

Interest groups and influence in European institutions: The case of the 2014 tobacco products directive

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I would like to express my sincere gratitude to my advisor Prof. Pierre Baudewyns for his guidance and support.

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Summary: The aim of this paper is to analyse interest group interactions with EU policymakers for the case of the Tobacco Products Directive revision that took place between 2009 and 2014. This analysis is done through the prism of the Advocacy Coalition Framework, adopting as a research method a mix of the preference attainment method, and process tracing. The effects of three variables on interest group influence are studied: relative coalition size, resources, and coordination and coherence of objectives within advocacy coalitions.

Key words: EU institutions - Lobbying – Tobacco Products Directive – Advocacy Coalition Framework – Preference Attainment Method – Process Tracing

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INTRODUCTION

“The most common profession in Brussels is lobbying.”¹ Brussels is, after Washington DC, the worldwide capital of lobbying, and the number of lobbyists present in Brussels is only ever increasing. The term ‘lobbying’ often carries a negative connotation, not necessarily without cause. Many have not forgotten about the numerous excesses of lobbying getting intertwined with corruption. Examples of such cases are legion, but one of the most mediatized was the case of three Members of the European Parliament that fell in the trap of journalists of the *Sunday Times* that were pretending to be lobbyists proposing gifts of €100 000 in exchange of amendments favourable to the banking sector. (Degain, 2013, p. 58; Robert, 2017, p. 18)

In the same time, aren’t lobbyists also effective facilitators, information providers, and ultimately problem solvers? Lobbying is a critical profession in a society that is increasingly globalized and complex, because they provide policymakers (who are usually not elected for their technical competences, but rather through their political affiliation and societal notoriety) with expertise, they are often the ones who shed light on complicated technical aspects of legislative projects.

Subsequent questions then emerge from such interrogations: what is lobbying, if it isn’t the same as corruption? How does lobbying concretely occur? Through which actors, channels, and strategies does it take place? From a scientific point of view, a very serious and troublesome question remains concerning the methods available to measure influence as well. Indeed, can effective influence be truly measured, and can the explanatory factors that have an effect on influence be identified? In order to narrow down the scope of this thesis, a specific case study and environment was selected: the revision process of the tobacco products directive (2014/40/EU) within the European institutions.

The research topic of this thesis is the following:

To what extent and how do interest groups influence decisions made by European Union policymakers? Case study of the revision process of the tobacco products Directive (2014/40/EU)

¹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

The social and scientific relevance of this topic are unequivocal. On one hand, concerning the social relevance of this research, lobbying is a profession often surrounded by a hazy aura radiating mistrust and corruption, while being a profession of the utmost importance in modern democracies. In reality, lobbying is not quite the same as corruption, and it is relevant to dispel the doubts over such accusations. This paper will effectively question the relevance of interest groups in the political decision-making process, and provide answers on their utility but also their dangers.

Moreover, the case study analysed hereafter is the tobacco products directive (TPD): according to the European Commission, tobacco is the Union's largest preventable cause of death, claiming approximately 700,000 lives within the EU every year.² It is therefore socially relevant to examine the lobbying activities occurring around such an important public health topic. It is worthwhile to study who the relevant actors involved in such matters of high importance are, and how they operate to achieve their goals.

On the other hand, the scientific relevance of the topic is likewise robust: influence and lobbying are topics on which the current literature is far from saturated and exhaustive, but rather is still emerging and developing, especially on the eastern side of the Atlantic Ocean. In other words, influence is a rich field of study that still has a lot of answers waiting to be unravelled. Besides, the case study of the TPD revision is extremely interesting because to the contrary of popular belief, established, giant, wealthy tobacco corporations are to some extent losing a lobbying and influence battle against a more recently established coalition of health advocates. The question that springs to mind is **how?** The ambition of this paper is to answer this question, at least partially.

Methodologically speaking, researching influence is challenging due to its elusive nature: scholars often look for tangible proof of 'influence', but rarely find evidence of it. Empirical literature remains fairly mixed in terms of finding evidence that organized interests truly influence policy. Indeed, "the lobbying environment is one governed by uncertainty in goals, means and, especially, the relationships between them." (Lowery, 2013, p. 2)

The solution that was adopted in this thesis to strengthen its claim on studying influence was to combine two methods used to measure interest group influence: the preference attainment approach, and process-tracing. The former seeks to compare the policy preferences of interest

² https://ec.europa.eu/health/tobacco/policy_en, accessed 15th of August 2017.

groups with the policy output in order to conclude who the winners and losers of the policy process are. The latter attempts to assess influence group influence qualitatively based on detailed knowledge of cases to detect the causes that led to interest group influence.

The combination of these two approaches is highly beneficial because their complementarity makes it possible to overcome weaknesses that are inherent to the use of only one approach: on one hand, the preference attainment method has the advantage of being based on an objective assessment since it compares the policy preference of groups with the policy outcome, but suffers the disadvantage of black-boxing the process through which influence is exercised. On the other hand, process tracing has the advantage of assessing interest group influence qualitatively based on detailed knowledge of a case, allowing the researcher to detect the actual causes that led to interest group influence, meaning that it actively opens up the black box of the influence process, which the preference attainment method does not. (Beach & Pedersen, 2013, p. 10)

The data used for this case study originate from multiple and varied sources. First and foremost, extensive document analysis (stakeholder contributions, position papers, e-mails obtained via freedom of information requests, transparency register archives) was widely used to dissect the evolution of the TPD dossier in the European institutions, and to detect who the actors involved in this file were, what their positions were, what their resources were, and what their objectives were. Unfortunately, some of the data used, such as numbers on average lobbying expenditures of involved actors are generated by the actors themselves, meaning that some of the data could be skewed. Therefore, another method of data collection was required to increase the robustness of the research. Hence, a reasonable number of interviews was conducted with key stakeholders and actors involved in the process in order to supplement the data retrieved in documents. This second source of data enables the researcher to adopt another perspective on the events that took place, and to open up the black box of the policy process in itself.

The three independent variables that were chosen to attempt to explain lobbying success or failure are the following: relative coalition size, resources, and coordination and coherence of objectives within coalitions. The reason why these three variables were chosen to be studied is because they are often cited as preponderant factors contributing to lobbying success in the current literature: a bigger coalition allegedly has the advantage over a smaller one in a lobbying struggle, a coalition with more resources will supposedly lobby more successfully, and a coalition with coherent and coordinated objectives is more likely to succeed. Yet, in practice, it

is not so certain that these factors exert any kind of effect on successful influence, the dependent variable.

This essay is structured into three distinct chapters. The first chapter aims to brush the overall landscape of what lobbying is, and what the European Union (EU) is. On one hand, a section is dedicated to define what a lobby is, what interest groups are, and what a lobbyist concretely does in everyday life. This section also takes a stance on the role of the profession of lobbying as a whole: is it a useful and beneficial activity or not?

On the other hand, some pages are spent on summarising what the main institutions of the EU are. Essentially, the role, composition, competences, and responsibilities of the various institutions (European Commission, European Parliament, Council) are examined because in order to discuss EU lobbying, knowledge of the specificities of each institution is an unconditional prerequisite.

The last part of the first chapter aims to take a closer look at interest groups at the EU level: how does interest representation in the EU work, is the EU machinery of a pluralist or corporatist nature? This part will also examine what kind of interest groups are active at the EU level, from firms to trade unions, passing through business associations, governmental organizations, citizen groups, research institutes, and non-profit organizations.

The total number of interest groups active at the EU level will also be discussed, and the channels through which stakeholders get represented at the EU level will be examined: the interested entity can lobby in Brussels itself, it can work through a national or a European association, or it can hire a commercial consultant. This mix of methods and channels gives interested stakeholders a large panel of opportunities to make their message heard. Lastly, lobbying strategies available to interest groups will be assessed by discussing the two basic lobbying paths: inside lobbying and outside lobbying.

The second chapter of this thesis presents the research design that was deployed in this study. The dependent variable, influence, will be discussed. An overview of key findings of the lobbying literature will be presented and the three main approaches to measuring interest group influence will be discussed: the preference attainment approach, process-tracing, and assessing attributed influence.

Since this thesis ultimately revolves around studying influence, and hypotheses are based on lobbying success assessments, it is essential to state and explain how exactly lobbying success

is measured in this paper. The way lobbying success can be defined is by looking at whether an interest group or advocacy coalition obtained all that it wanted, part of what it wanted, or none of what it wanted in terms of changes to the previous status quo. For example, an advocacy group that was trying to prevent any changes to a policy would be considered as getting all that it wanted if there were no changes in the policy. Another example would be that an advocacy coalition advocating for stricter regulation in a policy area would be considered as getting all that it wanted if stricter regulation was indeed enforced in the areas that the advocacy coalition wanted. (Baumgartner et al., 2007, pp. 22-23) This is the step of the research that follows the mantras of the preference attainment approach. After this step, a deeper level of analysis of the case study begins, which is based on qualitative data that will in turn allow to make assessments determining if the proposed hypotheses are rejected or corroborated.

The next part of the second chapter is dedicated to an examination of the theoretical framework used to analyse the independent variables. The Advocacy Coalition Framework (ACF) approach developed by Jenkins-Smith & Sabatier is used to provide a theoretical lens from which elite behaviour in complex policy subsystems can be understood. The gist of the approach is then presented through an overview of the main features of the ACF: it aggregates actors within a subsystem into a manageable number of coalitions, it posits that beliefs of actors are the engine behind political conflict and cohesion. These beliefs are organized into a hierarchical, tri-partite structure, with broader levels encompassing more specific beliefs. The three categories of beliefs are the following: deep core, policy core, and secondary aspects. ACF is a very useful tool for this research's case study, because it makes it possible to aggregate a vast number of actors into two opposing coalitions: the pro tobacco coalition, and the public health coalition.

Once the ACF is sufficiently studied, this paper moves on to present the three independent variables tested: relative coalition size, resources, and coordination and coherence of objectives within coalitions.

The first hypothesis aims to assess the effect of relative advocacy coalition size on lobbying success. Lobbying should be seen as a complex collective process in which a plethora of interest groups are attempting to shift the policy output towards their preferred outcome. Some authors argue that the larger a lobbying coalition is (relative to the opposing interest group coalition), the more it is likely that this coalition will be successful. Hence, the first hypothesis is

formulated as follows: *The probability of lobbying success of an advocacy coalition increases with its relative size compared to opposing advocacy coalitions.*

The second hypothesis revolves around resources and the effects they have on lobbying success. Due to the fact that there are resources of different natures, and in order to increase clarity and facilitate hypothesis corroboration or rejection, the hypothesis on resources will be divided into three distinct sub-hypotheses which are each, separately and exclusively, linked to different kinds of resources. The three main categories of resources that this paper grapple with will first be presented: monetary resources, cognitive resources, and political resources. Firstly, the monetary resource, or simply put ‘money’, is probably the most evident resource for everyone. Conducting a successful lobbying effort without any kind of financial resource is close to impossible: staff has to be paid, the infrastructure necessary to the conduct of lobbying has to be financed. Substantial literature exists on the impact of financial resources in politics. The initial assumption makes sense: the wealthier a coalition is, the more that coalition has advantages, the more it will lobby successfully. Yet, policymaking does not occur in a vacuum, and the relationship between financial resources and policy outcomes is in reality quite complex. The first sub-hypothesis is the following: H2a: *the more monetary resources an advocacy coalition has, the more it will lobby successfully.*

Secondly, information represents the cognitive resource. Knowledge is one of the foundations enabling an actor to intervene in the policy process and can be characterized as the acquired knowledge in terms of technical, social, economic, and political data in the policy area relevant to the researched case. The second sub-hypothesis is formulated as follows: H2b: *the more the cognitive resources of an advocacy coalition increase, the more it will lobby successfully.*

Thirdly, political support is also a resource that should not be neglected. Two kinds of political support, can be identified. On one hand, the number of policymaker allies that a coalition has determines how effective it’s deep web of networks is, and probably how effective its lobbying can be. The first political resource concerns the political support a cause enjoys from the ranks of policymakers involved in policy formulation and decision-making. On the other hand, a secondary type of political resource which is just as important is the political support a cause benefits from in society in general. (Knoepfel, 2007, pp. 90-91) This secondary political resource also encompasses the concepts of sympathy and reputation that a cause can generate: these two factors can be powerful tools to exert pressure on policymakers, because an actor benefiting from a good reputation will often receive more sympathy and support in general,

while an actor that takes a reputational hit due to a scandal for example, will often suffer from it, since the former supporters of that actor's cause might be more reluctant to openly support that actor after it has been tainted by a foul reputation. The third sub-hypothesis is consequently formulated as follows: H2c: *An increase in political resources leads to an increase in lobbying success.*

The final hypothesis that this paper deals with concerns the degree of coordination and coherence of objectives of actors belonging to the same advocacy coalition. Essentially, the aim is to examine how coordination and objective coherence within advocacy coalitions plays a part in determining the success and effectiveness of an advocacy group. ACF literature argues that coherence in objectives within advocacy coalitions depends on shared belief systems which should be the catalyst that leads to the formation of stable coalitions in the first place. The concepts of deep core, policy core, and secondary beliefs deployed by ACF literature can be mobilized to identify and assess the degree of coherence and coordination in the objectives of actors belonging to the same coalition, which in turn will enable an assessment of the effects of this coherence on lobbying success.

The third hypothesis is hence formulated as follows: *the more the degree of coherence and coordination in the objectives of actors belonging to the same coalition increases, the more the coalition's chances at lobbying success will increase.*

Following the presentation of the independent variables, the third chapter encroaches on the actual case study itself, the tobacco products directive (TPD) revision process. General information on the product itself, tobacco, is provided, and an overview of the weight of the tobacco sector in the global economy is given. The overall assessment is that the tobacco industry is a substantial source of employment, but that more ambitious tobacco control measures would not lead to a socioeconomic catastrophe as the tobacco industry likes to claim.

After that, a brief summary of current tobacco control measures is given, first at the international level through the Framework Convention on Tobacco Control (FCTC), and secondly through an analysis of the legislation at the EU level: The Tobacco products directives of 2001 and 2014. In terms of concrete legislative changes, the 2014 Directive repealing the 2001 Directive includes an increase in the size of graphic health warnings, restrictions on the size and shape of cigarette packs, a ban on characterising flavours, and regulation on E-cigarettes.

In order to properly set up a discussion on the hypotheses that need testing, it is important to analyse at this point what the 2014 Directive ended up looking like, and who therefore “*won the lobbying battle*”. A section is therefore dedicated to an analysis of the changes between the 2001 Directive and the 2014 Directive, to conclude that the end result of the 2014 TPD was a major victory for public health advocates.

As a disclaimer, it is important to notify at this point that this thesis does not include a deep analysis on the lobbying that took place on the E-cigarette item of the directive. The issue was that the deeper the E-cigarette dossier was researched, the more it became clear that the E-cigarette universe is populated by a whole new spectrum of players and actors. In reality, as many argued in the days of the formulation of the TPD revision, E-cigarettes could have very well been dealt with in an entirely separate piece of legislation. At least from the perspective of a researcher, dealing with the E-cigarette part of the Directive would have added a whole new layer of complexity due to the added parameters and actors. It is why only a small section is dedicated to the E-cigarette in this paper.

The following section summarizes the concrete lobbying strategies that the two major advocacy coalitions involved utilized. The aggressive strategy and considerable resources mobilized by the pro tobacco coalition are highlighted on one hand, and on the other hand, the more classic and traditional approach taken by public health advocates will be emphasised.

Afterwards, the actual analysis and discussion on the three chosen explanatory factors begins. For the first hypothesis, a macro and micro analysis of the actors involved in the advocacy coalitions is made. On one hand, the macro level approach gives an overall look of the size of both coalitions, giving rough observations of the involved categories of actors and enabling the establishment of general trends. On the other hand, the micro level approach examines the actors in each coalition, identifying their traits, objectives, their sources of funding, and their individual strategies. This analysis then makes it possible to draw conclusions on the effects of relative coalition size on effective influence.

For the second hypothesis, which was divided into three sub-hypotheses: effect of financial resources, effect of cognitive resources, and effect of political resources, various analyses of different kind were made to operationalize the sub-hypotheses. For financial resources, data gathered by media watchdogs, and data gathered via requests to the EU transparency register archives are used to compare the financial resources of both advocacy coalitions.

In terms of cognitive resources, various elements are examined and compared for both the pro tobacco coalition and the public health coalition: the evolution of ‘scientific’ data originating from both coalitions concerning the effects of tobacco related products on health, the evolution of research on the effects of potential tobacco control measures (which would reduce tobacco consumption) on economy, and finally a comparison of the knowledge of both coalitions concerning the institutional and legislative processes of the EU which is critical for effective lobbying in EU spheres. The effect of these different cognitive resources on influence is then assessed.

Concerning the political resources, the quality of policymaker networks of both coalitions, the reputation, and the degree of support and sympathy that both coalitions get from society in general are assessed in order to gauge the political resources of the protagonists, and see if it had any effect on their respective capacities to lobby effectively.

The third hypothesis aims to gauge the effect of the degree of coordination and coherence of objectives of actors belonging to the same coalition on lobbying success. The concepts of deep core, policy core, and secondary aspects developed in Advocacy Coalition Framework literature are used to identify the innate nature, characteristics, and features of both coalitions, which subsequently serves the purpose of assessing the coherence and coordination of objectives within both the pro tobacco coalition and the public health coalition.

Finally, a last section is dedicated to a proper analysis and discussion of the results of the research, highlighting both the strong points of this paper but also some of the shortcomings. Overall, this paper features some quite interesting and surprising results.

I. LOBBYING IN THE EUROPEAN UNION

1. Definition of a lobby

The expressions “lobby”, “lobbying”, “interest group”, “organized interests” are widely used, yet they are seldom adequately defined. These terms are used *ad nauseam* in civil society by various actors, yet they rarely bother with etymological considerations or definitions of these locutions.

The use of these terms without properly defining them has – in the minds of the most imaginative folk – led to an automatic association of a lobbyist to an expensively dressed individual going into a policymaker’s office with a luxurious briefcase full of money and gifts to bribe the lawmaker into obedience. Fortunately, this image does not hold true in contemporary western politics, at least for the most part. (Ainsworth, Godwin & Godwin, 2013, p. 3) In order to obtain a better grasp of what interest groups and lobbying are, the following paragraphs propose definitions of these terms.

Lelieveldt and Princen define an interest group as “a group of people that share certain preferences regarding the outcomes of governmental decision-making and organize in order to influence those outcomes, without seeking elected office”. (Lelieveldt & Princen, 2015, p. 129)

In other words, Beyers, Eising, and Maloney enumerate three properties that must belong to interest groups: they must have an organization, they must pursue a political interest, and lastly, they do not seek public office or compete in elections. (Klüver, 2011, p. 494)

Alternatively, a definition of lobbying would be “activities undertaken with the aim of influencing legislative/regulatory processes and outcomes”. (Lock & Seele, 2016, p. 416)

In practice though, what does a lobbyist concretely do? Three activities take up most of a lobbyist’s time. The first essential task of a lobbyist is monitoring what policymakers are doing. Sometimes, nothing happens for months, but suddenly, a compromise or deal is struck at the political level, meaning that suddenly a lot of important things are going to be set into motion, requiring the lobbyist’s attention. It is the lobbyist’s job to keep watch and see when there is movement, in order to best defend his or her client’s interests. (Ainsworth, Godwin & Godwin, 2013, p. 4)

Secondly, a good lobbyist has to maintain good relations with public officials and with its peers. The reason a lobbyist has to stay in good terms with public officials is because they are usually on the frontlines of formulating, interpreting, and enforcing the rules governing a specific sector, which means that they usually are in possession of relevant first-hand information and knowledge for the lobbyist. (Ainsworth, Godwin & Godwin, 2013, p. 5)

Thirdly, an effective lobbyist has to supply policymakers with information. The reason lobbyists are providers of information is because legislators are for the most part generalists, which means that they may possess expertise in some specific fields, yet they must grasp, understand, and then deal with a wide array of issues which they do not have expertise on, meaning that they need information on these items. Consequently, to obtain information on some issues, legislators turn to lobbyists who will provide labour, first-hand information, and expertise, enabling the policymakers to be more effective. (Ainsworth, Godwin & Godwin, 2013, p. 5)

To the contrary of popular belief, interest groups are usually better informed in their areas of expertise than policymakers are. This situation stems from the fact that these interest groups are directly impacted by the issues at hand and therefore have larger incentives to gather as much relevant information as possible. Policymakers have to deal with a plethora of issues simultaneously and thus rarely have the resources to be well informed on all of them. In addition, policymakers are often generalists and rely on information provided by others to make decisions. Thus, interest groups can play a role in the policymaking process by transmitting information they possess to the relevant policymakers. Nevertheless, the concerns of interest groups do not necessarily overlap with those of policymakers, which means that interest groups have incentives to behave strategically when communicating precious information to policy makers. (Crombez, 2002, p. 10)

Despite of the abovementioned activities, the act of lobbying does not necessarily have any effects: sometimes it has no effects at all, sometimes it has an informative effect, and sometimes it has an influential effect: “A lobbying strategy is informative if it changes the receiver’s beliefs about the value of t . It is influential if the receiver’s subsequent decision is different depending on the message or signal sent. A lobbying strategy is at least as influential as another lobbying strategy if it elicits at least as many actions.” (Crombez, 2002, p. 13)

While some groups manage to fuel their ideas into the policy-making process, others fail to have an impact on the content of policies. Moreover, some interest groups successfully

influence policymakers on one specific issue, yet fail to do so on another issue. An interesting question to ask is why do some interest groups win, while others lose, and furthermore, why do interest groups successfully influence some policies yet fail to do so in others? (Klüver, 2011, pp. 483-484)

While lobbyists may not benefit from a glorious reputation in the collective imagination of the masses, a majority of contemporary scholars recognize that interest groups have a legitimate and important role to play in the policy process, *a fortiori* in the European Union policy process, where approximately 15,000 Commission and Parliament officials face more or less 20,000 lobbyists daily. Only few question the role of interest groups in facilitating policymaking, advocating positions, providing expertise, and sometimes in scrutinising authority. There is a strong resource dependency between lobbyists and officials, the former looking for access, and the latter seeking expertise and legitimacy. In practice, lobbyists give information to policymakers concerning what current societal demands are. (Degain, 2013, pp. 58-59; Coen, 2007, pp. 3-4)

The nature of lobbying activities wildly varies depending on the political structure in which they act. The rules of the game change as the institutional environment changes. For this reason, the next section is dedicated to a better understanding of the main European institutions.

2. Specificities of lobbying in the European institutional arena: the institutional triangle

EU institutions attract vast amounts of lobbying activity. This is not surprising considering that its institutions legislate and regulate conditions and terms under which goods, services, and capital can be produced and traded in the largest economy in the world (if considered as a single unit). (Bernhagen & Mitchell, 2009, p. 159)

Interest groups have been active in the European project since its genesis. However, the type, range, and size of interest groups have evolved fiercely over the decades. In the early days of European Community interest representation, interest groups were mostly characterized by national representation and the involvement of trade associations, trade unions, and employee groups. On the other hand, since the 1990s, direct lobbying by business and the growth of NGOs and societal interests increased. (Coen & Richardson, 2011, pp. 6-7) “The EU interest group system is a complex and ever-changing environment. Interest groups have both framed the

integration process and been re-defined by treaty and institutional developments.” (Coen & Richardson, 2011, p. 5)

EU interest group activity exploded in the 1990s, as a result of the progressive transfer of regulatory competences from Member States towards EU institutions. Moreover, other factors that reinforced concentration of lobbying activities at the EU level are for example the gradual introduction of qualified majority voting rules over unanimity rules on Single Market issues (leading to an increased number of agreements), the openness of the European Commission and Parliament to EU interest groups, and the funding of EU groups by the Commission. (Crombez, 2002, p. 8; Coen, 2007, p. 3) These features will be developed further in the appropriate sections below.

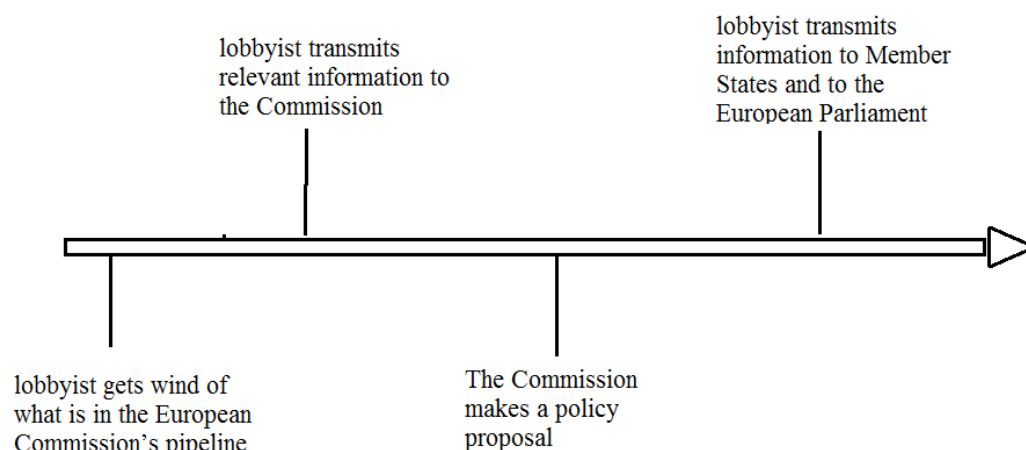
This interest group activity involves a vast array of different stakeholders of varying natures: firms, trade associations, regions, think tanks, public affair firms, law firms, citizen interest bodies. With such a wide variety of interest groups, distinct EU lobbying strategies have emerged in a continuously further reaching and evolving opportunity structure. EU interest politics can no longer be seen through the lens of a ‘bottom-up’ process of national interests feeding into the EU, or a ‘top-down’ coordination of EU lobbying, but rather it is pragmatic to see the EU as a multilevel process with multiple feedback loops and entry points that are constrained by policy area, lobbying budgets, and size of interest groups. (Coen & Richardson, 2011, p. 7)

In the EU, interest group activity may be even more important than in other political systems for multiple reasons. Firstly, the Commission, which holds the exclusive right of initiative to draft legislative proposals, has a limited number of staff. (European Commission, 2017, pp. 1-2) This means that EU officials are more likely to rely on information coming from outside their own system, which in other words means that interest groups get access to a venue where they are more likely to be heard. Second, the Commission has adopted a committee based working system when preparing its legislative proposals, in which interest group representatives are often included. (Crombez, 2002, p. 10)

In addition, transnational corporations from outside the EU usually prefer direct political action at the EU level instead of lobbying at national levels because they do not have a “patron” member state that would advance and safeguard their interests. This train of thought applies especially to Japanese, Korean, and US companies producing goods for global markets. (Bernhagen & Mitchell, 2009, pp. 157-158)

To summarize in a few words the most basic policy process and its corollary intervention points for lobbyists, the following graph is useful:

Graph 1, inspired by Crombez, 2002, p. 12



The process can be split into two separate phases: the proposal phase on one hand, and the voting phase on the other hand. During the proposal phase, the lobbyist gets wind of what is in the European Commission's pipeline, and according to this knowledge transmits relevant information to the European Commission to respond to stakeholder consultations. Based on these stakeholder consultations, the European Commission prepares a policy proposal which then leads to the voting phase, during which the proposal is sent into the hands of the Council and the European Parliament, which can both table amendments to the proposal, meaning that lobbying is still useful. (Crombez, 2002, pp. 10-13)

Over time, each major EU institutional has developed progressively unique institutional criteria for access that can be both formal and informal. The next sections aim to provide factual information on the specificities of each of the three institutions of the institutional triangle: The European Commission, the European Parliament, and the Council.

2.1. The European Commission

2.1.1. *Composition, roles, and actors*

It is important to grasp the role of the Commission in Union policy-making to understand lobbying activities at the European level. Hence, this section is aimed at giving basic insights into the role, composition, competences, and responsibilities of the European Commission.

The Commission can be seen as a hybrid institution, in the sense that it comprises of a political and an administrative wing. On one hand, the political wing represents the political leadership that is incarnated in the Commissioners plus their respective Cabinets (28 Commissioners, politicians), who are supposed to act in the interest of the EU as a whole, and not be influenced by their national agendas or interests. On the other hand, the administrative wing comprises of the officials and administrative staff working in the Commission. (Wonka, 2015, pp. 84-86)

The Commission's competences are listed in the Treaties and in the secondary legislation of the Union. Three main elements should be emphasized: The Commission's legislative role, the Commission as part of the executive power, and the role of the Commission as a guardian of the legal framework. These three elements are crucial to assess because they each give form to specific forms of EU lobbying. (Coen & Richardson, 2011, p. 20) Before introducing the roles and competences of the European Commission, the organizational structure of the Commission will first be examined.

In terms of organizational structure, while from the outside the Commission looks like a unitary actor, it should be conceptualized as a collective actor, in which tasks are divided on one hand vertically between a political wing that is generally leading, and the bureaucratic staff, and on the other hand horizontally between Directorate-Generals (DGs) and Services that are each responsible for different policy areas. Currently, the Commission consists of 33 DGs and 11 Services. Generally, the DGs are responsible for the different policy fields in which the EU is active, while the Services deal with general administrative matters. (Wonka, 2015, pp. 85-86)

In that structure, an important element that must be added to the political wing is each Commissioner's Cabinet. In terms of composition, there can only be a maximum of six cabinet members, of which at least two must be women, a maximum of three members can have the same nationality as the Commissioner, and the composition must reflect the EU's regional diversity. (De Cock, 2010, p. 35)

Cabinets are very powerful since they are present to give political guidance to their Commissioner, while the regular staff in the DGs is there to give technical guidance. According to Caroline de Cock, an experienced lobbyist, "selling an argument to the Cabinet member leading on a dossier or, even better, the Head of Cabinet, is more than half of the job when trying to obtain the Commissioner's support. Some issues will even be agreed on amongst the Heads of Cabinet, without ever being raised to the Commissioner's attention." (De Cock, 2010, p. 34)

Regarding the roles of the Commission, firstly, it's legislative role is absolutely paramount since it possesses the exclusive right of legislative initiative, based on article 17 of the Treaty on European Union (TEU). The corollary of this monopoly on legislative initiative is that the Commission is responsible for drafting legislative proposals. (Hooghe & Kassim, 2012, pp. 178-179; De Cock, 2010, p. 27; Coen & Richardson, 2011, p. 20)

Drafting legislation requires a substantial amount of political and technical information that the Commission is often lacking due to its scarcely resourced nature. Indeed, the Commission has approximately 30 000 officials at its disposal. (European Commission, 2017, pp. 1-2; Wonka, 2015, p. 86; De Cock, 2010, p. 27) This means that the Commission heavily relies on external resources to obtain sufficient and satisfactory information to craft legislation. It is at this stage that lobbies can find an interesting access point to influence EU legislation at an early stage. (Coen & Richardson, 2011, p. 20)

The second role played by the Commission is characterized by a wide array of executive powers relating to implementation and supervision of EU policies, and managing the finance of the Union. This aspect is also the target of lobbying from certain groups since it grants certain firms or groups funds. In most policy areas, the Commission relies on external agencies or national or regional governments to do the work, while the Commission mostly defines an implementation framework, or in other words, rules that tell the agencies and governments how to implement EU legislation. These implementation frameworks are channelled through comitology committees, where member state representatives, experts, and interest-group representatives actively watch how the Commission acts. (Hooghe & Kassim, 2012, p. 180; Coen & Richardson, 2011, p. 21)

Thirdly, the Commission plays the role of the 'guardian' of the Treaties. In other words, this institution must make sure that EU legislation is respected. Generally, Member States have the responsibility to implement policies decided at the Union level while the Commission is a watchdog that looks for cases of non-transposition or incorrect application of EU law. Once again, having limited resources, illegalities often come to the attention of the Commission through interactions with private interests, leading to the phenomenon of 'lobbying for litigation'. This means that specific interests feel they are being damaged by the actions of another party, and would therefore like to see that party brought before the European Court of Justice. (Hooghe & Kassim, 2012, p. 180; Wonka, 2015, p. 84; Coen & Richardson, 2011, p. 21)

2.1.2. Relations between the European Commission and interest groups

For a lobbyist, the European Commission is generally the first instance in which an issue should be lobbied and put on the agenda. Lobbying activities in the Commission should be seen not as a unidirectional activity of lobbyists trying to get access, but rather as an exchange game between interdependent actors (Coen & Richardson, 2011, p. 19) The Commission is eager to interact with various private interests because it needs those contacts to obtain resources that are key to the fulfilment of the Commission's institutional role: expert knowledge and legitimacy.

On one hand, expert knowledge is essential to deal with the early phases of policy development. According to this exchange game, lobbyists can gain access to the Commission by providing officials with information and expert knowledge about the relevant policy that is currently in the pipeline. More concretely, providing the Commission with well-crafted and argued documents early in the policymaking process can help shape the thinking process. What is more, feeding a vision and arguments to a civil servant early in the process often means that the involved civil servants might rely on that same interest group representative in the future as a source of ideas and reflections, and that the representative's views will be added in the Commission's document. (De Cock, 2010, p. 28)

On the other hand, more legitimacy for the Commission contributes to strengthening its position in the inter-institutional decision-making process, and helps secure support for its proposals. The Commission does this through multiple and wide consultation of stakeholders. Indeed, every single time that the Commission considers launching a new initiative or plans on amending Union law, the Commission simultaneously initiates stakeholder consultations open to all interested parties, including citizens that wish to react on an individual basis. In addition, a document that includes a questionnaire is published as well. (Klüver, 2011, p. 491; Koutroubas & Lits, 2011, pp. 164-165)

During this stakeholder consultation phase, Union officials often organise a large conference that aims to clarify and further analyse the contents of the initiative. All interested parties are invited to this conference. Once the conference has ended, the Commission publishes a green paper, inspired by reactions and inputs coming from stakeholders. Often, the Commission launches a second consultation round, followed once again by a conference, which enables the Commission to increase its expertise and legitimacy on the matter. (Koutroubas & Lits, 2011, p 165)

Once all of the stakeholder contributions have been studied, the Commission either proceeds with its initiative and transfers its legislative proposal to the Parliament and the Council, or indicates that the situation is not mature enough yet for a legislative initiative in the concerned area. (Wonka, 2015, p. 90; Koutroubas & Lits, 2011, p. 165)

Moreover, when the Commission considers launching a new initiative or plans on amending Union law, it must submit the project to the non-binding opinion of the European Economic and Social Committee (EESC). This part of the process will be described in more detail below, in the section dedicated to structures orbiting the institutional triangle.

When taking into account the whole length of the process, ‘early lobbying’ strategy is frequently used for several reasons: “it is common knowledge among lobbyists that as long as no formal written documents are produced during the policy development stage, changes to the policy proposal can be made much more swiftly and easily. As the degree of formality of policy documents increases when they move up the Commission hierarchy, it also becomes more difficult to amend them.” (Coen & Richardson, 2011, pp. 25-26)

2.1.3. The European Transparency Initiative

Over time, the European Commission has shaped European interest activity in multiple ways, such as through its governance style, or through new initiatives. One of the latest major evolutions of European interest activity is embedded in the European Transparency Initiative launched by Commissioner Siim Kallas in 2005. Through this initiative, the Commission aims to increase transparency over the actions and influence of interest representatives in European institutions. (Robert, 2017, pp. 12-13; Coen & Richardson, 2011, p. 31)

Shortly after, in June 2011, the Commission decided to set up a transparency register for interest representatives working closely with EU institutions. “Citizens can, and indeed should, expect the EU decision-making process to be as transparent and open as possible. The more open the process is, the easier it is to ensure balanced representation and avoid undue pressure and illegitimate or privileged access to information or to decision-makers. Transparency is also a key part of encouraging European citizens to participate more actively in the democratic life of the EU. The transparency register has been set up to answer core questions such as what interests are being pursued, by whom and with what budgets. The system is operated jointly by the European Parliament and the European Commission.”³

³ <http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>, accessed 12th of February 2017

The effectiveness of this transparency register is debatable because registration is entirely voluntary instead of being mandatory. Yet, many argue that it is a step in the right direction and that progress has been made. The main incentive for private interests to register is to have their contributions recognized by the Commission as representative of their specific sectors and the possibility of receiving notifications for consultations in their specific areas of interest. If a lobbyist that participates as a stakeholder in a consultation, he or she will not be considered as representative of that sector unless he or she registers in the transparency register. Moreover, registering enables representatives to obtain a badge that gives easier access to the European Parliament. (Degain, 2013, p. 60; Coen & Richardson, 2011, p. 32)

Furthermore, since 1999 and often revised since, a Code of Conduct for Commissioners has served as a non-legally binding document that guides the behaviour of European Commissioners with private interests. On top of this, based on article 17 of the TEU and article 245 of the TFEU, members of the Commission work for the general interest of the Union, and hence they shall not seek nor take instructions from any government or from any other body. Once again, this Code is a collection of informal rules or guidelines, and not the result of a legislative process that could be challenged in the courts. (Robert, 2017, p. 10)

While these initiatives are held in high regard, issues related to potential lobbying are far from gone. Recent events show concrete examples of questionable situations: José Manuel Barroso, the ex-president of the European Commission got hired at Goldman Sachs, the nomination of a lobbyist from the agri-food industry promoted head of the European Food Safety Authority, or even the fresh Volkswagen case dating to Autumn 2015, after which the adoption of new rules regarding emission levels still remained favourable to the Automotive sector cast shadows over the European institutions. (Robert, 2017, pp. 10-11)

Now that a brief overview of the European Commission as an institution has been made, the next section will introduce the European Parliament and cover its historical evolution, its roles, powers, competences, and actors populating the institution.

2.2. The European Parliament

2.2.1. Historical evolution of the European Parliament

The European Parliament (EP) is the only EU institution that is directly elected by citizens (since 1979), every five years. The official seat of the EP is in Strasbourg, yet Members of the European Parliament (MEPs) are actually there for only one week per month, for the plenary

sessions. The rest of the time, MEPs spend their time mostly in Brussels, for Political Group related work, and Committee related work. (De Cock, 2010, p. 37)

Over time, the EP has increasingly become an important institution, and therefore a more frequent target of lobbying for private interests. Empowerment of the EP appears to have been the selected path to solve or reduce the issue of democratic deficit of the EU (Lehmann, in Coen & Richardson, 2011, p. 39 & 46)

Before the introduction of the Single European Act (SEA) and its entry into force in 1987, the EP was widely considered as a ‘phantom Parliament’ due to its limited powers. Consequently, the preferred targets of lobbying were the more powerful institutional actors of the time, such as the Commission and the Council. (Lehmann, in Coen & Richardson, 2011, p. 50)

Historically, the EP did not participate in the legislative process for decades. Rather, in its origins, the EP was composed of representatives of national parliaments of Member States and therefore were not directly elected, and had limited competences: the competence of passing a motion of censure against the ‘High Authority’, and the right to be consulted by the Council on some legislative dossiers, in a so called ‘consultation procedure’, in which the opinions given were non-binding. (Shackleton, 2012, p. 126)

Eventually, the powers of the EP increased with the Single European Act of 1987 since it introduced the ‘cooperation procedure’. While it did not grant the EP with a simple veto power, it did allow a second reading in which the EP could reject the position adopted by the Council if it could muster the support of over 50% (= 314 out of 626 at the time) of MEPs. However, this rejection by the EP could be overruled by the Council via unanimity. (Shackleton, 2012, p. 129)

Along with the treaty of Maastricht in 1993, the powers of the EP once again significantly increased because from that moment on, the composition of the European Commission had to be approved by the EP. The Maastricht Treaty also established the so called ‘co-decision procedure’, granting a more reliable veto power to the EP. At this stage, the co-decision procedure was only applicable to some areas, but the number of areas where it applies has only increased with subsequent Treaty changes (Amsterdam, Nice, Lisbon). Since the treaty of Lisbon in 2007, the co-decision procedure was renamed the ‘Ordinary Legislative Procedure (OLP)’, and was extended to 85 legal bases. (Bache et al., 2015, p. 274)

Nowadays, on most matters (approximately 90 percent of areas), it is the Codecision procedure, or OLP, that is applied, changing the rules of the game to a point where the Parliament is on an equal footing with the Council. For the remaining 10 percent of areas, it is almost exclusively the Consultation procedure that is applied, which dictates that the EP gives only an advisory opinion. The consultation procedure is often used on sensitive question that are central to the Member States' interests, such as parts of agricultural policy, taxation, or industrial policy. (Lehmann, in Coen & Richardson, 2011, pp. 45-46)

However, in practice, it is interesting to note that in parallel to these formal legislative modifications, there has been an increasingly frequent occurrence of a phenomenon called 'early' agreements between the Council and the Parliament. While the Ordinary Legislative Procedure plans for 2 readings and a conciliation committee phase, early agreements are increasingly found due to the development of informal 'trialogue' meetings in which representatives from the three institutions meet to exchange views directly instead of waiting for the tardive conciliation committee phases. (Bache et al., 2015, p. 286)

To illustrate this point, Shackleton (2012, pp. 136-137) found that "between 2004 and 2009, nearly 70 percent of all codecision procedures were concluded at first reading, with 25 per cent requiring a second reading and fewer than 6 per cent going to conciliation. These tallies contrast with the situation in the previous legislature, when as many as 22 per cent of procedures went to conciliation, half were resolved at second reading, and less than 30 per cent were agreed at first reading".

2.2.2. Roles, powers, and actors of the European Parliament today

2.2.2.1. Roles and powers of the European Parliament

The current roles of the EP can be categorized into three principal types of activity: legislative, supervisory, and budgetary. On the legislative side of things, the EP is firstly the co-legislator along with the Council in a large majority of areas that are of the EU's competence. It also gives its consent on a range of decisions such as on the enlargement of the EU, and delivers opinions on Commission proposals when the consultation procedure is applied in a limited number of policy areas. (Bache et al., 2015, p. 273)

Secondly, the EP has tasks related to the supervision of other institutions. It approves the appointment of the President of the Commission, and approves the appointment of the Commission as a whole (after long public hearings of every Commissioner), after which the EP

can still censure and dismiss the Commission through the ‘nuclear option’ of a “motion of censure”, which requires a positive vote from an absolute majority of MEPs and simultaneously two-thirds of the votes cast. However, the EP cannot target individual Commissioners, hence the nickname of ‘nuclear option’. Also, the EP has the right to ask questions to the Commission and to the Council. (Bache et al., 2015, pp. 272-273)

Lastly, the EP is also in charge of budgetary tasks, namely the approval of the annual budget and its discharge (i.e. approving *ex post* the way in which last year’s budget was spent). The EP’s ‘Budgetary Control Committee’ checks expenditure before giving the plenary the green light to discharge the budget of the previous year. (De Cock, 2010, p. 38)

2.2.2.2. Actors of the EP

2.2.2.2.1 MEPs and Political Groups

MEPs and the EP in general are traditionally the corner of the institutional triangle where interests of the EU citizens are defended. The first direct elections of MEPs (Members of the European Parliament) were held in 1979, according to nationally defined election rules of the nine respective Member States of the time. Every Member State is given a specific number of seats, that is determined through a rule of degressive proportionality, which means that Member States with larger populations will have more MEPs, but not in a linear relation. This gives smaller Member States additional incentives to join the EU. (Bache et al., 2015, p. 270; Shackleton, 2012, p. 132)

In terms of composition, the EP is today composed of 751 MEPs elected every five years⁴. In terms of organizational structure, the EP has its own President, Bureau, Conference of Presidents, and a Secretariat. The President (Antonio Tajani since January 2017, Martin Schulz before him) is elected by the MEPs amongst themselves for renewable terms of two and a half years. The President represents the EP on the international stage, on official occasions, and in relations with other institutions. The President of the EP also presides over debates during plenary sessions, and chairs the meetings of the Conference of Presidents and of the Bureau. (Bache et al., 2015, p. 271)

On one hand, the Conference of Presidents consists of the President himself and the Chairs of each Political Group. Their role is to draw up the agenda together for plenary sessions, to

⁴ The number of MEPs is likely to diminish once the Brexit process is complete.

establish the size of parliamentary committees and delegations, fix the timetables for the work of parliamentary bodies. (Bache et al., 2015, p. 272)

On the other hand, the Bureau is composed of the President of the EP, the Vice-Presidents, and the ‘Quaestors’ – who deal with financial and administrative matters relating to MEPs – for a term of two and a half years. Finally, the Secretariat consists of more or less 5,000 officials headed by the Secretary-General. The Secretariat deals mostly with administrative matters and language services. (Bache et al., 2015, p. 272)

Concerning the composition of MEPs inside the EP, they are split into different Political Groups: MEPs are not organized by nationality, but rather via political affinity into ideological groups, called ‘Political Groups’, which currently are the following: Group of the European People’s Party (EPP), Group of the Progressive Alliance of Socialists and Democrats (S&D), European Conservatives and Reformists (ECR), the Alliance of Liberals and Democrats for Europe (ALDE), the European United Left/Nordic Green Left (GUE-NGL), the Greens/European Free Alliance (Greens-EFA), the Europe of Freedom and Direct Democracy Group (EFDD), and finally the Europe of Nations and Freedom Group (ENF). Alternatively, MEPs can also be ‘non-attached’, meaning they do not belong to any European Political Group. However, this does not mean that MEPs of the same nationality don’t cooperate on any matters. Quite the contrary, ‘chiefs’ of national delegations of a specific party within Political Groups are often influential MEPs since they can sometimes single-handedly sway the vote of all the MEPs of a Member State belonging to the same political party. (De Cock, 2010, pp. 41-43)

To create a Political Group, a set of rules must be followed: the new Political Group must include at least 25 Members from at least one quarter of the Member States (i.e. 7 Member States), and the participating Members must share some ‘political affinity’. However, the distinction between what is enough political affinity and what isn’t is rather unclear and porous in terms of creating a new Political Group.⁵ (Bache et al., 2015, pp. 281-282)

These group formations do not exist just because it allows MEPs to be grouped along ideological lines, but also because they grant financial, material, and procedural benefits depending on the size of groups. Due to these incentives to form large groups, it is no surprise that within these groups, there is a lot of heterogeneity, since MEPs come from hundreds of different national political parties. This means in practice that most Political Groups are

⁵ <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00010/Organisation>, accessed 29th of April 2017.

composed of MEPs that come from a myriad of different national political parties that have sometimes varying sensitivities. (Raunio, 2012, p. 339)

As mentioned earlier, Political Groups are entitled to staff, proportionately to their size and the number of working languages within each Political Group. In practice, this means that large Political Groups such as the EPP are attributed numerous staff members (over 270 in 2010), while smaller groups are attributed much less. Concretely, it translates to several political advisors following the same Committee in bigger Political Groups while smaller groups' advisors are more thinly spread, making their task difficult. (De Cock, 2010, p. 58)

In turn, this staff of Political Groups also play a key role in shaping the EP's decision-making, because they supply background information and prepare discussions for their Political Group meetings, they follow committee work, keep in touch with Commissioners, national parties, and various other organisations, including lobbyists. To summarize, Political Group staff contributes to the overall formation of a group's position on a dossier. They are therefore worthwhile actors to meet for lobbyists because they are often involved in the assessment of technical matters in parallel with the rapporteurs. (De Cock, 2010, p. 59)

Another interesting fact to note about the inner workings of the European Parliament is the seemingly greater lack of group discipline compared to the usual western democracies, whereby in the latter, often the end result of votes is often known beforehand due to the usual majority versus opposition game where party discipline is strong. This kind of stability is not so evident in the European Parliament, making it an interesting arena to follow. That being said, Political Groups remain of utmost importance in the EP, and if anything, they are becoming increasingly important. Even if voting against group lines (i.e. breaking group cohesion) is allowed, group cohesion has been progressively growing over the years.⁶ (Bale, 2008, p. 125)

2.2.2.2.2. *MEP Assistants*

An actor that should not be underestimated in the EP is MEP assistants. MEPs are entitled to an allowance to employ staff and use that staff as they see fit. Some MEPs hire policy assistants, while other prefer to employ more secretarial staff. Usually, MEP assistants are young, freshly graduated from university, and a large majority of them stay only for a short period of time. Part of the MEP assistants accompany their MEP to most meetings and to plenary sessions in Strasbourg, while others stay in their office in Brussels. According to De Cock, plenary weeks

⁶ Marc Tarabella, Member of the European Parliament, *Interview*, conducted by Aleksi Eerola, Brussels, 27th of April 2017.

in Strasbourg are usually a good time to find assistants that stayed over in Brussels because they are more relaxed and therefore more willing to have a chat when their boss is stuck in plenary votes in Strasbourg. (De Cock, 2010, p. 54)

MEP assistants are in a lot of cases in charge of following committee work and political group work on behalf of their MEP, and therefore, while also working as a personal assistant, also work as policy advisers for their MEP. This means that these assistants can sometimes determine the voting pattern of their MEP, if the latter has not had time to get familiar with all aspects of a policy.

2.2.2.3. Key rules of procedure in the EP relevant to lobbying

As with the European Commission, an essential feature to analyse is the rules and procedures that apply to MEPs: what is allowed and what isn't? A set of rules called the 'Rules of Procedure of the European Parliament' exists to guide the actions of MEPs, including relations with lobbyists. According to this document, more specifically Rule n°2, "Members shall exercise their mandate freely and independently, shall not be bound by any instructions and shall not receive a binding mandate." (European Parliament, 2017, p. 13) Concretely, this means that a MEP cannot accept to vote in a particular way in exchange for various advantages a lobbyist is offering, because this kind of deal would be equivalent to accepting a binding mandate.

Furthermore, Rule n°11 of the Rules of Procedure of the EP concern MEPs financial interests and standards of conduct, which prescribes the introduction of a Code of Conduct which shall be adopted by a majority of MEPs. (European Parliament, 2017, pp. 18-19) This Code of Conduct is an Annex to the Rules of Procedure of the EP, and contains articles regarding the guiding principles and the main duties of MEPs. To summarize, this Code of Conduct forbids MEPs from entering into situations of conflicts of interest (Article 3), forces MEPs to submit declarations of financial interests to the President of the EP (Article 4), introduces a procedure regarding gifts or benefits that a MEP receives (Article 5), and establishes a procedure in the event of possible breaches of the Code of Conduct (Article 8). (European Parliament, 2017, pp. 132-136)

The Rules of Procedure were not always so clear cut. Indeed, for quite some decades, heated debates occurred while MEPs struggled to find a consensus on questions regarding the regulation of lobbying and declarations of financial interests. These difficulties in finding a consensus regarding these delicate questions can be explained through the sometimes-stark

differences in political culture between MEPs originating from different countries, leading to different attitudes towards lobbying. (Robert, 2017, pp. 16-17; Lehmann, in Coen & Richardson, 2011, p. 58)

2.2.2.4. Working style in the European Parliament: Committee work

In order to understand how interactions between the EP and interest groups occur, it is essential to cover how work usually gets done in the EP. There are many key events to consider in the EP, such as the appointment of rapporteurs in relevant parliamentary committees, and negotiations at the committee stage. Furthermore, the important actors to keep track of are undoubtedly rapporteurs, shadow rapporteurs, and committee chairs, whom are the main playmakers in forming the opinion of the Parliament at early stages. (Lehmann, in Coen & Richardson, 2011, p. 52)

A large majority of the EP's legislative work occurs in committees. All legislative proposals are assigned to a responsible committee (or sometimes multiple committees, if it is a cross cutting issue), and possibly opinion giving committees. Most of the legislative process takes place in the committee sessions. (Bouwen, 2004, pp. 352-253) There are currently 22 standing (i.e. permanent) committees and 2 temporary committees of inquiry. Generally, each MEP is a full member of one committee, and a substitute for another committee.

Every time a dossier arrives to the Parliament's table, it must be attributed to a specific committee (for example Foreign Affairs, or International Trade) by the President of the EP. However, it is quite frequent that a number of committees are interested in a specific dossier, which means that a lead committee and opinion-giving committees must be appointed to organize parliamentary work. (Shackleton, 2012, p. 134)

Following the attribution of a dossier to a specific committee, another essential element to note about the inner workings of the EP is that one specific MEP will be put in charge of that file. That MEP for each dossier is known as the rapporteur. To summarize, he or she is the key MEP on that file because he or she prepares the initial discussion on the dossier, and drafts a report which contains the committee's position on the dossier. The rapporteur also presents the report to the plenary, and represents the Parliament at 'trialogue' meetings, which is an instance in which representatives from the Commission, the Council, and the Parliament meet in order to work out agreements. (Raunio, 2012, p. 355; De Cock, 2010, pp. 50-51)

The appointment of rapporteurs occurs following a complex bidding system in which each Political Group receives a quota of points according to its size per committee. Political Groups can then bid on reports in each committee. If there are multiple bids for the same report from different Political Groups, the Political Group with the most points left in the relevant committee has priority. Nevertheless, in practice, that rule is sometimes cast aside to appoint the report to a MEP who is a recognised expert in the field, or a MEP who cares especially about that subject. (De Cock, 2010, p. 50)

In parallel, when a rapporteur is appointed, all the other Political Groups that did not obtain the rapporteurship will designate their own ‘Shadow Rapporteur’ who is in charge of that same file on behalf of their Political Group. Shadow rapporteurs often have informal meetings with the rapporteur to discuss the dossier and potential amendments to it. (De Cock, 2010, p. 51)

Rapporteurs and shadow rapporteurs are of utmost importance because they usually determine the course that their dossier will take. On many files, especially if they are technical, other MEPs almost blindly follow their Political Group’s rapporteur or shadow rapporteur when it comes to voting. Essentially, when comes voting time, MEPs vote according to voting lists with ‘+’ and ‘-’ next to each tabled amendment, along with a recommendation from their rapporteur or shadow rapporteur. If anything, MEP assistants are sometimes responsible for double checking the various voting lists to make sure that the MEP’s voting patterns remain consistent with his or her own ideals. However, MEP assistants are rarely experts and usually only cover the basics of the various items on the plenary agenda. Therefore, for a lobbyist, having the rapporteurs’ and shadow rapporteurs’ ear is one of the best strategies in the European Parliament. (De Cock, 2010, p. 51)

In terms of potential access points for lobbyists, influencing the appointment of a rapporteur from outside is quite difficult since this process can be considered as the Parliament’s inner core business where seniority, individual qualities, and standing in the group of MEPs are paramount criteria for this selection. (Lehmann, in Coen & Richardson, 2011, p. 46)

2.2.3. Access points for lobbyists in the European Parliament

A quantitative study made by Bernhagen & Mitchell (2009, p. 166) shows how important the EP has become for interest groups. Out of a sample of large corporations headquartered in the EU, they found that there is a staggering increase in the amount of EP lobbyists compared to ordinary affaires representatives or generic Brussels offices. This data suggests that there is a

recognition of the Parliament as an increasingly important institution, on par with its co-legislator (i.e. the Council) and the Commission.

There are several specific access points for lobbyists that wish to have an impact on the EP, but they often require specific acquaintances and good timing. The following paragraphs will discuss the best methods for a lobbying to leave their mark in the EP.

One promising method consists in approaching MEP assistants, which can be profitable for a lobbyist because they are also key pieces of the decision-making puzzle: they often prepare the various dossiers that their MEPs are working on, especially by conducting background research, and, they handle correspondence, which means that they handle the hundreds of emails that most MEPs receive every single day and therefore play the role of a gatekeeper: the meeting request of a lobbyist often goes through an email or a phone call, and it is up to the MEP's assistant to either ignore it or pass on the information to his MEP. (De Cock, 2010, p. 55)

Essentially, lobbyists should be aware that they face varying degrees of acceptance between MEPs depending on their political affiliation and national culture. For example, there is an apparent north-south division in terms of familiarity with lobbying. For example, this culture is well known in the United Kingdom, while it is less so in Latin countries. Moreover, social democratic and Green parties are less open to lobbying than their Liberal or Conservative counterparts. (Lehmann, in Coen & Richardson, 2011, p. 58)

One effective lobbying tactic is to jump on opportunities to make individual MEPs that obtained a rapporteurship shine in the eyes of their peers by providing a MEP with well-crafted reports and documents which would increase the prestige and reputation of a freshly elected MEP. Indeed, lobbyists can provide precise technical details and scientific expertise for MEPs that are expected to work on well-crafted opinions and positions. (Lehmann, in Coen & Richardson, 2011, p. 52)

However, convincing a MEP is not always such a simple task: private interests often have to include a wide range of policy goods to offer in addition to their proposals based on industry rationales. A MEP is rarely convinced by advice that would only create positive effects for a limited amount of European industries. Rather, public goods such as an increase in employment or a cleaner environment often need to be included in the political equation. A basic rule of thumb is that “issues that are known to be of interest to large numbers of citizens in their home

country or region attract almost automatically strong attention from most MEPs.” (Lehmann, in Coen & Richardson, 2011, p. 52)

On top of rapporteur appointments, negotiations at the committee stage often provide lobbyists with a large amount of additional access points. During this stage of early exchanges of views and exchange of drafts and working documents, where nothing is yet set in stone, lobbyists have good opportunities to influence individual MEPs. Later stages of negotiation generally offer far less opportunities for lobbying due to the high level of formalization at this point, and the weight of political priorities. (Lehmann, in Coen & Richardson, 2011, p. 46) As a rule of thumb, from the moment that a rapporteur for a relevant committee has been appointed, private interests will often start focusing at least some of their lobbying efforts in the European Parliament.

Another interesting access points for lobbyists is once again found in the early phases of the legislative process. Once the Commission has made a proposal and wide stakeholder consultations, the Parliament (and the Council) receive the proposal on their desks. MEPs often fear that the proposal made by the Commission is biased depending on what stakeholders it paid attention to, and feel that they have to reanalyse the information that has been gathered by the Commission, sometimes by consulting the same actors that the Commission did. This situation of asymmetrical information sometimes gave lobbyists an additional entry point. Nevertheless, consultation results are progressively becoming more and more transparent, reducing the asymmetry in information between institutional actors. (Lehmann, in Coen & Richardson, 2011, p. 48)

It has been estimated that there are about 70 000 individual contacts between interest groups and MEPs per year. These figures vary between back-benchers on one hand, and chairs of important committees on the other hand. Yet, these figures indicate that the relations between lobbyists and MEPs are still strong and intense. Moreover, a majority of MEPs, regardless of their political affiliation, agree that private interests provide important, pertinent and factual data without which the work of MEPs in legislative committees would be much harder.⁷ (Lehmann, in Coen & Richardson, 2011, p. 51)

⁷ Marc Tarabella, Member of the European Parliament, *Interview*, conducted by Aleksi Eerola, Brussels, 27th of April 2017.

The next section is dedicated to a quick overview of the third actor involved in the institutional triangle of the EU: The Council of Ministers

2.3. The Council of the European Union

The Council of the European Union is certainly one of the least known entities amongst the European institutions. The reasons behind this is probably the fact that a large part of its work is not public, and the fact that it tends to not be transparent in its work method. (De Cock, 2010, p. 9)

The Council of the EU is not to be confused with the European Council. While their names are rather similar, their composition, tasks, and prerogatives vary greatly. The Council (often with the European Parliament) is the EU's decision-making body, while the European Council is an institution defining the broader political priorities and orientations that shape the future of the Union. (Hayes-Renshow, in Coen & Richardson, 2011, p. 70)

The Council finds its origins in the Council provided for already in the 1951 Treaty of Paris which established the ECSC (European Coal and Steel Community), and its objective was to temper the powers of the freshly inaugurated supranational 'High Authority' (the ancestor of the current European Commission). Progressively, the competences and powers of the Council evolved: from a mere requirement to exchange information and consult the High Authority, towards a real coordination process of the economic policies of the Member States and decision-making power. (Hayes-Renshow, 2012, p. 71)

While the Council of Ministers is arguably the most important actor in the European Union, there is little evidence of lobbying being exercised on the Council in the current literature. This suggests that the Council is not seen in the same way as the Commission or the Parliament by lobbyists, or that the nature of lobbying is different (and hence less quantifiable) in the Council. One of the main reasons why this is the case is without a doubt linked to the Council's long-standing reputation of being secretive and the least accessible of the EU's institutions. (Hayes-Renshow, in Coen & Richardson, 2011, p. 70)

The Council is a complex institution, it combines a series of characteristics since it simultaneously boasts European and national, supranational and intergovernmental, sectoral and cross-cutting, executive and legislative features. The Council brings together the officials and ministerial representatives of each of the Member State governments, and provides an arena

for each Member State to defend their national interests. Hence, it is a forum where European and national interests often clash. (Hayes-Renshow, in Coen & Richardson, 2011, p. 71)

In terms of competences and its roles, four principal functions can be identified: firstly, the Council possesses legislative powers, usually in tandem with the European Parliament. Secondly, once again with the Parliament, it defines and agrees on the EU budget. Thirdly, the Council coordinates economic policies across the EU, and lastly implements the EU's Common Foreign and Security Policy (CFSP), amongst other important tasks. (De Cock, 2010, p. 10; Hayes-Renshow, 2012, p. 76)

Ministers of Member States meet in ten different Council configurations. However, this configuration is merely the visible tip of the iceberg: The Council is a multi-layered organisation in which Ministers delegate a hefty amount of the work to preparatory bodies, while Ministers are left to deal with the most sensitive and politically charged issues. This means that a majority of the Council decisions are agreed upon by officials of the Member States, and are simply rubber-stamped by any Council configurations of Minister when they happen to meet. (De Cock, 2010, pp. 18-19; Hayes-Renshow, in Coen & Richardson, 2011, p. 71-72)

In other words, the Council works similarly to a pyramidal structure: a plethora of Council Working Groups (CWGs) meet in Brussels every day. The outcomes of these meetings are reviewed by more senior agents who meet on a less regular basis (COREPER I and II), who in turn transfer the dossiers that still need agreement on to even higher political authorities: the relevant Council configurations in which the Ministers of each Member State meet. (Hayes-Renshow, in Coen & Richardson, 2011, p. 72) Each configuration attempts to reach an agreement on a maximum of decisions before submitting them to the upper echelon. The dossiers in which a consensus has been reached are called 'A points' (i.e. approval without debate), while the items that still require political discussion and debate, often from senior level politicians, are referred to as 'B points'. (De Cock, 2010, pp. 20-22)

When a dossier is sent all the way to the top of the pyramid (i.e. the Council), the Treaties determine the decision-making rule that the Ministers must abide to. There are two options: either the Council decides with the unanimity rule, which means that none of the Ministers

refuse the agreement, or the Council decides with a Qualified Majority Voting (QMV) rule, currently set at 55% of the Member States representing at least 65% of the population in favour.⁸

Permanent representations (i.e. the lower levels of the Council's pyramidal structure) play an important part in the daily follow-up of dossiers handled in the Council: they provide their respective national governments with information and analysis on close to everything that happens at the EU level, and transmit their government's positions and opinions to relevant EU institutions. In other words, permanent representations act as an extended arm of their national government in Brussels (even Belgium, which hosts most of the European institutions' headquarters, has a permanent representation to the EU), and ensure that the interests and desires of their country are pursued as effectively as possible on the EU agenda. (De Cock, 2010, p. 15)

In terms of lobbying, access to the Council is a far more arduous venture than access to the Commission or the Parliament. The main reason behind this is simple: The Council regroups Member State representatives who defend national interests, and they therefore do not usually care about the needs of individual groups. Lobbying efforts therefore usually occur already at the national level, mostly by addressing the relevant national authorities or ministries. Following this logic, there is little hope in successfully lobbying a Member State unless being an established company in a specific Member State, which is also providing a large level of employment in that country. (De Cock, 2010, p. 10)

However, while it is true that the final decision-making power rests with the upper levels of the Council, the staff of the permanent representations is worth contacting for lobbyists because they sit in the CWGs that prepare the technical legislative work and work out the nitty gritty details. Hence, they are more likely to listen to a lobbyist if for a certain issue they receive detailed information from various stakeholders. (De Cock, 2010, p. 15)

Moreover, it would be unwise to underestimate the influence that members of Council Working Groups and Coreper members can have, because in practice, while they cannot issue binding guidelines to the Council, the Council will in almost 90% of the cases confirm the agreements reached at the Coreper level. (De Cock, 2010, p. 21)

Once the main trio involved in EU policymaking has been examined, it is wise to dedicate a few words to a brief overview of some of the organs orbiting the institutional triangle, such as

⁸ <http://www.consilium.europa.eu/en/council-eu/voting-system/>, accessed 5th of April 2017.

the European Economic and Social Committee, and the Committee of Regions. Even if they are not the main targets of lobbyists at the EU level, their non-binding opinions can sometimes hold weight.

2.4. Organs orbiting the institutional triangle: The European Economic and Social Committee, the Committee of Regions

2.4.1. The European Economic and Social Committee (EESC)

When the Commission considers launching a new initiative or plans on amending Union law, it must submit the project to the non-binding opinion of the European Economic and Social Committee (EESC), which is an organ of the EU composed of representatives of civil society originating from all Member States (national governments propose the candidates, who are then appointed by the European Council) divided into three groups: group I, employers, which comprises of entrepreneurs or delegates of industry and trade associations. Group II, employees, is composed of delegates coming from national trade unions and delegates from sectoral federations. A vast majority of these are affiliated to the European Trade Unions Confederation (ETUC). Lastly, group III, diverse activities, consists of envoys from various associations representing societal, professional, cultural, and economic interests. (Koutroubas & Lits, 2011, pp. 166-167)

The EESC is currently composed of 350 members, appointed for periods of five years which are renewable. Comparable to a living forum of european civil society, the EESC is empowered by the Treaties of an opinion giving competence on all Union law. These “opinions” are either directly required by the Treaty, or consist of “Own-initiative Opinions” when the EESC wishes to give its opinion without other institutions formally asking for it. (Koutroubas & Lits, 2011, p. 167)

Concretely, the EESC contributes to reinforcing of the EU’s democratic legitimacy and its effectiveness because it accomplishes three missions for the EU: the EESC contributes to european legislation by making it reflect economic, social, and cultural realities better by helping the institutional triangle in shaping its policies. Second, it favours the development of a more participative Union that is closer to citizens. Third, the EESC promotes values that constitute the foundation of the European construction, such as democracy, and the participation of all actors of civil society. (Koutroubas & Lits, 2011, p. 167)

2.4.2. The Committee of the Regions (CoR)

The Committee of Regions (CoR) is the voice of regions in the European Union, it is composed of 350 members, usually regional presidents, elected representatives or mayors of regions and cities originating from the Member States. Through the Committee of Regions, regional and local authorities in the EU can have their own say on EU policy that concerns regions and cities. The CoR was created to bring citizens closer to the European Union: CoR members live in the regions they come from and therefore keep in touch with the concerns that their electorates bring forward. Consequently, CoR representatives speak for their voters in the heart of the EU.⁹

The CoR has often been criticised for its lack of decision-making powers and its lack of focus. This issue has been recognized, leading to its role being strengthened by the Treaty of Lisbon in 2009, which increased the involvement of the CoR through mandatory consultations of the CoR by the European Commission, Parliament, and the Council. The scope of the involvement of the CoR was also increased to matters such as climate change or civil protection as well.¹⁰

The CoR is a good tool to develop links between EU institutions and grassroots. (Tatham, 2008, p. 506) Essentially, the CoR is a forum that provides other European institutions with suggestions on future policies, aiding others to form a clearer vision. (Tatham, 2008, p. 506)

Now that an overall landscape of the principal EU institutions has been established, it is relevant to start analysing what the current literature has to say about the interest groups gravitating around the above-mentioned institutions. The aim of the next section is to have an overview of the various types of interest groups that exist, and to examine through which channels they operate, and what strategies they currently employ to make their voice heard.

3. Types of interest groups and interest group strategies

3.1. Interest representation in the EU: corporatism, pluralism, or both?

Whatever the political system, interest groups exist in each of them. Besides, interest groups have always played an important role in modern politics. However, what does change greatly between political systems is the way in which relationships between interest groups and policymakers are structured. The most important models of interest representation are pluralism and corporatism. (Lelieveldt & Princen, 2015, p. 135)

⁹ <http://cor.europa.eu/en/about/interinstitutional/Pages/lisbon-treaty.aspx>, accessed 8th of August 2017.

¹⁰ <http://cor.europa.eu/en/about/interinstitutional/Pages/lisbon-treaty.aspx>, accessed 8th of August 2017.

Traditionally, researchers use the famous definitions of Schmitter to define the two concepts of pluralism and corporatism. On one hand, Schmitter (1974, p. 96) defines pluralism as “a system of interest representation in which the constituent units are organized into an unspecified number of multiple, voluntary, competitive, nonhierarchically ordered and self-determined (as to type or scope of interest) categories which are not specially licensed, recognized, subsidized, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories.”

In other words, a pluralist system is characterized by the presence of many interest groups, none of which has a privileged position in policymaking. Consequently, all interest groups are engaged in a continuous competition to gain access to the decision-making arenas. In pluralist systems, groups cannot rely on formalized discussions but rather have to struggle to get attention. As a result, relations both between interest groups, and between government and interest groups tend to be somewhat conflictual. (Lelieveldt & Princen, 2015, p. 135)

On the other hand, Schmitter (1974, p. 93) defines corporatism as a “system of interest representation in which the constituent units are organized into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports.”

Consequently, a corporatist system is characterized by the fact that a chosen few interest groups have privileged access to policymakers, benefiting from special rights, whereas other groups are left out. This means that privileged groups sometimes benefit from rights such as their systematic consultation by government before adopting policies in relevant fields. In corporatist systems, government and interest group relations are usually formalized and regular. To the contrary of pluralist systems, interest groups in corporatist systems are animated by consensus seeking behaviour, instead of struggle and competition that tends to occur in pluralist systems. This does not mean that disagreements do not exist in corporatist systems though. (Lelieveldt & Princen, 2015, p. 135)

The interesting thing to find out is whether the EU as a political system should be considered rather corporatist or pluralist. Scholars involved in EU interest representation have tended to

conclude that the EU is predominantly pluralist, while in the same time, elements of corporatism can also be found in various aspects of the EU.

Many pluralist elements can indeed be found in the EU: it is very open to interest groups, and a large number of interest groups are active in Brussels. In fact, the European Commission itself actively stimulates the creation and activities of certain groups. On an annual basis, the Commission spends approximately €1 billion on supporting various EU-level interest groups. A majority of the funds go to NGOs, due to citizen groups often suffering issues stemming from the logic of collective action, whereas business groups do not. (Lelieveldt & Princen, 2015, p. 137)

Nevertheless, elements of corporatism can also be found in the EU. For instance, the European Economic and Social Committee (EESC) is an organ aiming to involve economic and social interest groups in policymaking: the members of this committee have a privileged access to EU policymaking. Another example would be the Committee of Regions (CoR). Lastly, the ‘Social Dialogue’ is an organ of the EU that consists of six organizations: three organizations of employees, and three employers’ organizations. Within this platform, the six organizations can discuss social and economic issues amongst a group of main social partners. These discussions may lead to agreements between the parties, which can be subsequently formalized into EU legislation by the Council, if the social partners wish it. (Lelieveldt & Princen, 2015, p. 136)

The three platforms mentioned above are clear examples of corporatist forms of interest representation because they grant privileged positions and rights to a limited number of interest groups. In practice however, the impact and meaning of these platforms has remained limited: the CoR and the EESC are cumbersome institutions that need a lot of time to reach any kind of compromise, diluting the impact of their opinions. The Social Dialogue instead is a rather small platform which could take bolder initiatives, but the number of agreements reached by the organizations that compose the platform has been limited so far. (Lelieveldt & Princen, 2015, pp. 136-137)

3.2. Types, channels and number of interest groups in the EU

3.2.1. Number of interest groups active at the EU level

Just like Washington, Brussels is a city bursting with life. One of the activities in which a lot of time and resources are invested is lobbying. Scholars and practitioners agree that a large number and wide variety of interest groups are active, amongst other venues, at the EU level. Interest

groups come in diverse forms and represent various interests, and advocate a myriad of different visions and ideas. (Lelieveldt & Princen, 2015, p. 129)

Measuring the exact number of lobbyists active at the EU level is a herculean task for many reasons, which is why only rough estimates exist in practice. In terms of estimates, the number of individual lobbyists in Brussels is estimated to range between 10,000 to 30,000, with 15,000 probably being the most reasonable figure. In parallel, the number of interest groups active in Brussels is estimated to be between 3,500 and 4,000, with some scholars quoting up to 5,000 groups. (Lelieveldt & Princen, 2015, p. 129)

The reasons why coming up with exact numbers of interest groups and lobbyists lie with the loose definitions of the terms ‘lobbyist’ and ‘interest group’. Indeed, on one hand a lobbyist is “an individual engaged in attempts to influence governmental decision-making on behalf of an interest group.” On the other hand, an interest group is defined as “a group of people that share certain preferences regarding the outcomes of governmental decision-making and organize in order to influence those outcomes, without seeking elected office”. (Lelieveldt & Princen, 2015, p. 129)

Either of these two definitions are not precise, exclusive, and clear-cut. While some interest groups have established offices in Brussels and have lobbyists whose daily job is to influence the EU, other cases are far from easy to identify, for instance groups that only occasionally engage in lobbying activities because it is only a secondary focus, or groups that influence the EU but do not have offices in Brussels. Indeed, some lobbyists fly in and out of Brussels and operate from remote locations. All of these factors make it close to impossible to get accurate numbers of lobbyists and interest groups active in Brussels. (Lelieveldt & Princen, 2015, p. 130)

Another source that gives a reasonable indication of the number of interest groups active in the European spheres is the EU Transparency Register, which provides regularly updated statistics on its registrants. At the beginning of August 2017, the register pointed to 11 365 registrants.¹¹

3.2.2. Types of interest groups active at the EU level

Now that a ballpark figure on the number of established interest groups and lobbyists active in Brussels has been established, an interesting question to answer is what types of interest groups

¹¹ <http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView>, accessed 1st of August 2017.

operate in the EU. The following table provided by Lelieveldt & Princen, inspired by the INTEREURO project led by Jan Beyers provides a clear overview of the different types of interest groups in Brussels.

Type of interest group	Share of total %
Firms	31
Business associations	25
Governmental organizations	11
Citizen groups	11
Non-profit organizations	10
Professional associations	4
Research institutes	3
Trade unions	1
Unknown/other	3

Source: Lelieveldt & Princen, 2015, p. 130

The largest group is individual firms (31%). In practice, this category includes companies that generally have an interest in EU subsidies or regulation. However, this category also includes consultancy firms that specialize in lobbying on behalf of other companies. These ‘public affairs’ consultants are useful for clients that do not wish to invest in setting up an office and network for a personal lobbyist in Brussels. This is often a wiser alternative for firms that only lobby the EU occasionally. (Lelieveldt & Princen, 2015, pp. 130-131)

The second place is occupied by Business associations (25%), which consist of umbrella organizations who represent a large variety of firms. On one hand, some of these umbrella organizations represent a specific type of industry, such as the European Chemical Industry Council (CEFIC), which represents the chemical industry in the EU. In terms of composition, this organization comprises of members from both national business associations (e.g. the Danish Chemical Industry) and individual companies involved in the chemical industry (e.g. Procter & Gamble). The advantage of these associations is that they focus exclusively on a given sector, often meaning that they are composed of individuals who have worked in various positions in that field in the past. It also means that these representatives are more likely to be capable of mastering the relevant files swiftly, and of making precise assessments of the impact of certain scenarios, and of developing good argumentations aimed at policymakers and

technicians, instead of only possessing a superficial knowledge of the dossiers they work on. (De Cock, 2010, pp. 71-73)

On the other hand, some business associations represent companies in all sectors of the economy. The best example in the EU is probably ‘Business Europe’, which represents national business associations (e.g. the Confederation of Swedish Enterprise). (Lelieveldt & Princen, 2015, p. 131) The advantage of this kind of associations is that they often possess immense resources and an impressive weight at the negotiation table. (Mahoney, 2007, p. 368) However, the disadvantage is that for wide umbrella organizations representing a plethora of interests, having all members agree with the message that is to be conveyed takes time and more often than not means that all members must make compromises. In other words, this kind of public affairs companies often propose a ‘Jack-of-all-trades’ approach, meaning that they cater to all needs and across all industries, from fisheries to telecoms, passing through chemicals and agriculture. The weakness of this kind of lobbying is that it often translates into a lack of mastery of the topic they are lobbying, unless the company features specialised departments for every single area it offers to lobby in. (De Cock, 2010, p. 70)

More concretely, De Cock (2010, pp. 70-71) usually advises against contracting with large public affairs companies because the lobbyists that populate these organizations are mostly of two kinds: ‘parrots’ or ‘door openers’. On one hand, parrots are lobbyists who rely on repeating their sales pitch repeatedly to anyone who will listen. This kind of lobbyist generally knows little about the topic he is lobbying in, yet it does not necessarily mean this kind of lobbying is inefficient. It just means that if there is a need for a second discussion on more technical topics, chances are slim for lobbying success. On the other hand, door openers are usually older individuals that have or claim to have good networks due to their prior career and activities (e.g. ex-MEP, ex-Commissioner, etc). Concretely, these individuals are hired for the networks they can activate, rather than for what they actually know. The value of ‘door openers’ is certainly great, because they are capable of opening doors to offices and individuals that would otherwise be inaccessible. However, the weakness of this type of lobbyist is that they do not necessarily keep their promise of delivering results. For example, the door opener might have access to the Commissioner a client is interested in, and guarantees that he raised the issue with the Commissioner, but what they didn’t specify is that the ‘door opener’ probably also raised a plethora of other issues for other clients in the same meeting, meaning that the specific issue that was of interest to a client was most likely lost somewhere, with no follow up. The ‘Door opener’ kind of lobbyist should therefore be used with caution.

It is interesting to note that the majority of larger firms simultaneously are members of business associations, but also lobby directly in Brussels. This allows them to cooperate with their peers on certain matters, while also allowing them to individually contact EU officials if they need to convey a specific message. Also, directly lobbying individually as a firm has the advantage of speed and that of defending personally defined matters: while conveying a message on behalf of an umbrella organization is slow and burdensome due to the fact that all the associated companies must approve the same message, and they may not all share the same interests. Drafting an individual message that only has individual interests at heart is much easier and faster. For instance, responding to public consultations from the Commission can sometimes be difficult for umbrella organizations due to their inherent sluggishness since the deadline limits are often rather short. However, coming up with individualised and agile responses is often the better solution because they are more likely to respect tight deadlines and are more likely to defend exactly the interests that a firm has at heart (De Cock, 2010, pp. 71-72) All in all, it goes without saying that the abovementioned types of interest groups are usually the most well-endowed and wealthiest, especially in terms of material resources and lobbying staff. (Baumgartner et al., 2007, p. 19)

The third largest type of interest group is Governmental organizations (11 %), which are mostly local and regional governments, large cities, and national regulatory agencies. These actors often have a lot at stake in EU policies: for instance, regional and local governments are the principal beneficiaries of the EU's structural funds, which are intended to provide assistance to the poorer regions of Europe. In addition, governmental organizations are usually the actors responsible for implementing EU legislation and are usually directed affected by EU legislation. Consequently, it is no surprise that numerous governmental organizations are active in lobbying the EU, to the extent of opening their own office in Brussels. (Lelieveldt & Princen, 2015, p. 131)

The fourth largest type of interest group is Citizen groups (11 %), which can also be referred to as NGOs (non-governmental organizations). To the contrary of business associations, NGOs do not represent a profession or an industry, but rather some type of public interest that they wish to advocate for. The best-known examples are certainly organizations such as Greenpeace (defending the environment) or Amnesty International (defending human rights). The form of these NGOs at the EU level varies: while some take the form of umbrella organizations (much like business associations) and bring together various national organizations and NGOs (e.g. the Association of European Cancer League which represents national organizations involved

in the field of fighting cancer), some NGOs stay as a single organization (e.g. Greenpeace). (Lelieveldt & Princen, 2015, p. 132)

Citizen groups have increasingly built themselves a reputation of great legitimacy and professionalism in the fields in which they advocate. They are often underfunded and hence must limit the number of areas in which they are involved. Due to this limited scope of activities, citizen groups often develop expertise in their respective fields, which led policymakers and other actors involved in advocacy to take them seriously. In comparative terms of strength, when Citizen groups are asked to defend various causes (e.g. questionable banking practices, environmental matters), they often find themselves in a David versus Goliath situation, with a few limited NGO staff members facing in some cases hundreds of industry lobbyists or researchers. Consequently, one might expect citizen groups to lose most of their struggles for influence, yet this is not necessarily the case, mainly because organizations rarely lobby alone, and do not operate in a vacuum. Naturally, all types of interest groups participate in policy debates alongside all types of other actors who have specific goals. For example, when a citizen group is opposing an industrial group, there may very well be an ally to be found for that citizen group in a competing industry that has shared objectives. (Baumgartner et al., 2007, pp. 18-19; Lelieveldt & Princen, 2015, pp. 132-133)

Fifth, Non-profit organizations (10 %) consist of charities, foundations, and churches. These organizations are often involved at the EU level because they are sometimes affected by EU legislation, or benefit from EU subsidies. (Lelieveldt & Princen, 2015, p. 132)

Finally, the three last types of interest groups are Professional associations (4 %), Research institutes (3%), and Trade unions (1%). Professional associations represent a specific profession, for instance the Standing Committee of European Doctors (CPME), which represents medical doctors. Research institutes however usually consist of think tanks and other types of research oriented organizations. They are present in EU lobbying because they often perceive copious funds from the EU. Lastly, trade unions are organizations that represent employees. Here too, there are both individual trade unions from Member States active in EU lobbying, and also umbrella associations of trade unions. The most important of these is without a doubt the European Trade Union Confederation (ETUC), which has over 88 national trade unions as its members. (Lelieveldt & Princen, 2015, p. 132)

Another source that offers an overview of the types of interest groups active at the EU level is the EU transparency register. Indeed, in its page dedicated to statistics, the register divides the

registrants into different categories and offers a brief overview of the various actors involved. Overall, the general trends are the same as in the data gathered by Lelieveldt & Princen (2015), despite the classification not being exactly the same.¹²

On 01/08/2017, there are 11365 registrants in the register.

They are from the following (sub)sections:	
☐ I - Professional consultancies/law firms/self-employed consultants	1,329
☐ II - In-house lobbyists and trade/business/professional associations	5,616
☐ III - Non-governmental organisations	2,975
☐ IV - Think tanks, research and academic institutions	852
☐ V - Organisations representing churches and religious communities	50
☐ VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.	543



Source: EU Transparency Register Statistics¹³

To summarize, it is clear that a wide array of groups is active at the EU level, ranging from public to private interests, ranging from NGOs to businesses. Yet, evidently business interests account for a large majority of interest groups at the EU level. A possible explanation for the greater presence of business groups compared to citizen groups is most likely the difficulty for citizen groups to organize and find financing due to the diffuse interests they represent and the lack of concrete benefits to specific individuals or organizations. To the contrary, business groups are a limited number of companies that all have a clear financial stake in lobbying the EU, making it easier for these groups to unite and fund EU lobbyists. (Lelieveldt & Princen, 2015, p. 132)

¹² For more information on the number and types of interest groups active at the EU level, visit <http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView>, last accessed 1st of August 2017.

¹³ <http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView>, accessed for the last time 8th of August 2017.

Once the number and types of interest groups active at the EU level has been established, it is essential to analyse through which channels these interest groups attempt to contact EU policymakers in order to try and influence them.

3.2.3 Channels through which lobbying occurs in the EU

There is a variety of ways through which interested stakeholders can be represented at the EU level. The main channels are the following: the interested entity can lobby in Brussels itself, it can work through a national or a European association, or it can hire a commercial consultant. In parallel, one organization can be a member of multiple European associations. Also, the target of lobbying efforts can sometimes vary from EU institutions to national governments, whom can in turn transmit the message to Brussels. This mix of methods and channels gives interested stakeholders a large panel of opportunities to make their message heard. (Mahoney, 2007, pp. 367-368; Lelieveldt & Princen, 2015, pp. 132-133)

In practice, strategically hopping from one channel to the next to convey a message is only a realistic option for larger companies and NGOs, because occasionally, one stakeholder who is part of a larger association will not agree with the position taken, and will consequently lobby in Brussels through other channels. The same hopping phenomenon occurs when the issue at stake is of special concern only to one company, and is therefore not important enough to be shouldered by the EU wide association. However, in reality, only a small minority of stakeholders have the resources and the incentives to simultaneously work through multiple channels of interest representation. (Lelieveldt & Princen, 2015, pp. 133-134)

3.3. Interest group strategies

The aim of this section is to analyse what strategies interest groups can employ to influence policymaking. The number of strategies that interest groups can pursue is legion, but they often pose strategic choices for the various groups hoping to achieve their policy aims. The two basic paths that will be discussed below are inside lobbying and outside lobbying.

Inside lobbying is “a strategy in which interest groups seek to influence policies through direct contact with policymakers” (Lelieveldt & Princen, 2015, p. 139) In practice, this involves a range of basic activities, such as phoning decision makers, arranging meetings with them to discuss policies, responding to stakeholder consultations, or becoming part of a forum or committee that advises EU institutions. Inside lobbying often relies on information and expertise to be effective. As mentioned earlier, the resources and time of politicians are often

scarce, resulting in frequent lacks of information. The information that interest groups possess (often in well-edited and summarised documents) in their respective fields of activity can represent a shortcut for policymakers to access expert knowledge (Weiler & Brändli, 2015, p. 747; Lelieveldt & Princen, 2015, p. 139)

Alternatively, outside lobbying is “a strategy in which interest groups seek to put pressure on policymakers by mobilizing public opinion”. (Lelieveldt & Princen, 2015, p. 139) Concretely, outside lobbying involves organizing demonstrations, strikes, and attracting media attention to relevant causes. Instead of trying to influence policymaking within, interest groups seek to put pressure on policymakers by mobilizing groups outside the institutional arena. (Lelieveldt & Princen, 2015, p. 139)

A kind of outside lobbying that has become increasingly utilized and studied by scholars is Grassroots lobbying. In simple terms, this type of strategy involves interest groups contacting groups of citizens, asking them to contact the policymakers that they can have influence on. (Baumgartner et al., 2007, p. 20) A whole literature on grassroots theory emerged with Saul Alinsky, who views power as dynamic, and not held exclusively in the hands of elites. This theory suggests that groups can achieve social change by taking mutual action. Here, advocacy efforts are focused on working with the many, not the few. Strategies often involve mobilizing communities and raising awareness. (Stachowiak, 2009, p. 12)

A phenomenon that can be considered as a deviant of grassroots lobbying strategy that has increasingly come to the attention of scholars and the media is ‘*astroturfing*’. Much like grassroots lobbying, it involves lobbying through the voice of the many. However, astroturfing is different because it involves the hiring of a public relations firm to stimulate artificial grassroots campaigns. Of course, astroturfing relies on the covert nature of corporate funding in order to achieve its effectiveness (Lyon & Maxwell, 2004, pp. 564-573) To give an example of the artificial nature of such campaigns, the USA public relations firm *Davies Communications*¹⁴ explained concretely that they would contact citizens, draft letters for the citizen use various stamps and envelopes to switch it up a bit, ending up with “a pile of personalized letters that have a different look to them” (Lyon & Maxwell, 2004, p. 563), which is what a firm in charge of astroturfing should aim for.

¹⁴ <http://www.daviespublicaffairs.com/#what>, accessed 6th of July 2017.

This is important because such a campaign clearly took place in the case study analysed later in this thesis. Indeed, during the European Commission's stakeholder consultation phase, over 85,000 contributions were made, more than in any other consultation phase in EU history. Most of these contributions were duplicates sent by citizens, that the European Commission suspects were generated through astroturfing.¹⁵

Now that the two basic types of lobbying strategies have been established, it is relevant to determine which strategy is used in what circumstances. Scholars claim that the choice in the type of lobbying strategy to employ strongly depends on the institutional environment at hand. In the case of the EU, a number of factors should be taken into account when choosing which strategy would work best to successfully influence policymakers, such as the specific target of lobbying, the identity of the interest group, and the issue at stake. (Weiler & Brändli, 2015, p. 747)

Concerning the target of the lobby, an interest group has to carefully think about what strategy works best with each target. Outside lobbying works best when the target is sensitive to public opinion. For example, elected politicians will be more sensitive to outside lobbying because they depend on public opinion for re-election, while civil servants are close to immune to outside lobbying. (Baumgartner et al., 2007, p. 7) Consequently, if an interest group wishes to influence the European Parliament, outside lobbying is more likely to work than for example when attempting to influence the European Commission, which is only weakly controlled by the general public. (Lelieveldt & Princen, 2015, p. 139; Weiler & Brändli, 2015, p. 749)

In terms of identity of the interest group, it is clear that inside and outside lobbying both require a different skillset. On one hand, outside lobbying requires large networks of members and volunteers to organize large-scale events and to relay events to the media. On the other hand, inside lobbying rather requires an established and maintained relationship with policymakers, and the capacity to present valuable information in a way that benefits the debate in a given field. Both of these skillsets are not developed overnight, but instead take a large amount of time and experience, as a result of which interest groups tend to stick to strategies that they are comfortable with. (Lelieveldt & Princen, 2015, p. 140; Weiler & Brändli, 2015, p. 748)

Lastly, the issue at stake is also a determining factor that should orient the choice of lobbying strategy: some issues appeal to public sentiments more easily and benefit from a sympathy

¹⁵ European Commission Health and Consumers Directorate-General, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011.

capital high than other issues. For example, people can be easily mobilized for matters that they feel are close to their interests, such as the environment, or matters that have great symbolic value (such as the protection of whales). To the contrary, issues such as the reform of accounting standards cannot lead to a large-scale demonstration no matter how hard organizers try to mobilise individuals. As a consequence, direct lobbying is more likely to work for issues that do not benefit from a sympathy capital, whereas outside lobbying is more likely to be successful for matters that do. (Lelieveldt & Princen, 2015, p. 140)

The sharp distinction between outside and inside lobbying does not mean that some organizations cannot combine both approaches in their global strategy. In practice, interest groups know that influencing policies can sometimes work better when multiple tactics are used, leading to some groups using a mix of both inside and outside lobbying strategies rather than only specialising in one. (Weiler & Brändli, 2015, p. 747) But what works best at the EU level, inside or outside lobbying?

In reality, groups that rely exclusively on outside lobbying at the EU level are scarce. Inside lobbying, on the other hand, is significantly more prevalent. According to many scholars, the reason why outside lobbying is scarce at the EU level is due to its unfavourable political opportunity structure, which refers to “the institutional and political context within which an interest group operates and determines the receptiveness of decision-makers to the claims of that group”. (Lelieveldt & Princen, 2015, p. 141)

As mentioned earlier, outside lobbying is effective if decision-makers are sensitive to public opinion. At the EU level, this is rarely the case compared to national arenas. *In casu*, the European Commission is not directly elected, and the Council does not rely on public opinion either, especially since most of its work is not transparent. Only the European Parliament is directly elected, yet the elections for MEPs are decided over domestic issues instead of European issues. (Mahoney, 2007, pp. 370-371)

On top of these facts, another simple factor that explains the lack of outside lobbying at the EU level is the sheer complexity of organizing protests at a European scale. Coordinating a large population from many different countries who speak different languages, who have different media outlets is difficult. (Lelieveldt & Princen, 2015, p. 142)

II. RESEARCH DESIGN

1. Research question and data collection

The aim of this section is to take a little time to consider the research question that this thesis ultimately attempts to answer, and to explain the various steps that were taken to arrive to this research question in the first place. Furthermore, the objective of this section is also to expand on the tools and methods used to build the overall research design.

As a reminder, the research question that this thesis attempts to answer is the following:

To what extent and how do interest groups influence decisions made by European Union policymakers? Case study of the revision process of the Tobacco products directive (2014/40/EU)

This thesis essentially follows the general footsteps of a hypothetico-deductive model, which broadly speaking consists in initially identifying a general problem area, researching existing literature on the topic, and formulating hypotheses to answer the research question. Of course, it is also necessary to determine how the hypotheses can be measured and operationalized through scientific data collection. Finally, the last steps consist in drawing conclusions from the collected data, and in discussing and reporting on the results of the research.

The data used for this case study originate from multiple and varied sources. First and foremost, extensive document analysis (stakeholder contributions, position papers, e-mails obtained via freedom of information requests, transparency register archives) was widely used to dissect the evolution of the TPD dossier in the European institutions, and to detect who were the actors involved in this file, what their positions were, what their resources were, and what their objectives were.

Secondly, a number of interviews were conducted with key stakeholders and actors involved in the process. From interested stakeholders to the policymakers themselves, as many relevant actors as possible were interviewed to get an accurate recollection of the events. On a sensitive subject such as tobacco control, obtaining interviews was rather difficult. Concretely, over 200 interview requests were sent, and that only to European policymakers in the Commission, Council, and Parliament. Yet, very few responded positively. Fortunately, interviews were still held with stakeholders belonging to the public health coalition, representatives of the Council, and representatives of the European Parliament. Alas, obtaining an interview with a European

Commission representative or a pro tobacco coalition representative that was involved in the revision of the Tobacco products directive seemed impossible. This shortcoming in terms of interviews is one of the weaknesses and limits of this research.

2. Dependent variable: why and how to study influence and lobbying success?

In order for this thesis to successfully study the effects of explanatory factors on lobbying success, dedicating a few words on the nature of the dependent variable, influence, is necessary. This section presents the current state of scientific literature on successful lobbying and presents the main existing approaches used to measure influence: gauging the degree of preference attainment, process-tracing, and assessing attributed influence.

Studies on the influence of lobbying remain at the centre of research on the role of organized interests in democratic politics. However, there is a deep paradox: scholars often look for tangible signs of ‘influence’, but rarely find evidence of it. Influence is central to the study of organized interests but remains elusive. (Lowery, 2013, p. 1) Indeed, organisations often work in nebulous networks and alliances, which makes it extremely challenging to determine how much influence a specific organisation had. (O’Flynn, 2009, p. 5)

An overview of the key findings in the lobbying field of study over the last decades found that empirical literature remains fairly mixed in terms of finding evidence that organized interests truly influence policy. Indeed, “the lobbying environment is one governed by uncertainty in goals, means and, especially, the relationships between them.” (Lowery, 2013, p. 2)

For example, Mark Smith found that when business interests are united in actively supporting a policy proposal the likelihood of the American Congress supporting that proposal are diminished. Another example can be seen through Kollman’s study which highlighted that direct lobbying in the face of public opinion opposition has little effect. Even more intriguing is the finding by Baumgartner et al who reported that most lobbyists fail to even get their issue on the policy agenda. (Lowery, 2013, p. 2)

Up to this point, three main approaches to measuring interest group influence have been developed: gauging the degree of preference attainment, process-tracing, and assessing attributed influence. The preference attainment approach seeks to compare the policy preferences of interest groups with the policy output in order to conclude who the winners and

losers of the policy process are. Process-tracing attempts to assess influence group influence qualitatively based on detailed knowledge of cases to detect the causes that led to interest group influence. (Tansey, 2007, p. 766; Beach & Pedersen, 2013, p. 10) Lastly, the attributed influence method is based either on the assessment of experts to measure interest group influence or on the self-evaluation of interest groups. (Klüver, 2011, p. 489) The aim of this research design is to encapsulate the two first approaches in the Advocacy Coalition Framework analysis, while also drawing slightly on the attributed influence method when it comes to one of the interviews used in the research.

The preference attainment method offers several advantages over the other techniques. First, the preference attainment method can be applied to a large number of cases, while process-tracing typically focuses on a single policy issue, disabling the possibility of drawing general conclusions about the determinants of lobbying success. Second, the preference attainment method takes into account influence that has been applied through multiple different channels, while process-tracing classically relies purely on observable interest group activity (although scholars recently have given increasing importance to elite interviewing in process tracing). In other words, the former approach observes influence by analysing the convergence of the policy outcome with an interest group's policy precise preferred outcome, whereas the latter method potentially overlooks influence owed to structural power. Lastly, the preference attainment method is based on an objective assessment since it compares the policy preference of groups with the policy outcome, while the attributed influence method is often biased by subjective perceptions because it is based on self-evaluation of interest groups or expert judgment to measure influence. Consequently, the attributed influence method measures perceived rather than actual influence. (Klüver, 2011, p. 490)

However, the preference attainment approach does suffer from some issues as well. First and foremost, the process through which influence is exercised is black-boxed, meaning that it is unclear how and through which processes influence is applied. Moreover, if the policy outcome fits with the desired policy preference of an interest group, the preference attainment method cannot ascertain that the convergence can be attributed to a particular interest group. In other words, the fact that the final policy outcome converges with an interest group's policy preference could be pure coincidence. (Klüver, 2011, p. 490) This is why it is important to combine this method with other methods such as process-tracing, which opens up the black box of the influencing process.

Nevertheless, the preference attainment approach can still enlighten scholars in influence measurement because it makes it possible to detect which interest groups successfully shifted the policy proposal towards their desired policy outcome. Therefore, even if no particular interest group or action can be precisely identified as the cause of a policy shift, one can still observe the degree of lobbying success of an interest group. (Klüver, 2011, pp. 490-491)

Since this thesis ultimately revolves around studying influence, and hypotheses are based on lobbying success assessments, it is essential to state and explain how exactly lobbying success is measured in this paper. The way lobbying success can be defined is by looking at whether an interest group or advocacy coalition obtained all that it wanted, part of what it wanted, or none of what it wanted in terms of changes to the previous status quo. For example, an advocacy group that was trying to prevent any changes to a policy would be considered as getting all that it wanted if there were no changes in the policy, and an advocacy group promoting policy change would be considered as getting part or all it wanted if policy did change in the group's desired direction, depending on the degree of change. (Baumgartner et al., 2007, pp. 22-23) After this step, the deeper analysis which is closer to process-tracing tools can begin. This combination of approaches enables the researcher to make assessments based on qualitative data which then permit either the confirmation or rejection of hypotheses that are made.

Another issue in researching influence is that actors do not operate in a vacuum. Quite the contrary, actors take positions on issues through a rule of anticipated reactions from other actors. In addition, this issue only gets more severe the more the institutional complexity of the policy process increases. In other words, a single actor rarely makes policy via a single decision. Rather, "anticipated reactions do not just involve A and B, but also C, D, E and sometimes F." (Lowery, 2013, pp 6-7)

The framework that will be used in the following sections is simple but effective. A few pages are dedicated to an explanation of what the Advocacy Coalition Framework model is, and how it is useful to analyse the Tobacco products directive of 2014. After this, the independent variables that were chosen as potential explanatory factors are presented.

3. Theoretical framework and independent variables: Advocacy Coalition Framework

Theories claiming to explain policy change are legion: from exploiting policy windows of opportunity to power politics, passing through coalition theories, there are often a vast number

of explanations for policy change. In order to better understand and study these phenomena, it is wise to employ a lens or toolbox through which the object of study will be examined. The lens that will be used here is that of the Advocacy Coalition Framework.

3.1. Advocacy Coalition Framework

The Advocacy Coalition Framework (ACF) is an approach developed by Sabatier and Jenkins-Smith which attempts to provide a theoretical lens from which elite behaviour in complex policy subsystems can be understood. Coalitions compete within a policy subsystem to translate their beliefs into tangible policies. These policy subsystems involve researchers, interest groups, agency officials, and legislators from multiple levels of government. (Sabatier & Zafonte, 1998, pp. 475-476; Pierce et al., 2017, pp. 1-2; Nowlin, 2011, p. 46; Stachowiak, 2009, p. 6)

This approach can be a useful analytical tool in order to explain public policy in which substantial conflict over goals and technical and scientific information exists. (Pierce et al., 2017, pp 1-3) It also aggregates actors within a subsystem into a manageable number of coalitions. (Jenkins-Smith & Sabatier, 1994, p. 186)

ACF argues that such complex networks of actors should be understood by grouping them into ‘advocacy coalitions’, each “comprised of sets of actors from different institutions who share a set of normative values and perceived causal relationships who show a non-trivial degree of coordinated activity over time”. (Sabatier & Zafonte, 1998, p. 476; Nowlin, 2011, p. 46)

The ‘subsystems’ mentioned above can be defined as the “those actors from a variety of public and private organizations who are actively concerned with a policy problem or issue, such as air pollution control or mental health, and who regularly seek to influence public policy in that domain.”. (Jenkins-Smith & Sabatier, 1994, p. 179) The actors involved in these subsystems should not be restricted to the traditional notions of iron triangles (i.e. interest groups, legislative committees, and administrative agencies), but rather should include actors from multiple levels of government, researchers, journalists, amongst other actors who play an important role in the creation, evaluation, and spreading of policy ideas. (Sabatier, 1999, p. 119; Sabatier & Weible, 2007, p. 192)

However, an operational definition of a subsystem requires at least four elements: participants regard themselves as a semi-autonomous community who share a domain of expertise, participants regularly attempt to influence public policy within the subsystem for a durable period of time, there are specialized subunits within agencies at all relevant levels of

government, and lastly the subsystem is characterized by the existence of interest groups which regard the substantive policy area as a matter of major concern. (Sabatier & Zafonte, 1998, p. 476)

Scholars quickly agreed that a careful and precise delineation of the scope (or boundaries) of a subsystem is important in order to distinguish actors belonging to various layers of coalition beliefs and policy precepts: deep core, policy core, and secondary aspects. Defining the scope of a subsystem is also critical in order to provide clearer criteria enabling the identification of durable subsystems, which are likely to last for a long time (e.g. a decade). Further clarification on the questions boundaries of subsystems led to the realization that a subsystem may be nested (i.e. totally engulfed) within another, or that multiple subsystems overlap with each other, which means that they interact so often that a subset of actors are parts of both. (Pierce et al., 2017, p. 3; Sabatier & Zafonte, 1998, p. 476)

Indeed, subsystems at a particular level of government are not as autonomous as initially assumed. Interests often look for likeminded partners or allies in other subsystems, or alternatively attempt to have subsystem issues dealt with in subsystems outside the traditional one in hopes of more favourable points of view. Trivial examples of this phenomenon are legion: foreign policy, international trade, and defence subsystems are highly entangled and entwined, environment and energy subsystems frequently interact and affect each other. Subsystems may therefore be nested vertically and horizontally. (Pierce et al., 2017, p. 3; Sabatier & Zafonte, 1998, p. 474)

ACF posits that beliefs of actors are the engine behind political conflict and cohesion. Engaging in political conflict is understood as mobilizing and using political resources to limit or match the power of another group. The idea is to prevent ideologies that diverge from your own from being institutionalized into rules and legislation. Actors don't act on their own, but rather coordinate because they know that common goals are more easily in reach when resources are pooled. (Sabatier & Zafonte, 1998, p. 477)

According to ACF, the belief systems of coalitions are organized into a hierarchical, tri-partite structure, with broader levels encompassing more specific beliefs. The three categories of beliefs are the following: deep core, policy core, and secondary aspects. First, the deep core relates to beliefs that are fundamental, normative, and ontological axioms that span virtually all policy areas. Second, the policy core refers to "beliefs that are the basic normative beliefs and causal perceptions reflecting aspects of a substantive policy area that are critical/important to

subsystem politics and apply to almost all aspects of subsystem policy.” (Sabatier & Zafonte, 1998, p. 477) In other terms, the policy core defines a coalition’s basic normative commitments, causal perceptions, value priorities and perceptions over the general seriousness of an issue and its root causes. Lastly, secondary aspects concern specific beliefs that are narrower in scope than the entire subsystem. It concerns policy preferences regarding the design of specific institutions, desirable regulations or budgetary allocations, and the evaluation of various actors’ performance. (Jenkins-Smith & Sabatier, 1994, p. 180; Pierce et al., 2017, p. 15)

All in all, deep core beliefs are the most resistant to change, whereas a coalition’s policy core beliefs are less rigid and are more prone to change. One part of a coalition’s policy core beliefs are normative and hard to change, but some other parts are based on empirical elements that are more likely to change if factual evidence is brought to light. (Jenkins-Smith & Sabatier, 1994, pp. 181-182) However, on the basis of the concrete outcomes of policy outputs and perceptions of them, and new information being generated, all advocacy coalitions can revise their beliefs and strategies if they feel it is required. This includes both changes in beliefs (which are rarer), but also minor revisions at the operational level. (Sabatier, 1999, p. 122)

Between the coalitions that are intertwined in a struggle, an additional type of actor that must be considered is ‘policy brokers’, who are mediators whose principal concern is to find an acceptable compromise which reduces the degree of conflict in the policy area. In practice, conflicting strategies from various coalitions will be mediated by these policy brokers who will actively look for solutions that could possibly lead to an agreement. (Sabatier, 1999, p. 122)

In the process of policy change, Advocacy Coalition Framework theory shows interest in policy-oriented learning. In other words, experience and/or information will generate alterations of behaviour and thought in a policy field. Increased information can lead to better knowledge of problem parameters and the levers affecting them, consequently changing perceptions of policy impacts. Nevertheless, since information is perceptually filtered, members of different advocacy coalitions will decode the information differently, for instance resisting information that suggests their beliefs are invalid or unattainable. (Weible, Sabatier & McQueen, 2009, p. 122)

Some general assumptions that are associated to ACF theory are the following: in policy subsystems, the line-up of allies and opponents tends to be rather stable on major controversies when policy core beliefs are discussed. Also, actors that belong to the same coalition tend to look for consensus on core issues, but less so on secondary aspects. (Pierce et al., 2017, pp. 4-

5) For instance, in the air quality subsystem, an environmental coalition can be distinguished on one side, composed of public health and environmental groups, some officials in air pollution agencies, a part of legislators at various levels of government, and some scientists and journalists. On the other side, a distinct economic efficiency coalition can be identified, consisting of most automobile manufacturers, petroleum companies, and their allies in the media, research, and legislature. (Jenkins-Smith & Sabatier, 1994, p. 180)

The utility and ambition of the ACF is to analyse policies and explain policy change. This approach identifies four major processes of policy change in a subsystem: negotiated agreements, external shocks, internal subsystem events, policy-oriented learning. Lastly, policy change may also occur from a change in the governing coalition, or a decided policy change decided by a superior authority. (Pierce et al., 2017, p. 5)

The bottom line of ACF assumptions is that public policies are the projections of beliefs and the consequent behaviour of coalitions, and public policy is the translation of the victorious coalition's beliefs. Following the same line of thinking, existing policies are the result of past winners of policy processes who translated their beliefs into policies. (Pierce et al., 2017, p. 3)

The reason ACF is relevant to this research is because it is a useful perspective that allows this paper to aggregate the actors into two manageable advocacy coalitions: the pro tobacco coalition, and the public health coalition. ACF is also a useful tool because it helps in determining the scope of the relevant policy subsystem: the tobacco control subsystem.

Now that the overarching theoretical framework has been presented, the next sections will present the three independent variables or explanatory factors that were selected to test their effects on lobbying success. These three factors are relative coalition size, resources, and degree of coordination and coherence of objectives within coalitions.

3.2. Independent variables: Size, resources, and objective coherence

3.2.1 Hypothesis 1: Does size matter?

Earlier scholars argued whether groups representing diffuse (i.e. non-concentrated) interests were more successful or not in their lobbying outcomes than concentrated interests. Various contradictory results have been found between scholars. The same can be said about debates regarding the effect of size of interest groups on their success at lobbying: while authors such as Klüver and Eising find a positive correlation between resources such as size and interest

group penetration to the European institutions, Baumgartner et al. arrive to mixed results concerning this hypothesis. (Klüver, 2011, p. 484)

According to Klüver (2011, p. 486), relative size of lobbying coalitions plays a paramount role in understanding success or failure of lobbying efforts. Interest groups do not act on their own. Rather, they act in groups, or coalitions in other words. Lobbying should be seen as a complex collective process in which a plethora of interest groups are attempting to shift the policy output towards their preferred outcome. Consequently, interest groups rarely operate individually, and instead lobby together with likeminded groups for that specific issue. However, this does not mean that interest group coalitions always agree on every issue.

Klüver (2011, p. 487) argues that the larger a lobbying coalition is (relative to the opposing interest group coalition), the more it is likely that this coalition will be successful. From a practical standpoint, policymakers will often be tempted to listen to a large number of interest groups pushing for a certain policy outcome rather than a very marginal and isolated number of groups.

Not only that, sheer size of coalitions often provides (at least the impression of) democratic legitimacy to a cause – “look at how many people are represented by that organization; look at how many constituents agree with this argument” – but it can also be utilized to apply pressure on policymakers, especially elected officials concerned about re-election. (Baumgartner et al., 2007, p. 7)

When looking at the actors populating advocacy coalitions, it is interesting to note that lobbying coalitions are usually more diverse than what first assumptions would suggest: large corporations often work with small groups that have a more favourable image. For example, large pharmaceutical corporations often work with patients’ rights groups. While it is not necessarily a natural and obvious process, interest groups that in ordinary circumstances would not work together may cooperate when each holds a resource that the other lacks. Essentially, it boils down to building a successful team which implies gathering actors that have complementary qualities and skills. For example, the combination between large corporations which have large monetary and staff resources with citizen groups which often benefit from ample representational legitimacy can be extremely effective. (Baumgartner et al., 2007, p. 25)

Professionals in the lobbying field tend to say that the creation of a diverse and broad advocacy coalition cannot be replaced by simple window-dressing in which fake consumer groups are

paid to lobby in favour of powerful industry lobbyists. Quite the contrary, policymakers often see through the subterfuge because citizen groups usually serve as a public face that companies rarely rival, especially since reputable consumer groups that often are in regular contact with policymakers do not endorse such ventures. (Baumgartner et al., 2007, p. 26)

In the case of this thesis, the size of a coalition is defined by the number of actors it encompasses, the number of citizens, companies, and groups of various nature it represents, and the sectors of activity on behalf of which it speaks.

In order to operationalize this hypothesis, a macro and micro analysis of the actors involved in the revision process of the TPD will be made: On one hand, the macro level approach gives an overall look of the size of both coalitions, giving rough observations of the involved categories of actors and enabling the establishment of general trends. On the other hand, the micro level approach examines the actors in each coalition, identifying their traits, objectives, their sources of funding, and their individual strategies.

The macro analysis will be based on multiple sources: the European Commission's DG SANCO report on the public consultation on the possible revision of the TPD, interviews with stakeholders and involved policymakers, data available in the EU Transparency Register, on observations made by public health researchers, and on the investigations conducted by *Corporate Europe Observatory* and the *Alliance for Lobbying Transparency and Ethics Regulation*.

The micro analysis will be the result of detailed observation of the activity of various involved actors through an examination of a series of emails received through freedom of information requests directed at the EU, through interviews conducted with both stakeholders and involved policymakers, and through the analysis of position papers and stakeholder contributions.

The first hypothesis that will be tested in this paper is the following:

Hypothesis 1: The larger an advocacy coalition is relatively to its opposing coalition(s), the likelier it is that it will lobby successfully.

3.2.2 Hypothesis 2: Does more resources mean likelier success in lobbying?

The second hypothesis that this thesis works with concerns resources and the effects they have on lobbying success. In order to increase clarity and facilitate hypothesis confirmation or rejection, the hypothesis on resources will be divided into three distinct sub-hypotheses which

are each, separately and exclusively, linked to different kinds of resources. The three main categories of resources that this paper grapple with will first be presented: monetary resources, cognitive resources, and political resources. After that, some paragraphs are dedicated to discuss the imbalances in the repartition of these resources between the various types of actors. Finally, this section will also draw on Bouwen's literature on 'access theory' and link it up with classic literature on resources.

A policy is not created or realised in an empty void. Quite the contrary, the available resources at the disposal of various actors exert a significant influence on the outcomes of a policy. Not so long ago, the only resources that were considered by scholars were centred around money and personnel. However, progress in the field of lobbying research increasingly took interest in other factors such as expertise, access, political support, and time. (Knoepfel, 2007, p. 63)

The availability of different resources to various actors involved in a policy process can exert a significant impact on the results and effects of a policy. However, the relative weight of the different types of resources varies from one policy area to the next. Thus, when seeking clarity, it is necessary to analyse in detail which resources are available for which coalitions of actors. (Knoepfel, 2007, pp. 63-64)

This paper proposes a list of three categories of resources: monetary resources, cognitive resources, and political resources. This list is by no means exhaustive, but it brings together the most important ones when it comes to an analysis of lobbying activities and an assessment of subsequent lobbying success or failure.

Firstly, the monetary resource, or simply put 'money', is probably the most evident resource for everyone. Conducting a successful lobbying effort without any kind of financial resource is close to impossible: staff has to be paid, the infrastructure necessary to the conduct of lobbying has to be financed (offices, office equipment, travel expenses...). (Knoepfel, 2007, pp. 69-71)

Substantial literature exists on the impact of financial resources in politics. The initial assumption makes sense: the wealthier a coalition is, the more that coalition has advantages, the more it will lobby successfully. Yet, policymaking does not occur in a vacuum, and the relationship between financial resources and policy outcomes is in reality quite complex. (Baumgartner et al., 2007, pp. 4-5)

On the other side of the Atlantic Ocean, research conducted on the effects of donations to legislators are often inconclusive, as they lack systematic observable effects. Scholars have

found no systematic relationship between money and lobbying success. (Smith, 2000; McKay, 2011) This is interesting because studies demonstrate what some scholars might already know, but the never-ending scandals often makes people forget: the relationship between money and power is far more complex than usually thought. (Baumgartner et al., 2007, pp. 5-28) The reason why such a majority of citizens believe that money rules politics is probably to be found in the effects of media focus on scandals, whereas everyday politics without signs of scandal or corruption are less visible in general.

While it is certain that money matters, since an organisation with a larger budget can afford to hire more staff and representatives, there are also a plethora of other resources that are equally important. Examples of such resources are reputation, number of government connections, public legitimacy, or expertise. (Baumgartner et al., 2007, p. 7)

In order to operationalize this hypothesis, several sources will be mobilized to make a comparison of a sample of the financial resources available to two major coalition actors: interviews with stakeholders and involved policymakers, data available in the EU Transparency Register, observations made by public health researchers, and investigations conducted by *Corporate Europe Observatory* and the *Alliance for Lobbying Transparency and Ethics Regulation*.

The first sub-hypothesis concerning financial resources is therefore formulated as follows:

H2a: the more monetary resources an advocacy coalition has, the more it will lobby successfully.

Secondly, information represents the cognitive resource. Knowledge is one of the foundations enabling an actor to intervene in the policy process and can be characterized as the acquired knowledge in terms of technical, social, economic, and political data in the policy area relevant to the researched case. As the saying goes, *knowledge is power*. Information is an extremely valuable resource because it is scarce and rare when it comes to complex policy areas. Expertise is often costly to produce and maintain, and as such must be considered valuable. As providers of information and expertise, lobbyists are in reality a lifesaver for many policymakers who are desperate for knowledge that can steer their decisions, without which decision-making would be a wild throw of the dice leading to unpredictable outcomes and unintended consequences. (Knoepfel, 2007, pp. 79-80) Furthermore, in an increasingly globalized and cross-border

society, uncertainty and complexity dramatically increases, meaning that the cognitive resource will not stop from soaring in value and importance.

We can also draw on Bouwen's literature on *Access theory* when discussing the role of cognitive resources, which is an alternative approach to measuring influence. Indeed, since measuring influence is a complex venture in the field of political science, some scholars have suggested an alternative approach, which consists in measuring the access that interest groups get to EU institutions. Access does not necessarily mean influence, but a close relationship exists between influence and access. An interest group might obtain access to an institution, but may fail to obtain any kind of tangible outcome out of it. (Bouwen, 2004, pp. 337-338)

Relations between public and private actors are by no means unidirectional, but rather an exchange relation between groups of interdependent organizations. In practice, EU institutions are eager to interact precisely because they want to know what the private sector wants in order to fulfil their own role. Both types of actors need crucial resources from each other. (Bouwen, 2004, pp. 338-339)

Classically, these so-called resources that private and public actors need from each other are on one hand access, which is the resource that private actors need, and on the other hand, public actors, EU institutions in this paper's case, obtain various crucial goods such as expert knowledge, legitimacy, and knowledge about the aggregated needs and interests of specific sectors of activity or interests of specific domestic markets. (Bouwen, 2004, pp. 338-339)

In addition, the value of these access goods varies depending on the field or sector in question. In some fields of policymaking, obtaining information and expertise is arduous for public actors, while in others it is in their own reach, reducing the need for private actor input into the policymaking machinery.

In order to operationalize this hypothesis, this paper will draw on interviews of coalition members, and on some of the existing literature concerning expertise in tobacco control and EU institutional processes.

The second sub-hypothesis concerning cognitive resources is therefore formulated as follows:

H2b: the more the cognitive resources of an advocacy coalition increase, the more it will lobby successfully.

Thirdly, political support is also a resource that should not be neglected. Two kinds of political support, or legitimacy, can be identified. On one hand, depending on the institutional rules that are applied, rules dictate majorities that must be reached in order to achieve policy change. This primary legitimacy comes down to the political support a cause enjoys from actual policymakers in charge of decision-making. In addition to this, policymaker networks serve as a political resource in the sense that they can act at the policy formulation stage by adding or removing elements from legislative drafts. On the other hand, a secondary type of legitimacy which is just as important is the political support a cause generates from civil society. (Knoepfel, 2007, pp. 90-91) These political resources also encompass the concepts of sympathy and reputation that a cause can generate: these two factors can be powerful tools to exert pressure on policymakers, because an actor benefiting from a good reputation will often receive more sympathy and support in general, while an actor that takes a reputational hit due to a scandal for example, will often suffer from it, since the former supporters of that actor's cause might be more reluctant to openly support that actor after it has been tainted by a foul reputation.

This resource is not linked to money, but instead more on a group sharing similar policy goals with a policymaker. Both these actors usually work in tandem to reach their preferred policy goals, and their respective arrays of capabilities complete each other: public officials can organise meetings with colleagues and help to set an agenda, while advocacy groups usually have the ability to produce research and publicise things. Consequently, a large part of a lobbyist's workload consists in working with allied public officials rather than spending time convincing random policymakers to support their cause. (Baumgartner et al., 2007, p. 8)

The links that bind advocacy groups to specific policymakers can be of various nature: they can be geographical (e.g. on the policy concerning snus, the position of many Swedish policymakers was to lift the ban on sale of snus, since Sweden is the only EU Member State producing snus, and opening the whole internal market to snus sale would have benefited Swedish snus manufacturers), or ideological. (Baumgartner et al., 2007, pp. 8-9)

Policymaker allies, support from civil society, reputation, and legitimacy will be combined together to give an overall answer on the political resources of each coalition. In order to operationalize this hypothesis, interviews, investigations led by other scholars, and extensive document analysis (leaked *Philip Morris* documents, emails between stakeholders and policymakers) will enable this thesis to draw a map of the various policymakers forming webs

of networks of allies for the two coalitions. After that, an analysis of the reputation and legitimacy of both coalitions will be made based on data gathered via interviews.

The third sub-hypothesis concerning political resources is consequently formulated as follows:

H2c: An increase in political resources leads to an increase in lobbying success.

In terms of overall repartition of all these different categories of resources between actors, the current literature on resources points to a heavy imbalance in resources in favour of business groups and professional associations, with labour unions occupying a middle position, and finally with citizen groups and NGOs with the least resources. Usually, business groups are wealthier, and also more likely to have connections in “a high place” than other types of groups, and consequently enjoy greater access and cooperation with government allies than citizen groups or trade unions. (Baumgartner et al., 2007, p. 22) What is more, since these groups are wealthier, they can often pay the costs that are necessary to the production of expertise and information, or in other words, cognitive resources.

These aggregated advantages that business groups possess can seem somewhat troubling in terms of representation, but before jumping to any kind of conclusion it is paramount to see if those additional resources concretely increase those groups’ chances at successful lobbying. (Baumgartner et al., 2007, p. 22)

Depending on the case that has been studied, results may vary. For example, based on the samples analysed by Baumgartner et al (2007, p. 24), financial resources mostly had no significant correlation with lobbying success. To be exact, Baumgartner’s research indicated that businesses with a high level of resources were slightly more likely to achieve their preferred policy outcomes. Yet, the study analysed ‘only’ 185 businesses in its sample, and while the results were statistically significant, the correlation coefficients remained quite low. (Baumgartner et al., 2007, p. 24)

Mark Smith (2000) also conducted research on the policy impact of the US Chamber of Commerce, and came to the conclusion that despite being one of the most powerful and wealthy business organizations in American politics, it was largely unable to obtain the policy outcomes it wished for. (Baumgartner et al., 2007, p. 34)

However, the abovementioned considerations do not suggest that it is better in politics to be poorer. Large budgets, sufficient staff, ability to organize multiple events and multiple venues,

and establishing multiple contacts from various channels are fundamentals of classic lobbying. Rather, the suggestion made here is that the effect of resources alone is probably limited, if factors such as the nature and complexity of the issue at hand and the formation of coalitions between like-minded groups are disregarded. (Baumgartner et al., 2007, p. 33) Resources matter, but so do other factors as well.

3.2.3. Hypothesis 3: Degree of coordination and coherence of objectives within advocacy coalitions

The third hypothesis this paper will test is the degree of coordination and coherence of the objectives of actors belonging to the same coalition. When various actors join a coalition, there is no doubt that all members share at least some common values and objectives. Yet, other aspects of the issue at hand might be subject to disagreements, or some areas of the issue at hand might be more or less a priority to some members compared to others.

While many studies mobilizing the Advocacy Coalition Framework widely utilize the concept of coalitions, only few of these studies mention or attach importance to the degree of coordination within coalitions. (Weible, Sabatier & McQueen, 2009, p. 12) The ambition of this thesis is to contribute to this deficit by analysing to what extent the coherence of objectives of actors belonging to a same coalition affect lobbying success. ACF literature argues that coherence in objectives within advocacy coalitions depends on shared belief systems which should be the catalyst that leads to the formation of stable coalitions in the first place.

Previous work from Weible and Sabatier in 2005 applies the ACF to investigate coordination patterns and the role of policy core beliefs as a glue that binds coalition members together. ACF literature posits that deep core beliefs will constrain those of the policy core (i.e. the broad policy positions regarding basic strategies for achieving the normative positions of the deep core). Lastly, secondary beliefs are the instrumental preferences necessary to implement the policy core. (Jenkins-Smith et al., 2014, p. 486)

In order to operationalize this hypothesis, the concepts of deep core, policy core, and secondary beliefs developed by ACF literature can be mobilized to identify and assess the degree of coherence and coordination in the objectives of actors belonging to the same coalition, which in turn will enable an assessment of the effects of this coherence on lobbying success.

The third hypothesis is hence formulated as follows:

H3: The more the degree of coherence and coordination in the objectives of actors belonging to the same coalition increases, the more the coalition's chances at lobbying success will increase.

III. CASE STUDY: THE TOBACCO PRODUCTS DIRECTIVE (TPD)

1. Context

1.0. General information on the tobacco sector

In order to better understand the case study of the tobacco products directive, it's relevant to not only analyse legislation and lobbying efforts that occurred, but also the product and sector itself that tobacco represents. The aim of this section is to offer a condensed summary of what tobacco is as a product and of the tobacco sector as a whole.

Tobacco as a product itself is prepared from leaves of the tobacco plant. It contains a substance known as nicotine, which is a stimulant, and is highly addictive. The tobacco plant contains some unhealthy chemicals right from the start, on top of nicotine. For example, other chemicals such as lead and cadmium are often found in the soil in which tobacco plants grow, and fertilizers that are used on the tobacco plants also contain nitrates. All these chemicals build up in the tobacco plant and get released through tobacco smoke. Part of these chemicals are inhaled when individuals smoke.¹⁶

The most commonly consumed tobacco based product is cigarettes. During their manufacturing phase, additional harmful chemicals are either naturally created or added through human interaction. While tobacco is prepared for use, usually in the curing process, tobacco-specific nitrosamines (TSNA) are harmful chemicals classified as carcinogens that are added to tobacco products. On top of this, manufacturers sometimes use additives to modify the properties of their products: ammonia is used to modify nicotine absorption into the body, added sugars become carcinogens once they are burned.¹⁷

Lastly, during the combustion stage of tobacco related product consumption (this part does not apply to non-combustible tobacco products), even more dangerous chemicals appear. Over 70 chemicals in cigarette smoke have been linked to cancer in various studies. Studies suggest that tobacco may also cause gum disease, lung disease, heart attacks, and strokes. Examples of such

¹⁶ <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm535266.htm>, accessed 21st of June 2017.

¹⁷ <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm535267.htm>, accessed 21st of June 2017.

chemicals are carbon monoxide, acrolein, and benzene.¹⁸ (World Health Organization & U.S. National Cancer Institute, 2016, pp. 60-62)

Now that a brief description of tobacco as a product has been established, it is interesting to assess the size and role of the tobacco sector in the global economy. When assessing the weight of the tobacco sector in worldwide economy, it is noticeable that on the one hand, the manufacturing side of the industry is a rather small source of employment worldwide (approximately 1,2 million workers worldwide in recent years), as it is mechanized, but on the other hand, tobacco farming is more significant in terms of jobs. Currently, approximately 124 countries grow tobacco, of which approximately eighty are developing countries. Briefly, China, India, Brazil, Argentina, and the USA as the five leading tobacco producers accounted for 70% of the world total tobacco production in 2007 (Koprulu, Alkan & Alkan, 2009, p. 178), with China alone accounting for 42,4% of the world's tobacco leaf in 2013. (World Health Organization & U.S. National Cancer Institute, 2016, pp. 546-548)

According to tobacco industry estimates, 33 million individuals farm tobacco globally, this number including part time tobacco farmers and farmers who also plant other crops. On top of this, more or less 15 million individuals work in tobacco product manufacture, distribution, and retailing. (Warner, 2000, p. 78) In 2003, according to the International Labour Organization (ILO), approximately 40 million people were involved in tobacco growing and tobacco leaf processing worldwide. (World Health Organization & U.S. National Cancer Institute, 2016, p. 547)

There are fairly good reasons why tobacco has been and still is an attractive product to farm. It has historically provided a high net income yield per unit of land, the industry often provides support and loans, its global price has been relatively stable compared to other types of crops, and lastly it is a product that is easy to store, collect, and transport. (Holden & Lee, 2009, p. 334) It is therefore not so easy to convince farmers to drop tobacco farming and to pick up another activity instead.

According to the World Bank, reduced demand for tobacco (which is a foreseeable consequence of strong tobacco control policies) would have rather small long-term effects on most tobacco producing countries, because the decline is gradual and because production is but a small part of most of the countries' economies. Consequently, spending would be reallocated to other

¹⁸ <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm535269.htm>, accessed 21st of June 2017.

goods and services. However, two countries are exceptions: Zimbabwe and Malawi are substantially dependent on raw tobacco for their export earnings. (Holden & Lee, 2009, p. 334)

Given these premises, it is no surprise that the tobacco industry has often tried to frame and exploit the perceived dependence of some countries on tobacco to argue that tobacco industry is key to the economy of some countries. However, many scholars argue that these arguments are tobacco industry attempts at defending their interests through framing and persuasion. (Holden & Lee, 2009, p. 334) Indeed, the tobacco industry's favourite argument conveyed to policymakers to discourage tobacco control policies relates to the economic consequences of reduced tobacco consumption.

The loophole in the tobacco industry argument is the flawed prediction that a decline in economic activity related to tobacco would generate a comparable decline in the overall economy of a country. However, in reality, when resources are no longer devoted to a specific economic sector, they do not disappear into thin air, but rather, these resources would be redirected into other economic sectors. (Warner, 2000, p. 79) From a practical point of view, if a person stops smoking, the money that individual used to spend on cigarettes does not disappear. Instead, that person will spend those resources on something else. The corollary of this spending in another sector of economy will generate employment in that sector. A plethora of research conducted by non-industry economists confirms that such a reallocation of resources would not reduce employment or significantly damage a country's economy. (World Health Organization & U.S. National Cancer Institute, 2016, pp. 554-560)

The usual retort of the tobacco industry once the previous economic argument has been dismissed usually relates to the high transition costs that would be generated from a decline in tobacco consumption. This argument can somewhat be countered in the sense that such declines would most likely be gradual and hence lead to only mild and few transitional issues. (Warner, 2000, p. 79; World Health Organization & U.S. National Cancer Institute, 2016, p. 562) Economist Thomas Schelling actually argued that the dominant effect of a diminution in tobacco consumption is not that tobacco farmers will be thrown out of work, but rather that their descendants will be less likely to perpetuate the tobacco farming activity of their parents, and will instead do something else. (Warner, 2000, p. 79)

Now that the tobacco industry's usual economic argument against more regulation has been discussed, it would be fair to discuss the public health coalition's main economic argument too. While the main argument of tobacco control advocates is the negative effects of tobacco on

health¹⁹, the economic argument that is used to push for more tobacco control is that tobacco consumption creates negative externalities which also include “financial costs related to health care expenditures, premature loss of life, reduced productivity, residential and commercial property damage, higher insurance costs, and tobacco-related cleaning and maintenance.” (World Health Organization & U.S. National Cancer Institute, 2016, pp. 198-199)

Concerning health care expenditure, most societies allocate a hefty proportion of their health care resources to treat people made ill via use of tobacco products. Hence, a society could reduce these costs and use the freed-up resources in something else by implementing regulation that reduces tobacco consumption. However, it is also true that on average non-smokers live longer than smokers, and thus the health care expenses imputable to non-smokers during their ‘extra years of life’ (compared to smokers) balance to some extent the higher cost (but on a shorter timeline) of smokers. (Warner, 2000, p. 81) This argument should certainly be taken with a grain of salt because a plethora of contradictory studies exist on the matter, but it is still an additional interesting perspective from which to examine tobacco sector regulation.²⁰

1.1. The international level: The Framework Convention on Tobacco Control (FCTC)

Tobacco control is a complex matter partly due to the need to find an acceptable balance between personal freedom of smokers and non-smokers, while also keeping matters of public health in mind. Moreover, tobacco control is also a complex area due to its transnational nature, meaning that it is increasingly dealt with in international arenas. Considering the significant cross-border trade of tobacco products, EU-wide rules are being developed to govern the manufacture, presentation, and sale of tobacco and related products. Moreover, the Members States, in cooperation with the European Commission, are actively participating in the World Health Organization Framework Convention on Tobacco Control (FCTC), which is a legally binding treaty which aims to reduce the negative impacts of tobacco consumption.

¹⁹ see World Health Organization & U.S. National Cancer Institute, 2016 for extensive documentation and evidence of the negative effects of tobacco related products on health.

²⁰ For more information on these studies, read the following articles and reports: Falconer Beth & al., 2012, A study on liability and the health costs of smoking (updated final report), study commissioned by DG SANCO of the European Commission, pp. 1-140. / Barendregt JJ, Bonneux L, van der Maas PJ (1997) The health care costs of smoking. *N Engl J Med* 337:1052–1057 / Leu RE, Schaub T (1983) Does smoking increase medical expenditures? *Soc Sci Med* 17:1907–1914 / Hodgson TA (1998) The health care costs of smoking. *N Engl J Med* 338:470.

On the level of international law, it is relevant to take a brief look at the Framework Convention on Tobacco Control that has been developed by the World Health Organization. The FCTC was opened for signature in Geneva in June 2003 and collected 168 signatures, making the FCTC one of the most widely embraced Treaties in UN history. The FCTC entered into force in early 2005. (World Health Organization, 2003, p. 7) To summarize, the objective of this agreement is to provide a framework for tobacco control measures to be implemented by the Parties in order to reduce the prevalence of tobacco use and exposure. More concretely, Article 5 of the FCTC sets out the main obligations generated by the Treaty, which are: the development or reinforcement of a national mechanism point for tobacco control, the adoption and implementation of measures and policies aimed at preventing and reducing tobacco consumption, and cooperation with competent organizations and other instances to achieve the objectives of the Convention.

Some of the most important rules enshrined in this convention are the following: firstly, one of those rules concerns the packaging and labelling of tobacco products: Article 11 of the FCTC specifies that each Party to the Treaty shall, within a period of three years after entry into force of the treaty for that Party, adopt measures to ensure that tobacco product packaging and labelling do not promote a tobacco product by any means that are “false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term [...] that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. This includes terms such as “low tar”, “light”, “mild”.” (World Health Organization, 2003, p. 16) In practice, this article hampers the marketing and advertising strategies of the tobacco industry, which relies especially on attracting young consumers who might pick up the habit and become long term faithful clients.

Furthermore, Article 11 of the FCTC sets out the need for every tobacco product to carry health warnings describing the harmful effects of tobacco use. These warnings must be rotating, large, clear, visible, and legible. More precisely, article 11.1.b of the FCTC dictates that the warning messages on the outside packaging of tobacco products “should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas”. This is one of the key passages of the Convention because it leaves a discretionary power to European or national authorities to decide to what extent the outside packaging of tobacco products is covered by health warnings. Naturally, this was one of the main targets of lobbying when the TPD was discussed at the European level.

In addition, article 13 of the FCTC bans tobacco advertising, promotion, and sponsorship in order to reduce the consumption of tobacco products. Lastly, the most notable rule added to the FCTC is article 5.3 of the Convention, which requires parties to protect their public health and tobacco control policies from commercial and other vested interests of the tobacco industry, in accordance with respective national laws. In concrete terms, this Article implies that any contact with the tobacco industry should be avoided as much as possible, and if a meeting takes place, that minutes of it should be published after the meeting.²¹

Interestingly, there has been numerous calls for similar rules (i.e. banning contacts with representatives) to apply to food and beverage corporations. These calls are based on claims that the food, drink, and alcohol businesses tend to use strategies that undermine public health interventions, while the number of people dying from noncommunicable diseases (NCDs) linked to unhealthy products is increasing. (Lock & Seele, 2016, p. 415; Miller & Harkins, 2010)

1.2. The European level: The tobacco products directive (TPD)

If we return to the European Union level, where Member States discuss how to implement the FCTC, many interesting facts should be noted. Firstly, the official stance of European institutions regarding tobacco products is clear: European institutions have clearly acknowledged that tobacco is a potentially dangerous product and needs to be regulated. They have done so through various channels of communication, the most notable being the legislative channel, under the form of the Tobacco products directive of 2001, and the more recent 2014 TPD. For EU Member States, the TPD serves as a baseline, but it does not hinder Member States from going further in their tobacco control policies, if they so wish. For example, Member States such as France and the UK have gone forward with plain packaging policies, even if the TPD does not require them to do so.²²

Despite the increasingly strict measures on tobacco products, tobacco lobbying is in reality very present and tangible. In fact, tobacco lobbying is so strong that a spokesperson of the European

²¹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

²² <http://www.fctc.org/fca-news/opinion-pieces/1413-france-and-uk-join-australia-as-plain-packaging-leaders>, accessed 26th of May 2017.

Parliament described the TPD as “the most lobbied dossier in the history of the EU institutions”.²³

To contextualize the emergence of the case study, the 2014 TPD was a response to the emergence of products that were not regulated by the 2001 TPD, such as E-cigarettes, the adhesion of the EU and its Member States to the FCTC, and recent novel scientific evidence pointing out that nicotine and tar levels on tobacco packs were potentially misleading to consumers in the sense that they gave the impression that some tobacco products were less harmful than others.²⁴ It is important to note that the adhesion of the EU and its Member States to the FCTC change the policy context as it, at least in theory, mitigates Transnational Tobacco Companies (TTCs) ability to influence European legislation (i.e. Article 5.3 of the FCTC discourages policymakers from being in contact with the tobacco industry).

In terms of concrete legislative changes, the 2014 Directive repealing the 2001 Directive includes an increase in the size of graphic health warnings, restrictions on the size and shape of cigarette packs, a ban on characterising flavours, and regulation on E-cigarettes. While these modifications of EU law constitute significant advances in public health policies, the final 2014 Directive is weaker than what the initial draft proposed by the European Commission intended. (Peeters, Costa, Stuckler et al. 2015, p. 108)

The questions that arises from such an observation are what these changes are specifically and how these changes occurred? What factors led the Commission proposal to evolve in such a fashion? And ultimately, who “won” the race for influence in the case of the 2014 TPD?

2. Content of the Directive, who won?

In order to end up with clear answers to the hypotheses below about the effects of the involved coalitions depending on their size, resources, and objective coherence, it is important to analyse at this point what the 2014 Directive ended up looking like, and who therefore ‘*won the lobbying struggle*’.

²³ http://www.tobaccotactics.org/index.php/EU_Tobacco_Products_Directive_Revision, accessed on 17th February 2017.

²⁴ http://www.tobaccotactics.org/index.php/EU_Tobacco_Products_Directive_Revision, accessed 17th February 2017.

As mentioned above, the 2014 Directive repealing the 2001 Directive includes an increase in the size of graphic health warnings, a ban on characterising flavours, restrictions on the size and shape of cigarette packs, and regulation on E-cigarettes.

Firstly, concerning the health warnings, the 2001 Directive set the size of the graphic health warning to “cover not less than 30 % of the external area of the corresponding surface of the unit packet of tobacco on which it is printed.”²⁵, while the 2014 TPD increased the size of health warnings to 65%.²⁶

Secondly, concerning the ban on characterising flavours, which is defined as “a clearly noticeable smell or taste other than one of tobacco, resulting from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla, which is noticeable before or during the consumption of the tobacco product”²⁷, the 2001 Directive was mute on the matter, meaning that such practices were allowed. However, the 2014 Directive intervened on the matter and entirely prohibits “the placing on the market of tobacco products with a characterising flavour.”²⁸ In practice, this forbids tobacco products from containing additives such as vitamins, caffeine, or taurine which could create the impression that tobacco products possess health benefits or could be associated to energy and vitality. It should be noted that in its final form, the 2014 Directive made an exception for menthol, which obtained a derogation for 4 years.

Thirdly, concerning the size (i.e. how many cigarettes per pack) and shape of cigarette packs (e.g. slim cigarettes), the 2001 Directive was silent, meaning for example that selling packs of 10 cigarettes was allowed. Nevertheless, the 2014 Directive changed the situation by giving a mandatory minimum size to packets of cigarettes: a “unit packet of cigarettes shall include at least 20 cigarettes. A unit packet of roll-your-own tobacco shall contain tobacco weighing not less than 30 g.”²⁹ At first sight, this measure might seem quite odd. Yet, evidence suggests that increasing the size (and therefore the price) of cigarette packs discourages tobacco consumption by young people. Hence, the *rationale* behind this measure is to protect the health of young people, by reducing their access to tobacco products. Concerning the shape of cigarettes, a long debate was held over the potential ban of *slim* cigarettes, which are allegedly meant to attract

²⁵ Tobacco products directive, Article 5, 2001, *OJ L 194*, 18/07/2001 p. 26-35.

²⁶ Tobacco products directive, Article 10, 2014, *OJ L 127*, 29.4.2014, p. 1–38.

²⁷ Tobacco products directive, Article 2, 2014, *OJ L 127*, 29.4.2014, p. 1–38.

²⁸ Tobacco products directive, Article 7, 2014, *OJ L 127*, 29.4.2014, p. 1–38.

²⁹ Tobacco products directive, Article 14, 2014, *OJ L 127*, 29.4.2014, p. 1–38.

female consumers. In the end, *slim* cigarettes were not banned by the 2014 Directive, due to a lack of evidence showing that they differ in their harm potential from other cigarettes. Yet, some researchers found that that young people associate slim cigarettes with femininity and elegance.³⁰

One additional element that must be discussed is the regulation on Electronic Nicotine Delivery Systems (ENDS). E-cigarette regulation is one of the key sections of the TPD, and was the target of copious amounts of lobbying from various sides. Stakeholder consultations reveal that extensive debate occurred on the scope of the Directive especially: should this new framework be extended to tobacco-free nicotine products, such as electronic cigarettes, in addition to the regular tobacco products that are already regulated, or not?

In practical terms, the debate revolved around the classification of this new product: should it be a commercial and recreational product (like cigarettes), or should it be a product considered as a medicine with therapeutic traits which would make its sale and advertising more regulated? The position taken in all but the European Parliament plenary text was to consider ENDS a medicinal product that would require a medicines license (i.e. stronger regulation). Yet, it is the Parliament plenary position that ended up being taken up in the Directive, meaning that ENDS were classified as a commercial product, meaning that little regulation applies to them, unless the product boasts claims on health.³¹

Lastly, concerning tobacco for oral use, which refers mostly to snus, the ban existed already before the 2001 Directive, and is currently still maintained.³²

Table 1 summarises the situation and offers a snapshot into the changes made to the Directives:

³⁰ http://ec.europa.eu/health/sites/health/files/tobacco/docs/fs_slim_cigarettes_en.pdf, accessed 11th of June 2017.

³¹ Tobacco products directive, Article 20, 2014, *OJ L 127*, 29.4.2014, p. 1–38.

³² Tobacco products directive, Article 8, 2001, *OJ L 194*, 18.07.2001 p. 26-35, & Tobacco products directive, Article 17, 2014, *OJ L 127*, 29.4.2014, p. 1–38.

Key Features	2001 TPD	Commission proposal for revised Directive³³	Council common position³⁴	EP Plenary approved text³⁵	2014 Directive final result
Size of health warnings	30%	75%	65%	65%	65%
Ban on characterising flavours	No	Yes	Yes	Yes, but 5-year derogation for menthol	Yes, but 4-year menthol derogation for menthol
Ban on small cigarette packs	No	Yes	Yes	Yes	Yes
Slim cigarette ban	No	Yes	No	No	No
Maintain the Snus ban	Yes	Yes	Yes	Yes	Yes
ENDS regulation	Medicines license	Medicines license	Medicines licence	No regulation, unless health claims are made	No regulation, unless health claims are made

Source: inspired by (Peeters et al., 2015)

As Table 1 shows, the 2014 Directive boasts significant leaps for public health if compared to the 2001 Directive. However, if taken from another perspective, for instance if only the changes between the Commission's proposal for the 2014 Directive and the final form of the 2014

³³ European Commission, 19th of December 2012, Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, 2012/0366 (COD), Brussels.

³⁴ Council of the European Union, 24th of June 2013, General approach, Interinstitutional file 2012/0366 (COD), Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, Brussels.

³⁵ European Parliament, 8th of October 2013, Amendments adopted by the European Parliament on 8 October 2013 on the proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (COM(2012)0788 – C7-0420/2012 – 2012/0366(COD)), Brussels.

Directive are analysed, a brief look would suggest that the tobacco industry was victorious in softening the extent of tobacco products regulation: reducing the size of health warnings by 10%, obtaining a 4-year derogation for menthol flavouring, and excluding the ban on slim cigarettes from the Directive. Not only that, other elements also indicate that the tobacco industry was successful in its lobbying: all options that could be categorized as “extreme” for the tobacco industry were avoided, such as plain packaging and point of sale display bans.

On another note, an individual unexperienced in tobacco control measures might wonder why there were no changes to the levels of nicotine and other dangerous substances allowed in cigarettes in the revision of the Directive. The reason why no such changes were made is simply because according to the European Commission, (which bases its opinion on public health experts) it does not help smokers at all: having less nicotine in cigarettes would only make smokers smoke more cigarettes per day to get their fix, or make smokers pull harder on their cigarettes when smoking. There is not a cigarette that is ‘healthier’ than another. Quite the contrary, as the FCTC explicitly mentions, exploiting the concepts of “light” or “mild” cigarettes is forbidden because it is considered as false advertising.³⁶

All in all, the position argued in this thesis is that overall, the public health coalition got the upper hand in the case of the TPD revision, because compared to the measures in the 2001 directive, public health advocates managed to significantly increase tobacco control regulation, while the pro tobacco coalition only avoided extreme options that would have been ‘*disastrous*’ for their industry.

Data collected via interviews and extensive document analysis also indicates that the end result of the 2014 TPD was a major victory for health advocates. Indeed, from NGOs to Council or European Parliament representatives, most actors agree that the revision of the TPD was a great success for public health advocates.³⁷ As a representative of *Smoke Free Partnership* explained, “By a large margin, the public health coalition won. We didn’t win on every single item like plain packaging, but at least we won on ensuring that it could be done at the national level if Member States so wished. [...] We won on ingredients, despite the caveat in terms of transition periods [for menthol], we won on deceptive marketing on cigarette packs and things like that,

³⁶ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

³⁷ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

which is also very important. We also won on having tracking and tracing provisions which are currently discussed.”³⁸

On issues that would potentially point towards tobacco industry victories, such as the derogation for menthol, an argument can be made to argue that it is in reality a public health coalition victory: “Menthol is a transition period, and it only applies concretely to a few countries because the market shares of that product is high in only a few countries. But public health advocates did win on the principle which is that it’s going to be banned. Now it’s only a matter of time, and fundamentally that’s what matters.”³⁹

The same can be said about the slim cigarette: “The slim cigarette outcome is shame, but the thing with slim cigarettes is that the original packaging of slim cigarettes has been banned, and in practice, this means that the slim cigarettes are going to come in bulky packs, where the warnings are going to be big enough, and the advertising value of the packs is pretty much gone. We didn’t win on banning the slims, but we did win on banning the slim packs, which is also a very important victory.”⁴⁰ Besides, a public health specialist involved in the TPD dossier working at the permanent representation of Belgium to the EU reiterated that the battle on *slim* cigarettes was just the first round of official discussions on the matter, and that it will be probably banned in the near future, since “everyone knows that *slim* cigarettes are attractive for women. We just considered that there was not enough tangible evidence of it according to some Member States.”⁴¹

The reason why the 2001 TPD is taken as the starting point of the analysis is because if the analysis began at the Commission proposal stage, it would be strongly biased; it would entirely ignore the rules of the game that applied before 2014. It would also be unwise to take the European Commission’s proposal for a revision as the starting point to test these hypotheses because when preparing its text, the Commission did so while already anticipating the reactions from interested stakeholders. Lastly, yet another reason not to take the proposal for a revision as a starting point is due to the systematic trend of Commission proposals being watered down

³⁸ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

³⁹ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

⁴⁰ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

⁴¹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

in the following policy process, in order for Member States to sell the project at home, and for MEPs to sell the project to their constituencies.⁴²

It is wiser and more useful to take into account the situation since 2001 since it shows a broader picture of tobacco control legislation and the change that the 2014 TPD brought to tobacco control, and hence gives a more realistic image of the forces that were at work in the process.

At this point, if the preference attainment method is brought forth, it becomes quite clear that public health advocates obtained most of what they wanted from the policy, while the pro tobacco coalition, (which would prefer no regulation at all), in realistic terms wished to delay any further tobacco control regulation, meaning that it was defending the status quo. It can be deduced that the pro tobacco coalition did not get what it wanted for the most part. Yet, it did obtain what mattered the most to them: for the propositions over plain packaging and a point of sale display ban to be removed entirely from the proposal, and they achieved this already at the policy formulation phase.

The questions that erupt from such a statement is how did all this occur? This question will be examined in the following section, which analyses firstly the concrete lobbying strategies that the various advocacy coalitions undertook, and then the effects of size, resources, coordination and objective coherence of advocacy coalitions on lobbying success in the case of the TPD revision.

3. What lobbying strategies did the coalitions undertake to influence the outcome of the directive? How did we end up with this directive?

The aim of the two following sections is to make a concrete description of the lobbying practices that took place in the European institutions, both on behalf of the tobacco industry in the first part, but also health advocates in the second part. This first part will highlight the aggressive strategy and considerable resources mobilized by the tobacco industry to make their case, while the second part will emphasise the more classic and traditional approach taken by public health advocates to make their voice heard.

3.1. Pro-tobacco coalition lobbying on the revision of the TPD in the European institutions

⁴² Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

The tobacco industry's general approach was to either Delay or Push the proposal⁴³, and to block any extreme policy options such as standardised packaging, point of sales display bans, and ingredients bans. As a representative in charge of health files from the permanent representation of Belgium in the EU said, "it is always the strategy of choice of tobacco industry lobbyists: delaying all possible tobacco control measures. Every year, the tobacco industry makes good profit, as long as tobacco control measures are not adopted. [...] This strategy is perfectly legal, many lobbyists from various other sectors adopt the same kind of strategy."⁴⁴

The pro tobacco coalitions, spearheaded by transnational tobacco companies had developed a detailed strategy covering the entirety of the legislative proposal. At the Commission drafting stage, the objective was to block the development of any kind of extreme policy options in the Directorate General for Health and Food Safety (DG SANCO). In the European Parliament, the objective was to break the ENVI (Environment, Public Health and Food Safety) Committee's control on the file, and in the Council to gather enough support for a blocking minority against any extreme measures in case of a vote characterised by Qualified Majority Voting. (Peeters, Costa, Stuckler et al. 2015, p. 109)

On top of that, the pro tobacco group also strongly relied on third party mobilisation for support. Indirect engagement was a key part of TTC strategy in order to gather support from various sources and form a coalition. In order to build a strong coalition against the TPD, TTCs mobilized their natural allies, such as individuals and companies involved in the tobacco industry, but also other business associations, building on the fear that the TPD could carry spill-over effects into other sectors, especially the food and beverage sectors. (Peeters, Costa, Stuckler et al. 2015, p. 110)

3.1.1. Pro-tobacco coalition lobbying strategy in the European Commission

The 2014 Directive followed the standard Ordinary Legislative Procedure (codecision). However, if time frames are compared with the 2001 Directive on Tobacco Products, the 2014 Directive spent a staggering amount of time in the hands of the Commission, at the drafting stage. (Peeters, Costa, Stuckler et al. 2015, p. 110)

⁴³ Joint email dated 28th of November 2013 from CECCM & PMI to DG SANCO, obtained via Freedom of Information request.

⁴⁴ « C'est toujours la stratégie du secteur du tabac, de retarder toutes les mesures anti-tabac. Chaque année ils gagnent des milliards et des milliards, et chaque année, comme on n'a pas encore une certaine mesure, ça vaut la peine. [...] Ce qui n'est pas illicite bien entendu. Après tout, beaucoup de secteurs font la même chose. »

The stakeholder consultation procedure represented a key entry point for the tobacco industry to influence, delay, and potentially block the revision of the TPD Directive. Numerous facts point to a strong involvement of the tobacco industry in this process, causing notable delays in the legislative timeline.

Firstly, evidence suggests that the tobacco industry actively lobbied other Commissioners than the Health Commissioner in an attempt to shift the policy debate away from matters of health, to move them to a debate on economics. Targets of this process were essentially DGs involved in Enterprise, Trade, Internal Market, and Agriculture. Moreover, evidence suggests that the Secretariat-General, the Legal Service, and President Barroso's Cabinet were strongly involved and had repeated undisclosed contact with representatives of the tobacco industry during the review of the TPD.⁴⁵ (Peeters, Costa, Stuckler et al. 2015, p. 111) As a reminder, this kind of behaviour is in violation of Article 5.3 of the FCTC, which requires parties to protect their public health and tobacco control policies from commercial and other vested interests of the tobacco industry. All in all, the situation generated multiple delays and potential animosity or even competition between DGs willing to get involved.

Additional delays occurred at the Inter-Service Consultation (ISC), which is one part of the Commission's internal consultation between all the Directorate-Generals (DGs) linked to the proposal. In more detail, three specific facts led to delays: first, secretary-general Catherine Day, the most senior civil servant in the EU institutions, along with the Commission's Legal Service requested that the DG responsible for the dossier, DG SANCO, postpone the launch of the Inter-Service Consultation which was scheduled for August 2012. Despite the impact assessment draft being approved by Commission's Impact Assessment Board since July 2012, Catherine Day and the Legal Service argued that a number of substantial issues still needed further attention. (Peeters, Costa, Stuckler et al. 2015, p. 111)

Various documents that scholars received via Freedom of Information requests indicated that Mrs. Day also raised concerns about the legal basis of the proposal, leading to the removal of the plain packaging and the point of sale display ban ideas from the proposal. This is consistent with Tobacco industry's document issuing their strategy concerning the TPD. (Peeters, Costa, Stuckler et al. 2015, p. 111)

⁴⁵ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

In addition, the Chief of former Commission President Jose Manuel Barroso's Cabinet, Mr. Laitenberg wished to delay the launch of the Inter-Service Consultation until after the following European Council Summit because if leaked, the proposal might have caused great controversy. Lastly, on the 16th of October 2012, Health Commissioner John Dalli was forced to resign in the context of an alleged corruption scandal, leading to a decision by Barroso that the inter-service consultation should be delayed until a new Health Commissioner was in place⁴⁶. Finally, it was the new Commissioner Mr. Borg who launched the inter-service consultation a few days after taking office, 3 months later than initially planned.

All in all, the Secretariat-General, Barroso's Cabinet, and the Legal Service held at least 12 meetings with the tobacco industry between 2010 and 2012, none of which were publicly disclosed, despite Article 5.3 of the FCTC. (Peeters, Costa, Stuckler et al. 2015, p. 111)

Another reason that explains the long time spent by the 2014 Directive at the drafting stage with the Commission is the thorough Impact Assessment⁴⁷ process it was subjected to. The Impact Assessment was supposed to be finalised by late 2010, yet it ended up being complete only in mid-2012. A series of factors contributed to this delay: firstly, there was strong industry opposition to the baseline the Commission used in its Impact Assessment. Namely, the Commission based its work on a RAND Europe study.⁴⁸ This had not been anticipated in the roadmap, and DG SANCO ended up ordering two additional studies. (Peeters, Costa, Stuckler et al. 2015, p. 110)

Thirdly, the Commission's public consultation phase on the TPD led by DG SANCO attracted a record high number of contributions and submission. More precisely, over 85,000 submissions were posted, more than in any other consultation in EU history. A majority of the submissions were duplicates, leading the Commission to believe that tobacco industry led a mobilisation campaign against the TPD, especially in Italy and Poland.⁴⁹

3.1.2. Pro-tobacco coalition lobbying strategy in the European Parliament

⁴⁶ <https://www.neweurope.eu/article/we-need-wait-barroso-tobacco-products-Directive/>, accessed 14th of April 2017.

⁴⁷ Impact assessments (IA) assess whether there is a need for EU action in an area, and analyse impacts of suggested solutions. IAs are conducted during the preparation phase of a proposal, before the final Commission proposal. Taken from https://ec.europa.eu/info/law-making-process/planning-and-proposing-law/impact-assessments_en, accessed 9th of July 2017.

⁴⁸ European Commission (2010). Assessing the Impacts of Revising the Tobacco products directive Study to support a DG SANCO Impact Assessment Final report. Cambridge: RAND Europe, pp. 1-345.

⁴⁹ European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011.

After years in the Commission, the TPD proposal moved to the hands of the Parliament and the Council. Consistent to their strategy, TTCs encouraged the appointment of the IMCO (Internal Market & Consumer Protection) committee as co-lead committee alongside the ENVI (Environment, Public Health & Food safety) committee in order to increase the prominence of economic and market arguments over considerations of public health. (Peeters, Costa, Stuckler et al. 2015, p. 111)

However, Peeters et al. found that after the already drama inciting *Dalligate* episode, assigning the TPD file to the IMCO committee could potentially have led to another scandal. As a reaction, a large coalition supported moving the TPD forward as it was. Consequently, TTC aimed to create opposition from the Committees that were appointed to give opinions on the dossier (i.e. International Trade, Internal Market, Legal Services, Agriculture and Rural Development and Industry Research and Energy). (Peeters, Costa, Stuckler et al. 2015, p. 111) A quick read through those various opinions does indeed indicate a strong opposition from the opinion giving committees against the lead committee's (ENVI) report.⁵⁰

On top of that, leaked Philip Morris International documents show that each MEP was meticulously investigated in terms of sensitivities and preferences. Hefty Excel files display vast amounts of information on all MEPs, their background, their stance on business and public health policies, and whether they were receptive to meet tobacco industry representatives. MEPs were also categorized, identifying key players to target such as leaders of Political Groups, chairs of committees, influential MEPs in national delegations. (See image of leaked files)

Image 2: Screenshot of *Philip Morris International* leaked documents

⁵⁰ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

When discussing how negotiations were conducted in the Council, a Council Working Group level agent from the permanent representation of Belgium to the EU explained that “There were quite some difficulties with some Member States, there were national interests at stake. [...] Poland was against, as was the Czech Republic at the start.” Romania and Bulgaria were also against the Directive.⁵³

On top of this, it seems some Member States had strong incentives and pressures to defend the interests of the tobacco industry, because “in some countries, the tobacco industry, for example *Philip Morris*, is the main sponsor of the governing party. I can imagine the kind of contacts that exist in those Member States.”⁵⁴ Considering such parameters, there is little hope for a strong public health position to emerge in Member States where the tobacco industry has such a strong hold on the government.

Yet, in a rather exceptional situation for the public health area, the position of the Council was more ambitious for public health compared to the position reached in the European Parliament plenary session. This can be explained by the fact that prior to the negotiations, Belgium already had health warnings taking 65% of the size of the packet, so going for less than that in a European decision would have been difficult to justify (i.e. as it would have been seen as a move backwards towards less regulation on tobacco). That is why the Council agreed on 65%. It was a good argument and other Member States did end up following that line, it was quite remarkable.⁵⁵ “It was the only Directive on public health where the council had a stronger position than the European Parliament overall (the ENVI committee phase position notwithstanding). It was very interesting because in a sense the council came out stronger than the Parliament.”⁵⁶

3.2. Public health advocates lobbying

⁵³ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017: « Il y a eu des difficultés avec beaucoup d’Etats membres, il y avait des intérêts nationaux en jeu. [...] La Pologne était contre, et la République Tchèque était contre au début. » Aussi la Roumanie et la Bulgarie était contre.

⁵⁴ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017: « Dans certains pays, le secteur du tabac, comme Philip Morris, c’est le principal sponsor du parti au gouvernement. Je peux imaginer qu’il y a des autres contacts dans d’autres pays que ici [*en Belgique*]. On essaie de jouer comme il faut. »

⁵⁵ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

⁵⁶ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

To the contrary of the tobacco industry lobbying, the public health advocacy coalition opted for a more traditional approach to EU lobbying. The main activities of the public health lobbyists consisted in participating in stakeholder consultations, and meeting with Council representatives and MEPs from the Parliament to promote their cause.

While the public health coalition had fewer numbers and resources, their lobbying strengths relied on multiple elements: an improved knowledge of the European legislative process, increasing scientific evidence backing the cause of the public health advocates, and ever better coordination and coherence within the advocacy coalition.

As an agent of the permanent representation of Belgium to the EU explained, “the other coalition, whom are public health lobbyists, are very few individuals in a small office with very few resources. Yet they accomplish an enormous amount of work, they should not be underestimated, they definitely have some competent lobbyists on their side. Keep in mind that they are not doing it for free either, they are usually paid by NGOs. There is still a large disequilibrium between the resources of the two sides though.”⁵⁷

In terms of preparation for the revision of the TPD, a representative from *Smoke Free Partnership* explained the preparation process: “The way we did it, it was not by accident: we had been preparing, and by “we” I mean the SFP, this advocacy campaign for several years. It was no secret that it was going to happen, the consultations had started since 2009. The SFP ran a campaign to brief tobacco control organisations all over Europe on what the issues are, to converge upon certain priorities, to order those priorities, to have some criteria on how we are going to spend our efforts. We had been preparing for this, through a lot of discussions and relationships had been formed. It certainly didn’t happen all of a sudden, out of the blue. A lot of preparation went into it.”⁵⁸

⁵⁷ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleks Eerola, Brussels, 17th of May 2017: « L’autre partie, qui sont des lobbyistes ‘santé’ ou ‘anti-tabac’ sont quelques personnes dans un petit local qui n’ont pas du tout des moyens mais qui font quand même un travail énorme pour essayer d’influencer. Il ne faut pas les sous-estimer la force qu’ils ont, parce qu’ils ont vraiment des lobbyistes qui ont une réputation mondiale. Ils ne sont pas tellement nombreux, mais ils ne sont pas des volontaires, c’est des ONGs qui paient ces gens aussi. Enfin, il y a quand même un déséquilibre entre les deux, mais c’est normal, c’est la même chose dans le monde pharmaceutique évidemment. »

⁵⁸ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

In order to facilitate contact with european policymakers, public health advocates “started preparing the campaign early and created the necessary links between different people and different countries and ourselves, and ultimately facilitated all contacts with policymakers.”⁵⁹

4. Analysis: Size of coalitions, resources, and objective coherence of involved actors

4.1. Size of coalitions and actors

The aim of this section is to analyse the effects of advocacy coalition size on lobbying success for the specific case of the tobacco products directive. Two opposing coalitions are featured: the pro tobacco coalition, and the public health coalition.

This section offers both a macro and a micro level look at the actors present in each coalition. On one hand, the macro level approach gives an overall look of the size of both coalitions, giving rough observations of the involved categories of actors and enabling the establishment of general trends. On the other hand, the micro level approach examines the major actors in each coalition, identifying their type (core actor or third-party support), objectives and their individual strategies.

As a reminder, the first hypothesis is dedicated to an analysis of the size of advocacy coalitions and its effect on lobbying success. The hypothesis is formulated as follows:

H1: The larger an advocacy coalition is relatively to its opposing coalition(s), the likelier it is that it will lobby successfully.

4.1.1. A macro perspective on coalitions and actors

According to the European Commission’s DG SANCO report on the public consultation on the possible revision of the TPD, the public consultation made by the Commission generated 85,513 contributions, which certainly demonstrates a large interest in EU tobacco control policy. Amongst these contributions, a large majority were contributions from citizens (96,03%). Another relevant element to this case study is to compare the number of contributions made by industry representatives on one hand, and NGO representatives on the other hand.

⁵⁹ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

2320 of the responses (2,71%), were made by industry representatives, while 640 responses (0,75 %) were made by NGO representatives.⁶⁰

The Commission's report states that most of the contributors qualifying as industry representatives defended the interests of the tobacco industry, while a majority of the NGO contributions promoted public health. In terms of the large mass of citizen contributions, the European Commission classified a vast majority of the contributions as defending the tobacco industry.⁶¹

It should be noted that with such an overwhelming mass of citizen responses to a consultation, this volume is according to the European Commission, the result "of several citizen mobilisation campaigns that took place in some Member States. One such campaign was organised by a group representing over 75% of Italian Tobacconists. This action was followed by submissions of personal signatures by over 30 000 tobacconists across Italy."⁶²

"The actions and efforts of these campaigns and their ability to mobilise citizens seem to have affected the overall results of the public consultation. One of the side effects of these campaigns is that there were a significant number of pre-programmed responses to the public consultation document. When searching for duplicates and 'form' responses, 46 792 files could be identified; about 57 % of all citizen responses."⁶³

This stratagem is by no means a new trick, transnational tobacco companies have a history of mobilising smokers and employees of tobacco-related ventures to pressure policymakers. For example, in a previous case taking place in the United States of America, internal Philip Morris documents indicate that the firm had a database of almost 3 million smokers in 1986 already, which was used to generate phone calls and letters to elected officials. (Holden & Lee, 2009, p. 338)

However, caution is advised in the interpretation of these figures, since as per usual in a Commission public consultation, respondents identify themselves "as a citizen, government representative, industry representative, or non-governmental organisation (NGO)

⁶⁰ European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011, p. 6.

⁶¹ European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011, p. 7.

⁶² European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011, pp. 6-7.

⁶³ European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011, pp. 6-7.

representative. No confirmation mechanism existed on the survey; therefore, improper classification by respondents could not be verified or excluded.”⁶⁴

On top of the Commission report, other sources of information can be used to build a macro perspective on the actors. In terms of number on the pro tobacco side, it should be noted that based on other investigations, one group of scholars identified “126 associations and 33 non-TTC companies that voiced opposition to the TPD, through industry stakeholder meetings with the Commission, approaching Commission officials and MEPs with their concerns, participating in working groups to develop counterstrategies or policy statements, making critical statements in the media, and signing anti-TPD petitions.” (Peeters, Costa, Stuckler et al. 2015, p. 110)

Meanwhile, *Corporate Europe Observatory* (CEO) identified approximately 97 full time lobbyists working for the tobacco industry in Brussels, with a budget of around €5.3 million per year. These numbers were determined via the EU transparency register⁶⁵, the registration to which is completely optional. Watchdogs such as *Corporate Europe Observatory* have reasons to believe that these numbers are underestimates. (CEO, 2012, p. 1) For example, research conducted by the *Alliance for Lobbying Transparency and Ethics Regulation* (ALTER-EU) indicates that many of the reported lobbying expenditures in the EU Transparency Register are unrealistically low. According to the same research, in various fields and industries, the actual lobbying expenditure could easily be ten times higher than the amount declared in the Transparency Register. (Alter-EU, 2012)

Indeed, CEO reports that “From tobacco growers to retailers, passing through manufacturers and distributors, the whole tobacco supply chain is represented in Brussels. But the number of tobacco industry lobbyists, and the size of the lobbying budgets declared by the 31 players identified, are, for several reasons, clearly underestimates.” (CEO, 2012, p. 2)

However, on the side of the public health coalition, the number of involved actors is not quite so staggering. A representative from *Smoke Free Partnership* (SFP), the organisation spearheading the efforts of the public health coalition, explained that “SFP had two people at the time, and one of those was part-time. And then there was one more full-time person in a

⁶⁴ European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011, p. 6.

⁶⁵ See <http://ec.europa.eu/transparencyregister/public/consultation/search.do?locale=fr&reset=> for a first-hand experience at consulting the register.

different organization, and a couple other part-time workers in a few other organizations, and then whatever people national levels could add.”⁶⁶

As the Commission’s report says, there were few (640) NGO representatives involved in terms of numbers, accounting for 0,75% of the respondents to stakeholder contributions.

From a macro perspective, it is quite clear that the size of the pro tobacco coalition was gargantuan relatively to the small size of the public health coalition.

4.1.2. A micro perspective of the actors involved in the pro tobacco and public health coalitions

4.1.2.1. Pro Tobacco advocacy coalition

The “pro tobacco” advocacy coalition essentially involves actors involved in advocating against strong tobacco control regulation. To summarize, the actors that belong to this coalition can be divided into two categories: core actors heavily involved in the tobacco business (e.g. transnational tobacco companies), and third-party support actors that are involved in part of the tobacco supply chain or product consumption. The latter comprises of a wide variety of actors coming from different parts of the tobacco supply chain, ranging from carton makers to small retailers, passing through associations involved in travel and tourism and consumers defending the product they enjoy.

Naturally, the most prominent stakeholders spearheading the pro tobacco coalition are the biggest tobacco companies worldwide: the major TTCs (Transnational Tobacco Company) like the Altria Group (Philip Morris), British American Tobacco (BAT), Japan Tobacco International (JTI), and Altadis (Imperial) Tobacco.⁶⁷ All four companies are large enough to be featured in *Fortune* magazine’s G500 list of the worlds’ largest 500 corporations (ranked by revenue). (Holden & Lee, 2009, p. 331).

These actors have their interests represented through multiple channels: they defend their interests individually, through official spokespersons and position papers. At the same time, these companies also hire public relations (PR) firms, law firms, and lobbyist firms to represent them, to improve their image, reputation, and credibility. Moreover, these transnational tobacco

⁶⁶ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

⁶⁷ N.B. The China National Tobacco Corporation (CNTC) is an outlier and is not included in this analysis.

companies are also active members (who pay a membership fee, hence keeping the organisation alive) of various associations, including European umbrella organisations.

Concerning the PR firms and lobbyist firms hired by TTCs to defend their interests, there are quite a few. Mentioning a few examples of such cases is relevant to assess the scope of TTC lobbying efforts. Firstly, *Bell Pottinger*, a UK based PR firm, which has Imperial Tobacco as one of its clients, tried to lobby the European Commission especially against legislation on plain packaging and ingredients bans.⁶⁸ (CEO, 2012, p. 2) Another PR firm, *Luther Pendragon*, hired by the *European Retailers and Tobacconists Association* (CEDT), was active in generating grassroots movements and mobilization opposed to the Tobacco products directive. Alternatively, the *European Cigar Manufacturers Association* (ECMA) hired *Aspect Consulting* to lobby on their behalf, while the *European Smokeless Tobacco Council* (ESTOC) hired *Pappas & Associates* to lobby for them. (CEO, 2012, pp. 2-4)

On another note, wide European associations part of the pro tobacco coalition were numerous as well, and lobbied the European institutions on behalf of their affiliates. The clearest example of a European umbrella organisation defending the interests of tobacco industry is the *Confederation of European Community Cigarette Manufacturers* (CECCM). CECCM is an EU lobbying organisation which promotes “reasonable and workable tobacco regulation in the EU”⁶⁹. The core members of CECCM are a large number of national cigarette manufacturers, and naturally the large transnational tobacco companies: British American Tobacco, Imperial Tobacco, Japan Tobacco International, (Philip Morris left in 2006, but cooperated on various lobbying efforts with CECCM).⁷⁰⁻⁷¹ This organisation heavily lobbied against strong tobacco regulation, and also undermined the EU by funding publications and articles from authors criticising the EU for restricting personal freedoms (e.g. the freedom to smoke how and when you please).⁷²

Amongst these various European Associations representing a wide array of civil society actors, some of these groups work as third-party support to the tobacco industry, giving additional

⁶⁸ http://www.tobaccotactics.org/index.php?title=Bell_Pottinger#cite_note-DORAN-11, accessed 12th of May 2017.

⁶⁹ <http://www.ceccm.eu/who-we-are/>, accessed 18th of May 2017.

⁷⁰ <http://www.ceccm.eu/who-we-are/>, accessed 18th of May 2017.

⁷¹ Email dated 12th of December 2013 from CECCM to Health Commissioner Borg and DG SANCO, & Minutes of the meeting of the 27th of November 2013 between DG SANCO and BAT, JTI, ITG, CECCM, PMI representatives, obtained via Freedom of Information requests.

⁷² http://www.tobaccotactics.org/index.php/Confederation_of_European_Community_Cigarette_Manufacturers#Freedom_to_Smoke, accessed 17th of July 2017.

credibility and weight to the arguments made against increased tobacco control. Part of these associations mimicked the arguments made by TTCs against the TPD, while other associations exclusively campaigned against specific parts of the TPD that were genuinely problematic to their specific industry.

Some of the most notable examples are certainly the *European Federation of Food, Agriculture, and Tourism Trade Unions* (EFFAT), the *European Association of Tobacco Growers* (UNITAB), and the *European Carton Makers Association* (ECMA). On one hand, as its name suggests, EFFAT defends a wide array of interests since it is a European federation “representing 120 national trade unions from 35 European countries. EFFAT defends the interests of more than 22 million workers towards the European Institutions, European industrial federations and enterprise management.”⁷³ This includes workers in the tobacco industry, leading EFFAT to lobby against further regulation in the Tobacco products directive. Already in the 2001 edition of the Tobacco products directive, EFFAT General Secretary Harald Wiedenhofer “expressed the worry that, because of unrealistic regulations, thousands of jobs in the EU would have to be sacrificed.”⁷⁴ These ‘unrealistic regulations’ refer to the prohibition of the use of “product names such as ‘mild’, ‘light’ etc. The producers are of the opinion that this threatens the continued existence of these products on the markets. Even the launching of new products would be badly affected if the description of specific product features had to be abandoned.”⁷⁵

On the other hand, UNITAB, which represents the interests of 85,000 European tobacco growers, also heavily lobbied against any kind of ambitious regulation in the revision of the Tobacco products directive.⁷⁶ Research conducted by Peeters et al. (2014) indicates that UNITAB also has all transnational tobacco companies as its members. UNITAB was mostly lobbying against plain packaging due to its alleged effect of increasing counterfeit cigarettes. Secretary General of UNITAB François Vedel explained that “If I was in the mafia I would be

⁷³ <http://www.effat.org/en/mission>, accessed on 2nd of June 2017.

⁷⁴ EFFAT, Tobacco: the protection of people and jobs is called for, EFFAT Express, 37/01, 2001, <http://www.effat.org/sites/default/files/news/11612/en-tobacco-the-protection-of-people-and-jobs-is-called-for.pdf>, accessed last 27th of July 2017.

⁷⁵ EFFAT, Tobacco: the protection of people and jobs is called for, EFFAT Express, 37/01, 2001, <http://www.effat.org/sites/default/files/news/11612/en-tobacco-the-protection-of-people-and-jobs-is-called-for.pdf>, accessed last 27th of July 2017.

⁷⁶ <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=14541128505-57>, accessed 3rd of June 2017.

investing in this business because some of the best-known brands will have limited access to the markets [if new rules are introduced] and the smokers will simply use contraband.”⁷⁷

In addition, ECMA, which represents the interests of carton makers, also lobbied against the tobacco products directive⁷⁸. In a meeting with representatives of DG SANCO in February 2012, ECMA opposed plain packaging measures, linking it to an increase in counterfeited products, leading to job losses, increased health risks, and tax losses.⁷⁹ Alongside ECMA, many firms involved in the fine paper industry which produce cigarette paper wrapping the tobacco, tipping paper, and plug wrap paper (i.e. the part that connects both parts of a cigarette) echoed the arguments and worries of ECMA.⁸⁰

These interests are also represented by the *European Smoking Tobacco Association* (ESTA). They also defend the interests of companies that manufacture and produce fine-cut tobacco. ESTA claims to represent smaller and mid-sized companies, placing emphasis on family-owned businesses, yet large transnational tobacco companies are once again members of the organisation, and therefore have a say in what ESTA’s position will be on tobacco regulation.⁸¹

Alongside these actors, other umbrella organisations of a vaster nature such as *BUSINESSEUROPE* and The American Chamber of Commerce to the European Union (*AmCham EU*) also campaigned via position papers in favour of ‘reasonable’ regulation. For example, *AmCham EU*, an overarching umbrella organisation with a large number of businesses as its members, lobbied especially against the plain packaging issue of the TPD, stating that “The imposition of restrictions to intellectual property rights (IPR) in one sector, or on any particular goods or services, represents a potential precedent for other sectors and consumer goods or services. Under plain packaging measures, the primary way for products to be differentiated will be limited and negatively affected, with brand owners also being deprived of IPRs that would otherwise be available. The American Chamber of Commerce to the European

⁷⁷ <http://www.euractiv.com/section/public-affairs/news/lobbyists-link-eu-tobacco-curbs-to-rising-crime-roma/>, accessed 3rd of June 2017.

⁷⁸ <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=948591610750-02>, accessed 3rd of June 2017.

⁷⁹ Minutes of the meeting between DG SANCO & various tobacco industry representatives, 6th of February 2012.

⁸⁰ Minutes of the meeting between DG SANCO & various tobacco industry representatives, 6th of February 2012.

⁸¹ <http://www.esta.be/members/>, accessed 1st of June 2017.

Union (AmCham EU) is concerned by the potential implications of such measures for the trademark system as a whole.”⁸²

In parallel, in its position paper, *BUSINESSEUROPE* also strongly criticised measures related to plain packaging and the potential increase in health warning sizes. *BUSINESSEUROPE* claimed, amongst other things, that “a 75% health warning on products goes substantially beyond what is necessary to warn consumers about product risk which suggests that the real aim is to remove branding.”⁸³

Another type of protagonist that must be included in the analysis are organisations defending trademarks and design rights, such as the *Association of Trademarks and Design Rights Practitioners, Marques, APRAM, BMM, GRUR*, and *ECTA*, who campaigned against the TPD, especially the measures regarding plain packaging on the grounds that “extreme amendments such as those introducing plain packaging, excessively large health warning labels on packaging and arbitrary prohibition of trademarks and brands” should be voted against, because “if adopted, these measures will fully undermine the legal protection offered by intellectual property (IP) rights and other fundamental rights.”⁸⁴

On the side lines of the pro tobacco coalition, many actors involved in the tobacco universe but that do not produce cigarettes specifically exist. Indeed, cigarettes are not the only product that contains tobacco. Quite the contrary, there is a wide variety of alternative products that also use tobacco, such as cigars, snus, or even pipe tobacco.

An additional type of actors also involved in the tobacco coalition would be cigar manufacturers. *The European Cigar Manufacturers Association* (ECMA, not to be mistaken with the *European Carton Makers Association* mentioned earlier), represents a wide variety of cigar makers. Part of these members are the same transnational tobacco companies. This group lobbied mostly on cigar specific matters⁸⁵, arguing especially that cigars are not a similar product to cigarettes, and therefore a ‘one size fits all’ approach is inappropriate to regulate cigars. In the same time, ECMA did also lobby against increased size of health warnings,

⁸² American Chamber of Commerce to the European Union (AmCham EU), Position Paper: Protection of intellectual property rights across sectors, AmCham EU concerned about plain packaging measure as precedent to impair intellectual property rights, 11th of July 2014.

⁸³ *BUSINESSEUROPE* position paper, December 2012.

⁸⁴ Apram, bmm, ECTA, Marques, union, Joint Statement, 2013. See also joint statement of 23rd of April 2012.

⁸⁵ Email dated 24th of October 2013 between ECMA and DG SANCO obtained, via Freedom of Information request.

claiming that the size of the health warnings regulated by the 2001 Tobacco products directive was already more than sufficient.⁸⁶

In the case of snus, which is moist powder tobacco placed under the upper lip for extended periods of time, the situation is a bit different. Snus has been banned in the EU since 1992, and the only Member State that is very active in manufacturing snus and that has a long history of snus consumption is Sweden. However, Sweden joined the EU in 1995. The compromise that was agreed upon is that Sweden would benefit from an exemption against the snus ban. What this means is that Sweden can manufacture and sell snus to its own citizens, but it cannot legally sell it in other EU Member States.⁸⁷⁻⁸⁸

During the revision of the Tobacco products directive, the most prominent actors that were in favour of lifting the snus ban were on one hand the Swedish government, and *Swedish Match*, a Swedish snus manufacturer on the other hand. While legal challenges against the snus ban already erupted during the TPD of 2001, the arguments made during the TPD's revision between 2008-2013 were more or less similar. While TTCs were also favourable to lifting the snus ban, it was however not one of their priorities. The key argument often brought up is that the snus ban is a pure and simple violation of free trade principles. As an email from the Swedish Ministry of Health and Social Affairs to DG SANCO explains, “the export ban on Swedish snus has resulted in cross-border market distortion”⁸⁹.

Another federation that lobbied specifically against a point of sales display ban, was the *European Travel Retail Confederation* (ETRC). For the ETRC, “Tobacco continues to be an integral part of the duty free and travel retail industry’s product offer. At 8% of global duty free and travel retail turnover, tobacco sales are an important source of revenue for airports, airlines and ferries. Tobacco also performs an important role as a major footfall driver to bring customers into our shops.”⁹⁰ When interviewed, an agent from the permanent representation of Belgium to the EU explained that “small retailers are a category of actors that are endangered

⁸⁶ Email dated 24th of October 2013 between ECMA and DG SANCO, obtained via Freedom of Information request.

⁸⁷ Treaty of Accession of Austria, Finland and Sweden (1994), ACT concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, OJ C 241, 29.8.1994, p. 9–404.

⁸⁸ Tobacco products directive, Article 17, 2014, OJ L 127, 29.4.2014, p. 1–38.

⁸⁹ Email from the Swedish Ministry of Health and Social Affairs to DG SANCO commenting on the interim RAND report, accessible at http://www.tobaccotactics.org/index.php/Snus:EU_Ban_on_Snus_Sales, accessed for the last time 11th of August 2017.

⁹⁰ <http://www.etrac.org/current-issues/tobacco-retailing.html>, accessed on 18th of May 2017.

lately: newspapers are mostly read on internet these days, so all they have left to make profits is mostly tobacco related products, since even the majority of betting and lottery activities have been moved online. From all sides, small retailers are left with less. Hence, they are afraid of reduced tobacco consumption, meaning that that they have common interests with the tobacco sector.”⁹¹

Lastly, another type of actor that should be included in the pro-tobacco coalition is ‘*Smokers’ Rights Groups*’ (SRG), such as United Kingdom based *Forest, Voice and friend of the smoker*. While *Forest* is focused solely in the United Kingdom, similar associations exist around the world, including in other EU Member States⁹². The aim of these associations (sometimes blatant front groups for tobacco industry) is to focus the debate on the smoker rather than the tobacco industry or smoke in general, and to promote smoking as a socially acceptable habit. The idea behind SRGs is to argue for a ‘right’ to smoke from a ‘defender of personal freedom’ perspective, in attempts to establish moral authority in the public health sector, a sector in which the tobacco industry seldom benefits from any semblance of a moral ground. (Smith & Malone, 2006, pp. 307-309)

To conclude on the pro tobacco coalition, it is clear that the number of actors that belong to this coalition is quite staggering. From tobacco growers to retailers and actual smokers, passing through manufacturers and distributors, the whole tobacco supply chain was and still is represented in Brussels. Not only that, all kinds of other associations served as either third-party support to the pro tobacco coalition, or defended specific objectives that were more or less aligned with the vision of the pro tobacco coalition.

While the overarching objective was to limit the scope of tobacco regulation as much as possible, or at the least have balanced regulation, some of the associations involved defended sector specific interests, such as plain packaging for carton manufacturers, or point of sales display bans for retailers’ associations.

⁹¹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017: « Les petits vendeurs c’est une catégorie d’acteurs forts en danger ces temps-ci : les journaux, tout le monde lit sur internet, donc il ne leur reste à peu près que les cigarettes vu qu’une grande partie des tickets de loterie sont aussi vendus en ligne. De tout côté, ils ont moins, moins, moins. Ils ont donc peur que les gens fument moins. Donc à ce niveau-là ils ont des intérêts communs avec le secteur du tabac. »

⁹² For an extensive study of Smokers’ Rights Groups (SRGs), see Smith & Malone, 2006, *Smoking: We will speak as the smoker: the tobacco industry’s smokers’ rights groups*, *European Journal of Public Health*, Vol. 17, No. 3, pp. 306-313.

4.1.2.2. Public health advocacy coalition

The public health advocacy coalition comprised essentially of organisations interested in public health, and scientific institutions. This includes organisations active at the national level, the European level, and even the global level. The strategy adopted by this coalition involved coalition-building, and recruiting diverse allies to strengthen their credibility and convey broad public support for EU tobacco control.

The most prominent actor spearheading this coalition is without a doubt *Smoke Free Partnership* (SFP).⁹³ SFP is a network “comprising of independent EU and national advocacy organisations with technical expertise in tobacco control policy. Led by SFP, Coalition partners work together to promote and support smoking prevention through the development of advocacy towards EU tobacco control policies through the development and implementation of the FCTC, its protocols and guidelines.”⁹⁴ Currently, SFP has 38 partners across Europe, of which the main partners are *Cancer Research UK*, the *Dutch Cancer Society*, the *Norwegian Cancer Society*, and the *Belgian Foundation Against Cancer*.⁹⁵

Alongside SFP, another important actor to take into account is the *Association of European Cancer Leagues* (ECL), which is an alliance of national and regional cancer leagues. The objective of ECL is to prevent and to fight cancer. SFP & ECL sent a common position paper regarding the revision of the TPD, and an analysis of this position paper reveals the main priorities and objectives of these actors spearheading the Tobacco Control coalition.

To summarize, the six priorities highlighted in SFP’s and ECL’s joint position paper are the following: stressing the importance of large (80%) mandatory pictorial warnings on all tobacco products, and this in combination with plain packaging. Secondly, the importance of adding quit lines on the pack of all tobacco products was argued for. Thirdly, the removal of misleading nicotine/CO/tar figures on all tobacco products was emphasized. Fourthly, maintaining the ban on snus was seen as a priority. Fifth, an ingredients ban on all additives and ingredients which increase the attractiveness of tobacco products was highlighted. Finally, moving forward with a total ban of display of tobacco products at the Point of sale was recommended.⁹⁶

⁹³ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

⁹⁴ <https://smokefreepartnership.eu/about-us/sfp-coalition>, accessed 20th of May 2017.

⁹⁵ <https://smokefreepartnership.eu/about-us/sfp-coalition>, accessed 8th of June 2017.

⁹⁶ Smoke Free Partnership & Association of European Cancer Leagues, Position paper on the revision of the tobacco products directive 2001/37/EC.

On top of this, additional players that should not be neglected are NGOs or alliances of NGOs involved in public health, but not exclusively on tobacco control. Many of such organisations advocated for stronger tobacco control via stakeholder contributions and position papers. An example would be the *European Public Health Alliance* (EPHA), which is an alliance of public health NGOs, health professionals, and patient groups who aim to strengthen the voice of public health in Europe.⁹⁷ While EPHA is not exclusively focused on matters relating to tobacco control, it is a large European association (over 90 members) which also reacted in the TPD revision process by advocating for mandatory plain packaging (or at least health warnings covering over 80% of both the front and the back of tobacco packages.), a ban on all additives and characterising flavours, maintaining the status quo on the snus ban, and regulation of ENDS.⁹⁸

Another example would be the *European Respiratory Society* (ERS), which is composed of medical professionals involved in respiratory medicine. The aim of ERS is to alleviate suffering from respiratory disease and promote lung health through research. Its position paper concerning the TPD revision also advocates for strong tobacco control: 80% pictorial health warnings, plain packaging, harmonised regulation on the ingredients.⁹⁹ Other examples of similar actors are the following: the *European Heart Network*¹⁰⁰ or the *European Federation of Allergy and Airways Diseases Patients Associations*¹⁰¹ (EFA).

Amongst these actors, part of them were organisations representing academics and researchers, whom strongly enhanced the credibility of the tobacco control coalition. Given the status of the scientific community and their expertise, they were apt to convey authority and credibility, leading the tobacco control coalition's priorities to be taken more seriously by the public and by policymakers. (Weishaar, 2016, p. 126)

⁹⁷ <https://epha.org/about-us/>, accessed 11th of August 2017.

⁹⁸ EPHA, Position paper: Revision of the Tobacco products directive, 28th of May 2013, available on <https://epha.org/epha-position-paper-revision-of-the-tobacco-products-Directive/>, accessed 11th of August 2017.

⁹⁹ ERS, Position paper: ERS position on the Revision of the Tobacco products directive, available on https://www.ersnet.org/images/stories/ERSPosition_TPD.pdf, accessed 11th of August 2017.

¹⁰⁰ European Heart Network, Position paper: Tobacco products directive, 16th of April 2013, available at <http://www.ehnheart.org/publications/position-papers/publication/855-tobacco-products-Directive.html>, accessed 11th of August 2017.

¹⁰¹ European Federation of Allergy and Airways Diseases Patients Associations, Position paper: Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, July 2013, available at <http://www.efanet.org/images/2013/07/TPD-position-July.pdf>, accessed 11th of August 2017.

On another note, the involvement of the pharmaceutical sector in the tobacco control coalition is not as certain as the tobacco industry likes to claim. Essentially, *Novartis* and *GSK* mostly lobbied individually, almost exclusively on the E-cigarette part of the TPD, hoping that it would be considered as a medicinal product instead of a commercial and recreational product.¹⁰²

However, the pharmaceutical company *GSK* was also partially funding organisations such as SFP¹⁰³, but the fund amounted to a rather small amount. When questioned on the matter, an SFP representative explained that “SFP was searching for various corporate sector allies at some point, and was actually unable to find many.”¹⁰⁴ The SFP representatives explained that “the pharmaceutical industry was not necessarily backing the public health coalition. [...] SFP had at the time a small grant from a pharmaceuticals company, you can find it in our annual reports, that grant was a small grant compared to SFP’s total budget.”¹⁰⁵

It is important to mention that the financial contributions originating from the pharmaceutical sector have always been rather limited, compared to the operating grants that organisations advocating for tobacco control receive from European institutions.

To conclude on the public health coalition, it is pretty clear that the size of the coalition was tiny in relative terms to the pro tobacco coalition. Yet, if the size of the public health coalition is compared to the size of previous public health coalitions fighting tobacco in the past, it is pretty clear that the current coalition has doubled in efforts to raise awareness, take coalition-building to another level, and coordinate activities.

4.1.3. E-cigarette industry, an outlier?

The electronic cigarette part of the TPD revision is quite complex and could be the topic of an entire thesis on its own. For that reason, this paper will not focus much on the E-cigarette. Yet, this small section is dedicated to it.

The World Health Organization has serious doubts over this new product, because in some sense, it makes smoking attractive again, even if some research indicates that in the short term, Electronic Nicotine Delivery Systems (ENDS) are less harmful than normal cigarettes (no research has been conducted on the long-term effects of ENDS, due to the product being

¹⁰² Email dated 06th of December 2013 from *GSK* to DG SANCO, obtained via Freedom of Information request.

¹⁰³ Smoke Free Partnership, Annual Reports of 2012 & 2013-2014

¹⁰⁴ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

¹⁰⁵ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

relatively new). It's the first time that a new product which encourages smoking again reappears.¹⁰⁶

E-cigarette regulation is one of the key sections of the TPD, and was the target of copious amounts of lobbying from various sides. Stakeholder consultations reveal that extensive debate occurred on the scope of the Directive especially: should this new framework be extended to tobacco-free nicotine products, such as electronic cigarettes, in addition to the regular tobacco products that are already regulated, or not?

In practical terms, the debate revolved around the classification of this new product: should it be a commercial and recreational product (like cigarettes), or should it be a product considered as a medicine with therapeutic traits which would make its sale and advertising more regulated?

Reactions and contributions were mixed concerning the scope of the Directive. On one hand, some argued that extending the scope of the Directive to all tobacco and nicotine products would be a good idea, because all of these products present hazards to public health. On the other hand, some argued that the EU should conduct a better scientific process to test the health impacts of new products (i.e. ENDS) before making decisions on their availability inside the EU. Most governmental representatives and NGOs (except smokers' rights groups) agreed with the former option expressed above, while industry representatives (both tobacco giants of which some had invested in ENDS, and companies involved only in ENDS business) almost unanimously were against extending the scope of the Directive to ENDS¹⁰⁷ (except the pharmaceutical industry which was in favour of extending the scope of the Directive to ENDS¹⁰⁸).

An agent involved in the TPD revision in the Council from the permanent representation of Belgium to the EU reminded that "there needs to be a distinction between the companies on one hand, and the '*vapers*' on the other hand. They are in reality very organized, and lobbied heavily in the European Parliament. Before the Directive, in most Member States, electronic cigarettes were classified as a medicinal product that helps to stop smoking."¹⁰⁹

¹⁰⁶ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

¹⁰⁷ European Commission, Report on the public consultation on the possible revision of the Tobacco products directive (2001/37/EC), July 2011, pp. 9-10.

¹⁰⁸ Email dated 6th of December 2013 from GSK to DG SANCO, obtained via Freedom of Information request.

¹⁰⁹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017: « Il faut faire une distinction entre les firmes d'une part, et les vapoteurs d'une autre part, les utilisateurs. Ils sont très organisés, ils ont effectué un lobbying

This heavy lobbying in the European Parliament campaigned for a European system considering E-cigarettes as a purely commercial product. The Council was not favourable to this approach but caved in and accepted the position of the Parliament on this. Clearly, the E-cigarette lobbyists were very strong on this aspect.¹¹⁰ At the end of the process, the TPD ended up considering ENDS as a commercial product.

4.1.4. Discussion of results on actors and coalition size

From all the data gathered via document analysis (i.e. stakeholder input) and interviews, and through all the analytical work realized above, it is clear that the relative size of the pro tobacco industry was gargantuan compared to the public health coalition. Both the macro and micro analysis perspectives reveal that a large majority of industry representatives, active citizen stakeholders, and a part of NGOs (Smokers' rights groups mostly) were supporting the pro tobacco coalition, while only a relatively small number of NGOs formed the public health coalition.

Yet, this strength in numbers did not lead to significant lobbying success with regard to the end result of the Directive. Indeed, as explained in earlier sections of the paper, the TPD was a clear victory for the public health advocates, while the pro tobacco coalition only secured itself from extreme options by the skin of its teeth. This result is interesting because the general impression and opinion in lobbying is often that the side with the biggest numbers should win.

When discussing the matter with a *Smoke Free Partnership* representative, one factor that could explain why size does not necessarily matter resides in “the advantage in being small, allowing the public health coalition to be quite agile, giving the ability to respond swiftly to challenges as they came. This agility allowed us to adapt quickly and to send information advice, and arguments to all relevant actors quickly. There certainly is strength in numbers, but there is also strength in having only being few, since it allows you to adapt and move fast.”¹¹¹

It is true that a small coalition usually possesses more agility, since it can quickly establish a consensus on the key priorities and messages to convey to policymakers, while large and

énorme au Parlement. Les E-cigarettes étaient considérées dans la plupart des cas en Europe comme un médicament pour arrêter de fumer. »

¹¹⁰ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleks Eerola, Brussels, 17th of May 2017.

¹¹¹ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

burdensome coalitions may sometimes need more time to reach an agreement on their priorities and the specific messages they wish to send.

Hence, the hypothesis linking superior relative size of an advocacy coalition to success cannot be confirmed for the Tobacco products directive.

4.2. Resources

As a reminder, the second hypothesis is dedicated to an analysis of the effect of resources on lobbying success of advocacy coalitions. Earlier in the theoretical section on resources, three categories of resources were identified: monetary resources, cognitive resources, and political resources. The plan in this chapter is to assess the levels of each resource that both the pro tobacco coalition and the public health coalitions had at their disposal.

4.2.1. Comparison of monetary resources

The aim of this section is to compare the financial resources that the pro tobacco coalition had at its disposal, and the financial resources that the public health coalition had available. Quite unsurprisingly, to summarize the situation, the pro tobacco coalition had vast amounts of financial resources dedicated to TPD lobbying, while the public health coalition clearly had only limited funds.

As mentioned earlier in the chapter on the macro perspective of actors: *Corporate Europe Observatory* (CEO) identified approximately 97 full time lobbyists working for the tobacco industry in Brussels, with a budget of around €5.3 million per year.¹¹² Watchdogs have reasons to believe that these numbers are underestimates. (CEO, 2012, p. 1)

The following table represents the declared annual lobbying costs of three major protagonists of the tobacco products directive revision: *Philip Morris International*, *CECCM*, and *Smoke Free Partnership*. The numbers are based on the data provided by the Joint Transparency Register Secretariat.¹¹³

Table 2:

¹¹² For more information and a precise table listing lobbyists and their reported lobbying costs, see <https://corporateeurope.org/lobbycracy/2012/11/mapping-tobacco-lobby-brussels-smoky-business>, accessed 19th of July 2017.

¹¹³ For more information, go see http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=fr&reference=CONTACT_US, last accessed 29th of July 2017.

Estimates of the annual costs related to activities covered by the EU transparency register			
Actors :		Confederation of European Community Cigarette Manufacturers (CECCM)	Smoke Free Partnership
Year :	Philip Morris International		
2009	250 000 € - 300 000 €	-	250 000 € - 300 000 €
2010	400 000 € - 450 000 €	500 000 € - 550 000 €	100 000 € - 150 000 €
2011	1 000 000 € - 1 250 000 €	500 000 € - 600 000 €	100 000 € - 150 000 €
2012	1 000 000 € - 1 250 000 €	600 000 € - 700 000 €	100 000 € - 150 000 €
2013	5 000 000 € - 5 250 000 €	700 000 € - 800 000 €	100 000 € - 150 000 €
2014	Missing data in the register	-	151 071 €
2015	1 250 000 € - 1 499 999 €	-	50 000 € - 99 999 €

Source: Archived data from the EU Joint Transparency Register Secretariat, obtained via information requests.

Among registered tobacco companies, Philip Morris International declared the highest lobbying budgets for all the years relevant to the TPD revision process. These figures are however much smaller than the firm's lobbying expenses in Washington, which raise doubts over the exactitude of the reported expenditures. (CEO, 2012, p. 1)

According to Table 2, one of the protagonists of the pro tobacco coalition, *Philip Morris International (PMI)*, declared lobbying budgets of quite high amounts: between €250 000 and €300 000 in 2009, between €400 000 and €450 000 in 2010, between €1 000 000 and €1 250 000 for both 2011 and 2012, between €5 000 000 and €5 250 000 in 2013, and finally between €1 250 000 and €1 499 999 in 2015 (data unfortunately seems to be missing in the register for PMI in 2014). Simultaneously, the *Confederation of European Community Cigarette Manufacturers (CECCM)* declared slightly lower lobbying budgets: between €500 000 and €550 000 in 2010, between €500 000 and €600 000 in 2011, between €600 000 and €700 000 in 2012, and between €700 000 and €800 000 in 2013.¹¹⁴

¹¹⁴ EU Joint Transparency Register Secretariat, Registrant archives, obtained via information requests.

Meanwhile, for the public health coalition, *Smoke Free Partnership (SFP)*, the NGO leading the public health coalition declared lobbying budgets of smaller amounts: between €250 000 and €300 000 in 2009, between €100 000 and €150 000 each year from 2010 up to and including 2013, €151 071 in 2014, and finally between €50 000 and €99 999 in 2015.¹¹⁵

If these sample figures are used as a reflection of financial resources available for actors of both coalitions, it quickly becomes clear that the financial resources of the pro tobacco coalition are largely vaster than those of the public health coalition. Most of the time, the resources of PMI were 10 times higher than those of SFP, and for 2013, PMI's resources were a whopping 35 times higher than those of SFP. This statement can be reinforced considering the fact that PMI is only one of the four colossal tobacco companies (i.e. PMI (now Altria group), British American Tobacco, Imperial Tobacco, Japan Tobacco). It is quite likely that these other companies also spent somewhat similar amounts in their lobbying efforts.

These numbers concord with the data collected through interviews: public health advocates, MEPs, and Council representatives all agreed that the financial resources at the disposal of the pro tobacco coalition far outweighed those of the public health coalition.

In terms of workforce, which can be a useful metric to determine financial resources, an SFP representative explained that they “had two people at the time [of the TPD revision process], and one of those was part-time. And then there was one more full-time person in a different organization, and a couple other part-time workers in a few other organizations, and then whatever people at national levels could add. You could count the people on your fingers, but in terms of time, it's different.”¹¹⁶ If this is compared to the 97 full time lobbyists reported by *Corporate Europe Observatory* for the pro tobacco coalition, the situation is crystal clear: the pro tobacco coalition possessed much more financial resources.

As a reminder, the sub-hypothesis about monetary resources is formulated as follows:

H2a: the more monetary resources an advocacy coalition has, the more it will lobby successfully.

Based on the analysis made above, hypothesis H2a cannot be confirmed. Quite the contrary, even if monetary resources were unequally divided with the pro tobacco coalition spending

¹¹⁵ EU Joint Transparency Register Secretariat, Registrant archives, obtained via information requests.

¹¹⁶ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

much more money on its lobbying activities, it was unable to block additional tobacco control regulation. The public health coalition on the other hand, significantly advanced tobacco control regulation (and therefore lobbied successfully) while having far less monetary resources.

4.2.2. Comparison of cognitive resources

As a reminder of what was discussed earlier in this paper, information represents the cognitive resource. Knowledge is one of the foundations enabling an actor to intervene in the policy process and can be characterized as the acquired knowledge in terms of technical, social, economic, and political data in the policy area relevant to the researched case. Information and expertise is often rare because it is expensive to produce.

The main element that must be highlighted in this section is undoubtedly the increasing quantity of scientific evidence which shows the negative effects of tobacco on both the health of smokers but also passive smokers. Another type of research that has also been tremendously important for public health advocates is the studies made by economists showing that the economic consequences of tobacco control measures would not be as catastrophic as the tobacco industry likes to claim.

These important trends are the spear that little by little has punctured the controlling shell that the tobacco industry had built around policymakers. Scientific evidence has enabled public health advocates to “document the myths that policymakers heard from the tobacco industry. [Policymakers] often came with concerns, ‘wouldn’t tobacco control negatively affect tobacco growers?’ We were able to document all of these things and bring the evidence to refute them.”¹¹⁷

For a long time, the tobacco industry has been disseminating studies that they financed and still finance claiming that tobacco regulation leading to reduced tobacco consumption would have devastating consequences on the economic health of some countries. While some findings in these studies are truthful, there still usually is strong bias in the studies, generating controversy about health risks and economic consequences. (Grüning, Gilmore and McKee, 2006, p. 26) Indeed, the tobacco industry has a longstanding reputation of “funding research and disseminating it through sponsored, non-peer-reviewed publications. These strategies have remained relatively constant as the industry has progressed from refuting research on active smoking to refuting research on second-hand smoke. Tobacco industry lawyers and executives,

¹¹⁷ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

rather than scientists, have been in control of the design, conduct, and dissemination of this research. Despite the questionable conduct of much of this research, the tobacco industry has widely disseminated it to lay journalists and policy makers. In addition, the tobacco industry has a record of suppressing and criticizing research that is unfavourable to its position.” (Bero, 2005, pp. 205-206)

But another factor that has progressively led to public health coalition lobbying success has been their improving knowledge over the institutional and legislative process. As the plethora of literature on the European Union likes to remind its readers, the EU is a convolute and unfathomable beast. Acquiring knowledge of the institutional and legislative processes is an arduous task, and then applying that knowledge to best defend the interests of an advocacy coalition is even more difficult: “in lobbying it’s not enough to be right. You have to be in the right place, at the right time, and talk to the right people. What the public health advocates now had is a good understanding of the process. You can have the best evidence in the world, but if you call a Member of the European Parliament after the vote has already taken place, you cannot make a difference. We were able to tell people what to do and where to do it. It comes down to the mechanisms of how the coalition worked: of course, scientific evidence and arguments matter, but it’s not enough.”¹¹⁸

In comparison, the pro tobacco coalition has had this knowledge of the institutional and legislative process for much longer than public health advocates, since their financial resources allow the recruitment of legal experts whom are familiar with every cranny and nook of EU law. Such experts are costly and are therefore not available for all. However, the situation has started to become more even as NGOs in various fields have begun to piece the puzzle together.

As a reminder, the sub-hypothesis about cognitive resources is formulated as follows:

H2b: the more the cognitive resources of an advocacy coalition increase, the more it will lobby successfully.

As a conclusion for hypothesis H2b, it can be said that the pro tobacco coalition’s cognitive resources have been high for a long time, and for that reason they have been able to delay tobacco control regulation for decades. Yet, these cognitive resources have remained somewhat stable over time, letting the competing advocacy coalition catch up. The public health coalition has significantly increased its cognitive resources in the last decades which has led to

¹¹⁸ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

tremendous increases in lobbying success. Therefore, it is clear that an increase in cognitive resources led to more lobbying success. H2b is consequently confirmed.

4.2.3. Comparison of political resources

As a reminder, two kinds of political support, or legitimacy, were identified earlier in this paper. On one hand, one type of legitimacy comes down to the political support a cause enjoys from actual policymakers in charge of policy formulation and decision-making. On the other hand, a secondary type of legitimacy which is just as important is the political support a cause generates in society generally. (Knoepfel, 2007, pp. 90-91) These political resources also encompass the concepts of sympathy and reputation that a cause can generate.

4.2.3.1. Allies amongst policymakers

The tobacco industry is notorious for having weaved a deep web of contacts among policymakers around the globe. It should be noted that it is normal for a company in a regulated industry to speak with governments and policymakers, and there is nothing illegal in having networks. Yet, the opaque nature of these contacts often raises concerns and suspicions of potential corruption (e.g. the *Dalligate* scandal).

In the European Commission, the pro tobacco coalition benefited from various advantageous contacts with DGs involved in Enterprise, Trade, Internal Market, and Agriculture. Moreover, evidence suggests that the Secretariat-General, the Legal Service, and President Barroso's Cabinet were strongly involved and had repeated undisclosed contact with representatives of the tobacco industry during the review of the TPD.¹¹⁹ (Peeters, Costa, Stuckler et al. 2015, p. 111) These contacts also include contacts between the Legal Service and Michel Petite, who was Director-General of the Commission's Legal Service until 2008, but when the meetings occurred, was a consultant for Philip Morris International when working for *Clifford Chance*, a law firm. (Peeters, Costa, Stuckler et al. 2015, p. 111) Having these networks and contacts among policymakers is extremely useful and helpful because it allegedly allowed the pro tobacco coalition to get critical proposals such as plain packaging and the point of sales display ban proposals off the table at the Commission drafting stage already. (Peeters, Costa, Stuckler et al. 2015, p. 111)

¹¹⁹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

In the European Parliament, an analysis of some of the *Philip Morris International* leaked documents reveals that in mid-2012 on one hand, PMI identified approximately 130 MEPs that supported the company's interests to not expand health warnings, 160 MEPs that were opposed to plain packaging, 119 MEPs opposed to an ingredients ban, 135 MEPs opposing a Point of sales display ban. On the other hand, PMI also identified a bit over 40 MEPs as hostile to the tobacco industry position on health warnings, 33 MEPs in favour of plain packaging, 32 MEPs in favour of stronger ingredients regulation. This is the interpretation of PMI over the situation in the European Parliament in mid-2012, and therefore should be taken with a grain of salt because a lot of time passed before the final trialogue agreement was reached at the end of 2013.¹²⁰ Yet, this mapping of the European Parliament positions is useful to get a general idea of the meetings the pro tobacco coalition was able to hold, and the support that it could muster in the Parliament.

In the Council, an interview with an agent in charge of public health dossiers at the council working group level reveals that “in some countries, tobacco industry players, such as *Philip Morris*, are the main sponsor of the governing political party. I can imagine that the contacts held in such Member States are of a peculiar type.”¹²¹ Once again, this kind of information raises suspicions of conflicts of interest due to the privileged nature of relations between the tobacco industry and policymakers. In terms of tobacco sector allies in the Council, “there were national interests at stake. [...] Poland and the Czech Republic were against the Directive at the start.”¹²² Romania and Bulgaria were also against the Directive.

For the public health advocates, the access to the European Commission in terms of consultations seemed in formal mechanisms more or less equal: “I think contacts were more or less even, because the European Commission has a responsibility to consult, and they did have consultations, including various tobacco industry players, just as they had with us [SFP].”¹²³ Yet, if the number of undisclosed meetings the pro tobacco coalition had with various

¹²⁰ <https://corporateeurope.org/power-lobbies/2014/05/looking-back-tobacco-lobbying-battle-philip-morris-allies-european-parliament>, accessed for the last time 20th of July 2017. For further information see leaked Excel files, downloadable on the abovementioned address.

¹²¹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017: « Dans certains pays, le secteur du tabac, comme Philip Morris, c'est le principal sponsor du parti au gouvernement. Je peux imaginer qu'il y a des autres genres de contacts dans d'autres pays »

¹²² Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017: « Il y a eu des difficultés avec beaucoup d'Etats membres, il y avait des intérêts nationaux en jeu. [...] La Pologne était contre, et la République Tchèque était contre au début. »

¹²³ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

DGs and the General Secretariat are taken into account, it becomes clear that the pro tobacco coalition benefited greatly from its network of powerful allies to get some of their ideas across, as it is during these meetings that the proposals for plain packaging and a points of sales display ban were removed from the Directive draft. (Peeters, Costa, Stuckler et al. 2015, p. 111)

In the European Parliament, “there were inequalities between various target groups, and inequalities in the access we had to each of the target groups. There are also differences between the political groups in the Parliament: The Greens had a policy not to meet with the tobacco industry at all, whereas we [public health advocates] had a very hard time getting to some other political groups that were more on the right wing.”¹²⁴

“The S&D were friendlier to public health advocates, whereas the EPP & ALDE groups were a bit less so. By a large degree, this is more or less how the groups were, but in the end when the vote came, the EPP was more split, so we were able to convince a number of EPP MEPs.”¹²⁵ Another source of policymaker allies that the public health coalition could count on is the informal *MEPs against Cancer* group, which is committed to actions against cancer.¹²⁶

Finally, in the Council, public health advocates did not necessarily have clear allies, but what they managed to do is “to meet all but one of the health representatives. [...] Everyone received a copy of the position paper and our arguments, and we had the opportunity to answer questions that they had.”¹²⁷

4.2.3.2. Reputation and legitimacy

Concerning the sympathy and reputation factors, it is quite clear that on one hand, both for civil society and amongst policymakers, the pro tobacco coalition did not benefit from much affection. From the get go, the tobacco industry in general is not the most likable industry, due to the potentially hazardous products they are manufacturing, and due to their long history of interference with evidence-based policymaking¹²⁸. But on top of that, many MEPs vented their frustration at the aggressive lobbying style of the tobacco industry. MEPs complained about “unsolicited tobacco lobbyists turning up in their offices; numerous invitations to drinks, dinners and cocktail events; targeted social media and email campaigns coordinated by tobacco

¹²⁴ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

¹²⁵ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

¹²⁶ <http://www.europecancerleagues.org/mac.html>, accessed 20th of July 2017.

¹²⁷ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

¹²⁸ See final opinion of U.S. District Judge Gladys Kessler in *United States of America v. Philip Morris USA, Inc.*, 2006.

companies; indirect lobbying through small retailers, anti-counterfeiting firms and farmers' groups; and, allegations of industry-sourced amendments.”¹²⁹ Moreover, tobacco lobbyists were also guilty of intruding in political group meetings completely uninvited, which increased anger amongst policymakers.¹³⁰

Lastly, “there was the one unpredictable thing that really affected the tobacco industry’s ability to get it’s points across: the *Dalligate* scandal. It gave the industry such a bad reputation that people didn’t want to be associated anymore with the tobacco industry. The tobacco industry took a massive reputational hit from that. Also, when the Philip Morris documents were leaked, just as the Parliament was delaying the plenary vote, it just looked so bad for them.”¹³¹ “This one unpredictable thing helped tremendously in the public health coalition’s campaign.”¹³²

On the other hand, the public health coalition, as many other NGOs (such as Greenpeace, or Amnesty International), generally benefit from an aura of sympathy because they can in some sense be considered as the defenders of the diffuse interests of all citizens, as honest and uninterested by questions of pure financial gain. This kind of image is beneficial to obtain support from citizens, which can exert pressure on policymakers that are anxious for re-election (although it would work less on institutions such as the European Commission, whose members are not directly elected).

4.2.3.3. Assessment on political resources

As a reminder, the third sub-hypothesis for political resources is formulated as follows:

H2c: An increase in political resources leads to an increase in lobbying success.

On one hand, it must be stressed that the political resources dimension showed that having networks and contacts among policymakers is extremely useful and helpful because it allowed the pro tobacco coalition to get critical proposals such as plain packaging off the table at the Commission drafting stage. In this respect, political resources definitely led to lobbying success for the pro tobacco coalition. This confirms sub-hypothesis H2c for the pro tobacco coalition. On the other hand, reputation and sympathy also played their role, because due to the *Dalligate*

¹²⁹ <https://corporateeurope.org/power-lobbies/2014/05/looking-back-tobacco-lobbying-battle-philip-morris-allies-european-parliament>, accessed 21st of July 2017.

¹³⁰ Marc Tarabella, Member of the European Parliament, *Interview*, conducted by Aleks Eerola, Brussels, 27th of April 2017.

¹³¹ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

¹³² Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

scandal, and their aggressive lobbying style, the pro tobacco coalition took a massive reputational hit, making policymakers wary to be associated with the pro tobacco coalition, weakening the position of the pro tobacco coalition in the later phases of the legislative process. Hence, in this second phase, a loss of political resources led to a decline in effective influence.

For the public health coalition, their network of policymaker allies was more modest. But in terms of reputation and sympathy, as a coalition mostly composed of NGOs defending diffuse interests, the public health coalition did benefit from an advantageous position compared to the tobacco industry, possibly affecting positively influence. Consequently, sub-hypothesis H2c can be confirmed.

4.3. Objective coherence within coalitions

As a reminder, the hypothesis concerning the effect of coherence of objectives within coalitions is formulated as follows:

H3: The more the degree of coherence and coordination in the objectives of actors belonging to the same coalition increases, the more the coalition's chances at lobbying success will increase.

It is relevant at this point to deploy the concepts of deep core, policy core, and secondary aspects developed in Advocacy Coalition Framework literature to identify the coherence and coordination of objectives within both the pro tobacco coalition and the public health coalition.

ACF posits that beliefs of actors are the engine behind political conflict and cohesion. Engaging in political conflict is understood as mobilizing and using political resources to limit or match the power of another group. The idea is to prevent ideologies that diverge from your own from being institutionalized into rules and legislation. Actors don't act on their own, but rather coordinate because they know that common goals are more easily in reach when resources are pooled. (Sabatier & Zafonte, 1998, p. 477)

According to ACF, the belief systems of coalitions are organized into a hierarchical, tri-partite structure, with broader levels encompassing more specific beliefs. The three categories of beliefs are the following: deep core, policy core, and secondary aspects. First, the deep core relates to beliefs that are fundamental, normative, and ontological axioms that span virtually all policy areas. Second, the policy core refers to "beliefs that are the basic normative beliefs and causal perceptions reflecting aspects of a substantive policy area that are critical/important to

subsystem politics and apply to almost all aspects of subsystem policy.” (Sabatier & Zafonte, 1998, p. 477) In other terms, the policy core defines a coalition’s basic normative commitments, causal perceptions, value priorities and perceptions over the general seriousness of an issue and its root causes. Lastly, secondary aspects concern specific beliefs that are narrower in scope than the entire subsystem. It concerns policy preferences regarding the design of specific institutions, desirable regulations or budgetary allocations, and the evaluation of various actors’ performance. (Jenkins-Smith & Sabatier, 1994, p. 180 ; Pierce et al., 2017, p. 15)

The pro tobacco coalition’s deep core is characterized by an attachment to values of freedom of choice, personal responsibility, and an appropriate division of tasks between an intervening government and free markets, leaning mostly on free unregulated trading of goods and services. Then, the policy core of the pro tobacco coalition would be nested in the belief that there is no problem in the policy sub-system of public health and tobacco, and therefore no instrument is needed to solve an issue that in their eyes does not exist. Finally, in terms of secondary beliefs, there are probably some inconsistencies between the beliefs of actors belonging to the same coalition but most pro tobacco actors disagree with instruments that would reduce the size of a market that is profitable to them. It should be noted that transnational tobacco companies (TTCs) ideally would prefer that there is no instrument at all regulating tobacco (despite their calls through CECCM for “workable regulation”), while other members of the coalition do not necessarily share this view with the same intensity.

For example, large associations representing business such as CECCM advocate lax regulation, but other associations representing european carton makers, tobacco growers, or tourism unions are mostly worried about preserving their jobs, and are not necessarily against regulation. In the case of carton makers, having graphic health warnings increases complexity and is a source of employment for such companies, so it is in the interest of carton makers to have a medium amount of regulation (but they advocated against plain packaging which would in turn reduce the complexity in carton production, leading to loss of jobs). The same can be said about associations of trademarks and design rights practitioners, who are mostly concerned about defending intellectual property rights more than anything else.

All in all, the pro tobacco coalition beliefs mostly revolve around values that can be drawn from liberalism: aspirations to free markets and freedom of choice amongst responsible individuals. These beliefs are very much in opposition to values of state intervention and any form of nanny state.

In terms of coordination and coherence of objectives among pro tobacco coalition actors, it should be noted that transnational tobacco companies were well coordinated and identified priorities early on through CECCM, the Confederation of European Community Cigarette Manufacturers, where big tobacco companies could prepare their campaign. While PMI is no longer a member of CECCM since 2006, emails obtained via Freedom of Information requests indicate strong coordination between CECCM and PMI.¹³³

On top of that, it is clear that TTCs strongly coordinated with other actors of the pro tobacco coalition, because they are in almost all cases observers, affiliates, sponsors or partner members of the legion of actors that represent the tobacco supply chain, from tobacco growers to end consumers (See micro perspective analysis of coalition actors, *supra*).

After all, the main priorities of the pro tobacco coalition were to avoid any extreme policy option such as a point of sale display ban or plain packaging, in which they succeeded. An analysis of position papers of multiple pro tobacco coalition stakeholders clearly displays that there was a coordination effort conducted on these few specific key issues. They may have lost on many other items of the directive, but the individuals in charge of the pro tobacco coalition are probably pragmatic and realistic, and therefore know that it would be difficult to block entirely progressive public health advancements. Consequently, the pro tobacco strategy was successful in prioritising key issues and as a secondary preoccupation do what they can to delay or undermine less important items of the directive.

To the contrary of the pro tobacco coalition, the deep core of the public health coalition resides in a deep-rooted belief of state intervention. The policy core in the public health sub-system resides in a call for strict regulation on products that present a potential health hazard, such as tobacco products. Lastly, the public health coalition's secondary beliefs were coherent for the most part, as the actors involved in the coalition worked extensively on coordinating their positions to come up with coherent priorities and objectives.

Several factors reinforced the public health coalition's coordination and coherence: conviction of serving public health, common identification of an opponent, early coordination of positions, and experienced leadership.¹³⁴

¹³³ Joint email dated 28th of November 2013 from CECCM & PMI to DG SANCO, obtained via Freedom of Information request.

¹³⁴ Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

Indeed, one factor that reinforced the public health coalition's unity and coordination is their common identification of the tobacco industry as *the* opponent, considering that the tobacco industry's involvement in policymaking would threaten the adoption of effective tobacco control policy. The knowledge of tobacco companies exploiting any signs of weakness and dissent led the tobacco coalition control to show a united front. (Weishaar, 2016, p. 126)

In terms of coalition-building activities, a *Smoke Free Partnership* representative well explains the depth of the preparation that went into the TPD revision campaign, as early as in 2009: “the SFP ran a campaign to brief tobacco control organisations all over Europe on what the issues are, to converge upon certain priorities, to order those priorities, to have some criteria on how we are going to spend our efforts. We had been preparing for this, through a lot of discussions and relationships had been formed. It certainly didn't happen all of a sudden, out of the blue. A lot of preparation went into it.”¹³⁵ On top of that, public health advocates also organized “a couple of priority-setting workshops where differences could be ironed out and a single position could be adopted. That allowed us to speak with one voice.”¹³⁶

As a result, “on all the issues but one, we [the public health coalition] were in full agreement. And on the one issue where we were not on full agreement, [...] we did not lobby actively. It's public knowledge that the public health community is not all on the same page in regards to E-cigarettes. It's not a secret, we did not recommend a position on it, so some public health organizations took a position of a full ban, others took a position of strong regulation, others took a position of regulating it as a pharmaceutical product, others as consumer products, others as regular tobacco products, so there was a bit more split in that area. [...] I think fundamentally it came from a conviction that whatever the position was, we were serving public health.”¹³⁷

The whole campaign “coordination was done by people with experience in advocacy and in tobacco control, that everyone else knew and respected. The fact that the relevant relationships had been formed in advance meant that there was an implicit trust between all members of the coalition.”¹³⁸

The public health coalition's overarching objective is clearly that less people smoke, period. However, some of the members of the coalitions have more precise interests. For example,

¹³⁵ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

¹³⁶ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

¹³⁷ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

¹³⁸ Smoke Free Partnership representative, *Interview*, conducted by Aleks Eerola, Brussels, 30th of June 2017.

some are more focused on the issue of passive smoking, while others emphasize on the consequences of smoking on the smoker itself. Nevertheless, the main objective of all these associations is to reduce the use of cigarettes. It's this union and coherence in objectives that in some sense made their strength. Above all, public health advocates promoted a realist and down-to-earth policy.¹³⁹

In conclusion, the third hypothesis on the effects of coordination and coherence of objectives within advocacy coalitions can be confirmed. On the public health side, strong investments in early coordination and fixation of common priorities and objectives led to successful lobbying on most demands they made.

On the pro tobacco side, all evidence suggests strong coordination efforts invested into a few key objectives (i.e. avoiding extreme policy options such as plain packaging and a point of sale display ban), which ultimately were successfully avoided by the pro tobacco coalition. In the same time, the pro tobacco coalition opted for a pragmatic and realistic delaying tactic of public health advancements on other issues. Both coalitions were successful in this respect.

¹³⁹ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

5. Discussion of results

Table 3:

Hypotheses	Coalitions	Pro Tobacco Coalition	Public Health Coalition
H1: relative size of coalitions		-	-
H2a: monetary resources		-	-
H2b: cognitive resources		+	+
H2c: political resources		+	+
H3: coordination and coherence of objectives within coalitions		+	+

In order to discuss the results of the analysis, Table 3 serves the aim of providing a snapshot of the conclusions that were drawn on the three main hypotheses assessed in this paper.

Concerning hypothesis 1, which was formulated as follows: *The larger an advocacy coalition is relatively to its opposing coalition(s), the likelier it is that it will lobby successfully*, based on all the data gathered via document analysis (i.e. stakeholder input) and interviews, it is clear that the relative size of the pro tobacco industry was gargantuan compared to the public health coalition. Both the macro and micro analysis perspectives revealed that a large majority of industry representatives, active citizen stakeholders, and a part of NGOs (Smokers' rights groups mostly) were supporting the pro tobacco coalition, while only a relatively small number of NGOs formed the public health coalition.

Yet, this strength in numbers did not lead to significant lobbying success with regard to the end result of the Directive. Indeed, as explained in earlier sections of the paper, the TPD was a victory for the public health advocates, while the pro tobacco coalition only secured itself from extreme options. Hence, the first hypothesis could not be confirmed. This result is interesting because the common instinctive assumption is often to believe that the side with the biggest numbers should win. However, it turns out that in lobbying it is not necessarily the case.

For hypothesis 2, three categories of resources were identified: monetary resources, cognitive resources, and political resources. The aim was to assess the effects of each of these resources on lobbying success. The first sub-hypothesis (H2a) dictated that *the more monetary resources*

an advocacy coalition has, the more it will lobby successfully. However, after the analysis, it is clear that financial resources did not lead to lobbying success: the pro tobacco coalition had astounding quantities of money invested in lobbying for the TPD, yet if the end result of the Directive is assessed, it is pretty clear that it did not have much effect. It turns out that just throwing money at a problem does not make it go away. Therefore, hypothesis H2a could not be confirmed.

Secondly, cognitive resources were examined. Cognitive resources mostly concern expertise and information relevant to a policy area, which is of great interest to policymakers, consequently granting access to them. But cognitive resources also encompass the knowledge that an advocacy coalition possesses over the institutional and legislative process they are trying to influence. The second sub-hypothesis (H2b) was formulated as follows: *the more the cognitive resources of an advocacy coalition increase, the more it will lobby successfully.*

In the case of the TPD revision, it is clear that the pro tobacco coalition has benefited from long years of lobbying success thanks to the research it is funding, which is creating controversy over the effects of tobacco products on health first, and then over the socioeconomic consequences of tobacco regulation in more recent years. On top of that, the pro tobacco coalition has mastered the institutional and legislative process of the EU machinery for a long time, which enables them to act in the right place, at the right time, with the right tools consistently. Consequently, sub-hypothesis H2b is confirmed for the pro tobacco coalition.

When it comes to the public health coalition, there has been a significant increase in the cognitive resources available to them: firstly, the negative effects of smoking on health were sufficiently documented, after which the work of some scholars in the field of economy enabled the coalition to counter the claims of the pro tobacco coalition over alleged negative economic consequences of tobacco control. Lastly, the recent improvements in terms of institutional and legislative process knowledge allowed a more even playing field, enabling the public health coalition to intervene more regularly at the right time in the right place. These progressive increases in cognitive resources are definitely a factor that has led to more effective and successful lobbying. Therefore, hypothesis H2b can be confirmed for the public health coalition as well.

The third resource that was mobilized was political resources. In short, the third sub-hypothesis (H2c) involved allies and networks amongst policymakers, but also the support a coalition

obtains from civil society, and the sympathy and reputation that a coalition enjoys: *An increase in political resources leads to an increase in lobbying success.*

Overall, the pro tobacco coalition enjoyed a strong network of powerful allies amongst policymakers, especially in the European Commission, where informal contacts led to the removal of proposals for point of sale display bans and plain packaging at the drafting stage already. This shows that political resources played a critical role for the pro tobacco coalition. However, after being associated to scandals such as the *Dalligate*, the pro tobacco coalition took a massive reputational hit, the corollary of which was a dip in the support it had both on the side of civil society, but also on the side of policymakers. Hypothesis H2c can be confirmed because the political resources dimension showed that having networks and contacts among policymakers is extremely useful and helpful it allowed the pro tobacco coalition to get critical proposals such as plain packaging off the table at the Commission drafting stage. However, the opposite of sub-hypothesis H2c is also true after the events of the *Dalligate* episode.

Now on the other hand, the public health coalition had its own network of contacts, but nothing quite as elaborate and intricate as the pro tobacco coalition. However, the public health coalition benefited from much more sympathy and of a better reputation, which led to increased policymaker support in the end. Hypothesis H2c can therefore to be confirmed for the public health coalition as well.

Finally, the last hypothesis concerned the effects of coordination and coherence of objectives within advocacy coalitions. Hypothesis 3 states that *the more the degree of coherence and coordination in the objectives of actors belonging to the same coalition increases, the more the coalition's chances at lobbying success will increase.* The deep core, policy core, and secondary beliefs of both coalitions were examined to some extent, and assessments on the coordination that took place within each coalition were made. Consequently, the extent of coherence in objectives within the coalitions was also studied.

It turns out that the third hypothesis can be confirmed: especially on the public health side, massive investments in early coalition-building, coordination, and priority-setting led to a set of coherent objectives within the public health coalition, contributing to lobbying success.

On the pro tobacco side, the gathered data indicates that strong coordination efforts took place around TTCs, who were the major actors setting up the key objectives for the coalition (fighting against plain packaging, point of sale display bans). It could be argued that while the pro

tobacco coalition was not successful in its lobbying overall, it is clear that the coherence in objectives was set, and it led to these options that they wanted at all costs to avoid, to in turn be cast aside in the policy process. Therefore, the third hypothesis be confirmed for the pro tobacco coalition.

Now that the results of this research have been reiterated, it is appropriate to take a moment to assess the existing weaknesses and shortcomings of this paper. First, in terms of content, one clearly lacking feature is content focused on ENDS (e.g. electronic cigarettes) related products. The issue was that the deeper the topic was researched, the more it became clear that the electronic cigarette universe is populated by a whole new spectrum of players and actors. In reality, as many argued in the days of the formulation of the TPD revision, E-cigarettes could have very well been dealt with in an entirely separate piece of legislation. At least from the perspective of a researcher, dealing with the E-cigarette part of the directive would have added a whole new layer of complexity that time and space did not allow. It is why only a small section is dedicated to the E-cigarette in this paper.

Now, concerning the first hypothesis on relative coalition size, and the first sub-hypothesis on financial resources, part of the observations that are made are based on the EU Transparency Register, to which it is absolutely not mandatory to register. This means that it is possible that some of the data used may be skewed. It is nonetheless one of the best tools available at the moment to study lobbying expenses in the EU.

Overall, another shortcoming of this thesis was the number of interviews that were made. To reinforce the robustness of this research, it would have been beneficial to find interviews for big tobacco representatives and a representative of the European Commission involved in the TPD revision process. However, it is important to note that lobbying in the tobacco control policy subsystem is a difficult subject to explore due to its highly sensitive nature, making potential interview candidates hesitant to accept interviews.

Finally, an important question that still has to answered is whether the results reached in this thesis can be generalised or applied to other cases. It is important to keep in mind that this paper featured a case study embedded within the EU, in the tobacco control subsystem, which has its own specificities. For instance, the product at the centre of the subsystem, tobacco, is quite unique in the sense that it does not serve a purpose like pharmaceuticals and medicine do, or the nuclear energy sector, or even the fossil fuels industry does. All these mentioned sectors are also industries that are often under scrutiny, but it is true that they do contribute in some sense

to society in ways that tobacco does not (e.g. heal people, provide electricity and heating). An example of a product that could be comparable to tobacco (in the eyes of the World Health Organization at least), is alcohol related products. These products are also hazardous to health, and do not necessarily contribute to society by healing people, or by bringing energy for example. Yet, alcohol products do not share a similarly negative image with tobacco products in the collective conscience of civil society, making tobacco products rather unique. In this respect, lobbying and influence in the tobacco universe is probably not quite the same thing as lobbying and influence in any other subsystem. Moreover, in terms of political structure, the EU is as mentioned earlier, a unique type of entity in the world, which makes generalising these results to any other political structure hazardous.

However, this subsystem does also share many similar characteristics with other subsystems: like in a quite large number of policy subsystems, concentrated business interests are often better represented in lobbying than smaller advocacy coalitions defending broader and more general interests. In other words, the relative coalition size of the concentrated business party is usually much greater than the size of the opposing coalition. Likewise, in terms of resources (financial, cognitive, political), the majority of them are also usually held by the advocacy coalition defending business interests, regardless of the subsystem that is studied.

Finally, the lobbying strategies employed by the pro tobacco coalition are in many ways similar to those used by other business interests, such as the pharmaceutical industry (e.g. delaying tactics, create controversy)¹⁴⁰. In this respect, some of the conclusions reached in this paper could quite probably be representative of other cases, regardless of the analysed policy subsystem.

¹⁴⁰ Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

CONCLUSION

Over the course of this thesis, many interesting facts were highlighted, and many intriguing findings were made. As a first step, this thesis drew a broad landscape of what lobbying activities in general are. The term has become so commonplace that it clearly has become too easily associated to corruption. Hence, a few paragraphs were dedicated to quell etymological considerations about interest groups and lobbying. After this, this paper offered a short glimpse at the colossal EU machinery, and the inner kitchens of the European Commission, the Council, and the European Parliament were explored to better understand how a lobbyist would attempt to leave his marks within these institutions.

Once the general descriptive matters were dealt with, this paper proceeded to expand on the research design which was utilized. The research question that this thesis attempted to bring an answer to was the following: *To what extent and how do interest groups influence decisions made by European Union policymakers? Case study of the revision process of the Tobacco products directive (2014/40/EU)*

The dependent variable, effective influence, is notoriously elusive, and therefore remains a field of study that yet has to attain saturation. The approach that was used to better study influence was a combination of the preference attainment approach and process tracing, which enabled both to objectively measure which advocacy coalition reached its goals (preference attainment), but also to unravel the inner workings of the institutional black box via extensive document analysis and interviews (process tracing).

This whole process was led and structured by utilizing the Advocacy Coalition Framework model developed by Jenkins-Smith & Sabatier, which made the study of elite behaviour more accessible, comprehensible, and observable. Indeed, ACF provides a theoretical lens from which elite behaviour in complex policy subsystems can be understood. Coalitions compete within a policy subsystem to translate their beliefs into tangible policies. These policy subsystems involve researchers, interest groups, agency officials, and legislators from multiple levels of government. The various complex networks of actors involved in the tobacco control policy subsystem should be understood by grouping them into ‘advocacy coalitions’. ACF was useful tool to make sense of entire policy subsystems because it aggregates actors into coalitions, making it easier to understand policy change.

Next, the three independent variables used in this thesis were presented. Firstly, the effects of relative coalition size on lobbying success were studied: the instinctive assumption is often that the coalition with a greater size in relative terms is more likely to win.

Secondly, the effect of resources on lobbying success were examined. Resources were divided into three categories: monetary resources, cognitive resources, and political resources. The first category is mostly concerned about money, while the second grapples with matters concerning information and expertise. Lastly, political resources are about networks of allies, but also reputation and sympathy.

Thirdly, the effect of coordination and coherence of objectives within advocacy coalitions was examined. The main idea is that the more the actors that belong to the same coalition make efforts to coordinate their visions by interacting with each other, the more they are able to come up with a common list of coherent priority objectives which in turn could lead to lobbying success.

It is only at this point that the case study itself of this thesis started to unravel: the revision of the tobacco products directive. Some paragraphs were dedicated to draft a quick overview of tobacco as a product and of the tobacco sector. The conclusion that experts come to nowadays is that tobacco consumption is hazardous and has negative effects on health. There is also an emerging literature on tobacco sector economics indicating that pushing for more tobacco control (which would reduce tobacco related products consumption) would not lead to disastrous socioeconomic consequences, as the pro tobacco coalition often claims.

After a quick overview of tobacco as a product and sector of economic activity, the legal framework surrounding tobacco control at both the international level (FCTC) and European level (TPD) was examined. On the international level, the FCTC is a convention developed by the World Health Organization (WHO), which gathered 168 signatures, making the FCTC one of the most widely embraced Treaties in UN history. To summarize, the Convention serves as a framework for tobacco control measures to be implemented by the Parties in order to reduce the prevalence of tobacco use and exposure.

Now on the European level, the official stance of European institutions regarding tobacco products is clear: European institutions have clearly acknowledged that tobacco is a potentially dangerous product and needs to be regulated. In terms of a legal framework, the TPD serves as a baseline, but it does not hinder Member States from going further in their tobacco control

policies, if they so wish. For example, Member States such as France and the United Kingdom have gone forward with plain packaging policies, even if the TPD does not require them to do so. Additional Member States such as Ireland, Slovenia and Hungary are also looking at possible implementations of plain packaging measures.¹⁴¹ In terms of concrete legislative changes, the 2014 Directive repealing the 2001 Directive included an increase in the size of graphic health warnings, restrictions on the size and shape of cigarette packs, a ban on characterising flavours, and regulation on E-cigarettes.

After that, a section explained concretely which of the advocacy coalitions was actually successful in their lobbying on the 2014 directive. This is the section that applies the methods recommended by the preference attainment approach, which seeks to identify which interest groups reached their goals, and which ones did not, in order to determine which actors were successful in their lobbying. The conclusion this paper reached was that the public health coalition was especially successful in its lobbying efforts because the new TPD is a leap forward in tobacco control measures. However, the lobbying efforts of the pro tobacco coalition should not be too swiftly discarded either. Overall, they were maybe not that successful, but in the few areas where it mattered the most to them (plain packaging, points of sale display bans), the pro tobacco coalition was able to hold its ground and block any measure that was too ambitious to their taste.

The following section then proceeded to explain the concrete lobbying strategies that both coalitions undertook to end up with the result mentioned just above. The aggressive strategy of the pro tobacco coalition, and the more traditional approach of the public health coalition were highlighted.

Next, the actual analysis related to the independent variables mentioned earlier began. It turned out that for the first hypothesis, relative size of coalitions seemingly had no effect on lobbying success. The pro tobacco coalition greatly outweighed the public health coalition but was still far less successful.

The second hypothesis, which mobilized resources, yielded interesting results. Monetary resources showed no significant influence: the wealthy pro tobacco coalition ‘lost’ against a modestly resources public health coalition. Cognitive resources revealed a significant rise in the scientific evidence displaying the negative effects on health of tobacco, and on the economic

¹⁴¹ <http://ensp.org/policies/resources/plain-packaging/>, accessed 2nd of August 2017.

consequences of tobacco control measures that would not be as catastrophic as the pro tobacco coalition claims. Most importantly, the public health coalition strongly increased its cognitive resources by better understanding the institutional and legislative process of the European institutions, meaning that they were able to be at the right place in the right time, and talk to the right people.

Lastly, the political resources dimension showed that having networks and contacts among policymakers is extremely useful and helpful (e.g. it allowed the pro tobacco coalition to get critical proposals such as plain packaging off the table at the Commission drafting stage). However, reputation and sympathy also play a key role, because due to the *Dalligate* scandal, the pro tobacco coalition took a massive reputational hit, making policymakers wary to be associated with the pro tobacco coalition, and ultimately making policymakers in the European Parliament especially (because MEPs are more sensitive about their image and reputation due to re-election) keen to present a public health friendly image.

The last hypothesis about coordination and coherence of objectives within coalition displayed the great efforts in both coalitions to coordinate positions between the actors involved. On both sides, clear lists of key objectives were established, meaning that objective coherence was strong in both coalitions. In this respect, it can be said that when it comes to the key priorities and objectives, both coalitions were successful in their lobbying. However, it is important to maintain that overall, the public health coalition was more successful than the pro tobacco coalition.

This research is important for several reasons. On one hand, influence and lobbying are topics on which the current literature is far from saturated and exhaustive, but rather is still emerging and developing, especially on the eastern side of the Atlantic Ocean. In other words, influence is a rich field of study that still has a lot of answers waiting to be unravelled. This research contributes to that end. On the other hand, lobbying is an often-misunderstood profession, surrounded by a hazy aura radiating mistrust and corruption, while in reality being a profession of the utmost importance in modern democracies. This paper contributes to the objective of dispelling misconceptions over the profession of lobbying. On top of that, this research is important because it is a retake on the TPD a few years after the vote took place, allowing a new round of discoveries to be made, now that some of the dust has settled on the issue.

While the 2014 TPD seems like a great success for public health advocates, the struggle between the pro tobacco coalition and the public health coalition is far from over. The TPD

revision process was just a skirmish in a long conflict. Transnational tobacco companies are well aware of the strong winds pushing the public health coalition forward in the Western world, and have consequently to some extent started developing new products (e.g. “Heat-not-Burn” products, which release lower levels of harmful chemicals), have invested in the ENDS business, and of course for their more traditional tobacco products have increased their pool of customers in developing countries, where tobacco control measures are currently softer.

For further and future research on influence and lobbying success in the field of tobacco control and public health, it would be interesting to study other variables and potential explanatory factors such as the effect of the degree of salience of an issue. Tobacco policy potentially has high salience since every citizen is faced with the product in everyday life, be it through actively smoking or through passive smoking. This means that it’s a topic that everyone is confronted to, and everyone has an opinion on. This is something that should not be neglected, as it can seriously affect how lobbying will work with such topics.

Another approach to tobacco regulation lobbying that would be interesting would be found in issue and context related approaches. These approaches argue that the ability of interest groups to weigh on policy outcomes depends greatly on the characteristics of the policy issue at hand. Every policy issue is different, they vary greatly over various characteristics, such as their complexity, the attention they raise among the public, the conflict they stir between stakeholders, or even the degree of complexity of the matter which could either limit the number of stakeholders taking part, or to the contrary interest legions of interest groups. (Klüver, 2011, pp. 485-486)

REFERENCES

Monographies

- Ainsworth, S., Godwin, K. and Godwin, E. (2013). *Lobbying and Policymaking: The Public Pursuit of Private Interests*. 1st ed. Congressional Quarterly Inc.
- Bache, I., Bulmer, S., George, S. and Parker, O. (2015). *Politics in the European Union*. 4th ed. Oxford: Oxford University Press.
- Bale, T. (2008). *European politics. A Comparative Introduction*. 2nd ed. New York: Palgrave Macmillan.
- Beach, D. and Pedersen, R. (2016). *Process-tracing methods*. 1st ed. Ann Arbor: The University of Michigan Press.
- Coen, D. and Richardson, J. (2011). *Lobbying the European Union*. 1st ed. Oxford: Oxford University Press.
- De Cock, C. (2010). *ILobby.eu*. 1st ed. Delft: Eburon.
- Hayes-Renshow, F. (2012). The Council of Ministers. In: Peterson and Shackleton, ed., *Institutions of the European Union*, 3rd ed. Oxford: Oxford University Press, pp.68-95.
- Hooghe, L. and Kassim, H. (2012). The Commission's Services. In: Peterson and Schakleton, ed., *The Institutions of the European Union*, 3rd ed. Oxford: Oxford University Press, pp.173-198.
- Knoepfel, P. (2007). *Public policy analysis*. Policy Press.
- Koutroubas, T. and Lits, M. (2012). *Communication politique et lobbying*. 1st ed. Bruxelles: De Boeck Université.
- Lelieveldt, H. and Princen, S. (2015). *The politics of the European Union*. 2nd ed. Cambridge: Cambridge University Press.
- Raunio, T. (2012). Political interests: the European Parliament's Party Groups. In: Peterson and Shackleton, ed., *The Institutions of the European Union*, 3rd ed. Oxford: Oxford University Press, pp. 338-358.

- Sabatier, P. (1999). *Theories of the policy process*. 1st ed. Colorado: Westview Press.
- Shackleton, M. (2012). The European Parliament. In: Peterson and Schakleton, ed., *The Institutions of the European Union*, 3rd ed. Oxford: Oxford University Press, pp.124-147.
- Vanhoonacker, S. and Blom, T. (2014). *The politics of information*. 1st ed. Basingstoke: Palgrave Macmillan.
- Wonka, A. (2015). The European Commission. In: Richardson and Mazey, ed., *European Union. Power and policy-making*, 1st ed. London: Routledge, pp. 83-106.

Scientific articles

- Baumgartner, F., Leech, B., Berry, J., Hojnacki, M. and Kimball, D. (2007). Does Money Buy Power? Interest Group Resources and Policy Outcomes. *Midwest Political Science Association*, pp. 1-56.
- Bernhagen, P. and Mitchell, N. (2009). The Determinants of Direct Corporate Lobbying in the European Union. *European Union Politics*, 10(2), pp. 155-176.
- Bero, L. (2005). Tobacco industry manipulation of research. *Public Health Chronicles*, 120, pp. 200-208.
- Bouwen, P. (2004). The Logic of Access to the European Parliament: Business Lobbying in the Committee on Economic and Monetary Affairs. *JCMS: Journal of Common Market Studies*, 42(3), pp. 473-495.
- Bouwen, P. (2004). Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions. *European Journal of Political Research*, 43(3), pp. 337-369.
- Costa, H., Gilmore, A., Peeters, S., McKee, M. and Stuckler, D. (2014). Quantifying the influence of the tobacco industry on EU governance: automated content analysis of the EU Tobacco products directive. *Tobacco Control*, 23(6), pp. 473-478.
- Crombez, C. (2002). Information, Lobbying and the Legislative Process in the European Union. *European Union Politics*, 3(1), pp. 7-32.
- Dautzenberg, B. (2013). Le lobbying du tabac en France. *Les Tribunes de la santé*, 39(2), pp. 63-68.

- Degain, J. (2013). Union Européenne : opération transparence et crédibilité. *Les Tribunes de la santé*, 39(2), pp. 57-62.
- Dür, A., Bernhagen, P. and Marshall, D. (2015). Interest Group Success in the European Union. *Comparative Political Studies*, 48(8), pp. 951-983.
- Fyall, R. and McGuire, M. (2015). Advocating for Policy Change in Nonprofit Coalitions. *Nonprofit and Voluntary Sector Quarterly*, 44(6), pp. 1274-1291.
- Grüning, T., Gilmore, A. and McKee, M. (2006). Tobacco Industry Influence on Science and Scientists in Germany. *American Journal of Public Health*, 96(1), pp. 20-32.
- Hall, P. (2006). Systematic process analysis: when and how to use it. *European Management Review*, 3(1), pp. 24-31.
- Holden, C. and Lee, K. (2009). Corporate Power and Social Policy. *Global Social Policy*, 9(3), pp. 328-354.
- Jenkins-Smith, H. and Sabatier, P. (1994). Evaluating the Advocacy Coalition Framework. *Journal of Public Policy*, 14(02), pp. 175-203.
- Jenkins-Smith, H., Silva, C., Gupta, K. and Ripberger, J. (2014). Belief System Continuity and Change in Policy Advocacy Coalitions: Using Cultural Theory to Specify Belief Systems, Coalitions, and Sources of Change. *Policy Studies Journal*, 42(4), pp. 484-508.
- Klüver, H. (2011). The contextual nature of lobbying: Explaining lobbying success in the European Union. *European Union Politics*, 12(4), pp. 483-506.
- Koprulu, O. and Alkan, B. (2009). An overview of tobacco economy in the world and in Turkey. *Journal of Applied Sciences Research*, 5(10), pp. 1780-1784.
- Lock, I. and Seele, P. (2016). Deliberative Lobbying? Toward a Noncontradiction of Corporate Political Activities and Corporate Social Responsibility?. *Journal of Management Inquiry*, 25(4), pp. 415-430.
- Lowery, D. (2013). Lobbying influence: Meaning, measurement and missing. *Interest Groups & Advocacy*, 2(1), pp. 1-26.
- Mahoney, C. (2007). Networking vs. allying: the decision of interest groups to join coalitions in the US and the EU. *Journal of European Public Policy*, 14(3), pp. 366-383.

- McKay, A. (2011). Buying Policy? The Effects of Lobbyists' Resources on Their Policy Success. *Political Research Quarterly*, 65(4), pp. 908-923.
- Miller, D. and Harkins, C. (2010). Corporate strategy, corporate capture: Food and alcohol industry lobbying and public health. *Critical Social Policy*, 30(4), pp. 564-589.
- Nowlin, M. (2011). Theories of the Policy Process: State of the Research and Emerging Trends. *Policy Studies Journal*, 39, pp. 41-60.
- O'Flynn, M. (2009). Tracking Progress in Advocacy: Why and How to Monitor and Evaluate Advocacy Projects and Programmes. *INTRAC*, pp. 1-12.
- Organizational Research Services (2007). *A guide to measuring advocacy and policy*. Maryland: The Anne E. Casey Foundation, pp. 1-32.
- Organizational Research Services (2007). *A Handbook of Data Collection Tools: Companion to "a guide to measuring advocacy and policy"*. Maryland: Annie E. Casey Foundation, pp. 1-44.
- Peeters, S., Costa, H., Stuckler, D., McKee, M. and Gilmore, A. (2015). The revision of the 2014 European tobacco products directive: an analysis of the tobacco industry's attempts to 'break the health silo'. *Tobacco Control*. pp. 108-117.
- Pierce, J., Peterson, H., Jones, M., Garrard, S. and Vu, T. (2017). There and Back Again: A Tale of the Advocacy Coalition Framework. *Policy Studies Journal*. pp. 1-34.
- Robert, C. (2017). La politique européenne de transparence (2005-2016) : de la contestation à la consécration du lobbying. *Gouvernement et action publique*, 1(1), pp. 9-32.
- Sabatier, P. and Weible, C. (2007). The Advocacy Coalition Framework: Innovations and Clarifications. In: P. Sabatier, ed., *Theories of the policy process*. Westview Press, pp. 189-220.
- Schmitter, P. (1974). Still the Century of Corporatism?. *The Review Of Politics*, 36(01), pp. 85-131.
- Smith, E. and Malone, R. (2006). 'We will speak as the smoker': the tobacco industry's smokers' rights groups. *The European Journal of Public Health*, 17(3), pp. 306-313.

- Stachowiak, S. (2009). Pathways for Change: 6 theories about how policy change happens. *Organizational Research Services*, pp. 1-15.
- Tansey, O. (2007). Process Tracing and Elite Interviewing: A Case for Non-probability Sampling. *PS: Political Science & Politics*, 40(04), pp. 765-772.
- Tatham, M. (2008). Going Solo: Direct Regional Representation in the European Union. *Regional & Federal Studies*, 18(5), pp. 493-515.
- Warner, K. (2000). The economics of tobacco: myths and realities. *Tobacco Control*, 9(1), pp. 78-89.
- Weible, C., Sabatier, P. and McQueen, K. (2009). Themes and Variations: Taking Stock of the Advocacy Coalition Framework. *Policy Studies Journal*, 37(1), pp. 121-140.
- Weiler, F., & Brändli, M. (2015). Inside versus outside lobbying: How the institutional framework shapes the lobbying behaviour of interest groups. *European Journal Of Political Research*, 54(4), pp. 745-766.
- Weishaar, H., Collin, J. and Amos, A. (2016). Tobacco Control and Health Advocacy in the European Union: Understanding Effective Coalition-Building. *Nicotine & Tobacco Research*, 18(2), pp. 122-129.
- Zafonte, M. and Sabatier, P. (1998). Shared Beliefs and Imposed Interdependencies as Determinants of Ally Networks in Overlapping Subsystems. *Journal of Theoretical Politics*, 10(4), pp. 473-505.

Other articles

- Corporate Europe Observatory (2012). Mapping the tobacco lobby in Brussels: a smoky business, pp. 1-5. Available at <https://corporateeurope.org/lobbycracy/2012/11/mapping-tobacco-lobby-brussels-smoky-business>, last accessed 15th of August 2017.

Reports

- Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) (2012). *Dodgy Data: Time to fix the EU's Transparency Register*, pp. 1-24. Available at <https://www.alter-eu.org/sites/default/files/documents/Dodgy-data.pdf>, accessed 28 May 2017.

European Commission (2010). *Assessing the Impacts of Revising the Tobacco products directive Study to support a DG SANCO Impact Assessment Final report*. Cambridge: RAND Europe, pp. 1-345.

European Commission (2017). *Human resources Key Figures on Staff Members*. Available online at http://ec.europa.eu/civil_service/docs/hr_key_figures_en.pdf, last accessed 15th of August 2017.

GHK (2012). *A study on liability and the health costs of smoking (updated final report)*. London: European Commission: DG SANCO, pp. 1-140.

U.S. National Cancer Institute and World Health Organization. (2016). *The Economics of Tobacco and Tobacco Control. National Cancer Institute Tobacco Control Monograph 21*. NIH Publication No. 16-CA-8029A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; and Geneva, CH: World Health Organization. pp. 1-688.

Interviews

Anonymous, agent in charge of Public Health at the permanent representation of Belgium to the Council, *Interview*, conducted by Aleksi Eerola, Brussels, 17th of May 2017.

Tarabella Marc, Member of the Seventh European Parliament, *Interview*, conducted by Aleksi Eerola, Brussels, 27th of April 2017.

Smoke Free Partnership representative, *Interview*, conducted by Aleksi Eerola, Brussels, 30th of June 2017.

Peeters Silvy, Research Officer at the University of Bath Department for Health, *Interview*, conducted by Aleksi Eerola, 16th of May 2017.

Swoboda Hannes, Member of the Seventh European Parliament, *Interview*, conducted by Aleksi Eerola, 5th of May 2017.

Position papers

American Chamber of Commerce to the European Union (AmCham EU), Position paper: Protection of intellectual property rights across sectors, AmCham EU concerned about plain packaging measure as precedent to impair intellectual property rights, 11th of July 2014, available on

http://www.amchameu.eu/sites/default/files/position_papers/file_20140711_163134_UOUA_0.pdf, last accessed 14th of August 2017.

BUSINESSEUROPE position paper, December 2012, available on <https://www.businesseurope.eu/publications/review-tobacco-products-directive-letter-president-jurgen-r-thumann-jose-manuel-barroso>, last accessed 14th of August 2017.

Smoke Free Partnership & Association of European Cancer Leagues, Position paper: on the revision of the tobacco products directive 2001/37/EC, available on <https://smokefreepartnership.eu/position-papers-briefings-reports/joint-tpd-position-paper-with-ecl>, last accessed 14th of August 2017.

European Public Health Alliance, Position paper: Revision of the Tobacco products directive, 28th of May 2013, available on <https://epha.org/epha-position-paper-revision-of-the-tobacco-products-Directive/>, last accessed 11th of August 2017.

European Respiratory Society, Position paper: ERS position on the Revision of the Tobacco products directive, available on https://www.ersnet.org/images/stories/ERSPosition_TPD.pdf, last accessed 11th of August 2017.

European Heart Network, Position paper: Tobacco products directive, 16th of April 2013, available on <http://www.ehnheart.org/publications/position-papers/publication/855-tobacco-products-Directive.html>, last accessed 11th of August 2017.

European Federation of Allergy and Airways Diseases Patients Associations, Position paper: Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, July 2013, available on <http://www.efanet.org/images/2013/07/TPD-position-July.pdf>, last accessed 11th of August 2017.

Legislative documents

Council of the European Union, 24th of June 2013, General approach, Interinstitutional file 2012/0366 (COD), Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products.

Directive 2001/37/EC of the European Parliament and of the Council of 5th of June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, *OJ L 194*, 18.7.2001.

Directive 2014/40/EU of the European Parliament and of the Council of 3rd of April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, *OJ L 127*, 29.4.2014.

European Commission, 19th of December 2012, Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, 2012/0366 (COD), Brussels.

European Parliament, 8th of October 2013, Amendments adopted by the European Parliament on 8 October 2013 on the proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (COM(2012)0788 – C7-0420/2012 – 2012/0366(COD)), Brussels.

European Parliament (2017). Rules of Procedure. Brussels.

Treaty of Accession of Austria, Finland and Sweden (1994), ACT concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, *OJ C 241*, 29.8.1994, p. 9–404.

World Health Organization (2003). Framework Convention on Tobacco Control.

Judiciary documents

United States of America v. Philip Morris USA, Inc., et al., No. 99-2496, US District Court for the District of Columbia (2006).

Freedom of Information Requests

Email dated 24th of October 2013 between ECMA and DG SANCO, obtained via Freedom of Information request.

Email dated 06th of December 2013 from GSK to DG SANCO, obtained via Freedom of Information request.

Email dated 12th of December 2013 from CECCM to Health Commissioner Borg and DG SANCO, obtained via Freedom of Information request.

EU Joint Transparency Register, archived data on Smoke Free Partnership, obtained via Information request.

EU Joint Transparency Register, archived data on Philip Morris International, obtained via Information request.

EU Joint Transparency Register, archived data on Confederation of European Community Cigarette Manufacturers, obtained via Information request.

Joint email dated 28th of November 2013 from CECCM & PMI to DG SANCO, obtained via Freedom of Information request.

Minutes of the meeting of the 27th of November 2013 between DG SANCO and BAT, JTI, ITG, CECCM, PMI representatives, obtained via Freedom of Information request.

Websites

<http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>, accessed 12th of February 2017.

<http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00010/Organisation>, accessed 29th of April 2017.

<http://www.consilium.europa.eu/en/council-eu/voting-system/>, accessed 5th of April 2017.

<http://www.daviespublicaffairs.com/#what>, accessed 6th of July 2017.

<https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm535266.htm>, accessed 21st of June 2017.

<https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm535267.htm>, accessed 21st of June 2017.

<https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm535269.htm>, accessed 21st of June 2017.

<http://www.fctc.org/fca-news/opinion-pieces/1413-france-and-uk-join-australia-as-plain-packing-leaders>, accessed 26th of May 2017.

[http://www.tobaccotactics.org/index.php/EU Tobacco Products Directive Revision](http://www.tobaccotactics.org/index.php/EU_Tobacco_Products_Directive_Revision), accessed 17th of February 2017.

[http://www.tobaccotactics.org/index.php/EU Tobacco Products Directive Revision](http://www.tobaccotactics.org/index.php/EU_Tobacco_Products_Directive_Revision), accessed 17th of February 2017.

http://ec.europa.eu/health/sites/health/files/tobacco/docs/fs_slim_cigarettes_en.pdf, accessed 11th of June 2017.

<https://www.neweurope.eu/article/we-need-wait-barroso-tobacco-products-Directive/>, accessed 14th of April 2017.

https://ec.europa.eu/info/law-making-process/planning-and-proposing-law/impact-assessments_en, accessed 9th of July 2017.

[http://www.tobaccotactics.org/index.php?title=Bell Pottinger#cite note-DORAN-11](http://www.tobaccotactics.org/index.php?title=Bell_Pottinger#cite_note-DORAN-11), accessed 12th of May 2017.

<http://www.ceccm.eu/who-we-are/>, accessed 18th of May 2017.

[http://www.tobaccotactics.org/index.php/Confederation of European Community Cigarette Manufacturers#Freedom to Smoke](http://www.tobaccotactics.org/index.php/Confederation_of_European_Community_Cigarette_Manufacturers#Freedom_to_Smoke), accessed 17th of July 2017.

<http://www.effat.org/en/mission>, accessed 2nd of June 2017.

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=14541128505-57>, accessed 3rd of June 2017.

<http://www.euractiv.com/section/public-affairs/news/lobbyists-link-eu-tobacco-curbs-to-rising-crime-roma/>, accessed 3rd of June 2017.

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=948591610750-02>, accessed 3rd of June 2017.

<http://www.etric.org/current-issues/tobacco-retailing.html>, accessed 18th of May 2017.

<https://smokefreepartnership.eu/about-us/sfp-coalition>, accessed 20th of May 2017.

<https://smokefreepartnership.eu/about-us/sfp-coalition>, accessed 8th of June 2017.

<https://corporateeurope.org/lobbycracy/2012/11/mapping-tobacco-lobby-brussels-smoky-business>, accessed 19th of July 2017.

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=51925911965-76>, accessed 8th of May 2017.

<https://smokefreepartnership.eu/about-us/annual-reports>, accessed 19th of July 2017.

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=6403725595-50>, accessed 19th of July 2017.

https://ec.europa.eu/info/about-european-union/principles-and-values/ethics-and-integrity/ethics-and-integrity-eu-commissioners/rules-commissioners-regarding-ethics-and-integrity_en, accessed 21st of July 2017.

<https://corporateeurope.org/power-lobbies/2014/05/looking-back-tobacco-lobbying-battle-philip-morris-allies-european-parliament>, accessed 20th of July 2017.

<http://www.europeancancerleagues.org/mac.html>, accessed 20th of July 2017.

<https://corporateeurope.org/power-lobbies/2014/05/looking-back-tobacco-lobbying-battle-philip-morris-allies-european-parliament>, accessed 21st of July 2017.

<http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView>, accessed 1st of August 2017.

<http://ensp.org/policies/resources/plain-packaging/>, accessed 2nd of August 2017.

<http://cor.europa.eu/en/about/interinstitutional/Pages/lisbon-treaty.aspx>, accessed 8th of August 2017.

[http://www.tobaccotactics.org/index.php/Snus: EU Ban on Snus Sales](http://www.tobaccotactics.org/index.php/Snus:_EU_Ban_on_Snus_Sales), last accessed 11th of August 2017.