advisors in the European Parliament as well as with a researcher have made it possible to partially estimate the impact of this influence campaign on the framing of targeted ads as a threat for SMEs.

One of the policy advisors of a left-wing group believes that this intense Google campaign on the danger of regulating targeted ads for SMEs was successful, in the sense that it convinced many MEPs and also led the negotiations on the DSA to be interested in problems of content moderation which concerns more a group like Facebook (INTERVIEW 2).

Another policy advisor from a group of the left explained that their group was fighting back against this narrative but stated that the "SME narrative" was strong: "But in the Parliament that was the main story from conservative to liberal to extreme right. They repeated that argument. That showed you how well this argument worked because they took this argument without even questioning it." (INTERVIEW 3).

The policy advisor of one of the right-wing groups differs on the importance of this Google campaign to influence the framing of the DSA (INTERVIEW 4). He says that protecting SMEs under this legislation has always been a priority for his group and that he is not fully convinced that Google's campaign has had a very significant impact (INTERVIEW 4).

These remarks echo what one of the policy advisors of a left-wing group said, explaining that in Parliament, there was never a majority to ban or strongly regulate targeted advertising

(INTERVIEW 3). He explained that this is why they (left-wing groups) insisted on a ban on targeted ads for minors, a measure considered more consensual (INTERVIEW 3).

In short, it can be said that Google sought to win the favour of the European Parliament by organizing a lobbying campaign with these allies to explain the danger posed by targeted ad regulation for SMEs. Although it is impossible to assess precisely the impact of this campaign, it seems that right-wing groups in the Parliament agreed with this narrative and opposed such regulations and accepted only regulation of targeted ads targeting minors.

More generally, it seems that Google's strategy within the Parliament to approach the latter more diplomatically while conducting indirect lobbying via trade associations defending similar positions to Google seems to have successfully prevented harsh regulations on targeted advertising by limiting it to a ban on minors.

However, as demonstrated in the preference attainment analysis, the final version of the DSA has weaker wording for the ban on targeted advertising on minors.

Although this research is mainly focused on Google's activities in the European Parliament, it seems useful to briefly explain the role of Google in watering down the wording of the Parliament on targeted advertising for minors in the interinstitutional negotiations.

D. Beyond the European Parliament, Google's influence in the Council

Lobbying the Council is described by Hayes-Renshaw (2009) as a difficult and very costly task in terms of human and economic resources, but allows groups that have the means to approach it to secure last-minute victories on certain issues.

A report by COE entitled "Big Tech last minute attempt to tame EU rules" was published on the 23 of April 2022, a few months before the provisional interinstitutional agreement was concluded on the 15 of June 2022.

The report states that Google has tried to contact several countries, particularly Sweden, to convince them to support the Council's position against that of Parliament and to weaken the restriction of targeted advertising on minors (COE, 2022)

This report confirms what many policy advisors of left-wing groups in the European Parliament have explained in interviews about the success of Google's lobbying.

All of them explained that few organisations can lobby in several European capitals and approach council members directly (INTERVIEW 2; 3). One adds that this type of contact with the capital is something that the European Parliament cannot afford from its weakest and most efficient means (INTERVIEW 3).

Since the COE report of 2022 was published before the inter-institutional agreement, it does not directly assess the impact of Google's last-minute lobbying policy.

Policy advisors were asked if they considered that Google has been key in watering down the Parliament approach to targeted advertising for minors.

One policy advisor from a group of the left explained that money, manpower, the SME narrative and their links with the Council were decisive in making them successful as he considers that "nobody can afford to call the Member States" (INTERVIEW 3). He concluded with his general opinion on Big Tech lobbying: "I think in general, it sounds a bit pessimistic but no matter what kind of legislation you bring on them, they will find a way around." (INTERVIEW 3).

Another policy advisor of one of the left groups explained in great detail how he perceived Google to have been key in watering down the Parliament provision:

"Through I think the Swedish colleagues in the Council, they put forward a text sort of a textual suggestion for the article on advertising, which ensured that they would still be able to do what they're already doing on the market, but which would make it very hard for Facebook to do the same. And that's the text they got in at the last at the very last moment. So instead of saying advertising using sensitive personal data can't be processed for the purpose of advertising, they managed to water it down to profiling company down using sensitive personal data and that was to them instrumental because they have this new system, there are developing around not tracking everybody constantly but having some sort of an bits more privacy protective method to do so. I think that's a very clear example where Google was effective because in the very last moment of the very last negotiation, they managed to get this in. And that's something that surprised us and disappointed us because that was really something that watered down the Parliament position completely, but because it was such a technical thing, not many people knew this." (INTERVIEW 1).

In short, it seems that Google's moderate victory in the European Parliament was transformed into a sharper victory by cleverly using its human and economic resources in the Council and successfully watering down the Parliament's proposal on banning targeted advertising for minors.

V. Conclusion:

This research showed that DSA could have a significant impact on Google's business model. The IMCO draft report's proposals for a total ban on targeted advertising, the key element in Google's business, shows the determination of Socialist Rapporteur Schaldemose and the Parliament to regulate this practice. It seems, however, that Google's lobbying strategy within the Parliament was effective. Moving from a more American and confrontational strategy in the Commission phase, it seems that Google has opted for a more discreet and subtle approach in the Parliament. By approaching parliamentarians from the outset with a willingness to cooperate, Google moved closer to the European tradition of lobbying. Aware that Parliament was unfavourable to it and was seeking to regulate its business model, Google delegated its lobbying activities to trade federations with diverse and more European profiles, enabling Google to indirectly attract greater sympathy for its arguments within Parliament. It has been shown that Google's multi-faceted lobbying strategy within Parliament, based on a division between left and right on how targeted advertising should be regulated, enabled the group to avoid banning or heavily regulating this activity. It was then demonstrated that Google, thanks to its considerable human and economic resources, managed to significantly lighten the regulation of targeted advertising aimed at minors in the final text.

This work completes the analysis by Bachelot et al (2020) of Google's activities during the Commission's DSA, which showed that Google's invested resources and lobbying campaigns did not always produce major results. This research shows that in a Parliament that was initially largely opposed to Google's interests, Google managed to limit the scope of the regulation it wanted to introduce and then weaken it further in the latest inter-institutional negotiations.

Moreover, this article builds on the conclusions of Tarrant and Cowen (2022) on the influence of Big Tech during the DMA and their failure to significantly influence this legislation due to an overly American approach to lobbying.

This article shows that Google has perfectly understood European lobbying culture and is gradually adapting to it while playing on the weaknesses of this tradition (lobbying through trade federations). Having realised that it did not enjoy good press or a strong relationship of trust with the Parliament, Google has adopted a more conciliatory and diplomatic stance, meeting many MEPs quickly and regularly to share their opinions and expertise. In parallel with this approach, Google has delegated a large part of its lobbying activities to trade federations, many of which represent European interests, or have declared that they do so on the understanding that they would be better perceived by MEPs. However, this approach conflicts with the EU's principles of transparency regarding lobbying activities and could have long-term consequences for Google's reputation as complaints have been filed (Gougard, 2022).

Finally, Google has succeeded in instilling in a large part of the Parliament the belief that strong regulation of targeted ads would work against SMEs, a group that many groups wish to protect. It was concluded that this shift in Google's strategy to take on more European aspects in addition to its many resources enabled it to largely limit Parliament's ambitions. In addition, Google's ability to lobby at all levels enabled this group to further weaken the regulation of targeted ads. Thus, contrary to what Tarrant and Cowen (2022) observe, some Big Tech companies such as Google can be successful when they conduct a lobbying strategy that largely corresponds to the expectations of European institutions.

This research confirms the claims of Fontanel and Sushcheva (2018) that Google can effectively lobby states, as demonstrated in this analysis with the case of Sweden.

It also complements the work of Rasmussen (2015) by confirming that the IMCO committee is a committee requiring a lot of expertise, partly explaining the influence that Google and its allies had. This work also confirms that the political identity of the rapporteur is very important in the capacity of a group to be influential. Rapporteur Schaldemose, a socialist, wishes to strongly regulate targeted advertising and has opposed strong opposition to Google. Finally, this article reinforces Hayes-Renshaw's (2009) arguments that groups with the resources to lobby the Council and Member States can secure additional concessions.

This article could be supplemented by similar research on the nature and degree of success of Google or other Big Tech in another file such as the AI Act. This will make it possible to verify whether the partial Europeanization of Google's lobbying strategies has settled in time and what results it produces.

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