

DAY THREE

February 22, 2023

Trends in EU lobbying

Introduction

- Recap from Day Two class
- Q&As

Looking for the lost institutional balance: life after Lisbon

- Before Lisbon
- Since Lisbon
- Is there still a college of Commissioners?
- Community method at risk
- Politics or bureaucracy?
- Drift from strategy to technicity
- Decision-making has become case-by-case in secondary legislation
- Strong impact on EU lobbying

Lobbying after Lisbon

- Classical lobbying shaped by Community method
 - ✓ Transparency prevailed
 - ✓ Uniform rules applied to comitology procedures
 - ✓ Critical roles of desk officers, interservice consultation and heads of cabinet
 - ✓ Large room to manoeuvre in first reading
- Post-Lisbon
 - ✓ Commission's legislative proposal monopoly challenged
 - ✓ Trilogues
 - ✓ Less engagement from college of Commissioners
 - ✓ Rubberstamping + ratification vote instead of deliberations
 - ✓ Quality of primary legislation suffers
- Lobbying lessons to draw
 - ✓ Get started early on with all 3 institutions
 - ✓ Map out relevant + influential players in Commission, EP and Council
 - ✓ Key battles increasingly into secondary legislation
 - ✓ Lobbying has become more legalistic and ad hoc



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Lobbying in the drafting phase

- Anticipate
- Is there still a unique decision-maker?
- Paying attention to legal basis
- When/how to exert influence?
- Towards whom?
- Earn trust of desk officer
- Speak with one voice
- Rely less on interservice consultation and heads of cabinets

Lobbying in the adoption phase

- 80% of acts adopted in first reading
- Concentrate on essentials → framework legislation
- Learn about trilogues' dynamics and contents in the EP
- Follow COREPER and relevant expert groups
- Integrate secondary legislation in reflections for action

Lobbying in the implementation phase

- Identify procedures
 - ✓ RPS
 - ✓ Delegated acts
 - ✓ Implementing acts
- Read draft from a content + procedural perspective:
 - ✓ Reduce possibility for the Commission to adopt a text after the examination committee expresses "no opinion"

Lobbying on delegated acts and implementing acts

- Identify the applicable procedure
- Delegated acts
 - ✓ Concentrate action on the desk officer and relevant Commission unit drafting the delegated act
 - ✓ Develop key contacts/alliance with Member States eager to veto
- Implementing acts:
 - ✓ Concentrate on the committee of national experts for implementing acts (in addition to desk officers)
 - ✓ Seek support in Permanent Representations



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