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Critical European Studies

LOBBYISTS AND BUREAUCRATS IN BRUSSELS

CAPITALISM'S BROKERS

Sylvain Laurens



ROUTLEDGE



Lobbyists and Bureaucrats in Brussels

With over 30,000 lobbyists in town, Brussels is often called the European capital of lobbying. Despite this, little is known about how this political system works in practice.

This book offers an unprecedented window into the everyday relationships between bureaucrats and interest representatives. Where the media only show lobbyists as they meet MEPs and submit amendments, Sylvain Laurens argues that the bulk of their work is done in close contact with EU bureaucrats – a form of “quiet politics” developed by the business community, targeting officials with little public exposure. Drawing on official archives, he begins with a description of the historical emergence of a new layer of bureaucracy which, with impetus from European and transatlantic capitalism, proceeded to alter the political organisation of the business community to fulfil its own need for legitimacy. The discussion then turns to the contemporary situation, using observations of internal meetings of the main lobby groups operating in Brussels and interviews with lobbyists and Commission officials to explore the work of the lobbyists.

This book will be of particular interest to scholars, students and professionals of the European Union, interest groups, and more broadly to those with an interest in political science and sociology.

Sylvain Laurens is a *Maître de Conférences* (senior lecturer) at the École des Hautes Études en Sciences Sociales in Paris, France, where he hosts a seminar series on the “Sociology of Elites”.

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Capitalism's Brokers

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Capitalism's Brokers

Sylvain Laurens

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Prologue

Everyone wants to influence a new law. So in Brussels you've got all the big companies with a representative office, all the big French firms, the big pharmaceutical companies, the energy companies and so on. They come from all over Europe, and you've got American companies too. They're all there to protect their own interests and see what's going on. After that you've got the permanent representatives of each member state, and of non-EU countries as well. So you've got the Russians, the Americans, and all the candidate countries too. And the Swiss. And they're all there for their own country but sometimes also for companies. After that, you also have the sector organisations in Brussels. Every possible producer – the steel producers that call themselves Eurofer for example, or the textile producers. The chemical industry has one of the most active business associations. And then you've got the national business associations – German, British, French – you've got the French employers' organisation – MEDEF. And they're all busy lobbying, they're all doing more or less the same thing. They “monitor” the Commission and the European parliament and they meet with all those people. They tell them their problems, try to see how to sort them out. And who else after that? Well, there's all the think tanks that hold meetings and spread ideas. That's another kind of lobbying. And then you've got the NGOs. Some of their people are very active here, particularly the environmental NGOs – Greenpeace, OXFAM and the European consumer groups.

When I started as an intern at MEDEF they said, “As you're Bulgarian, set up a meeting with the Bulgarian commissioner for consumer protection” or “go to this parliamentary meeting and take notes”. After that I worked for the consultants G-plus as a junior energy consultant. And in the first year, every time I met someone who was working in energy, I'd say, “Oh, I need you”. Later on, time goes by and you get tired of all that. There comes a point when you're sick of it. There comes a point when you try to separate your work from your private life, but it's hard because there are lots of people in Brussels who are always at work. A junior consultant starts off making 1600 euros a month and then you “go up” [hand gesture]. But you do have to wait maybe three or four years to become a manager, particularly if you come in with no experience ...

*And if you've been to the College of Europe in Bruges?*¹

Bruges helps a lot. That was how I got my internship and how I got my apartment. You bump into former students and, even if you didn't talk to them much, you say "Hi, how are you?" And now I'm joining the Commission. It's a programme for young experts – they send young experts all over the world to spend two years working in a European Commission delegation.

So you'll be an employee of the European Commission?

That's right.

And did they take you on for a particular area of expertise?

Well, at G-plus I was working for Gazprom and I also worked for the Kremlin, and with the Commission again I'll be working on energy and politics for the European delegation in Russia, so it's pretty similar.

So it might be the same people ...

The people I used to see were the people I'm working with now, I've just kind of moved to the other side of the fence. Before I was in Brussels working for the Russians, now I'll be working for Brussels in Moscow. It's the same thing.

(Interview with Pavel Jelov, 5 February 2009)²

Notes

- 1 The College of Europe is a school with religious origins which, every year since 1949, has offered postgraduate training at a reduced fee for students intending to work closely with the international European movement and then with the European institutions (Perchoc 2012).
- 2 The names of all the interviewees have been changed (except for those who agreed to be named). However, the words taken from the Commission's oral history programme and the official archives are fully attributed.

Introduction

If not all entrepreneurs, at least an *élite* amongst them must have the capacity to be an organiser of society in general, including all its complex organism of services, right up to the state organism, because of the need to create the conditions most favourable to the expansion of their own class; or at the least they must possess the capacity to choose the deputies (specialised employees) to whom to entrust this activity of organising the general system of relationships external to the business itself.

(Antonio Gramsci, “The Intellectuals”, 1930)

Lobbying has become one of the most oft-cited issues in critiques of the dysfunctional aspects of contemporary democratic regimes. Where Brussels is concerned, the general public are almost certainly more familiar with the reputed influence of lobbies than with the precise functioning of the European institutions. But, even in its critical version, this well-worn discourse on lobbying raises as many questions as it answers. It may lead to the view that the current problem is one of interest groups that influence public bodies in decisions that would, in the absence of lobbying, be made to serve the public interest. There is a fundamental difference between suggesting that a democratic system has been simply perverted by lobbying and the hypothesis that the existence of lobbies is an integral part of a mode of government in which the weight of legitimacy conferred by universal suffrage counts for nothing compared to other criteria. Our purpose in this book is not to investigate lobbying in order to denounce the influence of a handful of consultants. We propose instead to start from a historical and sociological study of business and trade associations actively involved with the institutions of the European Union (EU) in order to analyse a system of social relationships that structurally, and over the long term, excludes a large proportion of citizens from political decision-making.

To grasp these mechanisms of exclusion, we have to start by exploring the everyday actions of those people on either side of the generally accepted boundary between the private and public sectors who are involved in the production of European regulatory mechanisms. So we will not be investigating the salons of top industrialists or bankers. Business executives and the CEOs of

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major companies will appear only through the eyes of lobbyists like Pavel Jelov. Business employers are clients who must be managed but are rarely present and appear only occasionally in the different social arenas we observe. They deign to travel only to the quarterly meetings of the board of their business association or for an occasional discussion with a European commissioner. Through a classic process of delegation, it is the specialist staff of business associations rather than executive managers of major companies who promote business interests in Brussels on a daily basis. The representation of commercial interests in European institutions is subject to a division of labour. It has become institutionalised in new business and trade associations located close to the EU bureaucracy. The everyday relations between these “specialised employees” – to borrow Gramsci’s term – and the European Commission form the main focus of this book.

The absence of the aristocracy and haute bourgeoisie from the arenas described here is unsurprising. That the upper classes maintain a great distance between themselves and partisan politics or classic activism is well known. They seldom get involved in electoral wrangling, preferring to finance various candidates more or less indirectly or by other means (Bruner 2011; Geay 2015). But their interests are served on a daily basis by a wide variety of intermediaries who are paid to promote their views in juridical and often highly specialised forms that have become routine. Unlike the lower classes, the dominant fractions of the upper classes have deputies at their disposal, at both the national and supranational levels, who are in regular contact with a number of administrative institutions.

In concentrating on social circles at a (short) distance from those of the dominant classes, this book focuses on the professional world of the business lobbyists and the way they promote business interests through routine interactions with administrative and political decision-makers. It immerses us in a set of social relations that have been little studied, but often have far-reaching effects on our daily lives.

Beyond media portrayals of lobbying

Pavel, the lobbyist cited in the prologue to this book, was one of the first to agree to speak to me fairly freely. When one of his former classmates at the College of Europe in Bruges arranged for us to meet in February 2009, this 27-year-old Bulgarian, a banker’s son whose mother worked for an NGO, was about to swap his consultancy job for a post at the European Commission. He was happy to act as interviewee for a European Quarter novice like me, listing all the interest groups working to influence legislation in Brussels. He described how, from one dossier to the next, branches of the major corporate groups would oppose or join forces within business associations or with the Brussels offices of the major companies. Along the way he castigated the “archaic” French lobbyists for their weakness, saying they were incapable of drafting positions quickly and in good English. From his point of view, even MEDEF was too far “to the left”, because it always sought to take account of the French context and the need to talk to French trade unions back home. Pavel did not hide his belief in economic

liberalism, mocking my sociologist's perspective and questions about his social origins. Over several beers in a bar near the heart of the European Quarter, he provided me with information on the many social forces interacting in Brussels and on the more ordinary, prosaic aspects of his work. He spoke of starting salaries that were not as high as you might think, his SIM card full of contacts that were almost exclusively professional, the power of "networks" forged at his European school and his weariness with life in Brussels.

A few weeks after our meeting, Pavel was named in a press campaign. He had spoken equally freely to a journalist from a news site well known in Brussels, who had gone on to write a piece about the "murky" links between the private sector and the European Commission. The article, posted on several blogs, presented Pavel as typifying the fusion of business and politics. It drew heavily on the scandalous reputation of his former employer, the G-plus consultancy, which had been removed from the Commission's register of lobbyists a few months previously for deliberately failing to declare some of its foreign clients. At the time G-plus was accused of spearheading a Russian strategy to facilitate Gazprom's entry onto the European energy market (Euractiv 2009).

Despite his youth and modest position in the hierarchy, for this journalist Pavel's move to the Commission on a two-year contract symbolised the direct influence of Russian government interests on European energy policy. It was a charge that threatened Pavel's move to the Commission and his friends advised him to stop talking to the press and to ensure the disappearance of all traces of the interview. Since December 2012 Pavel has been working in another unit at the Commission dealing with the issue of migration from the former communist countries, far removed from any dossiers on energy.

The view of Pavel's career taken by the journalist and others reflects the way that business lobbying in Brussels may be spontaneously viewed from a distance. Features on lobbying are one of the few media standbys that enable journalists to grasp, albeit furtively, an aspect of the way that business influences politics. Information on the EU is usually confined to specific columns and specialist publications (Morgan 1995; Baisnée 2002, 2004 and 2013), while deciphering the methods by which electoral campaigns are financed seems beyond the productivity constraints affecting the largest daily papers. On the other hand, reporters can create a sense that they have penetrated the corridors of power by spending a day following accredited lobbyists at work behind the scenes of the European parliament. There they film the representatives of different interests as they meet MEPs; sometimes they even trap MEPs selling their services to a large company.¹

Of course these media portrayals of lobbying contain some truth. We shall show how representatives of business interests scrutinise (or, as Pavel put it, "monitor") decision-making processes that might affect their employers. These employers do seek to influence elected representatives and political leaders, and sometimes even manage to recruit them, since hiring a former European commissioner provides a company with valuable social capital that is useful for business.²

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But media images of shadowy advisers who sometimes have more or less official meetings with political leaders on their clients' behalf offer only a partial reflection of the reality. First, they tend to portray as secret or deceptively cloaked in informality the routine work of staff whose roles are in fact entirely public, with their own professional organisations³ and university courses. This is particularly true of the French media. The French "republican" tradition officially forbids corporate lobbying (a myth ripe for deconstruction at the national level), whereas institutional functioning in Brussels has for decades involved discussions with "civil society" and "stakeholders" (Wonka and Wartjen 2004; Michel 2007b).

Second, by reducing the actions of lobbyists to the purchase of parliamentary amendments, media portrayals tend to leave unseen all that underpins their routine influence. Should we adopt as a working hypothesis the total, permanent corruption of all the staff of EU institutions by extending to all the actions of MEPs trapped by a hidden camera? As they are not subject to the same productivity constraints as newsrooms, the social sciences can play an important role here, providing tools that can help us properly understand these phenomena. An analysis that draws on the toolkits of political history and sociology can thus help to identify and explain a mismatch in the media reports. In reality, lobbyists have at least as many meetings – if not more – with bureaucrats as they do with elected representatives. For in the world of EU institutions it is the Commission that instigates legislation, while most of the regulatory work is done before or after the work of the Parliament itself.

Another discrepancy can be summed up in the following question: if the lobbyists are so influential and their position so enviable, why is it that some of them – like Pavel – end up becoming "bureaucrats" themselves? Why did this young graduate aspire to move "to the other side of the fence", preferring the status of employee of the European Commission to working for a consultancy or a business association? This kind of career move invites us to ask what makes the EU bureaucracy attractive to potential employees (and conversely what enables the private sector to recruit Commission officials) and also to investigate the kind of resources that these institutions seek to acquire by regularly recruiting lobbyists like Pavel.

As soon as we enter into the detail of individual careers it soon becomes apparent that, for some young graduates of the international schools, lobbying may be nothing more than a way into the politico-administrative sphere in Brussels, a potential springboard towards better paid positions. Once again, by claiming to reveal what is hidden, the hasty media view reinforces the false image of an administration that is by definition distinct from the commercial world. If we do not end the story when Pavel is working for MEDEF or a consultancy, his professional world is not confined to the private sector alone. This young graduate has a series of jobs in a "business system" dominated by cooperation between EU officials, lobbyists and business executives (Fridenson 1996). Pavel moves in a space of possible positions within the European field of power, a space that the best analysts have called the "field of the Eurocracy" to indicate

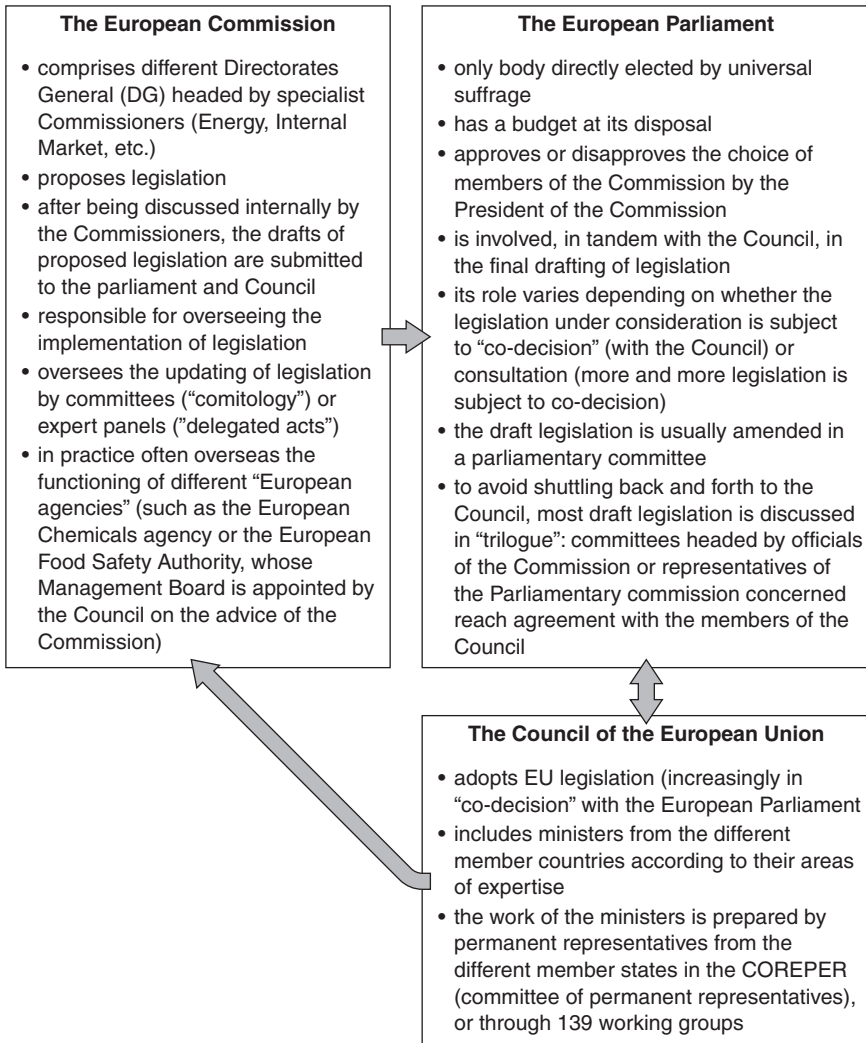


Figure 1.1 Simplified diagram of the decision-making cycle in the EU.⁴

that it maintains historical links with the EU institutions but is not confined to them (Georgakakis and Rowell 2013).

This observation will come as no surprise to historians who have studied relations between industrialists and senior bureaucrats since the late nineteenth century. They have shown countless times that the traditional distinction between the private and public sector is not really appropriate to the functioning of capitalism. But most of the work conducted in European Studies over recent years has perhaps lost sight of this historical reality.

Revisiting the relations between capitalism, bourgeoisie and bureaucracy at the European level

The reason we have so few tools to help us understand the career path of someone like Pavel is no doubt due to the lack of empiricism that has characterised much of the research into EU institutions undertaken since the 1980s and which constitutes the field of European Studies. This ultra-specialised work has literally eclipsed previous studies that used the classic tools of the social sciences to analyse the structuring of the European Commission.

Into the 1970s some authors continued to draw on Max Weber and Karl Marx in studying bureaucracy, capitalism and social class, transposing research hypotheses developed through work on the establishment of nation states onto the European institutions. In the field of political economy, Ernest Mandel used this approach to analyse the EEC institutions as the product of a temporary alliance of the bourgeoisie in different European countries against the North American bourgeoisie (Mandel 1967). Conversely, for Nicos Poulantzas, the formation of a European bureaucracy never obliterated the dependency of the European bourgeoisie on the dominant fractions of its North American counterpart (Poulantzas 1973; Durand and Keucheyan 2015). Political science was dealing with similar questions in the same period. For example, in 1967 Jean Meynaud and Dusan Sidjanski analysed the gradual emergence of a “European business community”, seeking to link economic changes to those in the political sphere. They particularly criticised some authors who failed to conceal their Europhilia for “relating all observations to the single driver of European integration” when other causes were involved, “starting with the simple logic of the functioning of the capitalist system” (Meynaud and Sidjanski 1967: 11).

But on this subject as on many others, approaches using the categories of political economy were abandoned in the late 1970s. With the partial collapse of academic Marxism, research seeking to relate issues of social class to the construction of a European bureaucracy were discredited and replaced by an analysis focused sharply on the institutions and shaped by the context of the Cold War (Anderson 2009). As noted by Georgakakis and Rowell (2013: 3), the international political science dominant in the field of European Studies has been comparatively closed to sociology and history since the 1970s. The tools of European Studies have been assembled without the advances made in the broader field of political and social science, notably those that deal with the sociology of elites and their contribution to the construction of political forms. Exit the analysis of relations between the market, social classes and bureaucracy. There are journals that, in their entirety, play down the degree to which national governments are entangled with the European institutions and do not take account of business dynamics or the issue of the routine relations between this new administration and the different elements of the business community. The neo-functionalist model within European Studies analyses the structuring of the EEC as the emergence of an integrated supranational system (Haas 1958; Averyt 1975; Andersen and Eliassen 1991), while the inter-governmentalist model

emphasises the continued importance of the national level (interest groups are said to have secondary influence, with the nation states acting as gatekeeper or filter) (Hoffmann 1996). A particularly good overview of these debates has been provided by Rainer Eising (2009).

In reality these two viewpoints have long reproduced a series of normative debates within European Studies around the desirable degree of federalism of the “future Europe”. In seeking to produce an overall picture of the organisation of the European political system, they exclude any consideration of social groups. Political institutions are produced and determined by legislation and the action of a few “great men” (Schumann, Monnet and Delors) whose historic work is celebrated to the point of constructing a mythology (Cohen 2007, 2011). What this leaves aside is the important role of some industrialists, notably those fractions within national bourgeoisies most interested in reducing customs duties. The same studies also skate over the way in which the European administration gradually came to play an important economic role by contributing to the development of business associations in the various member states.

These publications focus on interactions between reified collective stakeholders whose actions are predefined by strategic purposes: the “EEC institutions” (postulating that they have a relatively unified and continuous nature) administer, while interest groups (listed one by one with no analysis of their internal make-up) apply pressure (Courty and Michel 2013). However, far from being a natural phenomenon, the very existence of a European bureaucracy is a historical phenomenon that needs to be reconnected with its origins. Similarly, interest groups with a “European” membership did not emerge spontaneously but had to be constructed through efforts in which officials from the Commission were actively involved from the 1960s.

Exploring what the power of an administration does to the market and to business representatives

So this book will leave aside debates within European studies to pick up the broken thread of the links between the European bureaucracy and various forms of business lobbying. To this end we shall take our theoretical approaches from recent work relating to the sociohistory of administration and the political sociology of the EU.

These studies indicate a need to analyse what is produced by the relative autonomy of the administrative worlds from politics and political parties. They lead us not to regard administrative agents as mere conveyor belts for the *desiderata* of political leaders (Noiriel 1991; Buton and Mariot 2006; Laurens 2009). The people who work in administrations contribute to the development of normative categories that underpin certain political mobilisations (including those of business communities).

Transposed onto Brussels, these hypotheses lead us to consider the history of the EU in something of a new light. While the construction of Europe has been influenced now and then by major political figures, above all it required the

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establishment of a new administration and a new European civil service. In the 1960s the European project ceased to be confined to a myriad of transatlantic clubs of CEOs and decision-makers and took on the form of a bureaucracy. Political swings aside, it was this constitution of a new administrative sphere that created the space for a critical mass of actors and resources capable of underpinning the “European project” (flying in the face of the rejection of that project frequently expressed in various referendums). Within this space the capacity of the new administrative agents to impose legal standards on markets and to act as a “bank of symbolic capital” (Bourdieu 1994) was asserted, redefining the scope of what could be said and done by business actors in juridical and political terms.

If, as Max Weber said, capitalism “needs” bureaucracy and “has created an urgent need for stable, strict, intensive and calculable administration” (1968: 224), this is because administrations provide one of the foundations of the social structures of the economy (Bourdieu 2005). Far from being mere passive providers of a general context for trade, they have a direct influence on modes of economic competition, even when their genesis was directly influenced by doctrines of liberalism (Denord and Schwartz 2010). For even in those economies most open to market forces, the categories in which “the spirit of capitalism” is expressed are largely determined by the bureaucratized diffusion of norms governing the legal frameworks within which entrepreneurs operate (Fligstein 2001).

Of course if we confine our analysis to the clubs promoting neo-liberal ideology (the European Round Table, Transatlantic Business Council, Trilateral Commission, Bilderberg group, etc.), the history of the EU looks like a sustained effort to promote free trade, push back the power of states and reduce regulation. But when we start to look in more detail, the reality appears less cut and dried. The cliques of decision-makers promoting economic liberalism have undoubtedly played a major part in unifying the discourse of political leaders in the various member states. But behind this promotion of a liberal viewpoint, the history of the EU is also paradoxically one of the emergence of new bureaucrats.

Consequently, much of the action of today’s “lobbyists” is not about trying to reduce the power exerted over markets by officials or persuading them to convert to liberalism (most of them are already liberals). It is usually about trying to steer the Commission in a direction to their commercial advantage, for example by promoting manufacturing standards that most closely reflect their own production processes. From this perspective it would be wrong to think that, in the name of economic liberalism, business lobbyists are all uniformly interested in seeing the disappearance or reduction of the standardising role of administrations in general and of the EU administration in particular. On the contrary, the growing dependency of businesses on the administrative and juridical resources of the Commission has been a driver in the recognition of Brussels as a new seat of power over markets, and so in the proliferation of lobbyists on the doorsteps of the EU institutions.

As soon as “European” competition law or the awarding of “European” grants started to influence economic competition, the new administration became a key site for many commercial operators. For example, if a business can persuade the

European Committee for Standardization (CEN) to support the adoption of standards used in its own production processes, this may guarantee the sales of its products in twenty-eight European countries while simultaneously excluding competitors who use different methods. But for this the company must be able to ensure it has a presence in Brussels and can defend its interests at the CEN. It must be able to send “its” experts to sit on the specialist committees where the processes of standardisation unfold at the European level.

Rather than assuming from the outset that the presence of thousands of lobbyists in Brussels is evidence that commercial interests are being effectively projected onto EU policy, we propose here to understand the existence of these intermediaries as indicating that European business interest groups did not form spontaneously in response to the emergence of a new, supranational administration seeking to influence trade. We also propose an analysis of the filter that the field of the Eurocracy (Georgakakis and Rowell 2013) places on the political representation of business interests. Which businesses have managed to acquire “Europeanised” forms of representation and which have historically struggled to get their point of view across to Commission officials?

In this regard the present book also seeks to restore the structuring role of the bureaucracy to its rightful place in the analysis of lobby groups. But we will not err the other way by suggesting that the administration influences the lobbies. Nor shall we deny the effects of lobbying on the development of European regulation. Rather we propose to draw on classic historical studies of social and economic structures to investigate the constraints that have affected and continue to affect the institutionalisation of the interests of the haute bourgeoisie and business communities in the context of the emergence of a new bureaucracy.

A socio-history of the “discreet” relations between EU officials and the staff of business associations that become “European”

By reintroducing the role played by bureaucracies in shaping actions by the business community, we are merely applying to the European case an approach adopted by many historians and sociologists investigating the industrialist class at a national level, or rather the way that the industrialist class became “national”. It was several years after the beginning of the industrial revolution that industrialists (initially in locally based, paternalist organisations) began to adopt “nationalised” forms of representation that enabled them to use the same political references as their government interlocutors. The alliance of different representatives of the industrial bourgeoisie in a single organisation required them to overcome a minimum of contradictions, including cultural and religious divisions, the effects of economic competition and also an “ideological unwillingness” to take up a position in relation to a new bureaucratic actor intent on intervening in business. Many studies in different countries have shown how the construction of business communities was linked to that of the contemporary state, for example in the UK (Grant and Marsh 1977; Crossick 1998), France

(Weber 1987; Noiriél 2001; Offerlé 2013), Europe (Berger 2004; Fraboulet and Vernus 2012) and the United States (Mills 1957; Phillips-Fein 2009).

At a supposedly “supranational”, “European” level, the uncertain nature of attempts to coordinate industrialists was a direct consequence of structural inefficiencies in the market. As noted by Schmitter and Streeck (1999), free competition does not lead to “the spontaneous integration of the system”. The holders of economic capital “even in historical situations where they, as a class, enjoyed great advantages” have endlessly had to make “a variety of attempts to coordinate individual and sectorial interests through a network of associations, in order to preserve the viability of the system as a whole”. This effort of coalition is always complicated and never finished. It depends on the capacity for mobilisation of business actors who are initially focused on competition and often have a fluctuating interest in funding instruments of political representation (when they do not see funding such organisations as hindering the development of their own profit).

In reintroducing the role of bureaucracy into an analysis of business lobbying, we start from a description of how, in the face of uncertainty, EEC officials have always actively sought to interest the business communities in what was happening in Brussels (Woll 2008). Lacking the legitimacy of direct election, since the earliest days of the Commission they have sought to construct an institutional and political legitimacy on other bases. To this end, since the 1960s they have fostered the emergence of business interlocutors at the European level. This effort to organise at the European level took some time, for while some business circles have long invested in the European project (we might cite certain transatlantic networks), in the Commission’s early days its institutional legitimacy was far from assured and a proportion of industrialists in each member state opposed the creation of a single market (Warlouzet 2011: 276). The investment of Commission officials in the emergence of business representation at the European level will be discussed at length here because it explains why the European representation of business interests long preceded any representation of employees, consumers or other interest groups at the European level. Over the long term Commission officials were able to interest the vast majority of European businesses in what was happening in Brussels, eventually reaching a point where the European administration became a crucial centre of power for most commercial actors. This singular history can help us understand the centrifugal forces that still lead business lobbyists to be favoured to the detriment of groups lobbying on behalf of consumer interests and other public interest causes.

Describing these historical dynamics will also help us to grasp what “lobbying” is and to understand why the lobbyists we followed remain so concerned with the administrative pipelines along which future regulations pass. The gradual formation of a closed administrative world that included lobbyists was necessary to the recognition of the Commission’s legitimacy, notably by member states. This history means that lobbyists still spend much of their time deploying specifically European administrative, juridical and institutional capital in order to ensure that a particular report or argument will be passed to the right

official at the right time to steer the decision-making process in a direction favourable to them. While suitcases full of banknotes may sometimes change hands, we hypothesise that lobbyists are primarily concerned to have their positions adopted within technocratic circles that are beyond the reach of experts working for the other side.

Culpepper (2010) uses the term “quiet politics” to refer to this commercial combat behind the scenes of the administration. To understand how quiet politics works, our investigation drew on the study of relations between business association staff and officials of the European Commission. This choice required us to focus on Brussels, which is only one of the professional worlds of the EU (alongside what happens, for example, in Frankfurt around the European Central Bank or in the different cities where EU agencies are located).

An enquiry into everyday relations between bureaucrats and representatives of interests

The main argument in favour of choosing Brussels is that it enables us to undertake a historical contextualisation alongside an ethnographic study. At the historical level, some business associations have existed for over forty years and are deeply rooted in the Brussels landscape. Some of them were founded and brought in with encouragement from the European Commission itself and are now key interlocutors in the European decision-making process. Behind the best-known names (the CEFIC for the chemical industry, the CIAA, now Food-DrinkEurope, for the food industry) there are nearly a thousand such European business and trade associations offering a stable, visible field of enquiry covering all economic sectors. Looking at their history enables us to describe the way that this social world closed in on itself over the long term. It is hard for non-business interests to make themselves heard in an arena that always promotes an ability to meet the constraints of regulatory work in a multinational administrative space, where every draft is first discussed by a small number of actors with no electoral legitimacy. The history of the lobby groups linked to the Commission offers us a foothold that also enables us to find our way among the diverse forms in which business interests are expressed (think tanks, “monitoring”, “PR firms”, “philanthropic” foundations and so on).

At the ethnographic level, observing the work of business association staff has many other advantages. It enables us to focus on a small elite placed between the worlds of business and the administration and to observe the everyday relationships between highly paid, Brussels-based lobbyists and the (even better paid) officials of the European Commission. It offers a stable, close-up view of the upper echelons of the commercial and political worlds. In that sense, European business associations are “sites of power” (Davis 2007) with the considerable virtue of being accessible to long-term sociological research.

The present study primarily uses three types of source to explore the degree of entanglement between these administrative and business actors. First, we have gone through the written and oral archives of the EU institutions, annual reports

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of the Commission and documents published by business associations. These documents retain the traces of early exchanges between representatives and the Commission. They also enabled us to establish a statistical database of the internal composition of nearly three thousand European business associations that have been active or dissolved since the 1960s. Second, we conducted fifty-nine interviews with lobbyists, Commission officials and parliamentary assistants. These interviews focused primarily on the routine work of the lobbyists and the history of the EU business and trade associations. When the people interviewed gave their permission, I observed the internal meetings of the associations and accompanied their staff to meetings at the European parliament or to their leisure activities.

We shall consider these different dimensions in different stages. We shall start by showing how, from the 1960s, the constitution of an EEC administration favoured the formation of business associations at the European level rather than at a purely national level (Chapters 1 and 2). We shall then paint a picture of the contemporary lobbying emphasising the important role ultimately acquired by the administrative resources of the Commission (public subsidies, public procurement contracts, etc.) for many European and North American companies (Chapter 3). Lastly, opening the black box of European business associations, we shall go into the detail of lobbying practices. We shall seek to understand how lobbyists use their intimate knowledge of the EU administration in the service of their employers and how they also use this knowledge to enhance the value of their work and sometimes to impose their ideas on their employers (Chapters 4 and 5).

Finally, we shall show how the continual reinforcement of a closed administrative world works to turn the definition of technical and health and safety standards into a new commercial battleground, where business associations are encouraged to hire more and more “technical experts” to pursue their interests in technical arenas (Chapter 6). These dynamics become most pronounced in the Commission’s health and safety agencies, where lobbying increasingly resembles a battle of scientific resources, far removed from NGOs and civic groups (Chapter 7).

All these elements of our discussion insist on one main argument, which is that the continual readjustment of the business world to the expectations of the Commission cannot be explained by ideological convergence alone, but is also driven by the structural entanglement of the sphere of business representation with that of Commission officials. Above all this book describes how the circularity of social relations has led this world to close in on itself over time.

Notes

- 1 *The Sunday Times* of 11 March 2011 revealed that four members of the European parliament had accepted bribes from journalists claiming to be lobbyists. More recently, in the documentary *The Brussels Business*, an Austrian member of the European parliament confessed on camera to being “paid as a client of five firms at 150,000 euros each”.

- 2 Commentators have used the term “revolving door” to describe these regular moves from the public to the private sector.
- 3 In particular the SEAP (Society of European Affairs Professionals) which supports certain interest groups in the process of registering with the Commission, and the EPACA (European Public Affairs Consultancies Association), which has drawn up a “code of conduct”.
- 4 For the sake of clarity, this diagram has left out other institutions. For example, the heads of government of the various member states meet at least twice a year at the European Council (not to be confused with the Council of the European Commission which is mentioned); the European Central Bank based in Frankfurt oversees monetary issues; the European Court of Justice plays a dominant role in the elaboration of European law, and so on.

1 Entanglement

A new administration in search of economic interlocutors (1958–1980)

In looking at the EU's history, this first chapter shows how much the rising influence of the European business associations owes to the way in which the new administration was structured and acquired authority. For the establishment of the Commission's headquarters in Brussels marked the start of a process of bureaucratisation that, over time, encouraged the business world to organise in its turn, initially within the six founder countries and then in accordance with the enlargement process. One of the main levers in the development of business representation on a European scale is thus rather hard to describe, as it is intimately linked to the gradual establishment of an administration with supranational ambitions. This is a process of which the archives retain few traces.

The formation of a European civil service distinct from the national civil services was highly significant. It required a "process of demarcation from the countries of origin" and unleashed mechanisms by which officials appointed to the European civil service sought to legitimate their actions by extending its potential scope (Georgakakis and De Lassalle 2007: 40). In order to assert their role in relation to the national administrations, European officials gradually began to enlist representatives of business interests to help them meet their administrative requirements, such as collecting statistical data on industrial output, creating "European" nomenclatures and establishing indicators common to the market of the "Six".

In accordance with the old adage that we hear "the tree falling but not the forest growing", this process of establishment is often hidden by history books that reduce the construction of Europe to a saga of "founding fathers" and family rows (such as the "empty chair crisis" of 1965). Yet the business community played a key role in structuring the new administration and was often encouraged to do so by the Commission's own officials. While some in the transatlantic business world had long supported the European project, many industrialists were losing interest and even opposed it for economic reasons, such as fear of opening up their national market to competition or a desire to maintain a special relationship with their home government. The Europeanisation of business representation at the Community level enabled officials of the European administration to generate sustained interest in what was happening in Brussels and to develop public policy that could be justified in the name of "European economic

interests”. This undertaking required the organisation of sector-based, multi-national business representation, which the Commission sought to bring to Brussels and indeed sometimes had to fund directly.

The primitive accumulation of bureaucratic capital

International, bi- and tri-national business associations had existed in some economic sectors long before 1957, and some coincided more or less with the perimeters of the six founder nations. But the 1960s saw the creation of “Eurogroups” that could represent business interests in a manner suited to the expectations of EEC institutions. This coincidence of business representation with the administration of the EEC was grounded in the commercial interests and positioning of a few captains of industry in Europe who, in the words of Jean Meynaud and Dusan Sidjanski (1967: 2) adjusted their strategies “to the level required by enlargement of the market” in order to deal with the potential “perimeter damage” arising out of the Treaty of Rome. Meynaud and Sidjanski also show that these adjustments were sometimes business-related (such as the creation of subsidiaries), but also sometimes included a more political dimension, involving the creation of new organisations. “The use of trade organisations as a means of access to the authorities” spread rapidly because it presented “specific advantages, notably that of giving a collective aspect to demands of an individual nature” (Meynaud and Sidjanski 1967: 147). It seems reasonable to

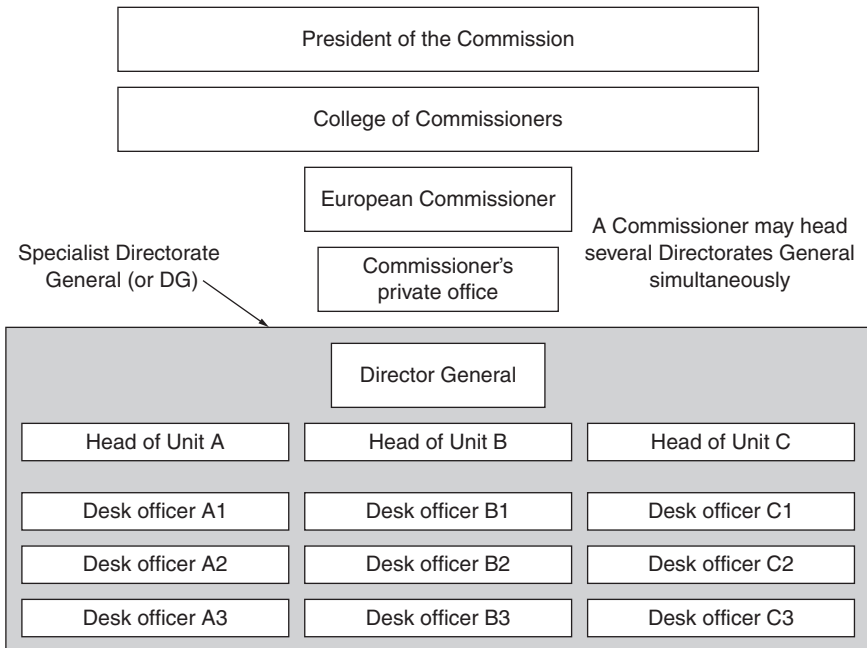


Figure 1.1 Internal structure of the European Commission (simplified).

suggest that this formula became dominant with particular ease because it also reflected the very precise administrative expectations of the Commission, which never remained neutral in this process. If, as suggested by Mazey and Richardson (1996: 422), “where associations of this type did not exist, the Commission helped to set them up and supported them”, this is undoubtedly because interest groups of this kind played a role in what we can call the primitive accumulation of bureaucratic capital within the new Commission. We shall focus on those administrative departments with the closest links to business in order to examine the detail of this process in the 1960s. These were the four directorate generals (DGs) specifically dealing with the economy (External Relations, Economic Affairs, Competition and Internal Market), plus the DG Agriculture, due to the emergence of the Common Agricultural Policy (CAP).¹

The DG Internal Market and the need for business data in establishing nomenclatures

Where the DG Internal Market was concerned, relations with business representatives were forged in the early 1960s through working groups seeking to establish economic indicators as a prelude to setting up an internal market. The archives show how this was driven by a handful of EEC officials reaching out to commercial interest groups. The primary aim was to obtain statistical data that could be used to draft general directions for industrial policy. Among the internal documents we might for example consider a note written in 1961 by Jean Durieux, a Belgian civil servant who had just joined the Commission as head of the industry division (equivalent to what is now a “unit”).^{2,3} He drafted a report for his superiors concerning working groups comprising officials from the DG Internal Market and the office of statistics and representatives of the business associations.⁴ The DG Internal Market sought to study each branch through contact with business representatives, in order to describe the state of the future “Common market”. The first report on these efforts, written in 1961, gives an idea of the Commission’s disappointed hopes. In relation to one member state after another, the official notes that initial contacts were “made with different professional bodies in order to improve the homogeneity of the basic documentation and to fill in gaps”. But he says that “despite the progress made, there is still a long way to go”, citing “qualitatively inadequate studies, unsatisfactory quantitative returns and the slow progress of the work”, notably due to the fact that officials were required to gather this information in addition to their usual tasks. The production of market studies encountered fundamental problems, notably “gaps in the statistics” and a lack of “harmonisation of nomenclatures”. But this overview is more than simply a list of the Commission’s weaknesses due to a lack of “experts in financial analysis, econometrics and industrial exchange tables”. Crucially it highlights the poor quality of the expertise produced by the business community and notably by the business associations.

The “economic expertise of group members differs widely” and “on average the methodology lacks rigour”. The author notes the existence of “national

susceptibilities” and complains of “the relative aversion among some business associations and national administrations to providing or obtaining data that might fill fundamental gaps”. In this regard he can only advise his superiors “to proceed with caution in working with them”, but regards as the only solutions “to increase contacts with the business associations with the aim of improving the homogeneity of the available documentation and to fill in certain flagrant gaps”. To foster this close relationship, he proposes that the Commissioner “François-Xavier Ortoli and his collaborators” should make “presentations to the permanent representatives, UNICE, the European business associations and the heads of the national statistics offices”. He concludes by saying,

The terrain must be well prepared by an operation of mental conditioning seeking to demonstrate the usefulness for all of good studies in each sector and the constructive and cooperative spirit that drives the Commission in seeking to obtain a good tool for analysis and forecasting at industrial sector level.

UNICE: a basis for the construction of a European business community

As revealed by Jean Durieux’s note cited above, the officials of the new Commission began by seeking support from UNICE (the Union of Industrial and Employer Confederations). This confederation of national business associations was formed in 1952 within the framework of the European Coal and Steel Community (ECSC). Based in Paris with a branch in Luxembourg (where the ECSC headquarters were located), it provided an initial core of business representation “grouped as Six” (in the terminology of the day) to reflect the area covered by the treaty on trade in coal and steel, and thus also the Treaty of Rome (Morival 2015). Having left the ECSC for a post as economic affairs adviser at the Commission, Jean Degimbe (a Belgian civil servant, head of the ECSC President’s office and then adviser to the Commissioner for economic affairs^{5,6}) describes the development of relations with UNICE in the context of the construction of the brand new Commission. He says that links persisted with UNICE from Luxembourg to Brussels, but the tone and nature of relations with the permanent business representatives changed:

At the ECSC, it was a tiny institution. ... In Luxembourg, there were representatives from each industry. The French, whom I knew best, had their permanent representatives for iron and steel, with their own residence. We gave them a lot of information they could use – never anything secret of course. ... At the ECSC it was in our interests to have support from the iron and steel industry. We were managing the market in coal and steel. The atmosphere was completely different. As for what influence they might have had on you, you know at the ECSC we ate a lot, we drank a lot, we were invited everywhere, we were used to all that. You should have seen the receptions held by some industrialists from the Ruhr. They were magnificent. ... They had cellars full of wonderful Bordeaux. In the end none of that had much influence when we were looking at the dossiers. I remember we fought – and

defeated – the rebuilding of the Krupp cartel. At the time we were invited everywhere. But that doesn't influence someone who is doing his job honestly. But in Brussels, things are a bit different. It's no longer about managing one specific market, it's about managing several specific dossiers relating to different markets. So here I would make an important point. At the ECSC ... the civil servants had formerly been civil servants for mining or iron and steel, so they really knew how the machine worked. In Brussels it's not quite like that. I felt it when I first arrived. A lot of civil servants from the national administrations weren't competent when it came to some of the subjects they had to deal with. So when a civil servant comes across a lobbyist who wants to help him get a dossier together, that's not something to be ignored.⁷

Continuously funded by the European Commission, in the 1960s UNICE provided an important basis for the development of a Europeanised business discourse adjusted to the expectations of EEC officials. The work done by UNICE enabled officials to take on specialist dossiers with which they were not always very familiar.

Renamed BusinessEurope in 2007, this organisation still exists as a federation of national business associations (including MEDEF for France). It remains one of the main instruments of lobbying in Brussels, although it usually acts only in relation to directives affecting several economic sectors simultaneously.

“Mental conditioning” for cooperation with the Commission

Alongside the need for delicate diplomatic and political balancing, the establishment of the European Commission was also the start of an administrative history that encountered logistical problems of its own. How was an administrative structure seeking to bring about convergence between the economies of six countries to establish the equivalent of a national statistics office or reliable economic indicators? How could it impose this process on existing national administrations? These very concrete problems were addressed a long way from European summits at hierarchical levels seldom discussed in history books. One of the Commission's own oral history programmes began to explore these administrative levels in the early years of the twenty-first century. Jean Durieux, interviewed in this context in 2004, gives the following description of his arrival at the Commission and his first contacts with the business community and national administrations:

What was the point of an Industry division in the early days of the European Economic Community? What would its job be? ... We consulted the national administrations of the six member states. ... And the answer was, “Don't get involved in industrial policy, that's the business of the member states.” That was the answer we got from all the governments. ... Then we saw the industrialists. Their position was much more nuanced. They were starting to entertain the idea that industrial structures were not going to remain intact after the ordeal of market unification, the strengthening of

competition and so on. And they didn't rule out the idea that it might be in their interests to have a kind of fledgling industrial policy at the European level. ... On one of my first jobs we conducted studies. ... We gave those studies to the member states and we gave them to the industrialists. ... We had more discussions with them on the basis of these studies and we identified a number of measures of concerted, coordinated industrial policy or properly European measures that could be taken, that the industrialists would regard with a favourable eye. Not much came of all that. ... We discovered that many national materials were not based on the same definitions and weren't comparable. There was an enormous job to be done. And we turned to the industrialists on several occasions to ask them to help us clarify the definitions so that we could make comparisons and see what was comparable and what wasn't. ... It's a huge story of trial and error and successive approximations in those sectors.⁸

So, regarded as competition by the industry ministries of some member states and national offices of statistics, the DG Internal Market gave legitimacy to its actions by using economic reports co-produced by the Commission's economists and representatives of commercial interests. For the officials the construction of economic indicators at the European level necessarily involved abandoning national forms of classification. Paolo Clarotti, employed in the "Retail" division of the DG Internal Market, provides a very similar story to that of his former colleague. New to the role of civil servant (he had hitherto worked for the Rome retailers' federation), he was a trained economist recruited for his knowledge of the business world. He starts by describing his work as "an intellectual effort" seeking to classify "disparate realities":

We tried to make an initial classification, which was extremely difficult because they were disparate realities. But we started by making an intellectual effort to see what there was in some countries. The differences between countries were immediately apparent. There were countries that had already developed volume retailing, supermarket chains – France to give you a concrete example, and Germany – and countries like Italy where there was almost no volume retailing. ... In Milan, for example, there were shops that sold nothing but fresh pasta. So they couldn't sell things like industrially produced pasta. ... We produced papers that some people found interesting. They'd say, "Very good! That's very good!" but the papers went into a skip.⁹

The sectors considered in the 1961–1962 series of studies were primarily energy, metals and metalworking (cars, machine tools, household appliances), textiles and food.¹⁰ While these studies did not immediately lead to the establishment of an industrial policy, they nevertheless played a role in producing an early interface between Commission officials and representatives of a Europeanised industry (or rather "grouped as six"). They contributed to the primitive accumulation of economic data at the Commission's headquarters and so to the concentration

of administrative resources – what Bourdieu would call “technically-based bureaucratic capital” (Bourdieu and Christin 1990; Bourdieu 2005).¹¹ In the business world they spread the idea that things were now happening “at the European level” and gave the confederations of national employers a role as co-producers of commercial standards. This was particularly important as the European Commission had spent several years building its legitimacy in the eyes of the American government around the future GATT negotiations. Though the studies produced by the DG Internal Market had not been used in 1960 to direct a European industrial policy, they did prove useful in the GATT negotiations with the USA, which turned the civil servants and statisticians of the DG Internal Market into quasi-diplomats.

The Commission’s diplomatic ambitions as drivers of a sector-based concentration of economic interests

The GATT negotiations of 1960–1961 were heralded as a crucial event for the Commission’s emerging administration and also brought it into a closer relationship with industry. For the first time the Commission was empowered to conduct multilateral negotiations on behalf of all the countries of the EEC. The Americans readily agreed to talk to a single interlocutor because they thought the new EEC administration would at last give them a common position that was more favourable to the reduction of tariffs on the Old Continent.

Since the end of the Second World War American business associations had been drawing Washington’s attention to certain obstacles encountered by American companies on the European market. In particular they complained about the persistence of fragmented markets, numerous tariff barriers and standards that restricted the distribution of their products. The officials responsible for assigning credit under the Marshall Plan (notably Paul Hoffmann) echoed these concerns and, in 1949, asked Europe to agree to “the development of large-scale, low-cost production industries” in establishing “a permanent freely trading area comprising 270 million consumers”.¹² But American criticisms, relayed by pro-European organisations favourable to the creation of a United States of Europe (such as *Le Mouvement Européen*), did not produce effects on the scale of their hopes. As suggested by the National Security Council’s *Memorandum 68*, despite the investment made, efforts to promote transatlantic dialogue throughout the 1950s produced uncertain geopolitical and economic effects.¹³ According to the political scientist Kees Van der Pijl (1984: 189), in some respects “the formation of the EEC put American hegemony at test”, since in the years 1957–1960 “the European states passed through a phase of accelerated restructuring in the direction of a Fordist mass-market mode of accumulation” while retaining a large number of barriers to trade, to the dismay of the American administration.

So in the run-up to the GATT negotiations, Commission officials had to prove that they could undertake multilateral negotiations on behalf of the member states, while demonstrating to Washington that they could act as a global

interlocutor more favourable to free trade. This was particularly crucial to the Commission's survival because the transatlantic business networks most closely linked to the EEC project were starting to doubt its efficacy in reducing customs barriers. The new Commission took on the task of fostering American interest in talking to a single interlocutor and, on the initiative of Robert Marjolin,¹⁴ hired lobbyists from an American public relations firm to convince Washington of the importance of its diplomatic role.¹⁵

In the Commission's quest for intersecting vectors of legitimacy, European business circles proved crucial in underpinning the fragile legitimacy of its new institutions and counteracting the lack of resources of its emerging administration. But ensuring this support also required a minimum of business organisation at community level. In 1960 officials at the DG External Relations were alarmed by the "Community" delegation's lack of resources and preparation in comparison to their American interlocutors. As former negotiator Paolo Clarotti describes, the links with the business world forged by the DG Internal Market were quickly exploited in an attempt to correct this imbalance:

The Directorate General for External Relations was going to take part for the first time in what was then called the Dillon Round. This was the first exercise in global negotiations within the GATT framework. They very quickly realised in 1960–1961 that DG I [External Relations] was extremely limited as an organisation. I remember there was a division head by the name of Donne, and a deputy, Schlösser. ... There were hundreds of people working on the American side. So they said they didn't have the technical capacity to conduct a multilateral negotiation. They really didn't have the resources. ... The Commission decided that the other DGs had to help them. In the end the DG that helped the most was Internal Market. ... M. Ortoli said to us, "We've got to go, you've got to help them and put together and draft dossiers on all the products." ... We were allocated sectors somewhat at random. My sectors included car-production and agribusiness. ... We worked from a list with codes for all the economic sectors and numbers for each product.¹⁶

The GATT negotiations proceeded by "product group" and the archives contain traces of the preparations for discussion segment by segment. The grid used by the negotiators refers to the Standard Industrial Classification (SIC), drawn up in the United States in the 1930s and largely adopted by the UN in 1948, which groups economic activities by type of product on the market and by tariff volumes.

This desire to put industrial policy into indicators, spurred on by multilateral trade negotiations, had its effects on the early Europeanised forms of business representation. For some types of product data was lacking and the officials needed something to put in "their boxes". By adopting the branch classifications promoted by the international organisations, the officials of the DG III were inviting industrialists to organise at the European level around the same

classifications as those used in the GATT discussions (in 1960 and in 1964, as the United States immediately called for new negotiations at the end of the Dillon Round). This explains the sometimes exaggeratedly long names of the first European business associations, which reflected the different headings and sets of products artificially grouped together. They were partially determined by the diplomatic ambitions of the Commission: the Association of the Industry of Fruit and Vegetables in Vinegar, Brine and Oil and of Similar Products of the EEC rubbed shoulders with the European Organization of Preserved and Tinned Fruit Industries. This effect is even more striking in a directory published by the Commission in 1972, where the Association of Poultry Processors and Poultry Import and Export Trade in the EU is listed alongside the European Association of Coated Fabrics, Plastic Films and Plastic and Synthetic Floor Coverings Manufacturers.

So these extended names based on international classifications do not reflect the spontaneous organisation of business representatives (who would often find it difficult to identify with these groupings of activities). As these groups did not quite match the forms adopted by business associations in the various member states, some had to join several European associations in order to defend all their interests. That others saw little advantage in joining the new organisations is clearly apparent from the early directories published by the European Commission, which reveal the absence of many national business associations from these early European groupings.

Identifying interlocutors willing to “Europeanise” their positions

To speed up the organisation of business at Community level, in 1960 the DG Internal Market, assisted by the DG Agriculture, published its first directory listing “the associations in industry, the food trade and agriculture”. As stated in the preface to the 1960 edition, written by the director general, François-Xavier Ortoli, the aim was first and foremost to make an inventory of organisations for “the departments of the Commission that are required to maintain long-term relations with these groups”. Ortoli is careful to state that this first directory “does not claim to be complete” and organisations are invited to make themselves known. Like any measurement tool, the directory was also a means of influencing the groups. It sought to facilitate the identification and organisation of business associations that might become regular interlocutors for the European Commission.

To this end, the directory gives equal place to groups with very different legal status. Of the 136 early interlocutors listed, many seem not to have had a formal constitution, being simply named as a “liaison committee”, or “study group” instead of an “association”, “federation” or “union”. Often the contact name is that of a Brussels-based lawyer rather than a President or General Secretary of the organisation. Furthermore, the directory lists existing European associations alongside the “Europe” sections of international associations. This is true, for example, of the International Association of Pharmaceutical Industries (the sector’s European association, the EFPIA, was not set up until 1978). In subsequent

directories the liaison committees become autonomous and provide the core of a European association. But in the first directory, “European” is still confused with “international”. This movement towards concentration at Community level involved both international and national organisations, notably in Belgium. Though it was far from systematic, it was far from negligible: in 1960, of 136 listed organisations, 46 listed as European federations or associations had their headquarters in the premises of the Belgian association.

So this directory presents some organisations as “European” interlocutors, even when they seem to lack any fixed internal organisation (for example, some “European” associations are listed with three different addresses in three different countries and no fixed headquarters). We should also note that, in 62 per cent of cases, the interlocutors of European institutions identified by Commission officials were not Brussels based. Company associations were often housed in their most iconic industrial zones (for example, Milan for clothing).

In these early listings, the most organised sector at the European level was undoubtedly the food industry. This is hardly surprising. Agricultural issues were high on the agenda prior to the forthcoming round of the GATT and, as we have already noted, in the early 1960s, the other DG driving cooperation with lobbyists, alongside the “economic” DGs, was Agriculture. The overall context of discussions with business interests in this sector was at once comparable and slightly different. It was comparable because here too the multilateral accords of the GATT provided an important backdrop to discussions with the agricultural sector and the food industry. It was different because here the aim was not solely to use the European business associations as a basis for “bringing out figures” that would make it possible to establish nomenclatures, but also to begin negotiations around future public policy. Here again, administrative and political intervention required producers in both the food sector and across the industrial world as a whole to recognise the legitimacy of the European institutions.

The CAP and the obligatory grouping of the food industry

The Common Agricultural Policy (CAP) is one of the most iconic policies of the European construction and one of the first creations that the EEC administration could claim as its own (Fouilleux 2003: 246). At the Stresa conference of July 1958, the agents of the European Commission set about constructing a common agricultural market and a tariff system ensuring that import taxes would be redistributed to producers in member countries. This redistributive agricultural policy was officially implemented in 1968, but was developed through the 1960s in negotiations conducted by officials of the DG Agriculture with representatives of farmers and the food industry.

Limiting interlocutor numbers

In February 1961 Sicco Mansholt, vice-president of the Commission and European Commissioner for Agriculture,¹⁷ sought to draw out interlocutors and talk

to representatives of these different economic sectors. In April 1961 the official “in charge of relations with non-governmental organisations” (Georges Rencki) asked his superiors to give him a detailed description of the parameters of his job. He was told that it was necessary to anticipate to the maximum any objections that might emerge in a particular sector and that he must hold a “technical consultation” with the parties involved before any decision was taken. It was decided at the start that the experts sent by each association of agricultural or industrial producers must adopt a position in relation to the first drafts of legislation to establish import taxes and implement a common market. To this end, drafts stripped of any elements that could not possibly become public were sent to businesses and to the farmers’ representatives in order to anticipate any potential opposition to the CAP.¹⁸ This way of proceeding enabled officials to identify the stumbling blocks that their projects might encounter since, if a sector was violently opposed to a particular proposal, a counter-lobby might be organised in the member states. So from the Commission’s earliest days, consultation with business representatives was not solely a matter of enlisting experts but was also intended to enable officials to identify sources of potential opposition (interest groups and governments represented in the Council).

Consultation had another virtue in the eyes of EEC officials, as it meant they were dealing with an already Europeanised set of food industry interests, rather than a myriad of national positions. The records of a meeting with the committee in charge of the food industry in May 1962, written by a Commission official, shows how officials obliged the business representatives to start by agreeing a common position within their sector, which could then be presented to the Commission:

There was a degree of worry in industrial circles when, following official contacts, they learned how few seats would be available to them [on the committees discussing the CAP]. In this regard the situation is, as you know, rather concerning, particularly in the cereals sector, where some fifteen industrial organisations grouped as six are applying for the three seats we can offer. ... I left the meeting after the presentation and having answered a few questions that were put to me. So I was not present at the subsequent discussion, which must have been fairly stormy, but I have every reason to believe that, having had its responsibilities made clear and after a fairly blunt presentation, UNICE will agree to take its allotted role.¹⁹

By limiting the number of “seats” at consultations, European officials ensured that an initial phase of coalition and “synthesis” would be conducted within the European business associations. This meant that the officials could use positions said to represent an entire “European” sector to draft a position to submit to the Council. Crucially, they managed to ensure that the associations became the forums where splits and disagreements had to be settled. Before being presented to the Commission, the particular interests of this or that sector had to pass the test of discussion within the associations (and so to be endorsed by the largest operators in the sector, or at least by those operators most active at Community

level). In this way, as the CAP was developed, the food industry committee within UNICE was handed the role of putting the sector's different interests into a European form. The officials of the European Commission outsourced much of the work required to dampen commercial conflict to this committee tasked with managing "stormy discussions" alone. At the behest of the Commission, on 9 March 1962 the Confederation of the Food and Drink Industry (CIAA) organised a meeting involving thirty-three business associations from the agricultural sector, and representatives appointed from within the CIAA were sent to the different meetings, according to the imposed limit on the number of seats, to scrutinise, dissect and criticise the drafts put forward by the Commission. Through the CAP project, in a few years the officials of the DG Agriculture succeeded in establishing themselves as regular interlocutors for business representatives on matters of food and agriculture. The archives reveal ongoing relations, both formal and informal, at a very high level between EEC officials (division heads, DG heads and even the Commissioner) and representatives of business associations. For example, on 31 May 1965 the director general had dinner with CIAA representatives; on 16 July 1965 the vice-president of the Commission received the UNICE president H. J. de Koster over the CAP crisis, and so on.²⁰ Even internal debates within the CIAA were now organised in the light of issues arising on the agenda of DG Agriculture. In 1966, when the CIAA wanted to invite the Commissioner for Agriculture to its annual general meeting, the departments made it known that he would not be available on the dates indicated. So the date of the AGM was put back a month to enable the Commissioner to speak to all representatives of the food industry sector.²¹

EEC public policy creating divisions in the commercial sphere

The organising effects of the Commission's approach to representatives of business interests are evident beyond the simple imposition of an agenda. The establishment of a Common Agricultural Policy also had unexpected effects for industrialists by exacerbating divergences of interest that would not otherwise have been instantly apparent. So, as the CAP project progressed, those leaders of UNICE not involved in the food industry became concerned that the sector was receiving favourable treatment. In the run-up to the trade negotiations of the Kennedy Round (1964–1965), the "non-food" sectors made the Commission aware of their fears of seeing the rest of industry sacrificed in international agreements for the sake of the CAP. Unit head Georges Rencki communicated these concerns, conveyed to him in an informal meeting with the UNICE secretary general, to his own Director General for Agriculture. UNICE was afraid a regime favouring the food sector would be taken too far, to the detriment of industry as a whole:

Following the lunch I have just had with Mlle Claessens, the UNICE general secretary, I have the impression that at the moment European industrial circles (I'm not speaking of the agricultural and food industry) are rather concerned about the common agricultural policy. Their concerns are

particularly focused on three aspects of our policy: 1/ the fixing of common prices which, if they are too high, risk increasing the cost of the agricultural policy even more; 2/ the state of the agricultural negotiation at the Kennedy Round, which risks “making industry pay for the lack of concessions agreed by the Community in the agricultural sphere”; 3/ the new direction of agricultural policy leading to distortions of competition that may be damaging to industry. ... I think it would be useful for you to have a conversation with the UNICE secretary general about all the problems of the GATT. Such a conversation would be opportune at a time when pressure from some elements of industry, combined with that from certain countries, brings a risk that negotiations in our sector will begin before our policy has been defined. Can you tell me if it would be possible for you to have lunch with M^{lle} Claessens in the near future?²²

As this extract shows, to build their legitimacy to negotiate in the name of several European countries, Commission officials always had to ward off potential interventions by member states (as clearly indicated in the passage expressing fear “that negotiations in our sector will begin before our policy has been defined”). Crucially it indicates how the actions of officials affected the degree to which the food industry was mobilised at the European level and the degree of internal cohesion within the business world and UNICE. The important role that EEC officials were beginning to acquire in structuring certain markets obliged the different fractions of the business community to adopt positions and to organise themselves. In the summer of 1966, as the CAP was firmed up, muffled tensions began to emerge between the head of UNICE and its own food industry committee.²³ This growing divergence within UNICE between the interests of industry as a whole and those of the food industry ultimately led to the creation of a separate association.

The case of the CAP shows how the establishment of a Community administration generated divisions within the bodies representing business interests. These divisions appeared only gradually, as officials worked to establish the legitimacy of their role in regulating particular markets. As the drive for legitimation gradually attained its ends, expressions of division within business circles did not in any way hinder support for the new European level within business associations. In the summer of 1965, when the European construction was threatened by the CAP and the empty chair crisis,²⁴ on several occasions UNICE itself came to the aid of the overall Community project. In a press release it demanded the implementation of the Treaty of Rome, which it said could alone bring about “the structural transformations through which industry will be able to adapt to ever sharper international competition”, the new Commission and Council being “guarantors of the continued, balanced development of the Community”.²⁵ In a few years Commission officials had managed to draw on pre-existing dynamics to bring about a supranational coalition of the dominant fractions of the business communities within the different member states, and to establish the Commission as a potential interlocutor for the business world.

An administrative world looking to business

By promoting the existence of a new site of market regulation, EEC officials harnessed and gave bureaucratic form to the informal relationships that had existed for several decades between the European business community and certain senior civil servants in the national administrations. Though the international employers' clubs still existed after 1957, the establishment of the new administration produced a new interface that was receptive to industry interests, once they had been formulated in a particular way. As this administrative world gained autonomy, its privileged relations with business also became an essential component of internal legitimacy in a new field of power with its own rules. Close relations with the business world enabled a department of the Commission to establish its legitimacy in relation to national administrations and were also a factor in the competition between departments and within the new bureaucratic microcosm.

“If you could say a word to the king”: civil servants enter the world of “great” leaders

The translation of the European project into an administration enabled everyday contacts between administrative staff detached from national frameworks and the heads of the continent's major companies representing business interests. These connections were underpinned by forms of cosmopolitan social interaction traditional among the European bourgeoisie. To be a senior civil servant of the European Commission in these early days was to operate within a set of social relationships that largely overflowed the ordinary context of formal, hierarchical meetings between political leaders, major employers and officials of central administrations that existed in many member states. As indicated in the following anecdote told by Jean Durieux, compared to the summits of national administrations, “hierarchical relations were different, much more flexible” in some respects. It was not unusual for a head of unit or a director to travel – on official business – alongside a European commissioner visiting top industrialists and for him to be treated in practice like a diplomat or indeed, as in this particular case in 1959, for him to be invited to meet the Pope:

We were on a visit to Confindustria.²⁶ ... Then I think the president of Confindustria said, “Wouldn't you like to meet Pope John XXIII?” We said, “Yes”. The next day they said, “Come on, you've got a private audience.” I don't know, we were there a long time, it must have been three-quarters of an hour to an hour. We chatted with him for a long time. I've got some wonderful photos. When we got there we knelt down. “Get up, you mustn't kneel.” And when we left, we didn't kneel, we bowed. I remember that very clearly. It's a lovely memory of Pope John XXIII. He said to me, “If you have a word with the king [of the Belgians].” He thought I could have a word with the king, that I saw him every other day. He said, “Do tell him

that no one does that to the Pope.” It was the affair of the marriage of Albert and Paola. ... It was pretty extraordinary.²⁷

An anecdote of this type acquires its full meaning when we start taking seriously the intersecting vectors of legitimacy that enabled the new administration to organise itself internally. Responsibility for relations between the European Commission and business representatives brought the new Commission’s officials into contact with top industrialists and the upper echelons of the European bourgeoisie. In the 1960s, informal clubs of business leaders such as the Presidents Group regularly talked to those at the top of the Commission.²⁸ But the establishment of the Commission enabled these old relationships to become directly connected to administrative practices and the production of legal norms without the systematic involvement of national politicians. Of course in 1961 the administration of the European Communities was not yet an extensive bureaucracy and its legitimacy was still fragile. But with 1848 jobs “featuring on the organisation chart of the Community for the year 1961”, including “499 category A civil servants”,²⁹ it was already an administrative world of its own. Like all bureaucracies, it was a site of rivalries between departments and was courted by an entourage that also helped to structure it.

The business community as referee in intra-administrative rivalries

In the years 1964–1965 the French and German governments were in dispute over how to pursue the construction of the Community. France officially adopted a Gaullist position regarding the EEC as a simple trade treaty between sovereign states (Warlouzet 2011: 247), while the Germans were pushing for greater European integration. But if we look at what was happening at the administrative level, it becomes clear that the Commission already had its own currents of division and dispute – the tensions between its civil servants from France and Germany had already ceased to be simply reflections of inter-governmental positions. The (often German) officials of the DG Competition, who advocated liberalism and wanted to combat concentrations of businesses, were notably in conflict from the mid-1960s with the (often French) supporters of planning, who were equally pro-European and grouped around Robert Marjolin at the DG Internal Market. The planners claimed to speak for the business world (both German and French) and sought to establish their economic expertise in relation to the DG Competition. The position of these “French” senior European officials was not simply the administrative version of a Gaullist standpoint. They were advocating a strengthening of the European administration and a different economic orientation from that of the DG Competition, in the name of what they regarded as “European” economic interests.

The legitimacy conferred by the business world soon proved a decisive factor in these intra-administrative struggles. Laurent Warlouzet (2011: 345) shows that in February 1964, when UNICE protested against “the repressive policy of the DG Competition” and “insist[ed] on the need to encourage cooperation and

concentration between businesses”, this business viewpoint was immediately used by DG Internal Market officials close to Marjolin against their rival DG. Still according to Warloutzet, Marjolin adopted the position of UNICE (which played “a driving role in this debate”) and “requested and obtained involvement in the study” of May 1965 on the issue of concentration. So from the beginning the internal struggles of the European administration were infused with the Europeanised viewpoint of the business community, which sought to direct its time-scales and rhythm.

The central place of commercial issues in the new bureaucracy of course facilitated the essentially mercantile orientation of the Treaty of Rome, which limited the political prerogatives of the new civil servants. At the administrative level, this attention to the views of the business community was also driven by the recruitment of a large number of officials who had trained as economists and/or had worked in business.

But the important place given to industry viewpoints in the work of the administration is also inseparable from the work of legitimation that officials had constantly to undertake in relation to both the business world and the national governments. It was crucial for them to have the European level recognised as the place where fundamental things now happened in terms of industrial and agricultural policy. This approach was also largely grounded in the continual production of legal norms fostering the gradual development of European competition law and the constitution of what some commentators have called a “European legal capital” (Vauchez 2007).

Publicising court decisions and preserving a “monopoly of relations with business associations”

Throughout the 1970s Commission officials worked in consultation with jurists to develop a set of rules that would facilitate the harmonisation of trade regulations in Europe. As Julie Bailleux notes in her study on the jurists of the national executives, the important work carried out under the radar by these legal advisers in the production of European law has too often remained obscure (Bailleux 2013). By producing new regulations and a new doctrine that could be implemented in different economic sectors, the emergence of European law turned both the Court of Justice and the Commission into important sites of decision-making for the different fractions of the European business community.

To gauge the importance of this we need only consider the decisions of the Court of Justice in the period 1960–1980 in relation to competition law, and particularly in the 1970s, during which the Court heard countless competition-related cases. Whenever the Commission was attacked by firms, it was systematically defended by officials from its legal department, with assistance from academics.³⁰ These legal staff acted as the Commission’s lawyers and helped to establish the economic DGs (particularly the DG Competition) as key interlocutors on market regulation. In this process the European Court of Justice acted as the body implementing treaties and often supported the officials, whose

action was moreover convergent with the work of the judges themselves (Vauchez 2007). According to François Denord and Antoine Schwartz, one of these decisions, the Dassonville judgment of 11 July 1974, was an initial “formidable legal weapon against interventionism on the part of member states” (2009: 81). Regarding customs rules imposed by member states as obstacles to trade, this judgment opened the way to more decisive intervention by Commission officials to supervise markets. Of course in the first instance such judgments established the power of the European Court of Justice as a juridical institution. But for the business world they also systematically placed EEC officials at the centre of the field of the Eurocracy. These civil servants became the last resort of businesses before they embarked on a costly legal process of uncertain outcome.³¹

This was particularly true after the Cassis de Dijon judgment of February 1979, which asserts the primacy of the free circulation of goods over other legal considerations. Until this judgment the DG Internal Market had either launched crackdowns followed by press conferences targeting those countries most at fault or lumped all infractions together so that they could be dealt with at once. The Cassis judgment brought about a sudden change.³² It broke with the doctrine of the 1960s, which had sought solely to establish a “European” standard for each product by defining, for example, what constituted “Euro-honey” or “Euro-chocolate”. The Cassis judgment required businesses and member states to produce an argument opposing the commercialisation of a product from another member state. As described by Alfonso Matteredra, then division head at the DG Internal Market, the importance of this decision lay not so much in its legal content (there had been earlier, similar decisions) as in the large amount of publicity it generated and which was directed at the business community. On 29 February 1980 an explanatory note on the judgment was immediately written and sent out to all departments and to employers:

[After the Cassis judgment] a member state cannot ban a product legally sold in another member state unless it can prove, in each specific case, that the regulation adopted is “necessary”, in other words “proportionate” in terms of the means used to pursue an “imperative requirement” notably relating to the protection of public health, the environment, the consumer, etc. ... Over the following months I wrote the “interpretative note” requested by M. Davignon.³³ It was sent internally to our departments in order to stimulate debate. This note, dated 29 February 1980, was received with some hostility – which I expected – by the departments responsible for harmonisation. These departments were afraid that the proposed new approach would relegate the instrument of harmonisation to a secondary role. I responded that, on the contrary, this approach would further promote that instrument. The note was “leaked” to the food industry. There was talk of a record distribution of 15,000 copies. As a follow-up to this note and the meetings that followed it, I wrote an “interpretative communication concerning the consequences of the Cassis de Dijon judgment” which went on to be widely distributed.³⁴

This publicity around the 1979 judgment showed the business world that any new European regulations could now have effects on their production processes. What happened at the European level could fundamentally transform both the context of direct commercial competition to which a business was exposed and the nature of its competitors (no longer solely national) and could also potentially rule out certain manufacturing methods (suddenly described as dangerous or not conforming to the regulations). After the Cassis judgment, the officials of the DG Internal Market signified to businesses the need to organise to defend their production methods. They strove to prevent businesses opposing protective standards that might threaten their survival, encouraging them instead to muster a critical mass that would enable them to withstand the opening up of the market. They also sought to eliminate industries regarded as definitively unprofitable and sustained by national or European subsidies in order to establish a “new international division of labour” (Defraigne 2007: 61).

The war against subsidies had begun in the 1970s and hit some national industries head-on.³⁵ Representatives of business interests tried to find support among different institutions and to get round the Commission by appealing to the Council or the governments of member states. In this context the creation of a European Economic and Social Council, planned since 1957, and recurrent projects to create forums for professional representation at the European level (such as the Standing Committee on Employment founded in 1970) and even the emergence of a European parliament (for which it was decided in 1976 to hold elections, the first taking place in 1979) could have challenged the dominance of the officials of the Commission.

Yet, despite this proliferation of potential interlocutors, Commission officials managed to retain their central role for the business communities. There are several reasons for this, starting with the crucial importance of the expansion of the European civil service. On 1 May 1974, there were already 18,000 officials working for the European communities in Brussels (Martens 1979: 485). Having multiplied the numbers of its civil servants tenfold in twelve years, this ever-expanding administration played an increasing role in developing a European market. Commission officials were also able to maintain “the monopoly of relations with the trade organisations” of the business world. We can see this in the following note from Henri Étienne (chief adviser to the European Commission) to Émile Noël, Secretary General of the Commission, in January 1971:

A new evolution has been taking shape for several months in the sense that the trade organisations are speaking directly to the Council. The creation of the Standing Committee on Employment is the most striking manifestation of this. I note in addition that many trade organisations that are abreast of European procedures send memoranda concerning proposals before the Council directly to the Council. ... I think it is in the Commission’s interests to retain the monopoly of relations with the trade organisations as far as possible and to remain the organ of liaison with those organisations, also from the postal point of view. ... In other words, the aim would be to retain a few

criteria of “receivability” for a communication to the Council for information, this communication being assessed on a case by case basis in the light of its opportuneness.³⁶

The circulation of data from the business associations and trades unions was now scrutinised and filtered. The pursuit of a policy of “reducing obstacles” to trade (as set out by the Treaty of Rome) and the establishment of the Commission’s role obliged potential opponents to organise at a supranational level to counter particular projects for European regulation. The result was the formation of a virtuous circle for the Commission. While, in the 1960s, the Commission had needed to provide the impetus for convergence between the national business groups, the 1970s saw an acceleration in the formation of European associations as plans for the Internal Market took shape and the goad of sector-by-sector regulation encouraged businesses to join forces.

Rather than the spontaneous organisation of the business world, what history primarily reveals are the intimate links between the EU bureaucracy and the early European business associations. The establishment of a European administration could not have happened without the construction of routine, long-term relations with business. In the early years of the Commission, these relations enabled the gathering and use of commercial data. They facilitated the constitution of the technically based bureaucratic capital essential to the institutional survival of the new administration. They also enabled the Commission to legitimate its intervention in industrial policy in the eyes of the national administrations.

The Commission’s officials were able to make the business world pay the minimal price of combining different commercial positions into one. They obliged the different sectors to coalesce and formulate their positions in the multinational form appropriate to the needs of the new Brussels bureaucracy. As shown by this historical progression, there was no single divide with businesses operating in a market on one side and, on the other, a bureaucracy influencing that market from a distance. In reality there was a whole continuum of social relations between the commercial sphere, the different modes of business representation and the bureaucracy.

Business is not separate from the administrative and juridical fields and, as Pierre Bourdieu writes, “the economic field is, more than any other, inhabited by the state, which contributes at every moment to its existence and persistence, and also to the structure of the relations of force that characterise it” (Bourdieu 2005: 24). There is no European market without competition law, the development of European production standards and so on. Conversely, the imposition of these European juridical standards required a sustained effort to interest the business communities in what was happening in Brussels. It is this continuity of social relations between the administration, interest groups and businesses that we must understand if we are to go beyond media images and myths of lobbying. What is called “lobbying” is simply a moment in the unbroken relations between the business world and a bureaucracy that constantly structures markets.

Notes

- 1 A DG is the highest echelon of the administration. A DG has several departments, known as “units”, each of which has several offices.
- 2 Jean Durieux was born in 1924 and was a civil servant of the Belgian government and then of the Commission. After a degree in economic science, he got his first job at the Belgian External Trade Office before joining the office of the Belgian Minister for Economic Affairs in 1958. At the request of the Belgian Commissioner Jean Rey, he was appointed to the DG Internal Market. Head of the industry division in 1958, he was on secondment for a time before returning to the Commission in 1960–1961. After further secondment he returned to the Commission as division head and then assistant director general at the DG Development. In 1976 he was appointed EEC spokesman at the conference for international economic cooperation (CCEI), and then Commission representative at UNCTAD. He was appointed honorary director general in 1990 and died in 2005.
- 3 Official biography source HAEU (Historical Archives of the European Union).
- 4 Fonds BAC 144 1992 644: Note by Jean Durieux entitled “Exposé du président” (of the working groups) addressed to the Commissioner François-Xavier Ortoli, second trimester 1961.
- 5 Jean Degimbe is a Belgian national born in 1927. After an education that included a period at the Jesuit faculty of Namur and the Catholic University in Leuven, he took a doctorate in Belgian law. Principal private secretary to Roger Reynaud at the ECSC (1958), Jean Degimbe became chief adviser to the office of Raymond Barre in 1967 when the executives were merged. He then joined the office of Commission President Ortoli, where he was responsible for energy, industry and competition (1973–1976). From 1977 to 1992 he was Director General of Social Affairs.
- 6 Source: HAEU official biography.
- 7 Interview taken from the HAEU, December 2003.
- 8 HAEU. Interview with Jean Durieux by A. Legendre, March 2004. Source: www.eui.eu/Research/HistoricalArchivesOfEU/Index.aspx.
- 9 HAEU. Interview with Paolo Clarotti in November 2003 by E. Bussière and G. Lavezzi.
- 10 Fonds BAC 144 1992 644: note by Jean Durieux, 17 May 1961.
- 11 For Bourdieu “technically based bureaucratic capital” contrasts with purely “experience-based bureaucratic capital” and refers to “formalised”, “rational” processes such as “statistical enquiry”, making it possible “to assess the costs and effects of a measure”.
- 12 Text of Statement by Paul G. Hoffman on European Economy, 31 October 1949. P. G. Hoffman Papers, Economic Cooperation Administration File. Speeches and Statements-Paul G. Hoffman, 1948–1952.
- 13 This sixty-page document (NSC-68: National Security Council Report 68) of 14 April 1960 updates the positions to be adopted for containment and relations with the allied countries (Van der Pijl 1984: 182).
- 14 Robert Marjolin (1911–1986) was a senior French civil servant who studied at Yale in 1931 (on a Rockefeller bursary), after graduating in philosophy from the École pratique. He was linked to the Popular Front and worked at the Institut scientifique de recherches économiques et sociales. At the Liberation he became Jean Monnet’s assistant for the Plan. From 1958 to 1967 he was the European Commissioner with responsibility for economic issues.
- 15 HAEU. Interview with Jean Flory, December 2003, conducted by M.-T. Bitsch, E. Bussière and A. Legendre.
- 16 HAEU. Interview with Paolo Clarotti, op. cit.
- 17 Sicco Leendert Mansholt (1908–1995) was a Dutch politician from a family of farmers sympathetic to the Socialist movement (SDAP). He was a minister (1945–1958) before

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- being appointed European Commissioner for Agriculture (1958–1972). He later became the fourth president of the European Commission (1972–1973).
- 18 Fonds BAC 9/1967.36. DGA internal memo from Gilles Rencki to M. Berend Heringa, Agriculture Director General (undated, almost certainly April 1961).
- 19 Fonds BAC 9/1967.36. Minutes of the meeting of 16 May 1962 by Gilles Rencki.
- 20 Fonds BAC 13/1969 1.
- 21 Fonds BAC 13/1969 1. Exchange of letters around the intervention by the Commissioner for Agriculture and vice-president of the European Commission at the AGM of the CIAA on 10 March 1966.
- 22 Fonds BAC 13/1969 1: (1965–1967), Memo from Gilles Rencki to his Director General Labot.
- 23 Fonds BAC 13/1969 1: Letter from René Lange, president of the CIAA, addressed directly to the president of the Commission, 8 July 1966.
- 24 This was the blocking strategy initiated by the French government June 1965–January 1966 to protest against a reform of the CAP and the principle of unanimity.
- 25 Fonds BAC 13/1969 1. UNICE press release, summer 1965.
- 26 The Italian business association for heavy industry.
- 27 HAEU. Interview with Jean Durieux by A. Legendre, March 2004.
- 28 HAEU. Interview with Franz Froschmaier in January 2004 by M. Dumoulin and J. Cailleau.
- 29 Communities’ report for the year 1961 (source: DORIE).
- 30 See for example the judgment of the European Court of 14 December 1962, for which the Commission was represented by Hubert Ehring acting as agent, assisted by Professor Ernst Steindorff, or the Court judgment of 15 March 1967, for which the Commission was represented by J. Thiesing, G. Le Tallec and R. C. Fischer “acting as agents”, etc.
- 31 HAEU. Interview with Antonino Abate and Rolf Waegenbaur (lawyers at the European Court of Justice from 1962) conducted by Sigfrido Ramirez and Marc Fallon in Brussels on 28 October 2011.
- 32 HAEU. Contribution to the EC oral history programme by Alfonso Mattera, published in 2014.
- 33 Étienne Davignon was born into a family of Belgian industrialists and a member of the Bilderberg group. He was Commissioner for Industrial Affairs and the Internal Market 1981–1985. He went on to several posts on different boards of directors (including Société Générale de Belgique and BASF). But at this point in his career he was primarily seen as an interlocutor very favourable to “business Europe”. While he was in post several DG working on economic issues were reorganised in order to create a “one-stop shop” for industrialists. The officials working alongside him were also encouraged to develop links between businesses in the accession countries and the new European administration.
- 34 *Idem*.
- 35 HAEU, Interview with Jean Flory in December 2003, op. cit.
- 36 Archives of the Commission. DORIE 0132447–00. Note by Henri Etienne, chief adviser to M. Noël, general secretariat, 7 January 1971.

2 1970–2010

How Brussels became crucial to the private sector

To meet its needs, the Commission secreted a specific form of business representation suited to its own functioning. It encouraged the creation of organisations giving voice to the business world in a “Europeanised” form. This link proved lasting and was not confined to the early years of the new administration. If we examine the functioning of these business associations in the 1970s, it is easy to see that by and large they still conform to the normative ambitions of the Commission.

The multinational European business associations resemble confederations of national business associations. In their internal deliberation processes, they function like miniature European councils of ministers, involving industrialists from the different countries. They are organised by sector and highly specialised; at the Commission’s request they produce reports on manufacturing methods for certain products and even on the way that some of their components should be standardised.

How can we explain this organisation of business representation in the image of the Commission’s requirements, and the survival of the associations through major institutional changes and economic fluctuations? We would hypothesise that, as Brussels became recognised as a site of power over markets, so direct access to officials became a key issue for companies in the different member states (Gardner 1991; Georges 1996).

Knowledge of the European administration had ceased to matter solely to officials and a handful of jurists specialising in European issues. Understanding what happened in the European Commission had become directly useful to business, leading to the gradual formation of a market in business representation. A group of professionals were able to promote their grasp of the mysteries of the administration and sell this specific knowledge to businesses. More and more companies began directly paying representatives to engage with the European institutions on a permanent basis (the cigarette producer Philip Morris opened an office in 1972). Consultancies emerged, notably through the intermediary of certain agents contracted to work for the Commission, who then sold their contacts lists when they set up their own business or went freelance (particularly in the 1980s and 1990s). The constitution of a permanent group of business representatives on the institutional fringes and the proliferation of different

organisations (business associations, think tanks, chambers of commerce) reflect the new potential for selling bureaucratic capital to companies. Knowledge of the European administration became the key asset in a market for business representation at the European level.

Business representation mirroring EEC institutions

As identified in the directories regularly published by the Commission, the numbers of European business associations rose steadily. The 284 of 1973 had become 484 by 1980. In the 1970s many international organisations became explicitly “European” or “Community”. Stronger internal organisation is reflected in changes of name as “liaison offices” and “working groups” give way to “confederations” and “federations”. This was true for example of the Groupe d’études des tanneurs et mégissiers de la CEE (EEC Tanners Study Group) which became COTANCE (Confédération des tanneurs de la CE (EC Tanners Confederation)). The acronyms also became pronounceable, indicating a clearer orientation towards the (limited) public sphere of those in dialogue with EEC institutions. Even associations that had been artificially created to meet the needs of the GATT were gradually accepted and adopted by industrialists. In a configuration where Brussels became an increasingly visible site of power over markets, involvement in an organisation engaging with issues relating to the formation of a common market became more meaningful and could even provide a return on investments when the member states gave this new regulatory system a monopoly in some areas.

From informal groupings to European confederations

The first associations on a truly European scale gradually detached themselves from Belgian national associations and international confederations. They set up shop in what was to become the “European quarter” of Brussels or in the adjacent city centre and proclaimed to the Commission their capacity to speak for the sector associations of several countries.

By the end of the 1970s European associations composed solely of national federations from the six founding countries were in the minority (less than 12 per cent). Associations involving the national associations of the UK, Denmark, Ireland, Sweden, Norway, Austria and even Spain first appeared in 1973, before these countries had become members or, in some cases, even applied for membership of the EEC. We should note that for Spanish industrialists, the move to join European organisations began under Franco.¹

There were two main reasons why the European associations gradually expanded to include more nationalities. On the one hand, it was in the interests of businesses in candidate countries to anticipate their country’s membership as far as possible in order to ensure that increased market harmonisation would not be detrimental to them. On the other hand, the ability of the European organisations to boast a large number of nationalities gave them greater legitimacy in

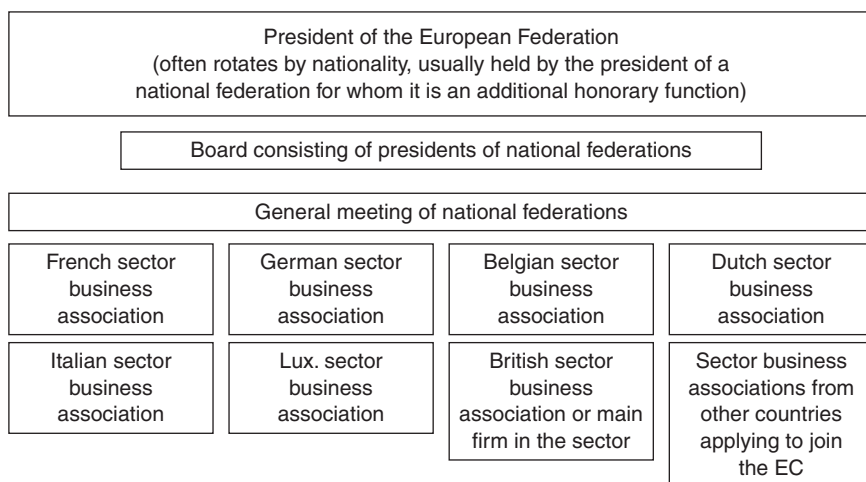


Figure 2.1 Typical organisation of a European business association in the 1970s.

their dialogue with EEC officials, who wanted the business community to provide them with positions that would be supported as widely as possible.

Alongside this requirement to adopt multinational representation, the other particularity of the new European associations was their high degree of specialisation. As the Commission's offices became increasingly distinct and regulatory procedures extended to cover an ever-growing number of industrial applications, the European showcases of the business world also became specialised.

To put it simply, if the European Commission was seeking to establish manufacturing requirements for washing machines across Europe, companies that manufactured washing machines (but generally also made other things) would be very likely to encourage their national associations to join forces in an ad hoc European association for the sector. As described by Franck Jones (representative of the business association ORGALIME in the late 1970s), European regulations affecting individual products, and indeed individual components of a product, thus drove the continual creation of ultra-specialised associations:

You were saying that many associations were set up for mini-sectors when the Commission started engaging with very specific issues. Do you mean that from the 1970s it was partly the Commission's agenda that engendered associations?

That's right. ... Generally speaking there were national associations but they weren't very active in Brussels, so they would come to Brussels saying, "We need help because there's a measure that's going to affect us." ... Generally speaking, the sector association would be set up for European standardisation, because a particular "doofer" directive had been created. The first directive in our sector was the low tension directive in 1973. ...

When there's a standard that impacts, say machine tools, the machines sector has to get organised, because machine tools aren't the same as a pump, which isn't the same as a valve, which isn't the same as a compressor, they're all different machines.

(Interview conducted at the association's Brussels headquarters, 28 September 2011)

National business associations were obliged to join as many specialist European associations as necessary in order to have their interests represented to the various offices of the Commission. In the second half of the 1970s the constant creation of European associations reflecting Commission requirements raised the issue of the costs associated with joining them. In the 1980s the large German mechanical engineering association VDMA (Verein Deutscher Maschinenbau-Anstalten) was paying for the privilege of membership of nearly twenty-one European associations and participation in their working groups.

Of course multiple memberships of this kind came at a price and not all the national business associations could afford them. To this we should add historical differences of concentration in the national markets (a market shows uneven concentration across the different member countries, meaning that forms of business representation vary from one country to the next). The coalition of interests at the European level was highly dependent on the initial fragmentation of the business associations in each member state. The development of business representation in Brussels gradually created its own political filter. Not all entrepreneurs had the necessary means or saw the use of full participation in the various hyper-specialist European associations. To reduce their membership costs, the element of the business community that was most engaged with Brussels encouraged the creation of so-called "umbrella" organisations that could provide more general sector representation to the Commission, rather than focusing on different products. This was notably true in the chemicals sector, where the many commercial uses of substances produced by a small number of companies were subject to endless regulation.

Birth of the CEFIC: guaranteeing a critical mass for the chemicals lobby

Founded in 1972, the CEFIC is the archetypal European umbrella organisation. It lobbies on behalf of the chemicals industry as a whole, but also has many sub-associations known as sector groups, which focus on product families. So the CEFIC acts as the "mother association", speaking for the entire chemicals sector on certain issues. As summed up in an interview by Arno Van de Mann, director of communications for EUROCHLOR,² a federation linked to the CEFIC, it enables producers in each of the product-based sub-associations to benefit from economies of scale by providing "meeting rooms", "a single IT and phone network" and "a communications and legal affairs department" (interview conducted on 28 October 2010 at the federation's Brussels headquarters, which are also those of the CEFIC).

The CEFIC also has its own cross-sector expert toxicology unit (ECETOC: European centre for ecotoxicology and toxicology of chemicals), which ensures compliance with directives by providing information to all the chemicals sector groups and to other industries. This early economy of scale in chemicals industry representation owes a great deal to the sector's concentration and the particular history of the "three chemicals companies – BASF, Bayer and Hoechst – that dominate the sector in Europe and across the world" and which have, as Hervé Joly notes (1994: 52), "long been free of the influence of their founding families". But it also relates to the practicalities of representing business interests to the Commission, concentrating knowledge of the European administration within a single organisation and creating ad hoc sub-groups when a draft directive affects a particular product.

In the 1970s such economies of scale facilitated the recruitment of more and better qualified staff. Today there are many umbrella organisations in other sectors besides chemicals, notably metals with Eurométaux and IMA (Industrial Minerals Association) Europe, which has functioned as an umbrella since 1993. It has eleven employees in eleven different associations representing the very disparate interests of the producers of industrial minerals (carbonates, talc, clay and others). From the directories alone it is impossible to tell that these eleven groups with the same address are in fact a single entity in terms of the organisation of work.

Permanent lobbyists and Commission officials

The establishment of European associations encouraged the development of specialist staff, different from the "Brussels lawyers" who had hitherto acted as occasional mouthpieces in dialogue with the EU institutions. The new professional representatives were also different from the staff of the national business associations. In the 1970s the vast majority (over 95 per cent) of European associations had permanent staff to manage their day-to-day operations.³ These people were increasingly unlikely to be Belgian or French and more often recruited to meet the specific needs of business representation. They were in contact with Commission officials and guaranteed the progressive accumulation of bureaucratic capital on the business side. Location in Brussels gave these specialised staff a knowledge of European administration that most national companies did not have.

Like the national business associations, the European associations comprised both elected representatives (chairs and members of executive committees appointed by their peers) and administrative staff (employees). But the comparative importance of the latter in relation to the former was far greater than in the state apparatus at national level. In the MEDEF and other national groupings, the chair and members of the executive committee were often involved almost daily in the political representation of their organisation to "their" governments. In Brussels, however, the presidents of European associations were



Figure 2.2 IMA Europe: one letterbox, eleven federations.

Source: photo Sylvain Laurens, 2009.

not generally resident and visited only occasionally to meet commissioners and top civil servants. In the 1970s the real repositories of knowledge concerning the workings of European administration were the association staff and notably their managers (who often held the title of general secretary or director general). In 1986 52.8 per cent of staff employed by the European associations had been in post since 1980.⁴ Indeed six association secretaries (as opposed to one president) had been in post without interruption since 1960. This stability in the staffing of European business associations contrasts with the constant rotation of presidents

and vice-presidents in the same organisations. At this time few companies had an office in Brussels.

So it was through business association staff that the Commission’s unit heads and desk officers were able to establish routine dialogue with the business world. On some dossiers association staff were able to synthesise the different views in their sector into a single position. They could then guarantee to Commission officials that this position would be approved by the sector, since it had been accepted by the association of organisations from the different member states.

Commission officials seeking to close a dossier quickly and to advance their careers (in the same DG or another of higher status) always have an interest in ensuring that their draft regulations do not encounter major obstacles in the Council of Ministers. As described by a civil servant employed in the DG Internal Market in the 1970s, to draft a directive it was necessary to be aware of possible areas of opposition and “the feeling among member states”:

I haven’t told you how we work to establish a legislative proposal and to get it accepted. First you have to go over the ground to see what’s there and to solve certain problems. ... You have to have a good grasp of the situation, of the sources, you have to have an idea of the scale of the expected evolution of those sources, their geographical spread, their importance in each member state, to get a feeling of what each member state – which has to give its consent to the proposal – might have in terms of a more or less favourable or more or less negative view. ... You send out initial ideas, the initial outlines of what we want to do. After that you start to write a first draft, which you again discuss with experts. ... We discuss it inside the DG, in the departments, with the people we work with. ... Then the proposal

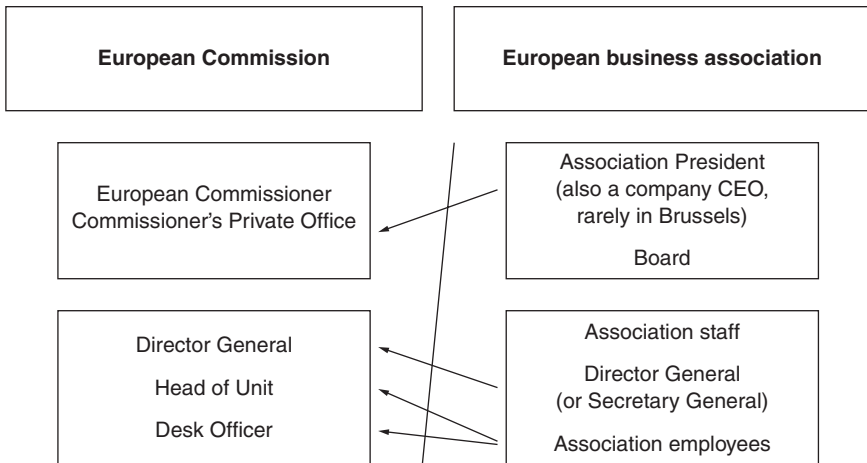


Figure 2.3 Typical organisation of a European business association and its hierarchical symmetry with the Commission.

takes shape and is submitted to the office of the relevant Commissioner, to the internal procedures of the Commission so a decision can be taken, so the formal proposal can be made. Then it goes simultaneously to both the Council and the Assembly – now the European Parliament – to the Economic and Social Committee, ... and then the procedure starts again in the Council. ... Each time the person in charge of the proposal in the DG has to present and support it. ... And each time the entire proposal is dissected, piece by piece, every word. You go on talking until a fairly clear view emerges of what might be acceptable to all the member states, or not. It's a process that can take years.⁵

Given this long gestation for regulations, the platforms provided by the European business associations were particularly valuable for Commission officials because they provided the viewpoints of industry representatives from each member state. The permanent staff of the associations could provide officials with syntheses that were very useful to the work of administration. These affinities between the syntheses produced within associations and the working processes of bureaucrats ensured an important role to the new permanent business representatives of the 1970s, which they subsequently retained. Most of the time exchanges at this level were enough. But sometimes, when Brussels-based staff struggled to promote their point of view to the Commission and it became necessary to turn to more direct, “political” forms of address, the presidents of the European business associations (usually CEOs) would be called in. Similarly, on the Commission side, the routine, everyday relations between middle ranking officials and Brussels-based lobbyists could, when necessary, be supplemented by more direct consultation. This explains the proliferation of European CEO round tables in the 1980s.

The European Round Table and CEO round tables: supplementing sector associations

The mode of representation through business associations, which gives a major role to association staff, did not become established without difficulty. It regularly came under threat throughout the 1980s, notably because it posed a problem to some heads of companies from the new member states. These individuals were often confined to a brief period as vice-president of a business association and sometimes felt they had only very indirect influence over the European decision-making process. To prevent business leaders from seeking to bypass the Commission by speaking directly to their own governments, the officials of the DG Internal Market established other, parallel modes of lobbying for employers, notably CEO round tables, intended as a means of systematically identifying any opposition which might impede the internal discussions of the European associations. As noted by Fernand Braun (assistant director general of the DG Industrial Affairs 1971–1972),⁶ the primary aim was to have draft regulations directly endorsed by the largest businesses in the relevant sector by inviting them to reach agreement between themselves “to oblige them almost to force the governments to follow

suit, so there could be no opposition for a government to refer to within its industry”.⁷ This method was given particular impetus by the arrival of Commissioner Étienne Davignon in 1977. It did not abolish the more corporatist relations that Commission officials maintained with the European associations – for example, Davignon relied on EUROFER to regulate iron production in Europe in the same period.⁸ In the early 1980s the DG Internal Market continued to provide large subsidies to the associations.⁹ Meanwhile specialist round tables of entrepreneurs, notably in the emerging field of IT, were tasked with finding common technical solutions at the European level.

Seen in this light, the creation of the European Round Table (ERT) was certainly not a spontaneous initiative by businesses in response to the Community project. Often presented in reports as an all-powerful lobby influencing the Commission from the outside, this European industrialists’ club founded in 1983 with backing from Étienne Davignon and François-Xavier Ortoli was an attempt by the Commission to give the CEOs of major European groups a voice that would be attuned to the aims of the DG Internal Market in accelerating the construction of the single market (Pageaut 2010). In getting the CEOs of Shell, Olivetti, Philips, Saint-Gobain, Volvo, Nestlé, Bosch and Siemens around a table, the club sought to make an impact by gathering prestigious industrial names under a European banner. But a quick sociography of the leaders involved in the ERT clearly shows the type of industrialist that this new club was most keen to represent and to link to the Commission. Of the sixteen CEOs present at the first ERT meeting, six were representing companies in new member states or countries external to the European Commission. This new “European” outlet for the business voice drew on existing business associations and companies seeking direct representation at the European level. For example, Fiat CEO Umberto Agnelli was already president of his sector’s association (The Committee of Common Market Motor Manufacturers), while John Harvey Jones, CEO of British chemicals company ICI, was then vice-president of the CEFIC and became its president in 1984. FIAT, ICI, Shell and Olivetti, whose CEOs were involved in the ERT, also already had offices in Brussels.

The existence of this club made no difference to the need for sector organisation at the European level for industries seeking routine representation.¹⁰ However, it did act as a safety valve, enabling the more direct communication, at a more political level, of the ambitions of both companies and the Commission’s different DGs on business issues.

Beneath the benevolent eye of Commission officials, and sometimes at their behest, the business representatives adopted a specific form of organisation within the increasingly autonomous field of the Eurocracy. A group of professionals now occupied a particular position on the fringes of this new bureaucracy. Although they were not officials, they presented themselves as auxiliaries to the work of the administration and gained a degree of legitimacy from their capacity to provide Commission’s agents with turnkey common positions that would be acceptable to most of the member states. These supernumeraries of the European bureaucracy established themselves as increasingly necessary intermediaries for those seeking access to the key actors of the European decision-making process.

The explosion of lobbying with the Single European Act: companies gain direct access to the Commission

Most historians of industrial policy agree that the second half of the 1980s was a time of major transformation in the European economies (Bussière *et al.* 2006). Two waves of mergers (first between national companies in the same sector, followed by cross-border mergers) fostered the emergence of firms that were much larger than any that were dependent on a single national market and which some economists have called “European champions”.¹¹ This was part of a movement of capitalist concentration that is not confined to the history of the construction of Europe.

However, these mergers were greatly encouraged by the behaviour of Commission officials, who, in the late 1980s, managed to promote a set of directives and regulations relating to the industrial and tertiary sectors that completed the mutual recognition of national standards. The approach reflected in the Cassis decision was continued by the Commission’s White Paper of 1985, the Single European Act of 1987 and the Single Market of 1992. Here again, while Jacques Delors is often named as the father of the Single European Act, this process crucially established the importance of European officials since, as political scientist David R. Cameron says, “most of the proposals ultimately included in the 1985 White Paper had been discussed and drafted in DG III, the Directorate-General in charge of the Internal Market” from 1981 (Drake 2000: 89). The possibility of adopting directives prepared by qualified majority speeded up the Council’s deliberations.¹² The Single European Act weakened the power of member states

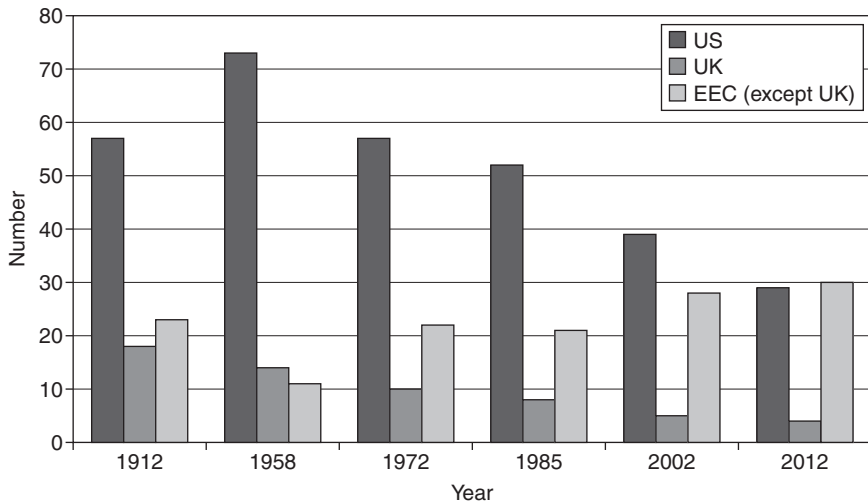


Figure 2.4 Countries of origin of top 100 firms in the world (1912–2002).

Sources: five early dates: Jean-Christophe Defraigne based on Fortune, 1958–2002. Final column added by the author based on Fortune 2012 (Global 100). Note that for 2012, the top 100 includes ten Chinese firms, twelve Japanese firms and a few firms from emerging countries.

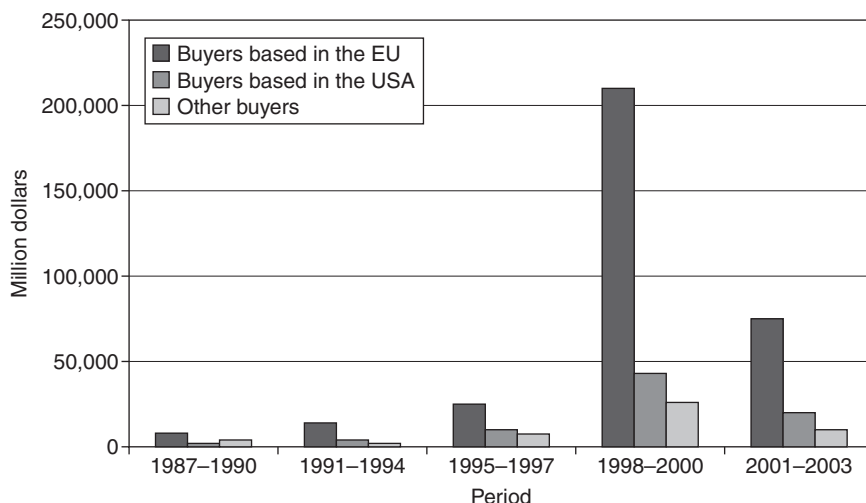


Figure 2.5 M&A targeting EU firms.

Source: J.-C. Defraigne based on *Économie européenne* 1990–2003.

and symmetrically strengthened the Commission's departments. Drawing on articles 85 (on agreements) and 86 (on the abuse of dominant positions) of the Treaty of Rome, officials from the DG Competition instigated many prosecutions in a bid to crack down on cartels.¹³ Brussels thus became a crucial arena for businesses operating on the European scale. As the administrative, legal and financial resources of European institutions became more of an issue for the new corporate giants, they directly sought the services of the few people who could give them access to the European administration.

The stranglehold of multinationals over Brussels-based associations

In the second half of the 1980s companies exerted an increasingly direct influence over the internal functioning of the European business associations. The Commission's directory for 1960 does not include any European association that accepts firms as members, whereas in the 2004 edition almost 30 per cent do accept such members.¹⁴ According to our own calculations based on a sample of eighty-three associations, in 2009 almost two-thirds of these associations allowed companies to join directly (Laurens 2013). This is an indirect consequence of the waves of mergers in the 1990s and first decade of the twenty-first century and of the central importance of Brussels-based representation for the new "European champions".

As the former national champions had often bought up competitors in other countries, they frequently began operating in several member states and so subscribed to several national business associations. Weary of paying out at several

different levels for no more than indirect representation in the European associations, these companies sought to break down the filter of representation by national business associations. They were particularly keen to do this because the European sector associations provided one of the few instruments of representation that already benefited from regular access to the Commission and staff who had been in post for many years.

In the pharmaceuticals sector the largest laboratories gradually took control of their association, the EFPIA, so that, as noted by A. Van den Hoven (2002: 216), “this federation reflects the interests of the large pharmaceutical companies rather than those of SMEs”. Van den Hoven continues, “Moreover it was the French companies Rhône Poulenc and Elf (Sanofi) that played a determining role in strengthening the influence of large companies in the EFPIA.” The CEFIC evolved in a similar direction in the chemicals sector. Again according to Van den Hoven (2002: 217), this organisation was initially composed of national associations, but:

the large companies in the sector wanted to extend their control in the 1980s. ... Under pressure from the large companies, in 1991 the CEFIC granted them the status of member with voting rights. As a result, the large companies in a sense have two votes and twice the representation in this organisation, as they can be supported by their national federations when votes are taken.

In these European associations internal power was increasingly granted to a board involving the CEOs of the main member companies. As noted by the president of AIM (European Brands Association) using himself as an example, the “big guys” sit on the board of the association as CEOs representing a firm, rather than as the presidents of national associations. As explained by Robert Pastor, British public affairs manager of AIM who has worked there for fifteen years, this evolution meant that the orientations of the European association, as established by the board, were directly influenced by company executives:

Our corporate members tend to be big guys. So the corporate members tend to be the larger multinational companies. We are a European association so, although our companies members may act globally we mostly look at the ... certainly at needs to do with law that are European only – European Union – and we do some coordination work at the global level. [*Shows me the organisation chart*] Here for instance is our organisational structure, the board essentially being the authoritative body. Technically it’s the general assembly because this is Belgian law, but this is in effect the same body ...

But the companies that send people to be on the board, do they send their CEO or top managers?

If they want to be represented on the board, then we encourage those to be the European CEO level. The concept for the board is that they must be the decision taker so if they sit around in the board meeting and they say

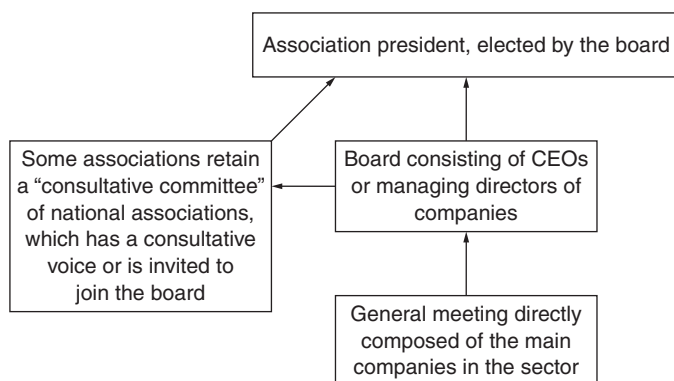


Figure 2.6 Typical structure of a business association in the 2000s.

“yes” to this there’s nobody else they have to go to get an agreement. ... Showing you our current board, the level they are, the titles vary a little bit depending on the general structure of the companies. But the general concept is CEO Europe at least.

(Interview conducted at the federation’s Brussels headquarters, 29 September 2011)

So, faced with the commercial implications of the Commission’s administrative and legal resources and to ensure an economy of means, the multinationals took direct control of the European business associations. While hitherto these organisations had “Europized”, in other words constructed a European position by making a synthesis of the positions of national associations, the largest European associations now began directly producing a synthesis of the positions of multinationals. In this type of organisation the national level often persists in a form that may have symbolic or practical use (“a lever for national lobbying” to use the Brussels terminology), but disappears as a level of routine activity and decision-making. The desired aims of managers from the sector’s main companies no longer have to be filtered by discussion in national business associations, but are relayed directly to the Commission.

Representatives required to produce results

In some sectors mergers also led to the absorption of sub-contractors and suppliers. European associations representing different segments then merged for reasons of economy. We can cite as examples the large groups of the dairy industry which, as they seldom produce anything but powdered or preserved milk, in 1995 pushed for the establishment of the European Dairy Association, which now represents the milk production industry as a whole. This absorption of former sub-contractors and formation of large groups in some commercial

sectors has implicitly brought European associations representing the lower and upper end of the same sector into competition. For example, the potato producers' association shares many members with the association of firms selling potato seedlings. As explained by Serge Demoulin (general secretary of the European federation of potato producers), repeated mergers mean that large groups like McCain often have to keep reassessing the value of supporting a particular association at the European level:

At company level the priority is always value for money. They want a return on the contributions they pay. Of course I'll give you an example. McCain is a big private company with businesses in Belgium, France, Poland, Holland, the UK and perhaps also in Spain. But in all these countries they have to pay for at least three levels. There's the national level. In the national level there are two levels: the sector and the national food federation. So that probably means two subscriptions. Then there's the European level. The national federations have to pay for the CIAA, but then it's entirely possible that there are even more organisations. For example, McCain is also a company that does potato seedlings, and in seedlings at the European level there's the ESA, the European Seeds Association, to which they may contribute. For the trade there's also Europatat (the potato traders' federation) because McCain also trades in potatoes. So you can imagine McCain paying at several levels. And in their eyes obviously they have to do that.

(Interview conducted at the federation's Brussels headquarters, 28 February 2011)

Without systematically reflecting every commercial development (a certain inertia can be observed in that regard), the internal organisation of the European associations has been influenced by the opening up of national markets and great waves of privatisation. This is notably true with the privatisation of the electricity sector which gave rise, among other things, to two types of operators when electricity producers and distributors became separate. Similarly members of the FESE, the federation of European securities exchanges (stock exchanges), are affected by the Commission's various directives in this area which now allow stock exchanges themselves to be quoted and even to be bought or to merge. According to Bahar Samim, secretary general of the FESE:¹⁵

In the 1970s, when this association was founded, the founding members of the association were not in direct competition with one another. They were just allies. They were people who were working in the same sector, they knew each other, they spoke each other's language, they liked hanging out together. ... Since 2000, the beginning of the 2000s and more and more in the last four or five years, the members of our association have actually entered into, have been forced to enter into direct competition with one another. ...

So you are just in the middle of a cold war between your members.

Yes. Exactly. Sometimes, on some issues, yes. ... But they do actually have some common interests. Because, for instance one of their common interests is that the environment in which they compete is a fair one. ... They're also fortunately very incentivised to cooperate with one another because these members also have an even bigger competitor in the outside world, not represented by our association, and that's the banks.

(Interview conducted in a café near the Berlaymont building on 29 September 2011)

The permanent staff of the European associations are now systematically subject to appraisals of their “performance”. Their specific knowledge and understanding of the administrative workings of the EEC has become a saleable asset for the representation of business interests. It is valued by firms who directly fund the associations and hope to receive significant commercial benefit from them.

So, for heavy industry and the service sector, the model that gradually became dominant from the 1990s, mirroring the Commission's ambitions in terms of concentration and privatisation, was that of a business association in which the centre of gravity was no longer simply the intersecting viewpoints of the national federations. The very large sector groups (some of which were formerly in the public sector) play a growing role here, being directly involved in the management of their association. They have taken the logic of cost rationalisation governing their own internal management and applied it to their European representation. This trend can also be seen at work in UNICE, with the creation in 1990 of the UASG (Advisory and Support Group for large firms), a group of companies that now inject money directly into the organisation.

The emergency organisation of “small trades”

The internationalisation of former national champions also had repercussions on the political representation of small businesses. This was notably true for some niche businesses and others acting as market intermediaries, which were then obliged to organise in the second half of the 1980s in response to successive directives and the corporate concentration they produced. We can see this in relation to certain retail trades, which began organising around exemptions adopted in the 1980s. These were regulations allowing for exemptions to free competition for some groups of trades and commercial activities regarded as specific.

Car dealerships formed a new federation to cope with the threat from the consolidation of motor manufacturing and the drafting of several regulations with potential impact on the market.

This is described by Pierre Defay, French secretary general of CECRA (the European Council for Motor Trades and Repairs):

In 1985 we had the first model of exemption for cars. I'll spare you the details but ... the car exemption was created for negotiations, relations between the car manufacturer and all the other stakeholders – parts, breakers, repairers

and so on. So then in the mid-1980s we had to negotiate directly with the Commission and the car manufacturers. ... In the end it was political, regulatory and market forces that stopped it being just a gentlemen's club – trades had to be defended properly. [What was happening in the Commission] meant it all became more professional, and then [the car dealers] created their own budget, they created an organisation with a general secretary and members that kept it going.

(Interview conducted in Brussels, in a café near the Berlaymont building on
16 March 2010)

A similar logic obliged the liberal professions to organise to protect the historic specificity of their titles. In an interview Tom Falner, director general of the ACE (Architects' Council of Europe), links the organisation's formation with the European agenda on architecture, and notably "the architect directives of 1987"¹⁶ (interview conducted on 25 January 2011 at the association's headquarters in Brussels). On a model comparable to that of the liberal professions, since the 1990s there has also been a growing number of associations in Brussels representing the interests of "small trades", which are dominated by SMEs. This is notably true of the EBC, the association founded in 1990 to represent construction companies, a sector in which "95 per cent of companies are micro-businesses", and which seeks to cover "all the trades like decorators, installers, technical, electronic and electrical equipment, sanitary equipment, heating and ventilation and so on" (interview conducted in French with Tomaso Palagio, Italian secretary general of the EBC, on 3 March 2011 at the association's Brussels headquarters).

The implementation of European public policy in the internal market created a risk that specific niche trades would disappear, and this led to the mobilisation of groups promoting the interests of these trades, which had hitherto had no real presence at the European level. But the representation of small artisans and small enterprises has always been fragile at both the international and European level. While the formation of the UEAPME (European Association of Craft, Small and Medium-sized Enterprises) in 1979 followed the breakaway of a working group from the international association of SMEs, relations between European officials and representatives of small employers (Milet 2011) long remained thin on the ground. These associations generally have fewer resources than the large organisations now steered by the main companies in their sector.

When companies take direct control of European business associations, this also influences the uses to which representatives can put their knowledge of the administration. We can easily assume that these developments are one of the many structural factors that prevent the emergence of a truly "social Europe".

***Everything but social dialogue: relations with the administration
focused on commercial issues***

In many countries private sector representation is split in two. On the one hand business associations guarantee that business community views are represented to the political and administrative decision-makers in charge of the overall

regulation of commercial issues. These organisations seek to ensure that new laws will not damage the development of profits, trade and “business”. On the other hand, employers’ associations focus on discussions with administrative departments dealing with issues of employment, employee unions and joint dialogue.

In France the MEDEF works on both aspects. It represents business interests to the government while also being in dialogue with the unions (Offerlé 2009). But for the reasons we have described, this model crystallising the very French term “patron” was not established in Brussels. The European employers’ organisations are almost exclusively business associations that direct their efforts towards those elements of the European administration concerned with financial issues, subsidies and commercial regulation.

In the 1980s, when Jacques Delors pushed for a new joint forum for dialogue (European Social Dialogue – ESD), it was never able to involve the European business associations, which were becoming directly run by companies. As noted by Streeck and Schmitter (1991), the multinational companies did all they could to prevent the “transfer of social policy from the national tripartite forums to Brussels”. And thirty years after the launch of the European Social Dialogue, fewer than fifteen business associations of the thousand or so that are active in Brussels have signed up to the joint discussion groups.¹⁷ When a sector is represented at the ESD it is usually represented by European associations of employers set up on an ad hoc basis with derisory budgets, scraping by in the shadow of their business association. To give only one example, the CEFIC has never taken a seat at the European Social Dialogue and the chemical industries are represented there by the ECEG, a poorly funded association with no recognition and limited prerogatives.¹⁸ Further evidence is provided by the statutes of this association, updated and lodged with the Belgian court in 2011, which state that

the activities of the association shall not involve the chemical industry in any commitments and will not give rise to European negotiations concerning questions relating to national collective agreements on labour, unless otherwise unanimously agreed by the members at the general meeting.¹⁹

This point is mentioned only too rarely in studies on the European Social Dialogue and justifications of the “Delors” sequence. The element of the business world that participates in discussions with European and national union representatives in Brussels is merely a fragile institutional showcase with no real mandate to commit the sector as a whole to negotiations with unions.

For the DG Internal market and DG Competition the priority was always implementation of the single market and no other dominant directorate general in the Commission wanted to generate conflict with the business world in order to modify that trend. The sole aim of the proximity to the European administration and grasp of its workings historically enjoyed by the business associations was to increase the profits of the companies that funded them; they have

never had a political role. The associations ensured their continued value by establishing themselves as a privileged point of access to the European institutions and promoting the bureaucratic capital they had accumulated over the years. And this was not only true of business associations alone. The fact that a market in the representation of interests gradually emerged in Brussels primarily reflects the emergence of intimate knowledge of the European administration as a resource that could be sold to the largest companies.

Selling access to a closed administrative world: the emergence of a market in the representation of business interests

In the course a few years knowledge of the workings of the Commission became central to a market in the representation of business interests to the European institutions. The continuous rise in the number of consultancies, legal firms, think tanks and local offices of the largest multinationals in Brussels no doubt reflects a similar process. Bearing in mind the ambitions of all these interest groups, we can understand these developments as an inexhaustible diversification of forms promoting the commercial value of bureaucratic capital.

European Quarter veterans who set up consultancies: trading in knowledge of the Commission

The 1990s were marked by the rise of consultancies and public affairs consultants (Lahusen 2002). This development can be explained in part by the global spread of a far more professionalised model of interest representation drawing heavily on the North American public relations canon (Ewen 1996; Miller and Dinan 2008). But it can also be explained by processes specific to the Eurocracy. The emergence of European champions seeking direct representation to the Commission created the conditions for the formation of a market in lobby advisers. Many advisers who had worked for the Commission ended up setting up their own consultancies and selling their knowledge of the administrative world. Within the consultancy field many of the new backroom boys were former journalists accredited by the Commission (such as the G-plus consultants). This group of professionals now sought to persuade the new “European champions” that knowledge of the mysteries of the European administration was key to promoting their interests. The ultimate aim of the lobbying entrepreneurs was usually to have their small consultancy bought by one of the larger companies in the sector (such as Fleishman-Hillard, APCO, Burson-Marsteller, Weber-Shandwick, Hill & Knowlton or Grayling & Brunswick), all of which are now represented in Brussels.

In this regard the career of John Houston, president of an association of lobbyists (the EPACA) is typical of many freelance lobbyists. After working as a journalist and then as an adviser to British politicians in the UK, he had a position at the Commission before setting up his own consultancy specialising in

finance. The company was ultimately bought by Kreab, a larger consultancy of which he became a partner. When we met him for an interview in 2010, Houston was also on the board of the British Chamber of Commerce in Brussels and president of Amcham EU (the American chamber of commerce of the EU):

When I was in the Commission I did work for the commissioner responsible for financial services. ... And then I found that job in Brussels that I mentioned, because a friend of mine was the owner of the company and approached me to open an office here in Brussels. It was not a big problem for me because I haven't got any children and my wife speaks French. ... So I worked for years for the Commission and I could help my clients to find political solutions to their problems. I could help different trade associations. ... When I started out as a consultant there was no known profession as a lobbyist. You didn't have university courses on lobbying and ... you could do political science, but if you did political science the nearest you came to it was perhaps having to read a bit about pressure groups. The concept of lobbying as a vocation was something that simply didn't exist. So it was really by accident that I ended up in this business. My original sense of vocation was to be a journalist. But a series of coincidences led me to this business and I enjoy it.

(Interview conducted at the Brussels headquarters of Kreab on 15 February 2010)²⁰

Knowledge of institutional workings and also the social capital accumulated during brief periods at the Commission were enough for these early consultants to set up in business. In so doing they added another layer to the relations that already existed between the business associations and Commission officials ("I could help different trade associations"). They acted as additional intermediaries facilitating the relations that already existed between officials and business association staff. Following the same logic, in the early years of the twenty-first century communications agencies sought to sell their services to the business associations.

Chambers of commerce: amplifying messages already conveyed to the Commission

Another facet of the marketing of administrative capital to multinational companies in the 1990s was the proliferation of chambers of commerce apparently organised along national lines: the British Chamber of Commerce, Swedish Chamber of Commerce, etc. Like the consultancies, the chambers of commerce were tools for achieving returns on the bureaucratic capital possessed by a handful of senior consultants who sought to promote their clients' position under different banners. They were often modelled on the archetype of Amcham EU, the organisation promoting the interests of American companies in Brussels.

Amcham EU: the lobby group of American firms ... and consultants

Amcham EU has no organic links with the American government. It grew out of the American Chamber of Commerce in Belgium, and more precisely its “common market” committee set up in the early 1960s, which broke away in 2003 to become an association under Belgian law on 1 January 2004.²¹ Amcham EU promotes the interests of nearly 140 companies with American parentage, in other words with their headquarters or a major part of their activity located in the United States). The core group of members comprises large international companies (known internally as “blue chip companies”) alongside smaller companies from the specific sectors of legal advice and public affairs. It is rarely noted that almost a third of Amcham EU’s members are consultancies and legal firms that join in order to represent their own clients.²² In 2008 the president and two vice-presidents of Amcham were shareholders of a consultancy or legal firm. Amcham EU is at once an institution enjoying wide recognition among Commission officials and a target for lobbying by many representatives of business interests. As it speaks to EU decision-makers in the name of all of American industry, it is a channel through which many consultants seek to publicise the positions of their clients.

The internal structure of Amcham EU comprises a board of CEOs and crucially an Executive Council, comprising the “Europe” executives of the member companies, tasked with holding meetings with European commissioners and heads of the directorates general. The Council meets in full session only once every six months.

For these chambers of commerce the issue of access to administrative officials is just as central as it is for the consultancies and it is also central to their lobbying efforts. According to the statutes governing their operation, chamber of commerce staff are generally responsible for making every effort necessary to:

encourage discussion and debate with officials of the EU institutions. This includes inviting representatives to speak at committee meetings and plenary meetings, the organisation of sector-specific luncheons, inviting targeted officials to speak at seminars and workshops, and organising delegation visits for its members.

(Amcham EU brochure, 2008: 7)

As described in an interview by Louise Van den Broeke, senior policy officer at Amcham EU, staff are often in a position to take on dossiers presented by more active members and to support strategies to amplify the messages conveyed by the larger companies who are not satisfied with their sector federation:

Our members are not only members of Amcham. They tend to be in a sector association and they also tend to have – I would say – a rather effective lobbying office because they are big companies ... So their strategy ... they mostly devise their strategy among themselves individually and then they

try to develop their position at sector level. This gives them more weight when they go to see their political interlocutors ... So they go to see this political interlocutor a third time with an association position that is horizontal and good, which is bound to give their position more credibility.

(Interview conducted in the federation's Brussels headquarters on 25 February 2009)

Clearly the chambers of commerce carry out a process of desingularisation by enabling their clients' positions to be promoted under the banner of much larger entities ("American" companies or companies "in favour of transatlantic dialogue" for those involved in self-styled think tanks). They extend the chains of legitimation by making the position of one or several of their clients appear as positions supported by the broader business world rather than by just one element of their sector. In so doing, they help maximise the chances that the arguments of some companies will be taken up within the administration, since officials on the Commission side receive the same position several times in several different forms.

In a field of Eurocracy that endlessly values an understanding of its institutional mysteries, the proliferation of these intermediaries only serves to establish the centrality of bureaucratic capital in lobbying strategies. It reinforces the Commission's dominance by increasing its role as the place that must be targeted for successful and "effective" lobbying. This explains why the more classic European business associations still have a role in the landscape of interest representation amid the proliferation of actors in the European quarter.

A race to promote bureaucratic capital that favours "historic" business associations

The development of a market in business representation in Brussels is closely linked to the constant promotion of the value of knowledge of the administrative workings of the Commission. This explains why, despite the proliferation of channels through which the business world can address the Commission, the original associations still have a fundamental role in relaying messages. Their initial meshing with the needs of Brussels officials meant that everyday relationships were formed and renewed between staff of the oldest federations and the various desk officers in charge of the same dossier on the Commission side. As noted by Franck Jones, director general of ORGALIME, this phenomenon gets stronger as the permanent staff on either side grow older:

There are people who come and go, of course. But there are others who were unit heads, whom I knew well at the time, with whom we worked and who are now directors general. The good ones rise to the top and when you have a well-established personal relationship, you trust each other and you've established a working relationship, you keep it going. There are several directors general that I've seen that way...²³

The social capital accumulated within the different organisations and the affinities between the synthesising function performed within the federations and the procedures of Commission officials ensure the perpetuation of close ties between the federations and the European administration. Most business associations regularly invite Commission officials to participate in their internal meetings. In this way the association and its staff act as a platform for contacts between industrial producers and politico-administrative officials. Of course, as noted by McLaughlin and Jordan (1993: 25) and even Guéguen (2007), the European associations are now just one channel among many in the division of the work of political representation of the major groups (which also involves think tanks, foundations, consultants and so on). But we should bear in mind that no company (even if it has become a “European champion” enjoying something like a monopoly) can claim to speak for its entire sector. This leaves a significant role for the European sector associations in relation to the EU institutions, since they always propose positions that are a synthesis of the viewpoints of several companies. Philippe Bonvoisin, general secretary of a service sector association, explains:

With the Single European Act in 1986, the big companies came here because those two hundred directives on energy, the airmail sector and so on had to get produced. And there you had a real reduction in the importance of the associations, which became symbolic – they stopped being a common denominator, to the advantage and profit of the big companies. And the bigger we got the more companies there were and, at the same time, the more the specialist skills of the Commission – I’m not talking about the parliament, just the Commission – diminished. You see today you’ve got project managers and administrative staff but there are no specialist staff. They don’t recruit any – or very few. So they turn to the people on secondment and to national experts and there the role of the association starts to expand again, because an official doesn’t want to take on the twenty-seven national associations. So the power of the European business associations, which had really shrunk, starts growing again because the guy from the Commission ... I saw it this morning, we had a meeting with only twenty-one because the big companies [upstream of the sector he represents] come with five guys, for the others it’s one per sector. Because they’re not going to come with the German guy, the Romanian, or the room would burst. And this is true more and more. So in practice we turn up with a more or less tailored compromise. We do the work that the Commission is theoretically supposed to do. And then the Commission puts it all together like a jigsaw puzzle, and it designs the puzzle, but it no longer provides the pieces.

(Interview conducted in a restaurant in central Brussels on 26 October 2010)

Meanwhile a senior policy officer at the European Dairy Association notes that individual lobbying by member companies may still take place, but that the federation alone proposes turnkey consensual minimum positions to the

Commission, guaranteeing officials that “the European industry as a whole, or at least a large part of it is moving in that direction and that there will be very little counter lobbying at the national level if this synthesis is adopted”.

These everyday contacts mean that often a secretary general or (more rarely) an association president is invited to participate in one of the European Commission’s expert groups. According to recent assessments (Robert 2013: 192), companies are directly or indirectly represented in 28.5 per cent of these groups (as opposed to 16 per cent of NGOs). Their composition is determined by the administration and here too it is the permanent nature of contacts with a DG (rather than an MEP) that ultimately favours invitations to contribute to these expert groups. This was notably true for the director general of FEFAC (the European Feed Manufacturers’ Federation). His federation works directly with four DGs (“Agri” aka Agriculture, Internal Market, Fishing and “Sanco” aka Health and Consumers), and the European Food Safety Authority (EFSA). Regularly invited to the expert groups of the DG Sanco, Hans Petersen describes how the regulations now oblige European associations to produce turnkey normative guides for the entire sector in the name of “co-regulation”. His words peppered with acronyms indicate in themselves the state of near absorption by the European bureaucracy of the most established European associations in the Brussels landscape:

We are recognised as stakeholder partners by the EFSA but we are also in the stakeholder food chain of the DG Sanco and in some consultative committees of the DG Agri. The approach of the legislature to relations with stakeholders has changed significantly. ... In 2003 they introduced the principle of co-regulation, which gives a crucial regulatory role to the European organisations in some domains. The very nature of our organisations is changing. We have to take on new competencies and responsibilities because ultimately if we set up a regulatory committee, a guide or a project, it has to be solid. The Commission is also obliged to justify any new legislative action – it has to do an impact assessment and evaluate the economic impact of any new measure. So when you understand that, you have a better understanding of where most of the business associations are placed in relation to the institutional side because they are asked downstream for their opinion, their economic analysis and their figures. When the decision-making process is activated, you perhaps have what’s still commonly known as classic lobbying. ... But once the axe falls, if you like, we’re out of classic lobbying and into the phase of drawing up the legislation. The comitology starts and that’s when they turn to us, they ask the representatives to come before the committee to explain the whys and hows. So there we’re directly called in with the groups of experts from the member states.

(Interview conducted at the federation’s Brussels headquarters,
28 January 2011)

Like the committees of experts from different DGs, public consultations and even the evaluation committees, a federation like FEFAC is involved with

European bodies at many levels in both formulating and monitoring public policy, although we should view with caution the indigenous language that describes the association as “a simple partner” (lobbyists sit on these committees primarily to defend their clients’ interests). But what this interview indicates is the degree to which the rise of public policy evaluation creates more and more occasions when Commission officials must justify – with figures – the soundness of a particular measure. These many channels through which business associations are brought in to help meet the constraints binding Commission officials guarantee those federations a dominant place within the Eurocracy.

The structural advantage of European business associations over public interest NGOs

To qualify this image of relations between bureaucrats and lobbyists it is tempting to suggest the existence of counter-powers among representatives of the so-called “civil society”. NGOs have long been present in Brussels. The European environment information service set up in 1973 already had links to environmental organisations. At that time some EEC officials simultaneously held posts in the “third sector” (for example as honorary president of an organisation). For example, Margaret Brusasco-Mackenzie combined her work for the Commission with the role of vice-president of a large NGO (UNED UK).²⁴ In this area the 1990s marked a turning point when many NGOs became established in Brussels. They represented a new kind of actor in the already multi-layered fabric of the European quarter (Ralf 2009: 388).

But, unlike many of the business associations, these public interest organisations did not help to assert the institutional legitimacy of the Commission in its early days. They do not benefit from the historical closeness enjoyed by the business associations, which still provide a turnkey synthesis of the different industrial sectors of several member states. Crucially, they do not have resources to match those that can be mobilised by the largest European companies through different tools of representation.

Throughout the 1990s and 2000s the Commission has undoubtedly sought to integrate public interest organisations into the decision-making process by promoting “civil society” (Michel 2007b) and giving more weight to the representations of so-called infranational authorities (representations from regions, Länder and cities).²⁵ But a comparison of the funds invested and resources available immediately reveal an asymmetry. Greenpeace is indisputably the largest independent NGO in Brussels. In 2014 it had a budget of 3.8 million euros. Meanwhile the CEFIC has an annual budget of 40 million euros and can call directly on 160 technical experts on its staff and indirectly on the technical staff of its 550 member companies.

These differences in resources result in major disparities and limit the capacity of NGOs to meet the requirements of bureaucratic production. As observed by Thomas Ringmon, a French 31-year-old now working on a contract at the DG Cooperation having been employed for a while by an NGO, access is everything:

When I was working for the NGO on third world debt cancellation I spent my time seeing the same two or three ecologist MEPs who were willing to talk to me. But that's not where the decisions get made. I see that clearly now I'm working at the Commission. Lobbying at the European parliament – even when you have access to influential MEPs there isn't always much point, but if you have no access to the Commission and your only access is to the three Green MEPs who are willing to talk to you it has no effect at all!

(Interview conducted at a leisure club in the European quarter, March 2010)

The difference of access is particularly apparent if we compare the daily movements of representatives of business interests in the European quarter with those of public interest NGOs. The business association employees that we have followed usually either have a meeting arranged with an official from the Commission or will have the official call in at the association's headquarters (an inversion that is significant in itself). Unlike some NGO staff, they never operate on the basis of chance meetings in the corridors of the parliament (Ollion 2017). Indeed they often regard the parliament as a site of secondary lobbying.²⁶

Furthermore, the dominance of bureaucratic work in producing legislation makes it less important for the business world to mobilise in the parliamentary sphere. Business lobbyists prefer to exploit their proximity to the administration – a historical advantage that other interest groups do not enjoy. So the political representation of business interests is thus concentrated in Brussels, as close as possible to the core of the European decision-making system. This history means that business associations have many channels enabling them to engage with the activities of this closed administrative world, and the rare asset of access to officials is far more effective than other forms of political mobilisation. The interest in importing data provided by the business world into the work of officials is shared across the divide between the public and private spheres and creates a closed loop of social relations. It also structures and maintains the symmetry between the expectations of the different offices of the Commission and the resources, knowledge and skills that employers' organisations seek to exploit.

Lobbying could be seen as a unilateral effort to exert influence directed from the private to the public sphere. But adherence to terminologies of "influence" would lead us to lose sight of the fact that organisations representing business do not float weightlessly in the social world. Both their forms and often their own internal agendas are strongly determined by the very space they seek to influence. The promotion of private interests demands that business associations have a minimum of "on-board" bureaucratic capital. It requires them to place the expectations of the bureaucracy they court at the very heart of their work.

As a result, the knowledge of the administration that has been accumulated within the business associations, consultancies and chambers of commerce remains crucial for the business world. For the Commission holds the administrative, legal and sometimes financial levers that can influence competition between companies. Understanding the fundamental logic of "lobbying" requires

us to grasp the centrality of knowledge of the administration for economic actors. The establishment of the European administration required it to assert the legitimacy of its intervention in markets. At the end of this historical process, compliance with the Commission's normative expectations has become one of the surest means of access to the resources it produces.

Notes

- 1 In 1972 the industry-based movements declared themselves in favour of the construction of Europe in the interests of the Spanish economy. This view, which also implied a political position in favour of democracy (recognising the principles set out in the EC treaties), was tolerated by Franco's government when other pro-European movements were more controlled. HAEU. Interview with Carlos Ferrer Salat conducted in 1998 by P. Folguera.
- 2 After graduating in chemistry, Arno Van de Mann worked for the Flemish association of chemists and then for a large chemicals company based in Antwerp. He then worked for the Belgian chemicals industry federation before joining the communications office of Eurochlor in 2007.
- 3 The figures given here were obtained from the *Répertoire des organismes communs créés dans le cadre des Communautés européennes par les Associations industrielles, artisanales, commerciales et de service des six pays; associations de professions libérales; organisations syndicales de salariés et groupements de consommateurs*, a 690-page directory published by the Commission in 1973 listing the names and addresses of 284 European groupings, the names, roles and nationalities of 590 heads of these organisations and the names and addresses of 2209 member organisations (businesses and national business associations).
- 4 Unsurprisingly, the uppermost layers of these permanent staff are almost exclusively male (only 23 women as opposed to 463 men in 1986), as are the vice-presidents.
- 5 HAEU. Interview with Peter Stief-Tauch conducted by Christian Van de Velde in Brussels on 6 June 2011.
- 6 Fernand Braun is a citizen of Luxembourg. He worked as a journalist before joining the Commission in 1958 as principal private secretary to Michel Rasquin. He was appointed head of the Industry, Craft, Trade section of the Internal Market DG in 1962. In 1968 he became chief adviser to the DG III. In 1971–1972 he was appointed assistant director general at the DC Industrial, Scientific and Technological Affairs (source: HAEU official biography).
- 7 HAEU. Interview with Fernand Braun conducted by M. Dumoulin and J. Cailleau in December 2003.
- 8 HAEU. Interview with Jean-Louis Cadieux conducted by Laurent Warlouzet in Paris on 19 November 2010.
- 9 As noted by Ural Ayberk and François-Pierre Schenker (1998), “the Commission granted financial support amounting to 2,219,675 ecus between 1981 and 1987” to a series of European groupings, including 363,785 ecus to UNICE and 313,890 ecus to the European Association of Craft, Small and Medium-sized Enterprises (UEAPME).
- 10 We should also note that in 1986 the CEOs of a new entrant like the UK (and also countries that were not then members such as Switzerland and Sweden) were increasingly represented within sector associations. At this date we can note that 17 per cent of the presidents and vice-presidents of the European associations were already British, the second most represented nationality behind Germany and ahead of France.
- 11 Jean-Christophe Defraigne (2007: 72) notes that the “wave of mergers that preceded the constitution of the Single Market (1986–1992) primarily affected the chemical,

- car and mechanical construction industries, electronics and electrical products (including household appliances), and the rubber, plastics and paper industries”. In the late 1990s a second wave of mergers reinforced a process of intrasectorial concentration that had begun at the national level. Defraigne also states that “70% of mergers and acquisitions in the years 1990–2001 were intrasectorial and were more about gains in size than diversification”. See also Defraigne (2006).
- 12 HAEU. Interview with Michel Petite (a lawyer who became an administrator at the DG Internal Market in 1979) conducted by Éric Bussière in Paris on 24 November 2011.
 - 13 HAEU. Interview with Marco Piccarolo conducted by Éric Bussière, November 2011.
 - 14 The Directory of Trade and Professional Associations in the European Union, 2004, Europa Publications, Editions Delta, sixth edition.
 - 15 Bahar Samim is a Turkish national who, after studying political science, went on to work successively for the World Bank and the European Banking Federation before being hired by the FESE.
 - 16 The architect directive no. 85/384/CEE of 10 June 1985 came into force in 1987. It enabled architects who qualified in a member state to exercise their profession anywhere in the EC.
 - 17 EUROFER, Copa-cogeca, EuroCommerce, Eurogas, CEA, EBF, CEPI, etc. The insurance and banking sectors were involved from the launch of the European Social Dialogue through the head of their sector associations.
 - 18 See notably www.eceg.org/. When consulted in October 2013 the site had not been updated since April 2013 and the previous update had been in December 2012.
 - 19 Source: association statutes available at: www.ejustice.just.fgov.be/tsv/tsvf.htm.
 - 20 Interview conducted jointly with Marie-Ange Faintrenie.
 - 21 Amcham EU’s presentation brochure intended for elected representatives and decision-makers, November 2008.
 - 22 Their membership was made possible by article 6.3 of the statutes of Amcham EU, modified in 2005 and registered with the Belgian Commercial Court.
 - 23 Interview conducted at the federation’s Brussels headquarters on 28 September 2011.
 - 24 According to HAEU, interview with Ludwig Krämer conducted by Michel Carpentier (2010).
 - 25 The first representation was that of the city of Birmingham, opened in 1984. It was very soon followed by other local and regional authorities from Germany and the UK (Huyseune and Jans 2008).
 - 26 On this point see Chapter 5 of the present book.

3 Lobbying

Harnessing bureaucratic resources as a weapon for business

Taking house-building as an example, Pierre Bourdieu (2005: 66–76) suggests that only the largest operators (such as Bouygues) have the resources to adopt strategies that are at once quantitative (using the number of houses built), politico-administrative (influencing the rules of property law) and/or symbolic (such as using advertising to encourage consumer tastes to match their products). If we follow this argument, for these companies monopolising juridical capital and maintaining relationships with administrative officials are both necessary strategies if they are to maintain a dominant position in their commercial sector.

If we transpose this analysis to Brussels, it suggests that, for companies, funding a business association or using a consultancy are strategic means of using bureaucratic and juridical resources useful to commercial competition to their own advantage. In this light lobbying appears as an aspect of political representation that reveals underlying economic structures by making visible this dependency of business activity on the resources dispensed by administrations.

If we formulate things in this way, our analytic approach renders vain all attempts to separate business from questions of lobbying. The position of a company like Philips on the issue of what types of lightbulbs can be sold in Europe is not solely of interest to EU officials in relation to market share. We could almost turn the idea around: Philips, which is dominant in the economic field compared to other companies, could not have such a large market share had it not long ago hired specialist agents who could mobilise a certain minimum of bureaucratic capital. The company is then able to promote its own position when production processes come to be regulated and standardised. The competition between Philips and its competitors is not solely a matter of what happens in the factories where the lightbulbs are produced; it is also played out in those arenas of administration and regulation where the structural rules of the lightbulb market are decreed.

From this perspective, the total amount that a company is prepared to spend on its representation is one of the surest indicators of both its position within the economic field (does it have the means to invest a proportion of its profits in lobbying?) and its dependency on the social arenas where legal and administrative battles of economic competition are played out. Similarly, this spending also provides information on the structural proximity of the EU administration to the

different spheres of business activity and on its normative power in any given sector.

If we consider lobbying in this light, it is simply one moment in the continuous relationship between the business world and the bureaucracy, a by-product of the dependency of commercial operators on the legal and administrative structures that make the market possible.

Different levels of company investment in lobbying: different degrees of dependency on Commission resources

Despite the wave of mergers in the 1990s, not all global companies have set up offices in Brussels in the last twenty years. It remains true that only some of them are willing to invest a proportion of their profits in representation at the European level. We shall suggest here that the companies that are present in Brussels are those for whom the Commission's legal and administrative resources are crucial if they are to maintain their position in the economic field or indeed to survive at all.

To gauge the truth of this, we shall analyse the political strategies of the largest multinational companies as identified in two well-known listings in the financial press: the FT 500 and the Fortune 500. We have sought to discover whether each of these 754 companies are present in Brussels (as they are in Washington or China) and, if so, in what forms.¹

Brussels: a capital of transatlantic capitalism but a secondary location for many global companies

In April 2014, of the 754 largest global groups only 27 per cent were listed in the transparency register of the Commission and the European Parliament (n=201 companies).² Only 21 per cent of these global companies stated that they currently had operated an office in Brussels (n=159 companies). A small minority (150 of 754) had directly accredited staff at the European Parliament and even fewer stated that they also funded at least one think tank in Brussels (n=135).³ We cannot confine ourselves to the official statistics contained in the register and must compare these data with other sources in order to obtain a more accurate image of the situation. But even proceeding in this way, we can clearly see the filtering effect of the Eurocracy (in the sense of a relatively autonomous political space in which access to the EU institutions and resources is contested) in relation to global capitalism.

If we enhance these initial data with more direct counting (by trawling the lists of business association members and think-tank funders), we can estimate that 314 of the 754 largest global companies were directly or indirectly represented in Brussels in 2014. So, seen in the larger context of globalised capitalism, Brussels does not appear as a key site for all "global" business operators.

Of the 201 multinational companies on the Commission's register in April 2014,⁴ a little over half were based in the EU (excluding the UK), the UK or

Table 3.1 The 754 largest global companies and their representation in Washington, Brussels, Davos and China (by geographical origin)

	Already on the Washington Senate Register		Already on the Brussels Register		Member of a European business association		Funds the World Economic Forum in Davos		Already listed in Amcham China		Global size by continent in top 754	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
US	212	91.8	66	28.57	73	31.6	50	21.6	56	24.2	231	100
EU	74	53.6	87	63.04	96	69.6	34	24.6	9	6.5	138	100
China	4	4.9	2	2.47	3	3.7	4	4.9	0	0	81	100
Japan	41	51.9	9	11.39	20	25.3	10	12.7	2	2.5	79	100
Asia (excluding China and Japan)	11	18.6	3	5.08	5	8.5	6	10.2	2	3.4	59	100
UK	23	60.5	20	52.63	22	57.9	14	36.8	5	13.2	38	100
Canada	18	58.1	1	3.23	2	6.5	1	3.2	2	6.5	31	100
Latin America	2	8.7	0	0	0	0	6	26.1	0	0	23	100
Switzerland	11	61.1	6	33.33	9	50.0	11	61.1	4	22.2	18	100
India	5	29.4	1	5.88	1	5.9	6	35.3	0	0	17	100
Australia	5	41.7	1	8.33	1	8.3	2	16.7	2	16.7	12	100
Middle East	2	18.2	1	9.09	2	18.2	2	18.2	0	0	11	100
Russia	1	10.0	3	30.00	3	30.0	4	40.0	0	0	10	100
Africa	1	20.0	1	20.00	2	40.0	3	60.0	0	0	5	100
Turkey	0	0	0	0	0	0	0	0	0	0	1	100
Total	410	54.4	201	26.66	239	31.7	153	20.3	82	10.9	754	1

Switzerland (n=87; n=20 and n=6). Another contingent consists of companies based in the USA (n=66). This leaves a smaller number of Japanese and Russian companies, while Chinese companies are more or less absent from the list as they are often represented by official bodies close to the Chinese government.⁵ To get a better understanding of these results, we can place them in the larger context of the means of political representation available to multinational companies on the different continents. We can then more clearly see the place occupied by Brussels for so-called “global” companies.

If we were seeking to retrospectively settle the argument between Ernest Mandel (who sees Europe as an alliance of the European bourgeoisies) and Nikos Poulantzas (who sees it as an extension of the transatlantic arc and American domination of the European bourgeoisie), it would be fairly easy to declare Poulantzas the winner. More than fifty years after the Treaty of Rome, Brussels seems to be primarily a site of power that structures the markets in which companies based in Europe or North America operate. But Poulantzas’ prophecy has taken several decades to become a reality. The construction of the European Union long permitted the pursuit of industrial policies that supported the “national champions” of the various member states. The process started as a coalition of national businesses before ultimately leading to a situation where the European administration is daily courted by both European and American companies, which compete directly for its favours. The Transatlantic Trade and Investment Partnership (TTIP) is merely one of the most recent avatars of a sustained pressure to open the single European market to American companies.⁶

But, for the groups present in Brussels as well as the rest, the investments made must be assessed at the correct level. Brussels-based investment rarely mobilises the entire palette of lobbying. According to our calculations, in 2014 only 32 per cent of the 754 largest global companies (n=239) were members of a European business association (of which 46 were members of CEFIC). Only 73 were also members of Amcham EU, 46 of Britcham, 50 of the ASGroup of BusinessEurope (ex-UASG created by UNICE) and 58 of the Trilateral Commission,⁷ combining sector-based and horizontal representation (in the trans-sectorial sense or under the aegis of a national chamber of commerce). Only a little over 10 per cent (n=77) also fund a business or philanthropic foundation that regularly operates in Brussels. So not only is Brussels a strategic site solely for European and US-based firms, these large groups also invest comparatively less money in Brussels than in Washington.

So, of the 754 largest global groups, 201 chose to declare their lobbying expenses in detail to the transparency register. These declared data show that a minority invested over a million euros a year in lobbying. These figures should be treated with caution, but they again seem fairly modest in relation to the expenditure declared by the same companies to the American Senate, with more than two-thirds of them declaring over a million dollars a year (Tables 3.2 and 3.3).

To explain these differences we could suggest that spending is better concealed from the authorities in Brussels than in Washington (penalties being more

Table 3.2 Official expenditure on lobbying for 2013 declared on the EU register (n = 201 companies on the EU Register out of 754 major global firms listed on the FT 500 and Fortune 500)

	<i>Total</i>	<i>%</i>
Fewer than 100,000 euros on lobbying in Brussels	31	15.4
100–300,000 euros on lobbying in Brussels	57	28.4
300–500,000 euros on lobbying in Brussels	46	22.9
500,000–1 million euros	33	16.4
1–2 million euros	14	7.0
More than 2 million euros	20	10.0
Total	201	100.0

Table 3.3 Official expenditure on lobbying for 2013 declared on the Senate Office public records in Washington (n = 409 companies out of 754 major global firms listed on the FT 500 and Fortune 500)

	<i>Total</i>	<i>%</i>
Fewer than 10,000 dollars	80	19.6
10–370,000 dollars	70	17.1
371,000–1 million dollars	68	16.6
1.07–2.37 million dollars	68	16.6
2.38–5.20 million dollars	68	16.6
More than 5.21 million dollars	55	13.4
Total	409	100.0

severe in Washington – Mahoney 2008). But, even taking this possibility into account, the difference still seems very large. Not only is Brussels always much less crucial than Washington to the large global groups (46 of the 100 largest global groups by turnover are not listed on the EU register), it enjoys less financial investment by the groups present in both cities. This is also true for European companies: of the 37 European companies (excluding the UK) present in Washington, 30 per cent spent more than a million dollars in 2013.

This observation is all the more striking if we focus on the 231 largest American groups as ranked by the *Financial Times* (FT) and Fortune: only 66 groups (29 per cent) are listed on the EU's transparency register. We might assume that some of these are indirectly represented by consultancies, but even so, the administrative and legal resources of the Commission seem to be of interest primarily to large businesses of European origin.

European business associations are modest in the context of global capitalism

The same observations apply in relation to the body comprising members of some of the best-known European business associations. Seen in the global

context, the reputedly powerful European Round Table (ERT) seems far less central than might first be thought. This CEO round table, whose emergence in the 1980s we have described above, consists primarily of European companies of a comparatively modest size in the context of global capitalism. Only 13 of the ERT's 52 CEOs represent companies in the *Financial Times* top 100. We should also note that 22 of those 52 CEOs head companies that are not even among the global top 754. Exactly the same can be said for the reputedly "crucial" Amcham EU: only 51 of its 140 members are among the 754 largest global companies.

Of course these general observations mask the relative importance of these organisations in the field of the Eurocracy itself, and the great disparities between different commercial sectors. But they also invite us to place the historical developments described above in their proper context. Even if increasing numbers of large global companies now have a direct presence in Brussels, we must regard the Eurocracy as primarily a place where the European bureaucracy interweaves with the European business world and some North American companies.

Using the sums declared in the EU transparency register, we can draw up a list of those companies that invest most heavily in lobbying in Brussels. Since the data recorded in the transparency register are provided on a voluntary basis and assessed by the declarant, this list can offer only an indication of broad trends in business lobbying to the European Commission and is not intended as a precise ranking to the euro cent.

Beyond their geographical origins, these data give an idea of the commercial sectors that have invested most heavily in harnessing the administrative and legal resources of the Commission. Of the fifty companies declaring that they spend the most in Brussels, eight operate in the oil and gas production sector, eight in electronics and aerospace, four in chemicals and four in banking and finance. This clearly reveals the social forces mobilised in Brussels and the primacy of companies in the energy, chemicals and banking sectors.

European companies feature high on this list. Contrary to the idea that groups from outside the EU have directly taken "power", large companies of European origin always have the most representation, whether directly or through the European business associations. Thirty-four of the fifty highest-spending companies in Brussels are multinationals originating in the EU (seven in the UK), twelve are from the US, while only one is Chinese and one Russian. However, these groups are of course global operations, at least in the case of the transatlantic companies: only eight have never been listed on the American Senate's disclosure register for lobbying.

This predominance of European companies cannot be explained by geography alone. Bearing in mind the historical developments described above, we can suggest that their relations with the EU institutions give these companies (which often originated in the public sector) important resources for the global competition they face.

Table 3.4 The fifty global groups spending the most on lobbying in Brussels in 2013 (EU transparency register, consulted April 2014)

<i>Company</i>	<i>Sector (FT classification)</i>	<i>Country</i>	<i>Expenditure on lobbying declared on the EU register</i>
Groupe BPCE	Banks	France	7,550,000
Exxon Mobil	Oil & Gas Producers	US	4,750,000
EADS	Aerospace & Defence	Netherlands	4,500,000
Microsoft	Software & Computer Services	US	4,500,000
Siemens	General Industrial	Germany	4,500,000
Royal Dutch Shell	Oil & Gas Producers	UK	4,250,000
ENI	Oil & Gas Producers	Italy	3,750,000
GDF Suez	Gas, Water & Multiutilities	France	3,750,000
General Electric	General Industrial	US	3,250,000
Huawei Investment & Holding	Financial Services	China	3,000,000
Bayer	Chemicals	Germany	2,760,000
Daimler	Automobiles & Parts	Germany	2,618,000
Total	Oil & Gas Producers	France	2,500,000
BASF	Chemicals	Germany	2,400,000
E.ON	Gas, Water & Multiutilities	Germany	2,200,000
Deutsche Post	Industrial Transformation	Germany	2,140,000
Telefonica	Fixed line Telecommunications	Spain	2,069,000
Electricité de France (EDF)	Electricity	France	2,000,000
RWE	Gas, Water & Multiutilities	Germany	2,000,000
Deutsche Bank	Banks	Germany	1,900,000
Intel	Technology Hardware & Equipment	US	1,750,000
British American Tobacco	Tobacco	UK	1,500,000
Rolls-Royce	Aerospace & Defence	UK	1,500,000

Anheuser-Busch InBev	Beverages	Belgium	1,250,000
Google	Software & Computer Services	US	1,250,000
Syngenta	Chemicals	Switzerland	1,250,000
Deutsche Telekom	Mobile Telecommunications	Germany	1,200,000
Accenture	Support Services	US	1,000,000
Energie Baden-Württemberg	Electricity	Germany	1,000,000
Gazprom	Oil & Gas Producers	Russia	1,000,000
International Business Machines	Software & Computer Services	US	1,000,000
Philip Morris International	Tobacco	US	1,000,000
ThyssenKrupp	General Industrial	Germany	1,000,000
Vodafone Group	Mobile Telecommunications	UK	1,000,000
BT Group	Fixed line Telecommunications	UK	900,000
L.M. Ericsson	Technology Hardware & Equipment	Sweden	900,000
Pernod-Ricard	Beverages	France	900,000
Statoil	Oil & Gas Producers	Norway	900,000
Volkswagen	Automobiles & Parts	Germany	900,000
Chevron	Oil & Gas Producers	US	800,000
Coca-Cola	Beverages	US	800,000
Commerzbank	Banks	Germany	800,000
Dow Chemical	Chemicals	US	800,000
BMW	Automobiles & Parts	Germany	700,000
Oracle	Software & Computer Services	US	700,000
Deutsche Bahn	Industrial Transformation	Germany	650,000
Amglen	Pharmaceuticals & Biotechnology	US	600,000
BP	Oil & Gas Producers	UK	600,000
GlaxoSmithKline	Pharmaceuticals & Biotechnology	UK	600,000

Investment necessary to obtain subsidies and contracts

Paying to have political representation in Brussels is more than simply an economic cost or expenditure. Given the returns on investment in the form of subsidies and public contracts obtained by these companies from the Commission, “lobbying” and “public relations” expenditure should almost certainly be shown as investments in company accounts. Twenty-five of the forty companies of our selection most subsidised by the Commission are also among the fifty companies that spend the most on lobbying to EU institutions. In other words, the list of companies investing heavily in their representation in Brussels (for example, funding a European business association) and the list of companies that receive direct economic benefit from the European Commission show important similarities. This does not mean that the two dynamics are directly linked (a company that invests in lobbying does not automatically obtain public resources as a result). But it does indicate that the structural position of companies that obtain European subsidies or European public contracts simultaneously obliges them to spend a considerable share of their resources on maintaining their representation to the European administration.

A group like EADS can only maintain its position in the global aviation and defence sector by spending around 4.5 million euros a year on lobbying in Brussels. But in 2013 it simultaneously benefited from 39 million euros of direct annual EU subsidies and 239.7 million euros of indirect annual funding by the Commission in the form of public contracts. The German rail company Deutsche Bahn received 235.4 million euros in direct subsidies from the Commission in 2013, which puts into perspective its annual expenditure on lobbying of 650,000 euros. Table 3.5 offers multiple examples attesting to the enormous lever that sustained proximity to the EU administration represents for these companies. The subsidies declared by European companies such as GDF Suez (5.4 million euros in contracts; 33.8 million euros in subsidies), Bayer (3.7 million euros in subsidies) and BT Group (36 million in contracts and 15 million in subsidies) are much greater than the expenditure recorded on the transparency register.

More rarely, but equally significantly, some groups from countries outside the EU succeed in obtaining similar results. Microsoft benefits from 17.8 million euros in contracts from the Commission and 1.4 million euros in subsidies (as against 4.5 million euros invested annually in lobbying). This observation also applies to intermediaries and consultancies. Accenture spent nearly a million euros on lobbying in Brussels in 2013 and in the same period benefited from 68.3 million euros of public procurements provided by the Commission for consulting.

Seen in the context of the social relations that underpin interactions between the bureaucracy and the business community, what is called lobbying changes its form. No longer perceived as an effort to besiege elected representatives with the simple aim of changing laws or deregulating markets, it becomes a far more complex activity seeking to monopolise bureaucratic resources in order to maintain a dominant position in the economic field. It exploits the bureaucratic roots

Table 3.5 The twenty-five multinational companies receiving the greatest amounts in EU subsidies and grants through EU contracts (according to the EU register)

<i>Company</i>	<i>Sector</i>	<i>Country</i>	<i>EU procurements or grants in euros</i>	<i>Among top fifty firms for expenditure on lobbying in Brussels</i>	<i>Expenditure on lobbying (EU Register)</i>
EADS	Aerospace & Defence	Netherlands	243,670,000	Yes	4,500,000
Deutsche Bahn	Industrial Transformation	Germany	235,405,637	Yes	650,000
Alstom	Industrial Engineering	France	70,000,000	No	300,000
Accenture	Support Services	US	68,383,081	Yes	1,000,000
BT Group	Fixed line Telecommunications	UK	51,200,000	Yes	900,000
GDF Suez	Gas, Water & Multiutilities	France	38,765,000	Yes	3,750,000
Enel	Electricity	Italy	32,129,000	No	350,000
Hewlett-Packard	Technology Hardware	US	24,867,719	No	450,000
Total	Oil & Gas Producers	France	23,928,395	Yes	2,500,000
Microsoft	Software & Computer Services	US	19,208,200	Yes	4,500,000
SAP	Software & Computer Services	Germany	18,000,000	Yes	600,000
L.M. Ericsson	Technology hardware	Sweden	16,685,000	Yes	900,000
Siemens	General Industrial	Germany	16,169,743	Yes	4,500,000
Deutsche Post	Industrial Transformation	Germany	13,677,681	Yes	2,140,000
Continental	Automobiles & Parts	Germany	9,797,000	No	300,000
Veolia Environnement	Gas, Water & Multiutilities	France	9,134,031	Yes	600,000
Telefonica	Fixed line Telecommunications	Spain	6,975,000	Yes	2,069,000
Rolls-Royce	Aerospace & Defence	UK	5,467,000	Yes	1,500,000
Tata Steel	Industrial Metals & Mining	India	5,000,000	No	400,000
E.ON	Gas, Water & Multiutilities	Germany	4,500,000	Yes	2,200,000
BAE Systems	Aerospace & Defence	UK	4,200,000	No	50,000
ArcelorMittal	Industrial Metals & Mining	Netherlands	4,000,000	No	350,000
Bayer	Chemicals	Germany	3,778,180	Yes	2,760,000
Renault	Automobiles & Parts	France	3,597,000	No	400,000
Daimler	Automobiles & Parts	Germany	3,119,459	Yes	2,618,000

of the economic field and plays on structural affinities between the position of some dominant business operators and the regulatory impulse of European officials. While some large groups divert a major share of profits to fund the lobbying of bureaucratic bodies, in exchange these same bodies directly provide subsidies, public contracts and funding for research and development (notably in the chemicals and pharmaceutical sectors).

Paradoxically, these large groups do not lobby Brussels solely to promote a greater role for the market according to some ultra-liberal credo. Instead they seek to obtain a regulatory framework for markets that is favourable to them while, along the way, syphoning off all the public resources they can in order to maintain their dominant position in the sphere of global commerce. This is notably true of all the historic telephone operators (Telefonica, BT, etc.) and rail transport providers (Deutsche Bahn, SNCF), which must constantly negotiate with the European administration over the ways of retaining their operations in continental networks that are more or less open to competition. All these companies that are dependent on Europe-wide terrestrial, logistical and technical realities are very likely to appear at the various counters of the European administration, as both lobbyists and receivers of subsidies.

This hypothesis can be verified in negative form using the largest global groups absent from Brussels. These are mostly active in the energy sector, such as the Chinese oil group Sinopec and commercial chains using cost-based strategies and local distribution channels, and lobby in the places where they exploit or market resources. While this first structural rule of lobbying – according to which the greatest spenders on lobbying are also those most dependent on the financial resources distributed by the Brussels bureaucracy to maintain their commercial position – requires qualification, it reveals the dependency of commercial operators on the administrative and regulatory sphere.

The Commission's resources are the last resort of companies in difficulty

The sums spent on lobbying to the Commission (across all sectors) correlate modestly to business turnover ($r=0.4$), profit ($r=0.34$) and dividend yield ($r=0.30$), and hardly at all to the number of employees ($r=0.09$), still less to the money spent in Washington ($r=0.08$).⁸ The link is clearly more significant between the volumes of profit or loss made each year by businesses and their expenditure on lobbying in Brussels. However, this link does not follow a linear progression and became apparent to us only after research into more classic correlations. Based on the data of the register, we can see that the higher a company's profits (over 6000 million dollars), the more we can be sure that it will invest a great deal in lobbying. But, counter-intuitively, the more money a company loses the more likely it is that it will invest heavily in lobbying the European bureaucracy. Of the large groups listed on the EU register that post net losses, 53 per cent invest over 300,000 euros a year in lobbying (by comparison, only 44 per cent of companies generating profits of 700–2000 million dollars a

year spend as much). The same can be seen in different sectors: the twenty or so companies posting losses and investing heavily in lobbying include firms in the heavy industry sector (Finmeccannica), telecommunications (Deutsche Telecom) and banking.

So attempts to obtain bureaucratic resources are made by companies seeking to acquire many subsidies and contracts from the Commission, and also by companies making losses or in difficult competitive situations. Returning to the list of the most subsidised companies, it is thus not surprising to find businesses in the iron and steel sector (Arcelor Mittal) and those exposed to a great deal of direct global competition (such as Alstom before it was bought by General Electric). This latter hypothesis is worthy of more lengthy exploration using statistics on a larger scale and covering a greater number of companies. It would also be useful to look in more detail at the fiscal strategies that lead to great variations in profit volumes and which cloud the analysis by preventing a systematic approach. However, it seems reasonable to say that the companies that spend the most on lobbying are usually those that are dependent on the administration either for public subsidies (contracts or grants), or simply for their economic survival.

Investing in Brussels to influence market standardisation

This exploitation of the structures of the economic sphere through investment in the monopolisation of bureaucratic resources takes different forms according to the particular dependency of each business on the law and on standards. Some sectors are structurally places of commercial competition, in which each operator spends more on lobbying because what they sell or exchange is highly dependent on the development of legislation or the administrative framework governing transactions. In these sectors most companies in a dominant position cannot afford not to invest heavily in lobbying and are more or less obliged to belong to a European business association.

Influencing the rules that govern commercial competition

In commercial activities in which these services have almost no physical existence (such as financial products) and where the law is even more fundamental to operations than in other sectors, the aim of lobbying is not really to obtain funds distributed by the Commission. With the major exception of the bailout of companies most severely affected by the financial crisis after 2008, it is rather to influence the development of standards that will govern the marketing of new financial products and the setting of rates (such as interest rates) affecting commercial activity as a whole. As Table 3.6 shows, the resources offered by the EU administration seem also to be crucial to pharmaceutical laboratories (70 per cent of global companies in this sector are members of a European business association), chemicals companies (63 per cent), motor manufacturers (63 per cent), etc. Given that relations with the Commission are formed around different

Table 3.6 Differences in lobbying by sector (Washington, Brussels, China and Davos)

	Registered with Senate Public Office Washington		Listed on EC transparency register		Member of a European business association		Funds the World Economic Forum		Listed on Amcham China register		Global workforce by sector in top 754	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Aerospace & Defence	10	100.0	5	50.0	5	50.0	3	30.0	2	20.0	10	100
Automobiles & Parts	19	63.3	13	43.3	19	63.3	5	16.7	3	10.0	30	100
Banks	24	28.6	18	21.4	20	23.8	21	25.0	6	7.1	84	100
Beverages	7	70.0	5	50.0	6	60.0	6	60.0	1	10.0	10	100
Chemicals	15	78.9	6	31.6	12	63.2	10	52.6	3	15.8	19	100
Construction & Materials	4	22.2	4	22.2	4	22.2	1	5.6	1	5.6	18	100
Electricity	10	35.7	6	21.4	6	21.4	2	7.1			28	100
Electronics & Electrical Equipment	4	80.0	3	60.0	3	60.0	1	20.0	1	20.0	5	100
Financial Services	19	52.8	8	22.2	10	27.8	6	16.7	1	2.8	36	100
Fixed line	6	33.3	4	22.2	5	27.8	4	22.2	1	5.6	18	100
Telecommunications												
Food & Drug Retailers	13	59.1	4	18.2	5	22.7					22	100
Food Producers	14	77.8	8	44.4	8	44.4	8	44.4	4	22.2	18	100
Forestry & Paper	1	100.0	1	100.0	1	100.0			1	100.0	1	100
Gas, Water & Multiutilities	8	50.0	6	37.5	6	37.5	2	12.5	1	6.3	16	100
General Industrial	8	50.0	7	43.8	9	56.3	4	25.0	4	25.0	16	100
General Retailers	12	46.2	1	3.8	1	3.8	2	7.7	1	3.8	26	100
Healthcare Equipment & Services	13	81.3	2	12.5	2	12.5	3	18.8	4	25.0	16	100

Household Goods & Home Construction	3	75.0	2	50.0	3	75.0	1	25.0	1	25.0	4	100
Industrial Engineering	11	57.9	8	42.1	9	47.4	2	10.5	5	26.3	19	100
Industrial Metals & Mining	4	19.0	4	19.0	4	19.0	2	9.5	1	4.8	21	100
Industrial Transformation	8	47.1	2	11.8	2	11.8	2	11.8	1	17	100	100
Leisure Goods	4	100.0	3	75.0	3	75.0	1	25.0	1	25.0	4	100
Life Insurance	10	41.7	4	16.7	5	20.8	2	8.3	1	4.2	24	100
Media	13	86.7	3	20.0	3	20.0	4	26.7	6	40.0	15	100
Mining	7	38.9	2	11.1	3	16.7	4	22.2	1	5.6	18	100
Mobile Telecommunications	6	28.6	4	19.0	4	19.0	4	19.0	1	4.8	21	100
Nonlife Insurance	17	73.9	3	13.0	3	13.0	5	21.7	2	8.7	23	100
Oil & Gas Producers	37	56.1	14	21.2	17	25.8	14	21.2	4	6.1	66	100
Oil Equipment & Services	8	72.7	1	9.1	1	9.1	1	9.1	1	9.1	11	100
Personal Goods	6	50.0	5	41.7	5	41.7	2	16.7	3	25.0	12	100
Pharmaceuticals & Biotechnology	22	81.5	15	55.6	19	70.4	6	22.2	5	18.5	27	100
Real Estate Investment & Services	1	12.5									8	100
Real Estate Investment Trusts	3	37.5					1	12.5			8	100
Software & Computer Services	13	86.7	8	53.3	7	46.7	11	73.3	4	26.7	15	100
Support Services	11	91.7	3	25.0	5	41.7	4	33.3	2	16.7	12	100
Technology Hardware & Equipment	17	63.0	10	37.0	15	55.6	8	29.6	8	29.6	27	100
Tobacco	7	87.5	3	37.5	3	37.5			1	12.5	8	100
Travel & Leisure	15	71.4	6	28.6	6	28.6	1	4.8	1	4.8	21	100
Total	410	54.4	201	26.7	239	31.7	153	20.3	82	10.9	754	

kinds of standards in each sector (authorisation to sell new drugs, pharmaceutical distribution, restrictions on exposure to dangerous substances, technical standards), the making and selling of products in the common market requires constant dialogue with the staff of the different DGs and European agencies. In the tobacco and chemicals sectors, or among gas and water suppliers, there are also a large number of operators investing over a million euros a year in lobbying the EU. The proximity of the EU administration seems, conversely, less crucial in industrial sectors where output has to be sold locally (as in the generation of electricity, which is hard to export).

To take account of this sectorial variation in dependency on the EU's administrative resources, we can also try to link lobbying expenses to the financial volumes generated by economic activity in each sector. Once again, these data must be handled with care, because fiscal strategies prevent any systematised approach to the results. However, by proceeding in this way we can gain an idea of the average total that each company must "spend" on lobbying in order to generate a thousand euros of profit in its own sector. From this it emerges that it is the European hypermarket chains, the banks and new technology companies that are most obliged to spend on lobbying EU institutions to maintain their profits.⁹

These differences according to sector, geographical origin, financial health and proximity to public subsidies also determine important variations in engagement with business associations, think tanks, chambers of commerce and foundations.

Choosing weapons: the field of business lobbying in Brussels

By comparing the economic position occupied in the economic field to the methods of collective action adopted by companies, we can construct a field of the business lobbying of the EU. Figs 3.1 and 3.2 on the following pages are taken from a series of multiple correspondence analyses (MCA) that reveal the proximity of a large number of variables.¹⁰ They combine financial data (turnover, number of employees, etc.) with data on lobbying tools used (membership of an employers' federation, chamber of commerce, etc.).

The first axis, vertical on the plan, primarily differentiates between companies according to their proximity to or distance from the Eurocracy. The more money a company spends in Brussels and the more its properties are associated with the EU (listing on the transparency register, membership of a European business association, etc.), the further north it appears on the diagram. Looking at the south of the first MCA plan, one group of companies show a certain distance from the Eurocracy: they are not listed on the EU register, do not fund a think tank and so on. The horizontal axis distinguishes between companies on other grounds. It schematically contrasts European and American capitalism, but also clearly distinguishes companies in the chemicals and pharmaceuticals sectors, which generate a great deal of profits, from those engaged in more traditional industrial capitalism and motor manufacture, which record smaller profits and, sometimes, losses.¹¹

The north-west quadrant of the diagram shows all the former national and now European champions (BASF, BMW, Danone, Michelin, Crédit Agricole) and the European companies formerly bound to member states (SNCF, EDF, Total and EADS for France). In this quadrant we also find companies that post the greatest losses and most frequently receive subsidies from the European Commission. In this space the sums invested in lobbying usually correlate to the granting of contracts and subsidies. Here lobbying is akin to a form of investment seeking to maintain income from operating certain historical networks and funding for research and development in order to take on other global companies in the sector, or to compensate for losses. The companies in the motor manufacturing sector also all appear on this side of the MCA (irrespective of their continent of origin): their production relies on public subsidies and they have comparable turnover/profit ratios. The bodies representing this type of capitalism are the ERT, the ASGroup of BusinessEurope and think tanks such as the Kangaroo Group and CEPS. Companies of this kind more frequently fund Brussels-based think tanks and usually have accreditation with the European parliament, linking parliamentary and more administrative lobbying.

In the north-east quadrant we find companies closer to American capitalism: Coca-Cola, Microsoft, General Motors (GM), etc. At the extreme east of the horizontal axis are the chemicals companies, characterised by a very small number of employees compared to their financial base. These companies tend to use the services Britcham, Amcham EU and CEFIC. They also more frequently fund European organisations involved in transatlantic dialogue, such as the Bilderberg group, Transatlantic policy network and Transatlantic Business Council. These large groups also show a fundamental difference from those of the north-west quadrant in that they tend to be active on several continents. They are listed on the Washington register and with Amcham China and also put more money into the Davos forum. These companies are also more likely than others to have their own office in Brussels.

Some companies of European origin are paradoxically similar to this group in their lobbying strategies. In terms of lobbying Nestlé and even BP are more similar to these global companies than to those of the north-west quadrant. Close to or between these two poles are some large groups that seem regularly to combine different forms of representative organisations. This is notably the case for multinational companies originating in the UK, situated very close to the vertical axis, and companies in the tobacco and alcohol sectors (Pernod-Ricard is closer to the globalised pole than the European pole). It would seem that, for American groups, lobbying is primarily intended to ensure that European legislation is not too different from American legislation and does not disturb their business models (Google seeks to make copyright legislation in Europe match its American version, eBay does not want directives governing trade between individuals to be restrictive, etc.). For companies in this pole, returns on their investment in lobbying are more indirect. They more rarely translate into direct subsidies, because their lobbying primarily seeks to ensure that regulation or deregulation will be favourable to operators outside the EU.

Table 3.7 The top fifteen contributory modalities¹² on axis 1

<i>Modality</i>	<i>Contribution</i>
Not listed on the EU register	17.7
Not member of a business association	16.8
Listed on EU register	9.9
Profits over \$6000 million	7.5
Turnover over \$82 billion	6.3
Expenditure on lobbying over 1 million euros	6.1
Company of Japanese origin	5.9
Member of a business association	5.3
500,000–1 million euros spent on lobbying	3.2
Over 110,000 employees	3.0
300–500,000 euros spent on lobbying	2.1
Company based in EU	2.0
Turnover of 27–41 billion dollars	1.5
10,001–40,000 employees	1.3
Turnover of 1–26 billion dollars	1.3

Table 3.8 The top fifteen contributory modalities on axis 2

<i>Modalities</i>	<i>Contribution</i>
US (+ Canada)	16.8
Fewer than 400 employees	14.5
Turnover under \$15 billion	7.7
Chemicals and pharmaceuticals companies	7.4
40,001–110,000 employees	6.9
Over 110,000 employees	6.7
EU	6.7
Japan	6.0
Losses	5.3
401–10,000 employees	3.7
Banks	3.6
Profits below 700 million dollars	2.8
Automobiles and parts	2.4
Profits of 1100–2000 million dollars	1.8
Turnover of 27–41 billion dollars	1.0

Membership of a European business association: a necessary step

In this graphic representation, the property “member of a business association” appears to be shared by the European and transatlantic (or globalised) poles. While some European associations seem closer to the European pole (such as DIGITAL Europe) and others closer to the transatlantic pole (such as CEFIC), there is no difference between the two groups in terms of membership of a sector association. In other words, membership of a European sector business association is a property common to companies that otherwise use very different means of representation. For the companies in the first pole, membership of a European

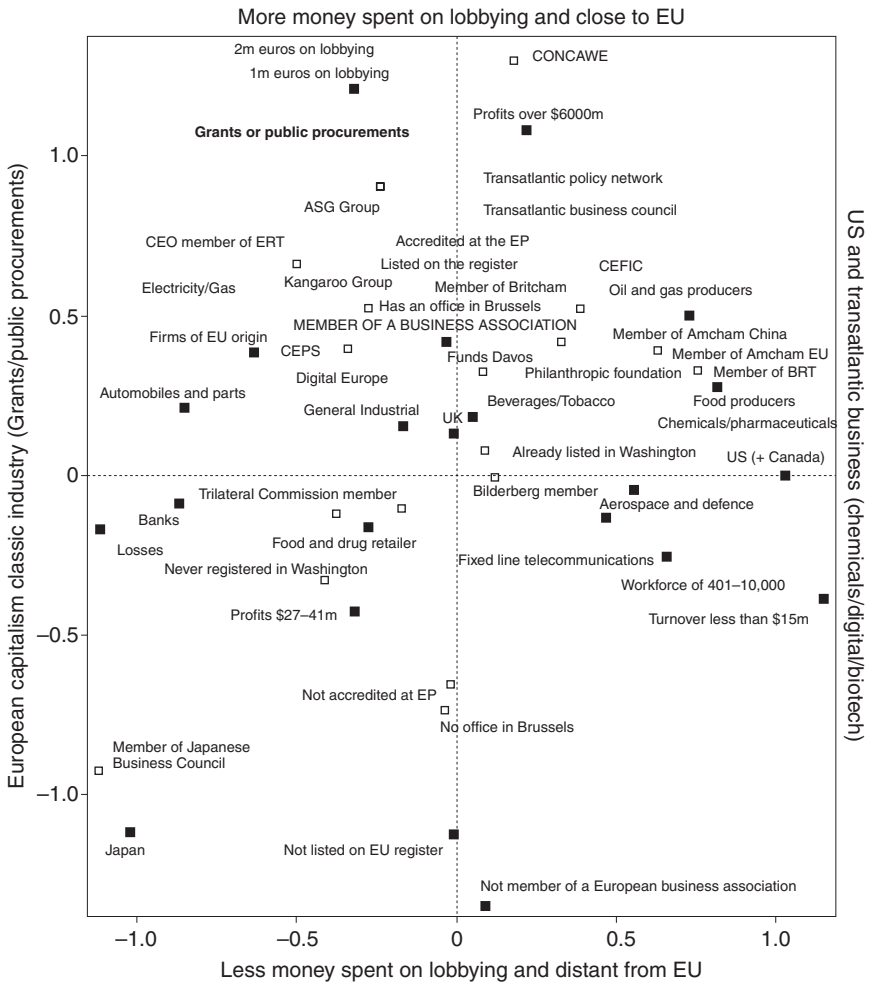


Figure 3.1 Economic field and mobilisation of firms in Brussels.

Note
MCA, 314 of the 754 largest global businesses. Forty-one active modalities.

business association is combined with membership of the ERT, the accreditation of its lobbyists at the European parliament and funding a few visible think tanks in the European Quarter. For companies in the globalised pole, membership of a European association combines with that of various transatlantic networks and the Davos forum, and to funding a philanthropic foundation organising charity events in Brussels.

By influencing the regulatory work of the Commission, the large business groups present in Brussels seek to mould the legal structure of the market to their

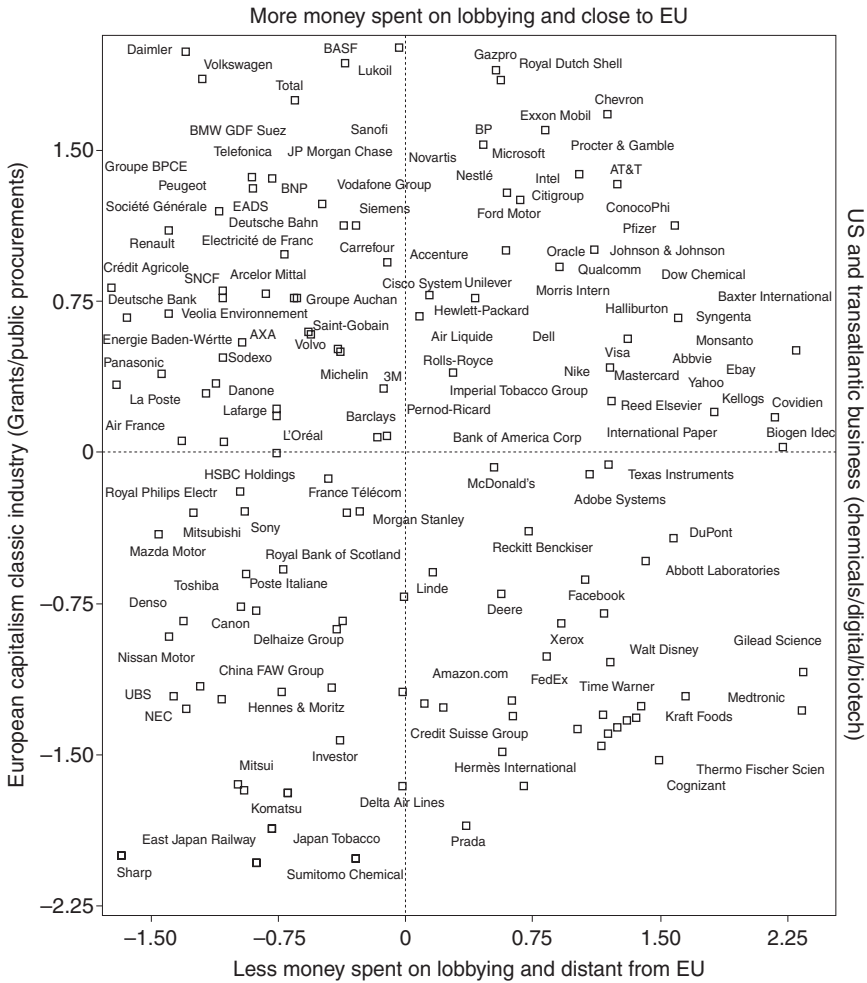


Figure 3.2 Mobilisation of firms in Brussels.

Note
MCA, 314 of the 754 largest global businesses. Forty-one active modalities.

own production process and business models. In this context, membership of a sector business association is seen as useful in both the head offices of globalised American groups and by Italian businesses in financial difficulty and specialising in the industrial manufacture of mechanical products. This statistical result indicates the extent to which companies remain affected by the historical processes of the formation of the European administration described in the first chapter. European business associations are intimately linked to the Commission's processes for producing regulation and belonging to one or more seems to be the

minimum necessary entrance fee that companies must pay. The figures also – and crucially – show the extent to which these business associations have structurally and internally become places where the economic competition in each sector is played out in miniature.

So lobbying in Brussels primarily concerns European and North American companies for which the legal and financial resources of the Commission may reinforce the positions they occupy in the context of global competition. The funding of business associations goes hand in hand, statistically speaking, with the acquisition or retention of subsidies and public contracts. Major investment in representation in Brussels is also very likely in markets where the products sold are particularly closely monitored on health or environmental grounds (pharmacy, chemicals, tobacco).

In this light lobbying is an investment seeking to transform the structure of the economic field. It is explained by the desire of some businesses to act not only on the market in which they sell their products, but also on the rules governing the operation of the market on which they depend. This investment in lobbying in Brussels seeks to influence the legal and administrative elements of the economic field to their advantage.

In this sense there is a continuum of social relations between business activity and the lobbying tools that companies are able to acquire. The particular means a company adopts to represent its interests (such as funding a business association, opening an office in Brussels or funding a think tank) depends on its commercial position and the structural relations historically linking its sector to the European administration. In some ways investment in a business association seems to be the necessary minimum, an obligatory step for companies seeking to be represented in Brussels, whatever their geographical origins. We can begin to see the extent to which business associations are arenas where the representatives of different companies come into conflict as they seek to appropriate the privileged means of access to the institutions represented by an association with the word “European” in its name.

When lobbyists seek to meet a European official or member of the parliament, they usually present themselves as the “voice” of an entire sector of activity. By presenting themselves as representing all the European airlines or motor manufacturers in these public interactions, they become vectors of a range of interests that they have first had to gather together and combine in order for the Commission to be aware of them. The data set out in this chapter offer us a basis on which to gauge the difficulty and complexity of this work of gathering and combining. This hidden work of business association staff makes these organisations a privileged site of observation, where we can grasp the ways in which routine relations form between the Brussels administration and businesses.

Notes

- 1 For each of these firms there is first a set of financial data: turnover, number of employees, profits, etc. After this we turned to sources revealing where these companies engaged lobbyists. We began by searching the name of each company in the EU's transparency register. We were then able to check which of the 754 companies had declared their investment in lobbying to the Commission. To supplement the data for the EU, we sought to find out whether these companies were listed in the *Landmarks* directory (2009 edition) and whether they were members of the main European business associations (via their websites) and various think tanks and forums. Third, we developed points of comparison with other places and forms of business organisation. To this end we consulted the register of the American Senate (via the site opensecrets.org) and noted the sums spent in Washington in the same year (2013) by these 754 companies. We also sought to identify whether these companies were members of the American Business Roundtable, the World Economic Forum and Amcham China (in order to identify companies operating simultaneously on three continents).
- 2 Based on other sources (*Landmarks* directory and websites), 194 of these companies have an office in Brussels. Since 2011 the Commission and European parliament have had their own official register of interest groups. Adopting the principle of the Washington disclosure register of lobbyists, the European register (in which listing is voluntary) is intended to spearhead what is termed a "transparency" initiative (a paradigm of government since the Commission's loss of authority in 1999). This initiative was a very long time coming to fruition.
- 3 The name that appears most frequently is the Centre for European Policy Studies (CEPS), funded by fifty-one companies. This generalist think tank founded in Brussels in 1983 stated on its website in 2014 that 37 per cent of its resources came from the Commission. See website www.ceps.be/.
- 4 In September 2014 the site lobbyfacts.eu launched by several Brussels-based NGOs provided tables showing the sums declared by all companies on the register. These rankings were of course comparable to our own tables, as they drew on the same source. Although Lobbyfacts extracted data from all the companies listed in the register, while we based our results on the 754 largest global companies to compare their respective presence in Washington and Brussels, this did not change the results very much, with one or two exceptions, notably the Chinese company Huawei Technologies, which ranks among the top ten for expenditure.
- 5 This also undoubtedly reflects the type of capitalism that enables Chinese companies to appear in global rankings. Still largely industrial and linked to mining and energy production, it does not require extra-continental lobbying, since the materials produced are sold on regional markets.
- 6 The TTIP is a commercial agreement being negotiated between the European Union and the United States when we were finishing this book.
- 7 The Trilateral Commission is an offshoot of the Bilderberg group and the North American business community, but in addition to these transatlantic networks it also has representatives from Japan and countries of the Asia-Pacific region (South Korea, Australia, New Zealand, etc.). Founded in 1973, this group was a firm opponent of communism and advocates free trade and globalisation.
- 8 Where r is the linear correlation coefficient used to measure the intensity of the relationship between two sets of statistical variables. It oscillates between -1 and 1 . The closer it is to zero, the lesser the degree of correlation between the sets of variables.
- 9 For more statistical elements on this point see Laurens (2015).
- 10 We have used the variables relating to the economic sector of each company, its turnover, profit, number of employees, listing or not on the transparency register, membership or not of a European sector business association and the amount of money

spent annually in Brussels (active variables). We projected as additional variables membership of around thirty groupings (ERT, Amcham EU, Britcham in Brussels, ASGroup of BusinessEurope, CEPS, and so on). The first axis has a proper value of 0.32 (7.71 per cent), the second axis 0.26 (6.22 per cent), the third axis 0.20 (4.86 per cent) and the fourth 0.19 (4.63 per cent). For the following analysis we shall mainly focus on the first and second axes, which together represent 13.93 per cent of the points.

- 11 Axis 3 repeats axis 2, more firmly emphasising the contrast between oil companies and the personal property sector (it will not be used here).
- 12 A modality is a possible response to a variable (e.g. the modality “company of Japanese origin” is one possible modality of the variable “geographical origin of the company”).

4 Routine lobbying

The personal appropriation of administrative knowledge

Here, for example, we have a dossier where one element of my business association's board have a hard, fixed position in the German style – they won't budge! "It's like that because what we have works very well!" The first thing, my first job – and I've spent six months making this happen – is to make them understand that if we go on like that the problem is everyone else in the coalition will be left out and it won't work. ... When we're around the table the one that shouts loudest isn't always right, you have to rebalance. ... You have internal lobbying.

(Pierre Defay, General Secretary of a European business association
(motor manufacturing sector), March 2010)

At the European level there's a kind of bridge between industry and the European institutions. But we're much closer to the institutions than to the production side. ... For us the main added value is knowing the institutions, knowing how it works, which networks you need to have here in Brussels.

(Filipo Partani, employee at CERAME-UNI)

In this chapter we will delve into the activities of staff employed by European business associations, focusing on the way that the structural dynamics described above translate into everyday routines. How does the entanglement of bureaucracy and business affect the actions of the lobbyists? How do these employees of the business community articulate and represent commercial interests to the European Commission? How do they manage to bring the different companies that employ them into coalition and circumvent the effects of the competition between them?

The relations between lobbyists and their employers have been analysed in previous studies. These have often stressed that, on the one hand business association staff "influence" the EU institutions and, on the other, conduct "internal lobbying" (to borrow the terms of one study) of the companies that employ them in order to make them work together (Michalowitz 2004). While this view describes an aspect of the social reality, it still remains partly dependent on the indigenous language of lobbying and influence. In the light of what has been said in preceding chapters, and contrary to many studies that confine lobbying to the transmission of information from informed lobbyists to uninformed decision-makers (Crombez 2002), it seems inaccurate to speak of lobbying on the one

side, which seeks to transmit neutral information to decision-makers and, on the other, the internal relations of business associations entirely consisting of a quest for consensus among CEOs. This image seems a long way from lobbyists' accounts of their own actions and provides a highly conciliatory, deliberative view of social relations (listening and finding agreement around a table is enough to move on from the contradictions inherent in commercial competition). Studies that present lobbyists as adept mediators of consensus tend systematically not to detail how they routinely go about obtaining agreement among their members and pushing the potential effects of economic competition into the background. The result of our fieldwork is in fact counter-intuitive in relation to a scenario in which business association staff simply coordinate the views of companies which are then conveyed to the Commission. There is never so much talk of what the Commission wants as in the internal meetings of business associations, where it is crucial to know who can or cannot speak in an informed way. The idea of a given separation between the business community, which deliberates in order to forge a common position, and the European institutions, which then receive this position as one of many pieces of data, must be left behind.

The knowledge of the administration accumulated in business associations functions in practice as a kind of capital which can be described, following Pierre Bourdieu and Christin (1990), as "bureaucratic" and which enables staff to circumvent the effects of economic competition. This notion of "capital", often associated with Bourdieu's sociology, has been in fashion for some time, notably with sociologists who use it to refer to a specific set of resources that individuals do or do not possess, once and for all. This simplistic usage aside, the real importance of the notion of capital is that it invites us to take a relational approach to the way that acquired resources do or do not produce social effects from one context to the next.

In our case knowledge of the institutional workings functions as "capital" only in certain situations and in a relatively autonomous space where it acquires a particular efficacy. It seems preferable to speak of "bureaucratic" as opposed to specifically "European" capital, avoiding any relapse into more facile uses of the notion of "capital" and effects of academic labelling which, as noted by Erik Neveu, merely rename "singular combinations of elements relating to pre-existing forms of capital that have already been identified" (2013). Many practices described as being part of a "European" capital, or even a "practical sense of Europe" – language skills, understanding of the European legal canons and the functioning of the political sphere – have nothing specifically "European" about them and can be observed in other historical contexts.¹ The notion of bureaucratic capital is useful for understanding the way that knowledge of the administration is appropriated by agents other than officials, and can produce social effects beyond the ministry corridors.

Understanding of the EU's institutional workings is encouraged and promoted by the productivity constraints inherent in the work of business association staff. Acquisition of this knowledge offers them a distinct resource to use in dealing with competing companies and requires them to maintain long-term relations

with Commission officials; in other words it renders them in some way dependent on the administration's functioning. The notion of bureaucratic capital also helps to locate business lobbyists within the broader social space, facilitating the description of their particular characteristics as a professional group. Belonging to the intermediary fractions of the business bourgeoisie, lobbyists are outside the highest echelons of the bourgeoisie and aristocracy. But because their role is to formulate and homogenise the views of business for use by decision-making officials, their relative proximity to various dominant agents in the field of power gives them a certain sense of singularity and important symbolic gratifications. We shall hypothesise that their administrative and legal knowledge, interest in political life and technical understanding together function as cultural resources that clearly place them on the intellectual side of the business world.

Lobbyists: an intellectual, intermediary element of the business bourgeoisie

It would be easy enough to state that lobbyists belong to the "white collar" world described by C. Wright Mills and to place them alongside conformist middle-ranking executives, amid the battalions of service sector professions so typical of contemporary societies. But the profound heterogeneity of hiring practices and the widely differing resources of the various business associations prevent us from hastily espousing any such generalisation. The constantly rising cost of entry into these professions notably requires us to recognise the important differences between the generations of lobbyists and economic sectors. The dynamics inherent in business association functioning crucially require close and sustained relations with the institutions, which in itself prevents us assimilating lobbyists to an "apathetic" social stratum of "no political force", to borrow the terms used by Mills (1951: 18). While association staff are part of the world of consulting and business, their knowledge of the EU administration appears one of the surest means of compensating for a relatively uncertain status, giving them the potential for social mobility – under certain conditions – within the field of the eurocracy. This element clearly distinguishes them from the traditional business petit bourgeoisie (such as heads of SMEs or even consultants in companies), particularly if we include those individuals who succeed in obtaining the rarest and best paid positions in lobbying, or who move across to the Commission.

"Business staff" of relatively vague, uncertain status

Based on a questionnaire sent in the mid-1990s to a corpus of 224 European business associations, Justin Greenwood observed that they had an average of 3.5 full-time staff. Only 13 per cent had more than 10 employees at that time and a tiny minority, such as CEFIC (120) and COPA (48) differed appreciably from the observed averages (Greenwood 2008: 16). This is hardly surprising since, as shown by work on the legal data lodged with the Belgian commercial court, many of these organisations limit the numbers they hire or do not declare all

their staff for fiscal reasons. There is a large gap between, on the one hand, the financial resources and reputation of business association funders – transnational companies capable of mobilising cohorts of engineers or experts – and, on the other, the comparatively modest positions of their staff. Of the 649 European associations based in Belgium and listed in the 2009 edition of *Landmarks*, only 361 have a valid VAT number and 349 (53 per cent) were fully registered with the Belgian commercial court in March 2010.² Only 90 (13 per cent) of these organisations had published publicly accessible accounts through the National Bank of Belgium, although the provision of such accounts at least once every two years by all non-profit international organisations is compulsory. This release from legal obligations can be analysed as the product of a socially constructed distance from regulation that characterises the dominant business communities and some global companies (Lascoumes and Nagel 2014). But it is also undoubtedly related to a low level of institutionalisation in the formation phase of European business associations, which was then maintained for fiscal reasons. For a long time these associations functioned economically without registering articles of association. As suggested in the following account by a French 27-year-old graduate from Sciences-Po in Paris, employed by an association in the chemicals sector (with ten permanent staff), several highly visible business associations in the European Quarter are in fact merely “de facto” organisations. Their staff are sometimes employed indirectly through third parties – companies or intermediaries – so that the association does not pay their employment costs:

My federation has just marked its fiftieth anniversary, it has been in existence since 1958, so it was founded at the same time as the Treaty of Rome. ...

And, in legal terms, it's an International Non-Profit Association (AISBL³)?

No. At the moment it's a de facto association. No articles have been registered. It's changing, we're at last in the process of registering articles of association because the problem is that when you have no legal status, there are lots of things you can't do. ... I'm paid by an association that exists de facto but which ... [he hesitates]. It's like, it's part of the social insurance system and functions like a normal company, but it isn't formally an AISBL and we don't have a VAT number.⁴

(Interview conducted in a café in central Brussels, 25 October 2010)

A business association can be listed in an official directory, take part in consultations organised by the European Commission and have well-known companies for members, without having a single official employee or any legal status. This situation is explained primarily by the cost reduction and fiscal strategies imposed by AISBL status, which many associations adopt. As observed by consultants interviewed by Ernst & Young for a report on the Belgian law of 2002 on AISBLs, the government can order an audit when the organisation rises above certain thresholds: more five full-time staff or equivalent, an income of over

250,000 euros ex-VAT and a total budget of over 1 million euros (Stolle and Westgeest 2003). By deliberately keeping an AISBL small or having salaried staff paid through national business associations, the organisation can remain under the radar for some kinds of check. Serge Demoulin, General Secretary of Europatat which lobbies on behalf of industrial potato users, describes the web of organisations that provide his employment. Although he represents global companies in Brussels, he has business cards for three different organisations and is employed by a fourth:

I'm also secretary of the Belgian association Belgapom. So there came a time when I had to decide and say I no longer wanted to be general secretary of Europatat, which had just been reorganised. ...

So at the moment you are General Secretary of both Belgapom and Europatat?

Yes, that's right. And I'm also general secretary of VGP, another business association in Belgium.

So three business cards?

Yes, three business cards. And I used to have four. These organisations are very similar, so it's understandable that they try to have a joint secretary. Because as well as being similar organisations they also have similar problems. ... Europatat and EUPPA have – listen to this! – a budget of 40,000 euros a year. In TOTAL!

But how many staff does each one have?

With 40,000 euros? To cover accommodation, all the travel, all the services? No way. They have no staff. In the past these two organisations contracted the secretaries of their national members to do the job of the European secretary.

So who pays you then?

Er, I'm paid by V&P House [a services company comprising several food industry syndicates].

OK, but you do still have a payslip even if there's no registered organisation?

Well yes. But the thing is it's through a cooperation agreement we have with a different organisation – SDI, the Belgian federation of SMEs, which is based in Brussels, not far from here, and we have an agreement with them. In fact I'm paid by ... I'm employed by SDI.

OK, so does that mean the European organisations don't in fact employ anyone in their own right?

No, no one. Except now with Europatat we've made an agreement with Freshfel, the association for fruit and fresh vegetables. So we share a secretary with them but 60 per cent of the salary is paid by Europatat.

This drive to reduce costs is fostered by the consulting field, which promotes a form of utilitarianism in relation to the creation of business associations. Lobbying textbooks generally advise against setting up an office for a year to

work on a one-off dossier at the Commission, instead proposing the creation of a de facto association that will be dissolved as soon as the dossier is completed (Guéguen 2007: 29). Some so-called “umbrella companies” even offer businesses the service of setting up “their” European association and managing it for them. These commercial companies (such as AGEP and KellenEurope) provide logistics and a postal address for the dormant associations (known as “mummies” in Brussels), which wake up only when asked, in other words when required to by the agenda of the European institutions. These fiscal limitations and sometimes artisanal financial constructions mean that the real working conditions of business association staff are sometimes very different from the media image of over-paid lobbyists working for the biggest companies. In the large European associations a general secretary may indeed head an army of lobbyists, and tasks are shared out in an established, stable way between, for example, the “European parliament specialists” and “specialist engineers working on particular standards”. But in many other cases the general secretary shares a single office with an assistant or accountant and a junior employee, managing contact between the members and monitoring legislation more or less single-handed.

Most of the most junior business association staff, paid by small organisations, are young consultants graduating from the top civil service schools (*grandes écoles*) or specialist courses and hoping to pursue a career in the Eurocracy, for whom this is a first job with a comparatively attractive salary. Knowledge of the European administration is one of the few resources these people can draw on to fulfil their role and demonstrate its comparative importance compared to lobbyists who are not in Brussels. It is knowledge capital and social capital that can be partially privatised, enabling them to pursue their career in their current association or elsewhere.

Europe professionals: raising the price of entry and recruiting science graduates

Developments such as the rise of company power within associations, the proliferation of Brussels-based intermediaries and the emergence of a closed administrative world of lobby groups and the Commission, described above, in turn shaped recruitment practices. The small group of business association staff became increasingly highly qualified. Taking a sample of 139 business association staff and consultants identified in the Landmarks directory in 2009, Marie-Ange Faintrenie (2010) found that 76.5 per cent were university graduates, 58.5 per cent had a master’s or higher degree and 16.9 per cent had an MBA. Their undergraduate courses showed the following distribution: European affairs 21.9 per cent, marketing or commerce 32.4 per cent, public relations or journalism 17.1 per cent, international or European law 19 per cent, natural sciences 9.6 per cent. These statistics obtained via the *LinkedIn* network undoubtedly minimise the proportion of lobbyists with a scientific background in, say, chemistry or toxicology, since *LinkedIn* is frequented more by communications professionals than engineers. However, the data have the merit of reflecting the gap between

the spokespeople and those they represent – very few lobbyists have a background in the sector for which they lobby in Brussels. Like the trilingual Italian Tomaso Palagio, who works on behalf of the construction industry association EBC after studying political science:

The three of us all have a political science background. The third colleague who has just started and works primarily on communications also has a master's in Communications. ... The policy officer at EBC has a master's in European Policy and already has some experience in European policy, so our background is in international relations and political science.

You haven't come from the construction sector ...

No, no. And I've been here five years so I've had plenty of colleagues. The former general secretary had no construction experience either, but she had previously worked for the French member of the EBC. ... I also studied in the USA, I went to Geneva on Erasmus, before that I went to a French lycée in Italy. So I'm more comfortable writing the first draft of positions in English. ... Because the EBC's internal rules require us to publish everything in at least two languages: French and English.

Generally speaking, the lobbyists surveyed came from the business element of the bourgeoisie in different countries. Pavel Jelov is a banker's son, Pierre Defay (lobbying on behalf of car dealers) is from a family of property owners in Paris. The few figures available show that European business associations currently tend to recruit young men from the European bourgeoisie with a high level of educational capital and an international background. Despite the feminisation of specialist courses in communications and EU affairs over the last fifteen years, there tends to be a clearly gendered division of labour in the associations. This is all the more apparent in the top jobs – the general secretaries of these organisations are mostly men (72 per cent in 2009) and citizens of either Belgium, Germany, the UK or France,⁵ while women are over-represented as communications and PR officers. Most managers employed by these organisations have completed many years of postgraduate study, usually in political science, law, commerce or public relations.

But it was not ever thus. Recent years have seen a major increase in the cost of entry into the profession, particularly in terms of the level of qualification required, and these changes have often involved the sudden dismissal of former employees. Business associations long functioned with a secretariat for logistical tasks such as organising meetings and paying the expenses of the general secretaries of national associations, who would meet in Brussels two or three times a year. When there was more in the way of resources, the profiles of recruits tended to reflect a strong attachment to a particular discipline (such as a higher degree in law), with fewer having a background in science or European law. The way that the young newcomers view their predecessors and older colleagues clearly reveals the generational differences. The older members of staff still working at basic levels are seen by the younger as “out of their depth”, as

described by Philippe Bonvoisin, general secretary of a service sector business association:

[My association] has an unusual history in that the staff never had much responsibility. ... It's the conjunction of different elements: the people who had been there for twenty years were getting older and less active. The dossiers changed, they were out of their depth, the team couldn't keep up. So I took what there was to take in terms of responsibility, except that the salary is based on people who were there five years ago, so it hasn't yet been updated.

This change in expectations concerning European business association staff has happened over time, but inertia sometimes creates paradoxical situations where the "old" and "new" schools co-exist in the same organisation. Sometimes the dynamics of social mobility are shaken up. In the eyes of their elders the better qualified lobbyists are only passing through their little association, as indicated by this French "senior" employee (43) of a European business association in the direct sales sector:

For my young colleague it's her first job, so she'll cut her teeth here and then she'll move on to something bigger. She's got a very good legal profile, a good academic profile – she's come from the Bruges College, which is the top place for European studies. So yes, I think that one day, a year or two down the line, she'll feel this place is too small for her. But it's a great place to cut your teeth, to find out what lobbying is, make contacts and create a network of contacts at the parliament and the Commission. So there you are.

(Interview conducted at the association's Brussels headquarters, 27 January 2011)

In small associations the requirement for older staff to "change" takes a particular turn in practice. Employees who had hitherto done the accounts or manned the phones are encouraged by the general secretary to become communicators. This managerial reorganisation often happens with the approval of the sector's largest companies. It is a direct consequence of the transformations described earlier: the large operators tend to reshape the internal structure of associations by importing the logic of cost rationalisation that characterises their own internal human resources policy (Eising 2009: 16). Companies increasingly expect European business associations to directly coordinate expert input from their technical staff without the filter of national associations. So the general secretaries of European organisations seek to recruit generalist staff who understand how European institutions work, alongside one or two technical specialists with a more scientific background. In an interview Jérémie Buitten (27-year-old French graduate of the Bruges College employed for two years by EICTA, a business association in the IT sector) describes this development from his point of view as a young newcomer:

[The association's general secretary] really steered the EICTA towards lobbying. He's effective as a go-between with the companies and he has reorganised things by putting in people who are a bit more political. So they can manage to convey this highly technical knowledge, which is rather dry for a member of the European parliament or even for a commissioner or director. Because it's really the Commission administrators who go into the detail every time. So he recruited people who could construct an argument on technical grounds, who were adaptable and could adapt to the person they went to see and who they talked to about it.

(Interview conducted in a café opposite the parliament building, 27 February 2009)

These new graduates in political science, communications or European Studies are expected to render the "technical grounds" comprehensible. But the "technical grounds" themselves are often identified elsewhere, usually within the companies that fund the business association or in specialists consultancies. The way that the work is organised means that most of each association's dozen internal committees are led by staff with a university background in political science or European affairs, whose main resource is the possibility of promoting their knowledge of how EC bureaucracy works. Alongside these working groups there are sometimes one or two highly technical committees which are necessarily led by a PhD or technical expert in the sector. This requires a particular kind of co-existence between "young generalists" and "scientific experts" within the association.

The importance of employees with technical backgrounds is even greater in associations representing companies belonging to what we identified in the preceding chapter as a transatlantic group focused on chemicals and new information and communications technologies. In these associations the trend is almost always towards direct management by the multinationals and the employment of full-time staff who are fewer in number but more highly qualified and better paid. The recruitment of people with PhDs in the natural sciences became routine in European business associations in the chemicals sector in the 1990s. At a conference organised by Ernst & Young, Barrie Gilliatt, executive director of Eurochlor, the European business association for chlorine,⁶ describes "a turning point in the 1990s after initial difficulties opposing the product" (2003: 126). At a time when chlorine was criticised for causing asthma and allergies, professionalisation and the change of strategy involved recruiting five toxicology PhDs. The association went from two part-time staff to fourteen, all bilingual and with at least a master's. These lobbyists with a scientific background were generally recruited through an informal labour market. This was true for Laurence, a Belgian with a PhD in toxicology, who was hired by a business association at the time of a public inquiry into industrial risks:

I studied medicine and then I did industrial toxicology.

So how did you get where you are now?

... When I was doing industrial toxicology I worked at the university for my PhD, doing research and all that, and then I was directly involved in a European risk evaluation process. And that was when I met the people in [my business association]. And I discovered they had a different dimension, more about concrete application compared to what I was doing. So that interested me. One day they were looking for someone with more of a science background to coordinate risk evaluation projects and so on. And they hired me.

And that was your first job after your PhD?

Well yes. I'd done seven years of medicine and then toxicology. ... Actually there are quite a few scientists in the associations. For example the copper association has two scientists who are biologists or agronomists or even toxicologists. And those people, all together – from both associations and companies – form working groups. ... In Belgium in the fourth year of medicine you do toxicology. ... And I found it fascinating, so I went to see the toxicology professor, who was an old professor, and he told me he didn't want any women in his lab, so at that point I changed direction. But when I'd finished medicine I thought, "Deep down I still want to do toxicology, but in industry." I was fascinated by the whole industrial side.

(Interview conducted at the association's office in Brussels, 19 March 2010)

Among these employees with natural science backgrounds are many who, as students, had hoped to go into research but, for one reason or another, have left academia. Often they still contribute to scientific journals, like the interviewee above, who tries to publish at least one article per year (which enables her to appear as an active scientist in the eyes of some of her Commission interlocutors).

For these associations staff recruitment seems to be mainly by word of mouth rather than through advertisements. Unlike young employees with a background in economics or political science, people with science PhDs struggle in a Brussels submarket where demand exceeds supply. This is also true in companies. A technical expert may pass from one association to the next simply because his or her company is a member of several associations.

The growth of technical capital in business associations is not due solely to the increasingly technical nature of dossiers before the Commission but also to a dynamic grounded in the business world: the technical capital provided by large companies travels better from one continent to another (in the same week an engineer may attend meetings of different business associations in different cities).

So business associations dominant in Brussels tend to acquire the necessary minimum of bureaucratic capital which remains in situ within their organisation, and to combine it with a technical capital that can move from one association to another. However, this recruitment strategy is also bound by financial limitations. While the salaries of scientific experts are generally a little higher than those of juniors specialising in public affairs, they tended to remain within a

comparable range. As European business associations do not offer spectacular career prospects, they thus often have to content with a high turnover in their experts. Conversely, staff who present themselves primarily as “Commission specialists” are often immobilised in situ, since their professional skills lie primarily in their understanding of highly specific institutional functioning.

A career in the Eurocratic context

To gain a better grasp of the particular place of business association staff in the Brussels bubble, it is helpful to compare their incomes to other possible career paths available to young entrants to the labour market in the European Quarter. It then becomes clear that the European associations offer salaries noticeably higher than those of debutants in consulting, and that progression is faster than that of consultants (Table 4.1). But once they have reached the “middle” positions (sometimes before the age of thirty), career advancement becomes more difficult. This two-stage career path (rapidly increasing income followed by stagnation) means that European business associations are potentially attractive employers for junior staff, but later oblige those who want their salaries to keep rising after ten years or so (and remain on the blank squares of Table 4.1) to develop rather sophisticated relaunch strategies). It is generally not very profitable to leave an association before the age of thirty-five, but between twenty-seven and thirty-five employees may change job title without much change to their day-to-day tasks.

So association salaries are high enough at entry level to attract good graduates in political science and commercial law, for we must also view them in the light of the cost of living in Brussels. Everything combines to make these employees feel fully part of the European Quarter in the early years of their career. Their incomes enable them to take advantage of their status as young, active expatriates. Contacts on the fringes of the European institutions contribute to their socialisation in an immersive professional milieu that remains quite separate from the lives of ordinary inhabitants of Brussels (Michel and Robert 2010), maintaining, for a while at least, the illusion that they inhabit the same world as EU officials and obscuring the growing discrepancy between their own remuneration and that of other professionals in the Eurocracy. Their purchasing power gives them plenty of access to the services on offer in the European Quarter bubble. However, as our perception of our own social position is always related to a field of possibility and our everyday interactions, the spell tends to be quickly broken. Despite salaries noticeably higher than the average for Belgium, an adjustment gradually occurs. After spending several years working for a business association, these lobbyists are undoubtedly in the top decile of the Belgian population,⁷ but, as Thomas Piketty notes, this top decile is often “a world of its own” (2014: 71). With incomes little resembling the packages received by the managers of multinational companies or the independent wealth of the upper echelons of the Belgian bourgeoisie, these employees of the business community also soon see their salaries overtaken by those of former

Table 4.1 Salaries in business associations, consultancies, the Commission and large companies (2013–2014)

<i>Business associations</i>			<i>Public affairs consulting</i>			<i>Commission⁸</i>			<i>Large European firm</i>		
<i>Posts</i>	<i>Salaries</i>	<i>Posts</i>	<i>Salaries</i>	<i>Posts</i>	<i>Salaries (tax exempt)⁹</i>	<i>Posts</i>	<i>Salaries (tax exempt)⁹</i>	<i>Posts</i>	<i>Salaries</i>		
Researcher (1st job)	1500–2000 euros net per month (over 14 months)	Researcher (1st job)	1200–1800 euros net per month (over 14 months)	On contract	Minimum 1600 euros net per month. Up to 5800 euros	Entry level equivalent does not exist					
Junior	2000–2300 euros net per month (over 14 months)	Junior	1800–2300 euros net per month	AD grade 5 (similar to former A7/A8)	4349 euros net per month	Entry level equivalent does not exist					
Senior Policy Officer	2300–3200 euros net per month (over 14 months)	Senior Consultant	2300–6000 euros net per month	AD grade 8 (similar to former A4/A5)	6299 euros net per month	Correspondent or employee of a large group in a Brussels office			3000–6000 euros net per month		
Association General Secretary	3300–6500 euros net per month (over 14 months)	Partner	> 6000 euros net per month	AD grade 11 (former A3/Head of Division)	9124 euros net per month	Mid-career equivalent does not really exist					
Association Director	3600–8000 euros net per month (over 14 months)			AD grade 15 (similar to former A1 Assistant Director)	14,953 net per month	EU Affairs Director for a large group			21,550 euros net per month ex. bonus (average for a DGA)		

Source: Interviews, EC data and annual salary data published by Challenges.

classmates who have passed the entrance exams to the Commission. This difference becomes marked when they are around thirty years old, since entry level staff on temporary contracts at the Commission can sometimes make similar money. The lobbyists then start to see a widening gap in living standards between themselves and their former peers.

We must also contextualise the incomes of these employees according to the incomes and status of their interlocutors within the association, who are delegated by the member companies. Here again, major differences emerge. In some federations – often those representing large companies – staff are in everyday contact with the top managers of multinationals who can easily be earning twice as much as they are (or indeed ten times as much in the case of CEOs).

When combined with the vagueness of their employment contracts, this element can feed a sense of frustration among lobbyists despite their own large salaries. This is particularly true in small associations where graduates highly qualified in public affairs may find themselves “doing everything”. One such is Gianfranco Vitale, general secretary of the European federation of clothing retailers, who writes his own payslip every month and does the association’s accounts (interview of 3 March 2011 in Brussels). In the sometimes microscopic professional worlds of the business associations, grand official titles offer staff a low level of symbolic recompense over time, particularly as their prestige is primarily for external use (in other words useful in meetings with the Commission), as explained by Paulina Draga, a 30-year-old Italian senior economic adviser at Eurogas (the association of natural gas producers):

So you’re a senior economic adviser?

Yes, but between ourselves that doesn’t really mean much to be honest. That title was chosen also because it’s also seen as a problem that sometimes in the Commission, if you haven’t got a title like that they’ll say, “No, no, you can’t be invited to this or that meeting.” We’re a very small organisation, we don’t have any departments or anything, so now I’m senior. We’ve hired a girl who’s described as a “junior”, but I wasn’t senior before. I had to have that title in order to participate in certain meetings.

(Interview conducted at the association’s premises in Brussels, 28 October 2010)

Many studies have already revealed the existence of brakes on salary progression among advisers aged over forty. These glass ceilings are often presented as a characteristic of the professional worlds of consulting, communications and public affairs. These obstacles to career advancement take the form of an impossibility for some senior staff (notably women) to become a partner, in other words a full shareholder of the organisation (Blanchard *et al.* 2013). In the case of business associations it seems there is also a glass ceiling, but of a different kind. Here salary stagnation is linked primarily to the lack of resources in these associations, which do not have shareholders. In the world of business associations networking “doesn’t bring in any clients”.

The accumulation of specific social capital does not lead to bigger and better contracts that would enable these employees to become partners or owners of the organisation that employs them. But at the same time, their list of local contacts and training in the concrete functioning of EU institutions represent the only privatisable resource that they can appropriate and seek to capitalise on over time. Having accumulated both an understanding of how Brussels works and specialised knowledge of a sector, at the age of around 35–40 business association staff find themselves at a crossroads. It is almost too late for them to attempt the competitive exams for entry into the Commission. They have the choice of remaining in their association and trying to become general secretary or seeking to obtain the same post in another association. They can also leave with their social capital and set up their own association, promoting their knowledge of the offices of the Commission in charge of a particular dossier. If they want to advance more significantly in terms of salary, however, they need to be hired by a company (but this is a rare and difficult process because competitors might criticise the hiring of someone who has been central to relations within the sector). The remaining and most commonly selected option is to monetise their personal knowledge of EU administration by setting up their own consultancy.

In this way employment in a Brussels-based business association offers a paradoxical professional model. While belonging to the upper social classes, staff nevertheless remain subject to several structural constraints. Despite salaries that place them resolutely within the bourgeoisie, they are not fully integrated into the career circuits of the top managers of large business groups and the knowledge and skills they have to offer (degrees from the European schools, fluency in several languages and so on) are truly advantageous only on the labour market associated with the Eurocracy. Their accumulation of European institutional and legal capital is also maintained by their work of amalgamating interests. Knowledge of the administration is one of the few resources that can be mobilised in concrete situations demanding “conciliation” – a human capacity that is hard to evaluate objectively but is so often cited by both recruiters and staff as necessary to the successful functioning of business associations.

Arranging tours and drafting position papers: lobbying on behalf of a business association

As many lobbyists note in interviews, a good business association lobbyist must be “patient” and “conciliatory”. This is of course linked to the relationship between the association and the members it serves. But it can also be seen as a secondary effect of the relative salary stagnation affecting staff who attain a degree of seniority. As their own incomes remain lower than those current in the member companies, staff are maintained in an inferior professional position in terms of both salary and status. Expectations concerning relational skills are explicitly mentioned in the job advertisements regularly published on specialist sites or on the site of the FAIB (the federation of AISBLs based in Belgium). Alongside educational qualifications and total fluency in English, candidates for

employment are expected to have less quantifiable abilities such as “excellent communications skills”, “a good grasp of diplomacy and compromise” or an “ability to foster agreements between members with disparate interests”, to cite only one example of an advertisement published by the European Banking Federation (12 January 2011). Here again, knowledge of the functioning of EU institutions is one of the few resources offering a practical response to such professional requirements.

Organising “business oriented” social events in a context of commercial competition

When it comes to hiring, general secretaries say they are primarily looking for “people who able to work collaboratively, with a good political sense, and preferably who can also take responsibility for dossiers” in the words of Franck Jones, director general of ORGALIME. They constantly stress the ability “to sense opposition” and to manage the tensions generated by cliques and power differentials within the association, rather like the new entrant to court society described by Norbert Elias. These are all relational skills likely to be totally absent from education and training and which can only be learned on the job. In the eyes of business association heads this state of affairs justifies the use of recruitment tests with an emphasis on role play (mirroring the evolution of the competitive exams for entrance to the European Commission), as illustrated by the following interview with Svelta Paratov, policy adviser and public affairs manager for the European Insurance and Reinsurance Federation (CEA):

How did you come to be working for the European Insurance and Reinsurance Federation?

I just applied for the job. There were a lot of interviews to get through and a test.

Was it a long process?

Actually it was quite long. We had three interviews and I had to take a test. It was all to get an idea of your personality because there’s a really good atmosphere here and we like working together. And everything you draft is constantly sent out to all your colleagues. So of course for the CEOs it’s very important to recruit open-minded people who can work with different personalities.

Did you have to write anything during the test?

No, no. The test was simply that over eight hours you had tests of logic, abstract reasoning. Then four interviews, not related to your work but about your personality – how you would react in this or that situation. ... I hadn’t worked in the financial products sector before. But I had a good knowledge of the institutions and I’d studied economics and that was a good combination.

(Interview conducted at the association’s office in Brussels, 1 March 2011)

The accent on interpersonal flexibility is more than simply a myth bandied about during recruitment. It seems to relate to a desire for routine evaluation of the work done in the association. To borrow a phrase from the sociologist J. E. S. Hayward concerning committee chairs in the French Commissariat au Plan, chairs of groups within business associations are expected to be “intransigence reducers” (1967). In an interview Bahar Samim (general secretary of the European stock exchange federation) explained that in business associations a good lobbyist can constantly “absorb shocks” and “oil the wheels” between companies that are commercial competitors but political allies. The full ambivalence of this position, which is comparatively elevated in social terms but held in a relationship of service, is particularly visible in interactions where an employee cannot be seen to respond to certain provocations or behaviours seen as aggressive. Staff see themselves as service providers, employees “in the service of”. Association members are seen as clients to be satisfied and whose complaints or poor behaviour must sometimes simply be borne. This ambivalent position was reflected at each of the internal meetings we attended. The staff were always central to the logistics of these meetings, having literally to run around in fulfilling their combined role of high level strategic adviser on the European institutions and tour manager.

The general secretary of a European business association: waiter and tour manager

During my period observing at the Paris headquarters of a European business association for chemical products (not a member of the CEFIC),¹⁰ between 12 and 2pm the meeting room was turned into a restaurant by the staff. Each table was occupied by representatives of the member companies, who helped themselves from large dishes of vegetables, meat, fish and so on. On arriving I asked to see Patrick, the general secretary. He was busy serving people, making sure everyone had everything they wanted. He even asked me if I wanted something to eat. I politely declined and sat down near the table at the back of the room. I then observed Patrick clearing empty plates and asking people to help themselves to desserts. ... A little later when the meeting ended he gave a PowerPoint presentation he had prepared on the association’s next annual conference, to be held in Stockholm. The agenda included free time for the participants. “That way you can bring your wife” ... One member felt obliged to add “or your husband, or your special friend”. Laughter in the audience composed almost exclusively of men and where the only woman had not spoken once throughout the five-hour meeting. Patrick went on and for ten minutes adopted the tone of a tour manager. He presented “a nice social programme” and showed photos of the planned excursion including a view of the port. Nothing was said about the content of the workshops. “We’ll take a three-hour cruise around the archipelago. In mid-June the sun never sets, we’ll go to our island hotel by boat. More activities will be available there, including speedboat racing.” Patrick showed images of a luxury hotel, the island, the boat racing. It made for a relaxed atmosphere after the tenser sections of the meeting around differences of strategy and made it possible to end on a pleasant

note before the break. Some representatives took notes because they would later have to sell the importance of their attendance to their companies from a very different angle. Patrick felt it useful to add, “The conference hotel costs 340 euros a night, but we’re also proposing a cheaper hotel at 293 euros per night, five minutes from the luxury hotel.” He ended by showing a photo of the restaurant reserved for that evening at 8 pm: La Coupole near the Vavin metro station.

It’s a short walk from the metro if you don’t stop off at every bar on the way from the station [laughter from the audience]. I chose La Coupole because you’ll have a choice of two entrées, two main dishes and you can order special seafood dishes. Who would like these special dishes?

No one put their hand up. “I’ll try again because I thought this would happen and I need six volunteers.” People put their hands up, laughing, and Patrick noted down their names.

As this first extract from the observation record indicates, staff handle the logistics of the meeting, and also often of any post-meeting activities. Still stemming from earlier forms of work organisation, when they were primarily a secretariat serving national associations, most of these European associations also organise extra-professional social activities – or at least business-friendly social events. Most staff must therefore run these events and prepare post-meeting festivities for their members, sometimes including trips abroad. Like the butlers described by Erving Goffman (1951), this role requires them to be literate in the external signs of class. They have to sell social events appropriate to the cultural interests of their member company representatives, who belong to a higher social stratum of the bourgeoisie. Given the resources that the business associations put into preparing these social events, they are an important component of the symbolic compensation provided to participants at the association’s meetings. Renewed investment by company managers and so by association members is also fostered through the personal benefits they receive in the form of weekends away with their spouses or partners at their company’s expense.

The importance of social events: maintaining group cohesion through visits to Bordeaux wine chateaux and shopping afternoons

During our observation of the board of an association linked to CEFIC¹¹ at a five-star hotel in Bordeaux, Michel, the general secretary, waited for the participants with the receptionist in the hotel’s white marble foyer. Sitting at a small square table placed on the right of the space, covered with a blue cloth and holding piles of papers, Michel welcomed attendees and handed them the documents for the meeting, aided by his assistant. Some participants were planning to stay on after the meetings in order to visit the area and taste its wines. The association’s AGM was scheduled for the day after the Board meeting, followed by “social time” – a tour of Bordeaux and local area, notably the St Émilion vineyards. At 12.30 when

the meeting was officially due to start, we met two women in their fifties with Dior handbags – two participants' wives who were off to look around Bordeaux. Their husbands greeted them and wished them a pleasant afternoon. The events manager at the hotel took us to a lecture theatre across the street, also owned by the hotel. A table with a buffet was already in place. Behind it was a hotel employee in a suit, with an ice bucket full of bottles of wine and plates of fairly basic but skilfully arranged salmon and cheese sandwiches.

In the centre of the room black tables had been set out in a horseshoe. A video projector displayed the agenda prepared by Michel. The company representatives were left to their own devices while Michel and his assistant worked frantically with the hotel staff to get the room ready in time.

This beginning reveals the paradoxical aspect of the positions occupied by the two association employees since, although they are highly qualified (bilingual Michel is an expert on European affairs), the lack of any other staff requires them to deal with logistics. This means they must ensure that the blinds are open enough to let in the light, the air conditioning is not set too high and crucially that members can participate at a distance via a functioning telephone link. The logistics are all jointly managed by the staff of the hotel and association. These acknowledged organisational skills to some extent underpin the positive evaluation of association staff by members. Going over to the buffet a little later, I joined a conversation between two older members who said that they had "always been happy with the organisers Martine and Michel, you can rely on them with your eyes closed".

Following these European business community employees outside their working hours, one is struck by their keenness to frequent places in the European Quarter where the service roles are reversed and they are suddenly in a position to judge the good taste of this or that service. They need to be able to anticipate how their choices of gourmet or cultural events will go down with the heads of large companies who are invited to their association's meetings, and to know, for example, what kind of setting will be regarded as "luxury". On such occasions they are assessed on their ability to organise social events in settings conforming to the tastes of the upper echelons of the business bourgeoisie. This work of organising and running social events puts association staff in positions out of kilter with expectations based on their educational qualifications, and not only at AGMs, but after almost every meeting of any importance. In the working groups, which have frequent, regular meetings, association staff organise the life of the group outside working hours, with what are intended as bonding activities that will create useful professional relationships. So it often happens that Laurence (the toxicologist from *MetalenEurope*¹²) turns into a tour manager for an evening that ends at a karaoke bar:

We also organise things in the evening when there are two-day workshops, so people can do something else and get to know each other. ... We do really crazy things, and it works pretty well. We took them to the museum of fantasy art, we took them on a tour of the car museum with a guy who

was slightly on another planet. We've sung with them, things ... places that are a bit odd. And it works pretty well, we always have thirty people turn up for the evening.

Do you take them to restaurants?

We do, yes, we do. We try to do an activity "plus" restaurant and that's it. ... It forges relationships. And it teaches us to work with cultures that are really different because when you have a German, a Swede and an Italian in the same group, you can't be sure it's going to work.

This work of internal organisation serves the continued existence of the association and cannot be fully delegated because it is what guarantees that member companies will remain interested in its activities.

Maintaining coalition: the hidden aspect of the lobbyist's work

Most of the time association staff are working to maintain an internal coalition while simultaneously familiarising EU decision-makers with that coalition's positions. Whatever the size of the association, a lot of staff time (the general secretary's first and foremost) is necessarily spent on preparing for board meetings and AGMs. As noted by Tom Falner, director general of the Architects' Council of Europe, in medium-sized service sector associations, staff are always obliged to divide their time between internal and external work, with much more spent on the former:

It's become clear to me that the secretariat of a European business association needs to have two strong branches or pillars: an administrative pillar which is the functioning of all the working groups, on all the themes, the subjects and all that, and the second is the presence in Brussels, lobbying, and those are two different things. And at the moment I'm both. And it's not workable. ... I analysed my time [he takes out his time-sheets, on which he notes by the hour what he does each month]. Internal activities: 60 per cent; external relations: 10 per cent; politics and lobbying: 7.5 per cent; external groups and projects: 9 per cent ... various, including travel, holidays, etc. 11 per cent.

This point deserves a little more attention. The vast majority of North American studies on lobbyists see them as primarily engaged in providing frameworks for elected representatives. "Lobbyists are framers", proclaims F. Baumgartner in his research, which he is now following up with other studies on advocacy (Jones and Baumgartner 2004; Baumgartner 2007).¹³ But if we are to believe Tom Falner cited above, this external work ultimately represents only the visible element of work in Brussels-based business associations, particularly smaller ones. Keeping the association alive notably requires the general secretary to maintain a degree of ascendancy over the Board, and this work must be done over time. It requires the establishment of personal relationships with each

interlocutor in the national associations and, crucially of course, with the President (who is often merely passing through and enjoying the prestige of the title of President of a European business association in addition to his functions as CEO). We were not able to gain regular access to interactions between a president and general secretary because these discussions are usually regarded as confidential. But this difficulty of access also reflects the fact that such face-to-face exchanges are occasional and generally take place the day before the AGM (as happened during our observation at the architects' association when the secretary shut himself away for an entire morning with the Irish president to "take stock"). Similarly, throughout the year the director of a European association meets directors of the national associations and heads of large companies that fund the organisation. Maintaining client relations is often vital in order to "take the pulse" of the association and to maintain the position of director. This endless round of discussions makes it possible to know when potential trouble is brewing. As described by Franck Jones, director general of ORGALIME (which includes around a hundred associations), it is also a way of reminding each individual member of the importance of preserving a European association and is thus the best way to protect the association (and with it his or her job) over the long term:

I try to see each of my members at least once every three years ...

All the association presidents?

No, the directors of national associations, sometimes the presidents of national associations, I try to see them at least once every three years, the bigger associations a bit more often, for the purposes of quality control, to see what they want from us and to have an open discussion about policy, questions, problems, so they understand how things work, that's crucial. Yesterday I was in Poland.

So you're the one who does the travelling?

Depends what for. But when there's a particular contact to get messages across, particularly financial but other things too, yes, I'm the one who goes to see them.

This work of maintaining interest in the life of the association is vital to European business associations, since every year they receive significant amounts in subscriptions. These may range from 3000 to over 100,000 euros a year for the largest associations, and each has its own system for calculating subscriptions on a more or less sliding scale. So for some business associations the contribution is a one-off payment plus an amount on a rising scale linked to the tonnage of material produced each year. In others, such as EDA (industrial milk producers), annual subscriptions are calculated using criteria derived from the Commission, in this case each country's milk quota. But in every case, association staff are required to justify the cost of subscriptions (particularly to medium-sized members) and to keep alive their interest in continued membership. As in many service sector professions, staff tend now to be converts to operation by

“projects” as a means of ensuring renewal of the association’s budget. They seek to interest member companies (their “clients”) by, for example, proposing the launch of a joint platform with other companies on a particular issue of regulation gestating in the Commission.

As described by Serge Demoulin, general secretary of the European potato federation, staff have to sell “the importance of the service offered” by their association to large companies. It can happen that a large company subscribing to several European business associations chooses to make radical budgetary cuts, retaining only its most effective European showcase. In this respect there is a competitive market for very large groups, where the lowest bidder wins, obliging lobbyists to keep promoting their own distinctive “performance” at a cheaper price than other associations in the same sector:

To increase a budget, you have to think about the way the McCain people will look at things. Because they are our members. And at the end of the day we are only working for the companies. ... And we have to earn that trust, we have to work for it. And in this context, asking McCain to increase the budget is just not possible. We can’t do it! So you need a new project, and in this context the project has to respond to McCain’s needs. And it has to convince them. They’re Americans, or Canadians, so they think the big companies are the most important. We have to show that they have an interest in making the investment. ... The CIAA – but it’s true of most of the big business associations in the food industry sector – are businesses. And who are in them? Danone, Nestlé, Unilever, Ferrero and all the other big companies in this business association. At the moment they account for around 35 per cent of the contributions. The national associations still pay 51 per cent. ... But what we’ve had to promote to get these groups around the table is central – and it’s projects.

As in any interest group, the “official spokespeople are required to justify their existence” (Offerlé 1998: 69). Often described as men of power manipulating elected representatives, business association staff in reality spend more time trying to maintain interest in their work among their largest members. To this end they are obliged to use not only their knowledge of the regulations but less honourable tricks as well in order to ensure a balance of power between the “big” members of the sector.

Defusing the effects of commercial competition within the association

The staff role extends beyond logistics and is often political in the sense that questions linked to statutes and voting procedures clearly relate to the powers granted to each competitor within a single sector. Association staff cannot confine themselves to applying the rules, but must “bring the statutes alive” and crucially adjust to conflicted power relations between their real employers, which are the largest funders of the association rather than the association itself.

As shown by this extract from a field journal, business association staff are sometimes caught in power struggles within which they are statutorily required to promote a minimal degree of entente between their members in order to preserve the interest of the sector's larger operators.

Armouring an association AGM in favour of its largest member

After long negotiations, the largest Brussels-based business association in the chemicals sector gave me permission to attend the board meeting of one of the associations whose salaries it pays and which specialises in food chemistry. The board consists of six people plus Michel, the general secretary, and his assistant. First comes Helmut, representing the largest company in the sector (BASF) and head of Scientific Regulatory Affairs at the group. He chairs the meeting. Another participant, Rudy, is also employed by BASF, where he recently took over as head of safety products and regulatory affairs. A German engineer in his forties, he has just seen the large firm he headed bought up by BASF. He is heckled throughout the meeting by Lucile (employed by another association in the chemicals sector invited to the meeting) about the fact that he no longer has the right to vote as he is now employed by BASF. The fourth participant, Jacques, is CEO of a French chemicals company whose products have food applications while Maryse works for another multinational (of French origin) in the sector. Maryse and Jacques are coming to the end of their terms and will stand for re-election at the next day's AGM. The last participant, Hans, is a consultant and has worked for one of the group's member companies for fifteen years. Today's discussion will thus focus on the question of votes for the new Board. Although the pre-meeting atmosphere was relaxed, differences of opinion are now starting to emerge. Michel and his assistant take out the statutes and look at who can vote today and tomorrow. The statutes indicate one vote per company and Rudy now counts as a representative of BASF. He will not be able to vote at the AGM. Helmut turns to Michel with a doubt: "Michel, we have a question about the budget. Only official Board members can vote?" "Yes, that's right. If the company no longer exists or is now a 100% subsidiary, it no longer counts." Lucile again says to Rudy, "So you can't vote" (this amuses Helmut, who has a lower position in the hierarchy at BASF, but can still vote).

Michel goes on explaining the statutes. "Associate members can't vote either", and he projects an Excel table showing the list of members whose subscriptions are up-to-date and membership changes over the last ten years. The membership list is getting shorter. The average fee is 4000 euros a year and one of the smaller members has just left on the grounds that it was too high. But the main reason for the shrinking membership lies elsewhere. Hans the consultant turns to me: "My God, BASF is eating up the list!" The figures do indeed reveal that BASF is gradually buying up the other members of the association. This process of merger and acquisition makes relationships within European associations more complicated. Paradoxically, a company that retains only partial control of its subsidiaries has influence at different levels in the association through its subsidiaries, which remain members. Whereas if the competitor is bought up in its entirety, the subsidiary no longer counts as a separate member of the association. The membership fee for the acquiring company increases (because it is partially indexed to annual output), but it has fewer votes within the association.

This situation is clearly a problem for the representatives of BASF, which is the highest paying subscriber but is gradually losing power within this organisation. Positions harden and the BASF representatives want guarantees. Michel replies,

If you want [a particular member] to be on the Board, they have to be elected. On the other hand, I have only two official candidates and on D-Day tomorrow they will all stand and I don't know who is standing. ... To ensure continuity we need [a particular member] on the next Board.

Rudy is worried. "Yes, except that [this member] doesn't represent the producers, so we shouldn't have them round the table." Michel reassures him as the guardian of the association's statutes: "Yes, but according to the statutes, you can be a Board member if you run one of the association's working groups and I suggest that she becomes chair of the 'products' committee." In this way Michel offers a turnkey way of getting round the negative effects of BASF's successive acquisitions of some of its competitors and guaranteeing the maintenance of its members' investments, which he regards as potentially undermining the balance of relationships within the association. Rudy adds a request: "Let me be political. We have unruly members who pose problems. I think we need at least one of them on the Board." The assistant asks him, "These members you're referring to, are they the three companies of [BASF's competitor group]?" Hans: "Yes, but they've merged their different companies under one name." Michel: "Yes, but they were still three different companies recently." Rudy: "So we need to reverse the agenda for the AGM so they can pay three membership fees this year." Michel: "No, I have to recognise it now." Rudy: "No, you don't have to. You just have to say that you can't draw up the provisional budget for the following year if you don't have the number of members, we reverse the order of the agenda." Michel: "So which one do we have on the Board?" Maryse: "I can ask Wolfgang..." So the three companies that have just merged will pay three separate membership fees, but once the budget has been drawn up they will have only one vote on the Board. The BASF members seem reassured and the meeting proceeds more calmly.

As this meeting reveals, most internal issues (such as those linked to statutes or the profile of members the association needs to recruit) can be directly related to the way that the dynamics of commercial competition are mirrored within the association. This is as true for the Board and general secretary as it is for the staff who run the working groups and have regular contact with the participants that each company sends to the meetings. In most associations, the construction of positions is carried out in specialised working groups (environment, commercial aspects, etc.), which are coordinated by an association employee and chaired by a senior manager from a member company, and to which each company is supposed to send an expert in the subject. In an interview, 28-year-old lobbyist Jeanne Weber, senior policy officer for Euro-leasing, told us that by drawing up job descriptions and "pushing names", staff can ensure that the chair of "their" working group will be the one to work on developing positions with the Commission (interview of 18 March 2010 at the association's Brussels office). This work

of selection goes hand in hand with the more routine activity of running the working groups. Association staff regularly contact the various participants of “their” committees, they manage mailing lists and routinely maintain small virtual communities of experts. They are thus very well placed to identify the different degrees of investment in the coalition fostered by their organisation. They observe the routine filtering operated by lobbying within their associations. They are supposed to offer the Commission a considered, European sector-wide position, but this is often drafted on the basis of the positions of the handful of businesses with the greatest financial resources and the highest degree of mobilisation.

In many interviews staff members spontaneously mention their members from small countries who are rarely present. This was true of Philippe Bonvoisin, the general secretary of a service sector association, who suddenly remembered the existence of a Cypriot member:

There was a Cypriot member, a guy who had three companies. One day he sent me a mail saying, “I can’t be there” and I thought to myself, “Oh yes, he’s one of ours.” He must have sent one payment. It took us a while to remove him ... Same was true for the people from Luxembourg. They pay a tiny fee because it’s based on the size of their country and sales figures and they hang onto the seats. ... We also had the Hungarian who brought his translator to meetings. He was in his 60s. The pair of them came, 800 euros each, 3000 euros a day. They didn’t understand a word. I was talking to them about competition law. Of course that affects them and it’s important. But what’s the point of coming for that? Well he’s being clever because on his business card he’ll play it clever by saying he’s a member of the Board of the European association.

In interviews, the members from some countries (notably often from the former Eastern bloc) are often still regarded as separate in the European business associations.

We could mention another example from this observation of the AGM of an industrial association, where the meeting was stopped when it got to the issue of finance. I as a sociologist and the members from the former Eastern bloc countries, still regarded as observers only, were asked to leave. I spent a long time waiting with them in the corridor while the discussions went on without us. The same phenomenon crops up in several interviews, including in sectors where former Eastern bloc countries are regarded as powerful:

For us [says Paulina Draga of the association of natural gas producers], there has been a change in the sense that since the new countries joined, ... most of the new companies have very, very limited knowledge or understanding of how Europe works. In terms of co-decision and everything. ... Their participation has created two different levels in the association. Some are active – that’s the old companies, the big ones that know all about it and so they push in certain directions, they’re really active when it comes to

preparing positions and so on. And the others, the Eastern countries, are really there to listen, to gather information and it's very awkward for them as participants because they feel a bit uneasy because they don't understand everything. ... They come primarily to gain information and they don't participate, so it's very hard for the secretariat to manage. It's this two-speed group which isn't equivalent at all, which means on the one side there's a part that pushes and then the others who are there to listen.

It is usually apparent to association staff that some members can be counted on at different levels, but that they must also monitor and gauge the differential dynamics stemming from differences in membership fees, the association's history, the dynamics prevailing when the organisation was opened up to new members and so on. The same is true in associations where the statutes allow them to accept North American member companies (which, unlike the former Eastern bloc countries that are now EU members, usually contribute a great deal to the production of the positions of European business associations).¹⁴ As noted by Simona Tolsi, EU Affairs adviser to the CECE (the European association of producers of machine tools for construction), Caterpillar (a company based in North America) has a dominant position due to its office in Brussels, like the Japanese member Hitachi (interview of 26 January 2011, at the association's office). This over-investment by the largest commercial operators to the detriment of newcomers and companies with more modest resources poses a particular problem for staff, since it leads to the exclusion of small members and also tends to generate complicity between the large operators in the sector that could veer towards illegal commercial understandings.

Much of the time association staff are less concerned with softening the effects of competition than reviving them, because the four or five groups that employ them and which are really active in Brussels are often comparable to a cartel. Limited on one side by the effects of economic competition (larger operators working against the smaller), the work of political coalition-building carried out in the associations is thus also constrained by the European regulations relating to competition law. The antitrust laws forbid any exchange of commercial information that might lead to price fixing, and on this point association staff are in an equally vulnerable position. Associations are open to prosecution as places where illegal arrangements could be made, so the staff of most provide booklets setting out what can and cannot be done in meetings. This is one way of protecting the association and ensuring that meetings comply with legal requirements, as indicated in an interview by Pierre Legros, senior employee at the European association of lightbulb producers:

It would be a professional error to give one company access to this information and not the others, or if I myself were aware of it, to give sensitive information that is not compliant with European competition regulations, so to discuss prices or specific company strategies, or to foster such discussions, so that reflects antitrust law, the regulations concerning what can be said

between competitors. ... One of the classic duties stemming from that is that, if one of the association staff or anyone realises that the discussion is inappropriate and leading to the exchange of sensitive information, they have a duty to say no, to leave the room, make a fuss, insist it be minuted and so on. ... In fact it's already happened because the worst of all is when the European Commission suspects the association in relation to prices, that's the worst thing. ... And often the association goes down that path because either the people meet in the association's offices or in working groups that are discussing ... for example, working groups on highly sensitive statistics.

(Interview conducted 17 March 2010 in a café in central Brussels)

All the effort expended on maintaining relations between the different company representatives in the face of commercial competition provides very fertile ground for the development of relationships that can lead to illegal practices. We were never present at a meeting that veered towards any kind of informal price fixing. But to understand the existence of these illegal practices, one need only consult the decisions of the European Court of Justice and the Commission on antitrust policy. These set out the modes of illegal understandings that can often emerge at social events held on the fringes of the AGM or working group meetings of a European association.

The CEFIC is cited some fifteen times in disputes over understandings investigated by the Commission, and many other associations (such as the EFPIA) are mentioned in decisions and judgments. The narrative often describes member companies asking association staff to set up a working group on "data" or "statistics", which becomes over time the legal shop window of an agreement. Companies exchange information on their respective production volumes through the association (this being licit as long as the data are provided by country and not by company¹⁵), then get together on the fringes of meetings to fix future prices and production levels. Since the 1980s there have been dozens of court cases¹⁶ in which companies retrospectively criticise the way that CEFIC meetings or an association's social events have been a context for a commercial understanding or at least laid the foundations for it. This happened for example in the 1980s with the market in stearin (a type of wax), and again in the prosecution of sodium chlorate producers launched in October 2011: the Commission argued that the producers "maintained frequent contacts [and that] the discussions took place during multilateral meetings, often on the fringes of meetings of the CEFIC's sodium chlorate working group".¹⁷ Astoundingly (for a non jurist), the associations were not found guilty, even though their staff had clearly given way to their members, or at least facilitated the understanding. Since antitrust law as set out in Article 85 of the Treaty of Rome applies only to companies, business associations are not generally prosecuted (particularly as they usually collaborate with the Commission once a case has been brought).

Another reason why association staff rarely get into trouble is that the statistics produced by associations are much more than simply a potential basis for price fixing. As indicated above, they are also widely used by EU officials

working on industrial policy. Meanwhile price fixing understandings also exploit a contradiction in the administrative work of the DGs Competition and Enterprise: on the one hand EU officials delegate the task of producing Europe-wide statistics on particular goods and future developments in specific markets to the associations; but on the other, these platforms for coalition are supposed not to be used to underpin commercial understandings that would benefit dominant operators. So even when the associations support a particular company's legal case, they are never found guilty. In July 2010, when EFPIA staff came to the defence of pharmaceutical laboratories accused of a commercial understanding, the Commission ultimately approved "the expenditure linked to the EFPIA's intervention" while the companies' fines were all confirmed.¹⁸

So these cases primarily enable us to infer what constitutes the real resource of association staff as a counterweight to their structural and financial dependency on the member companies. Their role in the dynamics of EU administrative work broadly protects them against any possible fallout from the application of Article 85 of the Treaty of Rome, while their employers generally bear the costs of infractions. It is this resource linked to their contribution to administrative routines that ultimately – and far more than any interactional skills or sense of compromise – allows them room to manoeuvre and compensates for the structural vulnerability of their position as lobbyists and the competition between associations in the same sector. A product of the long history of relations between the associations and the Commission bureaucracy, the European legal and institutional capital accumulated in business associations is one of the few resources that enables them to get round the effects of capitalist concentration and economic competition.

Mastering "Eurojargon" to compensate for vulnerability

Taking account of all the elements that have been described so far (employment contracts that can be vague, the need to make the association seem worthwhile in the eyes of companies and so on), it seems that immersion in the European Quarter and understanding the workings of EU institutions are among the few resources lobbyists can draw on to make an impression on their members. Obligated to generate a need for their skills, they constantly promote the association's appropriation of the language of EU institutions to their members. This was explained to me by Mila Draoma, policy officer for the association of certification companies:

There's a whole "Euro-jargon", so if you have to write a proposal to put to the Commission, you have to write it EU friendly. You don't say "safety", because that's not enough, you use "risk". If the European Union is now promoting "sustainable energy", you use "sustainable" rather than "climate change". It's a small difference and it's no secret. But it's something my interlocutor may not know and it's the kind of thing you can promote internally. Because the people who work in the European institutions tend to

change departments every five years, but they understand things in the same way I do. I'm closer to their way of thinking than our members who come to the meetings when they're experts in the field they've been working in for twenty years. ... We have a special wording and my friends who are in the same field as me have the same "Euro-jargon". You write DG this, this, this, and some French words. And then you link it specifically to the policies which are launched. That way you know that when they read your document they'll underline certain words.

(Interview conducted 2 March 2011 at the association's office in Brussels)

The value of this "special wording" is a resource that staff can use in their day-to-day work to impress company representatives. They can mobilise their knowledge of the administration to place different weights on the effects of economic competition. Most of the individuals studied seem to acquire this type of resource through secondary professional socialisation and the accumulation of a very particular social capital.

These employees describe how their work requires daily participation in micro-groups bound together by a shared interest public policy issues. The widespread use of social networks such as Facebook and LinkedIn by these young managers reinforces their sense of belonging to a micro-community at the heart of the European Quarter, as described by the Amcham employee who said in an interview that she "had some fun with LinkedIn" and communicated daily with EU officials and other lobbyists via social networks. The professional group of lobbyists is another form of group refuge which these employees can use to counter their financial dependency on the companies that fund the associations. They belong to the trans-sectorial group of advocates of business causes. The existence of a community of lobbyists is affirmed in associations like SEAP (which draws up professional codes and ethics charts for "the profession"). Membership of organisations of this kind helps to construct professional legitimacy.

But above all this immersion guarantees business association staff that they won't "miss" an element they could later exploit internally. As shown by the example of Mathieu Lapierre, employed by FEDIOL (the vegetable oil association), integration into the European Quarter gives them the chance of knowing what is being proposed in advance of the official publications in the Official Journals and to have information about draft regulations:

Monitoring happens all by itself, you don't think, I'm going to spend an hour monitoring. You're always talking to people from the companies, people from other associations, so our monitoring is the fruit of our work, our conversations with the Commission, with the member states etc. So it's not like you were in the office every day looking at the Official Journal of European Union to see if there was anything interesting. I don't do that. If there's something interesting in the midday express the secretary will just send it to me.

(Interview conducted 25 October 2010 in a café in central Brussels)

Many interviewees describe their participation in small informal groups of lobbyists that provide them with reciprocal monitoring of dossiers that might affect their members, a kind of safety net “just in case” they miss some important text. This mutual support also guarantees them a constant stock of current dossiers which their association should consider. As indicated in an interview by the general secretary of the association of architects, there may be an “architect directive once every ten years”, but draft regulations that could have an impact on the sector turn up every day. So the social capital linked to immersion in the European Quarter makes it possible to maintain the members’ interest in funding an association.

But this socialisation into the workings of the EU bureaucracy does not take place only through integration into the European Quarter. It has first been guaranteed by a brief passage through the institutions, by means of either an internship or a short-term contract. Most interviewees had held at least temporary positions in the EU administration or the European parliament. In the early years of their work at the association, they could still phone or contact their former colleagues, thereby demonstrating the efficacy of their relationships to their employers. The rate of turnover in EU departments can of course quickly render this address book obsolete, but, like Hans Petersen, director general of the European association for animal foodstuffs, the lobbyist who has worked at the Commission acquires something even more valuable from this experience, which is first-hand, practical knowledge of how the bureaucracy works.

Were the contacts you made at the Commission useful to you?

It’s always ... It’s not really the contacts because you aren’t there very long. Of course you’ve developed professional relationships with colleagues. But what helps of course – what helped me – is that your time there enables you to understand how the organisation works, even if it’s a big machine like the Commission, and agriculture at any rate, today when you see the agriculture budget, it’s kind of a force majeure, it’s a dominant force within the Commission. DG Agri always had its own special place, so it’s more that experience, an understanding of how the organisations work. That’s the benefit, contacts far less so, because with them everything changes very quickly, once you’re outside the people are always changing.

It matters little that this first-hand knowledge of the internal workings of the EU administration is acquired on the basis of short-term contracts or assistants’ posts (for the parliament). These experiences guarantee a minimum of knowledge concerning the function of departments that might, at a later date, be monetised on the job market. They enable the associations to internalise an institutional capital that is incorporated (rather than simply accumulated through regular professional contacts between different office managers). By functioning as a resource in the internal interactions of associations, this knowledge of EU institutional functioning pays a major role in maintaining the practical legitimacy of association staff in the eyes of their members.

A composite resource that has symbolic effects of imposition in practice

Legal knowledge (such as the usual path followed by legal texts) combines with more informal knowledge, such as fluency in Euro-jargon or practical knowledge of how a unit or DG works. In practice the combination of these different kinds of knowledge forms a resource that can be offered as a whole to company representatives, particularly in associations whose members do not have offices in Brussels.

Members brought to heel in the name of “reality in Brussels”

The business association for direct sales (FEDSA) agreed to allow me into one of its meetings. It has meagre resources and the meeting is held in the premises of EuroCommerce, which is an umbrella organisation for all the small associations in the sector. The Chair greets me warmly. She “works for an American company worth nine billion dollars”. She lives in Brussels and is head of the EU affairs office at Amway (an American company in direct sales of beauty products). To her left is the association’s general secretary. To her right sits Noellia, the association’s young legal expert who was introduced to me as “cutting her teeth”. The meeting starts exactly on time. The Chair speaks: “Let’s start with the consumer directive and the challenges it poses to our sector. Let’s read the articles of the consumer directive.”

As she opens the session, a lobbyist comes in. She is aged around thirty and dressed in the regulation business suit. She sits down next to the association’s young legal expert. The Chair introduces her to the participants: “This is Samantha Forgon, internal market advisor for EuroCommerce, the European trade association of which Fesda is a member.” Samantha speaks slowly in English and presents EuroCommerce:

EuroCommerce is the European association that represents the entire retail and wholesale sector. We’ve been in existence since 1983 and we represent different associations. ... Concerning the Consumer Rights Directive in particular, this directive has been in informal trilogue for nearly three years,¹⁹ because they ran into a lot of problems. Since the text reached the final phase, a lot of consumers and stakeholders have been making their positions known. For the moment what we’re doing is keeping on lobbying because at the end of March they adopted the preliminaries of the text, but not the entire text. Since April they’ve been working on the trilogue. For the moment the Council has strong positions. Our aim is to try to reduce the requirements, but it’s hard because the Greens are very strong in the parliament. Among the measures set out in this text is the idea that buyers in transactions have the right to send all products back at the seller’s expense if they are not what they wanted. We are trying to ensure that this measure applies only to products costing over 40 euros. The directive also provides for consumers to be reimbursed if they say that they have not received the product or if it was received in a poor state. Another dossier that we are following, there is also the idea that the seller should be able to deliver anywhere in Europe [signs of

disapproval from the audience]. We're fighting that too, we just want the website selling the product to list those countries that can be delivered to and those that can't.

Samantha ends her presentation: "That was a very short presentation, but I can now answer any questions you may have." Silence from an audience stunned by so much information at once. The Chair speaks: "Thank you very much Samantha for this presentation." The representative of a British member company eventually reacts: "I have two questions. If I understand you correctly, the process is coming to an end. Could that happen between now and July?" ["Yes."] "And my second question: what can a country do to oppose it?" Samantha replies that in the EU system a single country cannot oppose it but that a qualified majority is required to pass the directive. "In any case this consumer rights dossier is one of the hardest we have had to lobby on." The Chair:

Yes, and I have to say that all this is rather strange and paradoxical because business initially supported the initiative. But now we have realised that it sometimes goes way too far, the business associations are less supportive of the text and crucially are not pressing so hard for full harmonization.²⁰

Samantha continues:

Yes, and all that's because they are asking for too much consumer protection. We are disappointed because it's not what business was promised. We thought it was going to make our lives easier, that there would be no more borders and better integrated markets, and now we're thinking that it will make things more complicated.

The British member: "Which are the countries against it?" Samantha:

Hard to say because officially everyone will say that they still support full harmonization. What you have to understand is that this is really a very difficult situation, it has got to the point where the member states are now in favour of a minimum.

[Silence in the room again, glances exchanged.] After one more exchange Samantha gets up and leaves. Before going, she leans over the desk to gather her things. My neighbour to the right whispers to a colleague, "I don't like the message but the messenger's lovely." As the EuroCommerce lobbyist leaves the room, the general secretary of the direct sales association has only to ram home the point:

The girl you met and who has just left represents 12 per cent of European GDP. We give them the data but we leave it up to them and to Business-Europe, where most of the lobbying is concerned. So to sum up we have a law coming in in mid-July, and there's only one thing we can do and that is to press on one or two points. For your part you should keep on seeing how things are at the national level and together we will press to have the draft not apply to sales under 60 euros. The current directive proposes to apply to sales over 40 euros, we should press for 60 euros. Otherwise we may end up with

zero euros. Very cynically, the European parliament came in with an amendment, with 40 euros, but only on instant transactions. We need to put our energies into fighting that.

The British member [clearly dissatisfied]: “But why are we proposing 60 when originally I thought we’d agreed to go 100 euros?” The general secretary:

You can’t propose 100 because that would be seen as a proposal from another planet! [separating the syllables]. We have to go with 60, really. We have to go with this proposal, we have to push for this, because the parliament wants zero and we risk ending up with zero.

The Chair: “Yes, we have to be careful because the trilogue really is a place where no one can do proper lobbying.” The British member: “But originally we were going for 100 euros...” The Chair:

Look, I’m not saying that 60 euros is best and that’s how the law should be, I’m saying it because that’s how world of politics works in Brussels. ... We are small and we can’t put forwards changes that make things too complicated. We have interlocutors in the Commission who tend to say to us, “With 27 governments to manage, we’ve already got enough complications.” So often even before your proposal is on the table everyone says to you “stop with your idea”, because that’s how it is, that’s how things work in Brussels, they work in a very consensual way.

After the members have been brought back into line in this way, the issue does not really receive further discussion and the meeting quickly moves on to the next item: lobbying on the retail market regulations. The young Fedsa legal expert is almost the only one to speak. No one interrupts her: “As you have seen in my memo number 10...” No one really reacts. Only the sounds of building work from the street disturb the staff member’s monotonous flow.

Even when talking to representatives from very large companies (such as here the representative of an American company “with a turnover of 9 billion dollars” – Amway in this case), the association’s staff with their fragile contracts and sometimes uncertain status can draw on a single resource that is composite but rooted in the same relationship to the EU institutions and the Eurocracy. Like the European jurists described by Antoine Vauchez, if we see the legal knowledge of lobbyists as only “a purely technical competence, we often ignore the fact that it is inseparable from a social competence that is not only about the law, but also about social relationships and the non-legal practices that they enable” (Vauchez 2007: 63).

As happened in the above scene, a staff member immersed in the European Quarter and working very closely with EU institutions every day can exploit her knowledge of the path of a draft law (“the consumer rights directive is in informal trilogue”), the current positions of each institution and the member states (“the Council has strong positions”, “the member states are no longer

much in favour”), the precise points of the draft regulation on which a position must be adopted (“the requirements”), what can currently be said given the positions of the other actors (“certainly not 100 euros”) and the positions of the other business associations (“support from the other business associations is declining”). She can now state with authority what it would or would not be reasonable for the whole of the European association for direct sales to push for. She can confine the company managers to the language of behind the scenes (some members trying here to promote a more macho register among themselves) and can more or less silence any objections. The general secretary in this particular configuration of an association that is a member of an umbrella organisation need only add a few authoritative arguments (“we are small”, she “represents 12 per cent of European GDP”).

All this jargon is not here only for external use (seeking to improve lobbying to institutions). Manipulated internally in this way, this knowledge of the Eurocracy creates an almost immediate effect of political censure for the members who, lacking familiarity with the arcana of the institutions, have no choice but to be silent or reveal their ignorance (like the member who received a lesson on the qualified majority). Whatever the size of a multinational company represented in an association, in internal meetings of this kind (and when the time ultimately comes to draw up a position that the Commission can hear) its influence depends on the volume of institutional knowledge that its representative can use against the association’s staff. Company representatives may be asked to provide technical expertise based on their specialist knowledge of a particular issue, but in practice the resources of knowledge of the Eurocracy function as capital with meaningful returns in the micro-field of struggles that the association represents.

The knowledge of EU institutions brandished by association staff is not a neutral, stable form of expertise. It has effects only on social interaction and in relation to other resources mobilised by other agents. If, within a business association, the representatives of some companies have a Brussels office that is sufficiently well established for them to exploit the same bureaucratic capital, association staff are no longer the only ones with this knowledge and have to accommodate their rivals. To get around this and avoid being sidelined, in some associations staff encourage the formation of an EU task force, inviting the lobbyists from each company based in Brussels to share their information. The aim for the association staff is to use the contacts lists of company representatives in the service of the association and, conversely, to counter any diminution of the distinctive value of their own bureaucratic capital that might result from competition with other “Brussels people”.

So all in all it would be wrong to assume that the direct seizure of power by companies in the internal organisation of business associations simply leads association staff to be more dependent on the agenda of the multinationals. For these lobbyists, facing down top managers with the symbolic legitimacy of representing very large global groups symmetrically reinforces the importance of familiarity with the workings of the Brussels institutions. This familiarity is the only distinctive resource they can exploit and can compensate for the relative

uncertainty of their position as intermediaries. In this they can count on the role of the platform historically provided by the federation, whereas EU officials always suspect company representatives of being too closely bound to one company. The demands produced by Commission officials (always on the lookout for interlocutors who can offer them “European” data and syntheses) thus coincide with the specific social logics of the position of association employee. Maintaining the closest possible relations with a particular desk officer in the Commission in a position of “coordinator” is one of the surest ways to compensate for the relatively servile role described earlier and to maintain one’s credibility with the members.

Lobbying dependent on administrative timeframes

Paradoxically, the more the European business associations are directly managed by large groups, the greater the interest for their staff in remaining as close as possible to the EU institutions in order to preserve the only distinctive resource they can wield internally against the company representatives. This loop of social relations renders association staff structurally dependent on Commission officials. Their dependency is not statutory (their employer remains the association) but is produced by the constraints of work carried out as closely as possible to the bureaucratic institutions. At this point we should give more information about the form of exchanges between association staff and EU officials. Most of those interviewed work primarily with three or four DGs and generally monitor the work of at least one specific agency. But their relationship with the Commission tends to involve the establishment of a special relationship with a desk officer or Head of Unit in charge of the regulation of “their” own product. This embodiment of relations with one or a limited number of administrative officials encourages us to consider practices of influence in terms of a manipulation of knowledge of the administration by non-administrative personnel.

Know and pamper “your” desk officer

Association staff regularly provide the desk officers they know with technical data on their sector (annual output volumes for a particular substance, numbers employed in the sector, etc.). But they do not only provide information on their economic sector: they also do spontaneous sociology on the Commission’s administration. They are able to name, identify and follow the personal agenda of the desk officer and head of unit most useful to their dossiers. So it is not uncommon to find a set of detailed information on a particular official in a note sent to members. An almost personal relationship with “your” desk officer is not simply a way of displaying one’s knowledge of the Commission to members. It also makes it possible to know when there is still point in pushing a position and when insistence is pointless. During an observation at a member association of the CEFIC, shortly before a meeting of his board the secretary general described to me the difficulties he now has in making contacts with his usual interlocutor:

The desk officer we work with almost exclusively at the DG Sanco is giving us a problem because she has stopped responding since July, since the adoption of the PIM directive on articles intended to come into contact with food.²¹ We've got dossiers on the go, but her hierarchy have stopped responding. I think she was hoping for a promotion after closing that dossier. She was hoping to be transferred elsewhere but it's not happening quickly enough. So now she's not taking on any new dossiers, particularly the PIM dossier which almost started twenty years ago and now she can profit from it. But the problem is that we've got urgent dossiers we'd like to move forward.²²

To move their position forward lobbyists are not only bound by the timeframes relating to the gestation of directives. They are even more structurally dependent on the career dynamics of their interlocutors in the administration. If one of these officials moves to another DG a dossier can be buried for several months. The trick is to feed "one's" desk officer with technical data from the companies, hoping that he will not be transferred too soon and that this patient work can be turned into increased attention to a particular text in gestation, or – better still – a leak of the early versions of a regulation.

On the lookout for draft directives

For the lobbyists we met, the ability to obtain a first draft from the Commission before the other lobbyists is a primary return on the social capital accumulated and investment in a close relationship with the eurocrats. As described at our third meeting by Philippe Bonvoisin, the general secretary of a service sector federation whom we have already cited several times, the importance of these relationships is not really tested until it comes to reacting to the early drafts of the Commission's positions on a subject:

I hadn't realised how important it is to have a pre-draft or that it was even possible.

Only if it's leaked. ... So when it comes to that, getting stuff in advance, dream on. Nobody in the Commission is going to tell you ... On the other hand, you can work it out from certain things. I used to do that before on banking issues. I had enough contacts, I knew the spokespeople and I'd say to them, "Might the Commission be in favour? How might the Commission respond to this or that scenario?" That way you can test out your scenarios. It's really helpful for taking decisions. ... "Leaked" means it's a confidential document. The document has been stamped confidential. It's often like that in competition. There are other cases in the internal market. ...

It corresponds to a stamp, a degree of official internal confidentiality. So that means that internally there are already documents that everyone knows can come out a bit, others not so much ...

No one says so, but that's how it's understood. In reality there's a point when any document put out by the Commission has to be published. Even a

consultation, a note or anything. All documents have to be validated by the other general directorates – there are twenty-seven of them. If they say nothing, there's no problem. So for example on the phone, for a new UMTS standard it's the DG Sanco or some other DG that will lead. And they will internally consult other DGs. They consult, so then the document does the rounds.

So that's a first version, a first draft.

Yes, so gradually the draft does the rounds between them in the DG. Then usually they circulate it between departments. When a document has been circulated between departments, that means that if you're in the right place there are twenty-seven DGs that have had it. I say DG, that means the units, it also means that all the heads of unit have seen it, let's say at least twelve people per DG. That makes at least a hundred people who could have opened it. It doesn't mean they did open it, but they could have.

Right. So that means they received it by email.

You don't often receive it by email when it's shared. But you call someone who says, "It would be nice if we could have lunch tomorrow."

So in fact the pre-draft circulates on paper ...

Theoretically it could circulate electronically, but ...

But what's in it for the guy, a Commission employee, who's on – I dunno – 7000 net a month, to pass it to you?

Oh no, it's not about that! It's not that. ... He doesn't give it to just anyone. He has to get something in return. He has to have an interest in doing it. Usually that interest is, for example it's that technically I [as a lobbyist] have a position paper in progress and my position will be based on the position of the DG Internal Market. So I've already consulted the DG Internal Market, the lead DG, we already know what it is. So our position is then that the standard should be the same all over Europe whereas other people want it to be possible to have different standards. So we want to find a common standard for all the European countries. That's the line we're following. Even if people know agreements will be reached, they argue for the identification of, for example, only three European standards, not just one ... I'm making it up here. But the Internal Market guy, you call him, you say, "I've heard that so-and-so has started throwing out the draft." He says, "Oh no not immediately, it's going on Thursday, I'll keep you in the loop." Fine. So on Thursday you call him, he says, "I've read it. It's quite a long way from what we wanted. But there are points in common." So then you say, "We'd like to refine our position." So then at that point he passes you the document. And then you can go and see the others and argue. So after that, it's not the DG Internal Market that goes to see the others, it's you that goes to the other DGs with one paper per dossier. You go and tell them your position and then you get the position from a DG because you've convinced them or they were already convinced when it happened.

OK, so in fact you have to be really up to speed with how things work between the DGs, the position of each DG.

Yes...

And is it often the same people that you see when you work on the same dossiers?

On one dossier, let's say – and I'm not talking about the Commissioner's cabinet – there are maybe eight people in the entire Commission who know what you're talking about. ... The unit that follows my product in the DG Enterprise, I know them personally. Some of the secretaries even call me by my first name.

And when you've got your pre-draft, you take it to other associations saying, "Hey guys, look what I've found"?

No, it depends what you want to do. It's already a way of looking good internally. Look, I've got my hands on this document.

As this lobbyist says here, by playing the DGs off against each other, it is entirely possible to obtain regular information before the drafting of the first version of a directive. In the worst of cases, interdepartmental consultation can serve as a "catch-up session", to borrow the term used by Guéguen in his book cited earlier (2007: 106). But training courses for lobbyists widely promote the idea that the best possible lobbying is done primarily in the drafting phase of directives that are then circulated to the parliament or the Council. Obtaining a pre-draft, as early as possible, is a guarantee of being able to organise one's association or company's position internally and with the greatest possible latitude.

Meetings in the restaurants and cafés of Brussels, where envelopes containing a printed first draft change hands, are thus an everyday occurrence. While there may be cases of corruption, we would hypothesise here that the motor for exchanges of this kind for Commission officials remains primarily the internal logic of the Commission's institutional workings. The aim is not solely to draft a directive. For an official managing to move "one's own" dossier forward is also a guarantee of career progression. The logics of administrative functioning thus produce an interest in documents being leaked to lobbyists.

This is an element now well known to the sociology of journalism, but here it can be transposed to lobbying. Just as the primary sources of political journalism are a product of competition within the government or between politicians (Schudson 1982 about Watergate), so for lobbyists the primary sources of information on legislation are guaranteed by dissent within the Brussels bureaucracy. The DG Enterprise is often portrayed as the ideal "grass" because it is highly transversal and open to business interests. The recurring conflicts between the DG Environment and DG Enterprise (or today DG Growth) are also often cited as one of the most frequent drivers of the circulation of internal Commission documents in business circles. This situation makes lobbyists to some extent dependent on the Commission's officials and internal workings. For the rush to obtain the first draft is also a way of internally promoting one's knowledge of institutional functioning to members ("Look, I've got my hands on this document"). The gathering of first drafts by lobbyists usually also enables business

association staff to identify the level at which the association needs to mobilise, to establish agendas for association meetings and also to prepare their own first draft of the association's position.

The Commission as expectation horizon: anticipating the administrative reception is central to the production of business positions

Having got their hands on the first draft of the directive, the business association staff then generally take on the role of drawing up the first draft of the position that the association should adopt. This interactional phase is one of the rare moments when association staff can exert real power and where the twin chains of dependency that bind them to the companies on the one hand and the Commission on the other may, in part, fall away. Being in a position to coordinate and combine all the existing positions, association staff are, for a limited time, the only people able to map the positions of each company in relation to the first draft of a directive or regulation.

The work of writing that then begins is regarded as one of the most gratifying aspects of the profession and for many helps to maintain the illusion (involvement in the game) despite the less glorious aspects that we have described. Discussions around the first draft drawn up by the association employee generally produce a set of arguments that are then used to draft what lobbyists call the position paper, in other words a document combining technical arguments and Europeanised jargon, which sums up the association's position. At this final point of writing association staff are once again able to assert their control of the process of constructing a common position for all the operators in the sector on the basis of their knowledge of the EU institutions, as shown by Paulina Draga, senior economic counsellor at Eurogas:

So we say, right, now listen, we've got until 17 November. OK, we're all going to pitch in, we're going to try to get hold of this confidential document and all that. Then we'll circulate it and we'll tell everyone, the stages are such that we need your comments. We all consult each other and we hold several meetings and conference calls where everyone has something to add. In the secretariat we collect all these comments, we make a synthesis and then we start negotiating with each company because you have to understand what it means to represent a big company, they also have very different interests, so in the name of compromise we start saying to them, "what can we do?" It takes the whole morning, and that's really the role of the secretariat to say, "In Italy, listen, honestly, you have to see it's a compromise, your position isn't acceptable to this or that company, are you ready to back down?" And they'll say, "Yes, but only if that company agrees to revise their position." So we go on like that until ... we reach a compromise.

This work to even things out can compensate for or rectify the over-investment of some companies in some dossiers. But it is also subject to the productivity of association staff, which is itself intimately linked to the constraints of the administrative work of “their” desk officer. Caught between the rock of Commission expectations and the hard place of the power balances internal to the association, the staff resort to last minute techniques. They may, for example, recall in a footnote that one of the companies does not agree with the association’s position, or that, on one particular point, consensus has not been reached. But generally speaking, association staff have more room for manoeuvre in going over the final version of the position paper because the paper has often become illegible due to the additions made by each company. In the name of the fluidity of the text (some associations, such as that for insurance, even have a communications department that revises and rewrites the document at the last minute), the staff insist on putting the final touches.

It goes without saying that they reintroduce the initial horizon of expectations that is, for them, the reading to be made by their administrative interlocutor, as we see here with Jeanne Weber, senior policy officer at Euro-leasing:

You could say we can take a position paper, but I can tell you that I initially wrote the whole thing from start to finish, the chair gave me his comments, I integrated them, then it went to the members. ... But what I’m saying is that as we are bureaucrats in a way – I know the vocabulary and getting involved in the dossiers means we understand our subjects. ... Once we have, let’s say, technical understanding, plus strategic and political understanding, it’s easier. I think that the members trust us more and it’s easier to make them see things our way. ... One thing that we do a lot, that we always do, for example, is we say, “If we don’t receive a response within X period of time, we will consider it approved.” ... So 80 per cent of people are already covered by that and we know we won’t have anyone coming in the next day saying, “Oh, but I didn’t agree.” Too late, it was written.

In their final version the position papers often retain the trace of this writing process in several stages, which has combined the bureaucratic capital wielded by the association staff and technical capital provided by the companies. So two levels of argument co-exist within these documents. On the one hand the association staff have sought to prove that they understand the constraints weighing on the establishment of public policy and on the agenda of a particular directive. On the other, more technical arguments and even amendments ready to be voted on (when the text has reached the parliamentary phase) are highlighted, either as central to the text or in a separate section. Here commas must be moved or technical precision added to change the perimeter of the law’s application.

In every case the final text retains the traces of a proof of the formal knowledge of the EU institutions, both in the words used and in the content of the position (produced in the light of the position of the target DG and other posi-

tions held by the associations and NGOs involved in the dossier). For, before appearing in finished form in a position paper, these references to the constraints binding Commission officials have first been mobilised internally as a resource facilitating the organisation of the collective work. Knowledge of the workings and forms of EU bureaucracy serve to amalgamate the sometimes disparate interests of the company representatives. It is only at the price of turning a blind eye to this production process conducted in the light of their twin dependency that the lobbyists ultimately see “their” words in European legislation. This process of symbolic self-reinforcement that is central to remaining in the job cannot be understood in terms of a power of influence unless we set aside all the elements we have put forward thus far. If a power of influence exists, it is possible only from the singular position occupied by the European associations, which, as we have seen, owe their construction in part to the institutional needs of a supranational bureaucracy.

It will be clear that, seeking to ensure that companies come together to produce a common position at the European level and faced with the logics of economic competition, lobbyists generally exploit their own knowledge of the Eurocracy, a resource that gives a major role to knowledge of the workings of the bureaucracy. The acquisition of this knowledge and practical skills in dealing with the administration makes association employees dependent on the Commission, by placing them in a position of waiting and expectation on a daily basis in relation to the demands of one or several officials: the desk officer, head of unit, and staff of various agencies. In addition association staff are constrained by the internal configuration of their association to acquire this subtle knowledge of the workings of the EU administration, plus a major part of their work is determined by the time-frames of the administration and the rivalries between DGs.

Describing the processes by which knowledge of the administration comes to be at the heart of the work of lobbying enables us from the outset to guard against the pitfalls of analyses that schematically oppose the public and private sectors. An understanding of bureaucracy and the acquisition at first hand of familiarity with the way it functions are at the heart of the process by which lobbyists combine the private interests of companies. Here we find supplementary evidence, at a very practical level, of the interweaving of the economic and administrative fields. It is only at the price of erasing this structural interweaving that we could confer a unilateral power of influence on lobbyists, when they are first and foremost caught in the permanent intertwining of bureaucratic and commercial interests. In seeking to re-establish a positive vision of the public sector (ignoring the fact that the definition of the public has historically involved an appropriation of the universal – Bourdieu 2004), some leftist critiques ultimately lose sight of the fact that, in a political space like that of the EU institutions, public sector agents are often the primary vectors of the liberalisation of markets and a series of regulatory positions that are central to the development of capitalist accumulation. This internalisation of bureaucratic capital at the heart of processes of lobbying explains

the production of a closed circle of social relations that always and increasingly fosters a closed administrative world. This effect is further heightened by the fact that the circle of relations structurally protects them against any partial repoliticisation that could be brought about by more civic pressure groups.

Notes

- 1 This is true of claims of a form of cosmopolitanism that is sometimes associated with the “European capital” but which can be found in other elite socio-historical configurations, or even of knowledge of the logics of the “parliamentary” functioning of the European parliament (internal committees, reports, amendments, etc.), which is certainly not the preserve of people who frequent the Place du Luxembourg. This way of proceeding may ultimately aggregate very different levels of practice by putting them all into a general political category (“the European Union”, “Europe”) when the practical sense of agents is the product of combined arrangements that cannot be exclusively defined in relation to institutional categories.
- 2 Statutes accessible via the website of the federal justice department: www.ejustice.just.fgov.be/tsv/tsvf.htm.
- 3 AISBL status as it exists in Belgium is unusual. Unlike France where freedom of association was long closed to foreign operators, the regime set out in Belgian law has long permitted foreigners to organise associatively by giving, in the terms of the law, “a civil personality” to their international activities “pursuing a philanthropic, religious, scientific, artistic or pedagogical aim”. The applicable regime is overall more flexible than for classic associations. The founding members are not required to state the maximum sum of subscriptions that can be demanded from the various members, or the name of the founders. While the law of 2 May 2002 brought the status of AISBLs more into line with the overall regime of common law on associations in Belgium (law 1921), the Belgian government has hitherto shown little interest in placing greater controls on the use of this statute by company representatives.
- 4 Interview conducted on 25 October 2010 in a café in central Brussels (interview in French, with a French national aged 27).
- 5 Data taken from the PRESSURE database.
- 6 We should note that many business associations in the chemicals sector do not exclusively use AISBL status. Many choose to register as an *Organisation scientifique internationale de droit belge* (OSIDB). This choice is adopted by European groups when they want to act as an institute or expert consultancy.
- 7 In 2007 this 10 per cent of the highest incomes represented around 44,000 euros of taxable annual income. Source: Ministère de l’Économie belge.
- 8 In the new hierarchy of Commission officials, the lowest grade is AD 1. In the former arrangement, conversely, the lower the number the higher the grade.
- 9 List based on: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>. On the difference between grades see: http://ec.europa.eu/civil_service/job/contract/index_fr.htm.
- 10 Observation at the European association for abrasive products, afternoon of 4 April 2011, Paris.
- 11 Observation of a meeting of the management committee of a CEFIC sector group, 21 September 2011, Bordeaux.
- 12 The name of this association has been changed in accordance with the agreement made with it in the field.
- 13 The English term refers to a broad conception of influence which is not confined to direct approaches to the legislature in order to influence legislation. The word contains

- the notion of lobbying but also includes public and media campaigns. It also refers to both commercial and non-commercial interests groups.
- 14 The logics of differential investment faced by association staff enable us to further denaturalise the “European” nature of positions currently produced within the associations. Often the synthesised positions are based on a draft written by an employee of the association concerned and a Chair from a company (in no way guaranteed to be based in Europe in some associations).
 - 15 As noted by the Commission in its decision of 2 December 1986.
 - 16 See for example the decision of the European Court of the First Instance of 29 November 2005 (T-62/02 Union Pigments AS/Commission des Communautés européennes), the decision of the European General Court of 17 May 2011 (T-299/08 Elf Aquitaine SA/Commission européenne), etc.
 - 17 European General Court, 25 October 2011 (T-348/08 Aragonesas Industrias y Energía, SAU/Commission européenne).
 - 18 Court judgment of 1 July 2010. T-321/05.
 - 19 The trilogue is a working group comprising the Commission official in charge of the law being drafted, representatives of the Council and the parliament (see schema “Le passage d’un texte au Parlement européen”, p. [texteparlement:page](#)).
 - 20 In European law a piece of legislation can leave a major role to the national legislature in terms of application (this is known as minimum harmonisation). Conversely, and as is increasingly the case, it can move towards the complete harmonisation of the laws in the different member states (full harmonisation).
 - 21 Regulation (UE) no 10/2011 – (PIM), which came into force on 1 May 2011, revoked directive 2002/72/CE, generally known as the “Plastics directive”.
 - 22 Observation at the Hotel Burdigala, Bordeaux, 21 September 2011.

5 Containing the political and depoliticisation

Behind the closed doors of the administration

The European parliament is probably the EU institution best known to the wider public and the only one for which direct elections are regularly held. As the parliament now has a say on the appointment of EU commissioners, and increasingly provides its opinion through co-decision procedures,¹ some authors regard it as able to act as a democratic counterweight (Massart-Piérard 2009). It is then very tempting to assume it plays a key role in the decision-making system of the EU.

However, if we consider its workings in the more general context we have just described, things seem a little more complex. Most of the business association staff we met do indeed see the time a draft law spends in the parliament as a moment of uncertainty, a period they fear because they are potentially exposed to both criticism by some MEPs and opposition from NGOs. However, for lobbyists their work in the parliament has value only in regard to their early lobbying of interlocutors in the administration. What we have seen so far indicates that their preference for lobbying officials is due only to exogenous factors (such as the fear of being criticised by NGOs), but also to the internal logic of work in the business associations. As we have seen, a special relationship with a particular desk officer is an important resource in circumventing the effects of commercial competition and facilitating the coalition of business interests.

The distance from or suspicion of parliamentary functioning among business association staff leads us to question the idea that lobbying is essentially a “profession of politicisation” (Demortain 2005), in other words an activity seeking to modify and politicise issues (Lagroye 2003: 361). Very often it is in lobbyists’ interests to maintain certain issues in a state that appears technical or logistical, in other words depoliticised by being presented to the other parties as materially determined and non-negotiable. These are two sides of the same work: power may involve politicising an issue or, conversely, maintaining a separation between different spheres of activity and ensuring the dossier is kept out of the spotlight of public discussion (Bachrach and Baratz 1962).

Depending on the forces involved (and who benefits from the status quo), lobbyists will have a greater or lesser interest in politicising a dossier and publicising it through the media or, conversely, avoiding critiques. The same is true when a dossier goes to the parliament. Lobbyists do not constantly seek to politicise; rather they constantly monitor the degree to which a dossier is politicised

by their competitors and NGOs are mobilised. In a field like the Eurocracy, which values bureaucratic capital, politicising a dossier by focusing on the parliament is often regarded as a default approach, since the drafting of any law that arrives there is already well advanced. It will later be extensively revised and amended following parliamentary discussion and before its implementation, by both the Council and the administrative departments responsible for its ultimate application. At these two points lobbyists will again be able to push their own positions, out of the public eye and sheltered from critique.

“Hello again”: regular returns to the Commission

Once the initial position paper is more or less finished, the work of business association staff is to determine which is the right level to pitch it within the Commission. The degree of politicisation is different at different levels. If the dossier is dealt with primarily at desk officer level, the discussion can remain technical and within the safe, closed world of relations with “their” usual interlocutor. It is only when association staff realise that their position is not being heard (or if “their” desk officer advises them to take it further up) that they will try to take it higher up the hierarchy, and even to the Commissioner’s office.

The administrative hierarchy and degrees of (de)politicisation

There is a symmetry in the hierarchies on either side of the divide between business associations and the Commission. The senior employee of an association has regular meetings with a desk officer or head of unit. But if a meeting can be arranged with the Commissioner, this employee is usually replaced by the general secretary, who will attend with the CEO of one of the association’s member companies. Our interviewees told us that approaches also differed according to how “new” or “comprehensive” the draft regulation was. The more general, transversal and structural the draft law for the sector involved, the more necessary it was to systematically politicise by “working at every level”, in the words of Franck Jones, director general of ORGALIME:

We work at every level, from desk officer to Commissioner. ... I would say that from desk officer to head of unit it’s usually my colleagues, and from director to director general it’s me plus my colleagues, and with the Commissioner it’s me and my President. ...

And how do you decide what relates to which level of which hierarchy?

To work well on an issue you have to work at every level. First off you have to start to establish the facts, so supplying them, so you have to talk to the desk officer. Then there comes a point where you have to politicise, and to politicise you have to go up the hierarchy because there’s no point working with the desk officer if there’s no agreement. You have to go higher up fairly quickly because he’s often got his own ideas, he’s often building his reputation, his career on a new piece of legislation.

So you go higher up fairly quickly when you feel that you're no longer being listened to at the technical level?

We go higher up fairly quickly and we have to really choose our moment – there's a moment for everything. There are things that are dealt with purely at the technical level, there are things that are dealt with directly with the desk officers. ... If it's about managing a dossier or an existing directive, we don't have discussions higher up. But if we've taken a position on something that's already in the pipeline, at that point we have to get our position accepted from commissioner to desk officer and often in other DGs as well, because an interdepartmental consultation ... when there's something we don't like, we go and see the other DGs as well to explain our point of view, so there'll be some internal resistance.

Studies have already shown how the administration can become a place where political problems are produced and senior officials become agents of the politicisation of a particular issue (the higher a dossier rises towards the Minister, the more political it becomes; the more buried it remains the more it is treated as a “logistical” problem) (Eymeri 2003; Laurens 2009). But, as shown by lobbying practices, this reality of internal bureaucratic functioning can also be exploited by non-bureaucratic actors. The business association staff questioned generally thought they had a clear view of the level of responsibility to which their dossier should be “carried” depending on the degree of mobilisation among their peers.

The idea that going up to commissioner level means politicising a dossier can be partly explained by the different career paths of the Commission's highest officials and the people proposed as commissioners by the member states. As Didier Georgakakis shows, European commissioners often have a background in national politics and tend increasingly to be professional politicians moving to Brussels from a national political stage – for a time at least (as shown by the recent examples of Michel Barnier and Pierre Moscovici). Meanwhile top officials increasingly owe “their position to a long-term investment in the EU institutions” (Georgakakis 2013). For lobbyists, taking a dossier to commissioner level means talking to an interlocutor with a background in the competition between national parties, who owes his or her appointment to political dynamics and who may be comparatively unfamiliar with the workings of the EU administration. It means hoping to work in other ways by reproducing the frames of interactions between business leaders and elected representatives or ministers that operate at national level.

But taking a dossier further up the hierarchy in order to politicise it is not generally the lobbyists' preferred option. Once their association has produced a position paper, they first test it with a desk officer with whom they have special relations (and whose responses they had in mind while writing their initial position, as we have seen). This “reference” to the Commission offers them a set of guarantees and enables them to obtain the initial assent of an official. Maintaining contact with a mediator in the Commission hierarchy takes up most of the external work of association staff. As Pauline Draga indicates, it is in this hidden

relationship, out of the spotlight of public debate, that they routinely seek to promote their views:

Personally I'm in constant contact with the European Commission, so honestly our work is really more in terms of communications, even though we're lobbyists and everyone expects us to be more involved with the parliament. We find you can have far more influence on the decision-making process at Commission level before it becomes public and discussion starts in the European parliament, so that's where our focus is.

So which DG is it?

DG Energy, yes, mostly. So we're in contact with them and, through fairly bilateral meetings we learn what's on the schedule and we focus our committees so they're ready. ... Now, for example, we've actually got a meeting on November 17th because the Commission has to study the "infrastructure" package. We've been in contact with them for a very long time. We have meetings – we've had the drafts like every association, even though it's confidential and all that. So we're now developing a few points before the document is published so we can say, "There are some things that are unacceptable in the document you're proposing, could you maybe change them because in any case it won't be accepted, it makes no sense." Or else we'll argue, saying, "Your figures are all wrong." We've done analyses, we will prove our analysis to them by saying we can't see where they've got their figures from. So we'll try to intervene at that point and the Commission, yes, it acts according to those things, to figures from the lobbyists of some member states.

The historical dynamic of the formation of the Eurocracy produced such an entanglement of business association staff and Commission officials that much of the discussions between business and high officials take place at levels hidden from scrutiny, between agents occupying comparatively low places in the hierarchy on either side. While many cases of corruption have been proved and attested, business lobbying of the EU bureaucracy routinely adopts paths that are largely authorised but hidden. Most lobbyists say they can get their point of view across more successfully behind closed doors with "their" desk officer or head of unit, because they feel these officials will be receptive to their position and to the "information" they provide based on their technical knowledge of the conditions in which a particular product is produced or sold

Business data at the core of regulation

This idea that conveying technical information is a prerequisite for recognition by the Commission is not expressed by officials in quite the same way. Each day a multitude of positions advanced by a swarm of interests groups arrives on their desk. Like Edmund Deberg, Head of Unit Standards for Boosting Competitiveness at the DG Enterprise, who, in an interview, describes having met a total

of over two hundred lobbyists in the last three months, officials are routinely visited by business association staff. The first information these visitors provide is their opposition or support for a particular project.

If someone wants to see me he comes. If you ask to see me I have to receive you. ... But to be clear, for me it's just a signal. We have to take all the signals and find information based on all the data. And I want clear data, I want data on paper, not just like that ... Yes, there are real problems, people come with their problems, their complaints. And what I ask is that they combine them and find a line. Then they can use that line to set out another direction to solve the problem. I start with a flow of ideas. I invite people from industry, from BusinessEurope. I ask the SME people, academics, I ask people to come and I also present my ideas to them. And then I watch their faces. Some smile. Others start saying, "No no no, that makes no sense." And that way, I adapt my ideas a bit. To begin with they were pushing me and I was refusing. ... But now when I see I've got more to do and it's beyond my capacity to do it, I start adopting a slightly different position in relation to these different inputs. That's life. No one gives me the full information. That's how it is. So you connect it all up in your mind. We take in what we're told and either we listen or we switch to another direction. But what they give us is the core historical data.

(Interview conducted in the offices of the DG Enterprise in Brussels,
25 April 2013)

The Commission's open door policy means that lobbyists can claim to their employers that they have a minimum of access to the institutions. Even when they are having trouble with a dossier, the staff of small associations have meetings and so seem to be "doing their job". Equally they can invite a particular high official to a public lunch without being sure that this will have any political effects. For EU officials this data gathering is not merely "cosmetic". As conceded by Edmund Deberg who, over time, learned "to take inputs", the data and information provided by lobbyists tend to become the core of the first draft of a regulation. The simple fact of receiving many visitors gives officials an overview of the positions and potential opposition to their regulatory project and enables them to anticipate likely hostile reactions from a member state or element of the business sector affected. But here again, the information provided is not neutral. Or rather, most of the information obtained reflects the positions of the various stakeholders concerning the regulations being drafted.

The similarities with the situations described in the archives from the 1960s are striking here: through their position papers, business associations lobbying on behalf of the companies most present in Brussels always give officials a valuable index of the likely reception of their draft regulation. So the technical data provided by association staff have the twin uses of excluding lobbyists with more modest resources and providing the desk officer with turnkey elements that can become standards. As noted in an interview by Arno Van de Mann, head of

communications for Eurochlor, if, through the intermediary of a desk officer, the Commission asks for “documents to prove” a particular point, there will always be time “to have them drawn up urgently” (interview conducted at the association’s office in Brussels, 28 October 2010).

In interactions of this kind, it is key for lobbyists to advance their position by highlighting a set of elements presented as facts in a format that most closely meets the needs of officials working on standardisation. The unemotional nature of the lobbyist’s work is often mentioned in interviews. As Philippe Bonvoisin says, the socially constructed expectations around the work of lobbying rule out any appeals to compassion:

The emotional side goes into the background, except for NGOs. It’s not discussed, but emotions are secondary. [Miming one of his members] If I come in and bang my fist on the table [saying] “I’ve personally invested a million euros in my business so such and such a rule has to apply so we can keep it going” everyone says, “Bravo!” They shed a little tear, but that’s not going to get you a decision. Whereas if you say, “In terms of competition there have already been three decisions at the Court of Justice so it’s inconceivable and it’s going to be a headache for you later”, that’s an argument.

Of course it is not enough to know how to use the law, because effective lobbying also means advancing a position that is an acceptable synthesis in the context of the power relations in operation. On very general directives affecting several sectors simultaneously, large companies turn to multi-sector associations and chambers of commerce. These have a major advantage in relationships with desk officers, since their synthesis can guarantee the directive will be accepted unhindered in several sectors. So Amcham EU staff like Louise Van den Broeke (senior policy officer) say their positions are often listened to attentively because they represent “a compromise that the institutions can adopt because, within their horizontal association”, a “balance has been found between the different sectors” (interview conducted at the association’s Brussels office, 20 April 2009).

For the best established, oldest and most generalist associations the relationship of visitor and host may even be reversed. Association staff invite Commission officials to the association’s office in order to give them, as Louise Van den Broeke says, “an already acceptable synthesis”. In the course of the meeting the desk officer can then set out his or her projects, while lobbyists can directly voice their concerns. At these times when lobbyists are seeking to “convey their position” directly to Commission officials, the knowledge of the EU administration accumulated by association staff can prove very useful indeed.

To refine this idea, we should note that, in the closed world of the administration, the form taken by dialogue with Commission officials varies from one sector and one dossier to the next. Some offices are more open than others to external requests. So while some of our meetings were arranged very easily (notably at the DG Research), others were much harder to obtain as the officials

involved were less used to receiving visitors. One of these was Angela Oppenheim, head of unit for “Medicinal Products” at the DG Sanco who, at a time when her DG had just been hit by a big scandal, was afraid I might be a lobbyist in disguise. Reassured by my status as a public sector employee, she eventually told us that she had received only six associations in the last four months and almost never met company representative because, in her role overseeing commercialisation, she was afraid of being accused of favouritism (interview conducted in the offices of the DG Sanco, Brussels, 26 April 2013).

It seems equally clear that sector divisions have a filtering effect. The DG Transport meets many transport operators, DG Energy meets gas companies and electricity producers, etc. As noted in a study by Frank Baumgartner and Beth Leech, the degree of competition between interest groups varies from one dossier to the next and it can happen that, in some niches, a small number of companies or associations become an informal interest group whose few members are constantly consulted (2001).

But the diversity of situations should not make us assume that each segment of public sector policy always has its own “access points and modes of intervention”. For, as noted by Guillaume Courty and H el ene Michel (2013: 166), this might “blind us to the issue of the recognition of lobbyists and would fail to recognise what it is that qualifies them to speak for those they represent”. We have already provided statistics showing how some sectors are over-represented for structural reasons (for example linked to the granting of subsidies). Similarly, we should not forget that some interest groups cut across sectors and that there may be important differences in lobbying budgets within a particular sector (Eising 2007). So when we asked EU officials, for example by Alain Degras (head of unit Ethical issues and stakeholders at the DG Research), about the type of interest groups they had relations with, the answer was almost always that the most active sectors were chemicals and pharmaceuticals:

The chemicals industry is extremely powerful. They don’t even need to do lobbying. They are very well organised, they move in the same direction. ... Pharmaceuticals is primarily a global operation. If something gets developed that’s not acceptable in the USA, forget it.

(Interview at the Residence Palace, Brussels, 26 April 2013)

So some sectors always have sector-wide representation. Another element countering any assumption that for each segment of public policy there is a corresponding interest group and discussion forum is the major role played in decision-making on most dossiers by the economic DGs. These DGs have their own entourages with hierarchies of interest groups. And it is precisely by learning how to manipulate these stable hierarchies in the administrative arena that lobbyists can work most effectively.

Learning to play one DG off against another

Due to their history, the different DGs have different relationships with the European business associations. But they also have very variable capacities for intervention and the institutional viewpoints they represent do not all have the same legitimacy. Lobbyists can play on the existence of these administrative hierarchies and on the divisions between DGs. They are sometimes even directly encouraged to do so by heads of unit, as indicated by Mathieu Lapierre, employee of the European vegetable oil and protein meal industry association:

Sometimes we have a very clear position on a particular subject and, for example, in March I had two meetings a day at the Commission for three weeks, because I had to see all the offices and so on. We did a kind of blitzkrieg [*sic*] ... Sometimes you have a very clear position, it's urgent, you do very intense lobbying and you're no longer trying to create consensus within the association. You have your position and you go for it.

So when you're going from door to door at the Commission, isn't it counter-productive to see too many people and to ...

In this case it worked! [He laughs.] In fact, overall we had to ... Let's say the association ... [He hesitates to go on.]

We can stop recording if you like.

No no. The DG that was responsible for the dossier didn't agree with us so we had to create an internal power struggle and set several other DGs on the leader DG. So we had to see a lot of people anyway. And in fact to get a DG behind you, you have to see people in the department, so official x. Then you have to go and see his boss, you have to see his boss's boss, and we had to see the cabinet. So that comes to a lot of meetings.

So what order do you do it in? Do you start at the bottom and work up or ...

Er ... you start ... it's anarchy really because in fact you ask for a meeting with the Commissioner. The Commissioner says, "You can see such and such a person in the cabinet." The person in the cabinet sends you to their person in the department because they're the one with the technical expertise. But if you're lucky, you've already met the relevant person in the departments etc. etc. ... In my case it's mainly the member of the cabinet or the director. ... I've never been to see a commissioner. But my general secretary goes to see commissioners ... The problem is that commissioners don't have a sufficiently in-depth knowledge of the subjects. They have a very political vision, very broad and so on. So they might give an order to their subordinates, but it's not usually very useful. It's better to meet the technical people, the cabinet people who will then brief their commissioner.

Association staff often get initial support from the DG Enterprise and a key to understanding how the other DGs work. Their access to the DG Enterprise can open doors to other DGs. Mathieu Lapierre reveals how the previously

accumulated bureaucratic capital can have rapidly proliferating effects, because an official will explain “to you” the functioning of the departments with which he or she is in contact, or indeed in conflict. The lobbyist can then go on to use the even more intimate knowledge of the workings of the administration that other Eurocrats may supply:

The problem with the DG Enterprise is that they always side with the companies so ...

After a while no one listens ...?

Yes, that’s right. So it’s useful to have them, it’s good because they can also make it possible to think things through later ... For example, on Friday I had a meeting with the DG Enterprise, who were right on top of my dossier, and they told me how to talk to the DG Competition. The DG Competition is a very particular DG that’s very hard to handle and isn’t very receptive to political arguments, etc. So they told me, they explained, “We’re going to give you some ... We’re going to help you, we’re going to put a team on it to help you go and see this other DG.” ... Because we’ve got a longstanding working relationship with them, they’re not very familiar with the dossier, so they offer to provide support. In fact the DG Enterprise’s role in the Commission is to support companies in the Commission. All decisions are collegiate and in reality the Commission is a kind of never-ending inter-departmental battle. Each one ... well, it’s a bit like the national level: the DG Agri broadly supports farmers, the DG Climate upholds the environmental point of view, so it often speaks for the NGOs. The DG Energy has a certain influence on renewable energies and so on. They each argue their own case and ultimately there’s a kind of compromise that comes out and our role is to press the right buttons to make sure in the end we get what we want.

In this ongoing interplay of intra-departmental rivalries, the DG Environment and the more recent DGs are often in conflict with three or four “historic” DGs (Commerce, Energy, Competition, Enterprise) and lose many battles as soon as the dossier goes “interdepartmental”. And even though they are supported by the DG Enterprise or another economic DG, in interviews lobbyists often describe battles that they feel they have won on their own. In the following account of his power of influence Franck Jones (director general of ORGALIME) draws a veil over the fact that the influence of lobbyists is never so strong against the DG Environment as when they are backed by half the European Commission and opposing one of the weakest DGs on the administrative battlefield:

On the directive on electrical and electronic equipment we had a real success ... The DG Environment didn’t want to talk to us, the dossier got stopped in the Commission. I got a call from the assistant director general who said, “I want to see you.” He was furious because we’d managed to stop his dossier. ... So for lots of dossiers, they contact us directly, before anything comes out, to know whether or not it will have an impact. ... Very often the key

official who's working on a dossier is interested to know very early what the reaction will be. Because if the reaction is very negative, or if it is shocking, the person knows it has a difficult road ahead. Because the road can be made difficult. At other times, like steel, we had problems with steel, the DG Commerce wouldn't see us. We spoke to the *Financial Times*, we got an article in there, the next day they asked us in to talk.

The publication of an article in a newspaper widely read within the Eurocracy (the *Financial Times* is read in both business and administrative circles²) or support from a journalist or meta-journalist who asks a particular question at a briefing (Baisnée 2002 and 2004) raises the threat that the dossier will be prematurely politicised or publicised in the media, thereby revealing that the officials also have an interest in keeping their heads down. Business lobbyists can make great use of the fear of the public scrutiny of administrative work.

A shared interest in closed doors

The Commission avoids the public exposure of dossiers in progress. This approach of keeping things under wraps is endogenous to the workings of the Brussels-based administration, in a multinational system vulnerable to the potential mobilisation of representatives of the member states and numerous interest groups. For desk officers, reactions to first drafts enable departmental positions to be adjusted silently and gradually.

These quiet meetings are in practice equivalent to a first reading of the legislation. And, as described by Edmund Deberg, the DG Enterprise desk officer we met earlier, when the draft "doesn't pass" straight away, the fact soon becomes known because it is the unit heads who deal with the position papers of associations and companies that feel threatened:

I see that the things we discuss about are very important because sometimes people become extremely nervous. And then it can go up to the commissioner and the director general and the director general writes to the head of unit. ... For the last six months I have never seen things where they say, "well now, you change this, you stop." I have the freedom to make proposals. My hierarchy is fully in line, all one beside the other with their pens ready, as if to shout, "Come with a proposal! We'll sign it! Come with a proposal." And we need to say, "Calm down, not now, too early." And that's a problem because my role in the process is to talk to people and see their reaction. ... We have to differentiate without undermining because this is a strength of our system. ... You cannot evolve, you cannot make progress in the system unless you sometimes send up a weather balloon to see whether they are shot down or not.

In many departments of the Commission draft legislation is thus tested on several economic sectors even before it goes out for interdepartmental consultation.

Edmund Deberg is often called on and gives a good description of the functioning of these discussions by testing and adaptation to the (more or less muted) reactions of the lobbyists. The sections of the business community involved in these informal consultations of course vary from one DG to the next, but the principle of consulting stakeholders is integral to the administrative practices of EU officials.

On the other side of the divide, business association staff usually have a significant margin for manoeuvre during these exchanges. Of course they cannot discard a position painstakingly developed with the association's members, but they can try to convey it in spirit rather than letter. In some associations future adjustments of the position are even anticipated in the writing of the first public version, since the staff know how far to push things in their dialogue with the desk officers. This is described by Brian Stone, director of IMA Europe (the European association for producers of powdered minerals and metals):

So in relation to the position, what we always do is set our objectives, in two lines: "What do we want to get?" and along with that – and this is never written down – it's always, "What's our fallback position?" If the Commission doesn't accept this, we'll negotiate up to that point. These things are always made clear at board meetings: main position, fallback position. During my lobbying discussions I have total freedom to move away from what's written because sometimes I have to use new examples, because the Commission doesn't understand what you've written. ... Sometimes we manage it bilaterally and then through a few personal contacts – lunches, before or after meetings – to clarify things a bit. Because sometimes it's just "I agree with you, but I can't do so publicly, if you could soften it a bit like this, like that, I think I could accept it." And there we are. We modify our position according to what we know unofficially and then it's, "Right, yes, agreed!" It's sometimes details, but that's how it gets sorted.

But it sometimes happens – notably to staff representing small associations – that their views are not listened to, despite adjustments and the existence of a fallback position. Here again, differences of resources between associations play a major part. For the fact that a desk officer working on draft legislation flatly refuses to listen is not always explicit. Sometimes the lack of any detailed response or the provision of a standard response is intended to inform the association of future failure. For while, as the previously cited desk officer Edmund Deberg observes, "everyone is received", not everyone is necessarily listened to. As Commission officials gradually get what they think is a clear idea of the power relations, they counter the proposals set out in position papers with growing numbers of legal or feasibility arguments (sometimes provided by competitors). This process is described by Philippe Bonvoisin, the lobbyist we have already met several times, who saw his small association gradually sidelined on one of his dossiers:

Yes, I sometimes convey my association's argument in a way that diverges from my initial position, but I also know when it's pointless and I get answers like "In the light of superior principles, this is not acceptable at a legal level." If the head of unit tells me that there's a push higher up and it's not just a technical thing, I take it higher too – if I can! This time, for three months I couldn't get to the cabinet when that was where I had to be, so that's when you need a bit more muscle.

If lobbyists feel they are also losing at cabinet level, they have few solutions left. When it becomes harder for them to counter technical and legal arguments, some find it worth their while to make their dossier public, including sometimes in the media. In the conflictual power relations that form anew with each directive an interest in politicising an issue may sometimes emerge. Business association staff can – as a first step before a more concerted campaign and the move to the parliament – seek to form the broadest possible coalition of organisations in order to prevent the reduction of the range of possibilities that occurs when a draft directive is circulated by the Commission. When closed door discussions lose their value, lobbyists who have been sidelined may turn to certain NGOs for the support they lack. In any case, it is a legal requirement for all new directives to be scrutinized by the parliament.

The parliament as a snapshot of power relations for Commission officials

When the Lisbon Treaty came into force in 2009, the European parliament seemed suddenly to gain much more power, particularly once co-decision became the most widespread legislative procedure (Rasmussen 2012). The enhanced role of the European parliament in EU decision-making was made possible by the gradual establishment of a hard core of experts and the constitution of a political capital specific to the institution (Beauvallet and Michon 2013). MEPs who were regularly re-elected and parliamentary assistants who survived changes among MEPs gradually formed a pool of professionals specialising in the European parliament. A parliamentary microcosm with its own rituals and routines slowly emerged.

But this enhancement of the role of the parliament in drafting regulations has not structurally undermined the pre-eminence of the work undertaken by Commission officials in the drafting process. Armed with all that we have seen thus far, we are in a better position to grasp that what happens in the parliament is in many respects a moment in which the entanglement of two spheres of practice – that of the EU officials engaged in drafting EU regulations and that of the lobbyists – becomes more visible and thus more open to critique. If we began the story of the adoption of European regulations with a description of what happens in the parliament, we might indeed have the feeling that many different interests are laying siege to MEPs whose job is to uphold the public interest. But if we consider a draft law's passage through the parliament in the context of the

overall economy of the circulation of draft EU regulations, it becomes apparent that the parliamentary phase of the decision-making process does not occupy so central a place.

Parliamentary lobbying downstream of routine contacts with the Commission

When gestating regulations reach the parliament, those lobbyists who have been able to promote their vision to the desk officer and at other levels of the Commission hierarchy have already won two crucial battles over the existence of the future regulation and its overall framing. A draft discussed in the parliament is already the product of a series of victories and defeats. It has been shaped by the combats that emerged in the Commission corridors and expert working groups. We must bear all this in mind in order to reintroduce the aspects highlighted by a section of the political science of lobby groups in its research on lobbying: the work of framing, persuasion and argument that public affairs professionals carry out with MEPs.

This work of framing does goes hand in hand with the manipulation of bureaucratic capital. Lobbyists are well aware that what the desk officer behind the draft could guess of the forces subsequently mobilised in the parliament is crucial to its progress, and this remains true when the lobbyist seeks to rescue a dossier that has got off to a bad start in the parliament. As Philippe Bonvoisin succinctly puts it,

When the text comes back to the Commission or goes into trilogue, its not the Austrian MEP who put down an amendment that the official will call for more information, it's the association that are backing it and have managed to keep the pressure up to the point of potentially blocking the regulation.

From the Commission's point of view, MEPs are partially transparent in relation to the amendments they put down and the interest groups whose proposals they promote. As Bonvoisin explains, in redrafting a forthcoming directive, Commission officials usually try to see through the position of the various parliamentary groups to the successful or failed mobilisation of the different business fractions:

In fact the Parliament, if you want to make an analogy, it's as though you had a poker table and at that table people had to show their hands. And in the parliament you have to show your hand. So you've got the liberals, the right, over there, the socialists are over there, it's clear. And you read the amendments and you see where they're coming from. And the guy from the Commission whose been working hard on it for two years can immediately see from the writing style, the idea being pushed, how it has got there. Is it just a raw thing, or is it nuanced? Is it acceptable or is it going to be rejected out of hand? And that also shows you which industry you're dealing with. If it's an amendment that will be rejected out of hand, that often means it's an industry

that's a bit clumsy or that had difficulty coming to an agreement with its members. It'll be for example a particular chemicals company, it'll be the big industrialists. You tell yourself that the people around the table in the association didn't manage to find something a bit more subtle and they got stuck with "no". You can see that straight away. The amendments that go on to be more useful to the lobbyist are usually on sub-points. Those will be the associations that will be secondarily impacted by the legislation, they're not on the first level. In Reach,³ for example, it's the wood industry [which sometimes uses chemical products and not the chemical or iron and steel industries which are in the front rank of those affected]. You see an amendment and it's an amendment that's going to go in with the whole bunch. And if it is passed thanks to the biggest political party, the EPP [European People's Party] or another one, it will get through easily after that.

As we have described in relation to the Commission, lobbyists seeking to have their amendments accepted in the parliament must engage with its workings. Sometimes business associations have a "parliamentary specialist" on their staff, but for the vast majority the employees who monitor the parliament are also those who monitor the Commission.

Monitoring a draft law as it goes through the parliament: a preferably brief public interlude

In the parliament lobbyists often face the practical problem of maintaining access to those MEPs who will steer the discussions, since their draft law may be scrutinised by a multitude of other interest groups. MEPs' assistants tend to be assailed from all directions by position papers and requests for meetings and act as gatekeepers, filtering the information that gets through to their MEP. Some say they have over a thousand meetings a year with the representatives of a wide variety of different interests and avoid forwarding "99% of the paper and 80% of the mails" they receive (Michon 2014: 50).

Interest groups themselves sometimes organise events in the parliament building, distributing flyers and "goodies" (for example the CEEREAL association promoted the importance of breakfast, asking assistants "if they had a good breakfast this morning"). The parliament is indisputably a place where physical entry is comparatively easy but the political efficacy of many pressure groups is comparatively weak. Some assistants adopt radical approaches to fend off the physical presence and inopportune arrival of these lobbyists. A parliamentary assistant to the European United Left (GUE) admitted in an interview that she "closed the office door because we have already had lobbyists who knock on every door in the corridor and come in without an appointment".⁴

In the parliament the Darwinist metaphor for lobbying sometimes proposed seems almost appropriate. Some researchers have suggested applying the ESA model used in animal biology, which states that a limited number of species can survive in a confined environment where the resources available cannot be



Figure 5.1 An open parliament: MEPs' letterboxes are accessible to all.
Source: photo Sylvain Laurens.



Figure 5.2 Publicity material for a breakfast campaign in the corridors of the European parliament.
Source: photo Sylvain Laurens, 2009.

expanded (Berkhout *et al.* 2010). Transposed to the European parliament this model might suggest that lobbyists of all kinds are so numerous that they might ultimately get in each other’s way (Berkhout and Lowery 2008, 2010). The underlying political meaning is that their mutual obstruction will ultimately ensure a comparative democratic pluralism. But such an idea is of course wrong because business lobbyists have two key advantages compared to other pressure groups and stowaways unfamiliar with the workings of the Eurocracy. First, they do not seek to talk to the maximum number of MEPs in a general approach to promoting “their” cause. They aim to meet primarily those MEPs who will sit on the parliamentary committee discussing a particular piece of legislation (the rapporteur and shadow rapporteurs⁵). It is in these committees that power relations are primarily played out since, as Maja Kluger Rasmussen writes,

despite the plenary’s vital role for passing legislation, all the preparatory work takes place in its specialised committees. All legislative proposals are referred directly to the responsible committee, which proposes amendments to the European Commission’s proposal in the form of a report, before forwarding it to the plenary in a more or less “take-it-or-leave-it” form.

(2012: 43)

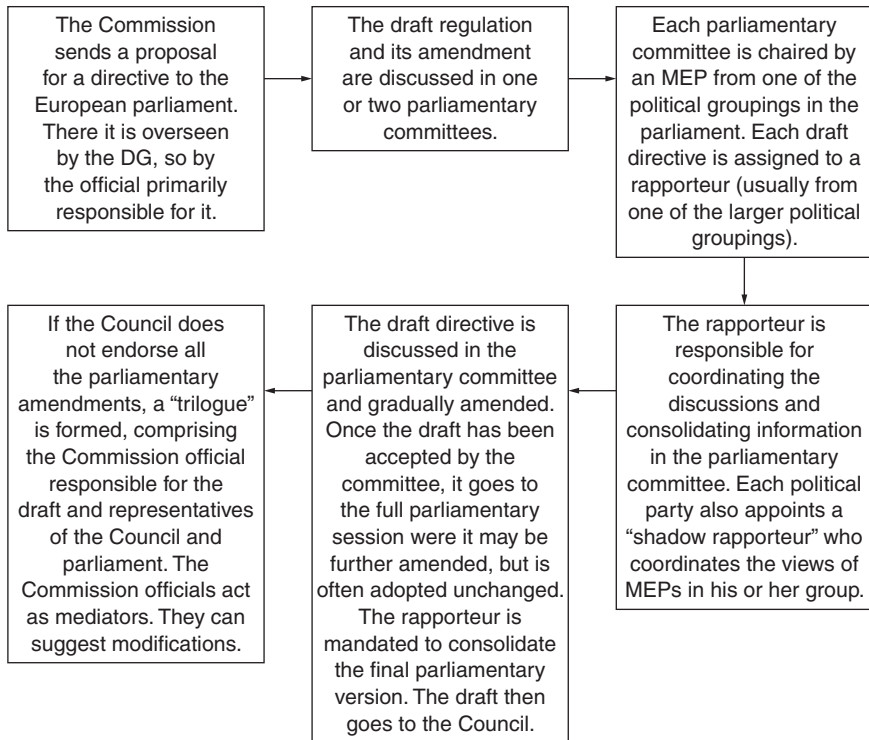


Figure 5.3 The passage of a draft directive through the European parliament.

Second, business association staff are promoting positions already established in initial exchanges with their desk officer, to which they now draft precise amendments. These pre-drafted amendments are likely to interest the MEPs' assistants, who regard the work of drafting as the most technical and noble aspect of their job (Michon 2014: 55).

Interest groups have three possible points of entry to the parliamentary legislative process. The first is the rapporteur's draft. Amendments are sent directly to the MEP in charge of redrafting an initial parliamentary version of the Commission's proposal. The second is the phase of amendment in committee. Lobbyists who have not managed to convince the rapporteur can try to convince the committee's more receptive members of the pertinence of their amendments, notably the shadow rapporteurs (Rasmussen 2012: 43). The third possible moment is the voting phase, because amendments are passed by a simple majority in the follow-up committees. At this stage interest groups can make their position known to the assistants because all amendments passed are included in the committee's final draft and put to a vote. This kind of lobbying requires a good understanding of both the timeframes of the committees and parliamentary procedures. It involves regular monitoring that is difficult for lobbyists not based in Brussels. It also requires the development of contacts with parliamentary assistants, which is important because it is they who write amendments for their MEPs.

Integration into the dynamics of the parliamentary microcosm

In her PhD thesis Maja Rasmussen (2012) describes how, during a series of observations at the European parliament in 2007, one MEP angered his colleagues by putting down an amendment showing the logo of the company it had come from, and which he had forgotten to erase. This anecdote is symptomatic of the major role played in the workings of the parliament by amendments originating in the business community. But it also reveals that assistants are supposed to take a degree of responsibility for such amendments before they are presented for discussion. As summed up in an interview by Claudia Mainer, assistant to a German liberal MEP sitting on the ECON committee, a minimum of redrafting is usually carried out to make the amendment acceptable:

And do the associations bring you amendments ready to be submitted?

Everyone brings amendments. Everyone brings amendments ready drafted. We never take any ready drafted. Look, if we agree with an idea then we should be – or the office should be – intelligent enough to draft an amendment themselves to reflect, you know, the ideas background behind it.

Is it possible to draft an amendment when it's very specific and technical?

I think it's almost always possible to redraft something. I mean, look, if there is a number, there's nothing to redraft. I mean if you want 75 instead of a 100, it would be stupid to draft 78 – that's a concrete number or

something. But, as I said, I think mostly you know if it's about the idea, and if you stand behind the idea and argument then, you know, it should be possible to put something in yourself.

(Interview conducted at the European parliament in Brussels, 25 April 2013)

This interview reveals the importance for business association staff of providing figures, minimum thresholds and quotas for discussion as well as words. All that has been said above on the importance of the technical capital internalised by companies in their relations with the Commission also applies – by homology of position – to the work done with parliamentary assistants. This is moreover why associations often go to the parliament with “their” expert, seeking to use a technical understanding of the dossier to ensure that their own position will prevail. Everything then depends on the level of expertise in the offices of the relevant MEP and among those involved in the analysis of the draft in the parliament. Claudia Mainer explains:

And sometimes, you call [business associations] to ask information?

Yeah, sometimes we do that. Usually, you know, it's to get a general understanding of the industry. ... Sometimes we get material for example also for speeches, to get data, and things like that. It's always very good to go to the association

Because you have a background in economics or ...?

Yeah, actually I studied economics and politics but, to be honest, I mean, the subjects that you deal with are so specific, so technical. I mean even if you studied economics and even if you have a little bit of a background, you're not going to have inside knowledge of this. It's good to have a general understanding and overview but, as I said, these topics get so technical and in depth, it's difficult to deal with them alone.

When you ask parliamentary assistants why they contact the industry, they will often start by saying that it gives them a general understanding of the sector (Bouwen 2004a and 2004b). But when they go on to talk about their own level of knowledge, the relationship changes direction. They describe their own knowledge as “general” (assistants have a “general understanding”), while the associations provide “inside” knowledge and technical expertise.

The network that forms around the parliamentary scrutiny of a forthcoming regulation includes parliamentary teams that sometimes lack the necessary resources, reinforcing the position of those with technical knowledge of a particular subject. The parliament regularly attempts to correct this structural imbalance, notably in November 2013 through the creation of a directorate general known as the European Parliament Research Service – DG EPRS – and advertisements seeking to recruit experts in various domains (particularly finance).⁶ Pro-transparency groups immediately expressed concerns that this would mean experts with close ties to certain companies might be suddenly transformed into

parliamentary officials in strategic positions. Whatever the case, the creation of this department reflects the deficit of technical capital in the parliament and in MEPs' offices in dealing with lobbyists.

Some lobbyists exploit this imbalance by seeking to train MEPs in some technical subjects. The European Parliamentary Financial Services Forum (EPFSF) is an association of MEPs directly funded and led by the banking sector (companies and business associations). This hybrid model (not fully a business association although all or almost all the banks are represented, and not really an MEPs' organisation, since they do not control the subjects discussed) is officially presented as a body that "facilitates and strengthens the exchange of information on financial services and Europe's financial markets between the financial industry and Members of the European Parliament".⁷ Funded by Barclays, Citigroup, Deutsche Bank and many other financial firms, it exploits MEPs' need to promote their own specific skills in order to exist inside the European parliament and to sit on the most visible parliamentary committees (such as ECON). This effort to be distinctive (each MEP seeking to be recognised as well-informed in a particular subject) in return facilitates the work of the lobbyists.

As one association secretary general notes,

the hardest thing for an MEP is to find a dossier that no one else is working on. And that's why they are sometimes very proud if they are contacted by the finance industry or the chemicals industry to be something like their leader or front man.

There are other factors in addition to specialisation on the part of MEPs that facilitate interventions by business. There is no doubt that the generalised spread of economic liberalism and the dominance in parliament of the European People's Party and European Socialist Party facilitate these practices, since no ideological obstacle is ever raised by MEPs or their parties to what could be described as this training by companies (in evidence we might cite, for example, the fact that only one MEP from the GUE has a seat in the EPFSF).

The structurally close relationship between parliamentarians and the business community can also be explained by the fact that many assistants worked for companies or interest groups before moving to the parliament. Recent studies suggest that 45 per cent of parliamentary assistants arrive with professional experience (internship or temporary contract) with an interest group. By comparison, only 7 per cent have had an internship or professional experience at the Commission (35 per cent have been interns at the parliament) (Michon 2014: 148). Of course this overall figure, which includes groups promoting both business and other interests, shows great variation if it is broken down in terms of individual parliamentary committees. For example, there are more assistants with experience of the private sector at the committee in charge of economic issues (ECON).⁸

Armed with professional experience before the parliament, many lobbyists are fully aware of what is enabled by the presence of a centrist block comprising

MEPs from the EPP, the ESP and liberals. Liberals are in particular demand, putting down up to ten times as many amendments as MEPs from other groups (Rasmussen 2011: 2). Some business association lobbyists say that in this way they can draw on the two main political groupings (right-wing and socialist) at once to generate a sense of unanimity in a parliamentary committee or plenary, and even prepare several amendments in anticipation of the “counter-amendments” that might be tabled by MEPs representing competing interests. This is true, for example, of Philippe Bonvoisin:

So on this dossier we prepared counter-amendments ...

Counter-amendments?

Yeah, I think of the possible counter-amendments that other associations might put down. Often an amendment alters a word or a comma that changes the meaning. So when I write an amendment, I often think about how the [competitors'] association will react and what they might put forward to change the meaning of my amendment, and then I think if I were them I'd change that word. So behind that, I prepare a counter-amendment. That's why in general too I don't give more than three amendments to one MEP because they have to be able to understand the modifications that might be brought in by other MEPs with other amendments. But that's only part of it. Because overall it's only the EPP and ESP that table amendments. No one lobbies the other parties much. That's why if you look at the number of amendments tabled by the others, like the communists, they have far fewer. So for an association it's best to have MEPs from several countries. We'll go to our Austrian member for example to have an Austrian MEP and through several parties to have the same position advanced by an ESP MEP and an EPP MEP. But the difficulty is that sometimes you get two associations competing on the same dossier that has, for example, two EPP MEPs in two different specialist committees, such as “environment” and “consumer affairs”. So then, when you're back in the plenary, the EPP can't adopt two different positions. So you'll get a harmonisation. And there it's important that you have a heavyweight on your side who can influence his group so that it's your position that survives.

But tabling an amendment or even several amendments is rarely enough to ensure that business lobbyists get their way when a draft law is read at the European parliament. It is important for them to understand the internal dynamics of the committees and to exploit the different degrees to which MEPs are invested in a draft in order to establish their own positions in both the parliamentary committee and within the political groupings.

The staff of the most established business associations that we were able to meet can generally decide at once whether a rapporteur is a “good client” for them, in both the general sense (“is he ready to work on drafting the law as closely as possibly with the lobbyists?”) and in more particular terms (“has he previously tabled an amendment for us or for one of our competitors?”). While

in some associations colleagues' memories may fail, the parliament's website provides a way back through time (at least over the last two terms) and details of MEPs' parliamentary past – amendments tabled, dossiers for which they have been rapporteur or shadow rapporteur, and so on. One interviewee relates his pleasure at the appointment of Malcom Harbour (a British MEP long in charge of the committee on the internal market and consumer protection) to work on his own dossier, as the MEP is known to be “pro-business”.

So the moment when the rapporteur of a parliamentary committee proposes an initial redrafting of the Commission's proposal may partly reopen the field of possibilities. Associations that have fallen behind or did not manage to make their mark in closed door discussions with the Commission now hope to “make up for it”. This is also a time when “small” members of business associations and those who were shown the door when the synthesis was being made can try once again to make their position count.

But it is hard to catch up and the dynamics of parliamentary procedures do not massively contradict the positions established behind the closed doors of the administrative world. The interests that national associations and localised companies seek to bring back to the top of the pile are often viewed somewhat negatively by the assistants. At this stage their positions are generally criticised for being “not totally integrated” or very specific. In a parliamentary world where some MEPs dealing with national splits are keen to identify with a European project, the presentation of a nationally based interest is never sure to make its mark.

A renationalisation and partial relocation of issues?

Several studies have discussed the singular nature of the work of MEPs. Operating in “multi-level governance” (Costa 2002), they are sometimes caught up in national or local dynamics in their “region” (with all the legal and technical precautions that this term implies). It could be suggested that the territorial origins of MEPs provide an opportunity for smaller businesses operating at a national level to have their voices heard. But here again, it would be wrong to think that only local operators are able to play the card of national or local affiliation. Most European business association staff know how to adapt their mode of influence to contexts in which MEPs might be tempted to play the national card. The associations can send a national firm or member association to facilitate approaches to a particular MEP.

So it would be wrong to think that all the interests that reach MEPs in the form of support for “local” or “national employment” are in no way Europeanised or that they conflict with the interests of multinational companies. Many arguments in local accents are interests that have already been Europeanised in the associations and are now being reshaped along national or local lines and promoted by a large group in the service of a European sector federation.

As described by Mary Campbell, general secretary of the European container glass federation (FEVE),⁹

You can go and see an MEP and explain your situation. And all the MEPs that have a big glass factory in their constituency, you go and tell them that they have to protect those people's jobs. So we have to go and see the MEPs that have an interest in our sector and try to say, "Listen, can you put up a fight in the parliament on those issues?" And at that point you have to be able to give them an overview of the situation and brief them. And that person can become an ally to get other MEPs on side.

(Interview conducted at the federation's Brussels office, 2 March 2011)

The idea that European business associations can carry out "multi-level" actions in their own way must be recognised to avoid misinterpreting the partial rationalisation of issues at the European parliament. Small local businesses do not have a monopoly of the discourse of "the defence of local jobs". The staff of European business associations most integrated into the Eurocratic field adopt a panoply of strategies to reduce uncertainty. Having first targeted the rapporteur, then the shadow rapporteurs, then the members of the parliamentary committee, they then play on national dynamics before ensuring that the parliamentary group will not upset their plans. Some handbooks also advise including the "permanent administrators of the committees concerned" (Guéguen 2007: 106).

Ultimately all this lobbying can influence the drafting of legislation only according to the degree to which the MEPs approached are engaged in the parliamentary process. Last-minute reformulations of amendments by assistants can replace one word with another in the light of the semantic jurisprudence of earlier discussions. But the final compromises can only be ensured by MEPs with a degree of legitimacy.

In practice it is the different capital volumes of the MEPs involved that do battle in these committees. Passing judgement on an entire set of drafts, an MEP may sometimes settle for losing on one dossier in order to win on others. The work of lobbyists at the parliament thus remains ultimately dependent on the political careers of MEPs. Productivity constraints and the dynamics of professional politics (a major part of an MEP's time is spent on tasks that are not directly about making laws, such as party activism, media appearances and jockeying for position in the competition between members and political groupings) explain why many of these tasks are passed down to assistants, who do most of the work of drafting the final versions of amendments. In the context of the struggle for political differentiation, the staff of the largest business associations may approach these assistants offering support presented as "objective" or sufficiently "detailed" to be integrated into the parliamentary draft that is expected, but they cannot be sure of controlling all the ballistics (the unpredictable trajectory and dynamics) of amendments traded in committee, or the capacity of a particular MEP to influence the discussion.

The issue of corruption

Cases that have appeared in the press attest to an informal market in amendments. As Rasmussen notes in relation to an affair mentioned above,

in March 2011 ... four MEPs were accused of agreeing to accept money from *Sunday Times* journalists posing as lobbyists, in return for watering down banking reform legislation (Insight reports, 2011, p. 20). Presenting themselves as banking lobbyists, the journalists contacted some 60 MEPs and attempted to bribe them with offers of cash in return for tabling amendments to draft EU legislation.

(2012: 33)

Similarly, some MEPs who return to the private sector (notably former Commissioners) arouse suspicion among transparency activists. How should we understand these cases of proven or alleged corruption? Here we come to limits of a study focusing primarily on the structural dynamics of organisations and the observable practices of stakeholders. Whatever the case, if we were to suggest a hierarchy of variables explaining the general functioning of this particular political system, corruption cannot account for the preponderant place of business in Brussels. All the elements we advance here invite us to regard corruption as a by-product of a broader historical configuration in which the establishment of the European bureaucracy was steered from the outset by the business community, enabling that bureaucracy to assert its legitimacy to member states.

In other words, all that we show here seems to prove that even if there were no or almost no corruption, the relationship between the world of the bureaucracy, parliamentary functioning and lobbying would be enough in itself to explain the preponderant role of business dynamics in the work of producing legal standards.

Back inside the closed doors of the bureaucracy after the parliamentary interlude

Not all EU legislation to regulate markets goes before the parliament. And those regulations that do are then discussed by a series of officials who oversee the consolidation and definitive drafting of the final text, its (more or less full) implementation in member states and updating over time. This bureaucratisation of the post-legislation phase is crucial in the eyes of the lobbyists. Back inside the closed doors of the administration, where they often encounter the officials they met with before the legislation went to the parliament, bilateral working relations can be re-established.

The trilogue: a “Bermuda triangle”

In order to simplify the process of developing draft regulations and to tackle the proliferation of cases that come before the parliament in processes of co-decision, Commission officials have initiated a change in working practices to

include constant dialogue with the Council and notably with the members of the COREPER (committee of permanent representatives) before a draft is read in a parliamentary plenary.¹⁰ From the point of view of parliamentary assistants, this way of proceeding simply confirms a situation in which the permanent representatives (PRs) of the various member states (the diplomatic missions that represent the interests of their state to the EU institutions) were already in a situation to do their own “lobbying” to MEPs when a law was passed in the parliament. From the institutional point of view, once a draft has been circulated by the Commission a community of officials from the Commission and the COREPER, and the assistants of the MEPs involved form a working group on the dossier, discussing it even before the law is voted through in a plenary session of the parliament. The justification for this short-circuiting of the plenary is that it avoids the need for a second reading in the parliament. As described by Jean-Luc Depaul, parliamentary assistant to a French liberal MEP, the idea is to anticipate at the parliamentary stage any potential blocking by member states in the Council:

So you’ve got the draft that was passed by the Commission with a mandate from the parliamentary committee to the rapporteurs and shadow rapporteurs to negotiate with the Council and the Commission. So that’s the trilogue. And at these trilogues the Council and the Commission try to agree on a draft, and if there’s an agreement at the trilogues the parliament will pass the bill, because there’ll have been a letter from the COREPER, so the committee of permanent representatives, saying, “Yes, we certify that the bill that will be passed by the parliament will be passed unchanged by the Council.”

This is to avoid a second reading?

Precisely.

And there are lobbyists who told me that it’s often at that point that they start talking to the Commission again ...

I think you need constant dialogue on a particular subject. Otherwise, they’re completely lost, because depending on the state of the compromise ... Before the vote in the committee, the trilogue can start with something very different. So it’s important for them to have a constant dialogue with the three institutions in order to understand. And in my case, it’s true that on a whole series of things, after the trilogue I say to the lobbyists “Here’s what happened”, and I say that to all my interlocutors, so that they’re up to speed, and to say, “So, do you think it will work?” or, “There’s this solution we hadn’t thought of, does it make sense?”

For business association staff the trilogue enables them once again to exploit longstanding relationships and the visibility of their association for officials at the relevant DGs. As explained in an interview by Hans Petersen (director general of the association for animal foodstuffs), this arrangement enables them to go over a dossier in a closed group consisting almost entirely of officials and

MEPs who are dominant in the parliament, most of whom are members of the EPP or ESP.

The Commission looks at what was passed in the parliament, but through the amendments your amendments can be seen, so then they call you back in according to what you managed to get through the parliament?

Of course, here you're right inside the way the institutions operate, the famous triangle, a kind of Bermuda triangle. Now this is co-decision, at least for the framing regulation. ... [Because] for the underlying principles it's often in the parliament that you had the clash, the confrontation between several legal principles, and there's a more or less healthy competition between legal principles that overlap. How to decide on consumer rights, food security, and on the other side, of course, there's also the internal market, the overall economy. So all that has to be weighed up and there in fact the Commission doesn't really have a choice, in fact it's always in a dominant role because it has a monopoly of the proposals. It's always useful in playing the skilful intermediary, to try as far as possible because it always wants its draft law to end up being passed. ... That's when we try to intervene saying, "Right, be careful." The simplest thing is errors on facts and we just come in to provide simply the reality as it appears to us. Or else when there are no measures that directly affect us, we say, "If that's your legal objective, to get there, in our view, you have to go down this or that path."

In these discussions business association staff can easily return to the role of advising on feasibility or the implementation of directives. At this stage association general secretaries with the greatest social capital and more significant means of communication with the Commission and the COREPER may adopt a particularly combative tone, since the high officials of the Commission who are now their interlocutors are closer to the political levels of the Commission. As the role of Commission officials at this stage is less administrative and more characterised by a blurring of boundaries between the administrative and political spheres (Hooghe 1999), lobbyists like Franck Jones of ORGALIME adopt a far more militant tone to talk about these phases:

I'll take an example: this was with the DG Enterprise, which wanted to revise the "market" directive, we didn't agree on the revision, they went for it anyway. It was hell! We blocked it for four years in the Council until there was a change.

Because you were working with one of the countries at the Council where ...

With eight countries there were eight presidencies and each presidency spoke [in our favour]. ... So we can, let's say, we can really help people, but we can also show our teeth, which we're not afraid to use.

For blocking, in quotation marks?

Yes, for blocking. ... There are lots of director generals I've seen like that, they're well aware we've got muscle, that there are dossiers where we don't agree, that I've always been very correct with them at a personal level. But they know that I am my master's voice and that I've always told them when I was going to make life hell for them.

It is during these more informal interactions that intermediaries are also busy talking to the national representatives. Everything said so far about the ability of European business associations to don a national hat when talking to an MEP of the "right" nationality could also be applied word for word to discussions with the permanent representatives. Multinationals under the flag of a member state are able to lobby at EU and national level simultaneously (Coen 1998). The European political system includes an opportunity for each member state to speak. Companies established in several member states can then shape this "national" component of decision-making by going to each PR and making the argument of protecting national jobs in each country where they have a factory. They can also express their historical attachment to their country of origin (France for Total, Germany or BASF, etc.). This is particularly effective because those permanent representatives who are the most chauvinistic and least acculturated to the COREPER are more sympathetic to the positions of their former national champions who despair of knowing what is happening in the trilogue (Ayberk and Schenker 1998).

Lobbyists can also count on the COREPER working procedures, which endlessly emphasise consensus (Lewis 2005; Chatzistavrou 2013). On some dossiers, not only does the French government's position evolve throughout the discussion in the light of power relations, the initial position of the French permanent representative is not exactly the same as that of the government even before the discussion starts (in "10 per cent of cases" as estimated by an official from the French permanent representative office when questioned). These differences often infuriate lobbyist fractions whose approach is confined to effective lobbying at the national level and therefore do not see their position precisely adopted by the permanent representatives.

It will by now be clear that, behind the doors of this second closed bureaucracy, Brussels-based lobbyists are able to partially undo what happened at the parliament. They can recall their position before the directive is definitively passed. And once it has been approved, they once again have an opportunity to promote their views when the time comes to discuss its concrete implementation.

Comitology and agencies: endlessly renewed bilateral relations with the business community

In a system like that of the EU where the passing of any directive should theoretically follow a complex institutional and multinational path, procedures are regularly invented that are intended to facilitate the passing, and indeed evolution of draft laws. More and more directives see their modes of implementation

discussed by groups of officials known as comitology. The Council has mandated the Commission to offer its committees measures to implement directives that have already been passed. Chaired by a Commission official and consisting of officials from the member states, in some areas these committees can have a real impact on the way that directives are implemented in practice. According to the textbooks on lobbying, nearly three thousand draft laws are passed in comitology every year (Guéguen 2007: 106). There are around a hundred comitology groups authorised to take direct decisions (these are called “regulatory committees”). Some committees have the authority to manage agricultural markets, while others provide only consultative advice. This administrative procedure enables Commission officials to bypass further discussion in the European parliament and, here again, the monitoring of measures taken in comitology is largely unavailable to interest groups outside the business community, since they do not have the resources of the large European business associations or the large companies. Even business associations themselves can have trouble finding the time to monitor these committees, including the Architects’ Council of Europe headed by Tom Falner:

So you do you monitor a comitology group then?

Either we have contact with the people in the group, and that’s true for the groups we follow because our member organisations have close links to the government and they know the people working in it, or we are invited to take part in a working group or an expert group that’s doing a report for the comitology group. That way we have contact with the people running the group, and that way we get an idea of what’s going on. But it’s still not very structured. ... It’s often hard to see the agenda and the minutes of meetings, all that depends on whether we’ve got a good contact at the national level, whether we’ve got the documents.

Management by officials gives the advantage to business associations whose external lobbying is already directed largely towards desk officers involved in these committees and which monitor the comitology “at the same time” as their activity linked to the Commission. This is true of IMA Europe, headed by Brian Stone:

We have a lot more comitology at the moment than co-decision with the parliament. ... I mean, 80 per cent of our lobbying activity is directed at the Commission. In the comitology in reality it’s the Commission that chairs and decides, “plus” the member states, which are represented at the level of the competent authorities. So there are regular meetings. And we know the representatives of the member states and the Commission people who are in charge of those committees. The minutes are available, we’re sometimes invited to those meetings too so we can give our point of view, as observers at least.

But you already know the make-up of the committees?

Yes, but these are standing committees. I mean, it's the committee for the protection of the food chain, the committees for the implementation of Reach. All those committees are formed, are known, I mean we have the email address lists and all that, it's all visible. The Commission is visible, transparent, it tells us the dates, the agenda, so they are standing committees.

Business association staff have regular contacts with the agencies attached to the European Commission. Here again, more and more directives have implementation measures that are discussed by specific agencies and some provide for the creation of a new European agency (as happened with Reach) to develop their implementation. In recent years the number of European Commission agencies has risen sharply to almost forty, so we can speak of the "agencification" of Europe to describe the development of health policies at the national level (Buton and Pierru 2012). In these agencies the technical capital provided by companies carries a great deal of influence in the production of administrative standards. Lobbyists for the largest companies and for business associations most integrated into the Eurocracy can monitor their dossiers in circles that are very hard to access and often beyond the reach of organisations outside the business community.

Brussels is often presented as a place where liberal ideology and market deregulation always triumph. But a certain routine in the critique of political representation by Brussels-based actors perhaps ultimately leads us to lose sight of the role played by the structural entanglement of administrative action and business community mobilisation. The massive conversion of the elites of the main political parties to liberalism and their investment in electoral and interparty politicking facilitates the disarmament of the parliament as a political counterweight. But an explanation by ideology struggles to explain the more structural eviction suffered by representatives of public interest causes and MEPs from more marginalised parties.

Everything that is played out before and after the passage of a regulation through parliament has as much influence as the homogenisation of political ideologies. The critical mass represented by Commission officials, the administrative hierarchies that enshrine the legitimacy of the departments in charge of the economy and the bureaucratisation of the "post" legislative work all foster the predominance of bureaucratic capital at the centre of lobbying. These dynamics generate a centrifugal force that constantly excludes stakeholders who are not familiar with the rules or who struggle – due to their social properties – to comply with them so easily.

The capacity to exploit intra-bureaucratic rivalries, to understand the successive filtering processes through which desk officers construct their positions, or even to know "when you have to go up the hierarchy" are all of primary importance in lobbying. The mastery of these aspects requires lobbyists to learn to notice variations in their routine interactions with EU officials, such as typical phrases and oppositions in principle that are suddenly expressed by a desk officer

and act as clues to the evolution of power relations around a draft law under discussion. This practical relationship to the workings of the administration also requires lobbyists to know when to adopt a more combative (even threatening) approach at the political level or, conversely, to adopt a fallback position or more technical language. Mobilising the technical capital of the companies they represent (if necessary by “commissioning a study”), lobbyists have a great advantage because for them bureaucratic capital is not just a store of legal knowledge but also functions as a bridge that enables them to influence the two professional arenas of their routine work.

They are at a particular advantage because this bureaucratic capital is not neutral. It is the vector of a number of postulates that are structurally favourable to dominant business stakeholders in relation to the right and wrong ways to produce “common”, “European” positions. To meet the needs of the desk officers, the positions put forward to Commission must be hostile to “protectionist” measures (in accordance with the provisions of the Treaty of Rome), “denationalised” (representing the largest possible section of an economic sector) and argued as “scientifically as possible”. We could advance the hypothesis that the internalisation of bureaucratic capital in the construction of European positions ultimately leads smaller business associations to accept the agenda of the EU institutions and the smaller business operators to fall in with the dynamics of a market that tends to render them dependent on larger groups. But for business associations representing the more dominant business sectors, this internalisation of bureaucratic capital conversely facilitates the coordination of the interests of large companies on a European scale with the dynamics of regulatory work in the EU. Ultimately it facilitates the standardisation of markets in their favour and in the name of science.

Notes

- 1 Introduced by the Maastricht Treaty and reinforced by subsequent treaties, co-decision (or ordinary legislative procedure) theoretically gives the same weight to the parliament and the Council in the decision-making process on a group of dossiers (business, energy, immigration, etc.).
- 2 According to our questionnaire, distributed by the *Omnium club*, of 271 people attending the club who agreed to divulge their regular reading habits (magazines and newspapers), the *Financial Times* was spontaneously mentioned in their top three by 36, equally divided between 18 working for EU institutions and 18 in the private sector.
- 3 Regulation on the recording, evaluation, authorisation and restriction of chemical substances. Reach came into force in 2007 to ensure safety in the manufacturing and use of chemical substances in European industry (for a case study relating to Reach, see Chapter 7).
- 4 Interview with Isabelle Garcia, GUE parliamentary assistant at the European parliament, April 2012. Graduate from the IEP in Lyon, Isabelle Garcia was hired as a parliamentary assistant after being a Left party activist.
- 5 In other words the MEP that each political grouping chooses to monitor the draft law in a parliamentary committee.
- 6 www.europarl.europa.eu/the-secretary-general/en/activities/recent_activities/articles/articles-2013/articles-2013-november/articles-2013-november-2.html.

- 7 EPFSF website: www.epfsf.org/.
- 8 Not only have more of them worked in the private sector (thirty-seven of the forty-eight who had made their CVs available on LinkedIn), these assistants were also more likely to have acquired their private sector experience in banking (JP Morgan, Banco Bilbao) or finance than the assistants of MEPs on the Culture committee (who were more likely to have worked in journalism or communications when they had worked in the private sector).
- 9 Mary Campbell is an Irish national with a degree in marketing. She arrived in Brussels in 1990, joined the Commission on a two-year contract at the DG Employment and was then hired by the FEVE.
- 10 The work of ministers in the Council is prepared by different working groups in different capitals and also in Brussels by the COREPER (Committee of Permanent Representatives), which is chaired by the ambassador of the member state that currently holds the Council presidency. The COREPER is composed of the various PRs. Its preparatory work generally leaves ministers to work on only strategic points for which consensus could not be found within the COREPER.

6 **Serving the scientific standardisation of markets**

The technical extension of commercial wars

You have to convince them from the other side of the table. If you do it with a young graduate from Sciences Po, it doesn't have much effect. Because on the other side of the table you've probably got an engineer. ... I'm quite impressed because lobbying often has pejorative connotations but lobbyists aren't stupid, they really aren't. They are highly competent people. This morning I had a guy come in from a German company who really knew what he was doing. Really, he could be a professor at the Collège de France, but I imagine he's far better paid where he is.

(Alain Degras, Head of unit Ethical issues & stakeholders at the DG Research)

In a system where customs barriers and protection in the name of economic patriotism no longer officially exist, the race to promote new health and safety standards is one of the main frontlines of economic competition at the European level (Majone 1994; Egan 2001). A company that makes a product (let's say a savoury spread) has a sustained economic interest in not having the ingredients it uses prohibited by a new health or customs regulation. On the other hand, it may also be in its interests for a component extensively used by its competitor (let's say, palm oil) to be suddenly subject to restrictive legislation that will oblige that company to make changes to its manufacturing process and supply chain (which will hamper its competitiveness).

This scenario has always existed at the national level, but it has even greater effects at EU level, since the European decision-making process acts to structure the internal market of twenty-eight member countries. Each draft regulation can potentially serve as a benchmark for companies in revising the boundaries and forms of competition at the European level in their sector.

The Brussels-based business associations often find themselves in a position to exploit the commercial potential of the Commission's draft regulations, since in them the bureaucratic capital of the lobbyists combines with the technical capital of the companies. Far from being neutral mediators, they can act as experimental laboratories where several dominant companies in a sector can find agreement before new environmental or health standards are adopted.

Rather than arguing behind the scenes for the purest form of economic liberalism, the staff of the most powerful business associations often promote

technical mechanisms enabling the “better distribution” or “better traceability” of goods exchanged in order to eliminate competitors who cannot afford to make the necessary changes. They seek to generate public policy. Their aim is not total deregulation but a re-regulation that will favour the largest businesses (Majone 1994).

Of course business associations do not act in this way systematically or for philanthropic reasons. They act only when the clear interests of a few companies in the sector (which have often already succeeded in investing in modes of production said to be less polluting) converge, leading the position of the business association to change to the detriment of their competitors (often based in the former eastern bloc countries and Russia). While understandings related to prices may be severely punished by the European Commission (in the name of competition law for which economic liberalism has become a juridical standard) (Hermitte 1981; Sauter and Shepel 2009), there is nothing to stop a business association promoting new production standards to EU officials. But to play this role, it must have previously accumulated a maximum of technical and indeed scientific resources (such as a study on the bad effects of palm oil) in order to make the interests of the companies it represents coincide with Commission’s regulatory project. This dynamic explains why a great many commercial battles are fought in a technical or scientific arena, whose resources are becoming increasingly important for the business community.

Business association staff and standards

The European decision-making system has many layers at which standards with potential effects for economic competition are constantly updated (Egan 2001). The various agencies (ECHA, EFSA, etc.), the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC) and the European Telecommunications Standards Institute (ETSI) are all bodies that discuss the technical specifications applying to the production and distribution of products. We might imagine that the business associations, being more focused on the Commission’s DGs, would have comparatively little to do with this work of standardisation, which is mainly carried out by experts and technical specialists sent by companies. But, once again, this would be to forget how close the business associations are to the institutions as a result of their historical position. They can ensure that the new standards reflect the political terminology promoted by EU institutions.

Defending one’s own sector against another

When the same product can be manufactured in different sectors and in different ways, business associations sometimes have to take their own members’ side against another sector. This tends to happen when the battle is fought in a CEN discussing production processes that are permitted or, conversely, judged to be out of date. Quite often an association will be required to produce reports on the

production processes most widespread in the sector it represents, compared to those common in other sectors. When the struggles that emerge in a specific CEN coincide with the sector boundary of the association and are – as noted by Brian Stone of IMA Europe – battles between two sectors, the business association is the place where arguments are developed around the “healthier” or “more environmentally friendly” nature of some products:

You also work in the European Committees for Standardization?

We work in the CENs too, but it’s a bit more complicated for us. We are often there but, in most cases, we try to limit our applications at that level.

Why?

Because – the CEN would never say so – but the problem with European standards is that it’s an amazing weapon in competition because you’re establishing specifications for the product. If you don’t comply with those specifications you can’t market your product. At any rate a lot of things, the client will reject. If you don’t have specifications as set out in the European standards, your product won’t be taken up. So the big companies for example, which have the expertise and the availability, they send their experts to the CEN committees and ensure that the specifications are as close as possible to their products, possibly to the exclusion of one or two of their competitors. So there are battles. There are two kinds of battles: we’re involved in inter-sector battles. Take filtration for example, you can use minerals or you can also use polymeric membranes. So there you’ve got a fight between two sectors, so each charges at the other saying, “You have to do such and such a test so that there’s a commercial advantage somewhere for one sector over the others.” So you get involved in discussions like that in order to protect the sector’s interests. Conversely, we avoid any subject where there’s competition within the sector.

In other words you don’t want to have to arbitrate between your own members?

That’s right. I can’t say, “The product must be 95 per cent pure”, because I know that a particular member can’t provide that.

So adopting a position in inter-sector battles that form around the European Committees for Standardization enables business association staff both to reinforce their role lobbying the Commission on behalf of the sector and to promote the importance of their organisation to its members. When the battle becomes “intra-sectorial”, the business association may still be challenged. In many associations with a highly disparate membership, decisions are taken by the large companies and when problems emerge it is usually because these companies do not all have the same relationship to the manufacturing standards (notably in relation to pollution). So they cannot use their association as a lever in a common strategy on standards, and it is often within the association that differences on these dossiers are expressed (and can be resolved). This is notably true of the industrial glass sector and, as shown by the general secretary of the business

association of glass makers, companies that are more advanced in using less polluting processes can hope for environmental standards to be raised, thus excluding some glassworks (notably in Italy).

Today in the glass container sector there are factories in almost every member state, but they are owned by the largest companies. These are very large producers, there are almost no small producers left. ... [And we had a dossier on] emissions certificates.¹ So we could have a certain number for free.

So this is about pollution permits, is that right?

That's right. ... And it was also to identify how many certificates you could have. So, beyond this level of emission you had to go and buy on the market. ... In bottling we had a big problem, because the Germans – so, our companies based in Germany – think they're better than the rest of Europe, so they could win this market. And the Italians and French were completely against this. It was a real disaster, it was terrible – the Germans were tough. So they went to see the director general of the Commission, who is German. They got him to visit the companies, they piled on the pressure. So of course in the association our hands were tied. We couldn't do anything – couldn't go on the attack or the defensive, because there was no common position. We called a meeting and we decided to do a kind of negotiation. So we got all the CEOs in bottling together with their technical directors and we brought in a lawyer and a kind of psychologist to lead the discussion. ... At 3 am we found a solution. And now they're happy because [the solution chosen] is much better. ...

But what made it work all of a sudden?

It was a recognition that in reality the collection of existing data on the subject is done differently from one country to the next and the same things can't be reliably compared. ... We established a methodology and the data were quite interesting and showed that the Italians and French were right. ... Because in the 1990s the Germans were pushed to invest in a great many things [to reduce pollution] in their factories. ... So they wanted to recoup their investment and reap some benefit from all that.

As we can see here around discussions on ETS (the famous “pollution permits”) and CENS, issues of production standards frequently shape the work of sector association staff. Because they are at the interface between the Commission and the largest companies and through their monitoring of the different procedures, those business associations with the greatest resources often also relay regulations being developed by EU officials proposing guidelines and “guides to good practice”. Association staff thus maintain their importance for “their” desk officer through their engagement with the reforms in progress.

It can also happen that industries are indirectly affected by battles over standards in another sector for which they are secondary suppliers. When I met Serge Demoulin, general secretary of the European federation of potato producers, the

dossier worrying him at that moment related to the meat sector. Some food industry groups that also sell frozen products were concerned by new labelling requirements being promoted by some meat producers. In the name of consumer protection the European Commission was planning to identify the origin of every ingredient in some mixed frozen products. The association's general secretary was then called on by his members to mobilise against the introduction of excessive production costs in the sector for which he lobbied. These processes by which business associations find themselves required to adopt a position can place an additional, unforeseen burden on business association staff.

“Extra dossiers”: an additional entry cost for small business operators

Not all business associations have the same capacity to interact with several agencies at once or at the technical level required by several CENs. For several of the associations surveyed, the work of monitoring standardisation plans is a job “too far” for their few employees already required to see to the association's internal functioning, manage relations with members, maintain contacts with “their” desk officer and monitor the passage of particular directives through the parliament. As described by Tom Falner of the European architects' association, which “dropped” its monitoring of CENs linked to its sector, there is a lack of personnel to lobby on behalf of some professions at this technical level:

What about the European Committees for Standardization, do you follow them?

Yes, unfortunately, yes, three of them: TC345, TC350 and TC325.

And there again, how do you go about following them?

I resigned. I stopped doing any of that. I still get the mails, I file them and one day, if I have an intern, someone to help me I mean, well, then you can dig around in there. But I can't do it.

So the associations lobbying for the liberal professions can have trouble engaging with forums in the administration where the more technical aspects of lobbying take place. Similarly, the interests of SMEs in some sectors are also largely skimmed off by the filter of the national associations or by the cost of lobbying on their behalf in Brussels. Consequently, and as described by Edmund Deberg, head of unit in charge of Standards at the DG Enterprise, and his assistant Risto Apinen, the seats on many CENs are filled primarily by experts with links to the large companies or most active business associations:

The small one does not have the time, does not have the resources to participate in the system. How can you then make this voice heard? We are sure that if we put some standard on the table that will have an impact on the equilibrium that exists. That's obvious. We know that in Europe 95 per cent of the workforce comes from SMEs and they have no voice. What we hear

everywhere, is the voice of the big ones. ... If they don't have the time because they're too small, it's a problem ... [On any subject] there will be an organisation in your groupings of industry and whatever that is "European", that has a European name. But we see clearly also how that organises around those who have a big interest and who are powerful, the big companies. ... And then again you have the dilemma – who are the people who propose things? Which interest? And we have no visibility beyond that. Ask them who sits in on the standardisation process, who has what responsibilities, what's their nationality and company?

[His colleague adds:] Yes, looking at the list of the last presidents, vice-presidents, high level officers in CEN-CENELEC, it's easy to see what are the sectors they come from, their background is close to business associations who are active on the standardisation issue.

[The first speaker pursues this idea:] ... Now this commercial interest, this is not innocent. You can be naïve and say, "You are all nice guys, you sit around the table and we'll come to the best technical solution." But the best technical solution can be in certain negotiations a solution that fits better to one of the actors and keeps the other out. ... The conflict, the problem is that with standards people might use the same thing to do exactly the opposite. Instead of opening the market so that everyone can play on that market with these products, and then it is the market that decides what is good and what is not good, what is successful and not successful, there are people trying to block that and not only by applying the standards, but sitting in on the standardisation process. They are there with many people and SMEs are there alone.

In practice the political projects for market liberalisation promoted by the European Commission since its inception come up against the dynamics of the mobilisation and formulation of interests. The differences in available resources brought about by the emergence of "European champions" have in turn reinforced discrepancies in political representation, to the great dismay of those who would like to run a market that is free rather than distorted, and conforms to a set of postulates advanced by neo-classical economics. In the same interview the two officials from the DG Enterprise lamented the poor level of expertise provided by the association supposed to represent SMEs on issues of standards (NORMAPME). Unsatisfied by its contribution to the consultation, they justify the Commission's plans to make a major cut to the subsidies it receives by its inability to enter into the detail covered in each technical arena. They say they are also blocked by a regulation that prevents them having any greater control over CENs and national certification agencies (like AFNOR), since these committees and agencies have been mandated to produce standards independently.

In the name of free competition, the European Commission now merely validates the transparency of standardisation processes and provides "the spirit of the standards" to be invented. This is what has been called, since 1985, the "new approach to technical harmonisation and standardisation". While it conforms to

the principle of non-intervention by states advocated by the Commission, the new approach has clear limitations from a strictly liberal point of view: the filter of political representation undermines the ideal of a free market when it comes to establishing standardisation agencies. In practice only those with the means are represented on them. As further noted by Edmund Deberg and Risto Apinen of the DG Enterprise, the Commission states general principles but no longer intervenes in the case-by-case definition of all European standards:

If you see today how technology evolves, it goes much quicker and thus your risk is to have outdated law if you refer to technical aspects in a direct way. ... So we said that is the old approach, let us now do it better. What you do in the law, you say that something needs to be healthy, needs to be safe, needs to be environmentally friendly. Those are the notions we call essential requirements. In a law you say, you may put a pharmaceutical product on the market, but it must be safe. It needs to be healthy. And then it is up to the standards community to translate the notion “healthy”, “safe”, “environmentally friendly” for specific instruments, products and whatever into technical specifications. And that is done by private entities, the national private entities that are companies who make their own money, who are translating these political objectives into technical specifications. Therefore, because they are privately owned entities and we don’t want them to become legislators, the standard that comes out cannot be mandatory. It’s a voluntary standard and people always say that the new approach, say, well, we have in the law the basic essential requirements are safe, healthy, environmentally friendly. ... We put a stamp, a European stamp, a European standard on it and we only do that if the document, the technical document, has followed a certain “parcours”: open enquiry, transparency, openness, inclusiveness, consensus. ... And then that standard gets a status, it starts influencing the market because people can start to use it. If then people use it for their production that has an advantage.

We can see how business associations can occupy an important place in this system. Following the logic that the legislator simply announces a general specification for future standards (which, as this official indicates, must be “healthy” and “safe”, but not always with any detail as to how), the matching of the *desiderata* for standards with available technical solutions is delegated to representatives of the business community. While EU officials may seek to establish “green” standards, it may well be in the business associations that these expectations are translated into the development of production standards presented as more ecological than before. To this end, association staff must persuade their members of the importance of engaging with standardisation processes, given that some company managers might tend to mistrust any new public policy that could impact their production processes. Business associations thus function as platforms for the expression of new ways of understanding standards in both their regulatory and commercial aspects.

“Managing your ISO” and developing standards that render competitors’ business models suspect or illegal

Some associations that have historically been particularly exposed to the effects of the Commission’s standardisation on technical issues may thus seek to discreetly manage ISO standards.² This is true of UNIFE, an association representing around sixty companies and some fifteen national business associations in relation to the management of a specific ISO standard for rail infrastructure. The staff of the association in charge of implementing this standard see their job as similar to that of the regulators in the certification agencies (of the AFNOR type), except that they are also indirectly employed by the companies that make money from these standards. Any new entrant to the European market that seeks, for example, to propose ways of diverting road freight onto rail has to deal with this association. As explained by UNIFE group manager Christophe Davant, the establishment of a quality standard is the first step towards the homogenisation of standards used in the sector:

On the organisation chart I see there’s an IRIS working group. What’s that?

IRIS is a bit specific. It’s a standard in quality systems management based on ISO 9001 that has been developed and complexified to reach a higher level of quality, so we are the custodian of this standard and it’s our job to make it known and ensure that ...

Is it a standard of services or a quality standard for the production of the material?

For production quality, of all the production systems. That’s our political vision. What it’s based on is the modal shift, so moving freight from road to rail and passengers from air and road to rail. So to get there we think it’s necessary to have already reached a high level of competitiveness in the sector.

(Interview conducted in Brussels in a restaurant near the association’s offices, 21 April 2009 (interview in French and English))

The development of standards by business associations makes it possible to close markets to potential outsiders and exclude rival business models. When a particular aspect of the distribution of a product is first regulated, it is often the business associations that fund the development of the first version of a “new label” seeking to restrict the commercialisation of “products dangerous to health”. The intention is that this label will subsequently become the European standard for the main businesses in the market (these are often the famous “projects” that business association staff promote to maintain interest in and funding for their organisation). When the Commission turned its attention to the problem of counterfeit medication this was partly due to communications activity by the business association for pharmaceutical laboratories, which had been working on the issue with its members for years. The use of holograms on medication boxes can be justified in the eyes of the wider public as a way of protecting the patient

(who can then tell “where the box comes from”). In this regard the Commission saw the usefulness of co-financing the implementation of the new requirement. But the other side of a regulation like this is that it excludes the medication repackaging industry.³ As explained by Thibault Cousin, policy officer for the EFPIA (the association of pharmaceutical laboratories), by bringing experts from different companies around the table, the association was ultimately able to take responsibility for the technical specifications of the measure:

After three or four years of work [the Commission officials] finally established a legislative package to deal with counterfeiting and reinforce protective systems in distribution. And one of the subjects they proposed was to establish a product identification system. And that was something we’d worked on in anticipation of national legislation. So for example we put forward a project for a product traceability solution. ... So that work isn’t lobbying as such. But it’s developing the solution and making sure that all the pharma companies are behind a single solution, and this solution will be used once it’s been developed. After that we contact the Commission and the international institutions and we say, “Look, we’ve developed this solution and it’s the one we’d like you to adopt. It’s a solution that’s been agreed within the industry.” So that’s a real profit within the industry because we’ve developed [a solution]. Rather than waiting for it to drop on us, we’ve been proactive. We’ve said, “Right, we’re going to develop a solution to manage the problem and, in that case, we’d like you to adopt it at the European level.”

(Interview conducted in a café opposite the parliament building in Brussels, 24 February 2009)

By the same token, there are business associations whose very existence and future development are closely bound up with commercial strategies of this kind, anticipating the raising of environmental and health standards. The AECC (Association for Emission Control by Catalyst) is a European association that works on behalf of businesses producing technological tools to reduce the pollution caused by car engines (catalysers and filters that restrict emissions of dangerous gases). Due to its members’ business model, it finds itself in the ambiguous position of hoping for ever more restrictive environmental standards for cars and public transport vehicles, while simultaneously lobbying for companies whose clients include current motor manufacturers, who might not welcome any increase in manufacturing costs for their vehicles. As explained to us by Hugo Lombart, who heads the AECC, this association, which is a member of CEFIC, acts as a discreet screen behind which large groups of suppliers in this specific market linked to engine manufacture (such as BASF and Solvay) can encourage the European Commission to fund R&D projects.⁴ Once these have been developed, they will be imposed in the form of a new standard for exhausts that must be met by the various car makers. So the sole aim of the business association is the promotion of a technology for

which a market can only emerge if the adoption of standards makes its introduction compulsory.

Following the same model but in a different market, the association for lightbulb producers (ELC) supports the end of incandescent lightbulbs, ensuring that the new standards can be implemented by a majority of companies in the sector. It negotiated the establishment of these new standards very closely with the Commission and experts reputed to be “neutral”. But crucially today it is striving to ensure that (mainly Chinese) external operators cannot supply the market with lightbulbs that do not meet the new standards.

Anti-dumping: the other face of standards

When business associations support new technical standards in the name of environmental protection or consumer need, the issue of competition with firms from outside the EU is never far away. Once the standards that they promote have been adopted, business associations tend to be tempted to highlight the illegal or non-compliant nature of the practices of their non-European competitors. In this context the submission of an anti-dumping dossier is often planned or even developed during the association’s internal meetings. This was notably true during one of the observations at a business association lobbying on behalf of abrasive product manufacturers:

How to use “anti-dumping” to have “origin marking” adopted⁵

Marc Bonetti, a manager of the umbrella association for the ceramic industries (CERAME UNIE), has come to today’s AGM of the business association for abrasive products (a supplier that makes components used in the manufacture of ceramics). He has come to talk about the importance of adopting a position on dossiers related to “origin marking” (the “made in” information on product labels), which is again being discussed at the Commission in autumn 2011. He tells the managers of the large businesses producing or using abrasives that the former plan to establish a kind of “made in the EU” has recently resurfaced with a law passed in the European parliament on 21 October 2010. This draft proposes that the country of origin should now be shown on the label when a product is manufactured outside the EU. Abrasives were not included in the first stage, but now that the law has been passed, an “Origin Marking Committee” introduced by the directive can add new products to the list covered by the regulation. CERAME UNI believes abrasives should have a position on this dossier. A majority on the board of the abrasives business association agree that abrasives should be included in the legislation in the short term, but the association is hindered by a lack of unanimity, since some businesses that subcontract part of their production to countries in the South are worried that this will mean components of their products will be labelled “made in Asia”. On the business side, a member representing BASF immediately raises this point during the meeting: “But if there is no consensus why are we talking about it again today? Is it because someone has put it back on the table?” Patrick, general secretary of the abrasives business association, replies:

We had eleven voting and only two were against, so it wasn't complete consensus. But nor was it the idea that we would do nothing. The idea was that we needed to know more about it. That's why Marc Bonetti is here today, so that we can have a discussion as well. Marc's team need to understand if we have a problem on this dossier. Then he can tell us if we need additional information. If you have questions, Marc can answer them for you.

A representative from an abrasives producer based in the former Eastern bloc asks Marc Bonetti: "What is a non-EU Member State?" Marc explains. The member goes on, "Is Russia a non-EU Member State?" Marc keeps control of the discussion and replies calmly. But the BASF representative still seems hostile to the project because of the bureaucracy that it will generate and also because BASF is involved in the entire process and sells itself products from inside and outside the EU. He asks the others present,

What can we do when the content of a product comes from different places? Indicating the origin will mean additional costs and could even encourage producers to change suppliers! If we have to identify who produces the added value, how can you do that if you have a composite product? Does this still apply if you make it outside Europe, but repackage it in Europe?

He argues against the proposal for some time. "But if what we do is purely packing, there's no value added to the product", replies the chair of the business association's technical committee, trying to support his general secretary. The BASF representative does not back down:

That's precisely the problem, how can you measure whether something has been added to the product or not? If you take a large group like Saint-Gobain, the brand on the product is an added value in itself. The brand on the product is what you're buying and it could lead to distortion in the perception of our products if we add information like this. My own view is that stating the origin of the product's components will not be in the interests of the abrasives industry as a whole, because you'll have all these problems. It will give a bad image.

Here we see a fundamental contradiction linked to the business model. Assessments of the consequences of the legislation differ – the BASF representative is afraid that stating the geographical origin of components will be commercially damaging to his company, while the others see it as a way of differentiating their products from those of the Chinese. One representative from another large company adds: "I feel we're falling into a trap here. We should have been prepared, should have known exactly what was coming. He's right, it's going to mean more bureaucracy." Patrick puts the counter-arguments, simultaneously defending his colleague from the ceramics association and the Commission's project: "Not really, because the burden falls on the shoulders of the producer outside Europe, not on yours." But the argument does not hold when a company straddles both sides, like BASF. The BASF representative speaks again: "But who's going to implement all this? Us! Look at the list of products initially affected by their legislation – they've started with large volumes that are easy to label, that has nothing to do with us." Marc Bonetti speaks:

Yes, but, for example at CERAME UNIE we realised that this legislation could be useful in the context of anti-dumping. The advantage for ceramics from countries outside the EU is that there's no real requirement to state on the product where it comes from. So you've got people importing anything and everything. Recently we've had a big problem with a factory producing ceramics in Malaysia, which was importing elements from China and then re-exporting them with a new origin, fake papers, fake countries – it was all fake. So if you have proper rules, that will be much more difficult. In the case of ceramics it could really help the industry. If you don't have an anti-dumping problem, then yes. If it's just consumer information that doesn't concern you, your opposition can be discussed. But what I'd like to add is that it doesn't mean that you have to put all the origins of every component of your components on the packaging. Some reflect added value, but the most usual thing is to show the origin only when the final product is used outside the sector in which it was manufactured.

Patrick, secretary of the abrasives association [visibly pleased that Marc Bonetti is putting arguments that can bring BASF to heel]: “That's why I wanted him to come because during a board meeting we don't have time to go into all these details.” A company representative comes to the aid of BASF: “But if we have companies for and others against, why aren't you neutral in the association?” Patrick puts his general secretary hat back on.

Because on this dossier, we can have a consensus. There's no rush. As Marc Bonetti said, we can have a rule for some types of products, have a consensus on some products and for others. ... We'll talk about it again later, perhaps in the second part of the meeting on anti-dumping because the association is already preparing an anti-dumping measure on different dossiers.

The discussion on “made in” labels then continues in the light of two anti-dumping dossiers that the association is working on and which both target Asian companies making discs useful for glass making. Marc Bonetti explains that exemptions can be justified for some European companies, thereby sparing BASF.

As shown by this observation extract, the deployment of bureaucratic capital by association staff can categorise members in black and white terms according to their knowledge or ignorance of the EU and whether or not they know that Russia is not a member state. Crucially, however, manipulation of this capital can enable staff to modify the perception that company representatives may spontaneously develop around planned standardisation.

If a project for additional standards (such as “made in EU”) is initially perceived by some members as “additional paperwork”, staff quickly stress the commercial interests that companies might obtain by using European standards to exclude their (in this case Asian) competitors. The standardisation dossiers promoted by association staff often have two faces: on the one hand they raise the cost of entry onto a market and, on the other, they make it possible to prosecute Asian companies for dumping. This twin movement enables association

staff to go on pleasing “their” desk officer and Commission interlocutors while simultaneously confining competitor companies using different production methods to the position of producers of goods labelled as outdated or dangerous. EU bureaucracy functions here as a bank of inexhaustible symbolic capital that can be used to delegitimise the competition in many ways. By lobbying EU officials as closely as possible, business association staff often more quickly perceive ways for their members to profit from commercial standards.

By appropriating the new legitimacies that the Commission seeks to promote (respect for the environment and consumer health), the staff of the largest associations paradoxically render them compatible with the capitalist models of large businesses. To work against this agglomeration of symbolic capital that gives increasing legitimacy to dominant companies, small businesses have no alternative but to try to mobilise groups in the wider public, seeking to join forces with organisations supporting small operators, users and consumers.

Partial repoliticisation ... but initiated by the business community

Faced with mobilisation to promote new technical standards, smaller operators often join forces and attempt to repoliticise some dossiers. They try to demonstrate the damaging economic or ecological effects of adopting the new technical specifications to both their administrative and political interlocutors. Battles around standards and manufacturing norms can thus become key to fleeting public struggles waged between different lobbyists.

In these rare moments when business association staff come out from behind the closed doors of the administration, the race is on to adopt the most general, universal principles of legitimation in order to justify the maintenance of this or that commercial activity. The views of suppliers, producers of raw materials and even of consumers then become part of the struggle. For it is by being able to say what would be a “more protective” or more “green” production method for “the public” that some business associations of modest means hope to compensate for some of the structural imbalances that we have just mentioned. However, the ability to win these symbolic battles means undoing the interaction between administrative practices and the lobbying of dominant companies. Such challenges require the partial subversion of the structural dynamics of the field of European lobbying. They tend to involve an attempt to enlist resources outside the economic field (for example by involving environmental organisations).

Consumer voices usable in battles around the “aftermarket”

The staff of medium-sized business associations who are unable to follow a particular technical committee and fear that their administrative interlocutors will ultimately be persuaded to adopt overly restrictive standards by their market’s dominant operators are generally inclined to have their position conveyed by

other Brussels-based organisations. By proceeding in this way, they de-singularise their position and multiply the chances that European Commission officials will pay attention to their opposition to the planned standardisation.

Alliances are usually sought within the economic sector or, by extension, with consumer organisations that are more or less independent of the business associations. These coalitions usually seek to oppose the establishment of standards that are too “captive”, in other words that would advantage only a small number of operators and create a high degree of dependency among their suppliers, who would be obliged to use the imposed formats in order to remain in operation. The employee of an association for car dealerships describes at length the coalitions developed in recent years to counter the manufacturers, who prevent independent car mechanics from repairing some models by operating franchises and selling OEM scan tools to garage owners:

Taking the example of the law on the right to repair: the manufacturers were in favour and the garage owners, the dealers were against. On the other hand, if we explained to our dealer and garage owner members that, whatever happened, the Commission would support independent mechanics and there was no point in turning against them, we could move things forward. That’s really good work: we were going to form a coalition with the others. There were the consumers ... so that meant there were five business associations and consumers’ organisations getting together, officially on the grounds that “we’re defending independent mechanics, who we also represent”, but that enabled us to be the represented and representative. ... We could show real weight in terms of image, crucially because the positions we promoted were not just those of one actor but provided a compromise, a consensus for the whole “aftermarket” [in this case independent garages, dealers and drivers]. That’s manna for the Commission: “the aftermarket thinks that” as opposed to “the manufacturers think that” ... If you’re in the Commission you can’t say no.

Bringing the “aftermarket” together makes for a more general approach that enables small businesses to find their feet in the economy of worth when dealing with vehicle manufacturers (which tend to use the vehicle safety argument). Here we find things that have been widely shown by the sociology of interests groups and which are also relevant to lobbyists: the more de-singularisation coincides with civic rhetoric, the longer the chains of legitimation – the process through which the interests promoted seem to be being promoted by others as well – can extend. Aware of the usefulness of such alliances around the “aftermarket”, some business association staff seek to organise them through “platforms” and “forums” on particular dossiers.

This kind of grouping is sometimes even encouraged by desk officers, particularly when the synthesis proposed by the large businesses that are central to the market to be regulated proposes solutions of a “proprietary” nature⁶ or incompatible with the rules of competition promoted by the DG Competition.

Such a situation is described by Edmund Deberg, the official from the DG Enterprise:

Sometimes you wonder how the big companies carry the day. And then you see all these small associations coming in all scattered, because when you're talking about SMEs you have a vast panorama of businesses. You've got the car sellers, the garage owners, you've got the people who make the paints for cars. You've got all that and the thing is you can't do everything for all those people. ... It's linked to the way you organise things. And the ideal would be for the associations in all the sectors to get together. And then for them to show that they meet our prerequisites and present themselves to us as people representing SMEs etc. ... So you say to the associations, ... "If you have an organisation that's a kind of consortium of different associations the Commission co-funds those things."

However, the Commission's attempts to rebalance the social forces in favour of the smaller businesses (once again, from an orthodox liberal point of view) rarely work. Because the same race to form coalitions of business associations can also be seen among the largest multinational companies. These are often in a position to economically bring together several associations of which they are concurrent members.

The production of massive coalitions through multi-memberships

For the largest companies coalitions are very easy to bring about because they are members of several organisations at once. In normal times, these overlaps facilitate the circulation of information and the collection of first drafts by the largest business associations. But when the time comes to produce and convey a position, multi-memberships are also a means of mobilising a large number of symbolic resources with a few phone calls.

The same position then arrives on the desks of the Commission officials via different routes, as happened with the chemicals and food industry producers who are, among other things, behind the business association for vegetable oils (FEDIOL) represented by Mathieu Lapiere:

We're the association for vegetable oils, so we don't have a lot of resources either. ... But our association is structurally linked to the group of traders and also to another association called COCEREAL, which covers the cereals traders. So we joined our groups together because the big three associations, the big three associations in FEDIOL are also the big three in COCEREAL, so instead of coming to Brussels twice to hear the same thing, they said, "Never mind, we'll form our group together, so that enabled us to reach a larger audience and be a bit more effective." ... And one of the feats we have just accomplished was getting farmers, producers of diesel oils and bioethanol, traders, vegetable oil producers and oil companies all lined up for a meeting with the Commission!

As this investigation makes clear, the aim of the large companies in groupings of this kind is to be able to “line up” a large number of professional organisations to create a sense of broad unanimity among the stakeholders affected by a standardisation plan. The sum of the accumulated symbolic capital (manifested in a set of logos at the top of a position paper) and social capital (in the form of many phone calls, requests for high level meetings and so on) is then such that the force field that forms around the planned standardisation is once again tipped in favour of the largest operators.

To nuance this model we should however say that among large businesses this accumulation of symbolic resources is limited by the fact that their European strategy and EU Affairs officers are not always as coordinated as one might think. Multiple acquisitions mean that these large companies have subsidiaries that are sometimes largely unconnected and have different kinds of relations with the Eurocracy. The fact that large companies are members of many business associations at the same time does not necessarily expand their influence to a corresponding degree and they are sometimes held back by specialisation in terms of product and the differences between the bureaucratic spheres in which a particular type of product is regulated. This segmentation can sometimes have another undesirable effect for companies: some associations may find themselves allied on some dossiers, because one of their common members is pushing a position to the Commission, while simultaneously being in conflict on other dossiers due to the same multiple memberships. In this unsentimental politics where, as noted by Franck Jones of ORGALIME, “alliances change according to the subject under discussion”, each proposal for standardisation creates potential groups of allies and adversaries. For this reason, platforms for coalition between different business associations tend not to become formalised and have no legal status, still less a secretariat, since their lifespan is linked to a specific process of standardisation and to social forces that promote positions on a particular dossier on a utilitarian basis. As explained by Robert Pastor, general secretary of AIM, the European brands association, each dossier creates different dividing lines depending on the nature of the product. Meanwhile Filippo Partani, general secretary of the business association for roof tiles and bricks (also employed by CERAME UNIE), shows that a coalition can sometimes last “one or two years” and function on one dossier only:

On the ETS climate dossiers, we work with the energy industries, all the sectors requiring a great deal of energy, so cement, steel, paper, all those sectors, because in fact we all have the same interest in preserving competitiveness in relation to the costs of energy and climate policy. But there are lots of cases, in trade, where they all have more or less the same interest in having, I don’t know, on the one had anti-dumping laws and on the other a more open international market. ... So we just have a platform, we have an alliance. So that means we sometimes have a shared logo or we use our logo, but there’s no independent secretariat. It’s just that we meet up and we take our decisions on shared positions. ... But ultimately we have very

different positions on all issues of environmental impact. And when, for example, we go to the CENs, or when there are discussions around the sustainability of buildings, we have different visions, not necessarily between products, but between groups of products.

A product's production chain can further complicate this scenario and make it harder for a coalition to emerge. While many companies have expanded in recent years, not only by absorbing their competitors but also by buying up businesses upstream and downstream of their sector (such as publishing groups buying up printworks and bookshops), this does not mean that the viewpoint promoted on each element of the chain in each business association has also been modified in a direction favourable to the large companies. To put it another way, the McCain company is not necessarily in a position to win over the entire potato sector to its point of view, because some of the business associations of which it is a member have other members who are local producers opposed to McCain. Similarly, it cannot seek to form a coalition with all the large food industry businesses in the large association FoodDrinkEurope (formerly CIAA) and all the sub-groups supporting businesses linked to potatoes.

This uncertainty around the possibility of forming alliances with suppliers and even with consumers' associations makes the large companies even more tempted to invest in umbrella platforms and to fund large business associations that will seek to cover all the businesses linked to their primary activity. Through this logistical funding, they hope to more surely guarantee the coalescence of "aftermarket" interests in a form favourable to themselves. So, as described by Daniel Guéguen, the establishment of "European houses" such as the "house of paper that covers around ten European business associations in the forestry, wood and paper sector" enables a "logistical grouping under the same roof" and more reliable coordination, with "some associations present in the house upholding often conflicting points of view" (2007: 28). Now dependent on the large groups for the management of their secretariat, the small associations are gathered under the same roof.

In theory, since these groupings of associations cover the entire production process in the sector, the largest companies are able to present themselves as auxiliaries to the work of standardisation by guaranteeing the widest possible consensus in the sector to the Commission and pulling the rug from under the feet of small operators who want to band together or to ally themselves with "consumers". But here again, the funding of "houses" grouped around a particular product (and enabling a more generalised vision of its "healthy", "natural" nature), does not necessarily guarantee homogenisation of the positions of small operators or users. When the production process for a particular product functions something like an assembly line in which each operator has a different viewpoint materially grounded in the socio-technical unit formed by that production process, it is not unusual for each business association and each professional group to go on producing clearly different positions on the same dossier, even when they are all part of the same house. This is linked to the fact that each

component of the chain remains anchored in a distinct economic and material reality, which constrains the range of aspects that lobbyists can challenge. The same process of standardisation may have different effects on each part of a product's production process.

Creating “your” public movement

For the large groups there is another solution to counter possible resistance from small operators. Rather than setting up a “European house” for a particular product, it involves seeming to bring the “aftermarket” together by launching their own “consumer movement”. This process through which companies or business associations create organisations that look like NGOs but whose existence is in reality privately funded for commercial purposes is known to American activists as “astroturfing”.

In Brussels the proliferation of public consultations and the possibility for lobbyists to be certified as stakeholders are two aspects of a system in which the legitimacy of decisions relies on the balancing of so-called “business” and “consumer” interests. Astroturfing subverts the need to seek out the opinions of consumers by enabling lobbyists to don two different hats. More and more PR companies thus offer the launching of a “consumer movement” as part of their standard service to business associations, including strategies to defend against any public revelation of the manoeuvre.⁷ There are few studies of this phenomenon, which is primarily discussed by marketing professionals. The case study of a business association's launch of a self-styled “European consumer movement in favour of glass” (named Friends of Glass by its initiators) in Brussels will enable us to see how far these communications operations are linked to the structural evolution of the EU bureaucracy's modes of legitimation.⁸

“Friends of Glass”: when business builds legitimacy through its own grassroots movement

For companies the creation of an ad hoc consumer movement opens up possibilities that are not available through recourse to a think tank, scientific experts or even philanthropy. A consumer movement enables them to counter any partial repoliticisation by smaller operators seeking to build a coalition in the “aftermarket” and to speak in the name of “consumers” or “the public” in any battle with other sectors around what would constitute “an improvement of environmental standards”.

One of the structural dynamics underpinning the launch of the Friends of Glass movement is undoubtedly the struggle conducted by the main European business association for the glass packaging industry against the plastic (polyethylene terephthalate, known as PET) bottles industry. This association, which has been lobbying in Brussels on behalf of glass makers since 1977, is funded by the main French and German companies producing glass bottles. When she received me in March 2011, its general secretary explained that, to counter competition from plastic, the association's aim was to develop “cooperation in the chain”, to form

coalitions around the environment with companies both upstream and downstream of the product, and also with consumer organisations. The language used by the Commission to promote a low carbon economy seemed to open up the potential for a “public” voice in favour of glass as a “clean” product. But this voice could not be seen as directly stemming from a glass industry still making massive use of oil fired ovens to produce its bottles.

The launch of a “consumer movement for glass” made it possible to sidestep this potential contradiction. The movement would promote “glass” as a product spontaneously perceived as ecological, without obliging the sector’s business association to adopt a position on the current mode of glass production, which still emits carbon. To this end, the association employee in charge of communications had been working “for two and a half years” with a Brussels-based PR agency “specialising in social media” to “mobilise consumers”, “offer them tools”, talk about the “benefits of glass and how to promote glass”.

So astroturfing emerges at the point where the Commission’s attention to environmental issues through standardisation processes intersects with its focus on the voice of consumers. The sociological proximity between some business association staff (who have been trained in communications) and some consultants serves to create a terrain favourable to the diffusion of industry expectations in the PR sector. PR firms transform need into a market and in return organise possible responses to the expectations of lobbyists. They standardise procedures by transforming them into the provision of a service. Providing an equivalent to the activism of a classic NGO, the staff of these agencies thus imitate sustained activism in the service of a business association (or company), creating and running a website, mounting media campaigns and providing consumers with campaign materials (posters, model letters and so on). Delegating this activity to a PR agency ensures the necessary minimum distance between the consumers who are mobilised and companies in the sector.

In the case of Friends of Glass, routine management of the “movement” was thus not undertaken by the staff of the European business association for the glass industry, but by the staff of a PR agency called These Days, which kept the industry regularly updated on its activities. Friends of Glass was constructed to appear as a consumer “movement” in support of the use of glass bottles (based on the idea, for example, that “wine is better when it is kept in a glass bottle”). The name echoes that of the environmental organisation Friends of the Earth and it is nowhere explicitly stated on the website or Facebook page that Friends of Glass is not an organisation of environmental activists. The website does contain a link to the business association, but for consumers and internet users, ascertaining that Friends of Glass is not an organisation entirely separate from the industry would require them both to click on the link and to realise that it leads to a business association which, to the uninitiated, also appears as a non-profit organisation.

In Brussels there are almost three hundred communications agencies, of which around fifty specialise exclusively in PR (Lahusen 2002). Around a dozen of them openly offer services of this kind on their websites (which, given how many people work for them, suggests that there are currently around fifty astroturf campaigns run by PR agencies in Brussels). Agencies selling this kind of service need to retain the confidence of the companies that finance them through their business associations over the long term. When my request to observe a meeting of Friends of Glass was accepted in May 2011, most of the meeting consisted of a report on

the activities of consultants hired by the business association. For them the aim was to prove that “ordinary people” could be mobilised in support of the industry using social media. The agency uses several very costly computer programs to monitor and respond to what is happening on social media (“People prefer to drink their Coca-Cola in a glass bottle!”). Social media users are contacted by an employee of the PR agency or by a “community manager” (employed by a glass company somewhere in Europe) in the name of Friends of Glass. Particular targets are “bloggers who are very active on recycling issues, people who have a lot of friends or followers”. Following American marketing companies in according great importance to “opinion formers”, through their “ambassadors for glass” programme the agencies seek to find non-commercial spokespeople to give them a second degree of help in reaching other consumers.

However, these strategies remain risky and costly in terms of image if they are revealed. While some companies can be tempted to venture into controlling the voice of consumers, they more often opt for strategies using the sustained dynamics of bureaucratic standardisation at work in Brussels.

When dealing with planned standardisation, it is simpler for lobbyists to adopt the position of regulator of their sector rather than try to imitate a consumer movement. Tactics seeking to synchronise the work of the business association with bureaucratic expectations are much easier to implement. Demonstrating the technical and scientific feasibility of new measures invented or developed in the business association to Commission officials is a far less risky game than seeking to directly undermine competitors in the public arena.

Not “lobbies” but “institutes”: business associations transformed into forums for standardisation conducted by experts

To facilitate the strategic use of “innovative” projects offering substantial commercial gains, business associations are increasingly turning themselves into private research institutes. The administrative capital they have accumulated then acts as a key to the scientific bureaucracy and notably to the considerable funding that the Commission allocates to research and development and to technical innovation. The other benefit of this kind of positioning lies in the potential it offers for direct involvement in the ultimate establishment of threshold limit values and health specifications. Business associations have no interest in publicly opposing a series of ethical statements asserting, for example, that workers producing dangerous substances should be protected or that a particular substance should be checked. Often the ultimate implementation of such protective measures involves the setting of limits and standards within agencies, away from public debates and on the basis of data provided by scientists. Different studies on the “agencification” of public policy have already shown the importance for businesses of shifting discussions to social arenas of this kind. The discussion in expert forums is far more technical and expert led, but the definitive nature of

decisions taken means they still have important effects at the commercial level (Henry 2005). For similar reasons, more and more business associations now present themselves in Brussels not simply as managers of standards but also as “scientific research partners”.

Embodying technological progress

According to Erik Polnius of the business association for paper companies, rather than providing a position paper simply representing the very lowest common denominator, lobbyists would do better to present themselves as regulators of their sector, addressing other regulators in the form of Commission officials. This is the new added value that the business associations strive to promote by emphasising to the Commission their capacity to convince companies in their sector to invest in research and technological innovation:

I used to work as an assistant in the European parliament for five years. And I used to see lots of lobbyists and there were two kinds of lobbyist in my perception. There were those who came with a kind of lowest common denominator position paper saying, “This is the thing that we have in common in our industry.” I always thought that the value of this paper was nothing. But luckily CEPI [association of paper producers] ... is not functioning like this. Companies are happy to pay, to travel to Brussels, they invest a full day in work here, but the results should be something more than they could have done by themselves. So they should be presenting this kind of higher standard or more value in the position than individual positions alone. That’s very ambitious, but we manage to do that but it’s at the cost of time, most of the time ... By discussing with the competitors who have other experiences of the same issue, they might understand that what they were advocating, it’s not ... at least it’s not the whole truth and also completely wrong. Not technically wrong, but strategically wrong. ... I think this is where CEPI has important value added for the process where they often ... we have a better understanding of where the Commission is going or is trying to drive something and this is of course our professional knowledge that we need to put into the discussion. So combine this political process with the technical issues that our experts can contribute with, and then also of course there’s the commercial reality of the companies. ... For example, in my area I could have several issues in the best legislation. In the best directive that was revised in 2008, there was a complete revision of the EU legislation on waste ... And there we were really actively promoting the revision of the directive before the Commission decided that they would revise it, and then actively promoting issues that we thought were important. ... But now the waste legislation is about safe disposal, but also it’s about understanding that waste is also a resource. For us it’s about recycling important resources. ... Of course we can’t make the business decisions for our members. They have

to take their own decisions and have their own strategies. But for example, there have been developments in the strategic research agenda for our industry. And this is why you can have visions about the future and say that this is how you have to work, and then, in the end, the researchers can develop some solutions, ... for example, this kind of working called biorefineries, where you extract as much as possible from the wood before you then use the rest for energy.

(Interview conducted at a restaurant in Uccle on the evening of 16 March 2010)

When the appropriation of bureaucratic capital puts business association staff in a position to promote new standards even before the Commission has put a project on the table, the business association can become crucial for Commission officials planning to regulate a sector. In this way a “waste” directive is transformed in accordance with their aims and, in the name of the necessary recycling of raw materials, penalises those who “continue to waste” or do not develop “biorefineries” in the paper sector. And as new production methods are increasingly promoted by business associations, so Commission officials are increasingly tempted to consult those associations on the direction of future public policy.

Conversely, the staff of smaller business associations that have not been able to exploit their members’ technical capital generally find themselves with just a few weeks in which to adopt a position for a consultation. They are among the organisations that are questioned after a project has been launched. It is particularly hard for them to answer some questions directly because on some subjects these may directly conflict with the interests of the businesses represented. This is notably the case in business associations for small professions that often have to respond to consultations that seem to have come out of nowhere. In these configurations where a group of small business associations are obliged to adopt a position on an issue simultaneously the Commission has enormous power to initiate action. In February 2011, I attended two meetings in two different business associations that turned out to have identical agendas. One lobbies for architects, the other for lawyers, but both were internally debating the standardisation planned by Commissioner Barnier, who wanted to establish a compulsory card for all the liberal professions. The meetings in the two associations addressed the same list of questions formulated by the DG involved.

This process reinforces small operators’ perception of the EU as a body that produces “useless paperwork” and “excessive standards”. When the standardisation process is oriented towards the interests of the largest businesses and most solidly established business associations in the Eurocracy, the appearance of any new standard is often regarded by small operators at the end of the chain as “yet another dossier” or “a dossier too far” on which they lack the resources to adopt a position. We might hypothesise that in the end this difference of perception fuels a disengagement on the part of operators who already have little representation at the European level. Conversely, for the larger operators, the structural affinities between the standardisation promoted by the Commission and the

associations most involved in the “scientisation” of their argument increasingly result in funding for their internal programmes of technological development.

The issue of platforms involving science and industry

The main business associations tend to become centres for the development of research platforms jointly subsidised by the European Commission and the private sector. These dynamics give strategic importance to the mobilisation of scientific resources upstream and downstream of lobbying and create a loop of social relations that endlessly promotes the technical capital of companies and the appropriation of scientific resources that are useful to them in maintaining a dominant market position. So it often happens that planned standards are ultimately taken up by the Commission through the funding of platforms that are steered by business associations and experts (sometimes already funded by the same business association). Taking the example of UNIFE (the association of rail operators), after five years of experimentation the IRIS format provided the basis for the Commission’s “Shift2rail initiative” seeking to promote rail for freight transport in combination with other modes of transport.

The management of the IRIS standard by a business association employee led to the co-management of a 920 million euro public-private partnership (PPP) over six years. As stated on its website, this PPP platform involves sixty companies, fifteen business associations (the members of UNIFE to be precise) and forty-three universities. Through a lever effect, in the second stage, the imposition of common certification across the sector enables the association to present itself as a pillar of a “prospective” research programme and to organise research themes in close association with the research bureaucracy.

Partnerships of this kind between the Commission and business associations positioning themselves in the role of regulator are proliferating. On 17 December 2013, the European Commission announced the launch of eight PPPs said to be “of strategic importance for industry” at a cost of six billion euros over six years.⁹ Three of the PPPs focus on nanotechnologies, advanced manufacturing and biotechnologies.

Several business associations sit as direct members of the board of SPIRE¹⁰ (the sub-programme on sustainable process industry), including CERAME-UNIE, EUROMETAUX, CEMBUREAU, ECRA and CEFIC. The representatives of these associations are present alongside the senior managers of global companies (such as Arcelor-Mittal) and make up over a third of participants. Similarly, in the European Green Vehicle Initiative (EGVI) launched by the Commission with a budget of 1.5 billion euros, a group of business associations including the European association for oils (CONCAWE) sit as “research members” on the project’s steering committee, alongside universities. The companies and business associations manage the finance that is released on an equal basis with the European Commission.

Partnerships of this kind are also proliferating in the pharmaceutical sector. The laboratories propose platforms on various so-called “emerging” themes for

the Commission to co-finance and to which the European business association (EFPIA) brings the main “research” directors of the largest pharmaceutical companies. This is described by EFPIA policy officer Thibault Cousin:

We are also involved in the Commission’s research projects where they do public-private partnerships. The DG Research wanted to run these projects with the private sector, so we set up a platform with all our research directors in the pharmaceuticals industry, where the industry provides 50 per cent of the finance for a joint research programme. So that’s a project that took two or three years to get up and running with 30 million euros for research and that sum is matched by the Commission. So with this industry platform we have enabled all our members to put some money into a pot to say, “Here, this money will be developed and allotted to research projects.”

Getting support from the EU bureaucracy through their business association is an effective way for companies to obtain massive subsidies through European public-private partnerships. In those sectors most dependent on developing technological research and engaged in a high level of international competition with American companies, the money allocated to lobbying is no longer simply an expenditure on direct “political” representation, but an investment seeking to direct the resources of public sector research to their own advantage.

Ultimately it is the structure of the research bureaucracy itself that is at issue for these lobbyists. They still sometimes fund expert reports (in other words a knowledge product that is more or less ostensibly different from academic research), but as shown by Steve Bernardin’s work on the insurance industry and its interests, they can also direct a particular aspect of basic research more structurally by shifting the line between real science and simple expert opinion (as American insurers do, for example, to oppose car manufacturers by redefining the field of in-depth research into safety) (Bernardin 2014). This process is currently under way in Brussels, where more and more business associations are turning themselves into research centres that can shape the structural directions of the scientific field most closely linked to their field of operations.

From enlisting science to guiding the science

The idea that, above and beyond funding experts, business associations are directly involved in establishing certain directions for science may seem surprising or provocative. However, given the growing role of business associations in Framework Programmes for Research and Technological Development (FPs) and the public-private partnerships launched by the Commission, this seems a logical development. Moreover, these observations on the Brussels context simply coincide with the findings of studies in the United States, starting with those of Robert Proctor and Londa Schiebinger (2008) on agnotology. Focusing on the tobacco industry, they show how an element of company investment in scientific work helps to maintain ignorance in some academic fields. The

creation of “rumours”, in other words the proliferation of epidemiological studies seeking to bury the long-known effects of a particular substance under a number of aggravating “factors”, is a technique frequently used by the industry, as also shown by the work of Gerald Markowitz and David Rosner (2002) (who describe how toxicology as a scientific discipline has been guided by its industrial applications).

The contribution of business associations to the blurring of the line between public and private research

The practical aim of business association investment in the scientific field is no longer so much the poaching of experts but rather the massive restructuring of investigations in some disciplines (such as toxicology). The money invested seeks to create new research fronts at the European level, the terms of which indicate the entanglement of industrial production with the academic sphere (nanotechnologies, biotechnologies, etc.).

As we have already noted, in parallel to their AISBL status,¹¹ more and more associations are also registered as OSIDBs (Organisation scientifique industriel de droit belge), or adopt names promoting their expert status (Institute, Research Centre, etc.). This does more than simply establish the expertise of their lobbyist in the eyes of members of the European parliament. It also facilitates partnerships with public research centres, notably on so-called “emerging” subjects where infrastructure costs are beyond the reach of public research alone, which is always increasingly subject to the standards of the European research market (Bruno 2010). This phenomenon is reinforced by the fact that on many subjects there are very few scientists recognised at the European level, for example in enzyme research, largely funded by the European business association for the sector (AMFEP) where – as indicated by its general secretary Adrian Salavnov¹² – the individuals involved on either side are “often the same people”:

Do you have consultants?

Actually no, the scientific research side is fairly academic. There are always contacts with academia, that’s completely normal. ...

Do you sometimes commission research on a specific point to provide support for your positions?

Yes, yes, it happens and in fact the same people are involved. There was a case where we commissioned a study to prove that the position adopted by the European Commission was stupid. We commissioned a study, the study was published and we notified the European Commission ... Ah! [he smiles] They put out a public call for a similar study and in fact it was the same guy who did it! Experts don’t wander around looking for work, there’s always one or two in the field and all the experts know each other when you’re working on scientific applications.

So I suppose he got the same results in both studies?

Of course. He wasn't going to contradict himself, so then as that study was commissioned not by industry but by the European Commission ... It showed us once again that if you've got scientific arguments ... All the others might think, "yes, they're bribes" or "we're trying to push our cause whatever the cost". But actually no. For us the science comes first, science against pragmatism or rather against the lack of pragmatism, it's more or less what we're doing in 99 per cent of cases. ... To give you an example, the Commission is going to try to implement permits for enzymes in Europe, so the legislation has existed since 2008 but for various reasons it still isn't applicable, so to submit dossiers to get a permit to market an enzyme, you have to demonstrate the manufacturing process. Right, so who knows what the manufacturing process is? It's the companies, not the European Commission, not the EFSA,¹³ and it's not the member states either, so it's us! ... To do the dossiers, it's the companies that know how the products are produced, what the process is, what ingredients have to be added and how in fact the enzymes are more and more often made by genetically modified organisms ... so really these aren't data you can find on the internet, are they? ... You have to really know about everything you're working on in the company, because each process is different; I can get three members together and they each use different procedures.

(Interview conducted in the AGEF offices in Brussels, 25 January 2011)

Access to patents, plants and production sites – all technical extensions of the ownership of the means of production – gives company senior managers a lobbying advantage on many dossiers ("who produces enzymes?"). This is not merely an advantage over Commission officials, but may also be of interest to scientific entrepreneurs looking for experimental fields and whom the growing dependency of their field on private finance increasingly obliges to undertake project-based research. Conversely, working closely with the industrial sites and business community brings researchers credibility in the eyes of the administration and leads to their being invited to sit on committees where the directions of structuring programmes are decided.

Financing or being part of the "5 per cent" consulted before a "structuring programme"

Informal groups of a dozen people are established upstream of framework programmes for research and development or public-private partnerships. In these committees that do not require the representation of every country or sector and where terminologies of "innovation" are used to full effect, the themes of future framework programmes are decided almost in a bubble and in association with fractions of the research community with the closest links to industry (whose who are listened to "on both sides"). As described by Alain Degras, official at the DG Research,¹⁴ it is at this level that most lobbyists on behalf of the European chemicals and new information technologies industries (NTIC) seek to work:

My role is, through talking to stakeholders, to define a new direction for research policy in Europe. My role is the broad lines of research policy. We conduct an exhaustive consultation with stakeholders but without an obligation to be representative. So, for example, I have a group where there's someone from the car industry, someone for energy but there's no one from food or chemistry, but that's not a problem because at this stage I'm not deciding about money, I decide strategies. ...

And do you also have links with national organisations of the CNRS type?

In one of my groups we have the head of the German national research centre. But it depends – in a group of eleven people you can't represent everything. With more than sixteen people it gets complicated. Now the French representative we have is Kourilsky. We're lucky here that, as I'm before the political decision phase, I don't have to be obsessed by representation. What matters is the quality of ideas. Once you get to the stage of deciding priorities, it's another matter. There you can't afford to have representation without the stakeholders.

And how did the name of Kourilsky come to you?

The name came because the group's chair wanted him. He said, "He'd be a really good guy." A great scientist who has also had a career in industry. And who runs a big research centre. He knows about research centres. He had the profile we wanted. A very brainy guy. He writes, he's really into the philosophy of science, he's doing a thing around "altruism and science". Very French – the approach is very French. ... And then he started his thing because ... he also has a research centre in Singapore. So that's the advantage of people like that, it's that their opinions aren't really in dispute. You can't say an amateur did that. It helps ... It's the level of expert, it's very important to have everyone, to have the top brains or ... When Kourilsky says something, the industry says yes and the biotech people aren't going to attack him. ... You have to try to have the top 5 per cent of industrial researchers because since you can't consult all two million researchers, at least you have to be sure you've got people that no one will risk attacking. That's why you always see the same names because there aren't many with that kind of profile. It's an incestuous system you know. ... There are lots of criticisms but ... here's the thing ... there are no Kourilskys in Bulgaria. I can take someone from there but he'll never carry the same weight in the discussion ... And it's the same thing with the business association – the lower it is the more mediocre the people they send here and the worse it is for them. That's why they have very good people here, very well paid.

For informal consultations where EU officials anticipate potential reticence among industry to fund certain themes, they prefer to invite researchers and representatives from the academic world, whose centrality is already guaranteed by their place at the intersection of the worlds of research and industry. As this EU official describes, when he states that it is not possible to "consult all the

researchers” and those called on are “the 5 per cent” who are at the interface of different domains, here the “pre-consultation” consultation is conducted in informal committees with small numbers of participants who between them offer what the administration regards as important capital. EU officials are not looking so much for representation of the different countries (“there are no Kourilskys in Bulgaria”) but to obtain the viewpoint of stakeholders who will enable them to gauge potential opposition from industry (“when Kourilsky speaks the biotech people are not going to attack him”). Reinforcing the possibility of public funding for companies, this type of partnership simultaneously strengthens the position within the scientific field of researchers with a highly entrepreneurial ethos who have already acquired capital outside the scientific field in their home countries. As Kourilsky is at once Professor at the Collège de France and the Institut Pasteur, member of the board of Véolia, business leader and author of many reports commissioned by the French government, he holds scientific, business and political capital that is perfectly adapted to the kind of combination sought by EU officials.

To take another example, of the thirty-two people invited by the DG Research to its expert group on nanotechnology to develop the Horizon 2020 programme,¹⁵ fifteen work directly for industry and seventeen represent the world of research. But of those seventeen supposedly representing the academic world, at least eight already run their own company, or a consortium involving companies and public investment at the local or national level. To speak of “corruption” or a “conflict of interests” here would be to deny that – in some disciplines – to obtain a dominant position in the scientific field one must already be a scientific entrepreneur heading clusters that structurally combine public and private investment.

Funding central researchers ... on peripheral subjects

As shown by Proctor based on documents from the tobacco industry, the funding of scientists by the business community is not always a matter of manipulation and does not systematically seek to obtain “bad scientific results”. On the contrary, it may be useful to fund a particular big name in toxicological research to give credibility to a private institute or to apply the technique known as “noise”, diverting the attention of critics of the production of a specific substance. This technique established by the tobacco industry can be summed up as follows: we cannot deny the fact that tobacco encourages cancer, but we can undoubtedly find a multitude of causes for the development of different cancers. This process was described to us by Arno Van de Mann, communications director at the chlorine business association (EUROCHOLOR). According to him it has long been known that chlorine can cause asthma in young children, but it is also known that asthma can be caused by many other things:

The scientific world are objective partners for us, but they have to be given our arguments. For example, in some cases the chlorination of swimming

pools is challenged and it would seem that very young children in particular can tend a bit to develop a particular kind of asthma. And there there's a whole study that comes from profs who don't get on. So here [at EUROCHLOR], they do an overview of all that is currently known. With that you can go and see a guy at the Commission who's working on swimming pool legislation and you say, "Here's what is currently known and our viewpoint is in there, that's it, and that way you know what's going on." And we get university profs to do that for us, people who are recognised throughout the world. ... So for twenty-one years we've been working with scientists, we still know them, they're sometimes replaced when they retire, but that's why we have a scientific department where they follow scientific developments very closely, they know the scientific world, they organise and attend scientific conferences. So those people get together, say, once a year at a huge conference with two thousand participants. So it's a fantastic scientific network. We cover our own field, everything to do with our products, we talk to these people, we say, "We need a study on this, if you and your lab are interested we'll give you a budget, tell us how much and you've got one year, two years, but we need something back." And the people do a study.

And do you sometimes suggest, for example, subjects for doctoral theses, things like that?

We do, yes, through these professors, now of course we do scans. We have someone who is subsidised, who is now a consultant, a former company head who regularly does scans of theses, studies that are that are done in them, and who provides us with summaries, I think it's every two months, with the reference, an abstract and where to find it. So that we can follow scientific developments very closely, because this is what underpinned our success. We can't abandon that basis, you see? It cost us an arm and a leg back then, I'm talking hundreds of thousands of euros. ...

What if there's a negative study?

We can nuance it with other studies, we get peer reviews and so on. It's the scientific world, they're real scientists, they do it all by the book, but in the service of an industrial sector.

To divert attention from a scientifically proven link – here between asthma and chlorine inhalation – the direct funding of theses and research “on other things” or on “other aspects of the problem” is widespread. By turning the spotlight on other possible factors in the development of asthma, the possibility of establishing a clear link between asthma and chlorine is undermined. Following this logic, over time it is the very forms of the positions developed by these business associations that come ever closer in their arguments to the canons of the scientific literature. So for EUROCHLOR and most other associations in the chemicals and NTIC fields, position papers are gradually giving way to studies presenting all the possible effects of a substance, the current state of the literature, remaining doubts and a long bibliography. The symbolic resources of the scientific field are subject to external use and those business associations most

integrated into the Eurocracy contribute to an acceleration of the process of reducing the independence of scientific investigation. But in relation to our focus here, the primary effect of this funding of university research is to render even more scientific the form of the interactions that take place behind the closed doors of the bureaucracy.

As noted by Laurence Boten, the toxicologist employed by MetalenEurope whom we met earlier, in many cases the lobbying she does means there is less to be done by the association's communications department. In her view, her "scientific" language should not be distorted in the name of "communications":

When I meet the Commission people, they know that I'm from the industry but they see me as a scientist first, before I turn up with a position paper. I don't know how to write a position paper. I can write you a guidance document but a position paper to be submitted, no, I can't do that. ... Communications do things like for example reorganising the association's website. Which is pfff ... To be honest, I feel like I operate without intermediaries because usually people want to talk about specific concepts, so I really didn't want them to start changing the way things are explained and distorting it ...

And would you say that what you bring is taken up more or less as is or ...

To be honest it depends. When I look at the context of Reach, for the moment it's going pretty well because for example computer tools have been developed to analyse exposure where there's no data. And the models that were supposedly on the market didn't work for metals. So we developed alternatives so there in fact every time we went to the [European chemicals] agency saying, "We've developed this", they were really very receptive. Yes, they took it and they turned it into a benchmark saying, "Yes, we suggest this for metals." So there, at the moment – touch wood – it's going pretty well. ...

And the people you're talking to in these institutions, are they people who've had the same career path as you? Are they also toxicologists?

Oh it varies a lot. I see a lot of biologists everywhere.

Is there no intermediary between you and the Commission?

No, no. ... [Because we bring] documents that are more like methodologies to follow or ... [she gets up and fetches a huge bound document to show me]. We did this, for example, I'll show you, they're documents like this. It looks like a draft with methodology diagrams, to propose conclusions and things like that.

With a bibliography at the end?

Yes, always ...

At this level of entanglement of the dynamics specific to the administration and those of the business associations we should undoubtedly abandon the metaphor of influence and replace it with the image of almost total bureaucratisation of

lobbying. The manipulation of bureaucratic capital has ultimately led to the permanent co-production of standardisation processes in many mechanisms for the development of public policy. So we often find the same business association names on the various European standardisation committees, the boards of various PPPs funded by the Commission, at the meetings preparing for the submission of a dossier in the European health agencies, in the expert groups of the various DGs, on the informal committees supposed to sketch out the broad lines of public policy on research over the next ten years, and even in the stakeholder groups of the European health agencies.

European business associations operate both upstream and downstream of the technical registering and production of European environmental and other standards. To this end they seek to reinforce the heteronomous dynamics of the scientific field, enshrining the figure of the scientific entrepreneur ever more firmly at the head of the large research bureaucracies backed by the private sector. Rendering credible the associations' demands for scientific discourse, the funding of university research also favours complex demands from these associations, which call for levels of protection or "reasonable" limit values that are often ultimately reasonable only at the point where economic and political dynamics intersect. As we shall see in detail in the next chapter following a concrete case, the scientific data are not false in themselves, but the overall parameters within which they are used and their relevance is assessed are primarily those of an economic rationale based on company interests.

Analysis of the practices and structural relations between Eurocrats and business associations leads us to regard conflicts of interest (often notably denounced in the pharmaceutical sector) as by-products of a broader system in which the entanglement of interests between the business community and EU bureaucracy – and hence in part the research bureaucracy – routinely has effects on different levels.

While bearing in mind that cases of corruption do exist, a major element of the processes of the enlisting of science by business associations can be explained by the pursuit of commercial battles begun on terrains of standardisation which require the involvement of technical and scientific resources. What happens in the technical agencies of the European Commission is thus merely the climax of a sustained process of bureaucratisation: the business associations mobilise "their" toxicologists to impose their point of view using scientific language.

Notes

- 1 The EU Emissions Trading System (ETS) is the European system for the exchange of greenhouse gas emissions quotas. Each company acquires or exchanges pollution rights in a market regulated by the European Commission. The market currently covers 11,000 factories and thirty-one countries (for example, Norway is part of the programme). The Commission's aim is to gradually reduce the number of exchangeable rights and so to obtain reductions in greenhouse gases by 2020. http://ec.europa.eu/clima/policies/ets/index_en.htm.

- 2 The ISO is the International Organization for Standardization, which has its headquarters in Switzerland. Nearly two hundred technical committees linked to the ISO have the task of producing different certifications, including the famous ISO standards, which are the technical specifications that producers must meet in order for their product to bear the ISO mark.
- 3 The ambition of the repackaging industry is to buy medicines produced by other laboratories (such as Bayer or Sanofi) in countries outside the EU at local prices, repackage them and sell them on the EU market, thereby generating added value simply through differences in the cost of living. A Bayer aspirin bought on the Russian market, repackaged and sold in Germany costs less than a Bayer aspirin bought directly on the German market – unless a new European standard increases the cost of repackaging by requiring the printing of sophisticated labels detailing the medicine’s journey from Russia.
- 4 Interview conducted in the association’s office in Brussels, 26 January 2011 (recording refused).
- 5 Observation at FEPA, the European business association for abrasive products. Meeting of the association’s technical committee, Paris, 4 April 2011.
- 6 A “proprietary” solution is a solution that prevents competitors from offering similar services for the same product (such as a phone charger that is not interchangeable with another phone and has been patented).
- 7 For example, highlighting the fact that nothing has been hidden and several elements indicate the industry link to informed visitors. Ben Smith, “The Summer of Astroturf”, *Politico*, 21 August 2009.
- 8 For a detailed analysis of this case study, see Sylvain Laurens, “Astroturfs et ONG de consommateurs téléguidées à Bruxelles. Quand le *business* se crée une légitimité ‘par en bas’”, *Critique internationale*, June 2015.
- 9 http://ec.europa.eu/research/industrial_technologies/ppp-in-research_en.html.
- 10 http://ec.europa.eu/research/industrial_technologies/pdf/spire-partnership-board-members_en.pdf.
- 11 On the status of non-profit associations in Belgian law, see Chapter 4.
- 12 In fact Adrian Salavnov is employed by an umbrella company that covers several business associations in different sectors. On umbrella companies see Chapter 2 above.
- 13 The European Food Safety Authority responsible for assessing risk linked to food consumption in humans and animals.
- 14 He is head of unit Ethical issues & stakeholders.
- 15 Expert group E02962: Horizon 2020 Advisory Group for Nanotechnologies, Advanced Materials, Biotechnology and Advanced Manufacturing and Processing: <http://ec.europa.eu/transparency/regexpert/>.

7 Expertise in the service of business

Lobbying and the European Chemicals Agency

In theory any interest group can seek to promote its position to the European institutions, but in practice a very powerful and partially invisible filter excludes many lobbyists. In addition to the mastery of certain formal codes required to write position papers (in English, in “denationalised” form, in a format that can be grasped by an interlocutor unfamiliar with the case and in EU-friendly jargon) lobbyists must also understand the administrative pathways along which a draft directive must pass before and after its passage through the parliament.

To have access to European officials who are often largely invisible to the wider public and have highly specific expectations, one of the entry costs that is hardest to overcome is the scientisation of discussions involving European agencies such as the EFSA (European Food Safety Authority), EMA (European Medicines Agency) and ESMA (European Securities and Market Authority). Many directives have led to the creation of technical agencies usually located at a distance from Brussels but operating under the aegis of several Commission DGs. These organisations are relatively autonomous and consist of national experts appointed by national governments. They are also centres of lobbying much courted by the business community, prolonging and exacerbating the processes we have already described, where bureaucratic capital is strongly mobilised to promote the technical capital of companies. In the light of all that has gone before, the reader is in a position to grasp the way that business lobbying of these agencies operates by looking in detail at a case study relating to one of the Commission’s forty permanent technical agencies. We shall discuss the consequences of the Reach legislation, a regulation that serves as a model of the way public policy is sometimes now implemented in Brussels once a directive has been issued.

An acronym for “Registration, Evaluation and Authorization of Chemicals” the European Reach mechanism established an EU-wide regulatory framework for the production and sale of chemical products.¹ It led to the creation of a Helsinki-based European Chemicals Agency (ECHA) on 1 June 2007 and requires the industry to provide proof that the products it intends to make and/or sell on the European market are not dangerous to health or to the environment. With the establishment of the new agency, the responsibility for proof was in

theory reversed in the chemicals sector and beyond – it is now up to the industry to prove that its products are not dangerous and that there are no risks associated with their use (Jouzel and Lascoumes 2011). But in practice this legislation gave a key role to the business associations in bringing together the opinions of toxicology experts for presentation to the Commission.

Every industrial application of a chemical substance made or imported in quantities greater than one tonne for sale on the European market must now be registered on a database managed by the ECHA. Faced with the mass of products involved and under pressure from the industry, the European legislation provides for a transition period: first to be registered are applications produced by the greatest annual tonnage in Europe (notably metals), while other substances must be submitted to the agency by 1 June 2018.

This mechanism obliges companies to join forces in consortiums or platforms organised by the European Chemicals Agency so that they can submit their substances simultaneously. Registration requires companies that manufacture or import these products to complete detailed forms, for which they must calculate the exposure limit values (ELV) for workers and consumers for each product and its potential toxicity in air and water (for several modes of “oral”, “dermal” and “inhalatory” exposure).

By 2018, 30,000 industrial applications must be registered. Reach and the creation of a chemicals agency oblige business association staff to set up ad hoc working groups and consortiums involving toxicologists in order to coordinate the dossiers. Their involvement of toxicologists has the practical aim of responding to the demands of the European Commission’s institutions while ensuring that standardisation is not detrimental to their members’ business interests.

“Of Mice and Men”: toxicological language in support of business coalitions

Since the applications covered by Reach affect many products and relate to highly technical dossiers, we have chosen here to present the case study of an association lobbying on behalf of producers of metals (which we shall rename *MetalenEurope*). This choice is justified because metals were the first substances to be affected by the regulation, since the European Chemicals Agency called for substances to be registered in decreasing order of tonnage produced.

Building technical consensus at MetalenEurope

At the time of our observation this business association was functioning as a hybrid. Membership of *MetalenEurope* was open to national metal producer business associations (in other words the French and German associations of metal producers), multinational companies with headquarters in Europe and European business associations organised by commodity (such as the European institute of zinc producers)). The “Health” committee run by Laurence, whom

we have already met in the course of this book, meets only once every four months. As its engineers are there to “say what they have to say to each other”, the presence of a sociologist did not seem to be likely to present any real problems for the functioning of the meeting.

But while agreement to allow the observation was easily obtained, the reception I received from Laurence on the day was a little more tense than expected. The meeting took place in May 2010 and the first wave of substance registrations organised by the ECHA for most metals was due to end on 1 December 2010. A few days before the meeting the European Chemicals Agency had published guidelines for the industry’s calculations of maximum exposure levels to the chemical substances it produces or imports for workers and consumers.

The proposed guidelines did not entirely match existing international standards and the industry was now required to adopt new methods for calculating the “derived no effect level” or DNEL of exposure limit values for human beings, based on tests conducted on rats.² These values were to be integrated into European law in the form of thresholds corresponding, as the ECHA put it “to the maximum concentration of a chemical substance in workplace air that has no harmful effects on the health of workers or an acceptable level of harm”.³ According to Laurence, the values proposed by the Agency in these initial guidelines were so strict that “in some sectors almost all the factories will close, particularly in cobalt”. So at the start of my observation a wave of panic seemed to be washing through the corridors of *MetalenEurope* since, again according to Laurence, “the maximum levels proposed are more or less unrelated to business and can only damage company interests”.

The aim of the meeting was thus to criticise these guidelines. What other methods could be used to calculate DNELs? How could new “reasonable” levels be arrived at? Laurence’s tone was very different from that of our first interview, when she had said they always adopted the most protective levels. On the way to the meeting room she summed up the goal of the meeting as follows:

We experiment on rats but when we extend the levels found to people we get levels that mean, for example, in some cases no women can work in a particular sector of production. ... Each metal is going to the agency in a rather uncoordinated way and risks being rejected.

This session was intended to identify the problems raised by the new levels, help businesses anticipate negotiations with the chemicals agency and see, as Laurence said, whether the business association could “do something to standardise the methodology” for all firms in the sector. To frame the discussions she began by emphasising her knowledge of the workings of *Reach*. Some of those present worked in the same building, but other experts had just arrived from Canada, the United States and Finland, specifically for the meeting.

**“We must plan our input to the European Chemicals Agency”:
the technical variant of the manipulation of bureaucratic capital**

There are fourteen of us: eight men and six women. Most are representatives of associations or institutes that are members of MetalenEurope and lobby on behalf of a type of metal: antimony, zinc, nickel, cobalt. Most (twelve of the fourteen) have a doctorate in toxicology and appear as “Dr” on the attendance list. They are on first name terms but by the end of the meeting are called by their metals, becoming transparent vehicles for certain interests (“what does cobalt think?”). In addition to the representatives of metals there are three consultants (one by phone, the other two physically present), an engineer from a multinational of Finnish origin, the spokesperson of the German association of metals producers and a representative of the ECETOC – a subsidiary association of CEFIC – who has come to coordinate the metals’ strategy with that of the chemical industry.

In accordance with the dynamics described above for ordinary business association employees with political science backgrounds, Laurence has a great deal of influence throughout the meeting. She sets the agenda and frequently intervenes (the entire meeting is conducted in English). She manages the logistical aspects (getting people back to the table after breaks, taking minutes, managing the conference call and the plates of food). Crucially, she begins the session by recalling the dates set by the Commission and frames the discussion in Brussels terminology:

The aim is to exchange our information in order to make our presentations to the Commission more effective both for the companies and for the associations. How can we make our work more precise and enhance our arguments, because the DNELS will require good argumentation.

Initially Laurence is the only one to speak. Everyone listens religiously to what she says.

You must understand that if you go and negotiate with the European Chemicals Agency you will have to have a very detailed discussion. You will be asked very detailed questions. You will need to have all the data on the table, everything must be well prepared and handed over at the time you are asked for it. ... You will have to learn to deal with the factors already provided by ECHA, crucially the assessment factors, in order to discuss them with ECHA. We must carefully plan what we are going to say and that’s why we’ve organised this meeting today.

In addition to her technical knowledge, Laurence highlights her understanding of the workings of the administrative process of registration. She also decides whose turn it is to speak. She ensures that each “metal” speaks in turn, but it is she who provides a synthesis and identifies points of convergence. Her main task throughout the meeting is to note the expert arguments that can be used for all metals and all manufacturing processes represented around the table. DNELs are set by calculating the damage to rats exposed to high doses of a substance for six hours, and these results are then “derived” or extrapolated to human beings according

to particular factors. Each representative of a metal responds with proposals for DNEL calculation that differ from those set out by the ECHA. Laurence starts by humorously inviting a response from the antimony representative (“once upon a time in Antimony”), who begins her presentation. In her view the levels proposed by the agency are too strict: “This is also what I’m looking for here today, ideas for presenting our arguments when we present them to the agency.” The Power-Point presentation is also clearly about “arguments” and these discussions where science meets politics are bounded by the vocabulary of “argumentation” and “reasonable compromise”.

Technical vocabulary is linked to the political framing of interests. The experts are here to serve an interest and the mobilisation of scientific resources is structured by the need to defend company interests. If the scientific literature on a particular kind of alloy is incomplete or absent, it worries these toxicologists primarily because it means they lack grounds to contest the Commission’s figures. The goal of the arguments here is not better knowledge, but the defence of a business viewpoint.

“Being more scientific than the chemicals agency’s figures”

The meeting starts to resemble a brainstorming session on all the scientific arguments that can be used against the ECHA. The first point is raised by Laurence in relation to antimony: the exposure time is six hours in the test on rats, while the exposure time that should be considered is eight hours, reflecting the average legal working time in Europe. Laurence asks the “other metals” about this issue, which she regards as important. It seems that so far each member has managed the issue of exposure time in a different way, either by adding two hours to the experiments on rats or by considering only six hours’ exposure, as advised by the European Commission.

It does not matter that in this instance the argument based on the scientific literature goes in the wrong direction and indicates the need for stricter safety standards (by exposing rats to a potentially toxic substance for a further two hours). Twelve doctors of toxicology are seeking to “break” the guidelines proposed by the European Union by contesting their scientific foundation and even an argument that in the first instant conflicts with company interests is of use to Laurence because it is valid for all metals and undermines the rigour of the levels proposed by the ECHA. This point, which seems paradoxical, was explained to me by Laurence after the meeting:

Whether it suits us or not doesn’t matter. What we want is for the situation to be more correct. We’re not just looking for an escape or a reduction. ... If we do research that shows something that goes against us, we use it anyway. And we explain what we’ve done. To be able to put our case to the Chemicals Agency, we also have to have the support of scientific experts and of course we have data coming from the industry, but it’s always better to have a publication or a discussion with the authorities and the chemicals agency and all that, so we can tell them, so we can explain it all ...

So that means you also bring in specialists, from where in fact?

They're academics ...

And they're people who publish in scientific journals on these issues ...

Yeah ...

So does that mean you often read all the scientific articles on the subject?

Well I certainly should. ... We know the people involved in the field. I've still more or less got one foot in [the university where she did her doctorate] because I still teach there and I take advantage of that to find out who's working in the area. And then there are scientific conferences. I don't go to them but I look at the programmes to see who's doing what.

And you have students that you had working on NOELs and NOAELs?⁴

Er, yes, yes ... [does not want to go on].

The entire discussion between toxicologists is based on scientific data but steered by the business association employee to focus on ways to obtain so-called "reasonable" levels. Here, "reasonable" does not mean "reasonable for the health of workers" but "reasonable in relation to several interests simultaneously". The values proposed must be tenable in relation to existing standards (that are already the fruit of past compromises between companies and the EU institutions) and the measures in place in factories (that it is hoped will not be closed). They must also appear "reasonable" to the members of the associations and crucially to the Chemicals Agency (and thus not too different from the levels it originally proposed).

Scientific arguments that can be articulated and justified: "having both sides in our minds"

Planning for the discussion with the Chemicals Agency is a major concern in the internal meetings of business association technical committees. Behind the closed doors of these scientised meetings, the standardisation imposed by the Commission is never far from people's thoughts and counter-proposals for calculating DNELs must remain justifiable beyond the purely methodological level. Lobbyists thus fuse bureaucratic capital (what the agency will listen to) with the technical capital provided by the companies (what the tests conducted on industrial sites have shown) and the scientific resources that can be used in support (the current state of the scientific literature).

Laurence continues to speak: "After antimony, we'll go to nickel for comparison..." Theresa then starts her presentation on nickel. She regrets that on some alloys there are no scientific studies on which to build an argument to counter the ECHA:

For nickel, we have eleven substances that have to be registered and we have good information, good data for only four of those eleven substances. For the rest we have to do what we can. We also have two "metal" and "sulphate"

substances that are already registered. All this poses major procedural and industrial challenges, particularly as the ECHA guidelines are not always very clear. The work we are doing with our consultants could also be a problem and lead to long discussions because they aren't used to working on these issues. Our strategy has been to propose something not too conservative, but acceptable to the ECHA.

After this presentation of tactics, Theresa goes into more technical explanations. She shows a diagram with an image of a rat that sends a ripple of laughter round the room.

For the DNELs, we usually use results from rats, then we compare them. So we start with rats. But comparisons of what is breathable or inhalable mean comparing very different things. What we do is the other way round. We find out the level of exposure dose that is toxic for the rat and we calculate back to the level of exposure it would take for a human organ to obtain the same level of toxicity. So then we get very different levels doing it that way.

The nickel sector's ruse seems to be of interest to the other participants, who are taking notes. Theresa goes on:

So that led to the question of what we should keep. We presented the results to our members: should we use these values, or the SCOEL⁵ values, which were likely to be adopted by the chemicals agency? Or, another possibility, we take these values and make a mix? Some of our companies wanted us to use something of both and a compromise emerged. We took a compromise level on all the substances – a level that was close to both the OEL and SCOEL values (which could move in our direction). A level with a good chance of being accepted by all.

Everyone is taking notes because here Theresa has proposed another ruse – two in fact – for criticising the levels proposed by the ECHA. First, calculating exposure levels on the basis of what it would take a human being to be as intoxicated as a rat and – the second ruse – presenting the agency with two scenarios: “one where we stick totally to the DNELs usually considered in the scientific literature and the other where we don't really stick to them where there isn't a lot of literature”.

However, doubt about the proposal creeps in because it means being explicit about the dangers to human beings (“What does it take to do as much damage to a human lung as to the lung of a rat exposed to an overdose?”)

Everyone seems to pause for a moment. The representative of the chemicals industry, employed by the ECETOC (European centre for ecotoxicology and toxicology of chemicals), intervenes:

I think we need to make a clear distinction in our minds between the scientific arguments and more strategic arguments. We need to have both sides in our minds. On the one hand we need to think like “health” people and on the other think about how we manage the discussion and the strategic aspects.

Despite this reminder, a consultant for the association proposes to go further down the path of comparison with human beings, suggesting that rats do not move in their cages, whereas workers move around.

This time the argument is clearly dismissed by Laurence, the business association employee, because it seems “a little dangerous to argue that this is what happens to rats in a cage because they are asleep, while we are working on active human beings. Going into that risks raising other problems.” However, my neighbour, a Canadian expert sent by a large company, seems interested in the consultant’s argument: rats “don’t just sleep, they are also restrained”. The ECETOC representative sticks to her line and reiterates her doubts: “For DNELs, I think they vary the activity of the rats. Sometimes they are active, sometimes not. ... It’s common sense, of course, but I don’t think it’s strong enough to attack on that basis.”

There is still some resistance to be broken down because another metals representative maintains that, by moving around, a worker may be less exposed than a mouse. “But the rats aren’t active at all!” My Canadian neighbour adds ironically, “The same as our workers some of the time! [laughter in the room] So I don’t think we should make any adjustment!” [This becomes the joke of the day.]

In these more or less trivial discussions from which it nevertheless emerges that these scientific experts are primarily defending business interests, the business association staff seek to take account of potential objections from ECHA officials. They try to raise the awareness of the experts sent by companies concerning the dynamics of long-term interactions with European interlocutors. This leads to the rejection of a consultant’s proposal to exploit the notion of “significant effect” (on human beings) of the products involved (for example by discussing what really counts as skin irritation or raising the issue of reversible effects). This suggestion raising the issue of the physical description of effects and hence of describing bodies exposed to the consequences of the product seems to go beyond the bounds of what can be said in discussions with the ECHA.

In this forum for exchanges between experts, the role played by business association staff is in a constant balance. They must make proposals to contest the levels proposed by the ECHA, but they must not allow the discussion to veer towards arguments that cannot be used (for example requiring a discussion of the direct consequences of a substance on a human being). They must keep ideas within the bounds of what can be said to the officials of the ECHA, while stimulating new ideas, notably from consultants. These discussions and the management of consultants are key to the business community’s ability to begin to harmonise methods of calculating DNELs for different metals, and so to ensure that the registration of these substances with the European Chemicals Agency remains a matter of technical arguments, in other words avoiding the use of arguments that might be politically unjustifiable. Getting the companies ready for battle, as Laurence is beginning to do here, is not solely a matter of identifying possible contradictions; it also involves identifying which scientific arguments would lack power if they were leaked to the public. In the course of the

discussion, arguments requiring a description of concrete working conditions (whether workers move around, the effects on bodies) or that cannot be applied to all metals are ruled out.

More fundamentally the work done by Laurence makes it possible to harmonise the arguments of the doctors of toxicology, who are each working in their own sphere, and so to make them more credible when repeated to the European institutions. This filter that leads to a superfluity of arguments advanced by business stakeholders operates on the basis of two dynamics. One relates to the production process, because a company manufacturing several types of metal and alloy has to adopt a consistent argument for all the components it sells (from this point of view each company's business model places limits on any distortion of arguments, since a company cannot argue its case by changing rhetoric from one product to the next). The other is that all the participants are convinced that a superfluity of arguments is the only way to create a scientific effect for the Commission interlocutors, by offering a semblance of scientific replication in the public arena.

Joining together to simulate scientific replication

For business association staff, getting the industry to line up behind a position is ultimately the result of the ruses they routinely adopt. Here again, they draw on their intimate knowledge of the research or health bureaucracy.

Playing the academic card to set “one agency against another”

To hold sway in the dialogue they have begun with the ECHA, the participants of MetalenEurope's “health” committee think it easier to set one agency against another and to exploit other existing international standards. In relation to the European Chemicals Agency, which is, in part, seeking to impose its own levels, this involves countering with standards promoted by other health bureaucracies. These standards – themselves the product of relations with the authorities and previous lobbying – are seen as far more acceptable bases for work by representatives of the different metals. This indirect lobbying is not visible to the ECHA (“I think we could have discussions with different groups except with ECHA where we only listen”, suggests one participant). Among the existing standards and agencies, the SCOEL seems to attract particular attention because it is adapted to the European level. It is thus in the interests of business association staff to set one bureaucracy of expertise against another by looking for different standards and bringing them into conflict.

In this context an understanding of the environment of scientific work on the subject is a resource for business association staff. Being able to enlist the expertise of toxicologists paid by member companies is a considerable advantage, but enjoying support in the classic academic sphere is seen as more crucial still. Laurence quickly plans to run a workshop around a theme that is sufficiently interdisciplinary to attract a large number of participants and to invite key officials from the European Chemicals Agency.

At this stage Laurence's ability to wear two hats is very useful to the discussion. She knows that a doctoral thesis on the viability of some DNELs is under way at the university where she teaches. It is being supervised by a well-known toxicologist. She says that she will email it to the other experts as soon as she receives it. The head of the German association proposes adding the question of "specific effects" to the workshop, because the techniques for measuring them "are getting more and more precise and are revealing effects that are getting lighter and lighter or almost undetectable". This proposal will make it possible to raise doubts about the scientific significance of the significant effect of a product on a human being. The workshop will also be a place where trials devised by the various institutes that are members of MetalenEurope can be presented to the public and so to the ECHA. This last point reflects the fact that business association staff take the support of academics as a given.

Association staff have been working with toxicologists for a long time. On the academic side, work with MetalenEurope can be seen as a path to funding but it also – and crucially – gives access to vital data on the exposure of workers to a set of chemical substances. The aim is to have sufficient quantities of scientific data available before the first substance is registered, to make it possible to contradict the ECHA if a substance is rejected. As Laurence recalled in the meeting:

Everything has to be sent by 1 December and after that the chemicals agency will select dossiers to assess. If, for example, one dossier passes and its DNEL is derived by X method, they will want to apply that to all metals. And conversely, if it is rejected for metal X, they will boycott all the others. So we have to be ready to act and tell them and have all our arguments ready. That's why we want to run the workshop in early 2011, because they could start assessing the dossiers in 2011.

Like many other methods of EU regulation, Reach obliged business association staff to mobilise experts and links with the academic community. Far from suddenly leading to a halt in the production of a substance or a change of the industry's manufacturing techniques, the creation of the European Chemicals Agency has consolidated relations between the lobbying sector and toxicology experts in the universities and the private sector.

Debates on the dangers of a particular product merely move to a technical terrain, where criticisms from NGOs are far less frequent than they are in the media. In the chemicals sector, Reach has enabled the industry to further reinforce its control over research, since the epistemic communities (groups of experts from the public and private sector) (Haas 1992) on which European standardisation plans rely were already highly integrated into the industry for which they are supposed to develop standards.

With a total of 450 staff and nearly 200,000 registrations expected, it can be estimated that each employee of the European Chemicals Agency theoretically has to oversee the registration of more than 400 substances per year. Of course this figure is only a vague indicator of the excessive scale of the task and the potential asymmetry of expertise between the agency and the product

manufacturers. Not all products are subject to the same degree of expert evaluation by the ECHA officials, since some are registered in batches. But crucially, registrations do not come out of nowhere but rely on documentation and data provided by the industry concerned. So, at the end of the MetalenEurope meeting described above, it was decided that Laurence would prepare a model argument to be cut and pasted into the various ECHA registration documents to justify the fact that for the substance being registered, the manufacturers were not adopting the derived levels proposed by the guidelines. This paragraph would propose two lines of argument (the only ones for which there was real consensus during the meeting): “Firstly, the proposed standards do not reflect what is already known from international standards. Secondly, experimental conditions are not entirely comparable to working conditions (a secondary argument to be used with caution).”

At the end of this first meeting three associations lobbying on behalf of a metal have agreed to give their point of view on inter-species factors. In this way Laurence is preparing conditions favourable to the production of a scientific effect at the ECHA, which will be bombarded by all the metals producers in turn with the same figures and the same arguments when seeking to evade the guidelines. The production of this consensus will of course be valuable in convincing the ECHA and will also and conversely be useful in convincing the member companies of MetalenEurope (many of which are multinationals) of the importance of the common position taking shape at the European level.

In making the industries responsible for providing evidence, Reach enshrined the key role of business association staff who have been present in Brussels for decades, and significantly raised the technical entry costs for environmental critics by shifting them to technical forums where substances are discussed one by one. As business association staff can largely foresee the path their scientific arguments will take, they can arrange to circulate them and have them rehearsed in order to ensure their performativity and “scientific” effect on Chemicals Agency officials.

The reception of “scientific” arguments by officials who are “technical specialists”

On the institutional side, European officials are of course to some extent aware of the processes we have just described and the coordination that occurs before dossiers are submitted. Indeed they hope for and sometimes organise understandings of this kind in dedicated consortiums supported by the agency. The alignment of positions within the business association functions as a working compromise for both sides. Dossiers must appear sufficiently scientific not to provoke objections from officials. The creation of an agency with this procedure for registering chemical substances has produced a chain of delegation of responsibility. Following a dynamic analysed in other studies on the creation of health agencies at the national level, delegation to the chemical agency has had the “benefit from the point of view of political actors of depoliticising some decisions and providing fuses that can blow if there is a health crisis” (Buton and

Pierru 2012). But, by delegating the work of registering products to the industry, the agency has also handed companies much of the responsibility in the event of a scandal. As noted in an interview by Louis de Saverne, an official at the DG Environment with a seat at the Agency, if problems arise it can always be argued that the dossiers seemed solid enough in terms of the science, but that the companies had “lied” because the “real” data gathered after inspection did not match what was put in the registration dossier.⁶

A shared scientific background that removes the distinction between public and private

In these bodies located downstream of the adoption of a directive, the Eurocrats monitoring the implementation of the legislation often have a highly specialised scientific background. In the agencies and the offices of associated DGs, the person employed is often a former technical expert who was first seconded to and then joined a European institution. This specialisation on either side of the line between the administration and industry fosters the formation of micro-groups that cross the divide between the public and private sectors. As Louis de Saverne describes, the small groups of toxicology experts working on these subjects all know each other and regularly run into each other at meetings:

Usually, when I’m involved I tend in fact to be with the most technical people in the business associations. So it can mean going deep into the technical side, but sometimes afterwards there are also more “policy” approaches, in other words touching on the way we see the implementation of a certain procedure. For them, do they see authorisation as a risk management procedure, rather than a procedure ultimately seeking to replace certain substances? So we can have that kind of discussion.

And on all these substances, would you say there are experts not linked to the Commission or to a business association, or ultimately is it a small number of experts who often turn up in the expert evidence provided by the associations?

On the properties of substances and so on I have the impression that there’s a diverse group of experts in the research centres and so on. On the other hand, when you go into the internal side, in other words how we take the data onboard and establish them to manage the risks linked to substances, in a regulatory framework like Reach, it then becomes much more of a microcosm, in other words a world where people know each other, where there are sub-groups. The ecotox people [ecotoxicologists, specialists combining toxicology and ecology who analyse the impact of pollutants on eco-systems] all know each other, the tox people too, so there are groups like that. After all it is a pretty small world.

The transposing of a particular aspect linked to the registration of a substance into the sphere of administrative regulation is discussed between toxicology

experts behind closed doors. For these experts (from both the public and private sector), the move to a technical terrain undoubtedly does not eliminate the political dimension (what this official calls the “policy approaches”). For the forces present, the discussion is never driven entirely by the axiological neutrality required for a purely scientific exchange. Crucially, the creation of a chemicals agency enabled the emergence of a microcosm that is clearly defined (and thus easier for the industry to see and indeed to control) within which the future of a product is discussed in terms combining toxicology with public policy and where stakeholders consider whether they should be engaging in “risk management or replacement [in other words the gradual banning of products]”). Forums of this kind with very high technical entry costs render the intervention of external critiques from actors without a comparable scientific (in this case “ecotox”) background highly unlikely. But it is clear to all that the decisions taken in these small forums also always have an eminently political dimension. The advisability of banning a product for example can still be discussed there on the basis of findings other than the existing scientific literature alone. It may also be assessed in relation to the immediate possibility of halting the commercial use of a component or of the industrial feasibility of a decision that the Agency would like to take. For EU officials, this remaining “political” dimension to the discussions also provides room to manoeuvre when dealing with experts who sometimes know far more than they do about specific substances. If the agency experts are short of technical arguments, they can raise objections based on procedure. For where the chemicals agency is concerned, only 5 per cent of registrations are truly “informed” by in-depth investigation. As these few are either selected at random or requested by a member state, there is no guarantee that the official responsible for dealing with a particular registration dossier will be a specialist on the substance involved. As Louis de Saverne notes, the management of thousands of dossiers can only be done through this kind of sampling:

By the first deadline there were 3500 substances to register, maybe 5000! ... But registration is the responsibility of the producers, ... those who produce the substances and sell them or import them. In practice they have formed a group. So, for example, if there are ten operators producing substances or marketing them as importers, they have to try to get together to have a dossier, meaning an umbrella dossier, representing everything that has been patented. ... The dossier is submitted to the agency online. ... Then after that a more manual verification is done in terms of assessment. So there we check, but not all the dossiers get checked.

Is it random?

5 per cent ... a sample is taken, according to certain rules and so on. So there you are. I couldn't say how many because in addition to that, I think, as far as I know at the agency, a dossier isn't seen by just one person. There's probably someone overseeing it, but because there's a wide variety of different subjects, in terms of properties, the toxicology of the substance, in terms of uses or descriptions of uses. So in reality there are maybe five

experts working on each dossier. What I can say is that there are maybe a total of 100–150 people who assess the dossiers.

The dynamics of registration and the productivity constraints affecting the administrative work of the agency are well known to the business community. In the eyes of the companies the fact that officials are forced to economise their work by focusing on dossiers where they have noticed something incongruous adds the finishing touch to the strategic position of the business associations. Since it is known in advance that some dossiers may be subject to criticism, business association staff can point out to their members how important it is to coordinate their efforts before registration. And since it is crucial not to submit “the dossier that gets noticed”, business association staff have a central role, being able to explain “the way the Agency works” to their members to get them into line. This is explained by Brian Stone of IMA Europe:

So in relation to Reach we did two aspects: we correlated all the arguments, notably in relation to exemptions. ... If you tell the authorities, “Our product isn’t dangerous”, it won’t generate a huge amount of debate unless you’re really in bad faith. On the other hand, if you’ve got one saying, “Yes it is dangerous” and the other saying, “No it isn’t”, the Commission is automatically going to say, “Hang on, if there’s a dispute I’m going to settle the dispute”. So we always say, it’s better for the sector to come to an agreement, because if we don’t, the authorities will make us agree. ... If for some reason we can’t have a shared position, at least let’s be sure there won’t be a dispute.

In order to nuance the impression this lobbyist gives of a constructive understanding between different industrial sectors, we should note that when they are aware of the dynamics described, some companies exploit them to try to eliminate the competition or render their competitors’ production processes more costly. Given that the dossiers are commercially vital, it is not uncommon for companies to set traps for each other. It often happens that toxicologists taken on to discredit a company turn to experts working in the DG Environment or DG Enterprise (the two DGs responsible for the ECHA) to condemn a product that has been registered with the Chemicals Agency. While consumer protection groups congratulated themselves on the banning of plasticisers such as phthalates and other substances, we should not lose sight of the fact that the sudden banning of a substance can also be facilitated by social forces originating in the business community. If we are to believe Louis de Saverne, this configuration in which the efforts of NGOs coincide with a company’s interest in eliminating its competitors is becoming increasingly frequent in Brussels:

So the business associations, and even companies, but mainly the associations, you see them at the ECHA, but you also see them here [in the offices of the DG Environment] ... You also sometimes see them even before a dossier has been submitted, because we can ask the agency to do something.

In other words, to propose a new substance, for it to be authorised or restricted in its uses. ... In the business associations, there are some substances where they manage to have a coalition of positions, and there are others where, internally, they have conflicting views, where they have conflicts of interest.

Do you have an example of substances on which they can't agree and ...?

I remember I followed the debates when I was at the ECHA, on the subject of phthalates for example, there can be conflicts. Phthalates are plasticisers, but you find them in almost all products ... There's a whole family of phthalates! So there are old phthalates that have been on the market for decades. It's a big business. And they were initially restricted for products intended for children, so toys, bottles, childcare items and so on. Now they have to be authorised and so on. So there's pressure on those products. They're reprotoxic substances and some are also regarded as endocrine disruptors. So within a business association there may be large companies which, even if they have a general interest in not having phthalates seen as dangerous substances, may have different development strategies. Some may have invested in a replacement and so ...

It's also a way of using the standard to influence economic competition and exclude a competitor that hasn't yet ...

Exactly! So in those cases it's a bit difficult for a business association to really participate actively in the discussion, and to have a very hard position that they can defend to the end. ... It creates difficulties for the people who in fact have an interest in continuing to support those substances. ... So someone who has started to replace them, but who hasn't finished yet, it's in their interests for the dossier to be authorised because, in any case, even if in ten years they're no longer producing the substance, there's a deadline, so they have to register it. On the other hand, of course, if you're talking about authorisation, in other words when you're supporting one substance over another, that's when there can be tensions.

While discussions continue around the issue of the social acceptability (Boudia 2008) of a new technology or a particular synthetic substance, a business association or company can have an interest in using the decision-making triangle formed by the European Chemicals Agency, the DG Enterprise and the DG Environment to exclude its competitors. We can see that directives like Reach establish institutional frameworks in which issues such as the dangers of chemical substances must be routinely discussed on a case-by-case basis. But, by delegating the minimal coordination required by this type of mechanism to those business organisations with the greatest resources, EU officials have also made it the business of those associations to engage with the institutions in order to defend their most immediate business interests. Here again, the process guarantees the centrality of unelected institutions in the Eurocracy. The same dynamic explains the overrepresentation of business associations on the consultative bodies set up within these agencies to ensure they are open to what is known as "civil society".

Limiting the repoliticisation of technical aspects by sitting on “stakeholder” committees

Since 2008 several organisations promoting environmental concerns or transparency for EU institutions have contested the way in which Reach was initially developed and the potential for exemptions and avoidance by the industry (Mork and Hansson 2007),⁷ but few NGOs can routinely examine the technical dossiers submitted one by one to the European Chemicals Agency. Foreseeing these critiques, the European agencies have tried to increase the numbers of expert committees, open to all representatives of “civil society”. So the European Chemicals Agency has set up several consultative committees that theoretically enable NGOs and other groups to become involved with the registration process. This recognition by the agencies of the possible existence of whistleblowers has resulted in the establishment of so-called “stakeholder” committees, which regularly meet in Helsinki. The agency theoretically covers the travel costs of participants, who are able to have bilateral discussions with Agency officials in Helsinki (notably during “stakeholder days”). By drawing the attention of Commission officials to the registration of a particular substance, activists and consumer representatives can, on this model, require a dossier to be re-opened and investigated. But here again, while this kind of repoliticisation is possible, its likelihood requires evaluation. The internal composition of these stakeholder committees shows that those business associations most fully integrated into the Eurocracy have moved in on them in a big way.

Not only do classic business associations make up 71 per cent of the groups officially invited to the stakeholder committees of the European Chemicals

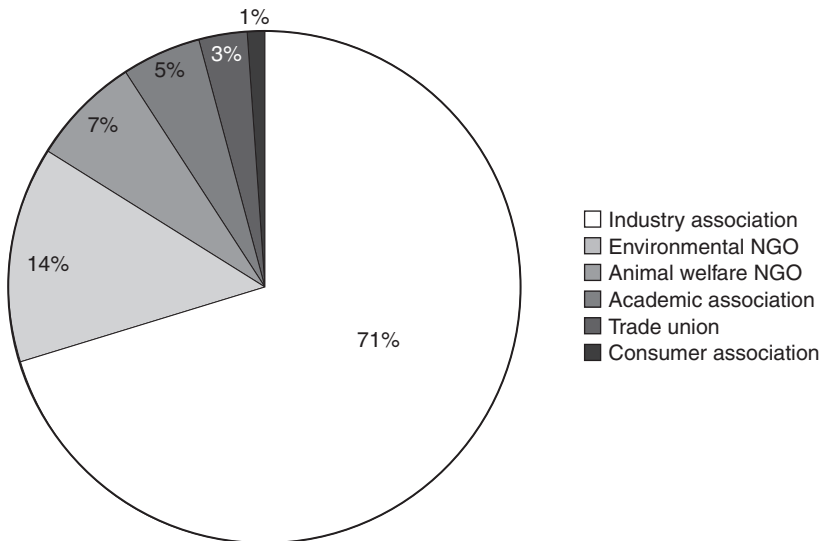


Figure 7.1 The ECHA stakeholder group members by origin, as shown on the ECHA website.⁸

Agency, even if we open the black box of the 29 per cent of groups listed as “environmental” or “consumer” organisations, in reality these are rarely anything other than groups of businesses. So the group headed “Academic association” by the ECHA includes the ECETOC (European Centre for Ecotoxicology and Toxicology of Chemicals), which is directly and solely funded by chemicals companies and has its offices in the CEFIC building. Also in that group is the ESTIV, an association also funded by companies. Under the “consumer” heading the only association is the BEUC, created and driven by the European Commission. Under “Environmental NGO” we find the Green Chemistry Network, a UK-based (non-profit) organisation which awards an annual prize to a “green” company in the sector. So independent NGOs (which do not accept funds from companies or the European Commission) sit alongside associations linked to the private sector and are structurally in a minority, confined to a whistleblowing role, their work seen as often marginal to the routine work of registering substances. Representatives of these NGOs sometimes have a hard science background but on these committees can only speak on dossiers previously chosen for their potential media impact. Experts from “civil society” have to find ways round their minority position at these meetings and seek to impose definitions that will serve to publicise issues, against the grain of the technicisation of dossiers for which the agency is the vehicle.

As noted by Louis de Saverne, who attends these meetings, here we encounter the issue of the differences in resources between NGOs and business associations:

NGOs recruit experts, but they have far fewer. I’m not saying that the associations always have vast resources, but the NGOs have even less, or at least usually there’s only one person, or two people monitoring all the chemical products ... So also the NGOs usually choose two or three themes ... they are usually positions that are a bit more political. Much less technical. ... They don’t have the resources and it’s also a question of priorities. Even if they had the resources, even if the person talking is a top toxicology expert, er ... well, there’s a choice to be made ... I see it in the committees, at the ECHA for example, so they do have people who come, but you know that behind them they don’t have the same firepower as some business associations.

Aware of the growing importance of technical issues, NGOs promoting transparency such as the Corporate Europe Observatory constantly publish materials on the expert groups and the work of the ECHA, producing more and more analyses of a quasi-scientific type. The NGOs have their reports written by specialist journalists and officials from various administrative bodies who provide their services free of charge outside working hours. However, this publicising effort runs into at least two problems. The first is the difficulty of publicising information on the European political system and what happens in Brussels. This kind of information is hard to “sell” to the press. The second relates to the technical

entry cost required of readers if they are to grasp the import of the critiques. The audience for European issues is small, but the audience for European issues capable of reading a document written in English on nanotechnologies and based on a review of the scientific literature is even smaller. To comply with media formats, part of the political message of NGOs promoting transparency is deliberately confined to themes of “conflicts of interest”. But potential whistleblowers in the agency committees have to understand issues of a highly technical nature in order to adopt a credible and scientifically acceptable position on such issues as endocrine disruptors. Critiques are hampered by twin constraints: on the one hand NGOs need to enlist high level experts (who are not directly linked to consortiums financed through public-private partnerships) and on the other, they must be able to render this subject matter comprehensible outside the circle of experts. Given the centrifugal forces affecting politics at the national level, their publications primarily serve as sources for science journalists and the few social scientists interested in issues of this kind. They cannot target the wider public.

The real effects of legislation like Reach are symptomatic of the functioning of the political system, which is organised around the EU institutions. The creation of an agency like the ECHA was in some ways the outcome of political campaigning by environmental organisations and Green members of the European parliament. The latter managed to impose legislation on the business sector obliging it to comply with a set of restrictive standards making it responsible for proving safety. As Soraya Boudia writes, initially, review by reputable, neutral experts is often “an important element in the process of emerging from a crisis” (2008). It is a solution found by political decision-makers for dealing with a problem. But through an endlessly renewed dialectic, differences in access to resources in the lobbying field between business lobbyists and NGOs and “consumer” organisations mean that technical arenas initially planned as constraints on the business community ultimately become additional filters that prevent lobbying on behalf of interests from outside the industry.

To the hidden disenfranchisement of lobbying “at the European level” the process of “agencification” adds another disenfranchisement linked to the displacement of forms of social conflict to the field of scientific or parascientific disciplines (such as industrial toxicology). This shift to technical arenas reinforces the centrality of European officials and coincides with the practical dynamics of an administration that is content to delegate responsibility and certification processes to the business community. It is highly unlikely that this correspondence between the practical expectations of European officials and business association staff will be challenged from within, since it guarantees the stable functioning of the European bureaucracy and those industry lobbies that have invested most heavily in their representation in technical agencies. As the Reach example shows, these agencies only further reinforce the structural asymmetry of the lobbying field at the European level and, over the long term, continually contain and restrict the number of actors able to contribute to defining standards with major political consequences.

Notes

- 1 European regulation no1907/2006/CE.
- 2 DNELs are exposure limit values (ELVs) as calculated for documents produced by the European Chemicals Agency. Specialists regard DNELs as ultimately less protective than the ELVs previously proposed by other agencies, because they include a greater factor of uncertainty and identify effects that may be carcinogenic or non-carcinogenic. DNELs are broadly reduced ELVs.
- 3 ECHA website: <http://echa.europa.eu/web/guest>.
- 4 No Observed Effect Level or No Observable Adverse Effect Level. These tests seek to establish the highest dose at which no toxic effect is measured for a particular substance.
- 5 Committee of the European Commission created in 1995, long before the European Chemicals Agency, the SCOEL (Scientific Committee on Occupational Exposure Limits) had already set workplace exposure limit values for many potentially toxic substances.
- 6 Interview conducted at the offices of the DG Environment in Brussels, 23 April 2013. Louis de Saverne is a French official with a background in process engineering, formerly a seconded national expert (SNE) at the DG Enterprise before being recruited by the Commission to the DG Environment, where at the time of the interview he was in charge of Reach in the chemical products, biocides and nanomaterials unit.
- 7 For a critique by the Corporate Europe Observatory, see the article “Bulldozing Reach – the industry offensive to crush EU chemicals regulation”: <http://archive.corporateeurope.org/lobbycracy/BulldozingReach.html>.
- 8 List shown on 31 January 2014. <http://echa.europa.eu/web/guest/about-us/partners-and-networks/stakeholders/echas-accredited-stakeholder-organisations>.

Conclusion

As E. P. Thompson noted, in describing the great transformations at work in human societies, economic and political history too often lead to a discussion of abstract social forces or the depersonalisation of the social forces present in favour of a history of ideologies (Thompson 1961). Deregulation, the opening of markets to competition and the free market are not government mechanisms that have run on automatic pilot since the writings of Hayek. They are organised and promoted by specific social configurations in which they have been appropriated, adapted to the balance of social forces and updated through the practices of actors who may be central or marginal to the field of power.

Rather than rehabilitating a history of ideas that tends to overestimate the internal coherence of “liberal ideology”, this book can be read as an invitation to multiply our explorations of the concrete social relations that enable capitalism to function. Only an empirical dimension can offer us a better understanding of the practical arrangements that – in many social arenas and often hidden from public debate – ensure the perpetuation of a certain order of things. Studying professional groups that are close to the centres of power, such as the staff of the business community – who occupy modest positions if we judge from the organisational charts alone – can provide a valuable key to an understanding of the functional dynamics of the field of power.

What is produced by the critical mass of a bureaucracy?

One of the first results of this work is to show the importance of reintroducing the role of the bureaucracy in an analysis of contemporary relations of domination. An activist orientation (which values activism and efforts to persuade the electorate) might suggest that a change in the political field would in itself be enough to transform society. But that would be to ignore the critical mass represented by an administration comprising tens of thousands of individuals and exercising regulatory power. The EU bureaucracy has survived since the 1960s, despite profound political changes in the national political arenas (such as May 1981 in France or the reunification of Germany). In the medium term it represented a centre of stability around which the liberal period of the 1950s was able to expand beyond the clubs of the decision-makers. While the diffusion of

neo-liberalism enabled the ideological unification of a large proportion of the political elites of European countries, the European Commission remained indispensable as a tool for establishing this political project over the long term.

Of course, the power of the EU administration should not be naturalised. It required the officials of the new administration to impose and regularly reassert their legitimacy (notably in the eyes of member states). But the efficacy of the articles of the Treaty of Rome that established the internal market arose from the fact that they very quickly lent themselves to convergent uses, by both an element of the business community and by officials seeking to assert the power of an emerging administration.

Over time there thus emerged a system of EU business within which cooperation between officials and some entrepreneurs and senior managers became the norm. This system of social relations has quietly and continuously expanded. Further historiography of the Eurocracy's permanent staff will doubtless reveal the extent to which the advance of capitalism has always relied on two pillars. First, there is no market without an administration capable of acting as a symbolic bank and relaying the expectations of the business community in the form of legislation and, second, an administration cannot have legitimacy unless it can have itself recognised as a site of power over commercial exchanges. The entanglement of two spheres (EU officials and business lobbyists) enabled the long-term structuring of a site of power that is a comparatively closed world with its own political legitimacy. This two-sided reality encourages us to emphasise a second result of the present enquiry and to revisit the ordinary critique of lobbying that sees it as a simple attack by the "private" sector on the "public" sector. If capitalism has brokers, they are located at the heart of this system of relations involving politico-administrative officials and lobbyists.

Lobbying as a race to manipulate bureaucratic capital

It is only at the price of obscuring this structural entanglement that lobbyists can be endowed with a unilateral power of influence, when often they merely serve as relays in the permanent entanglement of administrative and business interests. Lobbyists are an essential pivot enabling business interests to be adjusted to the normative expectations of the bureaucracy. They are the agents through whom dominant businesses can hope to exploit the legal structure of markets and harness bureaucratic resources for their own ends.

Opening the black box of business associations shows that, into the core of their work of coalescing business interests, lobbyists import a set of normative constraints and practices that precisely reflect the expectations of EU officials. When the regulatory restriction of markets depends on standardisation developed in Brussels, knowledge of the workings of the administration becomes simultaneously an issue and a resource for the business community. An understanding of the bureaucracy and how it functions provides the foundation for the social legitimacy of a new stratum of intermediaries who promote their services as a means of access to the EU institutions.

This bureaucratic capital is not confined to knowledge of the legal rules but is eminently practical knowledge that makes the work of lobbying possible – knowing how to exploit interdepartmental rivalries, when to go up the hierarchy, when to turn informal relations or long-term working relations to advantage by obtaining the first draft of a directive, and so on. The need for constant interaction with the dynamics of the administration gives value to the acquisition of pragmatic understanding and a set of practical skills, such as knowing which expert committees “are worth it” or sensing when silence can be explained by the career dynamics of interlocutors in the administration. As we have seen, this practical relationship with the workings of the administration also favours the mobilisation of the technical capital of the companies represented (for example, funding a report while waiting for legislation to finish its passage through the parliament).

Bureaucratic capital can be imported into business associations and mobilised to silence any opposition from smaller businesses, but it crucially functions as an additional vector of capitalist concentration. In the last resort it makes it possible for two large businesses to adapt their production processes to comply with proposed regulations that will apply across Europe.

The desire for lobbying to be conducted behind the scenes of the administration is asserted both by business leaders and lobbyists and by EU officials. For the officials, discretion makes it possible to build a broad consensus by identifying in advance the sources of potential opposition to the regulations being developed or finalised. For the lobbyists, this closed world reflects their preference for working as closely as possible with the limited number of officials they know and whose expectations they understand.

The emergence of a new disenfranchisement

Prolonging these dynamics that make bureaucratic capital key to business lobbying, their associated social world closes in on itself. The result is a quiet politics that is particularly widespread in the Eurocracy because the Commission is the permanent vector of an impressive number of standardisation processes, while the arenas where intimate knowledge of its workings can be used are growing in number. In these arenas, the business associations tend to “sell” the Commission turnkey technical mechanisms to enable the “better distribution” or “better traceability” of a particular product. In working with specialist agencies and CENs, business associations exploit to the full the technical capital of those companies most integrated into the Eurocracy. They invest more and more heavily in the recruitment of technical and scientific experts to maintain access to research funding, transforming themselves into “institutes” or para-public “research centres” for the purpose. Assertions of scientific rigor have now reached such a height that descriptions of the poaching of experts or the subversion of scientific work offer only a very partial image of the issues currently raised by these developments. The Eurocracy reinforces the heteronomy of the scientific domain by subverting the structural relations of dependency binding

the research bureaucracy to the bureaucracy per se. Crucially, this loop of social relations acts to exclude spokespeople from consumer and civic groups who cannot afford to produce their own positions and critiques in the required technical format (notably in relation to toxicology).

This does not lead us into the world of “conspiracy theories”, which would see industrialists as the puppet masters of the political and scientific communities. As we have shown here, based on a set of historical, ethnographic and statistical sources, these dynamics of dependency are embodied in very concrete social situations, professions and long-term working practices. They are also grounded in an asymmetry of available financial resources. The entanglement of the spheres of administrative and business practice produces a centrifugal force that adds to the exclusion of those who cannot adopt highly technicised lobbying practices.

Democratic deficits and repercussions for national politics

What of the politicians in all of this? At the end of this book the reader may feel that too much space has been given to the power of ordinary bureaucrats and lobbyists occupying intermediate or middle-ranking positions in the field of power. In the places observed in this book, professional politicians seem primarily concerned with the dynamics of competition between parties (having their position accepted by their party, ensuring their own re-election, maintaining their visibility through regular media appearances, acquiring a distinctive profile due to their position on some dossiers). They move in related social circles, but a major element of their routine activity involves conforming to the logics of political representation. Their absorption by the dynamics of electoral competition leaves a large margin for manoeuvre to their assistants, and in a symmetrical way to the lobbyists whose activities we have followed. The same can be seen with CEOs, who seem to engage with Brussels primarily when they are required to speak to a Commissioner on a company’s behalf, most of the lobbying process being delegated to specialist staff.

What are the conditions necessary to the maintenance of this disconnect between the arenas of political representation and those of the routine power of EU institutions over the business world? We could suggest that if a somewhat distant relationship to the bureaucracy prevails among the administrative and political elites, this is because ordinarily the density of relations between the two spheres is enough to satisfy both officials and business representatives and the politicians. But when might the closed world that we have just described break open or be challenged from within? Some authors have suggested that the ongoing argument over the power of the European parliament could be a prelude to the repoliticisation of all the EU institutions and to their democratic takeover. At the risk of indulging in political fiction, in the light of the processes described in this book, this scenario seems to us highly unlikely. We would say not only that the emergence of a “Social Europe will not take place”, but the “democratisation of the institutions born of the European Union” as described by Antoine

Vaucher currently seems unrealistic given that it would require the subversion of the structural dynamics of the Eurocracy and a direct challenge to the centrality of the Commission's regulatory power (Denord and Schwartz 2009; Vaucher 2016).

According to another hypothesis current political evolutions might suggest that a challenge to the normative power of the EU institutions could emerge from outside the Brussels bubble. As the French version of this book was completed, the British elections revealed the collapse of Labour, notably to the benefit of the Scottish Nationalist Party (SNP), which had campaigned against the "austerity" policy advocated by the EU. Since the publication of the French version, a referendum in the UK has resulted in a majority vote in favour of Brexit. The Spanish elections have seen the rise of Podemos, a party born out of the movement of the *Indignados* which advocates breaking with the austerity incarnated by "Brussels". In France, the Front National has placed leaving the EU at the core of its manifesto and is gaining ground electorally, and so on. The Eurocracy imposes its own dynamics on any attempt at repoliticisation while remaining a closed world; however, the national political arenas offer spaces in which challenges can be made, symbolically at least, to the importance that the Eurocracy has acquired in the sphere of power in the different member states.

The political elites with their roots in traditional political parties are finding themselves associated with the economic policies and standardisation conducted by the EU administration. The profound loss of legitimacy experienced by political parties advocating classic social democracy (Pasok in Greece, Labour in the UK) may be grounded in the mass of interests that the closed bureaucratic system routinely dismisses.

But here again, it would be unwise to endow the scattered political movements criticising the role of "Brussels" and often adopting nationalist tones with the capacity to challenge the overall orientation of the EU, let alone the existence of the Commission. Having succeeded in establishing a kind of monopoly of universality, the EU bureaucracy long ago gained ascendancy over rival political movements with regional or nationalist identities. Those seeking to challenge it from national arenas are from the outset deprived of the universalist, internationalist and supranational references that characterised emancipation movements in the early twentieth century. Confinement to local references may also render any coalition between these movements impossible. The stark choice currently imposed by the EU administration between "exit" from the EU in the name of national sovereignty or unreserved acceptance of a supranational system of representation is undoubtedly one of its most decisive and lasting political victories. This configuration makes it inconceivable that a spontaneous coalition of scattered counter-movements built on national foundations could mount a challenge to the existence of the EU bureaucracy. What this bureaucracy has on its side – since it lacks any real electoral legitimacy – is the power of a supranational construction and acceptance of the role of the market and the law.

The example of Greece since the elections of 2014 seems to reinforce this view. The Siriza-led government faces a negative answer from EU officials and

the European Central Bank on the debt reduction dossier. Despite an extensive political campaign and a democratic victory, its politicians now find themselves talking to interlocutors who are no longer simply other European governments, but a new stratum of bureaucrats who have historically set themselves up as guardians of the Treaties and monetary orthodoxy. This bureaucracy might well prefer to risk provoking the departure of one or several member states in order to preserve its own prerogatives, since any other scenario would deprive it of the historic support it enjoys from Europe's dominant business communities. For progressive political forces as well, efforts to bring the working classes back into a political struggle in a solely national context will sooner or later be blocked by the density of the technocratic construction. Only a multinational political movement seeking to challenge the very structure of the Eurocracy could undo what has been put together over decades. But at the risk of causing despair in advocates of such a movement, it is hard to see what organised social forces would be capable of converging to produce such a change at this time. As long as liberalism remains soluble in exposure limit values, nanotechnology and technical standards, and as long as social struggles remain confined to the permitted but empty arenas of the European social dialogue, no real counter-force will be able to break down this silent enclosure of the field of possibilities.

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