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Interest in Interest Groups?
The Impact of MEPs' Relations with
Interest Groups on Their Political
Capital

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1 INTRODUCTION.....	1
2 THE INTERACTION OF THE EUROPEAN PARLIAMENT AND INTEREST GROUPS	2
2.1 PLURALIST AND CORPORATIST THEORIES.....	2
2.2. EUROPEAN STRUCTURES OF INTEREST REPRESENTATION.....	3
2.3. THE EUROPEAN PARLIAMENT AND INTEREST GROUPS	4
2.4. POLITICAL CAPITAL.....	4
2.4.1. Definition.....	4
2.4.2. Structural Political Capital.....	5
2.4.3. Instrumental Political Capital.....	5
2.5. HYPOTHESIS	6
3. RESEARCH METHODS.....	6
3.1. QUANTITATIVE VS. QUALITATIVE METHODS.....	6
3.2. CHOOSING A RESEARCH METHOD.....	7
3.3. EXPERTS AND EXPERT INTERVIEW	8
3.4. CHOOSING AN EXPERT	9
4. ASSESSING THE IMPACT OF INTEREST GROUPS ON THE MEP'S LEGITIMACY	10
4.1. INTRODUCTION.....	10
4.2. THEORIES ON DEMOCRATIC LEGITIMACY.....	10
4.2.1. Defining Legitimacy.....	10
4.2.2. Substantial versus Procedural Legitimacy.....	11
4.2.3. Legitimation through Representation or through Deliberation?.....	11
4.3. THE EUROPEAN PARLIAMENT AND LEGITIMACY.....	12
4.3.1. Legitimacy as Instrumental Political Capital.....	12
4.3.2. The Limits of EU Parliamentary Politics.....	12
4.3.3. How Deliberation might Enhance Legitimacy.....	12
4.4. EVIDENCE FROM REACH.....	14
4.4.1. Combining Interest Representation and Deliberation?.....	14
4.4.2. Political Equality, Autonomy and Reciprocity.....	15
4.4.3. Why Representing Voters Remains Crucial.....	16
4.5. CONCLUSION	17
5. INFORMATION EXCHANGE BETWEEN INTEREST GROUPS AND MEPS.....	18
5.1. INTRODUCTION.....	18
5.2. THE "INFORMATION DEFICIT".....	18
5.3. INFORMATION EXCHANGE BETWEEN INTEREST GROUPS AND MEPS.....	19
5.3.1. The Political Market.....	19
5.3.2. Influence	20
5.4. EMPIRICAL EVIDENCE	21
5.5. CONCLUSIONS	22
6. INTEREST GROUPS AS AN EXTRA SOURCE OF POWER FOR MEPS: POTENTIAL AND LIMITATIONS.....	22

6.1. INTRODUCTION.....	22
6.2. POWER: GENERAL DEFINITION, PROPERTIES AND RESOURCES.....	23
6.2.1. Definition.....	23
6.2.2. Categories.....	23
6.2.3. Properties.....	23
6.2.4. Power Resources.....	24
6.2.5. Instruments.....	24
6.2.6. Political Support.....	25
6.3. POWER IN THE CASE OF MEPS.....	26
6.3.1. Power Definition.....	26
6.3.2. Categories.....	27
6.3.3. Properties.....	27
6.3.4. Power Resources.....	27
6.3.5. Instruments.....	28
6.3.6. Political Support.....	28
6.4. ANALYSIS.....	28
6.4.1. Selecting Criteria.....	28
6.4.2. Empirical Test.....	28
6.4.3. Information.....	29
6.4.4. Networking.....	29
6.4.5. Collective Resources: Political Support and Credibility.....	30
6.5. CONCLUSION: PROSPECTS AND LIMITATIONS OF USING INTEREST GROUP RESOURCES BY MEPS.....	31
7. CONCLUSION.....	32
8. OUTLOOK.....	33
REFERENCES.....	35

1 Introduction

The topic of our research is the interaction of Members of European Parliament (MEPs) and interest groups. A great deal of studies has been conducted on interest representation in the European Union (EU), mainly focusing on the European Commission. The aim of these studies is very often to assess the strategies of lobbyists and lobby groups when they approach the Commission with their concerns on certain pieces of legislation. It is then analyzed whether and to what extent several interest groups have an influence on the outcome of the policy process.

The problem with such kind of research is that it is essentially one-sided: it focuses on the aims and strategies of lobby groups, not on those of the European institutions and their members. The strategies by which EU institutions may use lobbies in accomplishing their own interests are not largely focused on. One example is a study on the strategy that the European Commission employs to seek the support of NGOs and local organizations in the field of environmental policy in order to minimize potential resistance by member states (Wepler 1999: 417, referred to in Wörner 2004). Another case reported is the vivid interest of MEPs in lobbyists as a source of information, publicity and solidarity (Diekmann 1998: 223).

The purpose of our research is to study the relationship between interest groups and a particular European institution, from the point of view of the institution, to find out what its strategies and aims are when it engages in interactions with lobby groups. Our focus is on the European Parliament because the high level of public competition between its individual actors and political groups seems to create an exterior much more penetrable to outside influences than those of the European Commission or the European Council. Given that, not only the frequency of interaction between interest representation and parliament members is increased, but the freedom, flexibility and very nature of it is as well.

We will focus on three main issues: the perceived legitimacy of MEPs when they engage in interactions with interest groups, the procurement and use by MEPs of information from interest groups, and the MEPs' potential for increasing their power in the policy process due to the support of interest groups. These three elements affect the political capital of an MEP, which we define as the ability to influence policy formation processes and realize outcomes that are in one's perceived interest.

Our research question is the following: "*Do Members of European Parliament use interest groups to increase their political capital?*" Concerning legitimacy, we want to find out if and how MEPs can increase their legitimacy and that of the policy process by engaging in interactions with interest groups. Theories on deliberative and participatory democracy contend that interest groups enhance the legitimacy of the EU policy process because they engage citizens more closely in policy-making (Smismans 2006). On the other hand, it is argued that interest groups might hinder the direct contact between voters and their representatives, by only taking specific sectoral interests into account (Schmitt/Thomassen 1999).

Related to the topic of information provision, we will study the need of the European Parliament for expert information, and the way MEPs try to extract

information from lobby groups to promote their own political goals. An important issue is the balancing of (what is termed by the Parliament as “expert”) information provided by different groups and the efforts of MEPs to verify the objectivity of the information conveyed to them as well as the spirit by which it is gathered.

Finally, the support of lobby groups might increase the power of individual MEPs, and consequently of the European Parliament, in the policy process, when power is defined as the ability to successfully impart one’s own policy preferences in a negotiation process.

In order to closely study an MEP’s potential to increase his political capital by means of cooperation with interest groups, we chose to take one of the most vivid examples of interest group confrontation at the European level: the adoption of Regulation No. 1907/2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH). The policy process in which REACH was developed was characterized by an unprecedented confrontation between industrial and environmental groups. In the context of the policy process that surrounded this regulation, we will analyze the empirical evidence we gathered from interviews with MEPs who were directly involved in the debates.

2 The Interaction of the European Parliament and Interest Groups

2.1 Pluralist and Corporatist Theories

Relations between interest groups and the nation state are commonly described in terms of pluralism or (neo-) corporatism. Pluralist theories tend to concentrate on the *input* function of interest groups, whereas neo-corporatist theories focus on the *output* and the steering functions of the state (Michalowitz 2002; 36).

Pluralist theories consider the state to be a *passive* intermediary between equal and freely competing interests. The state merely provides an arena for competition between different interests, possibly (from a neo-pluralist perspective) supporting weaker interests by giving them the resources to access the competition (Schumann 1994: 72). As there are a large number of interest groups, and for each interest group a counter-interest group is expected to exist, no single interest group is supposed to have a dominating influence on the state. Moreover, although interest groups participate in the process, they are not involved in making the final decisions (Michalowitz 2002: 39).

The neo-corporatist perspective assumes an *active* state role, incorporating associations in consultative and decision-making networks (Czada 1994: 46). A small number of hierarchically structured interest groups are selected by the state to mediate between individual and state positions, having a monopoly over governmental relations (Schmitter 1979). These groups are seen as the representatives of an entire sector; therefore, their involvement in decision-making might lead to binding legal results (Michalowitz 2002: 39).

2.2. European Structures of Interest Representation

The question is whether the concepts of pluralism and neo-corporatism can be used to interpret structures of interest representation at the European level. Michalowitz states that *“a major problem in applying these concepts is that the construction of the EU is not comparable to national systems”* (Michalowitz 2002: 37). The instruments that were developed to understand the distribution of political power at the national level might not be appropriate for studying the European level, consisting of member states with different traditions, systems and practices. Moreover, the dispersed decision-making levels of the European Union, characterized by shared power between the supranational and the national levels, may make the interpretation of EU-interest intermediation practices very difficult (Michalowitz 2002: 37).

On the one hand, it is argued that lobby groups enjoy open access to the European institutions and that they can compete more or less freely with each other for influence on policy-making (Michalowitz 2002: 35). Authors portraying the EU decision-making system as pluralist in character (Mazey/Richardson 1997; Eising/Kohler-Koch 1994) mostly focus on the general character of the Union, stressing the large number of lobbying actors and access points, rendering the establishment of a manifest monopoly position impossible (Mazey/Richardson 1997: 111; Gorges 1996: 28). Advocates of the pluralist perspective further argue that there is no direct participation of interest groups in binding EU decisions. Consultative committees, round tables, public hearings and consultations exist, but their establishment is not consistently regulated (Michalowitz 2002: 40).

On the other hand, arguments can be made from the corporatist perspective that access is limited because the European Union gives special treatment to some interest groups in institutionalized formal dialogues, while excluding others (Michalowitz 2002: 35). Gorges points to the Commission's tendency to consult interest groups for expert information that supports its policy objectives, or even to create them when such groups do not exist (Gorges 1996). Furthermore, European associations are given preferential treatment over other forms of representation and a number of consultative bodies, including interest group representatives, exist (Michalowitz 2002: 40).

However, neither of the concepts of pluralism or neo-corporatism is completely compatible with European structures. Both pluralism and corporatism require the existence of a single point of reference (the “state”) that is lacking in a European system in which several governmental structures possess equal weight and compete within a supranational umbrella organization. These structures influence the involvement of interest groups at all levels of decision-making. Therefore, it is possible that pluralist patterns prevail at one decision-making level and neo-corporatist at another (Michalowitz 2002: 42).

This conclusion has led some scholars to start advocating a new theoretical approach in which both pluralist and corporatist elements can co-exist. Because the EU institutions play different roles in various decision-making processes (consultation, co-operation and co-decision), the relation between them and interest groups should be considered an empirical matter. Different patterns of behavior might be found at different stages of the policy process, and depending on the institution being looked at. *“Pluralist and corporatist structures*

are likely to be a function of the needs of the individual institutions” (Michalowitz 2002: 42).

2.3. The European Parliament and Interest Groups

This brings us to the incentives for EU institutions and their members to engage in interactions with interest groups. The role of a particular institution in the decision-making process, and the amount and kind of information and political support required by it, will probably determine whether pluralist or corporatist patterns will prevail. EU-interest group relations are essentially about the *exchange* of the information demanded by EU institutions for the decision-making influence that interest groups desire (Schmitter 1979; Pappi/Henning 1999; Michalowitz 2002: 42-43).

As a result of its increased decision-making power (especially regarding the use of the co-decision procedure), the European Parliament has become increasingly attractive to interest groups. Access points within the Parliament include the committees, the individual Members of Parliament (MEPs) and the entire plenary with its various political groups.

In the first phase, at the level of the committee, relations with interest groups largely depend upon the personality and political interests of the Rapporteur. The Rapporteur decides to accept the external input of a large number of interested parties (pluralism) or to limit access to a selection of interest groups (neo-corporatism) (Michalowitz 2002: 46).

As soon as the report with the amendments is drafted and handed over to the committee to vote on, a rather pluralist phase follows in which interest groups try to lobby individual MEPs to provide them with detailed information about the issue which is due to be voted upon. Michalowitz argues that as a result of the dependence of the European Parliament on information, its heterogeneity (party preferences combined with cultural differences) and the pressure from the electorate, MEPs have less clearly determined preferences about whom to engage with, leading to more pluralist patterns of interaction with interest groups (Michalowitz 2002: 46).

2.4. Political Capital

2.4.1. Definition

Having described the framework in which the European Parliament engages in interactions with lobby groups, we now turn to the objectives and potential gains associated with interest group relations. If MEPs expect to gain from the interactions with interest groups, we can assume that they sometimes try to shape these relations to benefit themselves.

We will capture such benefits in the notion of political capital, which can be understood as the social resources *“agents accumulate, and fight for, in the political field. It involves specific social skills, the capacity to mobilize individuals around a common goal, to formulate collective policies, or to win seats for one’s party, for instance”* (Kauppi 2003).

A distinction can be made between structural political capital and instrumental political capital. *Instrumental political capital* refers to the resources that an actor can dispose of and use to influence decision-making processes in order to realize outcomes that are in the actor's perceived interest. *Structural political capital* refers to the structural variables of the political system that influence the possibilities the different actors have to accumulate instrumental political capital and condition the effectiveness of different types of instrumental political capital (Birner/Wittmer 2000, referred to in Heinelt 2007).

2.4.2. Structural Political Capital

The structural political capital of the European Parliament is dependent upon its role in EU decision-making processes, as fixed in the treaties. In that sense, the veto power the EP has acquired in the co-decision procedure, and the extension of this procedure to an ever increasing number of policy fields, has substantially enhanced the Parliament's structural political capital. The described pluralist and neo-corporatist structures are part of the structural context in which the Parliament operates, as well, and might influence the possibilities of the Parliament to increase its instrumental political capital.

2.4.3. Instrumental Political Capital

What exactly is instrumental political capital? In the case of a parliament it would be a "political asset" that allows it to successfully solve problems and achieve goals. In the case of an individual politician, it is the ability to put a particular text that reflects his position into a piece of legislation. Such capital rests on a number of factors.

Before any political process in a parliament can start, its members have to be legitimized, which in most cases happens by way of direct election by the citizens. The MP's legitimacy is granted by the constitution and the election order and particular candidates are then confirmed in an election. A parliamentarian might however want to justify his position by involving the stakeholders of a specific policy area in the decision-making process. In this sense, the direct participation of interest groups involved in a certain policy increases the legitimacy of the choices made.

Further, in order to make a properly weighted decision, adequate and possibly objective information is required. Here, not only a considerable number of alternative opinions, but also the quality of the data offered, are of value. Of special importance is the ability to balance the available pieces of information, for which in-house expertise (personal advisors or a scientific service) is indispensable.

Finally, a considerable power resource is needed to put an amendment through. In a parliament, this mainly comes from three sources: reputation, networking and support. Reputation defines the weight that an MP's opinion has on a certain problem. Networking is then crucial to communicate one's position to other MPs and to be able to quickly mobilize political resources within the parliament. This, in turn, provides the support necessary to build such a

coalition that would be able to secure the passing of a desired legislative proposal.

2.5. Hypothesis

As a political “asset”, instrumental political capital may be accumulated and increased. This can be done by means of strengthening the legitimacy of a political actor, acquiring more adequate information, and increasing his reputation and support.

MEPs are in need of all three forms of instrumental political capital. The perceived lack of legitimacy of the EP (related to the so-called democratic deficit of the European Union) might lead MEPs to look for additional sources of legitimacy, apart from the legitimacy conveyed by their own voters. Related to information, it is known that the EP suffers from a lack of in-house information resources. Moreover, MEPs are elected generalists that do not have the specific knowledge necessary to write the amendments for legislative proposals. Finally, the power of the EP is relatively low (as compared to the Council and the Commission). It cannot initiate legislation and, although it is on equal footing with the Council in the co-decision procedure, this procedure is still not used for all policy areas in which the EU has competence.

Therefore, it is natural that MEPs seek to increase their political capital through using the sources available. And since the EP is extremely open to various types of interest groups, the latter come into play as a potential source of such capital acquisition. Our hypothesis is the following: *“Members of European Parliament use interest group representation to increase their (instrumental) political capital.”*

This implies that we only focus on one side of the relations between MEPs and interest groups: we study how MEPs themselves make use of those relations. This leaves out the perspective of the interest groups, which might also try to gain political capital as a result of their lobbying activities. But because (as mentioned in the introduction) the strategies of interest groups have already been studied, we decided to focus on the perspective of a political institution, the European Parliament and its members.

3. Research Methods

3.1. Quantitative vs. Qualitative Methods

A proper investigation into a complex research problem is impossible without choosing appropriate tools for such a study. The two basic research methods broadly applied nowadays in social and political sciences are quantitative and qualitative methods.

The former are derived from the tradition of scientific positivism, which sees social phenomena as in essence equivalent to natural ones. From this assumption (or rather a scientific standpoint) follows a method that largely uses the analytical tools of the natural sciences to describe and explain various social

processes and phenomena. Here mathematical (especially statistical) instruments are being widely used to analyze standardized data sets (e.g. questionnaires) on a specific problem (Dreier 1997: 69).

This approach, however, has certain drawbacks that the supporters of qualitative methods find unacceptable for the proper explanation and understanding of processes happening in various parts of society at different levels. Two of the shortcomings that are most often discussed are the indifference of quantitative methods to the environment and the context of the objects of research (people and their real lives) and the lacking depth of analysis that may (and often does) leave some of the perhaps more important aspects of a social process out of the picture (e.g. not just the *choices* made by people but also the *motivation* for these choices).

Therefore, the advocates of qualitative research methods choose a more flexible and individualized approach: instead of numerous standardized questioners individualized interviews are conducted, aimed at discovering the context in which certain processes took place and the inner evaluation of these by the interviewee (Dreier 1997: 77).

Nowadays such a strict distinction between the two methods is in fact purely theoretical: in practice both of them are being used, especially for studying complex social phenomena. However, for certain aspects it makes sense to choose one major method of research in order to secure the consistence of the study and its tools. The question a researcher has to ask is therefore: "Which of the research methods offers the best options for addressing the object of my study?" The following passage will provide the answer for our study on the European Parliament and interest groups.

3.2. Choosing a Research Method

The subject of our study is in fact a set of dynamic processes in a political body: the European Parliament. Lobbying as a process has undoubtedly a number of objective criteria: particular interests, the number of personnel employed in interest representation activities, financial capacities of offices in Brussels, attention in the media. These can be documented under the condition of data availability and then analyzed. Numerous studies of the kind have already been performed by various researchers.

The focus of our project, however, is on the qualitative aspects of lobbying processes. The nature of these is such that many of the crucial details (e.g. a change of opinion of a particular MEP on the issue at stake) are extremely subjective and are not always directly related to the formal procedures or the intensity of lobbying activities. An MEP may have his own agenda, which presupposes certain priorities on particular issues so that the arguments of lobbyists may have little weight in such considerations. And on the contrary, there may be lacking knowledge on a particular subject (especially if it is highly technical), in which case any data released by professionals from interest groups may be crucial for decision-making.

Therefore, we see the individuals directly participating in lobbying processes (both the lobbyists and the MEPs) as the most appropriate source of

information. Moreover, we need to identify the importance of interest representation for MEPs and estimate their potential of using lobbyists for increasing their political capital. Given the complexity, context dependency and low transparency of this type of interest representation, qualitative methodology seems to be the most appropriate way of conducting empirical research for our project. We will have to deal with estimations and perception of social phenomena; therefore a proper description of the context and the analysis of process evaluations are indispensable.

3.3. Experts and Expert Interview

When choosing from a number of techniques of qualitative research developed so far, we had to find such that would fulfill the following criteria:

- The technique should allow for considerable flexibility of the data set to be received (due to the lack of knowledge we have so far on the articulation of lobbying processes);
- It should imply a rather clear structure of an interview so that the major aspects of the study (information, legitimacy and power) are reflected in the data set;
- The technique used should guarantee the quality of the data, particularly the specific knowledge of the processes studied in the project.

With these criteria in mind we have chosen the expert interview as our data collecting tool. This technique presupposes an interview in which (Dreier 1997: 468):

- The interviewer is relatively passive, leaving the interviewee considerable freedom to reflect on the matters he or she regards the most relevant for the subject of inquiry;
- There still exists a rather clear structure – a number of thematic “clusters” that have to be covered;
- The quality of the data is guaranteed by the “expert” status of the interviewee.

At this point it is clear that a definition of an “expert” must be given, so that we can select a proper data source on which the success of our study largely depends. An *expert* is “one who has acquired special skill in or knowledge of a particular subject through professional training and practical experience” (Webster 1976: 800 referred to in Ericsson 2000). In other words, it is a person who credibly possesses specific knowledge on a certain subject obtained through working in a particular field. The two key notions in this definition are *specific knowledge* and *credibility*.

Specific knowledge distinguishes an expert from a person who has some general understanding of the matter concerned. Such knowledge may be of a theoretical (e.g. the knowledge of a mathematician on a certain aspect of mathematical analysis) or practical (the knowledge of a politician on the realities of daily work in the parliament) character. It is usually obtained through intensive work in a particular field. The specificity of such knowledge gives an expert an exclusive status: experts are asked when a deep insight in a certain aspect, only available to a limited group of people, is needed.

Knowledge in this respect usually presupposes a theoretical subject of expertise (e.g. physics, politics, economics) rather than a practical one (e.g. repairing cars or speaking a rare language): in the latter case one would speak of a specialist. However, the border between these two notions is often blurred: a world class IT specialist able to fight sophisticated computer viruses needs for this practical task significant theoretical knowledge and experience which could classify him already as an expert. Generally, considerable intellectual faculty is required: an expert is someone who does not just possess specific knowledge but can also analyze it and draw conclusions from it (Ericsson 2000).

Credibility is obviously another crucial quality of an expert and expert knowledge. Since the information an expert possesses is quite specific and sometimes unique (therefore it is difficult for a non-expert to estimate its value), there must be a proper evaluation tool available that would guarantee the “quality” of such information. Usually such recognition takes the form of public awards (e.g. the Nobel Prize), access to high level institutions (e.g. think-tanks or governmental bodies) or well-known achievements of a person (e.g. the discovery of penicillin). Here one must be very careful because popularity alone (e.g. participating in numerous talk shows or much publicity enjoyed by a person) does not automatically make someone’s expertise credible.

3.4. Choosing an Expert

In the case of lobbying the natural choice would be to address someone who is involved in the process. Since lobbying in the European Parliament already has a rather high profile we can assume that people to whom access to such process was granted (MEPs directly elected by the citizens, lobbyist representatives chosen by their respective organizations) possess considerable specific knowledge of the subject. Their credibility rests in their mandate (MEPs) or their appointment for certain lobbying projects (interest groups).

Further, because we are interested in the “parliamentarian” perspective on lobbying (what does it mean for the institution and its members), it makes sense to interview MEPs since it is their perception and knowledge that we need for our analysis.

Finally, since we are studying a particular case – the REACH policy process – we need to address people who were closely involved in it. For that we studied the site of the EP and found politicians who were either Rapporteurs of certain political groups and committees preparing positions on REACH, or those who were coordinating the process within the Parliament. Therefore we came to choose three MEPs who were actively involved in the policy process of REACH in various working groups – Carl Schlyter, Bart Staes and Ria Oomen-Ruijten.

Mr. Carl Schlyter, bioengineer and Swedish Green MEP, was Shadow Rapporteur for the Group of the Greens / European Free Alliance. Mr. Bart Staes is a teacher for Dutch, English and Economics and Belgian member of the Group of the Greens / European Free Alliance. Ms. Ria Oomen-Ruijten has a diploma of PR information/ communications assistant and was Shadow Rapporteur for the Group of the European People's Party (Christian Democrats) and European Democrats. Because Ms. Oomen-Ruijten was not available for an interview, we conducted the interview with her assistant, Ms. Aukje Berden.

4. Assessing the Impact of Interest Groups on the MEP's Legitimacy

4.1. Introduction

This chapter is concerned with the impact of interest representation on the legitimacy of an individual MEP's position in the EU policy-making process. We expect the interaction with interest groups and the arguments provided by them to contribute to the legitimization of an MEP's opinion on specific policy issues and thus to his or her instrumental political capital. Our first sub hypothesis is: *"MEPs will try to engage in interactions with interest groups in order to increase their own legitimacy and that of the European policy process"*.

The Members of the European of Parliament are first and foremost legitimated through their direct election by the European citizens, but might want to justify their position by involving stakeholders in the policy process. The fact that those citizens affected by a certain piece of legislation have a say in decision-making constitutes an additional source of legitimacy, apart from the legitimization derived from the MEP's own constituency. From an academic point of view, this strategy of involving interest groups refers to theories on participative and deliberative democracy, which state that the participation of citizens in the policy process (directly or through interest groups) enhances the legitimacy of the choices made.

We will proceed as follows. Part two of this chapter is dedicated to the concept of legitimacy. We discuss existing definitions of which we will choose a definition that is useful for our own research. In part three we turn to the European Parliament and the possible advantages of participative and deliberative democracy for the EU parliamentary system. Part four provides empirical evidence we gathered from REACH. It argues that EP lobbying during the policy process of REACH did not meet the requirements of deliberative democracy and thus had limited potential to add to the legitimization of the MEPs involved. Our conclusion is that representative democracy is crucial for deliberation to function and should remain a central feature in EU decision-making.

4.2. Theories on Democratic Legitimacy

4.2.1. Defining Legitimacy

Legitimacy is commonly described as a concept with two dimensions: an input-dimension and an output-dimension. Input-oriented legitimacy refers to the legitimization of political choices because they reflect the will of the citizens (*"government by the people"*) and can be derived from the authentic preferences of the members of a community. Output-oriented legitimacy is the legitimization of political choices through the promotion of the common welfare of the constituency in question (*"government for the people"*). As regards the European Union, it results from a common perception of problems to be solved and a common understanding that these problems should be solved at the European level (Scharpf 1999; Thomassen/Schmitt 2004).

Whereas the European Union seems to dispose of a certain amount of output-legitimacy, authors criticize the apparent lack of input-legitimacy that characterizes the EU's institutions. The parliamentary model, which is the political essence of "*legitimacy by the people*", is suffering from serious deficiencies. The EU lacks the necessary democratic credentials, mainly because of the unaccountability of the Commission to the European Parliament and the fact that elections for the EP are essentially fought on national issues. This leads to a big gap between the European institutions and the citizens they aim to represent (Hoskyns/Newman 2000).

4.2.2. Substantial versus Procedural Legitimacy

Representation of the citizens by policy-makers refers to the substantial aspects of input-legitimacy (although it is essentially based on certain procedural rules i.e. "*one man, one vote*"). The policy process, no matter how it is conducted, is considered legitimate because politicians act on behalf of the citizens that voted for them. Input-legitimacy might however also be described in a more procedural manner, namely as the legitimation derived from the deliberation of interests affected by a certain decision.

Heinelt refers to deliberation as the third dimension of legitimacy, apart from input- and output-legitimacy. He calls it "*throughput-legitimacy*", because he believes that the analyzing of deliberation reveals the spectrum between the inputs (policy makers representing the citizens) and outputs (the results and effectiveness) of policy-making processes. According to Heinelt, "*the black box where the input is converted into an output must be opened, either through extended forms of participation or through participatory governance*" (2007: 224).

4.2.3. Legitimation through Representation or through Deliberation?

The concepts of representation (substantial or input-legitimacy) and deliberation (procedural or so-called throughput-legitimacy) are derived from two different ideals of democracy: representative or liberal democracy on one hand and participative or deliberative democracy on the other.

Liberal or representative democracy stresses the individual's right to participate in general elections and, as a consequence, the aggregation of individual preferences to form guidelines for those in government and the option to make the latter accountable to the individual citizen (Heinelt 2007: 223). This individual citizen with his or her preferences and opinions is the normative reference point. Through bargaining and voting, individual preferences are aggregated to reach collective decisions.

Deliberative democracy puts emphasis on free, open, and public debate and thus refers to the crucial element of participatory governance (Heinelt 2007: 223). Central to this framework is a critical process that induces participants to reflect upon and potentially revise their preferences (James 2004: 52). Proponents of deliberative democracy are more demanding than proponents of liberal theory, because they want to go beyond the aggregation and trading of given preferences, and ask for institutions that support a discursive structure of

opinion formation. The deliberative turn allows to go beyond existing models of interest representation such as pluralism and corporatism, which treat interests as given, and to look at interest intermediation as a participatory sphere in which actors will adjust to each other by rational argument (Smismans 2006: 305).

4.3. The European Parliament and Legitimacy

4.3.1. Legitimacy as Instrumental Political Capital

Both substantial and procedural legitimacy can be considered part of an MEP's instrumental political capital. Substantial legitimacy is related to the MEP being the representative of his voters that give him the authority to make policy decisions. The procedural legitimacy derived from deliberation enhances the legitimacy of the policy process and of the individual MEP's position in this process. The participation of interest groups is not just valued because they are instrumental for the policy process (for example in providing expert information); the importance of the cooperation with interest groups lies with its potential of redressing the democratic deficit (Kohler-Koch 2007: 258).

4.3.2. The Limits of EU Parliamentary Politics

It is argued that the EU is unsuited to parliamentary politics because of several reasons. One of them is the fact that the Union is not centered on a state-like political system. The enabling conditions for parliamentary democracy – the willingness of citizens to participate in elections, the development of European political parties and a parliament that can ultimately control all public decisions – are not fully developed. It is the knowledge that states have the ultimate legitimate power to regulate society that underscores to the citizens the importance of taking part in elections. In the same way parties will have an incentive to compete efficiently and distill complexity into offering voters simple choices (Lord 2007: 144).

A second often heard criticism is that the post-national character of the European Union further compounds the difficulties of applying parliamentary politics. The Union is not centered on a "*demos*" and therefore no notion of popular sovereignty exercised through parliamentary procedures at European level exists. Where a collective identity is absent, no public opinion is said to be able to emerge, and without public opinion, representative government lacks basis and substance (Abromeit, referred to in Lord 2007: 145).

4.3.3. How Deliberation might Enhance Legitimacy

Deliberation is claimed to contribute to the development of a European public opinion. The aim of deliberation is to have a rational discussion between citizens whose interests are affected by a certain decision. This procedural element adds legitimacy to the decision-making process, because (in theory) decision-making is open to all interests and the confrontation of these interests leads to optimal decisions. Deliberation reduces deficits of parliamentary

representation by developing a specific inter-organizational culture of interested collective actors behaving as partners of governance (Eder/Trenz 2007: 172).

The quality of decision-making is improved by the enhanced opportunities for mutual accommodation through exchanges of reasoned arguments and the generation of higher levels of trust among those who participate, which, in turn, allows them to introduce a longer time-horizon into their calculations since sacrifices and losses in the present can be more reliably recuperated by future decisions (Jessop 2002, referred to in Heinelt 2007: 220).

James points to the fact that for deliberation to add to the legitimacy of the policy-making process, it needs to be subject to the three conditions of political equality, political autonomy and political reciprocity. These substantive concerns (i.e. how participants can understand and criticize each other fairly) are an essential complement to procedural rules regarding deliberative democracy (2004: 51).

Political equality can be described as the equal distribution of speaking time among viewpoints, regardless of the number of individuals supporting each one. The primary concern is that all positions initially enjoy equal representation within discursive fora, although the process of deliberation will legitimately come to rule out some positions through the process of justification and criticism (James 2004: 70-72). According to Mather, equal access of interest groups is essential. Interest groups may improve decision-making by their input, in which case legitimacy is heightened. If, on the other hand, there is a perception that interest groups and government inhabit a closed world, excluding other potential participants, political legitimacy may be reduced (Mather 2006: 89).

Political autonomy presumes that citizens understand themselves as the authors of the laws under which they live and is thus associated with concepts of self-rule or self-determination. It is particularly important for deliberative and participatory theories of democracy, which seek more than the mere choice among competing sets of legislative and executive elites. It is the capacity for collective choices to be made reflectively, from among a suitable wide range of alternative preferences and constituencies, under conditions free of deception and coercion (James 2004: 72-77). In this sense, interest groups can be divided into two categories of "*insider*" and "*outsider*" groups: insider groups are taken into the confidence of the policy-maker and have been socialized in the political system (top-down), whereas outsider groups are by definition not close to government. They are seen to be more independent and fit within the bottom-up category of pressure (Mather 2006: 90).

Political reciprocity reflects the motivation to exchange communication in order to reach mutually acceptable collective decisions. It presupposes the recognition of others as free and equal agents, capable of holding preferences that are worthy of respect. Deliberative reciprocity focuses on including reflection on preferences and their bases through criticism and justification (James 2004: 77-80).

4.4. Evidence from REACH

4.4.1. Combining Interest Representation and Deliberation?

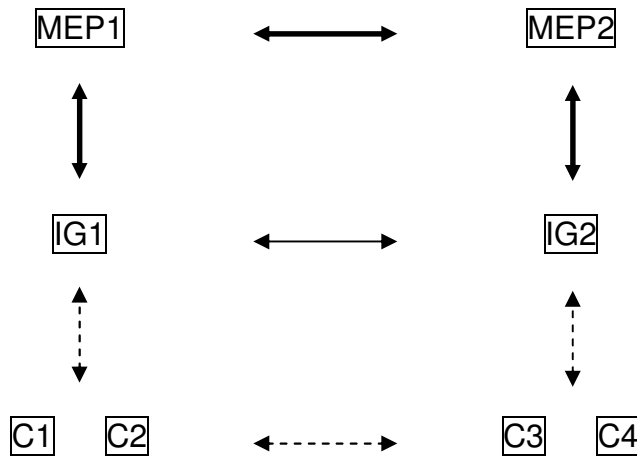
From the interviews it becomes clear that the interaction of MEPs with interest groups did not meet the requirements of deliberative democracy. All interviewed MEPs reported frequent contact with lobby groups, but none of these contacts could be considered as deliberative processes. Various interest groups (companies, industrial federations, environmental NGOs) got in touch with parliamentarians to make their positions heard, but these interactions were essentially one-directional (between interest groups and MEPs). This did not leave much room for the confrontation of the different interests involved, even though all three MEPs were approached both by industrial and environmental groups. Carl Schlyter mentioned that he tried to confront different positions: *“I always try to meet a counter lobbyist for every lobbyist I meet”* (Schlyter 2008). This shows that the MEPs themselves did some deliberation in defining their own positions (based on the contacts with lobby groups and the subsequent discussions with other MEPs in the political groups, the committees and the plenary), but this process of deliberation was limited to the political level.

It is only in the EP committees and in seminars organized by MEPs that several interest groups were put together in a deliberative setting. For REACH, both environmentalist and industry groups were consulted by the MEPs in the Environment Committee and the Industry Committee. Carl Schlyter however points to the fact that interests were not heard in a balanced way: with 200 industry lobbyists in Brussels opposed to 8 environmental lobbyists (Schlyter 2008), no fair process of deliberation could take place.

Another issue Mr. Schlyter mentioned is that the interest groups present in Brussels tend to lose contact with their grass roots organizations (2008). The structure of those associations is not necessarily democratic, and for European associations it gets even more complicated because they are under social pressure to compromise on EU level instead of defending the interests of their members at home. These members (and the public in general) were little involved in REACH. Bart Staes mentioned some contacts with individual citizens and made a brochure to inform his voters about REACH (Staes 2008), but also he had more contacts with interest groups than with the general public. Although we could say that many citizens were in some way represented in the interest groups involved in REACH, only few citizens participated directly in the decision-making process. There was little communication about REACH between interest groups and citizens, and probably even less between citizens and their MEPs.

The evidence gathered from REACH makes it possible to draw up a model of deliberation (see figure 1) consisting of three levels: the political level, the level of interest groups and the level of the individual citizens. Whereas there was a lot of interaction between MEPs and between MEPs and interest groups (thick lines), there was only occasional interaction between interest groups (thin line), and little or no interaction between interest groups and citizens and between citizens themselves (dotted lines). It is mainly the third level of deliberation (that of the citizens) which is missing.

Figure 1: The Three Levels of Deliberation



MEP: Member of European Parliament
IG: Interest group
C: Citizen

4.4.2. Political Equality, Autonomy and Reciprocity

The model helps us to visualize the concepts of political equality, autonomy and reciprocity. Political equality is related to the access of citizens (via interest groups or directly) and interest groups to MEPs. Political autonomy refers to the independence of interest groups from the political system. Political reciprocity is linked to the frequency of interaction between citizens and between interest groups. We will now evaluate whether these three concepts (that, as mentioned in part three, are necessary to confer legitimacy to the policy process and the actors involved) can be applied to the policy process of REACH.

According to the interviewed MEPs, interest groups enjoyed open access to the EP during REACH. Carl Schlyter mentioned that the EP is “*extremely open*” to interest representation (Schlyter 2008), and Bart Staes stated that all groups with an interest in REACH had the chance of addressing the EP with their concerns (Staes 2008). The question however is whether all groups had *equal* access to the Parliament. We already mentioned Mr. Schlyter’s observation that a lot more industry groups were represented in Brussels than environmental groups. In addition to that, it was very difficult for non-organized citizens to get involved in this extremely complex piece of legislation. If we look at the results of the Commission’s online consultation, we see that mainly businesses and NGOs have reacted and expressed their opinions (European Commission, 2008). The same holds true for the stage in which the EP got involved with interest groups. From the interviews it is clear that mainly big business and the better resourced environmental organizations enjoyed access to the MEPs. Bart Staes mentioned the contact with individual citizens, but he also was mainly in contact with the bigger groups.

As regards political autonomy, it is difficult to evaluate whether interest groups had a substantial input or had to choose between the limited options given to

them by the policy makers. We mentioned in the introduction the perceived pluralist character of EP-interest group relations, which leads us to expect that interest groups have a fairly independent input in the policy process. Mr. Schlyter however mentioned that interest groups at EU level tend to “*Eurothink*” (Schlyter 2008): they get socialized in the EU system and adapt their positions to fit into the institutional system. Nevertheless, MEPs seem to be more dependent on interest groups than the interest groups themselves are on the EP. Aukje Berden said interest groups were crucial to value the way the REACH legislation was developed (2008). Mr. Schlyter stated that the knowledge that is available in the decision-making process gets selected by the interest groups, which leads to “*biased decisions based on biased positions*” (Schlyter 2008).

Another problem for interest representation to increase the legitimacy of an MEP’s position lies in the lack of political reciprocity. As mentioned, there is only occasional interaction between interest groups, and little or no interaction between interest groups and citizens, let alone between citizens themselves. The individual contacts of interest groups with MEPs do not fit the ideal of deliberation, in which all interests are brought together and confronted with each other. Moreover, as pointed out by Mr. Schlyter, lobbying is going on between closed doors (2008), which made a public debate on REACH impossible. It was often impossible to trace the origin and the reasoning behind introduced amendments.

4.4.3. Why Representing Voters Remains Crucial

Deliberation requires citizen involvement or at least input from citizens in interest groups. Citizen input is important because groups tend to bias the political process in favor of the better organized and better resourced interests (James, 2004). As Olson argues in relation to collective action in general, only those for whom the marginal return exceeds the marginal cost of organizing to influence a policy process will do so, and this favors special or concentrated interests over public and diffuse ones (Olson, referred to in Lord, 2007: 148). This was definitely the case during the policy process of REACH, in which the interest of industrial associations and the bigger environmental NGOs were well represented, whereas this was not always the case for small and medium enterprises (as mentioned both by Ms. Berden and Mr. Staes) or for consumers.

Its holistic character is one of the benefits of parliamentary representation over deliberation. The European Parliament provides a site for lawmaking in which all problems can be comprehended in relation to all others. This is important if representatives are to influence trade-offs of value across the range of public policy, and control the externalities and cumulative unintended consequences associated with individual actions. As Habermas argues (referred to in Lord 2007: 147), the legislator needs to be a body that can consider the full range of reasons for acting in one way rather than in another.

The fact that an MEP is first and foremost the representative of his voters was an element that returned in each of the interviews. Mr. Schlyter found lobbying untransparent and unbalanced, and sees no possibility for interest representation to increase his legitimacy as long as it is going on behind closed doors and there are no strict rules (including sanctions) for lobbyists (2008: 97-

99). Therefore, he tries to go for the public interest and not for specific interests. Also Ms. Berden stated that she uses information from interest groups as long as it is compatible with her own political line: *“you are the one who has to develop the legislation in itself that has to be workable on the ground for everyone, so you are the one that has to take your own critical line on that”* (Berden 2008). The same goes for Mr. Staes, for whom his main concern is his voters and the general interest: *“I am not here to represent the interests of some industry sector”* (Staes 2008).

4.5. Conclusion

The evidence from the interviews shows that the potential of contacts with interest groups to increase the legitimacy of an MEP's position is limited. The way interest representation was conducted during REACH stands far from the ideal of deliberative democracy. Part four showed that parliamentary politics, even with its current deficiencies, remains crucial. This does not mean that we deny the possible benefits of deliberation, but deliberation can only be seen as a source of additional legitimacy to a working system of parliamentary politics. Transactions of the state with organized interests of civil society should not be seen as an alternative to parliamentary representation, but as a functional supplement (Magnette 2006).

That deliberative and representative democracy are not necessarily contradictory becomes clear when we ask the question about rules on lobbying and interest representation: who is to decide the criteria by which interest group networks are to be regulated? If the Parliament devises rules on interest representation in its own house (as the register in which lobbyists need to sign up to be granted access to the EP (European Parliament 2008)), it is crucial that citizens have control on this. Deliberation might increase the legitimacy of MEPs, but only if there is someone who *“guards the guardians”* (Lord 2007: 149). Citizen control is in our opinion best provided through political parties (representation), because they mediate between citizens and interest groups. Without the EP and its parties guiding the decision-making process, the ideal of deliberative democracy seems hard to achieve.

For now, citizens remain the missing link in the story of the EP and legitimacy, both from a representative as from a deliberative perspective. Neither parties nor interest groups seem to be able to bring the citizens closer to the EU. If one believes in the ideal of representative democracy, improved legitimacy is to be achieved by developing party politics. Authors that are convinced that the deliberative model of democracy is the better one will argue in favor of developing a mechanism of deliberation at European level. Because the classic representative forms remain the least unsatisfactory way to ensure the principles of political equality, autonomy and reciprocity (and thus the legitimacy of the policy process in which MEPs are involved), we believe the first option is to be preferred, and a precondition for at all having deliberation in the EU.

5. Information Exchange between Interest Groups and MEPs

5.1. Introduction

This chapter focuses on the relationship between interest representation and the European Parliament by way of examining the nature of the interactions, namely through information exchange of lobby groups and individual Members of the European Parliament. Our hypothesis is that *“Members of the European Parliament (MEPs) use lobby groups to procure much-needed expert information in a way that is beneficial to their own political aims.”*

We will first review the so-called “information deficit” of the EP and its effect of increasing the level of MEPs’ communications with and dependence on interest groups in the course of the policy process (Part 2). In relation to that, we will discuss the theory of demand and supply of access goods to explain the basic nature of information exchange (Part 3.1), as well as discuss the spirit and tactics of such exchanges (Part 3.2). We will then use empirical evidence to examine these concepts from the perspectives of individual MEPs and analyze the extent to which they may or may not manage to increase their own relative power by controlling the process of information transmission (Part 4).

5.2. The “Information Deficit”

A great deal of studies has been conducted which focus on the many ways in which interest groups target and attempt to influence government institutions, media outlets and decision-making bodies. However, far less has been said about the ways in which policy-makers may, in turn, use lobbies to gain the expert technical information necessary to accomplishing their own policy goals.

In the case of the EP, and the European Union in general, a limited budget, and therefore limited bureaucracy, has created an in-house “information deficit”. That means that the institution itself largely lacks the financial and structural means to employ its own experts and researchers. Such employees are necessary to provide the institution’s political actors with the relevant technical information necessary to properly understand new policy developments (Marziali 2006: 23).

A typical MEP does not have the choice whether or not to consult outside sources such as interest groups during policy development where actors in other political institutions might. Rather, MEPs *depend* upon interest groups in the course of nearly all policy developments to provide information regarding technical and academic questions as well as political support. This situation has forced MEPs to cultivate close relationships with lobby groups in cases where they otherwise may not have occurred.

Such relationships are co-dependent in nature, but also mutually beneficial. While it is obvious that interest groups require access to political institutions and individual actors in order to increase the chances of the organization’s priorities being addressed, so do politicians in the EP require technical information, advice and political and popular support in order to accomplish their own goals.

In fact, in the course of such relations in the 1980s, it has been suggested by some academics that lobby groups contributed greatly to the development and success of the European internal market, and therefore the further integration of the Union, through their advice and support.

Furthermore, the EP (and each of the governing institutions of the EU) is unique in comparison to most national political bodies, in that it is separated into many different levels and stages of policy- and decision-making. Readings of each bill occur at least twice and are comfortably couched between the respective proceedings of the European Commission and the Council, so the issues and stakes of each policy are made apparent to lobbyists early on. In addition, MEPs may operate alone, as well as in cooperation with standing committees or political parties, or in deference to regional ties. This disseminated structure creates even more access points and opportunities for lobbyists to make contact with and attempt to influence policy makers.

5.3. Information Exchange between Interest Groups and MEPs

5.3.1. The Political Market

In an attempt to explain how information is exchanged between lobbyists and politicians in the EP, and to further elaborate on the functions of the actors themselves, political scientist Pieter Bouwen introduced the theory of demand and supply of access goods. According to his theory, a political market of sorts forms the backdrop of the entire lobbying process, in which information is the critical good. Bouwen's theory contends that while lobby groups need access to an institution (here, through MEPs) in order to influence its (the EP's) decisions, likewise the MEPs require certain information to perform their tasks. Lobbyists trade expertise for access to policy-makers and vice-versa (Bouwen 2002).

However, this trade is not an infinitely operating one. Not all information offered is either equally relevant or necessary to each policy process, and to that end the members of the governing institution have the first clear advantage. MEPs have the ability to choose, from a plethora of options, which information is most critical to the policy process and which groups they would like to accept such information from. Therefore each MEP single-handedly controls the level of access to them, and therefore the EP, that those groups will be given.

After being granted access to the institution, it cannot be guaranteed that the interest group will be successful in raising the priority level of its issues or influencing individual MEP decisions. But it is guaranteed that without gaining access to the institution, the lobby group has no chance of affecting policy at all (Marziali 2006, p. 12).

Bouwen (2002) breaks "information" in the EU system down into three separate categories. The categories of information are:

- *Expert Knowledge*: the technical information or expert advice necessary to be procured from the civil sector for officials to understand the "market", e.g. to properly develop policy and/or to value and understand the effects of certain policy decisions on the ground;

- *Information about the European Encompassing Interest (EEI):* information concerning the possible effects of certain policy decisions on the European internal market as a whole;
- *Information about the Domestic Encompassing Interest (DEI):* information concerning the effects of policy decisions on national markets.

The EP and its individual actors require all three types of information to perform their duties. While they may need expert technical information to understand certain policy developments, they also need information about European common interests to value the proposals of the Commission and information concerning domestic interests to value the effect new legislative decisions will have on their national governments and constituencies (Marziali 2006, p. 23).

5.3.2. Influence

Aside from a lobby group being granted access to an institution, which is no small feat, it is further claimed that *“private actors should provide the highest quality and quantity of the critical access good in the most efficient way in order to get the highest degree of access to the...institution”* to achieve the greatest level of influence (Marziali 2006, p. 26).

In that vein, a great deal of pressure is put on interest groups to take full advantage of access when they have it and prepare the highest quality of information to share. Since Bouwen concluded that the relevance of information is directly connected to the level of access to an institution an interest group may enjoy, and the accuracy and efficiency of information contributes greatly to its relevancy, it is logical that lobbies can only benefit by applying the standards of factual, clear and brief information.

Beyond that, it is unnecessary to focus on the rules of successful lobbying, since a great deal of research has already been devoted to the topic and because the opposite subject, the question of whether it is possible for MEPs to control the way they are influenced by interest groups and freely use the interaction to their own ends, is the one we wish to treat.

While the terms “expert” and “technical” information are quite objective, in reality such information may be highly unreliable when originating from an employee of an interest group, a naturally biased organization. It is, of course, in the best overall interest of lobbyists to be honest and clear when attempting to sway policy makers, but not necessarily as honest and clear as possible.

Lobbyists will always have an interest in presenting otherwise unbiased or “technical” information to lawmakers in such a way that they are influenced as greatly as possible without even realizing it. That’s the job of a lobbyist. Consequently, it is the job of the policy maker, whether wholly dependent on interest groups for certain types of expert information (as in the case of MEPs) or not, to be aware of the naturally biased nature of the information and still take advantage of the information that is being offered to him. They must avoid being manipulated and instead use the information freely and in the capacity of accomplishing their own goals.

5.4. Empirical Evidence

In the course of our interviews with two MEPs and one assistant to an MEP about their individual experiences and observations interacting with interest groups during the recent and particularly complicated policy process of REACH, the often important role that lobbyists fill in the research process was not overlooked.

Aukje Berden, assistant to Dutch MEP Ms. Oomen-Ruijten of the European People's Party, spoke appreciatively of experts from several lobby groups representing industry who aided Ms. Oomen-Ruijten throughout the policy process. Without the technical information those experts provided, Ms. Berden said it would have been very difficult to make informed decisions. *"We knew we needed [lobby experts] to value the way the legislation was developed, because we didn't know if you had a certain value...what that would mean. And that is, I think, a crucial element, that when you work here...it was very important that I always knew what the developments were going to do on the ground."* (Berden 2008)

However, despite the obvious benefits, the subjects of bias and reliability of lobbyist information were also repeatedly touched upon. Carl Schlyter, MEP for Sweden and member of the European Green party, stated his general concern about the use of lobby information in an EP environment he finds *"extremely open"* to lobbying (Schlyter 2008), most succinctly. *"The biggest problem with lobbying is that it's unbalanced. Many of my colleagues are very naïve towards lobbying... If it were not profitable, lobbying would stop. So obviously it has a huge impact. And I think many people tend to underestimate that. They say: 'I'm not affected,' but you are. From every human you listen to, you learn something new and you are affected. The problem is that you have one side of the argument."* (Schlyter 2008)

To combat that issue, Mr. Schlyter said that he generally tries to limit the amount of information he absorbs from interest groups by accessing information in other ways, chiefly through employing one of his assistants as a full-time researcher (Schlyter 2008). He also attempts to balance any information he procures from one lobbyist by consulting another with an opposite perspective (Schlyter 2008).

Bart Staes, MEP from Belgium and a fellow member of the European Green party, spoke a great deal about his extensive contact with and faith in environmental NGOs such as Greenpeace during the REACH process (Staes 2008), but he also addressed the need to balance information through contacting a number of different sources.

Nevertheless, he admitted that the huge amount of information available from lobbyists is often overwhelming (Staes 2008). *"Of course you cannot read everything. You take it in your own hands. Some things you read, others you do not...It also has to do sometimes with the mood of the day, that you say 'Now it is enough, it lies there and I will maybe have a look at it if I feel like it, or if I find the time.'"* (Staes 2008)

5.5. Conclusions

That said, the relatively open and flexible structure of the EP makes its members particularly accessible to lobbyists and its limited bureaucracy causes interactions to be increasingly necessary. The increased participation of civil society through lobby groups is also a definite advantage to MEPs in the process of information exchange and advisement.

However, the possibility of receiving biased information from interest group “experts”, or more specifically the risk of a policy-maker being influenced by information they falsely believe to be balanced, is the principle block to their taking greater control of the information exchange. Even with the purest of intentions, it is very difficult for one human being to transfer information to another in a completely objective manner. In a situation where it is the information transmitter’s main priority to influence the other actor, it is nearly impossible. As Mr. Schlyter put it: *“I set my own agenda. And that is my individual charter in my work with the lobbyists.”* (Schlyter 2008)

6. Interest Groups as an Extra Source of Power for MEPs: Potential and Limitations

6.1. Introduction

This section will provide a detailed analysis of the power aspect of the MEPs’ instrumental political capital. Our hypothesis is that, by means of closer interaction with interest groups, MEPs can enhance their political power. We will however not be dealing directly with the power of the European Parliament as an institution at first. The acquisition of power in case of interaction with interest groups is mainly linked either to individual MEPs or to groups and factions. Therefore, even if the whole of the EP may benefit from more powerful MEPs, such development would be extremely difficult to estimate since different political groups often have conflicting interests. Factions are likely to use the power acquired to promote their own agenda and compete with their counterparts, thus not contributing directly to the power of the EP vis-à-vis other institutions. There may, however, be an indirect gain in power for the whole of the EP, which will be addressed later.

Our sub hypothesis concerning the power component of instrumental political capital is: *“MEPs are likely to strengthen their power by entering into coalitions with interest groups in order to give them the resources necessary to put their amendments through.”* We shall start with a general definition of political power and a description of its sources (part 2), further linking it to the power of particular actors (part 3). Having thus formulated power as an aspect of instrumental political capital, we shall test our hypothesis using the empirical evidence gathered (part 4). Finally, we shall draw conclusions from the empirical test and define the prospects and the limitations of the MEPs’ potential of power acquisition in their cooperation with interest groups.

6.2. Power: General Definition, Properties and Resources

6.2.1. Definition

Power generally can be defined as the “*capacity of some person or persons to produce desired effects on other persons*” (Wrong 1979: 13). Political power is therefore an ability to realize a political outcome desired by an actor.

6.2.2. Categories

In theory of political power this phenomenon is usually categorized according to the various principles employed to achieve control over others: status, coercion, inducement, competence (expertise), and personal charisma (Smith 1993: 124). *Status* is the power of position, hierarchy, resulting from certain rules of subordination within a system. *Coercion* implies use of force to make an opponent comply with certain requirements. This may not necessarily be physical force; any power constellation that would make an actor agree to a certain decision contrary to what he would prefer otherwise qualifies as coercion. *Inducement*, by contrast, functions by means of offering compensation to the opponent in exchange for following a certain decision of the resource owner. *Competence* (or expertise) is a very specific power type resulting from exclusive knowledge or skill an actor possesses which hardly anyone else does. Such power is fairly limited due to its nature, however may become pivotal, should the field of expertise be of special importance to the decision makers. Finally, *personal charisma* presents a case of a unique power type, which results from personal qualities of a person or a group that makes others follow him/them without being forced to do so or compensated for this.

6.2.3. Properties

Power has several basic properties. The first one to name is the comprehensiveness of power or the number of aspects of other people's decision-making directly or indirectly influenced by the will of the power holder (Wrong 1979: 15). Classic examples are the power of parents over their children or the power of a ruler in a totalitarian system: these are examples of the most extensive power relation regulating nearly every aspect of the subject's life. The natural limits of the *extent* of power are the capacities of controlling the subjects and their personal “zones of acceptance” (ibid: 17). The latter indicate the spheres in which a person is highly unlikely to anticipate anyone else's will imposed on him (i.e. a professor who may change students' views on economics but hardly can advise them on choosing their wives).

Further, power is characterized by *intensity*. This category refers to the extent of demands of the power holder over the subject within one category (Simon 1969: 76). Whether a citizen is free to move within the country or he is subject to registering every journey and getting it approved by a bureaucratic committee would be an example of the state power over its citizens in the aspect of personal mobility.

Lastly, *credibility* is an important power attribute. As a relational phenomenon, power may be determined by the credibility of a (potential) power holder in the

eyes of partners or potential subjects (Smith 1993: 126). Essential is this property in situations where constant “hard” proof of power is costly or impossible, or fatal (as in case with a global nuclear war that can only happen once): other actors have to rely on signs of power and their credibility. This is a particularly valued quality for political power.

6.2.4. Power Resources

Types of power in turn result from employing power resources. These may be the position in the hierarchy (system rules as resource), means of political pressure or military might, economic resources, specific knowledge or skill, personal qualities. Most of these resources have a certain degree of liquidity meaning the transaction costs resulting from converting them into real power (Smith 1993: 131).

High liquidity is usually associated with “*personal*” power resources: money in personal possession, skills and specific knowledge, reputation and popularity, charisma. Such resources are usually relatively easily converted into use for power purposes for they only require a personal decision with hardly any additional transaction costs.

By contrast, *collective* resources, though more extensive and potentially yielding more power, may vary significantly in their liquidity. They depend a lot on the solidarity and the degree of organization of a group possessing the resources. A smaller group is usually easier to discipline, tends to have fewer disagreements concerning common goals and respectively the application of resources. At the same time larger collectives may have problems mobilizing their resources – although perhaps abundant compared to those of smaller groups – due to the lack of solidarity or because higher communication and organization costs (ibid: 135).

A very specific and valuable collective resource some of the political scientists consider to be the size of a group itself (Lazarsfeld/Menzel 1961: 435). Under certain circumstances the size of a group may be seen as a non-reducible resource that can alone give a very different power standing to a group apart from the mere pooling of individual resources. For this mass movements such as the environmental movement are the best example: exactly the scale of such organizations secures their significant influence, even if they are badly organized.

6.2.5. Instruments

Finally, the liquidity of power resources also depends on the instruments of converting them into real power. More efficient means to, say, pool resources of a large number of individuals together (i.e. through various networking activities) can allow for more power output resulting from a resource with relatively low liquidity. We shall define therefore organization and solidarity as instruments whereas they are referred to as group properties as well (Smith 1993: 138). We consider such interpretation possible because it has a functional meaning: although organization and solidarity are always to some degree present in a political group, they are “technical” phenomena in the sense that they define the

way collective resources will be used and the degree of the effectiveness of such use.

Organization defines the arrangement of collective resources, the means to mobilize them and convert them into power. Depending on the aims of a group it may vary in the degree of centralization and hierarchical structure. Here the choice of collective resources to capitalize on may be crucial: if the size of a group is of more importance than the liquidity of pooled individual resources, then a larger and less organized structure may be beneficial and vice versa (ibid: 141).

Organization deals with dynamic processes (decision-making, resource mobilization, communication), whereas *solidarity* is a more “static” property: it is “the concrete” binding the group. It is related to the self-identification with the proclaimed goals, with emotional relation to its principles. Solidarity is articulated in political programs, symbols and rituals and traditions of a group, but also in common experience.

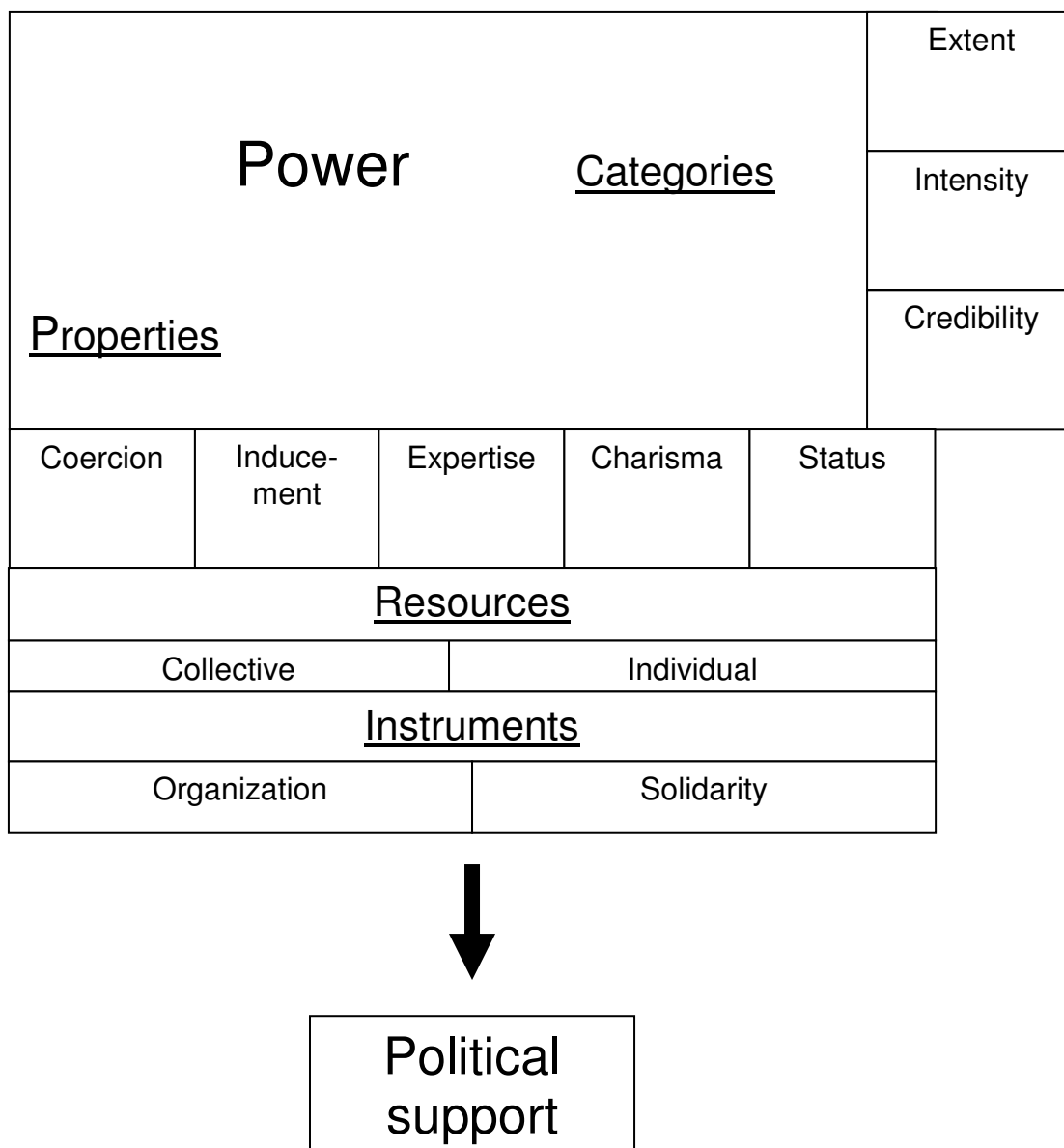
6.2.6. Political Support

All these types of resources when used appropriately would then result in “capitalization”, converted into political support. This category is rarely explicitly described in the literature on political power in direct systematic relation with power resources. Therefore we consider it possible to analytically derive it from the above described categories and properties of power, for it is largely summarizing what have already described.

Support is in itself not a power resource as such, but a measure of power exercise, an important part of the power component of political capital. It is not the “mirror image” of an actor’s power over others, however. First, there is always a strong component of personal attitude of every person influenced that may significantly change the impact of power. Second, there is the support resulting from “good will” of others – an effect that cannot be influenced or controlled by the power holder or not even intended by him. This type of support is not part of our analysis as it is irrelevant to the effects of power as such (insofar defined as an *intentional* action).

For these reasons we shall refer to political support as “*the result of power exercise roughly proportional in its extent and intensity to the power resources and instruments employed by the power holder to influence others*”. As such “crystallized” power it may in fact have the effect of a power resource: influential people already supported by others naturally tend to expand their power. It is important to note that support as such also has a certain degree of liquidity and can be used by other power holders in case they manage to reach a certain agreement with the initial “possessors” of support. This property of political capital is obviously of utmost importance for MEP-interest group cooperation.

Figure 2: Power: Properties, Categories and Resources



6.3. Power in the Case of MEPs

Interpreting the general concepts of political power for the case of the MEPs will help us to come up with a list of rather precise criteria out of which we can then select the ones relevant for MEP-interest group relations. These criteria, in turn, will be the centre of our analysis: evaluating the way the MEPs use or do not use their cooperation with lobbyists to expand their political capital will eventually prove or disprove our sub hypothesis.

6.3.1. Power Definition

In the case of MEPs, having power means making sure that a certain decision becomes part of the final version of a legislative text. This would often require persuading other MEPs of a particular view on a problem at stake.

6.3.2. Categories

For this purpose any category of power can be used. *Coercion* here may be presented by a certain power constellation, i.e. being part of a larger political faction and threatening counterparts with outvoting them, should they not be ready to compromise.

Inducement is a more likely category to be used for it often refers to bargaining. In the case of the European Parliament this of course primarily includes concessions on certain aspects of a legislative proposal or in appointing MEPs from certain factions to important posts. In fact, parliamentary coercion and inducement are closely related, where coercion is simply an actor's bargaining power in talks over a certain matter, which would end up in certain concessions on one or both sides.

Information and *expertise* are of special importance. Exactly in complex legislative texts full of specific technical details (such as REACH) such expertise may be pivotal. Finally, *charisma* and related reputation (often coupled with certain *status* within a faction or in a committee) are means of direct power exercise in a political debate.

6.3.3. Properties

The extent of political power in the EP is represented in the number of aspects of a regulation or generally decision-making (i.e. setting the agenda at committee sessions). Intensity respectively refers to the degree to which an MEP can influence his colleagues or opponents in changing or setting their opinion on a certain piece of legislation. Here the "zone of acceptance" may become the border of the exercise of power: certain concessions in basic political views or values would be unacceptable. Credibility of power in the EP is related to proving a certain degree of political support (i.e. making a coalition agreement credible).

6.3.4. Power Resources

The most important *individual* power resources of the MEPs include the standing in the faction or in a committee (quite important for setting the agenda), personal expertise (or access to high quality information sources) as well as personal qualities, experience and charisma. The use of financial means in the EP is institutionalized and fairly limited in its direct impact on political outcomes: it may be that for example hired experts provide an MEP with some very valuable insights into the topic at stake, but the financial capacities themselves do not play the key role in information acquisition.

In the case of individual MEPs we cannot talk of *collective* resources. However, there are collective resources of the interest groups that may be of interest to the MEPs. Here the size of a group and its pooled expertise resources play an important role: large representative groups equipped with specific information may be of use in a political debate.

6.3.5. Instruments

Again, instruments of *organization* and *solidarity* are categories applicable to the political groups. However, talking about individual MEPs we should mention ad-hoc coalitions created through network mediation. Thus, *networking* or effective information exchange among potential coalition partners, contacts to key persons in committees and factions, becomes an instrument of central importance.

6.3.6. Political Support

The EP is a classic case of institutionalized political support via direct elections. However, on certain instances the MEPs might be interested in getting extra support from external sources. Since political support is the result of exercising power, getting support of political groups outside the EP would mean “tapping” into external political power resources, thus potentially strengthening an MEP’s position on a certain issue.

6.4. Analysis

6.4.1. Selecting Criteria

In order to prove or disprove the sub hypothesis on power, we shall have to select the power resources and instruments that MEPs can potentially gain from interaction with interest groups and compare this list with the results of the empirical evidence gathered in the expert interviews. We have selected the following issues as relevant to our analysis:

- *Information* (expertise), especially the pieces of information that may be pivotal for certain decisions (thus having high power potential);
- *Networking* as a type of “technical” information: not the content-related data (i.e. the impact of chemical substances on human health, production costs, etc.), but being informed about the people who may possess valuable information and would thus be a useful partner; keeping in touch with these people;
- *Collective resources*: political support (or the result of resource application, “crystallized” power), as defined in the theoretical part above;
- *Enhanced credibility of consequences*: making possible effects of a policy decision on environment (green groups), industry (center-right parties) or society (socialists) credible and argue based on that (i.e. if an MEP can invite a representative of a large labor union association to the public debates in the EP).

6.4.2. Empirical Test

We shall be using the interviews of MEPs from different political groups – Mr. Carl Schlyter from the European Greens/Free European Alliance and Ms.

Oomen-Ruijten (represented by her assistant Ms. Aukje Berden) from the European People's Party-European Democrats. In the policy process of REACH, our test case, the differences between these two factions were the most pronounced, since they represented the two major sides of the conflict – environmental groups and industry associations. This should help us to capture the most essential traits of their respective strategies of cooperation with interest groups.

6.4.3. Information

Mr. Schlyter said he was working a lot with environmental interest groups. He acknowledged that in the case of REACH his group was inspired by many environmental lobbyists' proposals but stressed that he and his colleagues did a lot of work themselves as well. Such work included putting the amendments into the right format and changing proposals to have them better implemented (Schlyter 2008). In the view of the interviewee the major problem of lobbying is that it's unbalanced: the business lobby often drowns MEPs with its arguments. In order to balance the information flow, Mr. Schlyter seeks to find a counter-lobbyist for every lobbyist he meets. Further, he has a staff member who is responsible exclusively for long-term strategic thinking. This advisor is also responsible for arranging meetings with experts on various topics, where Mr. Schlyter sets his own agenda (ibid). Further, Mr. Schlyter underlined the importance of technical information giving an example of 24 highly complicated technical amendments tabled in the very last voting session for REACH; these amendments hardly anyone could understand, which made him suspect that they were put in by the industrial lobby (who are well-equipped with specific knowledge) to put their interests into the legislation under such cover (ibid).

Ms. Berden stressed several times the good relations she and her MEP had with representatives of the chemicals industry. According to her, the information provided by the industry was indispensable in performing the role of legislator in the European Parliament. The individual lobbyists and their associations were seen as the experts who could tell what the consequences of specific amendments would be in the industrial practice. The fact that the relationship was "based on trust" assured Ms. Berden, that the arguments given by the industry were legitimate and could be used for proposing amendments in the REACH policy process (Berden 2008).

Implication for the sub hypothesis: both "green" and "centre-right" MEPs find substantial support in the information resources of the interest groups. Such information may be a serious advantage helping to put amendments through (example with 24 technical amendments). A "Relationship of trust" on the part of EPP politicians (Berden 2008) and "inspiration" on the part of the greens (Schlyter 2008) highlight the importance of such cooperation.

6.4.4. Networking

Mr. Schlyter emphasized that networking and proper information mediation are both essential for working in the interests of the European citizens. He gave examples of small enterprises that in the absence of proper information and expertise on European legislation did not have the capacity to address the

issues that threatened their business on time and in the adequate manner (Schlyter 2008). Keeping in touch with associations of small and medium enterprises, labor unions, consumer protection organizations and (local) environmental groups is in his view therefore indispensable to guarantee a balanced interest representation. He also sees in maintaining such network contacts some potential for strengthening his position in the political debate in the EP (ibid).

Ms. Berden expressed the same concerns and the need to keep in touch with those affected by the legislation. However, she also stressed the representative function of the industry associations and unions: they do include the majority of the producers (both larger and smaller enterprises). Thus, for Ms. Berden a more institutionalized approach to interest representation and networking seemed to present an optimal communication standard. She admitted that she and Ms. Oomen-Ruijten mostly kept in touch with larger producers; therefore, the MEP seems to be giving credit to their representative function (Berden 2008).

Implication for the sub hypothesis: networking is a potential power resource, but with relatively low liquidity for it does not directly result in increase in political power. It may become such, if the network members can be effectively “mobilized” to give their opinion on a certain subject. While the greens tend to favor a pluralistic approach (maintaining direct contacts with those potentially affected by the EP decisions), the EPP members seem to prefer institutionalized structures of large industry unions.

6.4.5. Collective Resources: Political Support and Credibility

Mr. Schlyter emphasized that most of his power in the policy process stems from the co-decision procedure. The MEP did not exclude the possibility of strengthening his position by gaining support of the interest groups, although he does not see that as an important factor for his political power (at least so far). He admitted that it is beneficial to consult the social groups concerned with the upcoming legislation, which is not yet done on a regular basis by the EU institutions. The interviewee explained a Swedish concept of drafting legislation, based on sending information to those who will potentially be affected by the regulation. This allows receiving reactions before issuing a law, balancing the interests and getting a more agreeable law as a result (Schlyter 2008). Mr. Schlyter is convinced that the introduction of such a practice could improve the EU policy process and the quality of regulations. At the same time the interviewee said that a broad social support may not be necessary for successfully putting an amendment through. A proper coalition with just one or few groups may be enough (ibid). These groups may also come from the industry: Mr. Schlyter emphasized that he is eager to get their support in case he sees the interests of industry representatives combined with his on an issue at stake.

The question, whether interest groups provide a source of power and support for an MEP to put his amendments through in the final legislation is not explicitly answered by Ms. Berden. From the interview can however be derived that, according to the interviewee, the power of an MEP would come more from his own political group than from interest groups. She stresses that the position of

an MEP finally depends on his own political line (Berden 2008). Apart from that, the own experience of an MEP (especially as a Rapporteur, who is involved in all aspects of the decision-making process) seems to be crucial in taking his stance and pushing this opinion through into the final piece of legislation. There seems to be some conflict here, because for Ms. Berden the test is not just the political line and the own experience of an MEP, but also the consequences of the REACH regulation in the daily practice of the industry and the consumers. This indicates that also the potential impact of the new regulation (and the possible negative consequences of the regulation in the view of the industry) is a crucial measuring point (ibid). So we could say that the “feasibility test”, based on the arguments of interest groups, is definitely an important part for supporting the amendments of an MEP.

Implication for the sub hypothesis: both the greens and the EPP are skeptical concerning the potential of cooperation with interest groups as a means to increase their political power. They do not exclude such possibility, though, treating it as a favorable complement to the power given to them by the Treaties. The possibilities to increase this power potential are partly related to better networking and higher participation (as suggested by Mr. Schlyter) and partly to the issue of credibility (“feasibility tests” hinted at by Ms. Berden).

6.5. Conclusion: Prospects and Limitations of Using Interest Group Resources by MEPs

Having completed the empirical test of our sub hypothesis, we find it proved: the MEPs do use the interest groups to increase their political power. Information resources offered by interest groups are undoubtedly a source of political power (in the sense defined in this chapter: “*the ability to put a desired text into the final version a regulation*”) that sometimes may be substantial (dealing with technically complex amendments). Further, networking may be an indirect source of power promising potential increase in support in case the interests of affected social and economic groups are taken into consideration. Interest groups may offer networking contacts of value to the MEPs. Finally, there is a potential of gaining support from the interest groups and making certain potential policy outcomes credible with their help (i.e. impacts on industry and respective macroeconomic effects resulting from REACH). The extent of such use of power resources is limited and rather complementary to the basic power given to the MEPs by the Treaties, but it can be potentially increased (i.e. the legislation consulting procedure suggested by Mr. Schlyter).

There are however obvious limitations to the use of interest group power resources. First, the legitimacy of “political outsourcing” may be put into question: the MEPs keep emphasizing their political mandate coming from the citizens, therefore too intensive work with some particular interest groups presents the risk of “losing the roots”, “Euro thinking” and playing down the interests of those who elected an MEP locally. Further, the credibility of the information provided by the interest groups, especially when they can be suspected to have a pronounced self-interest in certain outcomes, might be questioned. Since information remains the most important “exchange resource” in the MEP-interest group relations, the quality and mutual benefits of these may be threatened by biased data supply. Another issue is the liquidity of collective power resources of interest groups. Even if there is an obvious

interest of an MEP in gaining support of a social group, the latter may be too scattered or too badly organized, which would make it difficult to mobilize their resources for political action. Finally, the still limited powers of the MEPs prevent them from working on a broader range of legislative aspects, which could mean more potential partners among the interest groups.

7. Conclusion

The findings of our research indicate that MEPs do see interest groups as a means to enhance their instrumental political capital. The conditions under which interest groups were involved in REACH were however not always optimal, which made MEPs careful in using interest groups to provide them with information, to increase their legitimacy, and to enhance their power in the policy process.

As regards legitimacy, we derived from theories on deliberative and participative democracy that interest groups might enhance the legitimation of an MEP's position, provided there is some form of deliberation among the interests concerned in a certain policy decision. As the lobbying for REACH did not fulfill the requirements of political equality, autonomy and reciprocity (which are crucial for interest representation to convey legitimacy to the policy process and the political actors involved), the potential for increasing the legitimacy of the MEPs in REACH was rather limited, which led us to disprove our sub hypothesis *"MEPs will try to engage in interactions with interest groups in order to increase their own legitimacy and that of the European policy process"*. This does not mean that deliberation cannot be a useful complement to parliamentary representation in the EU; the way it is conducted however should be better regulated. From the interviews it became clear that, as long as lobbying is going on behind closed doors, and different interests have unequal access to the European institutions, there is no chance for interest groups to add to the legitimacy of MEPs.

Interest groups first and foremost provide MEPs with the information they need to devise their amendments. This information is useful for MEPs, mainly because it gives them an idea of the interests concerned in a certain legislative proposal. That this information can be biased is taken into account by MEPs that, apart from the information provided by interest groups, dispose of other sources of expert information, for example party members that are experts in a certain policy area or hired experts working for the party. The fact that it is very difficult to control the information provided by interest groups makes MEPs careful in using this information, in an attempt to set their own agenda and stay close to their own political line.

Political power, in the case of the EP defined as *"the ability to put a desired text into the final version of a legislative text"* results from the effective use of a number of personal and collective resources in its different categories. Four of these resources we considered relevant for the cooperation of MEPs with interest groups: (pivotal) information, networking and contacts, political support (as "crystallized power" of interest groups) and the ability to make certain consequences of a political outcome credible. Putting our sub hypothesis -

“MEPs are likely to strengthen their power by entering into coalitions with interest groups in order to give them the resources necessary to put their amendments through” - to a test resulted in proving it, but with certain limitations. These include the legitimacy of “political outsourcing”, the credibility of the information provided by interest groups, the lack of liquidity of some collective resources and the still limited powers of the MEPs.

Concerning the importance of each of the three components, we can say that the provision of information by interest groups contributes most to an MEP’s political capital (although also this component has its limitations). The potential for MEPs to increase their legitimacy as a result from cooperation with interest groups seems the least relevant. Less important than the information function, but more important than the legitimating function of interest groups, is the increased power of an MEP that might result from the political support of interest groups. However, there are costs associated with proving the credibility of the information provided, and because interest groups are not able to provide the legitimacy comparable with that of the direct elections.

MEPs might use relations with interest groups to enhance their political capital and are aware of the limits of such relations. There is also recognized potential of optimizing the strategies and instruments of these relations and it is likely that the MEPs would consider this as a complementary option for expanding their political capital.

8. Outlook

The importance of our research not only lays with the meaning of interest group relations for individual MEPs, but also with the consequences of those relations for the European Parliament as an institution. How will the pursuit of instrumental political capital by individual MEPs affect the structural political capital of the EP as a whole? Even though there are some difficulties with aggregating the political capital of MEPs (the political capital of the EP cannot be considered equal to the sum of the political capital of each of its members), we expect the increased information, legitimacy and power of MEPs to put it in a stronger position vis-à-vis the Council and the Commission.

In case individual MEPs will be increasing their personal (or factional) political capital, they are more likely to receive attention on the part of various interest groups. Further, even if the MEPs are not willing to stand united demonstrating solidarity as members of one institution and engage in hot political debates, this would - given their increased political capital - still mean more publicity. More influential MEPs involved in harder debates are likely to catch media and interest group attention. This in turn has the potential to lead to further EP competence expansion.

Such prospect may function as a uniting factor for the MEPs. In the interviews it was mentioned that the position of the European Parliament depends on it being able to come to a common position that can be defended vis-à-vis the Council and the Commission. In this sense, the increased instrumental political

capital of the (Members of) European Parliament due to interactions with interest groups might lead to its increased structural political capital.

We need however to be careful with this conclusion, for the exact mechanisms of MEPs' personal political capital expansion are not known. Further research would be needed to provide more detailed empirical evidence and more sophisticated analytical instruments describing such processes. If such research would then be linked to the existing studies on the powers of the EP, we could have a clearer picture of the impact of the increase in the political capital of individual MEPs on that of the whole European Parliament. This could be another possibility to analyze the functioning and predict the future of this institution.

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