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The responsiveness of legislative actors to stakeholders' demands in the European Union

Andrew Judge, University of Glasgow
Robert Thomson, Monash University

This study examines the extent to which stakeholders' demands are represented by the Commission, European Parliament, and national governments in the Council when legislative proposals are debated. We formulate and test propositions from resource exchange theory to explain variation in the responsiveness of EU actors to various stakeholders. Our research design integrates the study of the formative and decision-making stages of the legislative process, which are often studied in isolation. We combine new information from detailed qualitative content analysis of consultation documents with an established dataset on subsequent legislative decision-making. The findings indicate that a broad range of stakeholders' demands are reflected in the positions taken by the national and supranational actors involved in the EU's legislative process, but also considerable variation in the extent to which different EU actors respond to stakeholders of different types and origins.

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The procedural legitimacy of democracy rests partly on the idea that policymakers consider the range of interests that are affected by policy proposals before reaching final decisions. Although there is no consensus about what an ‘unbiased interest system’ looks like, most scholars agree that a broad range of interests should be represented, none should be systematically excluded, and none should determine the contents of legislative outputs to the exclusion of others (Richardson ed. 1982; 2012; Lowery et al. 2015). This paper examines the extent to which actors involved in the European Union’s legislative process – the Commission, member states in the Council and the European Parliament – respond to a broad range of interests when they discuss legislative proposals. The responsiveness of EU actors is a key question in the debate concerning the EU’s democratic deficit since critics often claim that the EU is biased toward or against certain interests, particularly business interests.

We present new evidence that links the formative stage prior to the introduction of legislative proposals with the decision stage after the introduction of legislative proposals. This integrated analysis of the formative and decision stages is important, because these are often examined in two distinct subfields in EU studies despite calls to integrate them (Beyers et al. 2015; Dür et al. 2015). We conceptualize the formative stage as a stage between the ‘agenda-setting’ and ‘decision’ stages of the legislative process, in line with previous research on interest representation in the EU (e.g. Klüver 2013; Bunea and Thomson 2015). The formative stage occurs before the Commission issues a legislative proposal, but is distinct from the agenda-setting stage in that the issues and at least some policy alternatives for discussion have already been identified in the Commission’s consultation call. Stakeholders are actively consulted during the formative stage and are can introduce new issues or policy alternatives in their submissions that respond to the Commission’s consultation call. By examining the congruence between stakeholders’ demands from the consultations during the formative stage and EU actors’ positions during the subsequent

decision stage on the same issues, we are able to identify possible biases in the system of interest representation.

Policy responsiveness and resource exchange

Our main theoretical interest is the responsiveness of EU actors to various stakeholders' demands.¹ Responsiveness is the degree to which legislative actors are influenced by stakeholders' expressed interests, such that legislators act in ways that further the interests of those stakeholders. We examine responsiveness by examining congruence, which is simply the degree of similarity between legislators' policy positions and stakeholders' policy demands. It is reasonable to assume that greater responsiveness is generally associated with more congruence, but responsiveness and congruence are not the same thing. A legislative actor may be responsive to a stakeholder without perfectly reflecting that stakeholder's policy demands. Instead, the legislator may represent that stakeholder's broader interests and concerns without supporting the specific policy alternatives advocated by the stakeholder. Likewise, congruence between a legislator and a stakeholder's policy positions could occur for reasons other than responsiveness of the former to the latter. For instance, both legislators and stakeholders may be influenced by the same third actor, or legislators may influence stakeholders. A similar distinction between responsiveness and congruence has been noted in research on the relationship between the policy positions of political parties and citizens (e.g. Adams et al. 2006). Acknowledging distinction between our theoretical interest and empirical focus enables us to gauge the level of uncertainty associated with our inferences, a point to which we return in the conclusions.

Our expectations about variation in responsiveness are derived from resource

¹ We refer to 'stakeholders' because we include all organisations that responded to open consultation calls, regardless of whether they are interest groups.

exchange theory (Bouwen, 2002; 2004; Mazey and Richardson 2006). This theory explains the level of access that legislative actors provide to stakeholders based on the fit between legislators' needs and what stakeholders have to offer. There are two main types of resource that stakeholders can supply to legislative actors in exchange for access. The first is *policy-relevant information*, which takes the form of specialised technical information about a sector. The second is *information about the levels of support among different constituencies* for the policy positions that legislative actors may adopt. This includes information about the interests of various industries and lobbying communities that are active within a sector, at both an EU and national level (Bouwen 2002: 370), and public opinion (Kohler-Koch and Finke 2007: 206-211; Klüver 2013: 62-63).

Six hypotheses structure our analyses. The first three posit general variation in the level of responsiveness by legislative actor (Commission, EP and member states), by the origin of stakeholders (national, EU-wide and non-EU), and by the type of stakeholder (business groups, NGOs etc.). The second three hypotheses posit more specific variation in responsiveness by each of the legislative actors depending on their representative mandate.

We expect the Commission to be the most responsive of the actors involved in the legislative process. Its demand for policy-relevant information is high due to its relatively small staff and the wide range of sectors in which it develops legislative proposals (Bouwen 2002: 379-380; Klüver 2013: 62). In addition, as the EU actor with the weakest claim to hold a democratic mandate, the Commission has an incentive to consult widely to bolster its legitimacy (Bunea and Thomson 2015). Research on lobbying also suggests that the Commission is the most important access point for stakeholders seeking to influence the legislative process, particularly during the formative stage of the legislative process (Eising 2007: 387). These theoretical and empirical considerations support the following hypothesis:

H1: The Commission is more responsive to the policy demands of all stakeholders than are

the European Parliament or national governments.

Business interests often have particularly valuable information resources, as well as financial resources, to secure access to and responses from policymakers. Working from a resource exchange perspective, Klüver suggests that EU legislative actors are particularly responsive to stakeholders that hold economic power at either a domestic or European level (2013: 63). Business stakeholders often offer credible policy-relevant information about the impact of alternative regulations on economic growth and competitiveness. The literature on interest representation in the EU suggests that business interests are particularly active in lobbying in the EU and that there may be a bias in the system toward business interests (Cowles 1995; Beyers 2002; Dür and de Bièvre 2007; Rasmussen and Carroll 2014). We therefore examine whether:

H2: All legislative actors are more responsive to the policy demands of business stakeholders (associations and individual firms) than to demands expressed by other types of stakeholder.

We distinguish between stakeholders in terms of their origin: EU-wide, national (within the EU), and non-EU. It is perhaps surprising that non-EU stakeholders also participate in consultations and attempt to influence the EU legislative process. In a previous large-n study of a broad range of consultations held between 2001 and 2010, Rasmussen and Alexandrova (2012) found substantial levels of participation from non-EU stakeholders, particularly from countries with high levels of trade with the EU. Since none of the legislative actors has an obvious mandate to represent the interests of non-EU stakeholders we expect that:

H3: All legislative actors are more responsive to the policy demands of EU-wide and national stakeholders than to demands expressed by non-EU stakeholders.

The three following expectations focus on the representative mandate of the EU actors. These mandates are central to the legitimacy claims of each legislative actor and to

their institutional design. The Commission is a supranational actor that is required by the treaties to represent the European interest as distinct from national or sectoral interests (Pollack 1998; Bouwen 2002: 379). Research on the Commission's policy positions relative to national governments, and on the roles played by individual commissioners, highlights the importance of this supranational status, notwithstanding residual effects of nationality and ideological affiliations of commissioners (Crombez 1997; Hooghe 2005; Egeberg 2006; Wonka 2007; Thomson 2011: 79). Therefore, we expect the Commission to be particularly receptive to EU-wide interests:

H4: The Commission is more responsive to the policy demands of EU-wide stakeholders than to the demands expressed by other groups.

The European Parliament is a supranational legislator with cohesive transnational party groupings that are broadly pro-integration (Hix et al. 2007; McElroy and Benoit 2012). It therefore has at least a minimal mandate to represent broad EU interests. As a result, the primary access good it demands from stakeholders is information about the encompassing European interest. This suggests that the EP might behave similarly to the Commission with respect to its responsiveness to EU-wide interests:

H5: The European Parliament is more responsive to the policy demands of EU-wide stakeholders than to demands expressed by other groups.

As with the previous hypothesis on the Commission, evidence for this proposition is far from a foregone conclusion. Nationality plays an important role in structuring the careers and therefore behaviour of MEPs, as well as the management of EP business, and national governments and domestic interest groups still attempt to influence 'their' MEPs (Raunio 2000; Kreppel 2002: 202-5; Mamadouh and Raunio 2003; Whitaker 2005; Costello and Thomson 2014).

The mandate of each of the member states in the Council clearly prioritises nationally

based interests. From the perspective of resource exchange theory, national governments need information that is specific to their own territories on the social and economic impact of proposed policies and the support for policies among key stakeholders and the general public. In line with this assumption, case studies of position taking by member states on legislative proposals provide many high-profile examples of the relevance of domestic sectoral interests (Thomson 2011: 132). For instance: the German government's positions on proposed car emission standards reflected German car manufacturers' interests; the French governments' positions on proposed regulations for wine reflected domestic wine producers' interests; and the British government's positions on proposed banking regulations reflected the interests of the UK's large financial services sector. The implication of this for the congruence between stakeholders' demands and national governments' positions is the following expectation:

H6: National governments are more responsive to the policy demands of stakeholders from their own state than to demands expressed by stakeholders from other states, EU-wide interests, or non-EU interests.

These expectations do not exhaust all possible sources of bias in the EU's system of interest representation, or the various channels of responsiveness that may exist. For instance, party groupings within the EP and individual Commissioners within the Commission may also be more or less responsive to different stakeholders. However, the positions of the EP and Commission largely feed into the inter-institutional legislative process as those of collective actors, which makes it relevant to examine their collective policy positions. Our analyses will control for other characteristics of stakeholders and EU actors. We distinguish between stakeholders that are individual organisations and those that are associations of organisations, since the latter may hold a more convincing claim to represent a broad range of interests. We also distinguish between stakeholders that have an office in Brussels and those that do not, since the presence of a Brussels office may indicate a more sustained level of

engagement with EU policymaking. With respect to member states' characteristics, we report some robustness tests in which we include measures of the left-right positions of national governments. We do not expect government ideology to play a significant role, since this generally plays a weak role in defining the positions taken by member states in the Council.

Research design

We selected consultations relating to 12 legislative proposals that were subsequently introduced by the Commission. These 12 proposals are the legislative proposals from the DEU II dataset that were discussed by the Commission, Council and EP after the 2004 enlargement, and for which the documents submitted by stakeholders to relevant consultations were available through transparency requests. The DEU II dataset was the basis of our selection, because it contains detailed information on the policy positions of each of the EU actors (DEU II is described in detail in Thomson et al. 2012). The DEU dataset focuses on controversial proposals: proposals that raised one or more controversial issues on which the EU legislative actors took different positions. This is an appropriate selection criterion for our purposes, because if the EU actors all took the same positions, there would be no variation in the extent to which their positions reflected stakeholders' demands.²

² The 12 legislative proposals relating to the selected consultations are the following: air passengers with reduced mobility (COD/2005/007); sugar production (CNS/2005/118); human rights agency (CNS/2005/124); Illegal immigration (COD/2005/167); payment services (COD/2005/245); broadcasting (COD/2005/260); waste processing (COD/2005/281); illegal fishing (CNS/2007/223); market authority (COD/2007/249); car emissions (COD/2007/297); CAP reform (CNS/2008/104); and rural development (EAFRD; CNS/2008/105).

The DEU II dataset contains information on 56 legislative proposals that were passed after the 2014 enlargement, of which we select the 12 that were preceded by consultations for which the documents submitted by stakeholders were available through transparency requests. There were 44 legislative proposals on which there were no records of consultations, or for which we could only obtain summary documents that did not give details of each stakeholder's demands. The 12 selected proposals do not differ markedly from the

We reviewed the documents from the consultations to identify the stakeholders that made submissions. We identified 1,032 stakeholders that represented organisational interests in these consultations. We excluded a small number of submissions from individual citizens. Each stakeholder was categorised based on its origin (national, EU, non-EU) and group type (individual businesses, trade and business associations, consumer NGOs, environmental NGOs, other NGOs, public authorities and research institutes/think tanks). This categorisation was based on Bunea and Thomson's (2015) classifications, and cross-checked with the transparency register and information contained within submission documents.

The main part of the coding matched stakeholders' policy demands in the consultation documents with information on the EU actors' (Commission, EP and member states) positions in the subsequent decision-making stage from the DEU II dataset. The DEU II dataset maps the controversial issues raised by each legislative proposal onto policy scales. The 12 legislative proposals included in our selection raised issues that were modelled in a total of 35 policy scales. This approach to representing specific political controversies spatially has been used to study thousands of specific policy issues in previous research on negotiations in national and international contexts, including the EU (e.g. Bueno de Mesquita and Stokman 1994; Thomson et al. 2006; Thomson 2011). It has also been adapted to study interest groups' influence in the EU (Dür et al. 2015). Each issue is operationalised as a 0 to 100 policy scale with the endpoints representing the most extreme positions taken on the issue by any of the actors or the most extreme outcomes under consideration. Each actor is

other 44 proposals in the DEU II dataset with respect to a range of relevant characteristics. Legislative procedure: 7 of the 12 were subject to the ordinary legislative procedure (OLP), while the remaining five were subject to the consultation procedure; by comparison, 30 of the 44 non-selected were subject to OLP. New or amendments to existing legislation: 7 of the selected 12 were new as opposed to amendments, while 27 of the non-selected 44 were new. Instrument type: 4 of the 12 were directives, while 19 of the 44 were directives. The selected 12 did not differ markedly from the non-selected 44 in terms of the average numbers of issues raised during the decision-making stage: an average of 3.0 issues for the selected 12 compared to 2.7 for the non-selected 44.

then placed at a point on the scale to represent the outcomes it favours most. The focus on specific policy issues is apt in the context of stakeholders' policy demands, since these are specific and somewhat technical, although often highly political at the same time.

Figure 1 illustrates how each of the stakeholders' demands were mapped onto the DEU II issues. Some of the policy scales in the DEU II dataset were adapted to either accommodate additional positions that were expressed by stakeholders or to merge positions in the original policy scales due to a lack of detailed information in the stakeholder submission documents. The issue depicted in the top of Figure 1 refers to the question of how to define which vehicles should be included in the proposed regulation on car emissions. During the decision stage, at which time the information on EU actors' positions was assembled, two positions were identified: vehicle mass (position 0) and the vehicle footprint (position 100). During the preceding consultation stage, however, Friends of the Earth (Italy) took the position that the number of seats in the vehicle should be used. As this would mean the inclusion of more vehicles than the vehicle mass position, but fewer than vehicle footprint, a new category was created at position 50 of the policy scale. The second issue depicted in Figure 1 concerns an issue raised by a proposal on rural development. The question was about how narrowly the legislation should specify the areas on which funds diverted from the Common Agricultural Policy could be spent. Austria and several other member states wanted a broad definition, as did the Austrian Chamber of Commerce during the preceding consultations. The Commission and several states wanted a narrower definition, as did the Danish Agricultural Council during the preceding consultations. In the DEU II policy scale there were three positions as illustrated in the figure. However, stakeholders did not go into enough detail in their submissions to the consultation to be able to differentiate between position 80 and 100, instead referring to whether there should be any

restrictions on how funds should be spent. As a result, these categories were merged for the purposes of our analysis.

[FIGURE 1]

Figure 2 shows the two policy scales for a legislative proposal on whether to establish an EU agency for fundamental rights. During the decision-making stage, there were two controversial issues: the territorial scope of the agency and what powers it should have on third pillar issues. The Commission's consultation explicitly asked stakeholders to offer opinions on these two issues. In the case of the territorial scope of the agency the demands expressed by stakeholders were identical to the range of positions at the decision-making stage. In the case of the powers of the agency by contrast, some stakeholders expressed demands for some monitoring of member states on third pillar issues, but did not support empowering the agency to issue opinions.

The types of stakeholder that made submissions to this consultation differ markedly from the previous two examples. The largest group of stakeholders were NGOs focusing on human rights, specific aspects of civil liberties, or groups such as Roma, refugees or children. Most NGOs preferred a narrower territorial scope for the agency, arguing that the agency should not duplicate the work of other human rights organisations that already offered some level of protection beyond that offered by member states. By contrast, these same NGOs were more divided on the question of whether to grant the agency greater powers.

One of the distinctive characteristics of this legislative proposal is that several member states also made submissions to the consultation. In most cases the demands they expressed at the formative stage were identical to the positions they adopted at the decision-making stage. However, in the case of the agency's powers, France, Hungary and Sweden

changed their positions. In their submissions to the consultation they demanded that the agency have no formal input into third pillar issues, but during the subsequent decision stage supported empowering the agency to issue opinions.

[FIGURE 2]

Analysis

The coding of the stakeholders' submissions revealed a total of 989 policy demands that were related to one of the 35 controversial issues on which we have information on the EU legislative actors' positions during the subsequent decision-making stage. We have a maximum of 29 observations of EU actors' positions on each of these 35 issues: one for the Commission, EP and each of the 27 member states (prior to the accession of Croatia). Not all 29 EU actors took positions on each of the 35 issues. We have in total 23,234 relevant observations, each of which refers to a stakeholder's demand that is matched with the position taken by an EU legislative actor. Each of these observations identifies the extent to which the stakeholder's demand and the EU actor's positions differed on the same issue.

We focus mainly on the absolute distance between the stakeholders' demands during the consultations and the positions taken by the EU actors during the subsequent decision stage. The advantage of this approach is that it maximises the amount of information in our analysis. The policy distances are comparable across issues in that the range of each of the policy scales reflects the range of the bargaining space that existed during the legislative negotiations on the issue. We therefore argue that the distances are sufficiently comparable in terms of the political distances among the alternatives. The distances are not, however, comparable in terms of the amount of substantive policy differences between alternatives on

different scales. It could be, for instance, that a distance of 100 scale points on one issue reflects a large policy difference on one issue, but a relatively small policy difference on another issue. We ran a robustness test using a dichotomous measure of whether or not the stakeholders' demands agree with the positions taken by each of the EU actors, which produces the same results.

Figure 3 depicts the absolute policy distance between stakeholders' demands and EU legislators' positions by different groups of observations that correspond to the six hypotheses we formulated above. Table 1 provides a more rigorous test of these propositions by examining the effects of stakeholder origin and type in a series of regression models. We proceed by discussing each hypothesis in turn by referring first to Figure 3 and then to the relevant results from Table 1. We then report on some of the robustness tests.

[FIGURE 3]

[TABLE 1]

The first hypothesis (H1) is that the Commission is generally the most responsive legislator. The findings support this expectation. The first comparison in Figure 3 compares the average policy distance between stakeholders' demands and the Commission's positions with the same average distances for the EP and the member states in the Council. The average distance between stakeholders' demands and the Commission's positions is 42.46 (95% confidence interval (CI): 39.64, 45.28). This is a smaller distance than the average distance between stakeholders' demands and the EP's positions at 47.41 (95% CO: 44.81, 50.01). The fact that these confidence intervals overlap suggests that the difference is not large. The average distance between stakeholders' demands and member states' positions is largest at 49.95 (95% CI: 49.34, 50.56). The very narrow confidence interval for member

states is due to the very large number of observations. The non-parametric rank test reported in Figure 3 is appropriate given that these observations are not independent. The test indicates that the difference between these three groups of observations is significant ($p=.00$).

The first model in Table 1, which is labelled 'All', allows us to examine the difference between EU actors in terms of the distance between stakeholders' demands and their positions while controlling for a range of characteristics of stakeholders, which will be discussed below. The variable 'Type of legislative actor' distinguishes between four groups of observations: 1) those that refer to the distance between stakeholders' demands and member states' positions for member states that were not the 'home' member state of the stakeholder concerned (the reference category); 2) those that refer to the distance between stakeholders and member states for states that were the home state of the stakeholder concerned; 3) stakeholders' demands and Commission's positions; 4) stakeholders' demands and EP's positions. The coefficient for the variable 'Commission' is negative and significant. The value of -7.96 indicates that the distance between stakeholders' demands and the Commission's positions is on average 7.96 policy scale points smaller than the reference category. Moreover, the coefficient for the Commission differs significantly from the coefficient for the EP ($p=.00$), which indicates that the Commission is on average more responsive than the EP. However, the coefficient for the Commission is somewhat smaller in absolute size than and does not differ significantly ($p=.13$) from the coefficient for 'Home member state (if relevant)'. This lack of significance means that there is no significant difference between the responsiveness of the Commission to stakeholders in general, and the responsiveness of member states to stakeholders from their own country.

The second hypothesis (H2) is that all legislative actors are more responsive to business interests than other interests. The evidence does not support this proposition. Individual companies have larger policy distances to legislative actors than do trade and

business associations. Trade unions and professional associations also have smaller policy distances than do individual businesses (Figure 3). Among NGOs, consumer groups have the smallest policy distance, while environmental groups have the highest. The results of the first model in Table 2 confirm the absence of evidence of biases towards business interests. On the contrary, the significant negative coefficients for the variables relating to NGOs, public authorities and think tanks indicate that the average distances between these stakeholders' demands and EU legislators' positions are smaller than the distance for business stakeholders. Similar patterns are found in the results for the models of each type of EU actor, the Commission, EP and member states.

Associations, some of which are business groups, make demands that are significantly closer to the positions of the Commission and member states than do individual organisations. However, some of these associations are trade unions and professional groups, which means that the advantage enjoyed by associations is not limited to business groups. The coefficient for the variable "Associations" is negative and significant in the first model labelled All in Table 1, and in the models for the Commission and member states.

The third hypothesis (H3) leads us to expect a greater distance between non-EU stakeholders' demands and EU legislators' positions compared to the same distances for EU-wide and national stakeholders. The findings only partly support this proposition. The third set of comparisons in Figure 3 indeed suggest that the distance between non-EU stakeholders' positions and EU actors' positions is significantly larger than for stakeholders of national and EU-wide origins. However, the models in Table 2 reveal that this pattern only applies to member states' positions. The Commission's positions are significantly closer to the demands of non-EU stakeholders than to stakeholders of (EU) national or EU-wide origins.

We now turn to the hypotheses that consider each EU legislative actor separately. Our discussion of Hypothesis 3 on non-EU stakeholders has pre-empted our findings regarding Hypothesis 4, which posits that the Commission is most responsive to EU-wide stakeholders. Contrary to this, the fourth set of comparisons in Figure 3, which focus on the Commission's positions, show that the smallest distances are found for non-EU stakeholders. Moreover, the confidence intervals for EU-wide and national stakeholders overlap considerably. The second model in Table 2 confirms that there is no significant difference between the Commission's responsiveness to EU-wide and (EU) national stakeholders.

Contrary to Hypothesis 5, the EP is no more responsive to EU-wide interests than other interests. This hypothesis implies that there is a smaller distance between EU-wide stakeholders' demands and the EP's positions compared to stakeholders of other origins (the fifth comparison in Figure 3). In fact, we find no significant differences. This non-finding is confirmed by the model of the EP's positions in Table 2, where the coefficients for stakeholders' origin are insignificant.

The evidence provides strong support for Hypothesis 6, according to which member states are more responsive to the demands of stakeholders from their own territories. The sixth and final set of comparisons in Figure 3, which focus on member states' positions, show that the smallest average distance is found for stakeholders from the territory of the member state concerned. There are significantly larger distances for the demands of stakeholders from other states, EU-wide stakeholders and, as noted above, non-EU stakeholders. The model of member states' positions in Table 2 also shows there is a negative and significant coefficient associated with the variable "Home member state". This indicates that the distance between a stakeholder's demand and a member state's position is significantly smaller if the stakeholder is from the territory of the member state concerned, rather than from another other (EU) territory.

We do not find significant and robust effects associated with our control variables, and the above results are robust to different model specifications. As noted above, stakeholders that were associations appear to have smaller average distances to EU legislators' positions, although we found no effect for the EP's positions. Having a Brussels office is not associated with the congruence between stakeholders' demands and EU legislators' positions. We ran a series of logit models with a dependent variable indicating whether or not the stakeholder's demand and the EU legislator's position were the same and obtained substantively the same results. In line with previous studies, we prefer to use the continuous measures that contain more information. We also ran additional models with a measure of the left-right position of the national governments of member states. In general, this did not yield significant results and did not alter the findings we report here. There were some subsets of cases that exhibited significant or marginally significant effects of governments' left-right positions, but these were not robust or substantively important enough to warrant presentation.

Conclusions

Of the EU actors, the Commission is generally the most responsive to stakeholder's demands. This accords with the view that the Commission is the main lobbying venue for interest groups, and that the Commission has a particular need for information on how policies work and the levels of support for different policies (Eising 2007: 387; Bouwen 2002: 379-380; Klüver 2013: 62). Recent research also suggests that the Commission's legitimacy and influence in the decision stage is strengthened when it consults widely before introducing legislative proposals (Bunea and Thomson 2015). Future research could strengthen the inference that the Commission is the most responsive of the EU actors by attending to the distinction between responsiveness and congruence referred to earlier. Alternative

operationalisations of responsiveness could focus on the extent to which EU actors further the general interests of various stakeholders, as distinct from reflecting their positions in the decision-making stage. Furthermore, alternative research designs could examine whether the stakeholders that participate in consultations reflect the full range of interests affected by a proposal.

With respect to the types of stakeholders to which EU legislators are most responsive, we found no evidence of a bias towards business stakeholders. Instead, the type of group that legislative actors were most responsive to were consumer NGOs, which suggests that the EU gives a greater weight to stakeholders that provide information on the opinions of individual citizens (Mazey and Richardson 2006). In addition, we found some evidence that legislative actors are more responsive to associations than to individual organisations. This associational advantage is also consistent with resource exchange theory, although we did not identify it as a proposition implied by the theory. For instance, the Commission's mandate to represent the broad European interest could lead it to attend more closely to associations than other stakeholders. Future research could expand further upon this implication of resource exchange theory. It is also worth examining to the impact of different types of stakeholders at different stages of the legislative process. This study focused on the formative stage, which leaves open the possibility that biases may exist in earlier or later stages of the policy process.

The Commission is surprisingly more responsive to non-EU stakeholders than to EU or member state-based stakeholders. In one of the few studies to examine the participation of non-EU stakeholders in EU consultations, Rasmussen and Alexandrova (2012) find that participation is affected by level of trade between the EU and the country of origin of non-EU stakeholders. From the perspective of resource exchange theory, the Commission's role as the EU's external trade representative is relevant, because this gives the Commission a

particular need for information on the consequences of policies for the EU's external trading relations. Non-EU actors are well placed to provide such information.

The evidence supports the expectation that member states are most responsive to demands from stakeholders from their own territories. National governments demand information on the impacts of policies in their territories and on the likely political support for policies in their territories. This finding also supports one of the key propositions from liberal intergovernmentalism, which posits that national governments define state interests in terms of domestic groups' demands (Moravcsik 1997: 518). The finding provides more systematic support for this key proposition than previous anecdotal evidence.

Future research could uncover the specific mechanisms underpinning different patterns of responsiveness identified in this study. Notwithstanding the distinct supranational character of the Commission, the nationalities and portfolio responsibilities of Commissioners play significant roles in explaining the Commission's behaviour (Crombez 1997; Hooghe 2005; Egeberg 2006; Wonka 2007). A pertinent question is whether the Commission is more responsive to stakeholders with the same national origin and sector as the Commissioner primarily responsible for the relevant policy area.

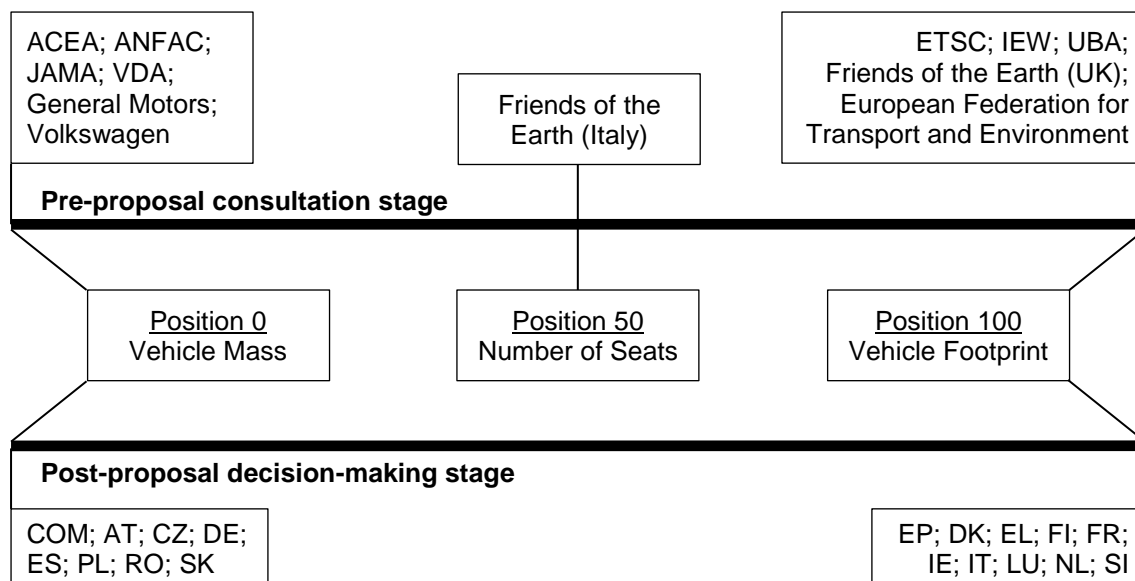
In the case of the Parliament, the present study focused on the EP's common positions in the first reading of the legislative proposal. These policy positions are aggregations of distinct positions taken within the EP, by the EP party groupings and sometimes also by groups of national MEPs (Hix, Noury and Roland 2007; McElroy and Benoit 2012). A recent study examined the policy positions of party groups and national factions in the EP on the same specific issues that were debated by the member states in the Council (Costello and Thomson 2014). This could be extended to examine the conditions under which groups within the EP agree with stakeholders' demands. Such research becomes more pertinent as lobbyists use multiple channels to exert influence on legislative outcomes.

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What ‘utility parameter’ should be used to define whether a vehicle is included in the regulation on emission standards?



What should funds reallocated from the Common Agricultural Policy be spent on?

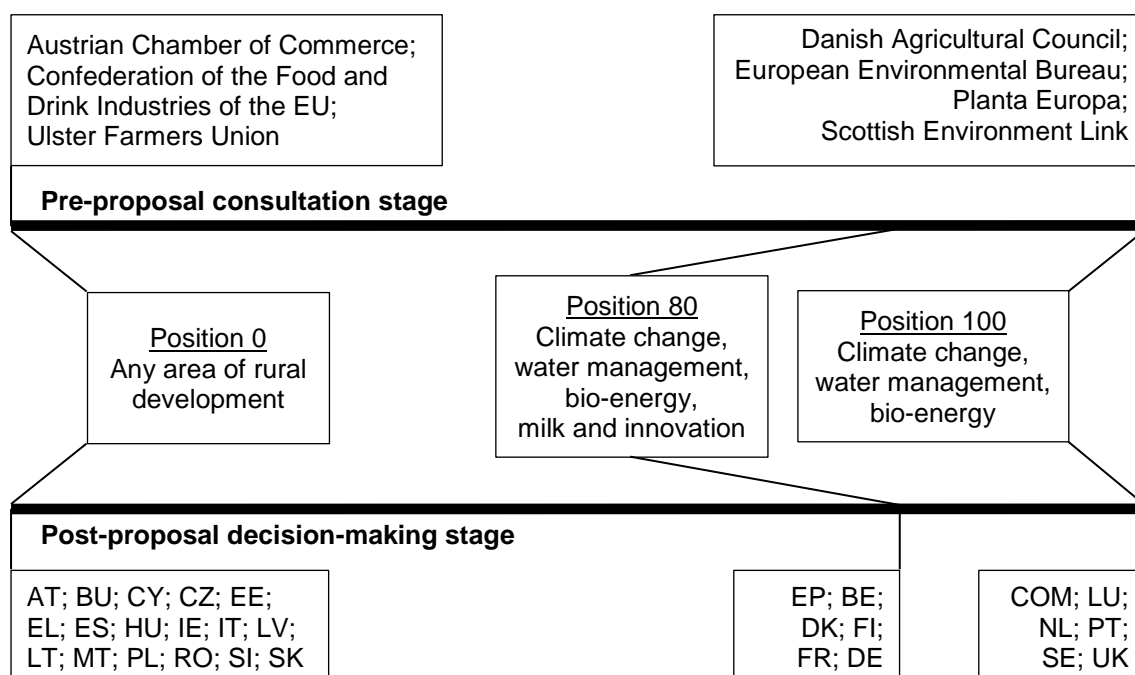
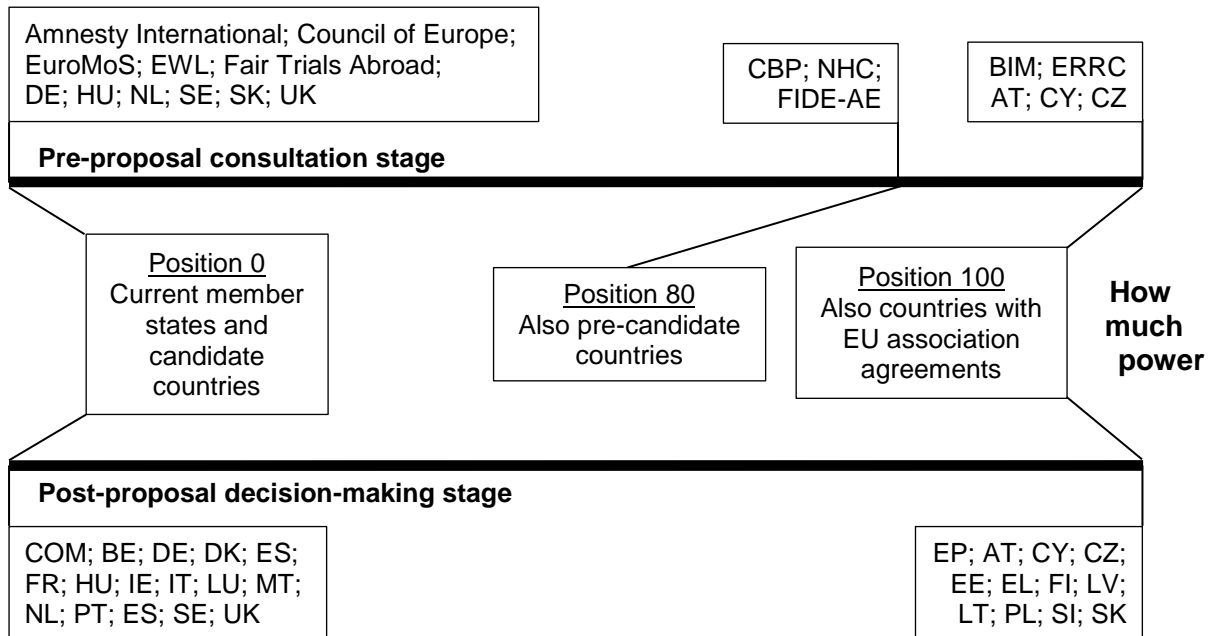


Figure 1. Stakeholders’ demands and EU actors’ positions on two issues

Note: Top issue from proposal on passenger cars (COD/2007/297), bottom issue from the proposal on rural development (CNS/2008/105). Not all member states took positions and not all stakeholders are included in the figure. AT: Austria; BE: Belgium; BU: Bulgaria; CY: Cyprus; CZ: The Czech Republic; DE: Germany; DK: Denmark; EE: Estonia; EL: Greece; ES: Spain; FI: Finland; FR: France; HU: Hungary; IE: Ireland; IT: Italy; LT: Lithuania; LV: Latvia; LU: Luxembourg; MT: Malta; NL: The Netherlands; PL: Poland; PT: Portugal; RO: Romania; SI: Slovenia; SK: Slovakia; SE: Sweden; UK: United Kingdom. ACEA: European Automobile Manufacturers Association; ANFAC: Asociación Española de Fabricantes de Automóviles y Camiones; ETSC: European Transport Safety Council;

IEW: Inter-Environment Wallonie; JAMA: Japanese Automobile Manufacturers Association; UBA: German Federal Environmental Agency; VDA: German Car Manufacturers Association.

How wide should the territorial scope of the agency be defined?



should the agency have over third pillar issues?

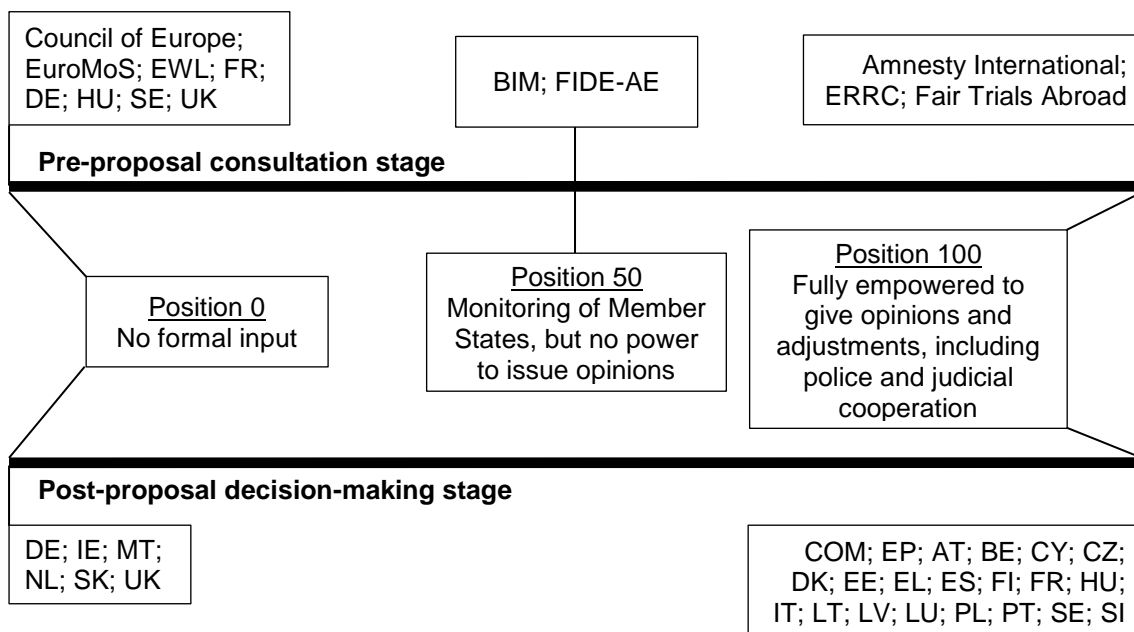


Figure 2. Stakeholders' demands and EU actors' positions on an EU Agency for Fundamental Rights

Note: CNS/2005/124. Not all member states took positions and not all stakeholders are included in the figure. See figure 1 for guide to country codes. BIM: Ludwig Boltzmann Institute on Human Rights; CBP: Dutch Data Protection Agency; ERRC: European Roma Rights Centre; EuroMoS: European Monitoring System; EUMC: European Monitoring Centre on Racism and Xenophobia; EWL: European Women's Lobby; FIDE-AE: European Association for the Protection of Human Rights; NHC: Netherlands Helsinki Committee.

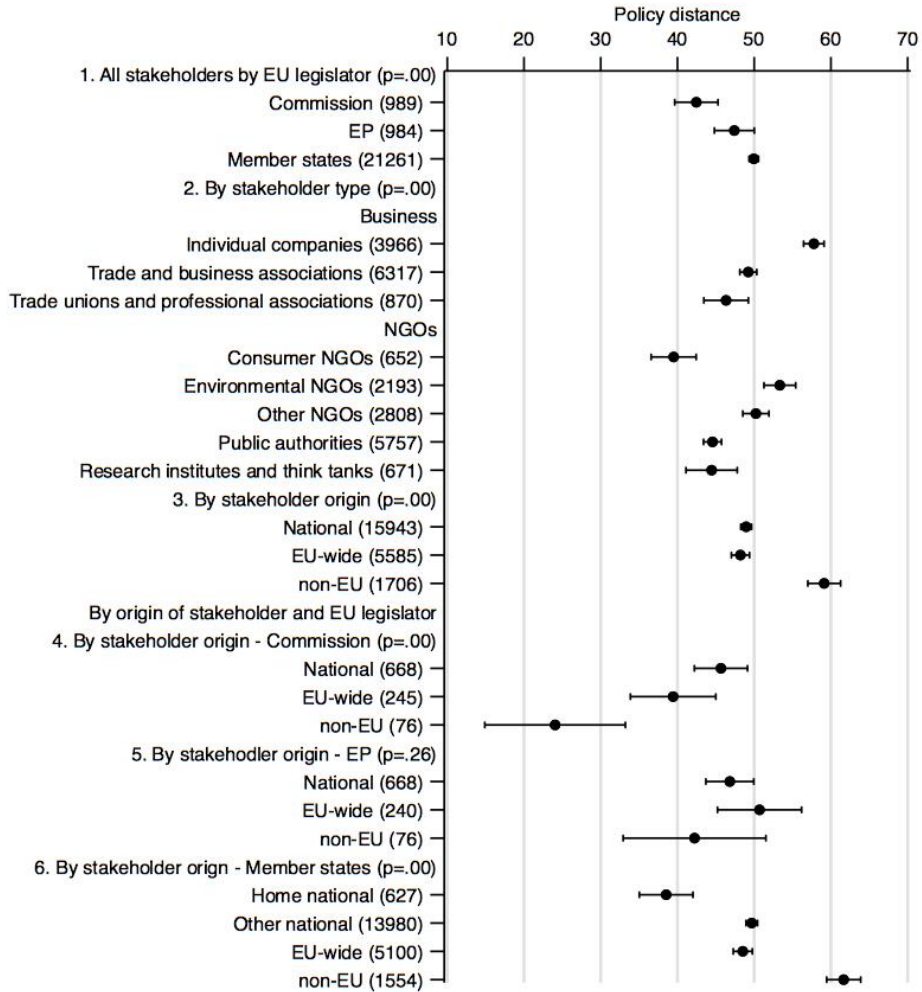


Figure 3. Policy distances between stakeholders' demands and legislative actors' positions

Note: Means (circles) and 95% confidence intervals (bars), n (All)= 23,234. P-values refer to non-parametric Kruskal-Wallis rank test of differences among groups. Numbers in parentheses refer to the numbers of observations.

Table 1. Factors affecting the distance between stakeholders' demands and legislative actors' positions (Commission, European Parliament and Member States)

	All		Commission		EP		Member States	
	b (s.e.)	p	b (s.e.)	p	b (s.e.)	p	b (s.e.)	p
<i>Characteristics of legislator</i>								
Type of legislative actor (reference: "other" member states)								
Home member state (if relevant)	-11.52 (1.77)	.00					-11.35 (1.77)	.00
Commission	-7.96 (1.72)	.00						
EP	-3.03 (1.65)	.07						
<i>Characteristics of stakeholder</i>								
Origin (reference: national within EU)								
EU-level	-1.08 (2.46)	.66	-1.62 (4.38)	.71	3.24 (4.07)	.43	-1.25 (2.66)	.64
Non-EU	8.66 (3.23)	.01	-20.93 (5.02)	.00	-4.62 (4.87)	.35	10.77 (3.57)	.00
Type (reference: business)								
Trade union and professional	-2.68(2.95)	.36	1.43 (7.51)	.85	-9.25 (7.24)	.20	-2.51 (3.17)	.43
NGO	-6.69 (2.80)	.02	-15.12 (4.56)	.00	-14.19 (4.01)	.00	-5.96 (3.07)	.05
Public authorities	-12.79 (3.04)	.00	-7.21 (4.47)	.11	-5.42 (3.78)	.15	-13.35 (3.35)	.00
Research institutes and think tanks	-12.38 (4.87)	.01	-18.79 (9.07)	.04	-15.28 (9.15)	.10	-11.98 (5.17)	.02
Association (business and trade unions)	-7.46 (3.10)	.02	-8.79 (4.46)	.05	4.26 (3.63)	.24	-7.93 (3.41)	.02
Brussels office	-1.25 (2.36)	.60	-3.94 (4.24)	.35	.97 (4.07)	.81	-1.23 (2.56)	.63
Constant	57.77 (2.60)	.00	53.91 (3.41)	.00	50.80 (2.56)	.00	57.73 (2.83)	.00
F (p)	7.95 (.00)		4.93 (.00)		3.81 (.00)		8.73(.00)	
n observations (n stakeholder demands)	23,234 (989)		989 (989)		984 (984)		21,261 (989)	

Note: Dependent variable is the distance between each stakeholder's demand and the position of each legislative actor. OLS regression with robust standard errors clustered by stakeholders' demands.