

DAY FOUR

February 23, 2023

Toolbox for Lobbying the EU

Introduction

- Recap from Day Two class
- Q&As

Lobbying definition by the EU

“... all activities (...) carried out with the objective of directly or indirectly influencing the formulation of implementation of policy and the decision-making processes of the EU institutions, irrespective of where they are undertaken and of the channel or medium of communication used”.

EU Transparency Register

- Influence of money on politics → key corruption risk
- Need to build a comprehensive ethics system relying on transparency, accountability and integrity mechanisms
- EU Transparency Register (2011)
- Reviewed in 2014 and largely upgraded in 2021 after 5 years of negotiations between the Commission, Council and the European Parliament (interinstitutional agreement):
 - ✓ Public database holding up-to-date information about interest representatives engaged in activities aimed at influencing EU legislation or policy
 - ✓ Gives anyone the possibility to track interests represented through EU institutions, who is representing those interests on whose behalf and what resources are devoted to related lobbying activities (FTEs + budget)
 - ✓ Applying to all 3 institutions
 - ✓ Co-financed by 3 institutions
 - ✓ 3 institutions free to complement rules with extra requirements
 - ✓ Conditionality principle: registration in the Transparency Register is a precondition for securing meetings with officials and access badge to premises (EP)
 - ✓ Registration is approved based on applicant's commitment to observe the ethical rules and principles set out in annexed code of conduct
 - ✓ Constant monitoring of commitment by secretariat of the Transparency Register
 - ✓ Online publication of meetings
- Significant text which changed the EU lobbying landscape



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- But loopholes remain:
 - ✓ EP: only rapporteurs and shadow rapporteurs are obliged to disclose their meetings with lobbyists (on individual web page of MEPs) + lobbying by third countries (Qatar, Maroc, ...) out of the scope of obligations
 - ✓ Council: meetings in Permanent Representations out of the scope of the obligations – some Member State (Germany, Italy) disclose meeting information
- Around 13,000 registrants in the Transparency Register:
 - ✓ 50% are in-house lobbyists and trade/business professional associations
 - ✓ 25% are NGOs
 - ✓ Rest: consultancies, law firms, think tanks, research, academic institutions

Do's and don't's – EU lobbying

- Mapping of decision-makers (Commission, Council, EP) → dashboard
- Prioritize
- Engage as early as possible / anticipate
- Identify when the largest opportunities to exert influence are – pre-drafting phase, interservice consultation, chiefs of staff's review / pre-drafting in secondary legislation + committee level – Member States
- Deliver on strategy but review it regularly too
- Master legislative procedure (second reading) as much as contents of issues
- Seek alliances and coalitions – you never win alone
- Flexibility - think and act out of the box – your current opponents could be your allies tomorrow
- One on one exchanges are critical – win the confidence and trust of your interlocutors – be reliable
- Envisage interview + op-eds if needed
- Be yourself – dare sharing your opinion, externally and internally
- Get to the point → no fuzzy position paper – you agree or disagree
- Write fast / improvise / take risks
- Never exclude real-life examples from your position papers + letters – lobbying is not abstract
- Big budget is no guarantee of success – smartness and display of political sense always are → David and Goliath

Case study – the Orphacol story



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