

EU and US approaches to lobbying

To be successful, lobbyists need to adjust to the political system in which they operate. Trying to draw comparisons between EU and US lobbying therefore presupposes a look at the institutional and political framework in Brussels and Washington.

Fundamental differences quickly emerge. The US is a nation state with a federal structure while the EU is a collection of nation states with only partial limitations to sovereignty. While the institutional setting in Washington has been stable for decades, the EU has seen a constant flux over whether to expand or even roll back Brussels's powers.

The long American tradition of lobbying means the practice is largely accepted, drawing a wider variety of interest groups - including NGOs and citizen's groups - to fight for the attention of politicians. Europeans are more sceptical towards lobbying as a legitimate part of the political process and have turned to it in fewer, yet growing proportions.

Current estimations point to a total of 20,000 lobbyists in Washington. About half this number can be identified in Brussels.

In Europe, the general presumption is that EU institutions welcome and indeed need input from civil society organisations. This is mainly explained by insufficient staffing in the Commission and to a lesser extent, in Parliament. According to research, the Commission administration is only 2% the size of the US federal government and is even smaller than the local government of the city of Rotterdam. The total EU budget is about the same as that of Belgium.

As a consequence, the Commission naturally welcomes outside input at the drafting stage of EU policy-making, giving consulted interest groups privileged access at a defining moment in the legislative process. This introduces one of the first main differences between lobbying in Brussels and Washington:

- **Public funding:** Only in rare circumstances does the US government fund non-profit organisations. The opposite is true in the EU where the Commission has tried to balance corporate lobbying by supporting and even setting up non-profit organisations.
- **Revolving doors:** The degree of permeability between the executive power and civil society organisations (whether corporations or civic NGOs) is higher in Washington than in Brussels. Officials moving from public functions to business/pressure groups and vice-versa is less frequent in Brussels whereas it is a fact of political life in Washington.
- **Representation system:** The US democratic system makes members of Congress seeking re-election particularly attentive to the voices coming from their constituencies. In the European Parliament, the representa-

tion system is defined at national level on often contrasting criteria. Lack of knowledge about Brussels politics make MEPs generally perceived as more distant from their voters. The absence of true European parties also makes the EU representative system less readable. As a result, constituencies are clearly less influential than in the US. Lobbying tactics in Washington are therefore heavily defined along local issues which can influence re-election. By contrast, Brussels tactics will seek to build a broader consensus to influence a wide variety of politicians on a particular outcome.

- **Money:** In the US, corporations routinely support politicians' (re-)election campaigns through Political Action Committees (PACs). Although the practice is regulated and the sums capped, corporate funding of politics is still a central element in US political life. Such practices are not recognised or regulated in the EU and are generally seen as unethical. In Europe, money has a bigger tendency to flow the other way, from the public sector to civil society in the form of state aids, grants, subsidies and contracts.
- **Transparency:** In the US, lobbying is regarded as being capable of exerting undue influence and is therefore circumscribed by transparency requirements. The Lobbying Disclosure Act obliges public relations firms and lobby groups to list their clients, the issues they deal with and the money they get to perform these tasks. By contrast, the Commission has only developed minimal and less formalised standards on the consultation of interested parties which are set out in a communication published in December 2002. However, the Commission

has so far resisted calls to force consultants and lobbyists to list their clients and businesses as is currently required in the US Lobby Disclosure Act. Instead, it recommends lobby groups, consulting companies and interest representations sign the voluntary code of conduct developed by Social European Affairs Professionals (SEAP) and Public Affairs Practitioners (PAP).

- **Media influence:** In few other countries, the media reached the fourth power - that it enjoys in the US. Combined with the adversarial nature of American politics, the media exposure, particularly at the local level, is an important element to consider in every professional public affairs campaign.

Of course, the wider cultural context also plays its part in shaping policies with language being a crucial differentiating factor between the two sides of the Atlantic. Washington does not have to grapple with 20 different languages as Brussels does. Although English is increasingly imposing itself as the *lingua franca* in Brussels, significantly, many MEPs still prefer being approached in their native language. Internal political cultures are starkly different too. While US style politics tend to be polarised around bipartisanship and adversarial, Brussels politics draw on a variety of parties and specific nationalities which are often deeply rooted in a country's governance culture (e.g. British *laissez-faire* vs. French command and control).

Overall, the US remains the most highly professionalised place in the world for lobbying. But as the single market develops and the US gains political might, professionals say the gap with Brussels is gradually closing.

Positions:

Alfons Westgeest, Managing Partner of *Kellen Europe* underlines the case for international and global associations or federations, as well as global NGOs. "Issues, such as security, food & health, consumer protection, fighting poverty, disaster relief efforts, etc. are becoming more and more global," says Westgeest. As a consequence, governments are trying to find common approaches or solutions on these global issues. However, he points out to differences in timing, procedure and decision-making processes between the EU and the US as posing problems for international coordination. "Association management companies such as Kellen's with fully-fledged offices in the US and Europe are helping associations dealing with these changes and finding new management solutions," he claims.

In a 2002 communication, the *Commission* asserts its intention to "encourage more involvement of interested parties through a more transparent consultation process". The paper, however, only provides "general principles and standards" for consultation within the Commission so that "all the diverse interests" are taken into account.

This approach was confirmed in the Commission's 'Better lawmaking' initiative which aims to promote "a culture of dialogue and participation". Here, the Commission's stated aim is "to establish who is really consulted as part of the Community legislative process". It asks for instance: "Are the smallest voices really and always heard? What are the subjects of consultation? To what extent are people's opinions actually taken into account?".

In an open letter to Commission President José Manuel Barroso, the watchdog NGO *Corporate Europe Observatory* (CEO) denounced EU rules on lobbying as being "absurdly weak" and called on the Commission to follow the the US model of transparency as set out in the Lobbying Disclosure Act. In its letter, the CEO also criticised the voluntary code of conduct developed by the Society of European Affairs Professionals (SEAP) for being "extremely narrow and entirely voluntary".

Those claims were rejected by the *Society of European Affairs Professionals* (SEAP), which represents professional lobbyists in Brussels.

In a statement, SEAP said it was the compulsory registration of lobbyists in Brussels". Such a model, it said, does not correspond with the position of civil society groups who do not have the same interests as lobbyists. In SEAP's view, "self-regulation is the best way to promote ethical behaviour with lobbyists, whether they represent business or civil society group interests". It pointed to the ongoing strengthening of a self-regulatory code of conduct to show that there was "no need for EU legislation in this respect". The revised code was published on 10 February 2005.

"Everybody is welcome to provide input and dialogue and consultation can be adapted according to the needs of different fields," the *Commission* responded following the CEO's open letter. It pointed to the binding internal staff rules which require a requirement of independence and integrity when dealing with lobbyists.