

Lobbying in a post-Lisbon Europe

for Croatian Chamber of Economy

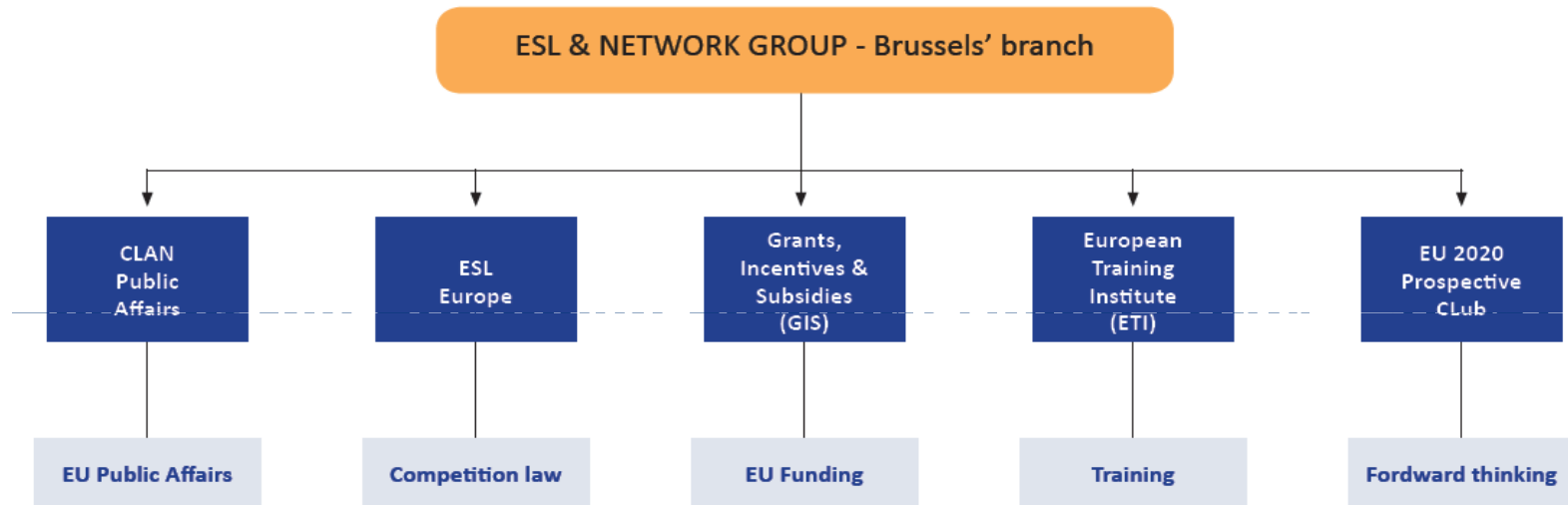
by Daniel Guéguen

19 April 2011



ESL & NETWORK GROUP - Brussels' branch

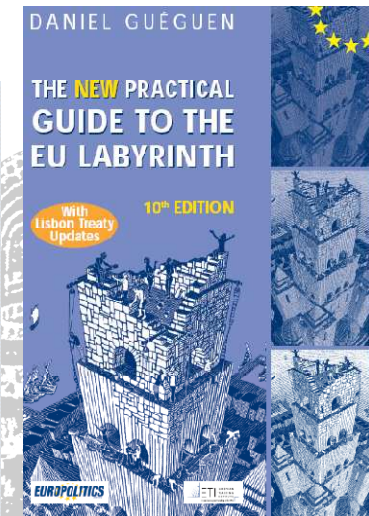
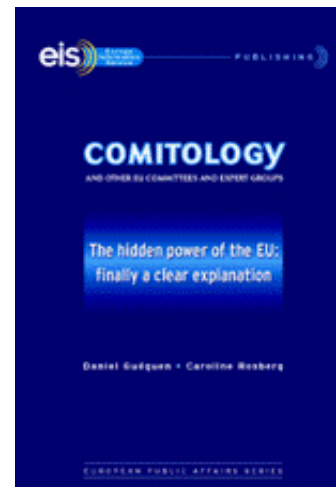
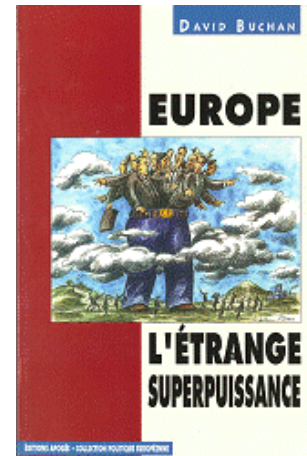
OUR CORE ACTIVITIES



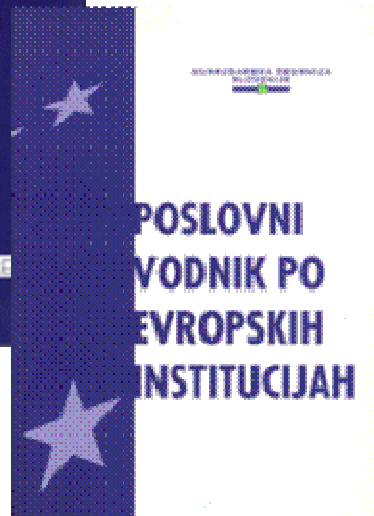
A UNIQUE RANGE OF EUROPEAN SERVICES



A prolific writer....



... in many languages !



Daniel
Guéguen

3rd edition
updated

COMITOLOGY

HIJACKING

EUROPEAN POWER?

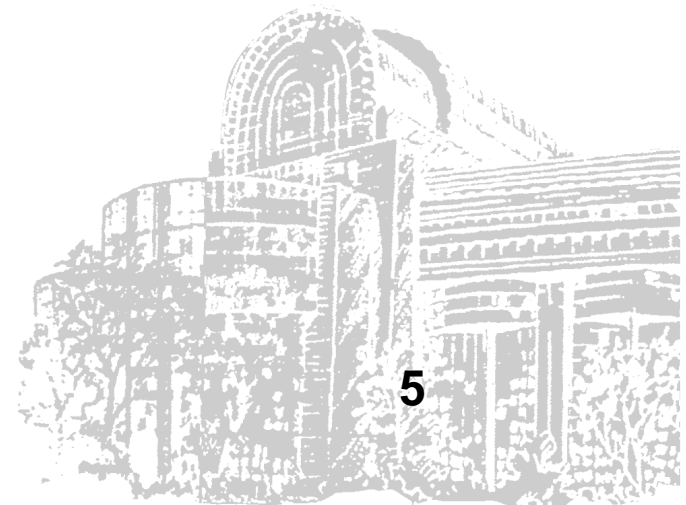
European Training Institute

ESL
NETWORK

ETI

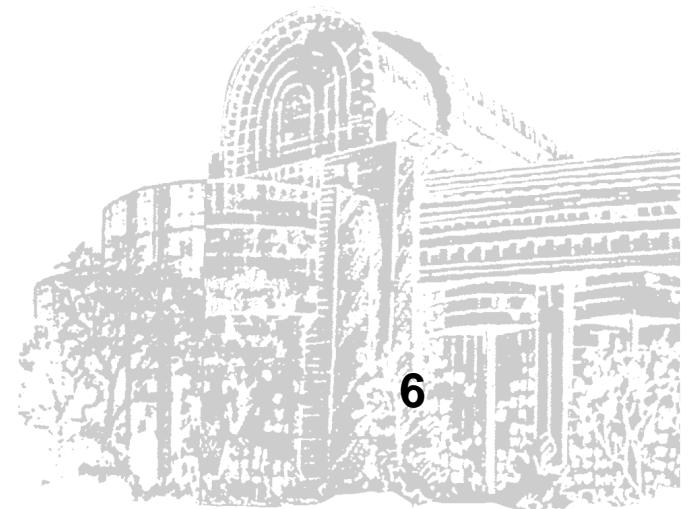
EUROPOLITICS
Since 1972

New book



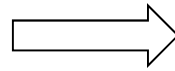
5

**When you think about the
Lisbon Treaty
which word comes first
to your mind?**

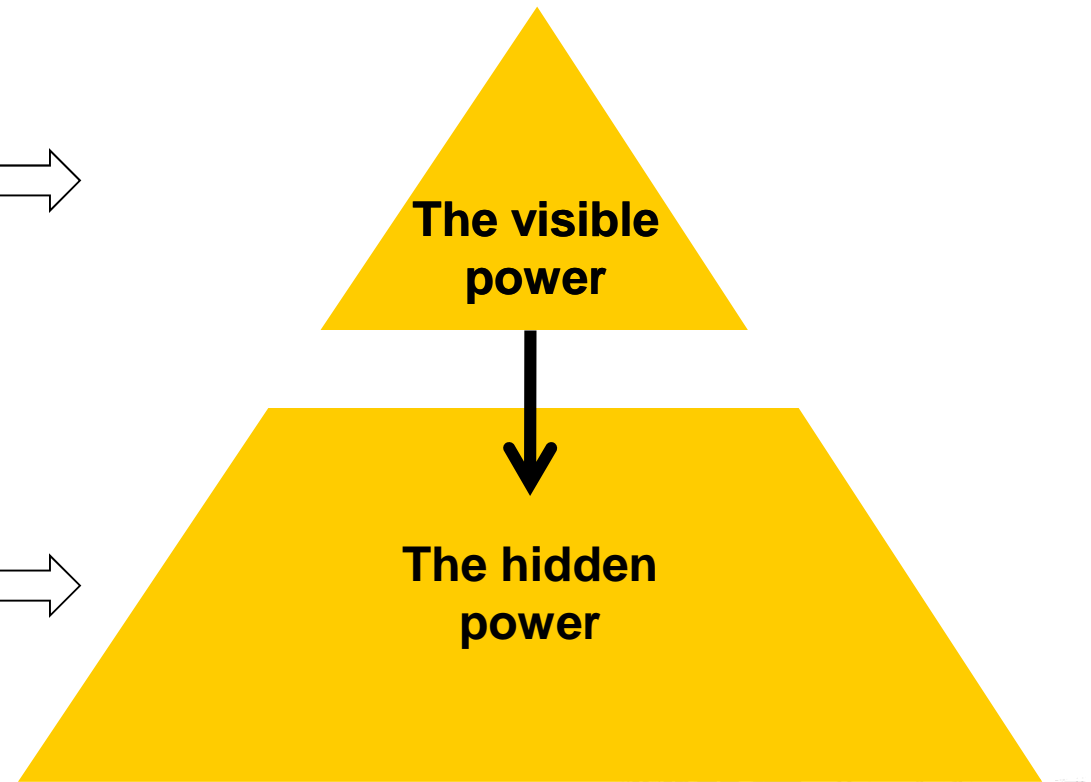
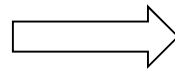


The true winner of the Lisbon treaty is ...

**The European
Parliament comes out
a winner**

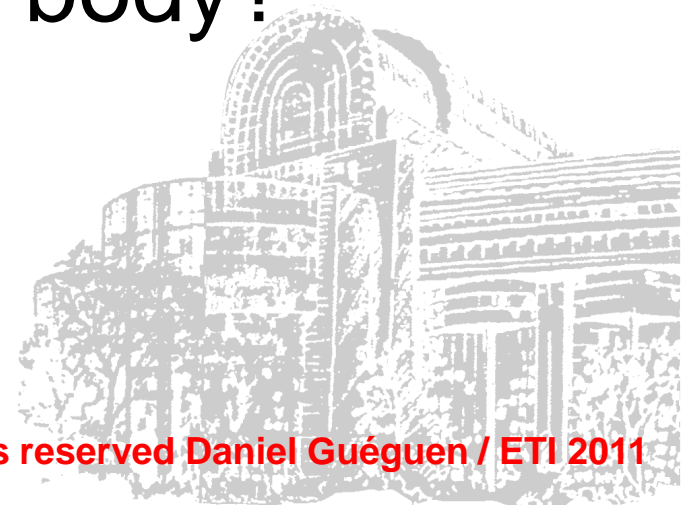


**The European
Commission is the
genuine winner**



The European Commission

a political body
or
an administrative body?



The European Commission: a political or an administrative institution?

**The college of
Commissioners
=
political**

DECLINING

**The services
=
administrative**

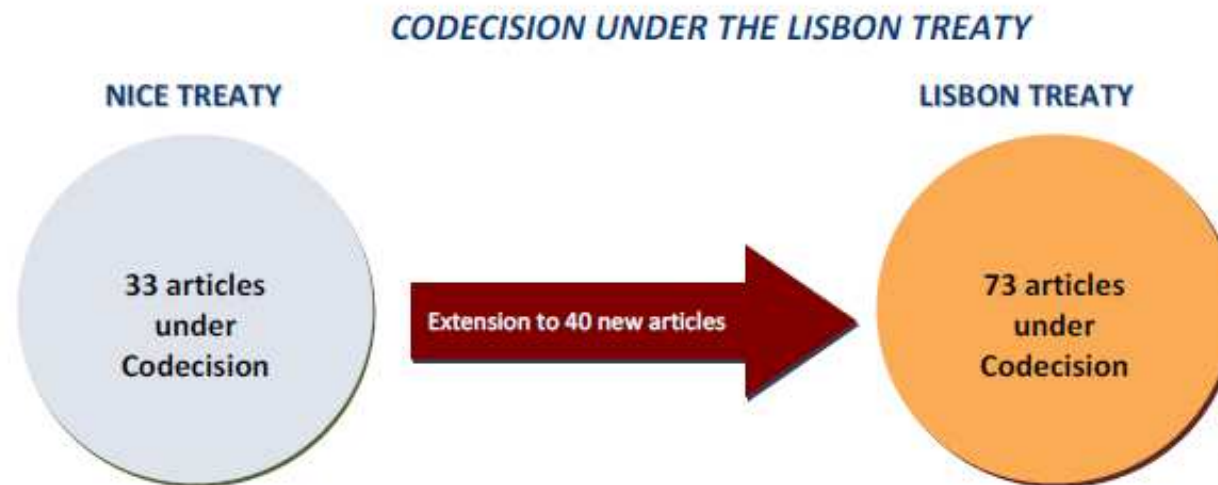
GROWING



Some positive aspects about the Lisbon Treaty

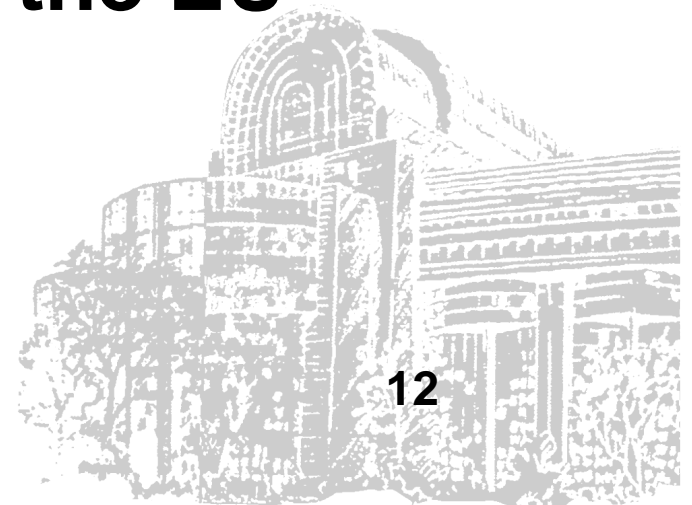


More ordinary legislative procedure, more QMV



Improvements:

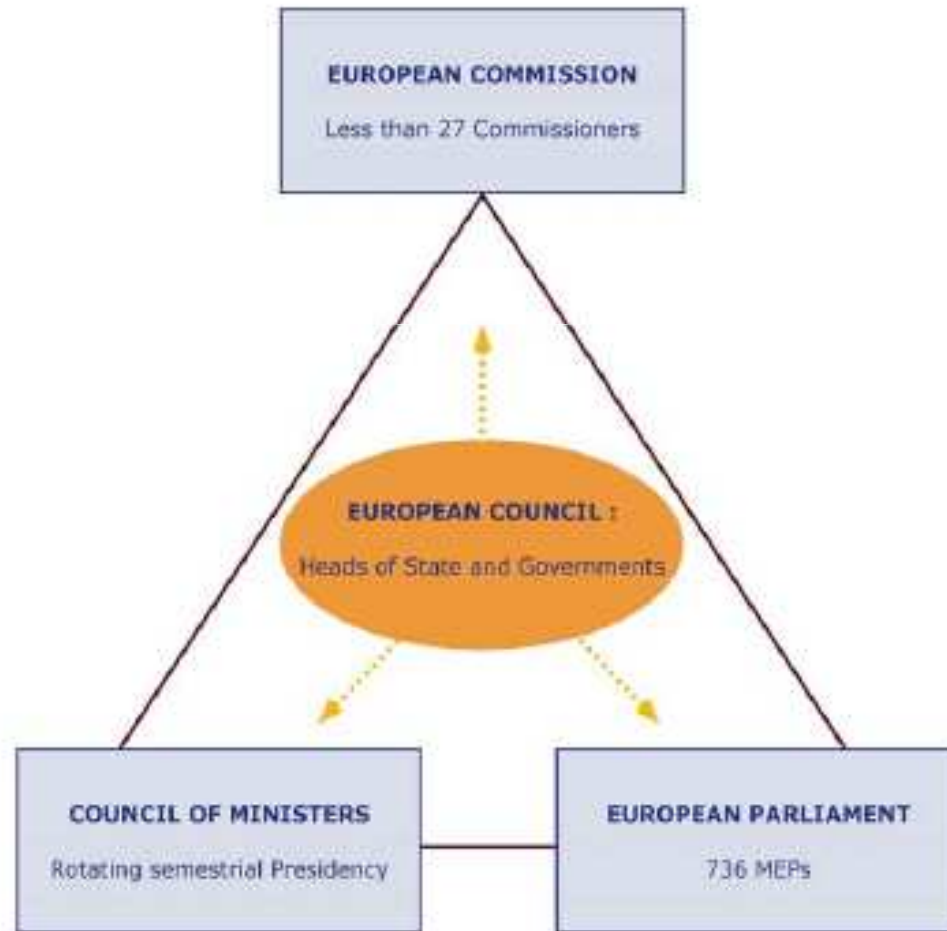
- **New European competencies (sport, space, tourism)**
- **Agriculture in co-decision**
- **Legal personality of the EU**
- **The right of petition**



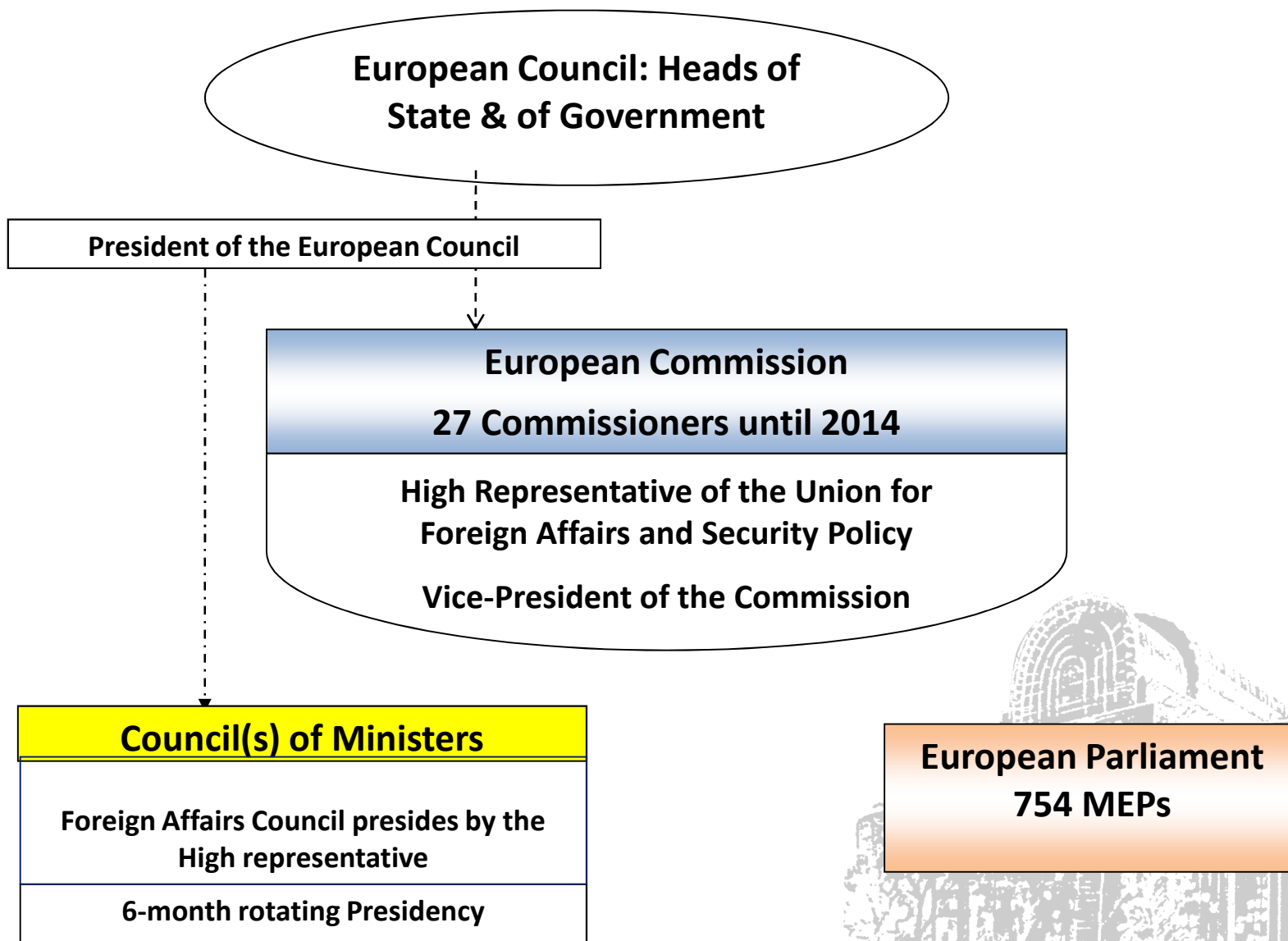
BUT...

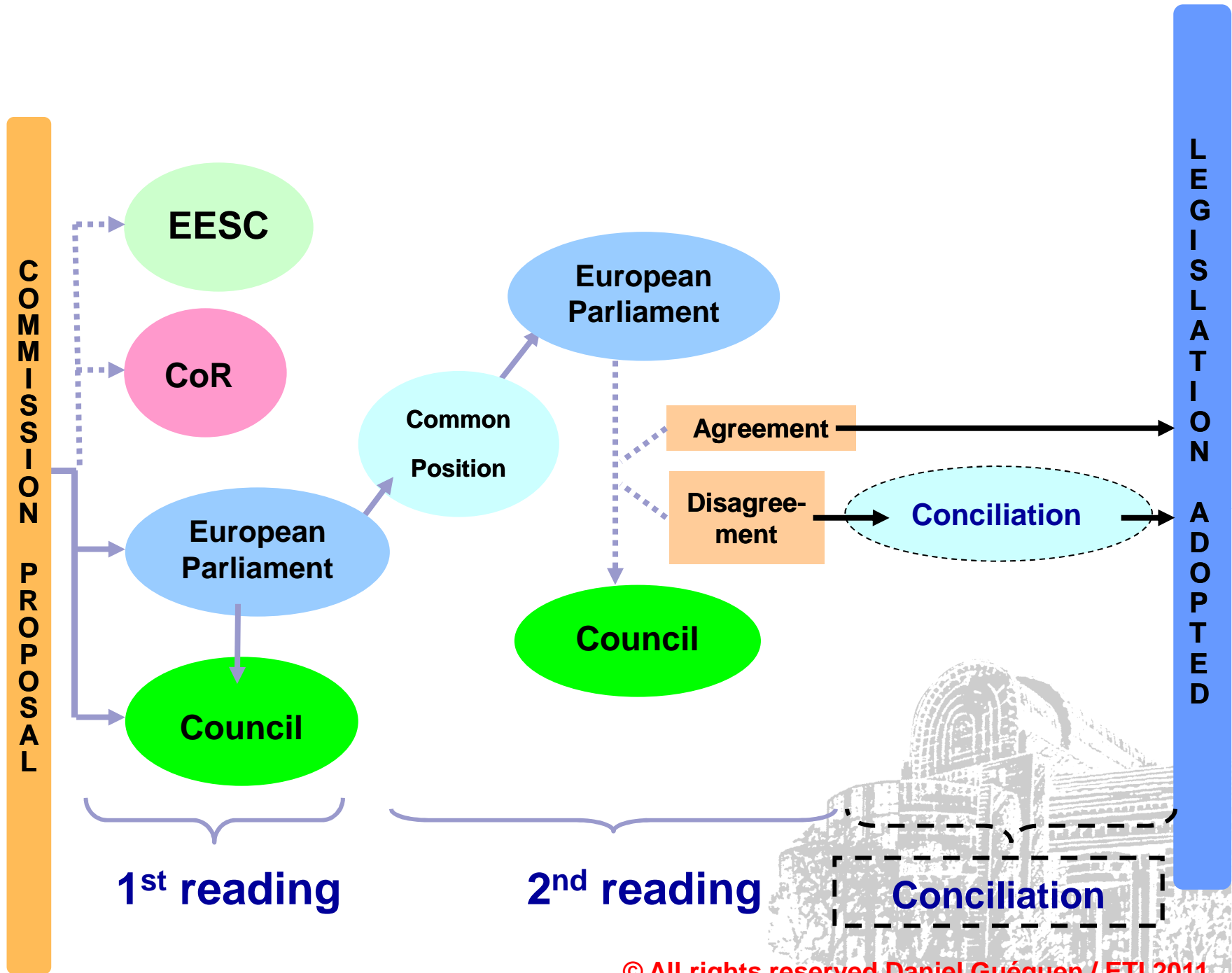


Nice Treaty

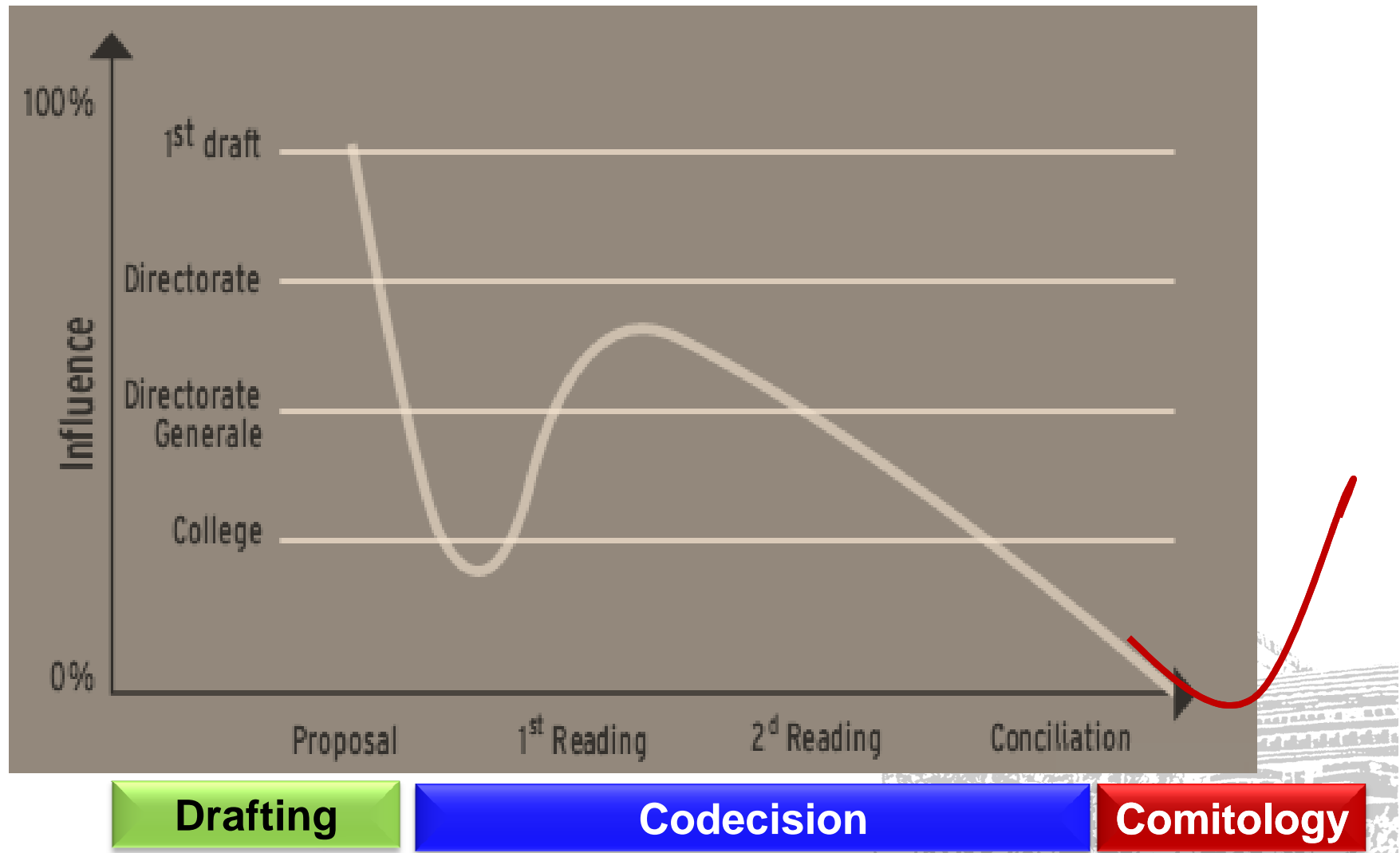


Lisbon Treaty

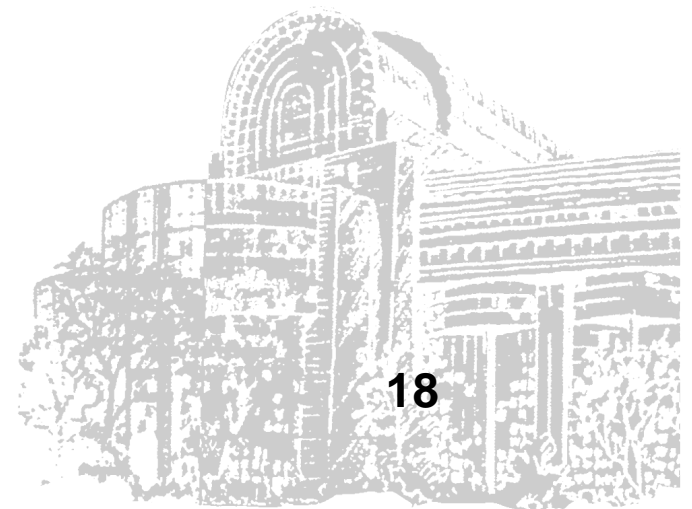




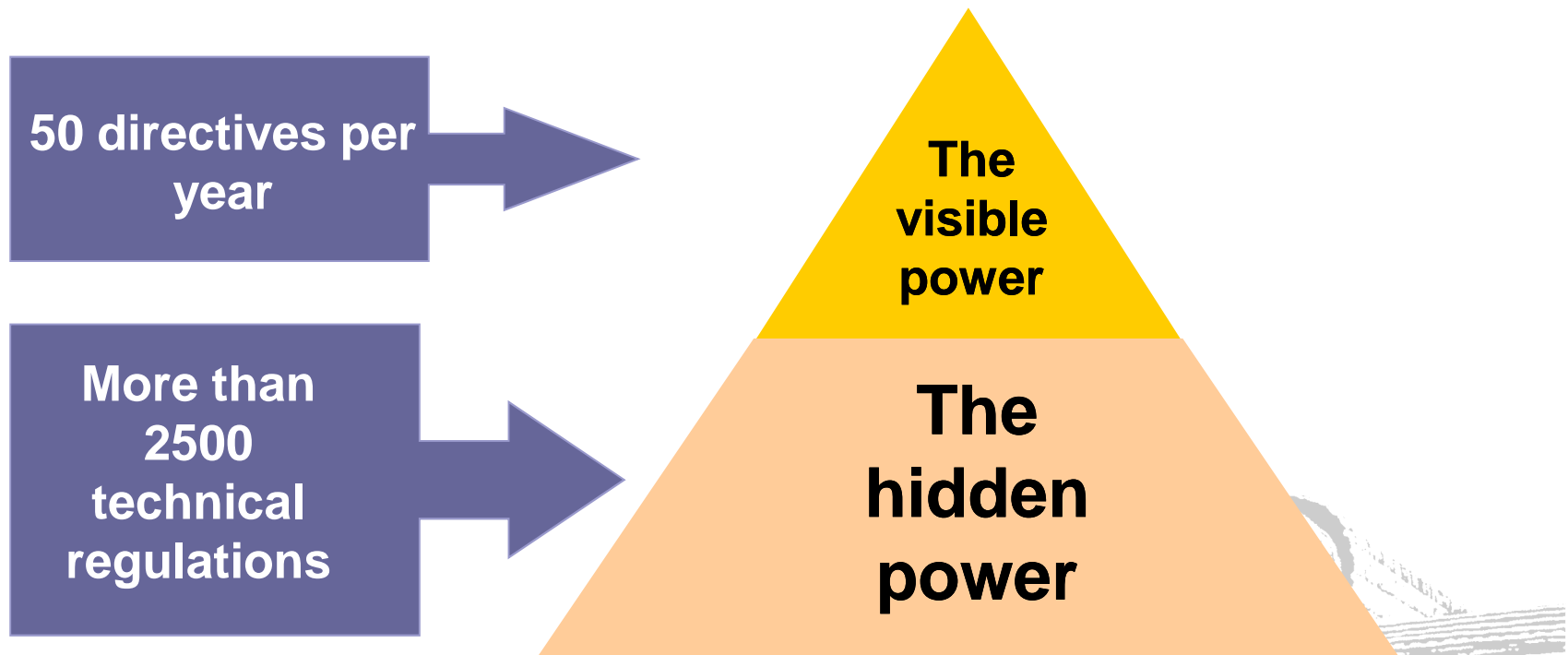
Key points for influence



The impact of the Lisbon Treaty on comitology



The institutional triangle is only one part of the system



Intervention is essential at both levels

EU Legal Order

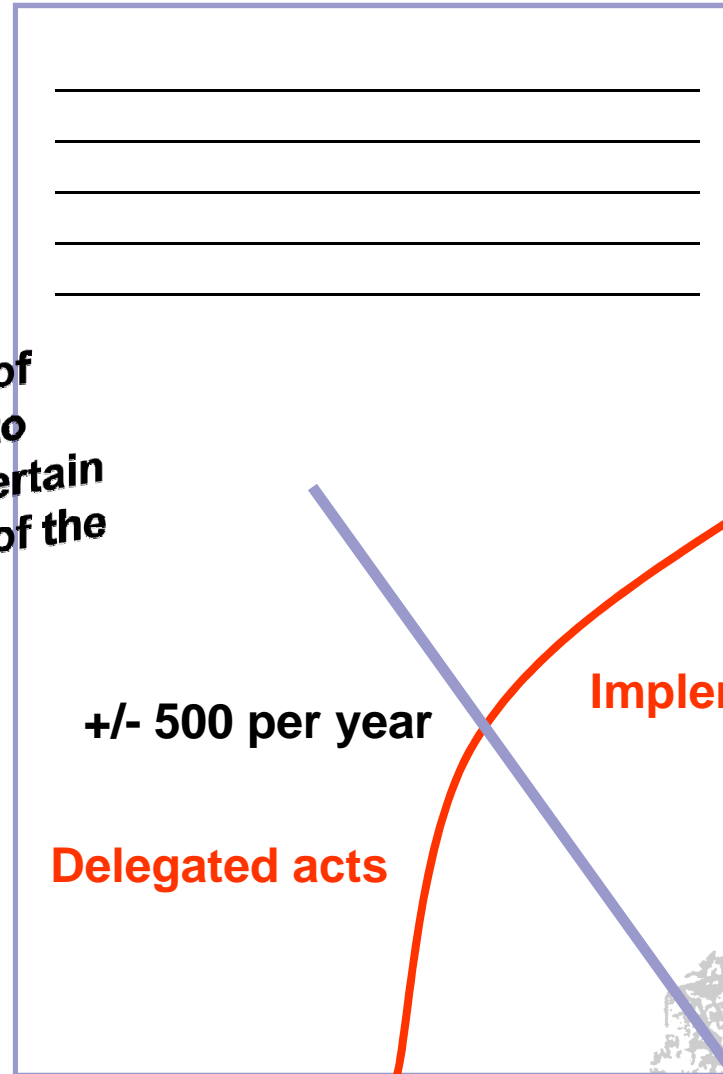
- **Level 1: Basic Legal Acts**
- **Level 2: PRAC + Delegated Acts**
- **Level 3: Implementing Acts**



Distinguishing delegated from implementing acts

Framework Directive/Regulation

Delegated acts:
non-legislative acts of
general application to
supplement or **amend** certain
non-essential elements of the
legislative act

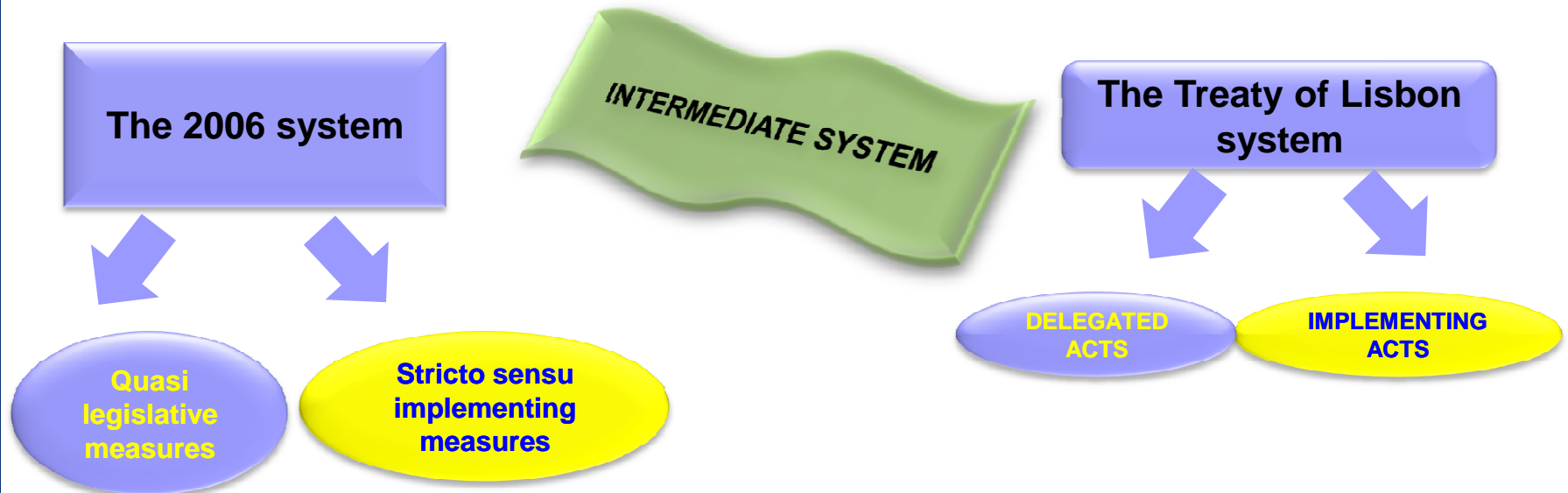


Delegated acts

Implementing acts

+/- 500 per year

3 co-existing systems

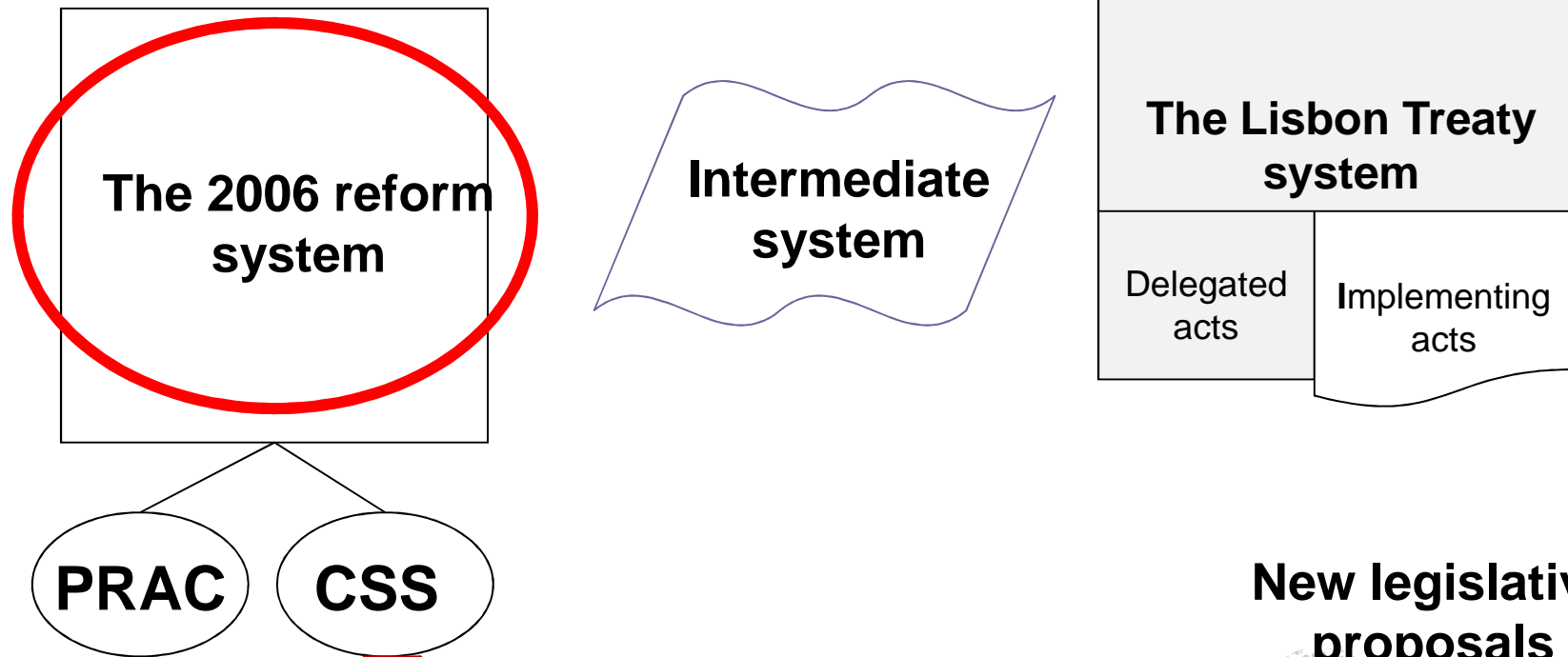


e.g. REACH,
Regulation on plant
protection products

e.g. IED, WEEE&RoHS, energy
performance in buildings, soil
protection, food labelling, ...

new legislative
proposals

3 co-existing systems



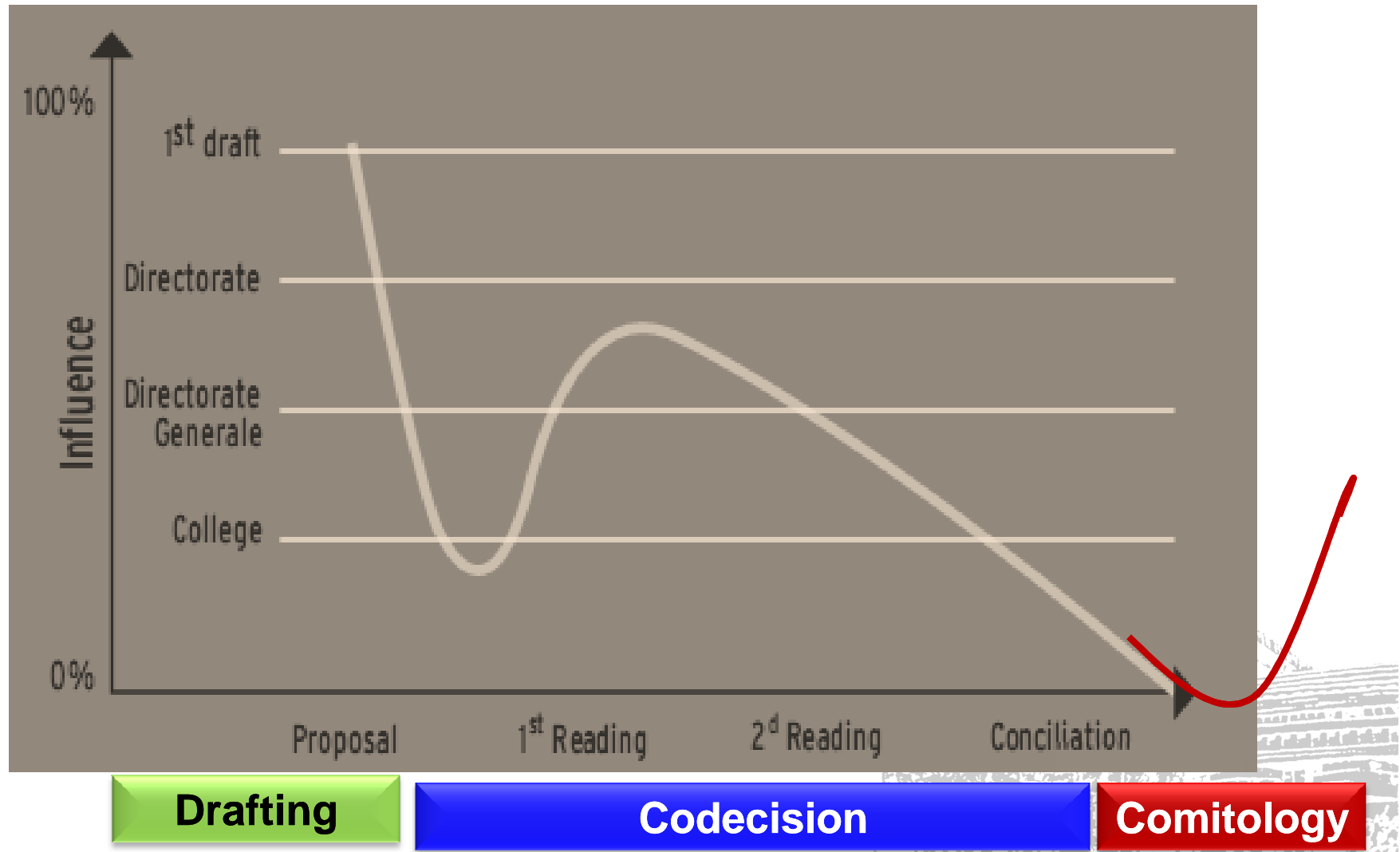
New legislative proposals



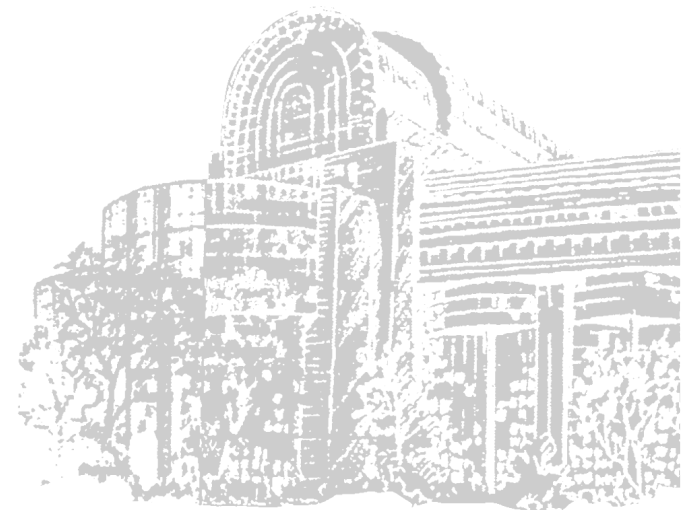
Threat or opportunity for lobbying?



Comitology – an opportunity for influence



BUT...

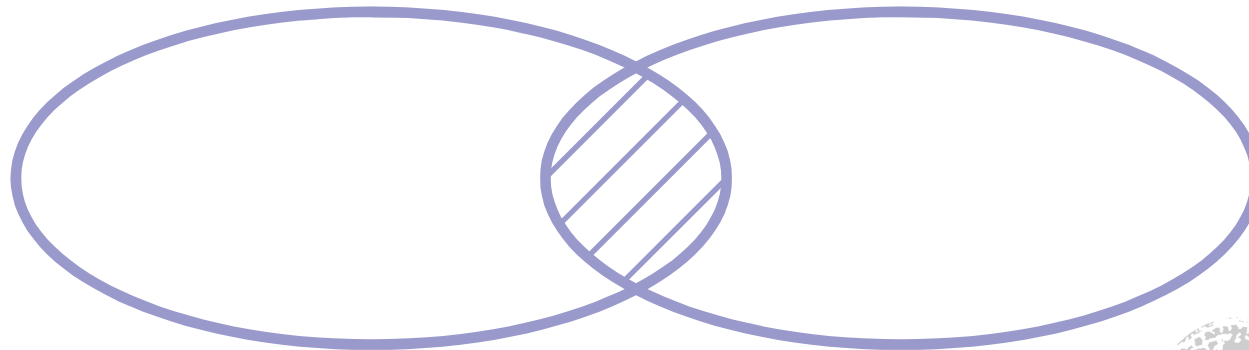


- Be an expert in comitology post-Lisbon
- Know which system applies to which text and understand how it works
- Establish an updated grid of EU contact persons for the pre-Lisbon, post-Lisbon and intermediate system
- Monitor ongoing legislative processes closely
- Assess with the decision-makers the possibilities of a new screening process
- Lobbying action: upstream
- Communication: part of lobbying



Communication

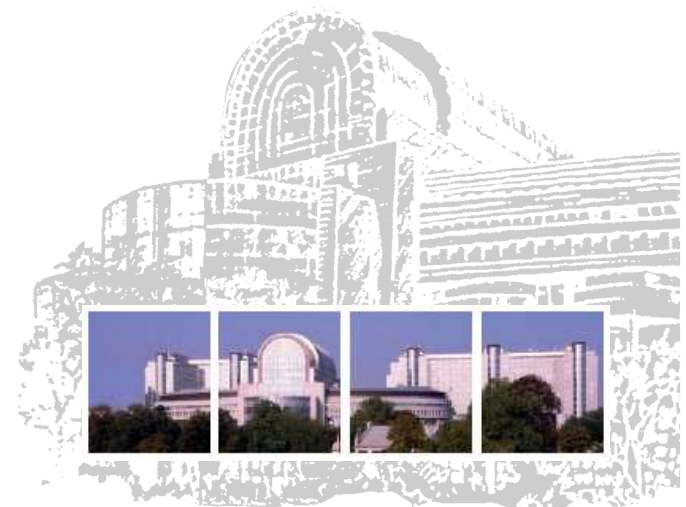
Communication & lobbying



Fully integrated



How to set up and implement a lobbying strategy at EU level



The Brussels landscape (1): officials

➤ European Commission	25.000
➤ European Parliament	4.000
➤ Council of Ministers	4.000
➤ Economic & Social Committee	
Committee of Regions	1.000
➤ Permanent Representations	2.300
➤ National experts	3.000
➤ Translators	6.000

**45.000 officials involved in
the EU decision-making process**

**Huge power
Technicians
European
Proactive**



The Brussels landscape (2): stakeholders

➤ Business associations	5.000
➤ NGOs	4.000
➤ Companies	2.500
➤ Lawfirms	2.500
➤ Consultancy firms	1.000
➤ Regional bodies	2.500
➤ Press	1.000

**18.500 stakeholders involved
in the EU decision-making process**

**Fragmented
Reactive
No dialogue
No communication**



75.000 actors involved in the EU decision-making process

45.000
officials



Huge power
Technicians
European
Proactive

18.500 stakeholders



Fragmented
Reactive
No dialogue
No communication

Officials and stakeholders do not speak the same language

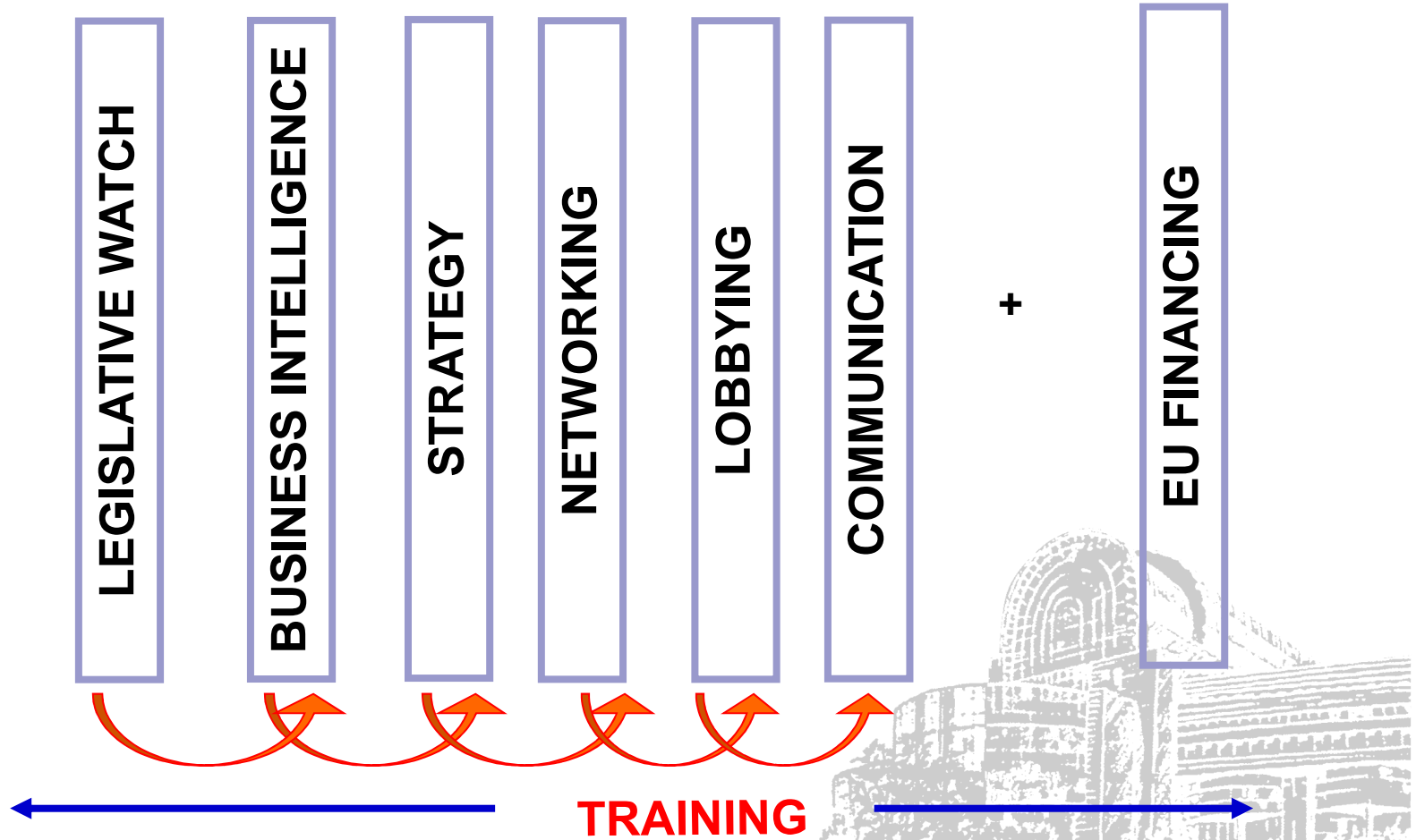
**This means that
Public Affairs practitioners have
to
radically adapt their practices.**



**First of all,
let's have a look
at what is at stake!**



The 7 dimensions of European Affairs

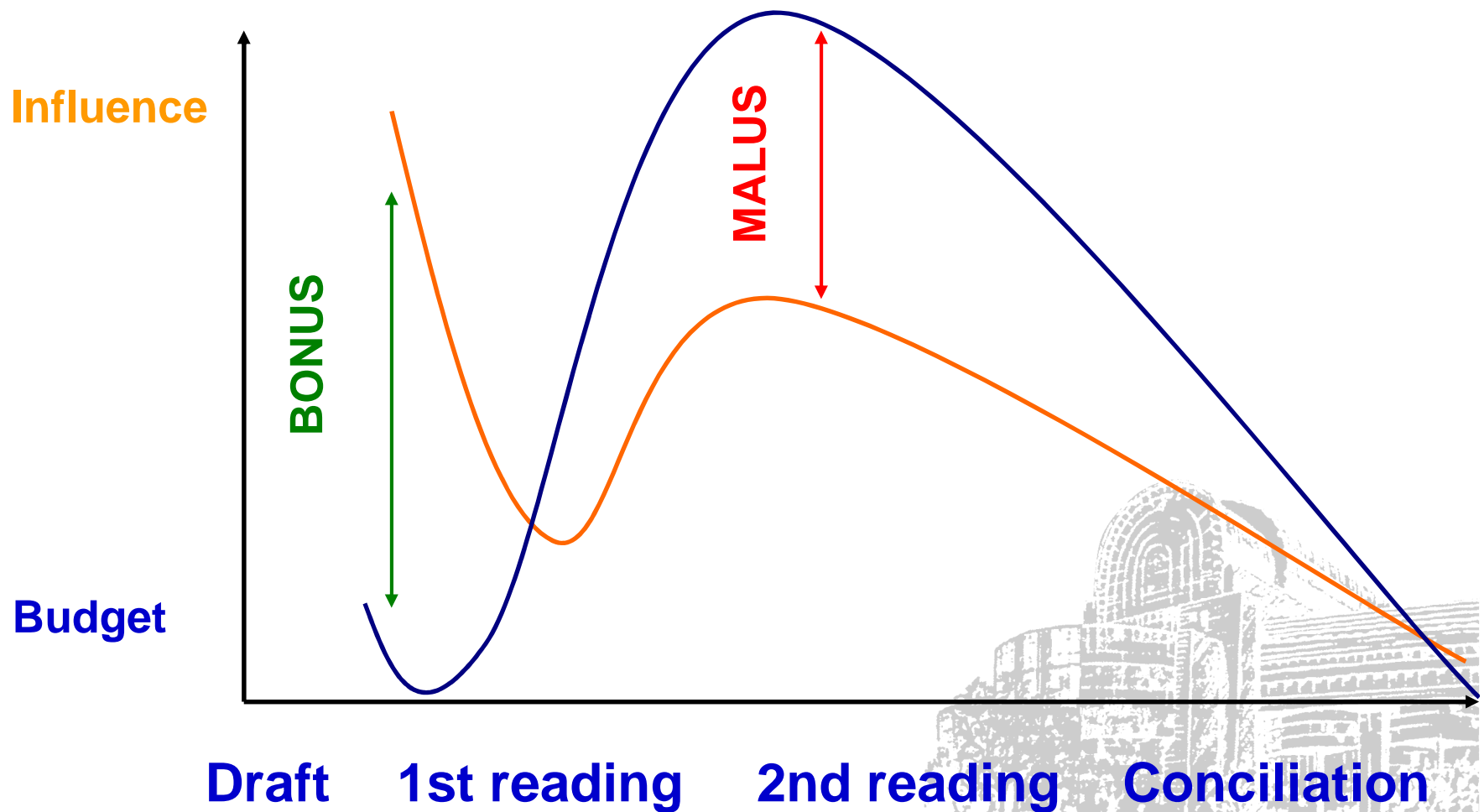


4 Messages



First Message

For Lobbying: Anticipation is Key



Second Message

Lobbying strategies affect the bottom line as much as marketing



I lobby to modify a EU legislation in a positive way for my business

Third Message

Information
obtained at the
earliest stage



To which extent does
this draft regulation
affect my business?

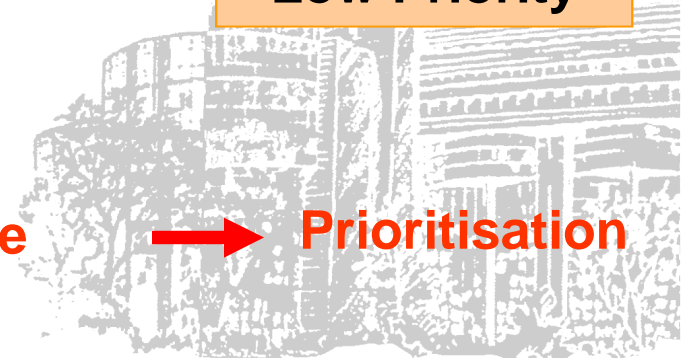
Big Impact
=
High Priority

Low Impact
=
Low Priority

Anticipation →

Measurement of the
impact

→ Prioritisation



Fourth Message

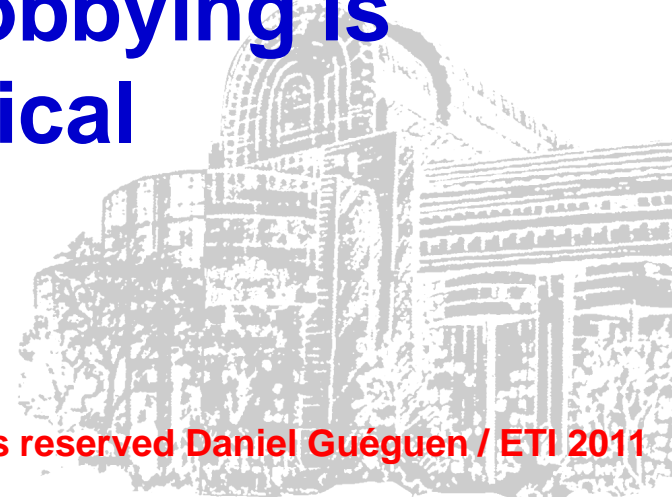
National lobbying and European lobbying have nothing in common:



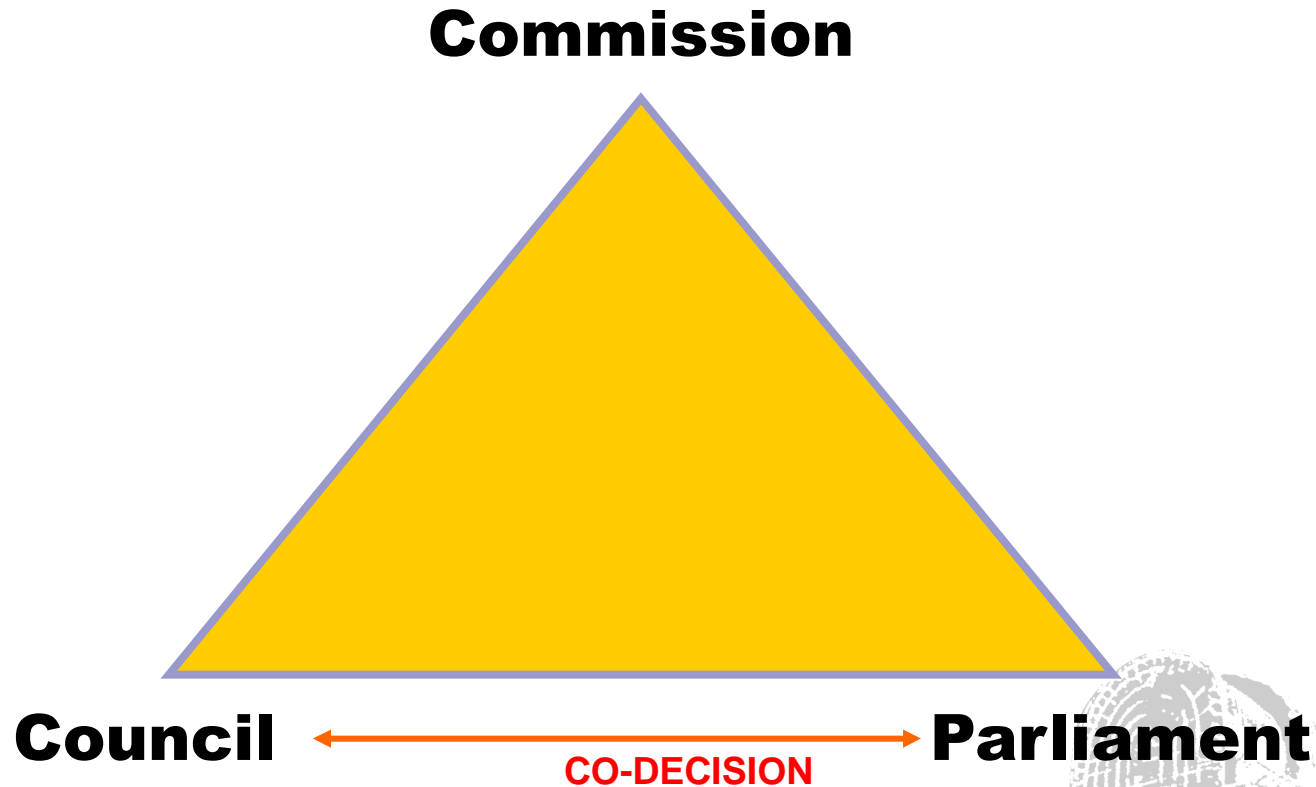
National lobbying is political



European lobbying is technical



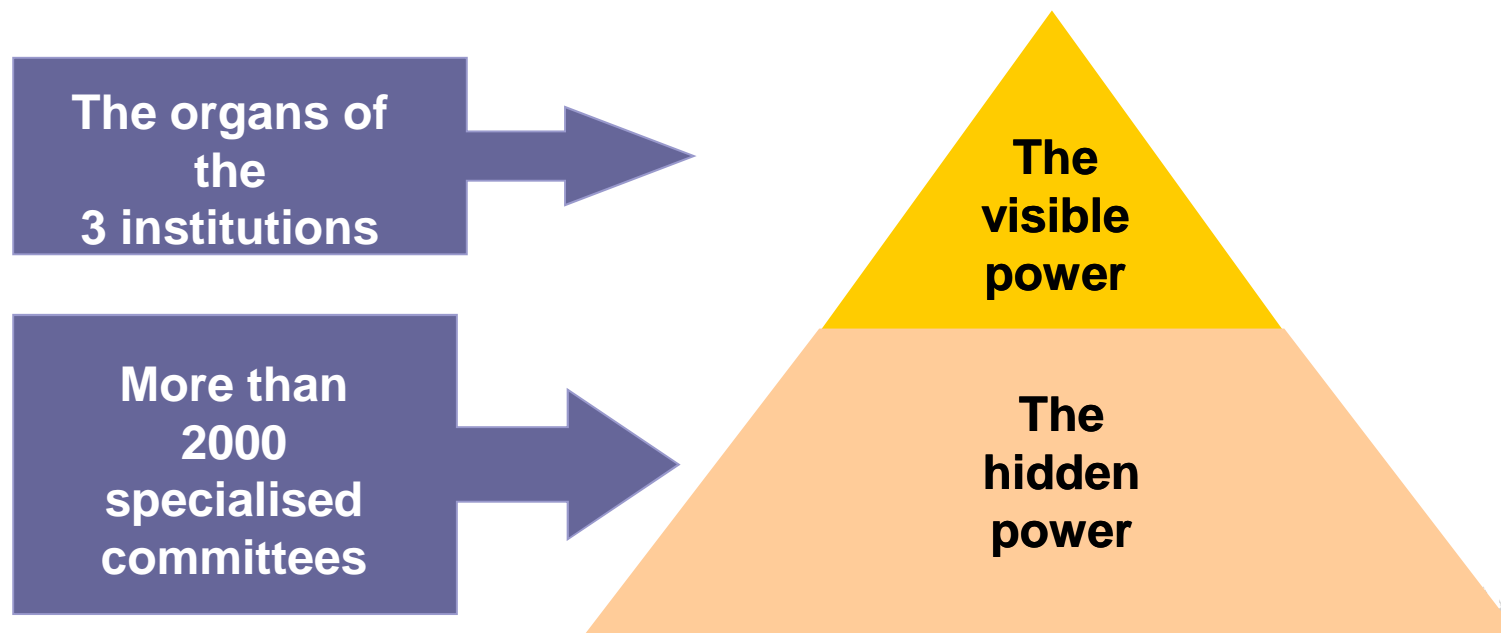
The institutional triangle



The 3 institutions are equally important

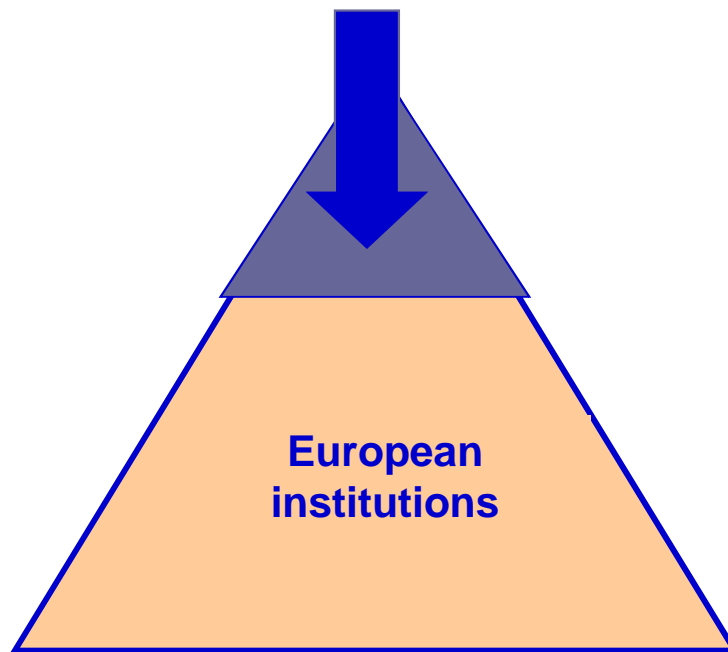
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The institutional triangle is only one part of the system



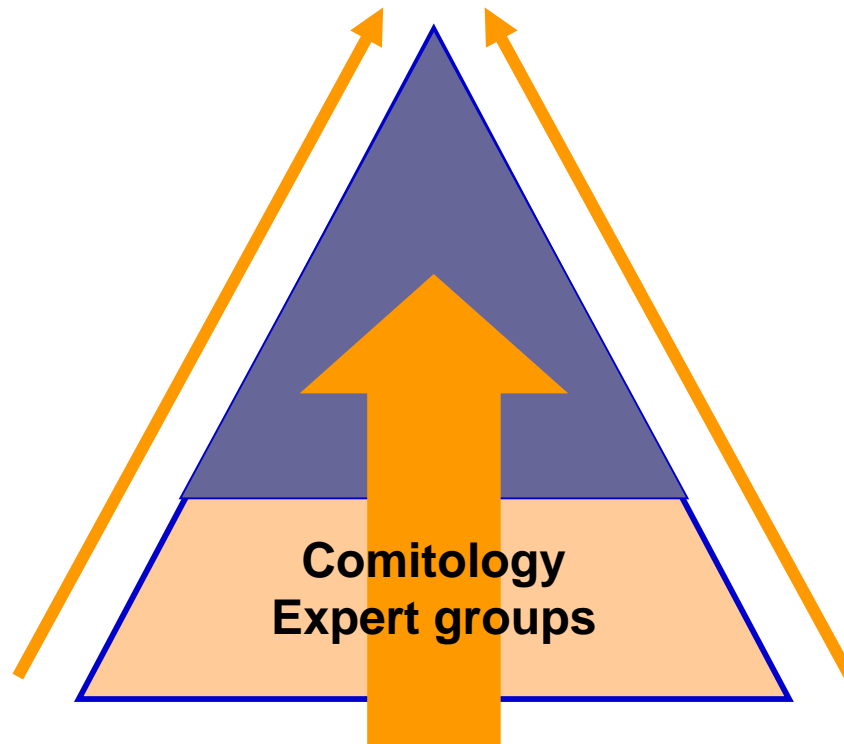
Intervention is essential at both levels

The 'top-down' approach



- Hierarchical approach with decision makers at the highest level
- Technical experts on the sidelines
 - Late intervention
- Debate too politicised

The 'bottom-up' approach



- Working with experts behind the scenes
- Intervention at a very early stage
 - Still possible to modify proposals
- Intervention is based on expertise



Definition of a lobbying strategy

1. Analysis of the constraints

Constraints of calendar

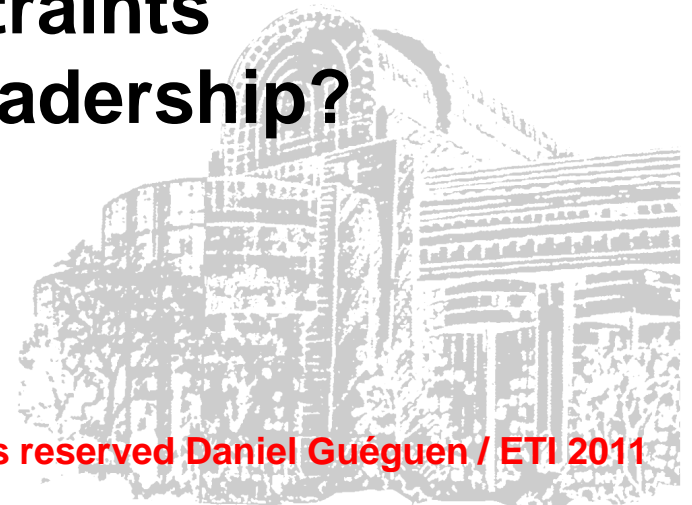
Limited margin of manoeuvring?

Credibility of the arguments?

Your representativity?

Financial constraints

What about your leadership?



Definition of a lobbying strategy

2. Choice of the strategy

	Negative	Defensive	Reactive	Proactive
SOFT				
HARD				

What about your network?

Never twice the same lobbying case

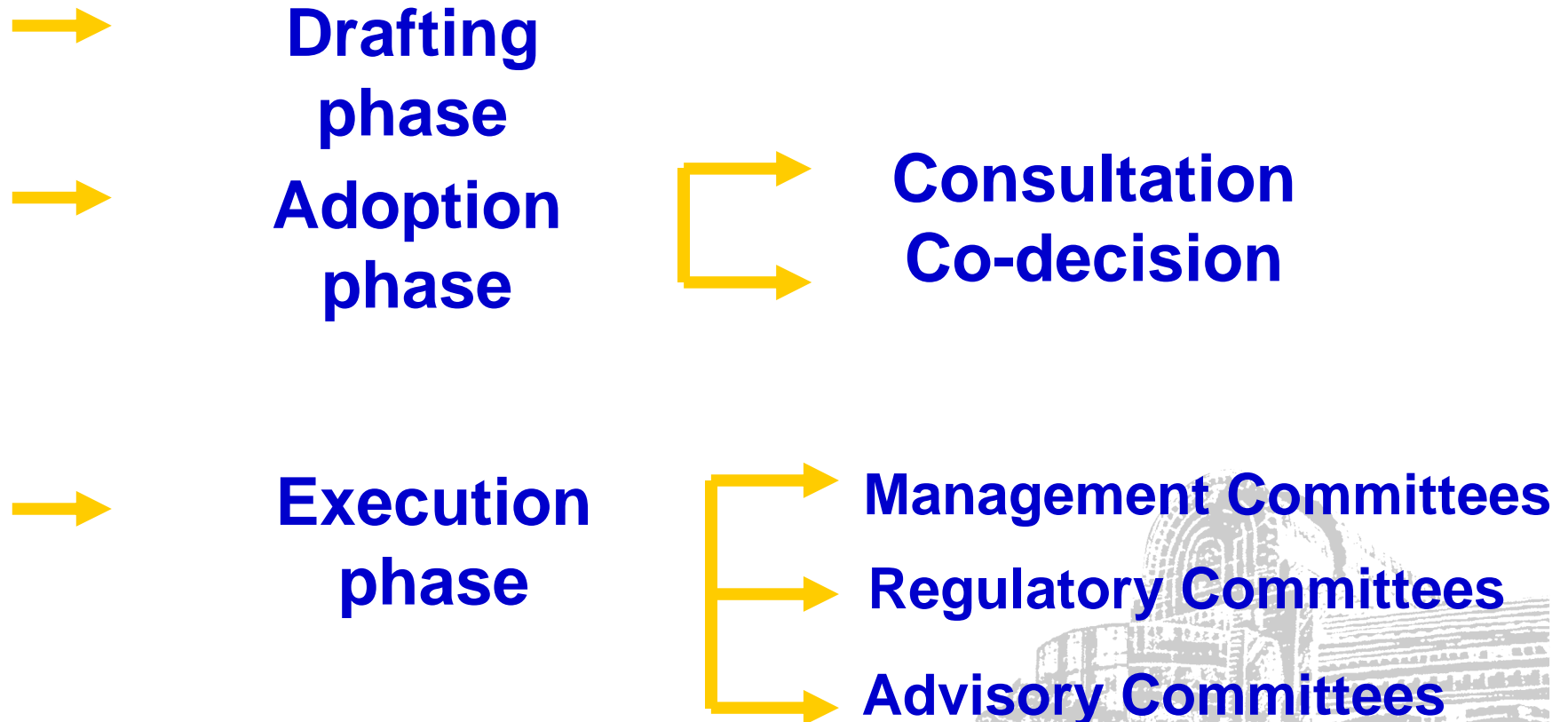
Never twice the same network

Establishing an efficient network is key

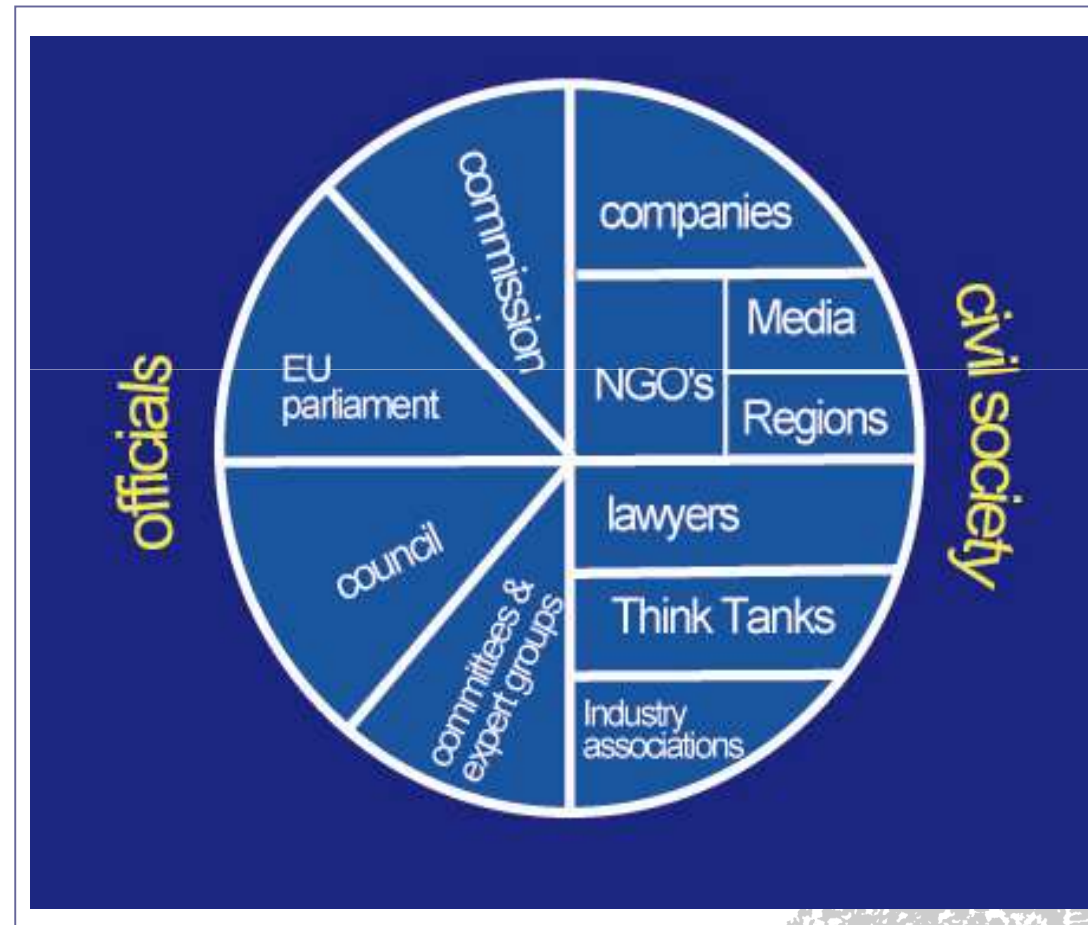
**Better a small well-targeted network
than a huge heteroclit network**



The network depends on the procedure:

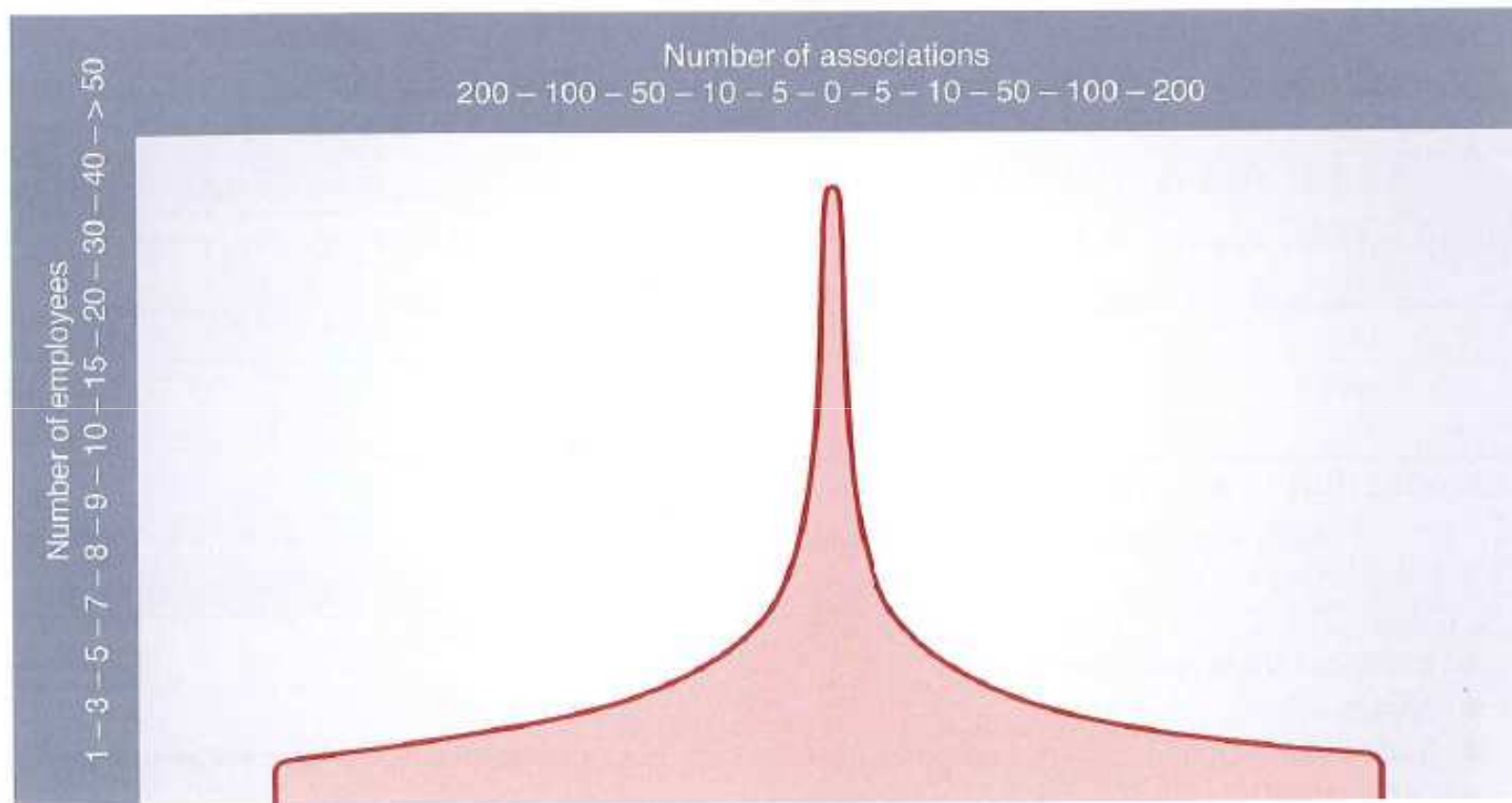


A global network

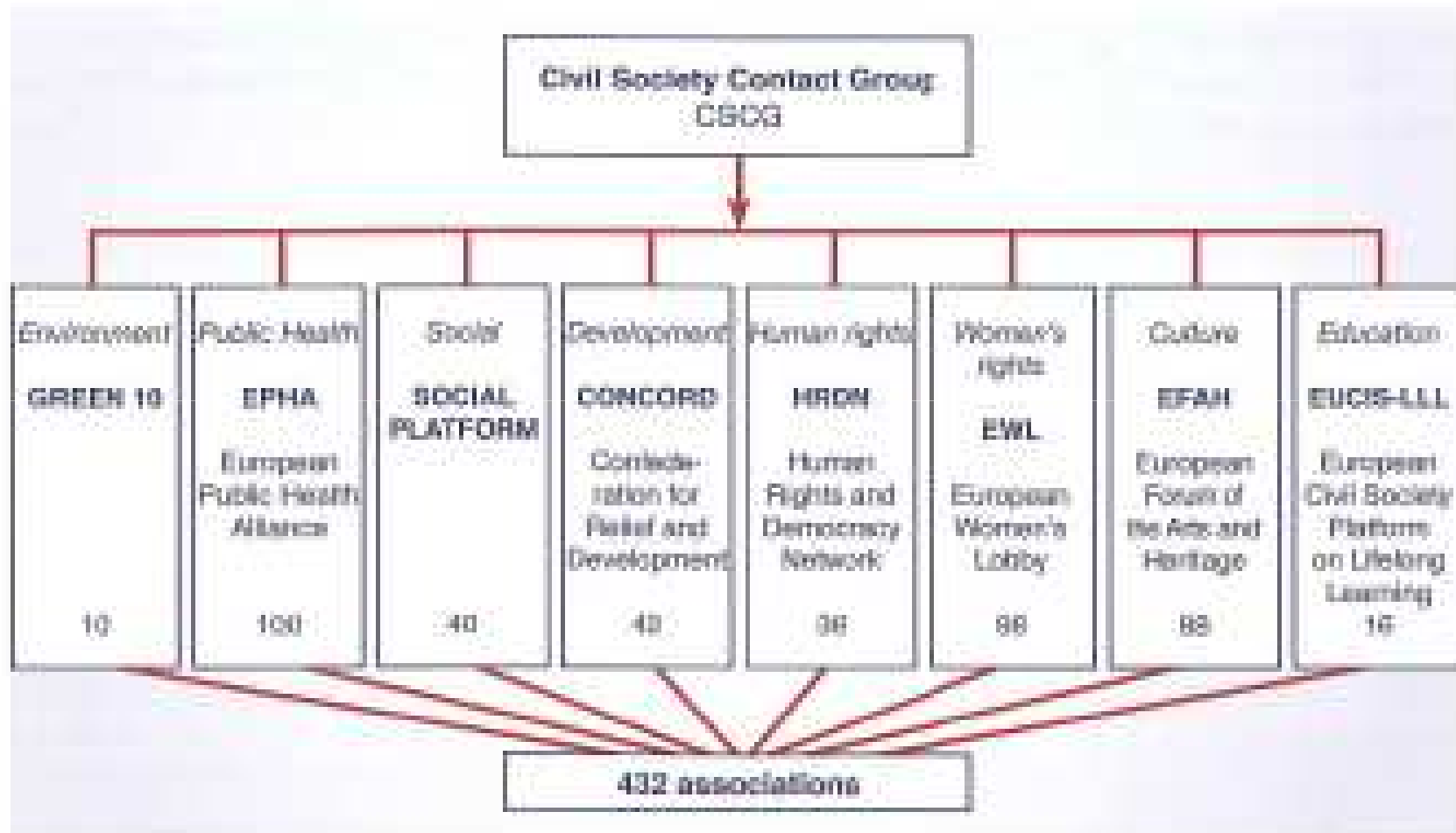


1. An overview of the European trade associations in Brussels

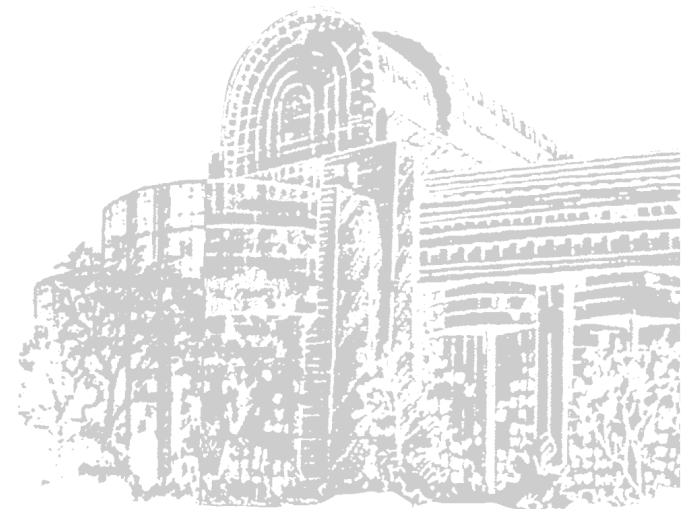
A fragmented picture



The above graph is particularly enlightening. It shows that there is a multitude of trade associations in Brussels, which are on average very small (and hence an important percentage of micro-structures).



What about a coalition?



80s

European professional association

National professional association

Company A

Company B

Company C

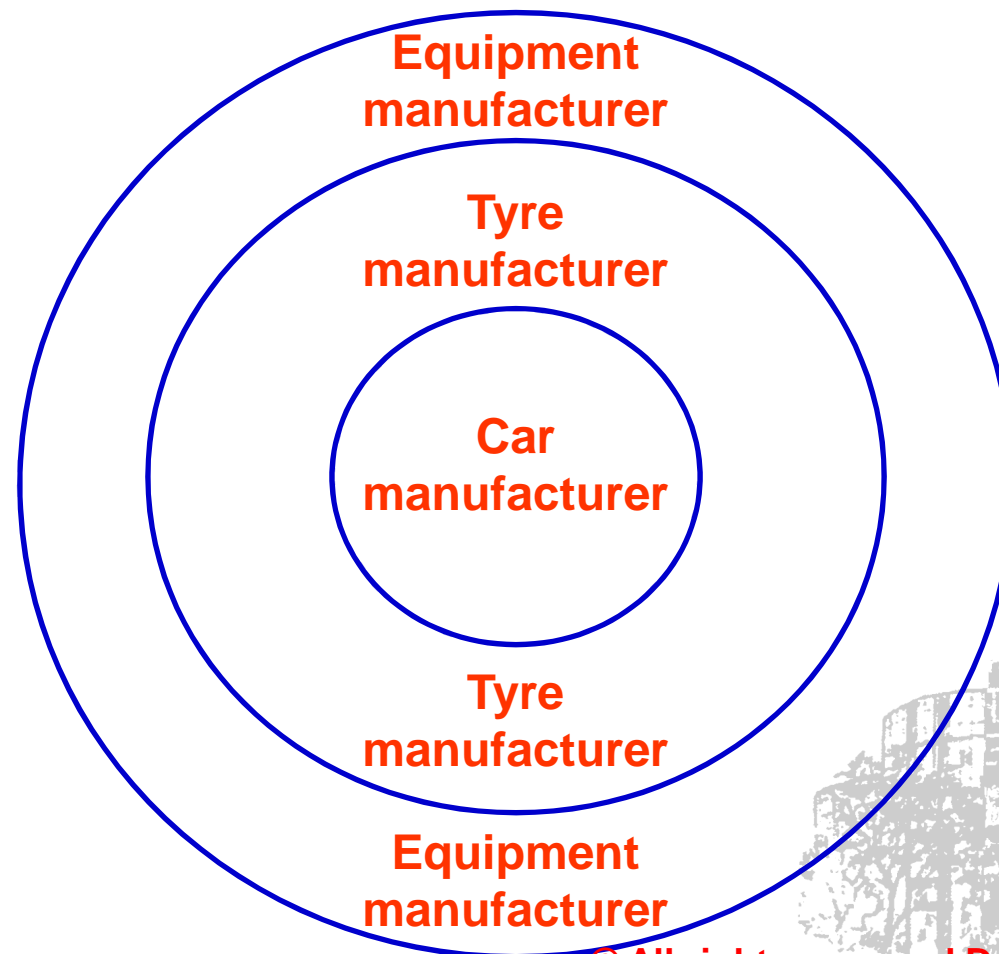
National professional association

Company X

Company Y

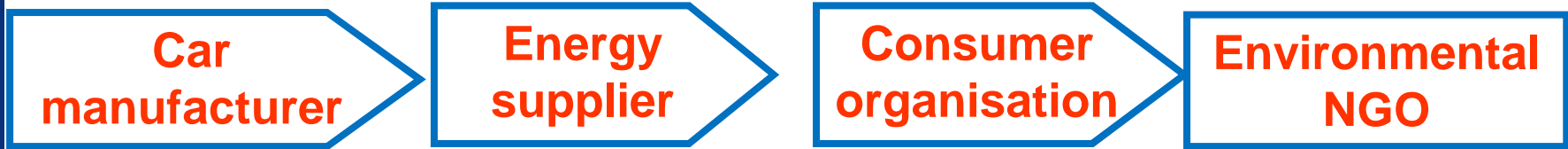
Company Z

90s: Concentric lobbying: different market segments lobbied together



Lobbying today:

Horizontal lobbying actions:
different stakeholders work together



Transversal dialogue & actions



The key words for an efficient lobbying:

- **Anticipation**
 - **Pro-activeness**
 - **CREDIBILITY**
 - **TECHNICALITY**
 - **Methodology**
 - **Adaption to the circumstances**
 - **Extreme WILLINGNESS to win!**
- ← ← **Already emphasised**



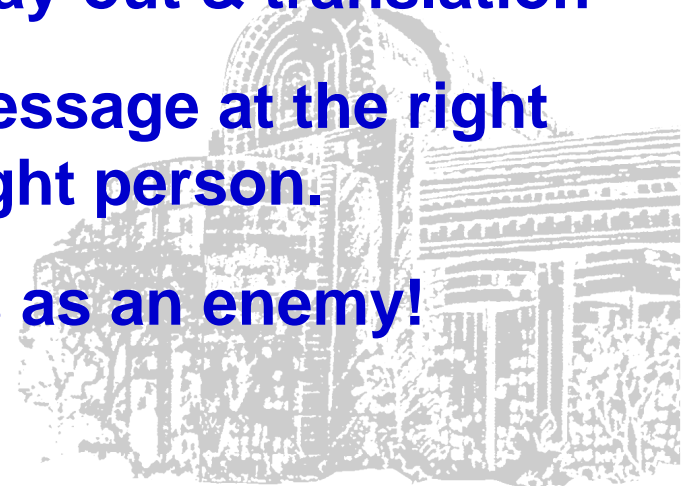
Technical tools for a successful lobbying:

- Position paper**
- Draft amendment**
- Face-to-face contact**
- Round-table (transversal dialogue)**
- Press releases**
- Press conferences**



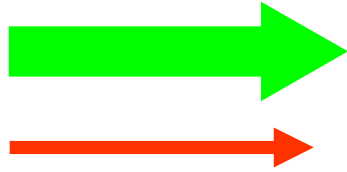
Lobbying and communication are closely linked:

- Any lobbying strategy has a communication dimension**
- Communication means the capacity to explain clearly complex concepts**
- Good communication = clear and short documents, professional lay-out & translation**
- Need to send the right message at the right moment, to the right person.**
- Don't consider the press as an enemy!**

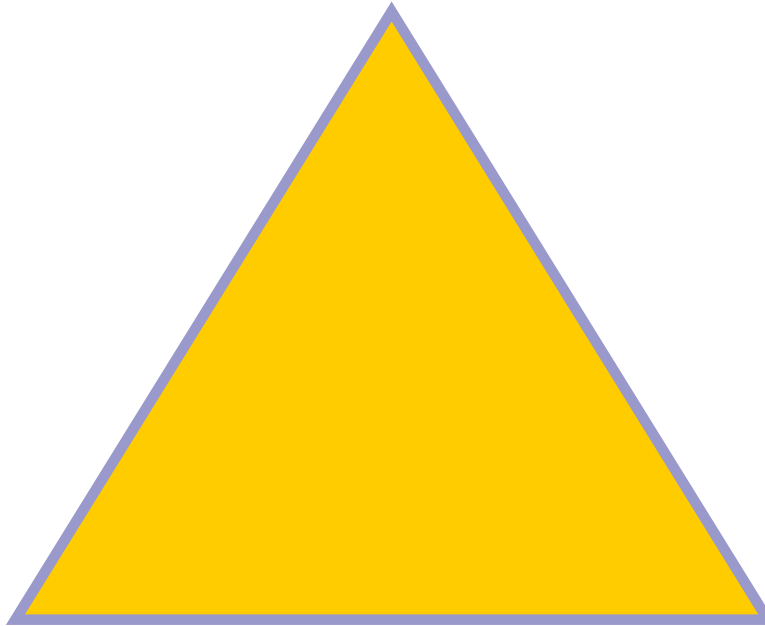


**Efficient lobbying:
A combination of
European
and national lobbying**



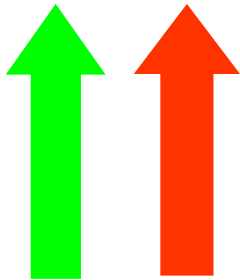


Commission



**European
Parliament**

Council

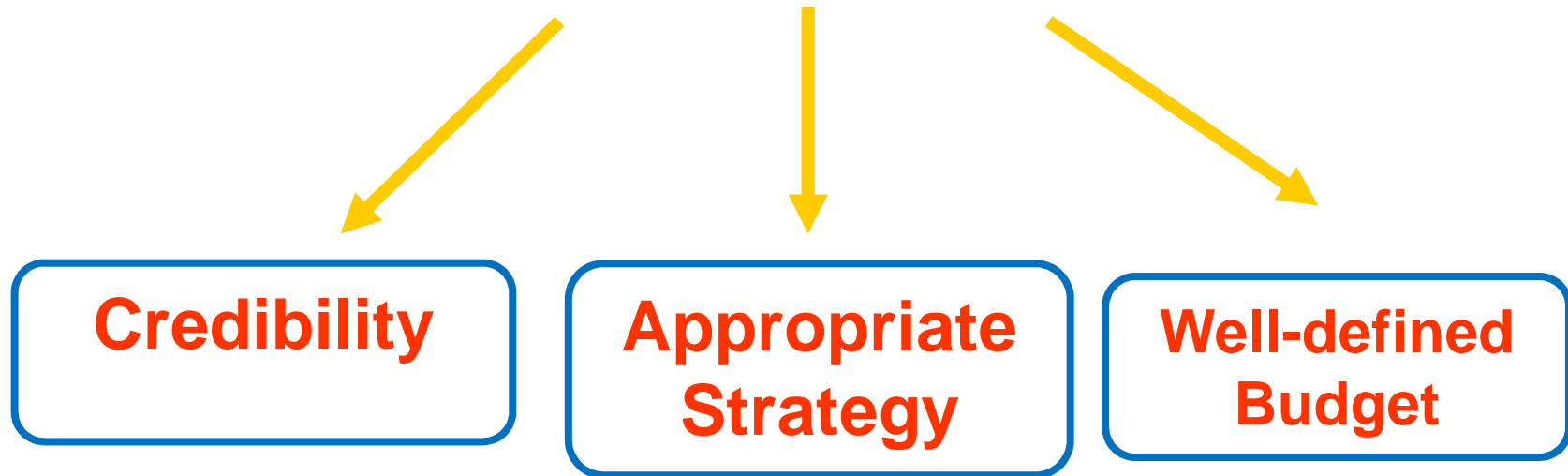


 **European level**

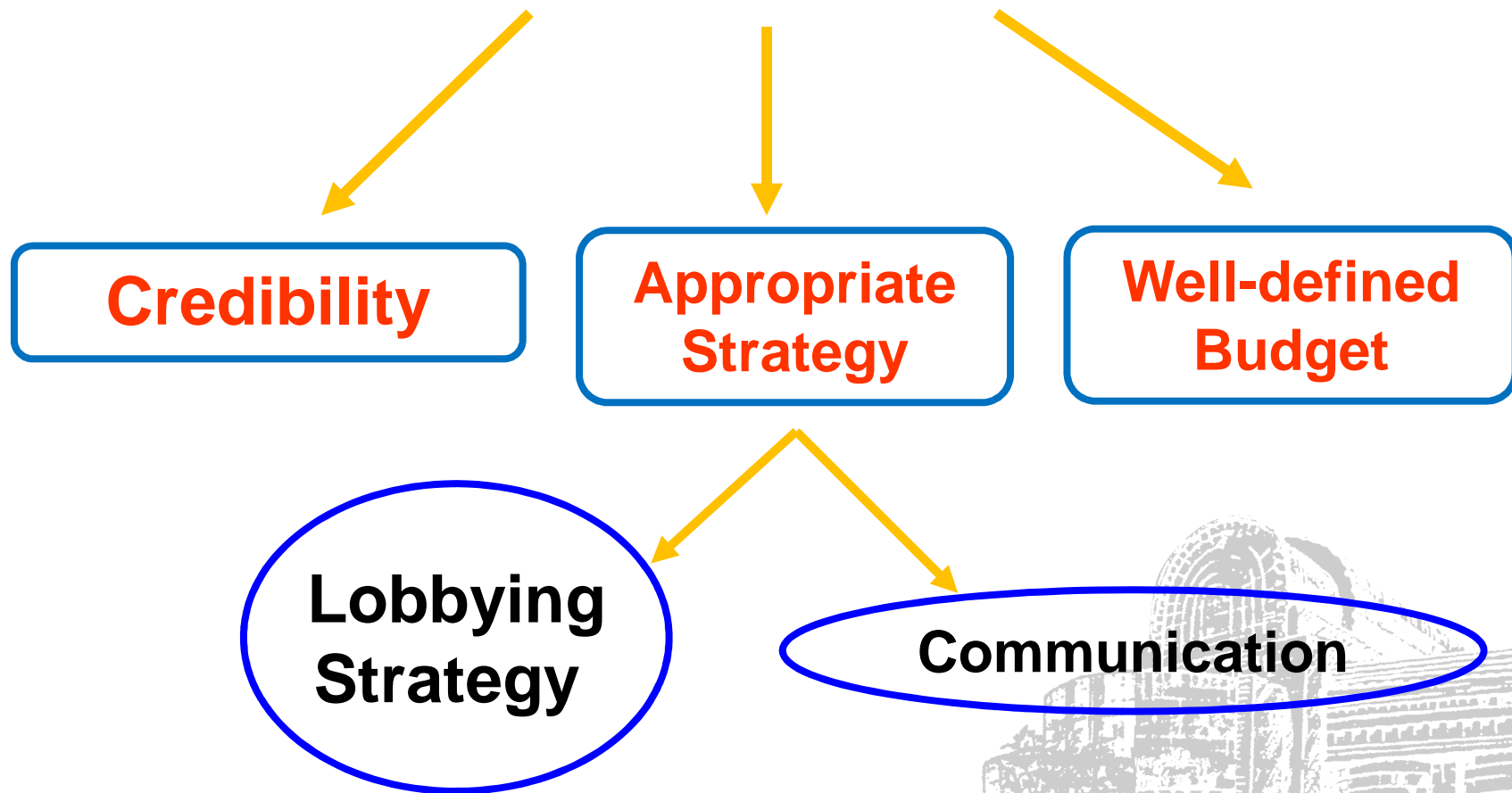
 **National level**



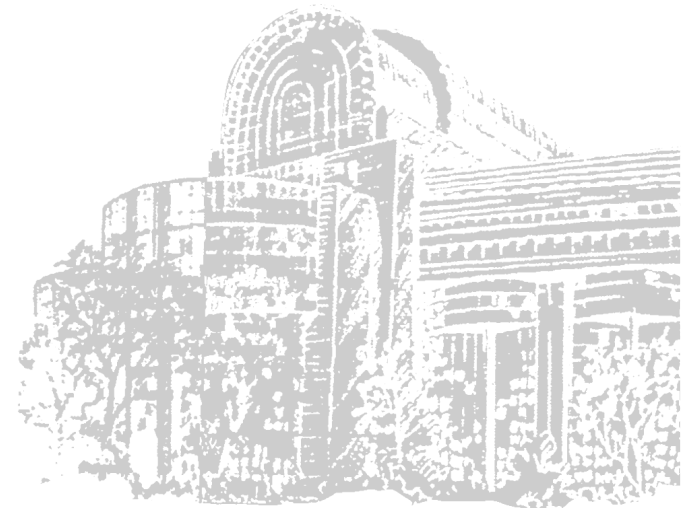
The key to successful lobbying



The key to successful lobbying



What about tomorrow?



In the coming years, the margins for influence will remain and even increase, but be sure we are in the stone age of European Public Affairs.



- 
- **More frame directives**
 - **More Comitology**
 - **More technicality**
 - **More credibility**
 - **More communication**



**Tomorrow, the golden rules for
influence will be based on
professionalism.
There will be no room for amateurism.**

