



UHASSELT

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Faculteit Bedrijfseconomische Wetenschappen

master in de toegepaste economische
wetenschappen

Masterthesis

The role and influence of consultations in the EU policy-making process

Toon Moons

Scriptie ingediend tot het behalen van de graad van master in de toegepaste economische wetenschappen,
afstudeerrichting beleidsmanagement

PROMOTOR :

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“The influence of consultations on Climate policies of the European Commission”

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This master thesis was written during the COVID-19 crisis in 2021. This global health crisis has had an impact on the research actions and research results that form the basis of this workpiece.

Preface

This master thesis forms the ending piece to my university education in Applied Economic Sciences at the University of Hasselt. This thesis was a challenge I was able to overcome by utilizing the theoretical and practical knowledge I have learned in the past years and the knowledge and support of prof. dr. dr. Bielen and Miss Danciu. Without their expertise and feedback, I would not have been able to finish this project. They were able to provide me with relevant literature and information about consultations in the European Union which I was able to utilize to bring this project to an end.

Finally I would like to thank my friends and family for the support during these years. I would not have been able to reach this success if it was not for them.

Thank you all for your support.

Summary

In the late 19th and early 20th century, the European Union was criticized by both its citizens and academics for having a democratic deficit, damaging its legitimacy. As an answer to this criticism, the Commission made proposals to increase transparency and citizen engagement. This resulted in the creation of the current methods that citizens and interest groups now have to participate in the decision-making process. The main method to do this is, is through consultations. There are two consultation methods, open and closed. Open consultations are open to all citizens and interest groups and accessible through online tools. In contrast, to participate in closed consultations, stakeholders have to be approached by the Commission. These consultations are used when the Commission is in need of technical expertise. However, in spite of consultations being used in order to increase transparency and decrease democratic deficit, questions have been raised about the bias the Commission shows towards certain interest groups, possibly giving these groups too much influence in the policy-making process. To research this, many researchers have explored different factors surrounding the influence of interest groups on the decision-making process. However, there has been little research about consultations influencing this process. This paper will therefore attempt to research this by calculating the average influence of consultations on the climate policies of the European Commission and lay the groundwork for future research.

This was first done through a literature study on both influence and consultations in the EU. The first obstacle encountered by all research about influence in policy-making, is the definition of influence since it doesn't have a commonly agreed upon definition. Influence in this paper will be seen as a softer version of power. Where power is one party (A) forcing another party (B) to do something that is not in their interest because of a stronger position. Influence on the other hand would then be A convincing B to do something that might not be entirely B's intentions. More specifically, influence will be identified as control over political outputs. The closer the outputs of consultation would be to the results of the policies, the more influential the consultations will be considered to be.

To measure this influence, three options were available: process-tracing, attributed influence and the preference attainment method. These options were developed for measuring the influence of interest groups and would have to be slightly adapted to be used to measure the influence of consultations. Process-tracing looks at the different steps that interest groups took during the decision-making process to influence policy to measure their influence. For this, much information is needed. The best way to collect this, would be through interviews. However, it would not have been feasible interview enough consultation participants in the time-frame of this paper. Interviews also have the risk of having interviewees that might be biased about their own influence on policy and thus skew the data. The second method, attributed influence, usually uses surveys to measure influence. Firstly, a group is asked to give a self-assessment of its influence and an assessment of the influence that other groups have. Then, a third party of observers is asked to also assess all of the different groups. This method would not be practical to apply to consultations since taking surveys with the participants of open consultations would be too difficult because of their privacy being protected, making it very difficult to contact all of them. The last method, preference attainment, uses the distance between policy outcome and the ideal outcome for the interest group to calculate the influence of this group. This is the measurement method chosen for this research.

The reason being the ease of collecting the needed data for the influence measurement. The needed preferences and stances of the stakeholders and the Commission for topics are clearly detailed in the documents provided by the EU on their website.

The literature study on consultations revealed that there is an uneven distribution of participants with business groups making up the largest part of participants, followed by NGO's, citizens and governmental institutions. Alongside this, there is also an uneven distribution of the nationality of citizens with one or two Member States oftentimes being overrepresented. These two factors show that consultations might not be representative of the whole EU population. The uneven distribution of nationalities of participants is not something that is easily solved but the uneven distribution of interest groups is not necessarily a bad thing. From previous research it was shown that despite the numerical advantage that business groups have, they do not necessarily enjoy a privileged position. This privileged position oftentimes goes out to the specialist interest groups that can provide the most expertise and knowledge to the Commission on a topic. In open consultations, the analysts of the consultations also take note of concentrated efforts by business groups to influence the consultation and urges policy-makers to take these efforts into account when interpreting the results. This shows that the Commission is concerned with having a representative view of stakeholder demands and concerns.

The empirical results of this research show that the Commission generally has a similar view on topics as the stakeholders that participated in the consultations. On average, stakeholders were able to fully achieve their goals through consultations for 67% of the topics per consultation. The results also showed that the Commission does not favour one consultation method over the other one. From this it can be concluded that the Commission is genuinely trying to complement the interests and demands of the stakeholders of their policies. However, there is a caveat that has to be noted with these results. The results of this study may exaggerate the influence consultations have on the climate policies of the Commission since consultations are not the only way through which policymakers are influenced. This means that the stance of the Commission on a topic may, for example, already have been influenced by previous interactions with stakeholders, previous legislations or the media. Nevertheless, this does not take away that consultations seem to be quite influential on the climate policies of the Commission even though this may be exaggerated in the results of this study.

The first limitation of this research would be the fact that only consultation and policy documents of the Directorates-General Climate were analysed. Therefore, the results for this DG might be different than the ones for other DG's. Research has shown that the DG Climate has a more even distribution of different consultation methods and interest groups. This may have an influence on how they respond to the concerns or suggestions of stakeholders. A second limitation is the non-uniformity of the documents of the Commission. Many documents describing the results of the consultations have different layouts, some have graphs and tables describing the stakeholder positions, while others explain these in plain text. This makes it difficult to interpret every document in the same way, which might have resulted in deviations in the data. A third limitation is the fact that the results of this study may overstate the influence consultations have on climate policies of the Commission. Lastly, results might also have differed if another way to measure influence was used.

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Chapter 1: Research plan

1.1 Problem statement

Policy decisions by the government can have an influence on many aspects of its citizens' lives. From the way certain products are produced, to the food that can be consumed. Therefore, how and why these decisions are made is an important topic to regularly research. In addition, in a democracy these decisions are being made by people that are expected to hold the interest of the majority of the population in mind. However, it is always possible that certain individuals or interest groups will try to influence these decision in a way that would benefit them or that they believe would be better for society. This participation of different interest groups in the political landscape is referred to as political participation.

Social scientists have stated that political participation is crucial for the democratic decision-making (Røed & Wøien Hansen, 2018) and that it is at the heart of democratic theory. Without public involvement in the political process, democracy would lack both its legitimacy and guiding force (Dalton, 2008). This is emphasized by the fact that the participation of interest groups in the political process connects a variety of stakeholders to this process (Røed & Wøien Hansen, 2018) and thus gives many people the possibility to have their voices heard by elected officials. Unfortunately, since the end of the 20th century and at the beginning of the 21st century the confidence of citizens in political institutions and in the political system has been declining (Yoldaş, 2015).

This decline was especially true for the European Union, where there was a mismatch between the actual achievements of the EU and the evidence of these achievements, where oftentimes citizens did not feel connected to the EU itself and felt like they did not have influence on this system (Armstrong, 2002). The Irish "No" to the Lisbon treaty is an example of this. The Irish electorate voted against the Treaty of Lisbon because they felt it was deliberately made unintelligible for the common citizen of the European Union. It was not the contents of the treaty that they opposed, but the way it was written (Curtin, 2009). This reflected the disconnection some European citizens felt with the governing body of the EU (Armstrong, 2002), which prompted the European Commission to publish a White Paper on European Governance in 2001 addressing this issue with proposals to tackle this precarious position of the EU (Armstrong, 2002).

These proposals were centred around five principles for improved democratic governance: openness, participation, accountability, effectiveness and coherence (Commission, 2001). Openness refers to what the EU can do to communicate more clearly to the general public, clarifying intentions. Increased participation throughout the policy chain should also create more confidence in both the end results and the EU itself. Accountability touches upon the fact that each of the EU institutions has to explain what it does in Europe and what it is responsible for, this also applied to its member states. Effectiveness concerns the performance and timeliness of the policies, delivering what is needed, when it is needed on the basis of clear objectives. Lastly, coherence is about the fact that policies and actions must be more easily understood, and that there is a consistent approach to problems from the EU. This was especially necessary because of the continuous expansion of the EU and the intertwining of local administrations and EU administration (Commission, 2001).

Afterwards, those five principles were then further combined into different proposals with action points to increase the citizens' trust in the EU and their involvement (Commission, 2001). These proposals and action points eventually resulted in the development and expansion of the current systems citizens and interest groups have to influence the European policymaking, mainly through public consultations. An example of this is EUR-lex. EUR-lex is a database accessible to everyone where all legal documents and regulations of the EU (EU, 2020) are stored to ensure openness of the decision-making process. This system will also be extensively used as a source for the empirical part of the study. In addition, there is the "Have your say"-initiative, an online tool where citizens and interest groups can give feedback and suggestions concerning proposals from the Commission and can participate in public consultations. This feedback is then used by the Commission in the Impact Assessments (IA's) for their policies. All of this has been done to increase interaction with and participation from citizens in the decision-making process. These platforms are still being expanded upon with new initiatives for more openness of the decision-making process, but also to create a better and more efficient decision-making process (Commission, 2020a).

Having said that, these initiatives are not the only way through which the decision-making process of the EU can be influenced. It can also be influenced by the media (Stevens & De Bruycker, 2020), academics and research institutes (Maetz & Balié, 2008) (Gornitzka & Sverdrup, 2011), but also national governments of both member and non-member states (Parliament, 2003). Because of this, there are many avenues to explore when researching how and in what way the decision-making process of the EU can be influenced.

However, despite much research related to this topic, almost all of it has been about factors affecting the influence on the decision-making process, such as why certain groups mobilize for some policy topics and not others (A. Rasmussen, Carroll, & Lowery, 2014) or under which conditions interest and lobbying groups can exert their influence and/or succeed (M. K. Rasmussen, 2015) (Mahoney, 2007). This is because of the difficulty of correctly measuring the influence of interest groups and citizens (Dür, 2008b). In order to do this properly, the concept of influence will first have to be explored in a literature study.

If we look at its most basic definition in the Cambridge English dictionary, influence is simply *"the power to have an effect on people or things, or a person or thing that is able to do this"*. To influence something is *"to affect or change how someone or something develops, behaves, or thinks"* (Dictionary, 2021). So in the broader sense, this paper will research how consultations are used to change the development of EU policies.

Secondly, the role of consultations and the interest groups that participate in them will also be explored in the literature study. This will be done by exploring the two types of consultations that are used in the IA process:

1. Open consultation (OC): This type of consultation is open to all citizens, interest groups and corporations. These consultations are mostly made through online tools such as the "Have your say"-initiative (Commission, 2002).
2. Closed consultation (CC): This type of consultation is used when technical knowledge is needed. Here, participants are approached by the Commission itself (Commission, 2002).

Both the concept of influence and the types of consultations used in IA's of the EU Commission will be further explored in the literature study of this paper. Based on these two concepts, a main research question and two sub-questions were formed:

1.2 Research questions

1.2.1 Main research question

"To what extent are the Climate policies of the European Commission influenced by consultations?"

1.2.2 Sub-questions

"Is there a significant difference between the calculated average influence of open consultations and closed consultations?"

"Is there a significant difference between the occurrence of the different attainment levels of open consultations and closed consultations?"

There is a number of reasons for why the policy topic will be limited to Climate. Firstly, there are two practical reasons. The first one being the limited timeframe of this study. From 2015 to 2020 there have been about 200 impact assessments (Commission, 2021c). Therefore, it would be impossible to analyse all of these in the timespan of this study. The second reason is that from previous research it has been concluded that the activity of interest groups depends on the attributes of the policy topics (Van Ballaert, 2017). Different policy topics attract different interest groups because the nature of the topics influences the incentives for interest groups to participate in the consultations (Coen & Katsaitis, 2013). Therefore, it will be better to focus on one policy area to be able to give a conclusive result on the influence of consultations on climate policies of the European Commission.

Secondly, the topic of climate had seen much prominence in the news at the time of writing. It will also be an important policy topic in the coming years since the European Union has been making climate a focal point of their policies, with for example the European Green Deal that has recently been announced (Commission, 2021a). Therefore, it will also be a policy topic with a lot of salience which will attract many interest groups to the policies involved with it (Røed & Wøien Hansen, 2018). Lastly, from 2015 to 2021 twelve impact assessments were performed for Climate policies so it will be possible to properly analyse them in the given timetable. 2015 is also an interesting starting year to analyse consultations since this is the year where the Juncker administration made some impactful changes to the consultation processes (Commission, 2018).

These research questions will be answered in the empirical part of the study.

Chapter 2: Literature study

2.1 Research approach literature study

This paper has many different keywords that can be used to find previous research, such as *policy, influence, consultation, transparency, consultation groups, interest groups* and *lobbying*. These keywords will be used in scientific search engines such as Google Scholar and the UHasselt online library to find previous, useful research to complete the literature study. There is also a lot of general information to be found on the EU website about consultations and transparency in the EU. This website will be used for general information, which will be expanded upon with earlier research found with the previously mentioned keywords. The literature study will therefore mainly exist out of peer reviewed articles and general available information from the website of the European Commission. This literature study will also attempt to apply previous research on the influence of interest groups to consultations in the EU since much of the research on influence on policies has focused on interest groups. The second part of the literature study will form a brief overview of the two types of consultation that are used and their characteristics. In the last part of the literature study, existing studies will be examined to see what link has already been researched between influence and consultations in the EU.

2.2 Influence

Trust of citizens in their government is important for many different reasons. For one, it increases the confidence of investors and consumers, which in turn also helps the country or federation recover more easily from economic crises. It is also an important factor in the success of public policies that depend on the engagement from citizens (OECD, 2021). The OECD has also found that high dimensions of integrity, fairness and openness of institutions are a strong predictor of the public trust in those institutions (OECD, 2021). This is corroborated by other research stating how the design of the political system has an impact on the quality of the democratic input and how it allows this system to respond to its citizens' preferences, increasing or decreasing their trust. For example, it is possible that experts are more consulted and listened to than the citizens because the decision-makers are insulated from these citizens' input because of the institutional design. In turn, this insulation leads to a widening gap between citizen policy preferences and public policy outcomes, which then results in a loss of trust in the government (Foster & Frieden, 2017). This is applicable to the EU since the Commission members are not directly elected by the European citizens (Commission, 2021b), which could result in an increasing distance between their stance and the stance of European citizens on topics. This could then eventually lead to loss of trust of the European citizens as was seen with the Irish "No" on the Lisbon treaty as mentioned earlier.

Consultations are a way with which this could be resolved. As mentioned in the problem statement, consultations are used by the European Commission to offer citizens and interest groups the opportunity to voice their concerns and give feedback on future policy (Obradovic & Vizcaino, 2006). In order to research the influence these consultations may have on policy-making, we can first look at previous research done about influence on policy.

2.2.1 Obstacles

As noted in the problem statement, influence is “*changing how something develops*” (Dictionary, 2021). However, when applying this to influencing policy, there are a few of nuances to take into account. Much of the focus of previous research on influence in the European Union has been on the influence of interest groups and surrounding factors, rather than consultations. In this previous research, three main obstacles have been identified for research related to their influence in the EU: Defining power and influence, considering pathways to influence and measuring influence (Dür, 2008a).

2.2.1.1 Defining power and influence

The first obstacle is because of the lack of an agreed definition of power and influence that has been derived from it. This is because the definition of power itself is complicated, with multiple ways to define and measure it (Hart, 1976). To simplify it somewhat, there are three “faces of power” that can be used (Dür, 2008a). The first one is a traditional view of power, where the party who wins over the other party has power. In the second face, the one with power is the party who can set the agenda and keep unwelcome issues off the agenda. Lastly, the third face of power refers to a party’s ability to prevent other parties from recognising their genuine interest, guiding the weaker party to go against their own interest (Dür, 2008a). The first face of power is quite straightforward and clear. The second and third faces pose more difficulty however because the researcher would first have to define the “genuine interests” and preferences of the interest groups to properly measure what power the interest groups have (Dür, 2008a). In spite of the preferences of the participants of the consultations being openly available, these faces of power are unfortunately not very applicable to consultations since consultations are not used to force the Commission to take a certain stance on a topic.

However, influence being a derivative of power can be seen as a softer version of power. Through persuasion it is possible for one party (A) to convince the other party (B) to take an action in line with the preferences of A, without that necessarily being B’s intention (Stevens & De Bruycker, 2020). It can also be defined as “*an actor’s ability to shape a decision in line with her preferences*” (Dür, 2008b). For this study, participation in a consultation can be seen as trying to shape a certain policy or topic to your favour. Influence will therefore be identified as control over political outputs (Stevens & De Bruycker, 2020). The closer the outcomes or results of the consultations on a certain topic would be to the results of the policies, the more influential the consultations will be considered to be.

2.2.1.2 Pathways to influence

The second obstacle is the need to take the different pathways to influence into account. There are four different pathways to influence for interest groups that have been identified in previous research: access, selection, voice, and structural coercion. This has to be done to avoid underestimating the power of influence groups (Dür, 2008a). For consultations it could be interesting to properly determine what type of pathway to influence they are in order to make it clear for future research what factors might determine their influence and to better understand what their possible influence means in the bigger picture of the influencing of Commission policies.

2.2.1.2.1 Access

Access refers to the capability of the interest groups to make demands to decision-makers, in this case the European Commission. This can be either done indirectly through domestic governments, or directly to the European Commission (Beyers, 2002). Consultations are by this definition a direct point of access. However, this direct access is not a guarantee of influence (Dür, 2008a) since there is no guarantee that the consultations will be taken into account in the decision-making process just because they are a direct contact with the European Commission. Consultations are oftentimes used as a guideline of the opinions of the stakeholders.

2.2.1.2.2 Selection

The selection pathway refers to a pathway through which influence groups may be able to have a hand in the selection of politicians, judges or bureaucrats. They are able to do this for example by contributing to election campaigns or by using their financial power in an attempt to put pressure on the political principals who appoint the decision-makers. Because of this, they could make sure that the decision-makers closest to their interests are in a position to have an influence on the final decision on a policy in a way that favours the interest group (Dür, 2008a). It is difficult to apply this pathway to consultations since the consultations do not have an influence on the elections of officials in the Commission.

Despite this, it could be that there are interest groups with large financial power that could attempt to skew the results of the consultations in their favour in order to make it seem that their stances on certain topics are the stance of the majority. In open consultations this could be done by enticing citizens to participate in open consultations and have them represent the stance of the large interest group. This may then make it seem that a certain stance on a topic is common among citizens and may give a wrong impression to decision-makers. They may also try to gain access to the closed consultations by using their financial power to present themselves as the most important stakeholder. This way they would be able to influence the results of these consultations in their favour. This would, however, not necessarily translate into a guaranteed favourable position. Firstly, access to decision-makers does not necessarily equate to influence (Dür, 2008a). Secondly, in the analysis of the participants of the consultation and their points, the Commission staff oftentimes analyses the responses for any signs of a coordinated attempt at influencing the results of the consultation. This allows them to take these coordinated attempts at influencing policy into consideration when analysing the final results of the consultations. This way, they are able to control the results for these coordinated attempts at influencing policy.

In general consultations are not really a selection pathway since they don't influence which policy-makers are in a position to have the final say on a policy. However, there is a possibility that consultations could be used to install stances of stakeholders in the Commission documents that are favourable to certain interest groups.

2.2.1.2.3 Voice

The voice channel to exert influence through relies on making "noise" by way of demonstrations, rallies, petitions, statements, and participations in public debates (Dür, 2008a). This is also done through marketing campaigns and the use of the media in an attempt to change the public stance

on a certain topic in the favour of the interest group (Dür, 2008a). This could also have an influence on the decision-makers' perception of the topic or pressure them to make a decision that is in line with the general, fabricated, consensus among the citizens. In previous research for example, it has been proven that media salience does indeed have an influence on the outcome of policies, even counteracting economically wealthy interest groups (Stevens & De Bruycker, 2020). Consultations could be seen as a way to generate "noise". Logically speaking, having a lot of participants in an open consultation would suggest that there is a topic or policy that is very important to these participants. Even if the analysts would control for coordinated attempts by interest groups to skew the results. This could then pressure the decision-makers to make a decision that is in line with the stance of the majority of the participants. Because of these reasons consultations can be seen as a voice pathway to influence policy-making.

There is also the possibility that the answers of participants in the consultation could be influenced by media salience. Especially in open consultations. It could also be possible that the engagement the consultation gets is influenced by its media salience. If a certain topic or policy would receive a lot of attention in the media, there could be more participants than average. An example of this is the consultation on summertime arrangements that received an incredibly disproportionate amount of replies, 4.6 million replies compared to the average 2091 replies, after a social media campaign (Peña-López, 2019).

2.2.1.2.4 Structural coercion

The final pathway, structural coercion, refers to the fact that businesses have a structural influence over policy decisions. Businesses might decide that they no longer want to invest in a certain region because the taxes are too high or regulations are too strict. This would result in less employment and economic prosperity for that region. Since politicians partially depend on a good business climate to have a successful policy cycles and be re-elected, they will want to at least favour these companies slightly in order to keep them around (Dür, 2008a). This pathway is not very significant for the determination of the influence of consultations since the commissioners that decide on policy are not affected by a re-election of citizens or business interest groups (Commission, 2021b) and consultations are not a medium that lends itself to this form of influencing.

2.2.1.2.5 Summary pathways of influence for consultations

To summarize, consultations can be considered to be direct pathways to influence the European Commission and its decision-making process. On the other hand, this direct access does not guarantee that they have a large amount of influence on this process. Closed consultations could be seen as the most direct pathway to influence out of the two consultation types since this participants of this type of consultation work more closely with the Commission than participants in open consultations and could therefore have a more direct influence on its decision-making process. It would be more appropriate to call open consultations a voice pathway to influence since open consultations are usable and easily accessible by all citizens of the European Union. This can therefore result in a lot of generated noise if there are a lot of participants in the consultation. This pathway is less applicable to closed consultations since these types of consultations are more discrete.

2.2.1.3 Measuring influence

The difficulty of measuring influence is a culmination of the previous obstacles when researching influence. It depends firstly on what definition is used by the researcher. Secondly, the different pathways that were used to influence have to be identified. Lastly, the stage of the decision-making process in which the influence is exerted also has to be identified (Dür, 2008b).

To try to and combat these difficulties of measuring influence, there are three different options that have been cited in previous research: process-tracing, attributed influence and assessing the degree of preference attainment. Each of these options have their own strengths and weaknesses that will be discussed in the following passages (Dür, 2008b).

2.2.1.3.1 Process-tracing

The most used option is process-tracing. This method attempts to measure "*how a potential cause or potential causes influenced a special change or set of changes*" (Intrac, 2017). To do this, several steps can be followed, following is a general five-step process:

1. Identifying the change or changes to be explained
2. Establish the evidence for the change
3. Document the process leading to the change
4. Establish alternative causal explanations
5. Assess the evidence for each causal explanation

These steps are not set in stone and can be adjusted depending on the topic of research (Intrac, 2017). To measure interest group process, there is a general six-step process that can be followed to uncover which causes affect outcomes (Dür, 2008b):

1. Scrutinize interest groups' preferences
2. Scrutinize their influence attempts
3. Research their access to decision-makers
4. Scrutinize the decision-makers' responses to the influence attempts
5. Research the degree to which groups' preferences are reflected in outcomes
6. Scrutinize the groups' statements of (dis-)satisfaction with the outcome

An example of this process is the study of the impact of the European Round Table of Industrialists (ERT) on the passage of the Single European Act (SEA) by Maria Green Cowles (Dür, 2008b). Here, the major policy actors behind the project, notably the ERT, were systematically examined for their influence attempts and how European officials responded to these attempts (Cowles, 1995). Not only the different steps they took to influence the outcome of the SEA were looked at, but also the reasons as to why they attempted to influence the outcome (Cowles, 1995). The researcher eventually concluded that the ERT did indeed help with the passing of the single market programme, even when looking at other factors such as the economic climate and the actions of national governments (Cowles, 1995).

The strength of this method is that it can be used in small-N studies since this will make sure that the researchers are then able to accurately determine the factors influencing the political decision. Giving them the capability to determine if the influence from an interest group had an independent

effect on the policy outcome. Another strength is that studies using process-tracing also use semi-structured interviews to give insight into developments that happened during the influencing that could not be learned by document analysis. This also helps them to determine the interest group influence regarding a policy outcome (Dür, 2008b).

Process-tracing however has more weaknesses than strengths when researching influence of interest groups. The first weakness is that it is difficult for the researchers to find all the necessary information to form a continuous chain from interest group activities to political outcomes. This can then lead to an underestimation of influence. It is possible that there is little to no information to be found about one of the steps. This would mean that the interest group would have had no influence in this step according to the measurement method because there is no information available while the contrary could actually be true. A second issue stems from the fact that interviews often need to be taken. The interviewees can always, consciously or subconsciously, misrepresent information because of personal bias which can impact the results of the study (Dür, 2008b). This could be avoided if the interviewees are reliable experts, but this is difficult to ensure since everyone has internal biases (Dorussen, Lenz, & Blavoukos, 2005). The third issue stems from the fact that process-tracing does not easily measure the amount of influence interest groups have because of the type of information that is used in the method. Sometimes it may appear that interest groups do not have any influence because the information available about the influence they exerted is only about one facet of the policy topic, making it seem that they have not influenced much. This goes over into the fourth problem that process-tracing has, where it may seem that an interest group had to do a lot of influencing to achieve a policy outcome that it prefers even though it actually did not do much. (Dür, 2008b). NGO's for example take part in a lot of influencing efforts on trade policy, but have little influence on the actual outcome (Dür & De Bièvre, 2007). The final difficulty process-tracing has, is that it can only be used in small-N studies. This is problematic if the researchers want to generalise their findings (Dür, 2008b).

Applying this method to measuring the influence consultations may have on the climate policy of the European Union is not ideal since consultations are not used in every step of the policy cycle. Every stakeholder consultation can only be launched for initiatives which have received political validation by the appropriate political level (Commission, 2014). Open and closed consultations are also used at certain times in the policy-making process. This would mean that some of the flaws of process-tracing would always be present when applying the method to measuring the influence of consultations, which would not make it an ideal method to do this.

2.2.1.3.2 Attributed influence

The attributed influence method usually uses surveys to measure influence. Using surveys, a group is asked to give a self-assessment of its influence and an assessment of the influence that other groups have. Then, a third party of observers is asked to also assess all of the different groups (Dür, 2008b). This method requires less steps and is a lot more simple than process-tracing. It will only require designing a questionnaire, establishing a sample population, and ensuring a sufficiently high response rate, which are all quite straightforward. This method would also capture all influence pathways (Dür, 2008b).

An example of one of the few times this method has been used, is in a study of the influence of UK NGO's on Common Agricultural Policy. In this study, a small survey of around 20 UK NGO's with an interest in the CAP was taken through mail and telephone. The goal of this survey was to find out who they spoke to, when and in what manner. There were also questions about how effective they considered themselves to be in influencing the CAP (Egdell & Thomson, 1999). This study shone a light on the different methods NGO's used to try and influence policy. These methods were quite varied and were sometimes complete opposites. Some NGO's for example favoured influencing policy at the pre-proposal state, while others thought that influencing policy later in the decision-making process was more successful. However, the conclusion on how effective the NGO's were at influencing policy was not conclusive. The researchers noted that they lacked a proper way of measuring power and influence. To remedy this they asked the NGO members to rate their influence themselves which showed that some groups were quite positive about their influence, while others were negative or noted that they only just now started looking at the European stage after focusing on national policies (Egdell & Thomson, 1999).

This example shows a few of the problems this method has. First of all, the self-estimations of influence are oftentimes biased. This could be positively or negatively. Positively in the sense that they give an overstatement of the influence they have in an attempt to motivate their co-workers and negatively in the sense that they may want to downplay their influence to avoid counter-lobbies to be created and to keep their own influence on the policy-making process. On the other hand, assessing the influence of other interest groups might be difficult because of the lack of information about these other groups. Asking third parties about their opinion on the influence of interest groups might also not be as easy as it sounds because they too might lack information or have biases about certain groups themselves. There is also the possibility that they only base their opinion on a few cases or already available academic research (Dür, 2008b).

Applying this to the research about consultations would not be very practical. Taking surveys with the participants of open consultations would be too difficult since many citizens apply anonymously to the questionnaires and have their information protected by privacy laws, making it unable to contact them. Even if it would be possible to identify them, it would be very difficult to contact all stakeholders in the timeframe of this study. It would also be difficult to find a third party to evaluate the influence for both the participants of open and closed consultations. Because of the low barrier to entry for open consultations it could very well be that almost all relevant experts have already participated in the consultation and that there are not enough third parties left to consult. Lastly there is also the problem that some of the surveys have taken place many years ago which might make it difficult for participants to properly remember the contents of the survey or the policy. Besides this, they may also not have a clear view on the influence they had on the policy outcome. Knowledge of the influence of other participants would also be difficult to assess for many participants.

2.2.1.3.3 Assessing the degree of preference attainment

This method uses the outcome of the political process and the ideal outcome of said process for the influence group to measure the influence of the interest group. At its most basic, the idea is that the distance between an outcome and the ideal point of the interest group reflects the influence of this

group. This would therefore be complementary to the definition of influence that was decided on in this study. The method can be made more complex by adding factors that control for forces besides the influence groups that move the outcomes of the political process. There are several advantages to this method.

First of all, this method is able to determine the influence of an interest group even if there has been no visible change in policy. Besides this, this method can also be used to research a large number of cases, which allows for generalisation of results. A large number of cases also allows for errors to be cancelled out. An example of the application of this method is a study of the lobbying success in the United States and the European Union by Christine Mahoney (Dür, 2008b). This study compares the influence of interest groups on policy outcomes while controlling for the difference of institutional structure between the USA and the EU. To determine the influence interest groups have, the researcher made a 3-point scale describing how much the policy outcome matched the preferred outcome for the interest group: 0-did not attain objective at all, 1-attained some portion of their objective, and 2-fully attained objective. With this scale, it was possible to determine what percentage of interest groups attained their goal in one of the three possible ways. This was then also divided up into the different stakeholder groups, for example industry or citizens, to see which stakeholders attained the most of their goals. It was concluded that in the USA there were clear winners and losers, while in the EU there were more compromises (Mahoney, 2007).

Unfortunately, this method also has a few faults. The first one is the determination of preferences. The ease of determining the preferences of the different parties depends a lot on the nature of the policy. In monetary or trade policy areas, it is quite straightforward to determine the position of the different parties. In other policy areas, however, this is not the case. This is especially the case if the policy areas deal with many different issues, in this case the preferences can become obscure. Besides this, it is also possible that an influence group was able to control the outcome of a certain aspect of the policy area and not the other parts. This would make it very difficult to determine their influence. If the group was only able to have an impact on a small part of the policy, but with this small part being very salient to them, you could say they were influential despite the small change to the policy. To solve this, interviews with the interest groups could be taken. However, this will once again, pose a risk of bias as with the attributed influence method. A second difficulty of this method is the fact that it is difficult to control for alternative factors that might explain a coincidence between the preferences and the policy outcomes. This could be solved by having a large sample size, but there will always be a risk of rival explanations for the coincidence. The last issue with this method is the fact that the pathways to influence that have been used are not clear. The influence through all channels is measured at the same time (Dür, 2008b).

When applying this method to measuring the influence of consultations in this study, a number of these difficulties can be resolved. Firstly determining the preferences of the different parties. Every impact assessment provides data about the preferences of the participants and which parts of the policy are supported by the majority of the participants, taking away the difficulty of determining these preferences. This way, interviews of the participants would not have to be taken, removing potential biases of the interviewees. Consultations oftentimes also cover a large number of topics in a policy, providing a large sample size, minimizing the risk of other factors explaining the coincidence

between the preferences and the policy outcomes. However, this will not take away that there are possibly other factors that explain the policy outcomes since consultations are not the only way to influence the decision-making process in the European Union. There are still different pathways that can be taken to exert influence over policy outcomes.

2.3 Consultations

Stakeholder consultations are a part of “participatory democracy” as it is viewed by the EU, a larger whole where the different conceptions of citizen participation in the political life are gathered. They are used by the European Commission in an effort to enhance the input legitimacy of the EU. This effort was done because of the rather narrow base of resources the Commission had available (Finke, 2007). In 2015 the Juncker Commission adopted a wide-ranging set of measures to strengthen its legislation tools, including consultations, to improve European governance (Commission, 2018). For each policy initiative, the Commission will generally include an open consultations and a range of activities targeting particular stakeholders (closed consultations) (Commission, 2018).

Consultations in general were strengthened with the requirement to have a 12-week public consultation to support all impact assessments and evaluations (Peña-López, 2019).

2.3.2 Open consultations

The public consultations give access to anybody who wishes to contribute. One of the ways in which this type of consultations was strengthened was by giving stakeholders the opportunity to give feedback throughout the entire lifecycle of the policy-making process (Commission, 2018). Stakeholders can provide their feedback on roadmaps or inception impact assessments for four weeks after the documents are published. These documents are prepared at the beginning of a new policy. They describe the problem that will be tackled and give a general outline of the policy options. The main participants of these roadmap or inceptions IA’s are business groups, followed by NGO’s, EU citizens and public authorities (Commission, 2018). After the feedback on these documents is processed, the policy options are released in detail and citizens can give their opinion for a period of 12 weeks through the Commission’s online portal (Peña-López, 2019).

In general, over half of the participants of these open consultations are business groups, followed by NGOs, EU citizens and public authorities. NGOs generally make up a little more than 10% of participants. The percentage of EU citizens, however, varies between the different consultations. Sometimes they also make up a little more than 10% of participants, other times 20 to 30 percent. Public authorities are consistently a small percentage of participants, oftentimes between 5 to 10 percent (Commission, 2018).

Previous research shows that the average amount of participants has been growing over the years. From 461 participants on average in 2015 to 2091 participants in 2018 (while controlling for outliers) (Commission, 2018). Despite this, these consultations can still not really be considered representative of the EU population (Peña-López, 2019). Firstly, the number of responses varies considerably between the different consultations. For example, the consultation that has had the most participations is the consultation on summertime arrangements from 2018 which attracted about 4.6 million responses while other consultations of that year received 2091 responses on

average. Another facet making the consultations not very representative, is the distribution of participants per Member State. Going back to the example of the consultation about summer time, 70% of the responses came from one Member State (Peña-López, 2019). Besides this quite extreme example, other consultations also do not have an equal distribution of participants per Member State. Oftentimes having around 25% or more citizens from one Member State as participants (Commission, 2018). Finally there is also the issue of the self-selection of participants since only the parties that are aware of the consultation will take part in it, meaning that the responses are not drawn from a representative sample. The Commission has responded to this criticism, stating that they know that the consultations are not representative of the general European population, but that they value the quality of the consultations more than the quantity of responses (Peña-López, 2019).

However, this is still important to keep in mind when attempting to determine the influence of consultations. Even though the consultations may have influence on policy, this may not equate to influence that represents the interests of the EU citizens, which means that the goal of the European Commission to decrease democratic deficit in the EU is not necessarily achieved.

2.3.1 Closed consultations

Closed consultations address specific and well-defined stakeholder groups. The stakeholders are pre-selected and only these invited groups or individuals are allowed to participate in the consultation. They are often used to complement the public consultations (Peña-López, 2019). The tools used for this type of consultation, range from interviews, workshops, conferences, to focus groups with scientific experts, societal interest groups, business groups and national governmental institutions, depending on the information needed (Gornitzka & Sverdrup, 2011). In previous research, the staff that was responsible for analysing consultations indicated that these extra resources spent on the closed consultations improved the quality of the responses and information gained which made the closed consultations more useful to analyse (Commission, 2018).

The need for these closed consultations is quite straightforward. There is a need for expert information from policy-makers because of their responsibility to implement regulatory policies that are highly technical in nature and for which they might lack the proper expertise. This is especially true for the policy-making institutions that have few staff-members (Arras & Beyers, 2020). However, these consultations could also raise concern about the representativeness of the interests of all stakeholders since only a selected number of experts are allowed to participate. For example, there could be a consultation where certain business groups have a higher chance to be chosen because they are the only groups with relevant knowledge, combined with the fact that they will put in a lot of effort to be elected to participate because they will want to prevent harsher, and more costly, regulation (Arras & Beyers, 2020). This makes it so that it becomes the responsibility of the policy-makers to actively balance the interest representation in the consultation. This is encouraged by the need for the policy-maker to have a reputation of being an autonomous authority. From previous findings this does indeed seem to be the case since it has been found that despite the numerical advantage of business groups, they do not have a higher representation in closed consultations than in open consultations. This also suggests that non-business interest groups still have a considerable chance to be approached for these closed consultations (Arras & Beyers, 2020).

However, this means that there is still an uneven distribution of participants between business groups, citizen groups, public authorities and NGO's in the closed consultations. Considering this, it is important that these consultations do not reinforce existing inequalities in the political representation of societal stakeholders and that the policy-makers continue to attempt to diversify the supply of information to also mitigate allegations of relying too much on one particular stakeholder (Fraussen, Albareda Sanz, & Braun, 2020).

2.4 Different aspects of research about consultations

Consultations are an important topic to discuss as they have become a large part of the EU decision-making process and are being used as an attempt to increase the input legitimacy and decrease the democratic deficit of the European Union (Greenwood, 2007). Therefore, consultations have received some attention in the academic world. Listed below is a summary of different aspects that have been researched.

2.4.1 Access bias

The first aspect that will be discussed is the favour of access certain interest groups might receive over other interest groups in consultations. In the discussion above about the two different consultation types, it was made clear that business interest groups are often overrepresented in both open and closed consultations. This has raised concerns with academics that the European, Commission, Parliament or other institutions might favour business interests over the interests of European citizens. A recent example of this happening is a controversy surrounding the commercial license of glyphosate. In November 2015 the European Food Safety Authority advised the European Commission to not ban or limit the use of glyphosate, a substance used in pesticide (Arras & Beyers, 2020). The EFSA had concluded that this substance was not dangerous to humans even though multiple NGO's had been calling for a ban on the substance since it caused different forms of cancers, DNA and chromosomal damage in human cells, and genotoxic, hormonal and enzymatic effects in mammals according to the International Agency for Research on Cancer. Eventually the commercial license of glyphosate was extended until 2022 by the European Parliament based on an assessment connected with research sponsored by a coalition of pesticide companies. In the end multiple member states imposed their own ban on the substance because of public outcry. Because of this incident, the legitimacy and credibility of the EFSA, European Parliament and the Commission were questioned since they seemed to favour the interests of the pesticide business groups over the health of their citizens (Hessler, 2020) (Arras & Beyers, 2020).

To recover their legitimacy and credibility, the Commission could show that they do not favour certain interest groups over others when approaching them for consultations and that they provide an equal opportunity of access to all interest groups (Arras & Beyers, 2020). This is a difficult task however because of the differences of expertise between interest groups. For example, specialist groups will have an inherently stronger degree of access than other group types, such as business groups or public interest groups, due to two of their characteristics: their unique expertise and their oftentimes low number. Their expertise makes them necessary to the Commission when forming consultations groups for new policy and their low numbers creates a certain scarcity of this expertise (A. Rasmussen & Gross, 2015). In general it has been found that the bias towards certain interest groups

does not depend on the resources available to those interest groups, but rather the resources that are available to other interest groups. Resources being not only money or assets, but also knowledge and expertise. If an interest group has certain knowledge or expertise available to it that other groups do not have, the group with the most expertise or knowledge will enjoy a more privileged position (Binderkrantz, Christiansen, & Pedersen, 2014). This ties into the finding that citizen interest groups are more active on narrowly scoped issues compared to business interest groups because of the clear and specific goals their constituents provide them with, rather than the more broad and generalized views that the large amount of business interest groups might offer (Hanegraaff & Berkhout, 2019). This way, the citizen groups could be able to use their highly expert knowledge on a topic to gain a favourable position despite having less resources than business groups.

Another example of how the bias towards groups in consultations depends on the knowledge and expertise they have about the consultation topics compared to other groups, is when bias towards business groups does exist. Despite business groups having a numerical advantage over other groups in both open and closed consultations because of the large number of resources at their disposal and the economic importance of the companies they represent (Binderkrantz et al., 2014) (A. Rasmussen & Gross, 2015), they mainly only enjoy a privileged position in consultations regarding business policy and not when it is about a policy that does not concern businesses (Binderkrantz et al., 2014).

To summarize, it is clear that the access bias for certain interest groups exists but that this is not always a negative or something that can be solved. Groups will achieve access more easily because of the specialized expertise and knowledge they can provide. The controversy that happened in the example from before came from the fact that only one of these specialized interest groups was allowed to participate in the consultation process or was given a preferential treatment. In general, multiple interest groups will be contacted to advise during consultations.

2.4.2 Why do influence groups participate in consultations?

By now it is quite clear why consultations are used by regulatory agencies. The first reason being that consultations can be used to increase their legitimacy, the second reason being that they are in need of the expertise interest groups can provide. It is however also important to note why interest groups take part in these consultations. The most commonly mentioned reason is that they want to influence policy in a way that is beneficial for them or the parties they represent or at least voice their concerns about the policy that is being developed (Lundberg & Hysing, 2016). Recently however, researchers have begun to study if there are other reasons as to why interest groups partake in consultations.

The first reason could be that many interest groups engage in the drafting of regulatory rules before consultations commence and fail to shape the policy in this rule-making process. The rule-making process takes place before the drafting phase. Here, rules are often discussed with selected interest groups by the rule-making agency to create a general outline of the policy (Joosen, 2020). This process has already been researched many times in the United States. There, it has been found that the groups that participate in the early rule-making process are able to have direct effect on the content and argumentation of future regulations. They are able to influence the regulatory direction of the policymaking process (Naughton, Schmid, Yackee, & Zhan, 2009). In the EU however, the

topic has almost not been explored yet. Preliminary research shows that less than half of the groups that participated in the rule-making processes participated in the following consultation processes. This would suggest that this half no longer participates in the consultation process because they have already achieved their goals in the rule-making process and no longer feel the need to try and influence the policy through consultations. The groups that did not achieve their goals in the rule-making process will then attempt to influence policy through the consultation process (Joosen, 2020). This reason to participate in consultations still stems from a desire of the interest groups to shape policy to their desired outcome. However, it also shows that many interest groups already attempt to do this before the consultation process begins and that a large reason for them to participate in the consultation process stems from them not achieving their goals in the rule-making process or that they want to overturn certain aspects of the policy that other interest groups have been able to achieve.

Another reason for interest groups to participate in consultations, particularly open consultations, is to use of the eventual policy outcome to their advantage in other venues for policy influence. These other venues could be direct political contacts, or more legitimacy and credibility in the eyes of government institutions. Many members of interest groups noted that they oftentimes participated in open consultations in order to also influence policy through other venues than consultations such as the media and that the consultations were used as a form of communication to other, external, actors. Most of the members also noted that they used consultations to promote internal discussions on topics in their organisations and develop clear policy positions (Lundberg & Hysing, 2016). From this, it can be concluded that consultations not only help the legitimacy of policy-making agencies, but that they can also help interest groups grow. Both externally by providing them opportunities to expand their influence and contacts, but also internally by offering opportunities to clarify or adjust their positions on topics and promote the personal growth of their members.

2.4.3 Responsiveness of the European Commission and consultations

Responsiveness is a concept referring to the extent to which a government's policies mirror the preferences of its citizens. When applying this concept to the EU, researchers first expected the responsiveness to be low since the European Commission is not electorally accountable and thus does not have many incentives to have the interests of European citizens as their priority. However, different studies revealed that there actually is quite some responsiveness between the EU's policies and EU citizens. This is reflected in the fact that European policy makers are in general highly concerned with public opinion (Zhelyazkova, Bølstad, & Meijers, 2019). For example, the EU puts a lot of effort in the frequent polling of public opinion through the highly detailed Eurobarometer (Bølstad, 2015), the earlier mentioned "Have your say"-platform has also been expanded and improved with public participation in mind.

When looking at the Commission more specifically and how responsive their policies are, researchers have discovered that it is more responsive to stakeholder's demands compared to the European Parliament. Here, it was noted that the high level of responsiveness of the Commission could be due to the fact that they have a need for information on how policies work, for which they widely use consultations. It was also found that it was not the business groups to which legislators had a responsiveness bias, but rather consumer NGO's. This is another indication that EU legislators favour

consultants that provide information on the opinions of citizens (Judge & Thomson, 2019). It also shows that the EU is concerned with the public opinion. Lastly, this would also suggest that consultations provide an important view into the preferences of the public, offering the Commission the opportunity to be responsive to their demands, concerns and interests.

However, the use of consultations may also have a negative effect on the responsiveness of the EU. From previous research it has been shown that the use of consultations increases the time subsequent legislative processes take. Because of the additional information that consultations provide, decision-makers have to spend more time to close legislative deals by forming coalitions. The longer the decision-makers take to make a decision, the more chance there is that the agreed to policy is no longer representative of the views of the stakeholders or that the problems that were meant to be solved have taken different forms (A. Rasmussen & Toshkov, 2013). Having the legislative process take a longer time because of consultations to increase the quality and democratic legitimacy of the EU is not necessarily a bad thing, but it might be possible that a trade-off will sometimes have to be made between quality and speed of the decision-making process in order to address critical legislation.

2.4.4 Policy characteristics influencing the use of consultations

Researchers have also noticed that the Commission's use of consultations varies between policy areas and policy proposals. This variation can be explained by the policy characteristics such as complexity, newness, salience, or whether the policy topic has cross-cutting themes. Each of these variations has their own consequences for the consultation choice.

If a policy is complex and has many settings, the Commission will prefer to first use open consultations to compile as much information as possible from as many stakeholders as possible, this information will then be used in cross-validation. Online consultations also help in gaining wide attention for policies introducing new changes. When the policy has cross-cutting themes the Commission also prefers to use closed consultations through consecutive meetings with stakeholders. This suggests that, for large and complex policies, the Commission first collects information to minimize risks of side-effects through open consultations to then ensure policy effectiveness through more intense cooperation with stakeholders. To verify if a new policy would be necessary, the Commission uses open consultations to see if stakeholders agree. For salient topics, the Commission makes use of closed consultations, either with a one-off meeting or multiple meetings with stakeholders (Van Ballaert, 2017). The reason for not using open consultations is that open consultations could increase the public visibility of the policy, which would then increase the politicization of the policy, resulting in a potential policy deadlock because of exacerbated political opposition. However, one could also argue that politicization is somewhat necessary for the policy to be responsive (De Bruycker, 2020).

It was also discovered that institutional characteristics of Directorates-Generals generally do not affect the use of certain consultation methods. The only minor observed difference was that the Directorates-General Climate used a well-balanced distribution of different consultation methods compared to other Directorates-Generals. This could be attributed to the fact that Directorates-

General Climate is the youngest of the different Directorates-Generals and does not yet have a very established stakeholder landscape compared to other Directorates-Generals (Van Ballaert, 2017).

2.4.5 Special report of the European Court of Auditors

In 2019 the European Court of Auditors released a special report on the subject of the public consultations of the European Commission titled "*Have your say!': Commission's public consultations engage citizens, but fall short of outreach activities*". This audit assessed whether the Commission's public consultations were effective at reaching out to citizens and stakeholders and making use of their contributions. This was done through a review of 26 Commission public consultations conducted between 2016 and 2018 by five Directorates-General. A perception survey was also taken to see how satisfied the participants of the public consultations were. From this, the researchers found that the performance of the sample of the Commission's public consultations and the participants' perception of the consultations was generally good. It was concluded that the Commission's framework for public consultations is of a high standard (Peña-López, 2019). However, there were also a few areas that could be improved upon. Some of them are listed below.

The first area that should be improved upon is the providing of information to the citizens before their participation in the consultation. The information that was provided to the citizens was oftentimes too general and did not explain how the consultation would be used further on in the policy-making process. It was also noted that some consultations did not identify and reach out to all possible stakeholders. Some were not even communicated in all of the relevant languages. Another point of concern was the difference in the use of communication channels used by the Commission to advertise the different open consultations to its citizens. For example, it was found that the consultation with the lowest amount of participants did not use any variety of communications channels or social media while other consultations were widely advertised (Peña-López, 2019). These shortcomings again raise some concern about the representativeness of open consultations.

Lastly, there were also concerns about the data processing and security of the consultations. The Court found that many consultations had a high amount of last-minute replies. This was viewed as a considerable degree of risk since these could be the sign of a cyber-attack to skew the results of the consultation. It was also noted that participants were checked for having the same email addresses and not the same IP address, making it possible for one person to fill in the same open consultation multiple times from the same location by using different addresses. The Court discovered one open consultation that had responses from five duplicate IP addresses. However, this was the only open consultation that was checked, making it possible that the other open consultations could also have been compromised. The Commission also did not provide any information about the way they handled potentially anonymous access through the TOR network (Peña-López, 2019). These findings raise some concerns about the data that will be used in the analysis of this study. If there is a possibility that some of the data is skewed by malicious actors, it could be that the influence of consultations on the climate policies of the Commission may be either over- or understated.

Chapter 3: Empirical research

3.1 Research approach empirical research

The research questions will be answered with information available about the impact assessments on the online register of EU Commission documents. This is a website with a list of Communications, Regulations or Decisions of the European Commission and their corresponding impact assessments and opinions of the Regulatory Scrutiny Board (RSB) from 2003 to 2020 (Commission, 2020b). The RSB advises the Commission and supports it by evaluating impact assessments early in the legislative process (Commission, 2021d).

The data will be collected from the annexes of every impact assessment that was done prior to the policy-making¹. This data will then be used in a method of “assessing the degree of preference attainment” to calculate the influence of the different consultations on the climate policies of the EU. As mentioned in the literature study, this method measures influence as the distance between a policy outcome and the ideal point of an actor for that outcome (Dür, 2008b). In this study, the two types of consultations used by the European Commission, open consultations and closed consultations, will be the actors.

In every consultation, there are multiple topics on which the participants of the consultations give their opinion. For every one of these topics, the corresponding Communication, Regulation or Decision of the European Commission can be looked through to see what the stance of the Commission is on that topic.

For the consultations where the stakeholders have quantified or very clear topics, the degree of influence from the stakeholders will be analysed by assigning one of the degrees of attainment to each topic as listed below, each with a different score for distance.

- Not attained:
 - The goal of the stakeholders was not achieved or the goal was not mentioned in the Commission document.
 - Distance = 1
- Partially attained:
 - Some goals or some parts of the goals of the stakeholders were achieved.
 - Distance = 0.5
- Fully attained:
 - All goals of the stakeholders were achieved. This score is also given if more than the goals of the stakeholders were achieved if this would be beneficial to the stakeholders.

¹ In these annexes a precise account of which types of consultations have been used and how many people and institutions have been contacted to participate, or have decided to participate in the consultation can be found. These annexes also give a breakdown of the types of individuals and institutions that participated, such as *businesses, concerned citizens, coordinated groups of individuals or influence groups*. Besides this, a summary of which points from the policies the participants did or did not support is also given (Commission, 2021c).

- Distance = 0

The higher the distance score of a topic would be, the less influence the consultation has on that topic.

An example of a quantified or clear topic would be when, for example, the majority of stakeholders have stated that "The GVA disaggregation method should be used in calculations." or that "A 50% decrease in CO₂ emissions is necessary.". These statements leave little nuance to what the stakeholders want. If the Commission document would then state that "GVA disaggregation method will be used in calculations.", the topic would receive a distance score of 0. On the other hand, if the government document would state "No decrease in CO₂ emissions is necessary.", the topic would receive a distance score of 1.

Some topics, however, are not stated in a quantifiable manner. For example, the result of a consultation could be that the stance of the majority of stakeholders is that they experience harsher weather conditions because of climate change. The attainment of this topic or stance is not as easy to ascertain as the previous, quantified topics. It is difficult to say that the stakeholders have achieved their objective if the topic of harsher weather conditions is just mentioned in the Commission document since the importance of the topic may differ between the stakeholders and the Commission. Therefore, if the topics are not quantified, full attainment will be seen as having an equal stance of importance on a topic between the stakeholders and the Commission or a higher stance of importance for the Commission if this would be beneficial to the stakeholders. Partial attainment will be used when there is a difference between the stance of the stakeholders and the Commission. Finally, the not-attained category will be assigned when the topic is not mentioned in the Commission document or if there is a very large difference between the stance of the stakeholders and the Commission. The way the importance of topics in the Commission document will be measured is by analysing the document about the word-usage about the topic, how many times there is a reference to it, and how many sentences, paragraphs or chapters the topic has.

When the distance score for each topic of the consultations is decided. It will be possible to calculate an average distance score for the open and closed consultations per Commission document for the period of 2015 - 2021, showing how influential each consultation type is on that particular climate policy of the EU. These averages will then be used in a t-test to see if there is a significant difference between the average influence of open consultations and closed consultations on the Climate policies of the EU. If the eventual average global distance score would be larger than 0.5, it can be said that the consultations are not influential on climate policies of the European Commission. If the average global distance score would be lower than 0.5, it can be said that consultations are influential on climate policies of the European Commission.

Another calculation that will be made is the percentage of occurrence of each attainment level per consultation. This will show how many times the consultations fully achieved, partially achieved or did not achieve their goals in a particular consultation. These percentages will then also be used in a t-test to see if there is a significant difference between the average percentage of each attainment category for open and closed consultations.

3.2 Data Analysis

The following part will show the results of the data-analysis of the consultations and documents of the Commission. In total there 599 topics were analysed for open consultations and 152 topics were analysed for closed consultations.

3.2.1 Results average distance

Consultation document	Average distance OC	Average distance CC
CON1_2015	0.245	/
CON1_2016	0.326	0.292
CON2_2016	0.302	/
CON1_2017	0.244	0.083
CON2_2017	0.352	/
CON3_2017	0.271	/
CON1_2018	0.265	/
CON1_2019	0.294	0.364
CON2_2019	0.225	0.167
CON3_2019	0.352	0.389
CON1_2020	0.000	/
CON1_2021	0.104	0.175

Table 1 Average distance per consultation type

The table above shows the average distance between the stance of the stakeholders on a climate topic and the stance of the Commission on that topic for each document that has been analysed from 2015 – 2021. Not every document had both open and closed consultations. A few also did not have information about the closed consultations that were performed. This is the reason for the missing data in the "Average distance CC" column. The titles of the Commission documents associated with their names in the table can be found in the annex of the paper.

To test if the average distance for OC and CC is significantly different, an independent sample t-test assuming unequal variances was performed with a 95% confidence interval. Unequal variances were assumed because of the difference in the number of datapoints. The null hypothesis was that the difference between consultation types equals zero. The results of the test are shown in the table below.

Consultation type	N	Mean	Std. Err.	Std. Dev.	95% Conf. Interval
CC	6	0.245	0,05	0,122	(0,117; 0,373)
OC	12	0.248	0,03	0,103	(0,183; 0,314)
Combined	18	0.248	0,025	0,106	(0,195; 0,3)
Difference		-0.003	0,058		(-0,135; 0,128)
Diff = mean (CC) – mean (OC)					t = -0.059
H ₀ : diff = 0			Satterthwaite's degrees of freedom = 8.698		
H ₁ : diff != 0			Pr(T > t) = 0.954		

Table 2 Average distance t-test

3.2.1.1 Interpretation results average distance

The data in tables 1 and 2 shows that all documents have a low average distance, more specifically an average distance of 0.248, between the stances of the stakeholders and the Commission for both OC and CC. This score is significantly lower than 0.5 and would suggest that consultations have a considerable influence on climate policies of the European Commission. This shows that the influence groups taking part in the consultation process have success in their endeavours to have their interests become part of legislation. On the other hand, it can also be concluded that the Commission makes an effort to match its decisions with those of the stakeholders. The caveat here however, is that it is also possible that the Commission does not take a certain stance solely because of consultations. It may have already had a stance that matches the one of the stakeholders before the consultations. This could for example be the result of earlier legislation and interactions with stakeholders. It could also be because the Commission already has a good view of the demands and interests of possible stakeholders and it wants to genuinely accommodate them.

In the results of table 2 it can be seen that p-value is equal to 0,954, which is significantly larger than 0,05. Therefore, the null hypothesis of the difference between the distances of open consultations and closed consultations being 0 is confirmed at a 5% significance level. This shows that the Commission does not favour one of the consultation methods when making decisions and that both consultation methods have the same amount of influence.

3.2.2 Results percentages attainment level

Cosultation document	Percentage NA OC	Percentage NA CC	Percentage PA OC	Percentage PA CC	Percentage FA OC	Percentage FA CC
CON1_2015	17.7%	/	15.7%	/	66.7%	/
CON1_2016	25.6%	33.3%	15.7%	8.3%	60.5%	66.7%
CON2_2016	23.3%	/	14.0%	/	62.8%	/
CON1_2017	19.5%	0.0%	9.8%	16.7%	70.7%	83.3%
CON2_2017	20.4%	/	29.6%	/	50.0%	/
CON3_2017	20.5%	/	13.3%	/	66.3%	/
CON1_2018	12.5%	/	29.2%	/	60.4%	/
CON1_2019	23.5%	29.8%	11.8%	13.2%	64.7%	57.0%
CON2_2019	9.4%	0.0%	26.3%	33.3%	64.4%	66.7%
CON3_2019	28.6%	33.3%	11.9%	11.1%	59.5%	55.6%
CON1_2020	0.0%	/	0.0%	/	100.0%	/
CON1_2021	3.6%	6.9%	13.6%	23.0%	82.8%	70.1%

Table 3 Percentages attainment levels

The table above shows the percentage of occurrence of the "Not attained" (NA), "Partially attained" (PA) and "Fully attained" (FA) labels for the topics of the OC's and CC's for each Commission document from 2015 -2021. It shows that full attainment is reached very often and that no attainment and partial attainment have an occurrence percentage far below that of FA.

Three independent sample t-tests assuming unequal variances with a 95% confidence interval were performed to test if the percentages of occurrence of attainment levels differed between OC's and CC's. The results are listed in the tables below.

Consultation type	N	Mean	Std. Err.	Std. Dev.	95% Conf. Interval
CC	6	0.158	0.062	0.153	(-0.002; 0.319)
OC	12	0.170	0.026	0.089	(0.114; 0.227)
Combined	18	0.166	0.026	0.11	(0.112; 0.221)
Difference		-0.012	0.067		(-0.173; 0.149)
Diff = mean (CC) - mean (OC)					t = -0.178
H ₀ : diff = 0			Satterthwaite's degrees of freedom = 6.746		
H ₁ : diff != 0			Pr(T > t) = 0.864		

Table 4 Percentage of occurrence NA t-test

Consultation type	N	Mean	Std. Err.	Std. Dev.	95% Conf. Interval
CC	6	0.176	0.038	0.092	(0.079; 0.273)
OC	12	0.158	0.025	0.086	(0.103; 0.212)
Combined	18	0.164	0.02	0.086	(0.121; 0.206)
Difference		0.019	0.045		(-0.083; 0.12)
Diff = mean (CC) - mean (OC)					t = 0.414
H ₀ : diff = 0			Satterthwaite's degrees of freedom = 9.489		
H ₁ : diff != 0			Pr(T > t) = 0.688		

Table 5 Percentage of occurrence PA t-test

Consultation type	N	Mean	Std. Err.	Std. Dev.	95% Conf. Interval
CC	6	0.666	0.041	0.101	(0.56; 0.771)
OC	12	0.674	0.037	0.128	(0.592; 0.756)
Combined	18	0.671	0.028	0.117	(0.613; 0.729)
Difference		-0.008	0.055		(-0.128; 0.111)
Diff = mean (CC) - mean (OC)					t = -0.152
H ₀ : diff = 0			Satterthwaite's degrees of freedom = 12.646		
H ₁ : diff != 0			Pr(T > t) = 0.882		

Table 6 Percentage of occurrence FA t-test

3.2.2.1 Interpretation of results percentages attainment level

This test was performed to form a clearer view of the distribution of attainment levels throughout the different consultations. From the data in table 1, it is clear that the stances of stakeholders and the Commission are close and that the stakeholders more often than not achieve their goals. However, it is not clear how many times they fully or partially achieve their goals. The distribution of these attainment levels is made clearer in tables 3, 4, 5 and 6.

Table 6 shows that open and closed consultations, on average, have a 67% full attainment rate per consultation. Showing once again that stakeholders from consultations oftentimes fully achieve their goals. Tables 4 and 5 show that both no attainment and partial attainment occur at an average rate of about 16% per consultation. This shows that it is worth it for interest groups to participate in

consultation processes since they'll either partially or completely achieve their goals 83% of the time, with a very large chance to achieve their goals completely.

In every t-test the p-value was larger than 0,05. Confirming the null hypotheses and that there is not a significant difference between the occurrence percentages of the different attainment levels between open and closed consultations at a 5% significance level. This shows once again that the Commission does not have a bias towards a particular consultation type.

3.2.3 Comments on results

From the results of both the average distance and the occurrence percentage of attainment levels we can conclude that consultations have a considerable influence on the climate policies of the European Union. These results also show that the Commission is making a genuine effort to create climate policies that are close to the demands of the stakeholders. This is good to see since the Commission has made it clear throughout the years that it wants to make policies that resonate with its stakeholders and are responsive to the demands of its citizens.

The results also show that both open and closed consultations have the same amount of influence and that they both have the same occurrence percentage of each attainment level. This indicates that the Commission does not have bias towards a certain type of consultation and that both consultation methods are valid methods to be used by interest groups to try and influence coming policies.

However, it should be noted that the average distance scores do not fully prove how influential the consultations are. This was already touched upon in the interpretation of the results of the average distance. It is possible that the Commission takes a stance on a topic not solely because of the consultation, but perhaps because of other factors such as previous interactions with stakeholders, legislations or salience in the media. Therefore, the seemingly large success consultations have according to the results might be an exaggeration of the actual influence of the consultations. Nevertheless, this does not take away from the general outcome that the Commission has similar stances on topics as the stakeholders which would suggest that consultations have a large influence on the climate policies of the Commission.

Chapter 4: Discussion

4.1 Findings

The goal of this paper was to create a stepping stone for future research regarding the influence of consultations on the policies of the European Commission, what the influence of consultations is on the climate policies of the Commission and if there is a significant difference between the influence of open and closed consultations. At the time of writing this paper, previous research regarding influence on policies has mostly focused on the possible influence lobbyists or interest groups could directly have on policies. There has also been other research on factors surrounding the influencing process. However, all research about influence in the political landscape faces the difficulty of defining influence since there is no general agreed upon definition of this concept. In this paper, influence is defined as the control over political outputs. The closer the outcomes of consultations would be to the results of the policies, the more influential consultations are considered to be.

This definition was used to calculate the influence of consultations on climate policy of the European Commission. The distance between the stance of the stakeholders that participated in the consultation and the Commission on a topic was given a score of 0 (fully attained), 0.5 (partially attained), or 1 (not attained). The data analysis revealed that the average distance between the stance of the stakeholders of a consultation and the Commission on a topic is 0.248. This suggests that consultations are considerably influential on the climate policies of the European Commission. This is corroborated by the findings of the occurrence percentages of the attainment levels. On average, stakeholders fully achieve their goals for 67% of the topics per consultation, 16% of the topics are partially achieved and another 16% of the topics are not achieved in the Commission documents. Lastly there were also no significant differences between the average distances of the open and closed consultations for a 5% significance level. The same was found for the occurrence percentages of the different attainment levels. This shows that the Commission does not show bias towards any of the consultation types and that the different consultations are equally influential in climate policies of the European Commission.

However, it has to be noted that this average distance score and these average occurrence percentages probably overstate the influence consultations have on climate policies since the stance of the Commission on topics is probably also influenced by other factors such as previous interactions with stakeholders, legislations or salience in the media. Nevertheless, this does not take away from the fact that the stances of the stakeholders and the Commission very often correspond which shows that the Commission is at least making an effort in creating policies that resonate with its stakeholders and that consultations certainly play a role in this. It also does not take away from the fact that

The finding that there is no difference between the influence of the consultation types is somewhat surprising since the staff that works with the results of consultations indicated that they found the results of closed consultations to be more useful than the results of open consultations. This would indicate that these consultations may be used more as a reference to form policy than open consultations. Besides this, the literature also made it clear that closed consultations are used to have access to specialized knowledge and expertise that the interest groups can provide. Therefore,

one could think that these types of consultations would have more influence on the policies of the Commission.

A last thing to note about the findings is that it might not be a positive that the consultations have such a large influence on the climate policies of the Commission. In the literature study it was noted that some responses to the public consultations may have been from malicious actors using technological loopholes in the system of the Commission, skewing the results. This in turn may have skewed the results of this study. It may not have been many responses to the consultations that were influenced this way but it is something that should be kept in mind when looking at the results.

4.2 Limitations

This research faces a few limitations. The first one being the fact that the data that was used in this research is limited to the consultation and policy documents of the Directorates-General Climate. Other Directorates-Generals could show different results. On the one hand this could be because of the difference in topics between Directorates-Generals. For example, other Directorates-Generals could have a need for more technical expertise than the Directorates-General Climate, resulting in more closed consultations. The difference in topics could also attract different stakeholders, resulting in more divergent stances between these stakeholders and the Commission. Lastly, it could also be possible that the other Directorates-Generals handle more controversial or divisive topics which could result in the stances of the stakeholders also being more divided. All of these reasons could give differing results from the ones that were found in this research. Previous research has also shown that the Directorates-General Climate has a more even distribution of different consultation methods and interest groups. This may have an influence on how they respond to the concerns or suggestions of stakeholders.

A second limitation is the non-uniformity between the different documents that were used to collect data. The only real similarity between the documents is the placement of the results from the consultations in the annexes. When looking through the different documents from 2015 - 2021, it is notable that the details on the opinions of stakeholders or the distribution of their affiliation differ from year to year or even in documents of the same year. Layouts also differ between documents, where some use graphs and tables to explain the stances of the stakeholders, while others use plain text. Sometimes exact percentages are given, while other times the only the words "some", "many", "a few" were used to describe the general stance of the different stakeholders about a certain topic. This made it difficult to interpret the results from the consultations in every document in the same way, which may have resulted in deviations in the analyses of the attainment levels between documents.

The third limitation has already been touched upon in the discussion of the findings where it was noted that this method of calculating the influence probably overstates the influence that consultations may have on climate policy of the European Union since there are other factors that may have influenced the stance of the Commission such as previous interactions with stakeholders, legislations or salience in the media. Again, this does not take away from the results of this study, but it does have to be taken into account when using this paper for future research. If one of the other ways to calculate influence was used, it may be possible that more nuanced results were found.

A fourth limitation has to do with the concept of influence itself since there is no agreed upon definition of influence in political sciences. This is a limitation with which all research about influence in politics has to deal with. Unfortunately, this may make it difficult to compare this study to previous or future research about influence in the decision-making process since these other studies may see influence as something else.

4.3 Suggestions for future research

This paper has shown that the method of assessing the degree of preference attainment to calculate the influence of consultations is a viable method even though the results may be an exaggeration of the actual circumstances.

The first and most obvious suggestion for future research is the application of this method on the consultations of a different Directorates-General than the Directorates-General Climate since the results for these other Directorates-Generals might differ from the results of this paper because of the reasons listed above, in the limitations of this research. If future research would find a difference in influence between open and closed consultations, it could also be interesting to study if there are any factors that may have had an influence on this difference.

In future research it may also be interesting to perform interviews with the Commission staff that worked on the consultations and policy-making process to get a better view of how they take the different consultations into account when creating policy. This could be combined with the results from the data research and give a more nuanced result. The risk of the staff being biased during the interviews would then also be offset by the results from the data-analysis. It may also show if other factors have had an influence on the decision-making process. On the other hand, an attempt could also be made to contact interest groups or individuals that took part in the consultations. For open consultations this could be an obstacle since individual citizens oftentimes apply anonymously and have their data protected by privacy rules. Interest groups on the other hand do identify themselves, making it possible to contact them and get a clearer and more detailed view about their stances on certain topics than is shown in the Commission documents. However, access to the details of the participants of closed consultations may not be easier since their details are also not always noted in the consultation documents. The risk of also performing interviews in future research is the time it may take to both contact and interview the stakeholders and decision-makers. Therefore, it may be advisable to focus on fewer Commission policies to lower the required research time.

Future research could also try to look at not only how influential consultations are on the policies of the Commission, but also at the possible factors that influence the representativeness of the consultations and their influence. In the literature study, it has been noted that open consultations oftentimes consist of a disproportionate amount of citizens of a few member states and that they are not representative of the general European population. It could be interesting to see which factors influence this the most and what the Commission could do to attract more citizens to participate in the open consultations. Media salience, social media advertisement and providing documents in the native language are a few examples that could be researched. Bias towards certain interest groups in closed consultations has already been researched to an extent, but open consultations have

received less attention in this aspect. This would help to give more context to the influence that consultations might have.

When using this study as the basis for future research, it is lastly also important to keep in mind that the definition of influence is important in research about influence in politics. Therefore, to use this research as a basis for further studies, the same definition of influence should be used.

5. Annex

5.1 Abbreviations Commission documents and their full names

Abbreviation	Full document name
CON1_2015	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2003/87/EC TO ENHANCE COST-EFFECTIVE EMISSION REDUCTIONS AND LOW-CARBON INVESTMENTS AND DECISION (EU) 2015/1814
CON1_2016	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE INCLUSION OF GREENHOUSE GAS EMISSIONS AND REMOVALS FROM LAND USE, LAND USE CHANGE AND FORESTRY IN THE 2030 CLIMATE AND ENERGY FRAMEWORK, AND AMENDING REGULATION (EU) No 525/2013 AND DECISION No 529/2013/EU
CON2_2016	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON BINDING ANNUAL GREENHOUSE GAS EMISSION REDUCTIONS BY MEMBER STATES FROM 2021 TO 2030 CONTRIBUTING TO CLIMATE ACTION TO MEET COMMITMENTS UNDER THE PARIS AGREEMENT AND AMENDING REGULATION (EU) No 525/2013
CON1_2017	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL SETTING CO ₂ EMISSION PERFORMANCE STANDARDS FOR NEW PASSENGER CARS AND FOR NEW LIGHT COMMERCIAL VEHICLES, AND REPEALING REGULATIONS (EC) No 443/2009 AND (EU) No 510/2011 (RECAST)
CON2_2017	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MONITORING AND REPORTING OF CO ₂ EMISSIONS FROM AND FUEL CONSUMPTION OF NEW HEAVY-DUTY VEHICLES

CON3_2017	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2003/87/EC TO CONTINUE CURRENT LIMITATIONS OF SCOPE FOR AVIATION ACTIVITIES AND TO PREPARE TO IMPLEMENT A GLOBAL MARKET BASED MEASURE FROM 2021
CON1_2018	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL SETTING CO2 EMISSION PERFORMANCE STANDARDS FOR NEW HEAVY-DUTY VEHICLES AND AMENDING REGULATIONS (EC) No 595/2009 AND (EU) 2018/956 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND COUNCIL DIRECTIVE 96/53/EC
CON1_2019	COMMISSION DELEGATED DECISION (EU) .../... of 15.2.2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the determination of sectors and subsectors deemed at risk of carbon leakage for the period 2021 to 2030
CON2_2019	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2015/757 in order to take appropriate account of the global data collection system for ship fuel oil consumption data
CON3_2019	COMMISSION DELEGATED REGULATION (EU) .../... of 26.2.2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund
CON1_2020	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL

	<p>COMMITTEE AND THE COMMITTEE OF THE REGIONS</p> <p>Stepping up Europe's 2030 climate ambition</p> <p>Investing in a climate-neutral future for the benefit of our people</p>
CON1_2021	<p>COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS</p> <p>Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change</p>

Table 7 Abbreviations Commission documents and their full names

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