**Designing stakeholder consultations: Reinforcing or alleviating bias in the European Union system of governance?**

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**Abstract**

Consultations with stakeholders are a policy instrument widely used by policymakers to design policies and prepare legislative proposals across national and supranational systems of government. The European Union has recently reviewed its stakeholder consultation regime and asked for stakeholders’ policy input. This offers an opportunity to examine empirically stakeholders’ own evaluation of the regime and to ask a fundamental question about its democratic credentials: *do stakeholders recognize the EU consultation regime as reinforcing bias in interest representation by benefiting policy insiders, or conversely as an instrument that alleviates bias in supranational policymaking?* Building on rational choice institutionalism, the study outlines the potential distributional outcomes of the regime and argues that they are likely to vary along the lines of a classic divide in policymaking that opposes policy *insiders* to *outsiders*. Two competing narratives are discussed in relation to the expected direction of this variation by focusing on insiders’ incentives to support or oppose the regime. The observable implications are tested empirically on an original dataset containing information about stakeholders’ positions on the evaluation of the regime status quo, its proposed further institutionalisation and their recommendations for change. The findings describe a consultation regime that seems to have created conditions alleviating bias in stakeholders’ participation in supranational policymaking. This is evident in the lack of systematic, significant differences between insiders and outsiders in the evaluation of the consultation regime. Where differences do occur, they are consistent with the image of a consultation regime that has not reinforced bias in favour of policy insiders. These actors are found to be more critical of the regime status quo, its institutionalisation and more inclined to recommend policy improvements. This supports an optimistic view over the democratic credentials and legitimacy of the EU consultation regime and outlines an additional scenario under which policy actors that are traditionally associated with exerting more power and influence find themselves stripped of their privileged position in the context of European supranational governance.

**Key words:** Stakeholder consultations, EU governance, rational choice institutionalism, policy insiders, interest representation.

**Introduction**

Consultations with stakeholders are a policy instrument widely used by policymakers to design policies and prepare legislative proposals across national and supranational systems of government (Richardson 2012, Richardson and Coen 2009, Tallberg 2012). Consultations constitute a direct communication link between decision-makers and affected actors, and represent an important channel through which policy feedback is received in the policy process about the feasibility of policy choices, the legitimacy of adopted measures and the potential challenges in policy implementation (Rasmussen et al. 2014). When political conflict arises between the executive and the legislature, stakeholder consultations may also play a key role in the inter-institutional balance of power because they constitute a source of information and legitimacy (Bunea and Thomson 2015).

The European Union operates one of the most elaborate and ambitious consultative regimes. Formalised as a policy practice in the beginning of the 2000s (‘White Paper on European Governance’), the EU consultation regime stirred controversy from its very inception: the Commission and the European Parliament debated the institutional arrangements governing it and its potential to boost the bargaining success of the former in the legislative decision-making process (Bouwen 2007). Its policy relevance and impact on policy outcomes, as well as its capacity to deliver a legitimate, open, transparent, inclusive and evidence-based policymaking process were oftentimes questioned (Quittkat 2011, Quittkat and Kotzian 2011). Stakeholders criticised consultations for being a ‘mere plebiscite’, conducted in a rush that fail to achieve their inclusive participatory goals, and which reinforce bias in the European system of interest representation. A question remains thus on whether the EU consultation regime contributes to the democratic quality of supranational policymaking or whether it reinforces bias and elitist tendencies by creating and perpetuating the existence of a core group of policy insiders enjoying a privileged status in consultations and policymaking (Broscheid and Coen 2003, Bouwen 2009, Coen 2009).

Recently, this consultation regime was reviewed as part of reforming the EU Better Regulation policy.[[1]](#endnote-1) Two public consultations invited stakeholders’ feedback on the consultation principles, standards and practices (2012) and on a new set of guidelines aimed at further institutionalising the regime (2014). This offers the opportunity to empirically examine stakeholders’ own evaluation of this regime and to ask a fundamental question about its democratic credentials: *do stakeholders recognize the EU consultation regime as reinforcing bias in interest representation by benefiting policy insiders, or conversely as an instrument that alleviates bias in supranational policymaking?*

The study agrees that assessing the democratic credentials of ‘collaborative forms of governance’ is an empirical question (Papadopoulos 2012) and argues that a suitable empirical strategy to address it is to investigate whether *there is a pattern of significant differences in stakeholders’ evaluation of the EU consultation regime that varies systematically along the lines of their insider versus outsider status in the policy and consultative setting.* A systematic pattern of significant differences between *insiders* and *outsiders* is consistent with a regime that produced over time clear ‘winners and losers’ of consultation standards and practices. This questions its democratic quality and credentials. A lack of significant differences indicates a regime that has not produced distributional effects or at least has kept them to a minimum, and did not create or reinforce inequalities in stakeholders’ opportunities to access and influence decision-making. The study innovates by examining how European stakeholders themselves evaluate their interactions and dialogue with EU officials and consultative practices, and how they position themselves relative to their change. This offers relevant insights into how stakeholders assess the working mechanisms of supply and demand of interest representation in EU policymaking, its democratic credentials and how they respond to the Commission’s efforts to use ‘institutional engineering in the service of political entrepreneurship’ by shaping and institutionalising stakeholders’ participation in decision-making (Broscheid and Coen 2003: 181).

Theoretically, the study builds on rational choice theories of institutional design and change and the assumption of ‘distributional effects of institutions’ (Knight 1995). It explains how the distinction between policy insiders and outsiders is relevant in understanding stakeholders’ preferences for a consultation regime and outlines two competing narratives for deriving theoretical expectations about stakeholders’ position alignments. The first narrative identifies *insiders as winners of the consultation regime* and expects them to champion the maintenance of the status quo and to oppose change. The second identifies *insiders* as *losers of the regime* and expects them to criticise the status quo and to recommend change. Evidence supporting the former indicates an evaluation of the regime as benefiting insiders and reinforcing bias, whereas evidence supporting the latter speaks of a regime perceived as an instrument alleviating bias, just as the absence of systematic significant differences between insiders and outsiders does. Empirically, the study examines stakeholders’ preferences expressed in two consultations inviting them to evaluate the EU consultation regime in the context of Better Regulation and to make recommendations for improvement/change. The 2012 consultation allows observing stakeholders’ evaluation of the *consultation regime status quo* and their recommendations for its improvement and change. The 2014 one allows examining stakeholders’ evaluation of the new ‘Draft Stakeholder Consultation Guidelines’ that proposed a *change of the regime towards its* *further institutionalisation*. The findings indicate weakly structured alignments of stakeholders’ preferences along the insiders/outsiders divide across issues. Where these differences do emerge, they support the second narrative: insiders are significantly more critical of the 2012 status quo, more likely to criticise its 2014 proposed institutionalisation, and more likely to make recommendations for change. This is consistent with a consultation regime that has not generated over time net winners and losers, creating instead conditions for alleviating bias in stakeholder participation in policymaking. The analysis controls for interest type, offering interesting insights about business stakeholders’ critical evaluation of the regime.

The study is relevant to both policy practice and academic research. The institutionalisation of transparent dialogue with stakeholders is an important issue within the EU system of governance. The *Political Guidelines* of the Junker Commission require Commissioners and Directors-General ‘to make public the information on meetings held by them and members of their Cabinet with organizations or self-employed individuals on issues relating to policy-making and implementation in the Union’ (European Commission 2014). The EU Joint Transparency Register was recently redesigned to increase transparency about European lobbyists. The academic literature lacks a systematic analysis exploring stakeholders’ preferences on the design and change of consultation regimes in national or supranational systems of governance, despite their ubiquitous use. The common approach is to examine consultations as distinctive policy events in which lobbying behavior is studied (Rasmussen and Alexandrova 2012, Bunea 2014, Rasmussen and Carroll 2014, Klüver and Mahoney 2015, Rasmussen and Gross 2015), lobbying success is explained (Bunea 2013, Klüver 2013) and patterns of biased interest intermediation are explored (Rasmussen et al. 2014).

Section one outlines the theoretical puzzle. Section two presents the policy context of the regime’s review. Section three details the research design. Section four presents the analyses. Section five concludes. *Stakeholder* refers here to interest organizations and national/regional-level authorities that participate in consultations. *Position* and *preference* are used interchangeably to denominate stakeholders’ expressed evaluation of the status quo or proposed change. *Policy recommendations* describe stakeholders’ suggestions for policy improvement/change.

**Designing a stakeholder consultation regime for the European Union: biased or inclusive policymaking?**

The interactions and dialogue between stakeholders and decision-makers display highly institutionalised patterns in the EU system of governance (Richardson and Coen 2009). Research indicates the establishment over time of an EU consultation regime (Kohler-Koch and Finke 2007). This regime represents an informal institutional arrangement designed by the EC to manage dialogue with citizens, public and private organizations (Bouwen 2009: 27). Stacey and Rittberger (2003) define EU informal institutions as ‘rules that lack both a formal foundation (i.e. legally created and ratified by the member states) and third-party legal oversight via the ECJ. These take any of a variety of forms, including customs, routines, and various ad-hoc procedural rules that tend to get created in the course of informal bargaining between the Council, Commission, and Parliament outside of standard legislative procedures’. This consultation regime lacks a formal legal basis and (most importantly) third party adjudication, while its design was the subject of informal bargaining between the Commission and the Parliament at its outset (Bouwen 2007). The formal decision-making power to design and redesign this informal institution rests solely with the EU institutions (mainly the Commission), while the affected actors lack any formal decision power, although they are indeed widely and formally consulted on this issue as shown here (Kohler-Koch and Finke 2007: 209).

This requires embedding the discussion of the EU consultation regime in theories of institutional design and change. A relevant starting point is the rational choice institutionalist assumption about the ‘distributional effects’ of institutions (Knight 1995). This entails that the consultation regime is likely to have produced over time *distributional outcomes*, benefiting some stakeholders over others and reinforcing inequalities in participation, access and influence among stakeholders that existed prior to its introduction in early 2000s. Institutions create winners and losers and actors’ evaluations of the institutional status quo are largely dependent on the cost-benefit analysis they derive in relation to it (Héritier 2012: 339). Actors support institutional settings that minimise costs, while maximising their benefits, or which allow them to enjoy or preserve a privileged status. Stakeholders’ evaluation of the EU consultation regime is likely to be informed and to a significant extent shaped by the costs and benefits it entails for their position/status in the consultative/policy setting. The literature indicates that the concept of *insiders* is key to understanding the politics and dynamics of bureaucratic policymaking (i.e. the EU) since these are fundamentally structures ‘created through a process of collective choice in which the victorious insiders get to impose their institutional creations on society as a whole’ (Moe 2005: 220). Their power resides in that ‘any groups that prevail under the formal rules can legitimately use public authority to impose bureaucratic institutions that are structurally stacked in their own favor, and that may make the losers worse off, perhaps by a lot’ (Moe 2006: 38).

Research indicates that ‘a core of insiders was established’ within EU policymaking prior to introducing the current consultation regime in 2001 (Broscheid and Coen 2003), and that within the current regime, some stakeholders continued enjoying privileged access to bilateral meetings with decision-makers and various forms of selective consultative forums (Eising 2007, Coen 2009). The ‘selection of lobbying insiders is managed and organized into a wide variety of committees, working groups, conferences, and other policy forums’ (Broscheid and Coen 2003: 168). Mazey and Richardson (2001) mention a ‘hollow core’ of EU interest representation. Insiders ‘stood to benefit most from the gradual closing down of access to the EC in the face of interest overload in the 2000s’ (Coen 2009: 149). In a ‘competitive elite pluralist environment, where access to decision-makers is restrictive, more competitive, and codes of conduct met’ (Coen 2009: 150), the *insiders/outsiders* distinction becomes highly relevant in exploring any distributional outcomes of the regime and informs the expectation that if it indeed reinforced/created bias as opposed to alleviating it, stakeholders themselves would be the first to notice and signal it, and we should observe a systematic pattern of significant differences between insiders and outsiders in their evaluation of the regime status quo and its proposed change.

The insider/outsider distinction is particularly relevant when considering this consultation regime as an instrument of participatory and deliberative democratic governance used to ensure input legitimacy for policymaking (Kohler-Koch and Finke 2007, Smismans 2003). The regime was designed to ‘enhance the quality of rules and decisions’ and improve ‘the democratic quality of European decision-making’ by assuring ‘equal, fair and inclusive participation’ (Quitkatt 2011: 655). From a participatory democratic perspective, the regime’s inception and underlying mechanisms were a *de facto* recognition of the existence of insiders and unequal representation, and an attempt to include outsiders into consultative practices. The literature outlines the strong conceptual link between consultations and insiders/outsiders by indicating that a distinctive, fundamental feature of insiders is their quality of being regularly consulted by policymakers (Grant 2000).

I define *insiders* as stakeholders that experience a privileged position in terms of securing and frequently getting direct access to policymakers and decision-making venues that goes beyond the setting of open consultations. These are the actors ‘consulted on a regular basis’ (Grant 2000). This status is due to their endowment with all or some of the ‘hard currencies’ of the EU system of governance: ‘information, support and legitimacy’ (Eising 2008). Not all stakeholders possess these capabilities equally and this translates into stakeholders experiencing different degrees of insiderness. This follows Maloney et al.’s (1994) positional/status approach to defining insiders. This status is a cumulative function of several key organizational traits and can be conceived as a matter of degree, with some stakeholders possessing this quality to a larger extent than others based on their ‘relevant trait-endowment’ (Fraussen et al. 2015). These key characteristics are: membership in EC expert groups; being a European-level association; a membership-based organization; having a Brussels office. The research design details this.

*Being an insider - a tale of two worlds*

The literature suggests two alternative narratives to consider when deriving theoretical expectations about the relationship between being an insider and a stakeholder’s evaluation of the consultation regime. First, one strand of the literature indicates the EU consultation regime is an attempt to rationalise and keep manageable an ever-increasing system of interest representation in supranational policymaking (Mazey and Richardson 2001, Coen 2009, Richardson and Coen 2009). Insiders are winners of the consultation regime introduced in early 2000s because they have a more experienced understanding of policy dynamics and the institutional setting and are better equipped to manage the ‘not cost free’ access criteria required: they possess expert knowledge and technical information, the capacity to manage a highly complex policy setting in a timely manner, and the ability to participate simultaneously in various consultation formats (open/targeted/bilateral). This makes them more supportive of the status quo in 2012 and less likely to suggest recommendations for policy improvement/change relative to outsiders. For both policymakers and stakeholders, institutionalising the regime is a form of reducing risk and uncertainty (Mazey and Richardson 2001). Therefore, insiders should support the change of the consultation regime towards further institutionalisation proposed in 2014. Such a change would consolidate if not strengthen their privileged position given their experienced and long-established participation, and would allow them to strategically design participation and influence strategies using more complete information and more predictable rules. They are well equipped to play the more institutionalised version of the existing consultative game.

Since they support the proposed change, and because in institutional contexts that benefits them they ‘tend to approach any proposals for changes […] cautiously and incrementally’ (Grant 2000: 413), insiders will adopt moderation when making recommendations for improving the proposed change. This leads to two observable implications:

H1.1: *In the 2012 consultation*, *insiders are more likely to support the status quo.*

H1.2: *They are also* *less likely to make recommendations for change.*

H2.1: *In the 2014 consultation, insiders are more likely to support the proposed change.*

H2.2*:* *They are also less likely to make recommendations for improving the proposed change.*

The second narrative posits that the consultation regime is an instrument of ‘participatory engineering’ aimed at designing an open and inclusive policy process and also at countervailing elitist tendencies and the power of insiders and concentrated interests (Kohler-Koch and Finke 2007, Bouwen 2009, Quitkatt 2011). From this perspective, insiders are losers of the regime since its set up and basic principles threaten their privileged position by opening up the system to participation and potential influence of more numerous and diverse stakeholders. Due to their position in the system, insiders are also more likely to possess first-hand experience and in-depth knowledge about the inner workings and dynamics of this regime. They are more likely to have specific information about which consultation instruments work sub-optimally and what aspects require improvement. This creates extra incentives to criticise the regime and to make recommendations for change in 2012 in an attempt to preserve or consolidate their privileged status, while addressing its suboptimal functioning.

Since the proposed change results in a further institutionalisation of the status quo they disagree with, insiders are more likely to oppose the new consultation guidelines in 2014, using this opportunity to make more recommendations for affecting the change in a manner that would align it closer to their interests. Two hypotheses are consistent with this:

H3.1: *In the 2012 consultation, insiders are more likely to oppose the status quo.*

H3.2: *They are more likely* *to make recommendations for change.*

H4.1: *In 2014, insiders are more likely to oppose the proposed change of the regime.*

H4.2: *They are also more likely to* *make recommendations for improving the proposed change.*

The analysis controls for interest type. Business stakeholders prefer exclusive, trust-based relationships and direct access to policymakers over inclusive consultations (Bernhagen and Mitchell 2009). Therefore, *they are less likely to support the consultation regime status quo and its further institutionalisation* that would only make it accessible to more and diverse stakeholders. Consequently, *business is more likely to make recommendations for change* in both consultations. These observable implications are tested empirically.

**Revisiting the EU consultation regime: policy context**

Stakeholders’ involvement in EU policymaking evolved over time from a loose, unstructured dialogue during the 1960s to a well-established and more formalised practice employed during agenda-setting and policy-formulation. The EC manages the overwhelming majority of consultative forums and has decision-making power over their creation and proceedings. Since early 2000s, it operates a system of closed/targeted and open/public consultations, with the later representing an impressive exercise in e-governance similar in scope and ambition to the well-known ‘notice and comments’ practice employed in US federal bureaucratic rulemaking.

This study examines stakeholders’ evaluation of this consultation regime based on two recent consultations organised by the EC General-Secretariat: ‘Stakeholder Consultation on Smart Regulation in the EU’ (2012) and consultation on ‘Draft Stakeholder Consultation Guidelines’ (2014). The first informed the ‘Communication on EU Regulatory Fitness’ and asked for feedback on three policy themes: enhancing the quality of legislation, assuring effective implementation and consulting the public. Its scope was thus broader than the evaluation of the consultation regime. The study examines only stakeholders’ positions on consultations, while the remaining two blocks of issues constitute the focus of a separate research. The second event asked for feedback on new guidelines outlined by the General-Secretariat and aimed at redesigning consultation practices, tools and methods throughout policymaking. Both consultations informed the Better Regulation package (May 2015), object of the ‘Inter-Institutional Agreement on Better Law Making’ (April 2016). These measures envisage a more comprehensive and ambitious consultation regime in which stakeholders are consulted throughout the policy cycle and on a broader set of acts that include ‘roadmaps, inception impact assessments, draft delegated acts and important implementing acts’.[[2]](#endnote-2)

The 2012 consultation discussed 22 issues such as the substantive content of minimum consultation standards, scope, timing, outreach and representativeness of consultations, EC’s approach to providing feedback on consultations results and their integration into policy outputs. Table 1 presents the organizational profiles of the 112 stakeholders submitting individual or joint position documents.

**[Table 1]**

The 2014 consultation discussed 14 issues covering the substantive content of the new consultation guidelines, steps, tools and methods, strategies for identifying and reaching out to relevant stakeholders. A total of 122 stakeholders submitted contributions. This marks a key regime development: an instance of Commission-initiated policy redesign aimed at standardising and further institutionalising interactions with stakeholders. The change was towards harmonising consultation practices across DGs, increasing the amount of information about procedural steps and methods, reducing the discretionary power of policymakers over the process, expanding consultations to a broader set of initiatives, creating more and better opportunities for stakeholders to participate and affect policy outcomes. Thirty-three stakeholders participated in both events, the majority of which were European business associations.

**Research design**

Stakeholders’ evaluation of the regime was mapped based on three official data sources: consultation calls, stakeholders’ submissions and the EC report and annex providing a ‘Summary of the responses to the 2012 Stakeholder Consultation on Smart Regulation in the EU’. Two original datasets were constructed based on these documents, organizational online profiles and the online Register of Commission Expert Groups. They record: policy issues, stakeholders’ positions, recommendations and organizational characteristics. The unit of analysis is an individual stakeholder.

The decision to analyse these consultations was informed by two reasons. First, alongside impact assessments, consultations are key instruments of the EU Better Regulation. It is therefore reasonable to argue that these two particular consultations were most likely to be policy relevant and have high impact on the review process of the consultation regime since they were also informing the Better Regulation reform. The General-Secretariat organising them is also formally in charge of coordinating and monitoring the implementation of the consultation regime across DGs. Second, examining stakeholders’ positions expressed in consultations is a well-established approach in researching private actors’ participation in EU policymaking. As aforementioned, consultations were used to study interest mobilisation, lobbying strategies and influence. This study recognizes and uses their rich informational value regarding stakeholders’ feedback.

The universe of stakeholders participating in these consultations does not reflect the entire universe of stakeholders having a stake in this reform or providing the Commission with formal or informal feedback on it. Methodologically this raises the issue of selection bias and casts the shadow of ‘limited generalising power’ of findings to the broader EU stakeholder community. I address this with three arguments. First, one can reasonably argue that the constellation of actors participating in these consultations approximates well to the aggregate structure of stakeholders participating in EU policymaking, with business stakeholders displaying a stronger presence. This is in line with previous research examining the EU interest group population across policy areas (Coen and Katsaitis 2013) and at system-level (Wonka et al. 2010), indicating that approximately half of stakeholders represent business similar to this study. This also emphasizes further the relevance of the research question insofar it illustrates that although public consultations were designed to counterbalance the prominence of business, they themselves are characterised by higher business participation. Second, the high level of institutionalisation of stakeholders-policymakers interactions justifies examining positions and recommendations expressed in a formal setting. Lastly, the aggregate distribution of preferences expressed in consultations is what formally informs the formulation of EU proposals and must therefore be analysed as a relevant and reliable source of information.

*Policy issues*

A policy issue denominates a discrete policy problem on which the EC explicitly asked for feedback. Issues were identified based on the questions of consultation calls. Following Bunea and Ibenskas (2015), each question item is considered a discrete issue on which the Commission asked for input. The study examines 22 and 14 issues detailed in table 2. A qualitative inspection of issues reveals they can be classified in two categories:[[3]](#endnote-3)

* *Evaluative issues*: asking for stakeholders’ evaluation of the status quo or proposed change (‘Are consultation documents clear and complete?’) (14 and 7)
* *Recommendation issues*: asking for recommendations on how to improve the regime (‘How do you think the coverage of Commission consultations could be further extended in a cost-effective manner?’) (6 and 7)

This distinction is relevant insofar as it guides the coding of the dependent variable(s) and provides a better, more contextualised understanding of positions. Most issues relate to *practical and procedural aspects* (‘Is the mix of target and open consultations used by the Commission appropriate?’), while others relate to *general guiding principles* (‘Is the current set of consultation principles and minimum standards appropriate?’). All issues are considered equally informative for this analysis since they cover various aspects of the regime. Some issues tap more explicitly into the specifics of participation (issue 10 in 2012 asks whether current consultation practices ensure the effective and transparent participation of all relevant stakeholders; issue 3 in 2014 asks how the Commission could encourage more stakeholders to participate). They are discussed in the empirical section.

**[Table 2]**

*Positions and recommendations*

Stakeholders’ positions were identified through content analysis and hand-coding of the EC official report on the 2012 consultation and written submissions for the 2014 consultation (following Bunea and Ibenskas 2015). Positions were recorded in two separate datasets and the analyses were performed accordingly. Since stakeholders did not express positions on all *evaluative issues*, nor did they suggest recommendations on all *recommendation issues*, one observes a high variation in the response rate and participation behaviour of stakeholders across issues. Stakeholders ‘substantive participation’ rate ranges from 9.8% to 52.7% of participants across issues in 2012, and from 39.3% to 91.8% of participants in 2014. This is consistent with what previous research identified as a significant pattern describing stakeholders’ participation in public consultations in other policy areas (Bunea 2014).

This substantial variation in the extent of non-position taking informed the decision to capture it in the operationalisation of the dependent variable across issues. This is consistent with studies in other fields of research: Rosas et al. (2015) argue that abstain votes are important in deriving policy preferences of members of US Congress and the UN General Assembly. Consequently, for issues asking for feedback on the status quo or the new guidelines, the study employs a polytomous dependent variable with three categories for the 2012 consultation (Yes: ‘support for status quo’; No: ‘no support for status quo’; Abstain: ‘non-position taking’), and four categories for the 2014 consultation (same three plus Yesbut: ‘support for proposed change conditional on certain further amendments/changes’) (Beyers et al. 2015 employ a similar coding of interest groups’ positions in EU legislative decision-making). Tables 3 and 4 present the distribution of positions across issues.

**[Table 3]**

**[Table 4]**

For issues asking for recommendations on how to improve the status quo or refine the proposed change, the research identified the substantive recommendations expressed and then coded for each actor the number of recommendations made. On these issues, the research examines a count dependent variable. In the 2012 consultation, the dependent variable has a lower variation on these issues: on four of six recommendation issues, stakeholders expressed no more than one recommendation. Here, the dependent variable is dichotomous distinguishing between making one recommendation and none. On the remaining two issues, stakeholders made from 0 to 3 recommendations. Table 5 presents the frequency of recommendations in 2014.

**[Table 5]**

*Insiders*

A stakeholder’s insider status is conceptualised in terms of its position in the EU system of consultation and policymaking. I argue that this status depends on the cumulative presence of several conditions: a stakeholder’s recognition by policymakers as a trustworthy and relevant dialogue partner; a stakeholder’s capability to meet the immediate, complex and high-quality informational needs of policymakers in a fast-changing and multi-faceted environment; a stakeholder’s endowment with a clear representational mandate and representative credentials. These allow meeting the most imperative needs of policymakers. Three observable implications follow: an insider is part of exclusive consultative forums (the recognition criterion), has immediate and direct access to policymakers (the proximity criterion) and possesses a broad representative mandate (the representativeness criterion).

Stakeholders meet these criteria to different degrees and therefore I construct an additive index indicating for each stakeholder whether it possesses each of the following traits: it is a member of an EC expert group, has a Brussels office, is an EU-level association, and is membership-based. The values of this index range from 0 (none of the characteristics are present: outsider) to 4 (all the characteristics are present: ‘full-fledged’ insider).[[4]](#endnote-4) Figure 1 presents its distribution across cases and interest type.

**[Figure 1]**

The choice of these organisational dimensions builds on existing literature, which emphasises the high policy relevance and widespread use of expert groups (Hartlapp et al. 2014) and their selective membership criteria: EC unilaterally invites stakeholders to become members (Gornitzka and Sverdrup 2008). Membership in expert groups indicates the stakeholder satisfies the ‘recognition criterion’ (Grant 2000: 410). Research demonstrates the importance of having a Brussels office in accessing policymakers (Mahoney 2004). This allows meeting the ‘proximity criterion’. Research indicates that European associations are ‘preferred partners by European institutions’ (Mazey and Richardson 2001) since they provide information about the ‘European encompassing interest’ and have a clear European representative mandate (Coen 2009). Organizations speaking on behalf of other organizational-members or large societal groups at different government levels have a strong representational mandate (Bouwen 2002). This allows meeting the ‘representativeness criterion’. Methodologically, this is supported by the four variables being generally highly correlated (Appendix Table 1).[[5]](#endnote-5) The analysis employs a dichotomous control variable distinguishing business (1) and non-business (0).

This conceptualisation builds on and advances existing research on policy insiders. It defines insiders by emphasising their status within the overall policy context (Maloney et. al 1994), on the assumption that it is status ‘that largely dictates the degree of access’ to policymakers (Jordan and Halpin 2003). This recognizes the institutional embeddedness of EU interest representation (Eising 2008). It emphasises the importance of organizational characteristics qualifying stakeholders to be regularly consulted (Dür and Mateo 2016) and captures empirically different degrees of insiderness (Grant 2004). This approach is in line with a classic definition in the literature: insiders are actors ‘regarded as legitimate by the government and are consulted on a regular basis’ (Grant 2000). It captures a broader picture of the insider status within the overall policy context, and allows a more fine-grained definition that is context sensitive and recognizes the specificities of stakeholders/decision-makers interactions in a multi-level, technocratic system of governance in which privileged access takes various forms. This permits a more nuanced and contextualised definition that, while clearly admits its importance, goes beyond considering access to specific, well-defined deliberative/decision-making events/forums as main indicator of insiderness (Beyers 2002, Fraussen et al. 2015). It also differs from definitions emphasising lobbying strategies (Jordan and Halpin 2003, Binderkrantz 2005).

Figure 1 indicates roughly the same number of stakeholders who possess one or three of the insider characteristics in each consultation. More stakeholders possess all four characteristics in 2014, although here a higher ratio of stakeholders are outsiders, possessing no insider characteristics. Regarding the classic distinction ‘business vs. public interest organizations’, in 2012, more than half of business stakeholders possess three or four insider traits (31 actors), the remaining possess one or two traits (25), and two business actors are outsiders (insider index equals 0). Four out of nine public interest organizations possess three or four insider traits, two possess two traits and the remaining three are outsiders. In 2014, the insider index follows a somewhat similar distribution: more than half of business actors possess three or four insider characteristics (29), fourteen have one or two, while five have none. Half of the public interest organizations have three or four insider traits (12), nine have one or two, four are outsiders. The Spearman correlation coefficient between insider index and interest type (dichotomous) is 0.29 (2012) and 0.31 (2014). This indicates the lack of a strong pattern of association between representing business and scoring high on the insider index.

**Analyses**

To capture the complexity of the data structure and use the maximum information available, for *evaluative issues*, the empirical analysis employs multinomial logistic regression models to examine the effect of the two independent variables (insider index and interest type) on the polytomous dependent variable. For *recommendation issues*, the dependent variable is a count indicating the total number of recommendations. For these, the analysis uses negative binomial models since the distribution of values on the dependent variable is over-dispersed and the conditional variance consistently exceeds the conditional mean. For four 2012 issues, a logit model is used: the dependent variable captures the difference between making one recommendation and none.

Given the large number of models fitted (20 and 14), tables 6 to 9 present the results by reporting only the coefficients, standard errors and significance levels for each variable. The model fit indicators are not reported. This information trade-off is required given the fine-grained level of analysis.

The results describe a consultation regime that seems to have alleviated bias in stakeholders’ involvement in EU policymaking and is not marked by significant distributional outcomes. This is evident in two findings: (1) the lack of systematic and strong significant differences in position alignments between insiders and outsiders across issues, indicating the absence of severe, antagonizing cleavages between them as one would expect in the presence of bias; and (2) results supporting the second narrative discussed in relation to insiders’ positioning relative to the status quo and proposed change. This narrative describes insiders as losers of the regime and indicates that it did not reinforce bias in stakeholders’ participation. On several key issues, insiders are significantly more likely to oppose the status quo and proposed change and to make more recommendations for improvement in 2014. Also, business stakeholders are significantly more critical of the status quo and proposed change. This contradicts the view that the consultation regime is an instrument reinforcing bias by favoring insiders, and underlines its potential to alleviate inequalities in participation and interest intermediation.

Table 6 indicates that in 2012, insiders were significantly more likely to disagree with the substantive content of the minimum consultation standards and principles (issue 1). Insiders were significantly more likely to indicate they are not satisfied with the quality and transparency of the information provided by the EC on consultation results and their impact on policy outcomes (issue 9.1). Importantly, insiders were significantly more likely to indicate that current consultation practices did not ensure effective and transparent participation of all relevant stakeholders (issue 10). These support hypothesis 3.1. Insiders’ substantive positions on issue 7 (evaluating ‘targeted consultations’) shed further light on their dissatisfaction: prominent insiders such as BusinessEurope, European Chemical Industry Council (CEFIC), European Trade Union Confederation (ETUC) or the German Business representation (BDI/BDA) consider ‘that relevant stakeholders are often left out of the [targeted consultations] process, or their views are not (sufficiently) considered’. Insiders criticise the status quo because even consultation formats that could theoretically benefit them, do not support their competitive advantage. Issues 1 and 10 directly address the question of participation in consultations by referring to governing rules and their implementation. Issue 9.1 captures a substantive implication of participation: how stakeholders’ input translates into outputs. Insiders criticised the lack of procedural transparency and require detailed feedback and justification on why some feedback is not taken into account. Their 2014 submissions substantiate this further: they recommend clearer guidelines compelling the Commission to indicate which, how and to what extent stakeholders’ feedback informed policy choices adopted post-consultations, while justifying why some recommendations were discarded, especially for those that enjoyed wide stakeholder support or opposed EC interests. No other significant differences are observed across other 2012 evaluative issues.

**[Table 6]**

Table 7 indicates the lack of significant differences in the number of recommendations suggested by insiders and outsiders in 2012 on recommendation issues, with the exception of issue 5.3, asking for suggestions on how stakeholders would like to learn about upcoming consultations. Insiders were significantly more likely to recommend a more structured and centralised consultation calendar accompanied by the use of a wider system of alerts that should include emails and RSS feeds. This supports hypothesis 3.2 and illustrates insiders’ interest in maximizing information about participation opportunities and reducing any structural disadvantages experienced as part of the regime. It shows insiders’ criticise the status quo for both procedural and substantive reasons.[[6]](#endnote-6)

**[Table 7]**

Tables 8 and 9 support the second narrative and indicate insiders were more likely to oppose the proposed change of the regime (in line with hypothesis 4.1) and to make more recommendations for change (supporting hypothesis 4.2). Table 8 shows that insiders were significantly more likely to consider the new guidelines as not covering all the essential elements of consultations (issue 1.1). Insiders agreeing with the broad content of the new guidelines also indicated that further amendments were still required (issue 1.1 position ‘yesbut’, significant at p<0.05). On whether the outlined consultation steps are appropriate (issue 7.1), insiders were significantly more likely to abstain or indicate partial agreement and the necessity for amendments (issue 7.1 position ‘yesbut’, significant at p<0.05). The latter indirectly supports hypothesis 4.2. Insiders were more likely to indicate they did not consider the new consultation tools and methods adequate (issue 8.1). This is in line with hypothesis 4.1. Insiders were significantly more likely to abstain on the issue of whether ‘there is a risk of over-consultation making it difficult to discern between important and less important consultations’ (issue 4). Importantly, no significant differences mark issue 2.1, directly linked to participation patterns by asking whether the new guidelines support the identification of the right target audiences. This indicates a lack of significant disagreement among stakeholders on this issue.

**[Table 8]**

Table 9 indicates that insiders were significantly more likely to make recommendations for improving the new guidelines on how to analyse consultation results and assess stakeholders’ representativeness (issue 6.2) and the new consultation tools and methods (issue 8.2). This supports hypothesis 4.2. On issue 6.2, insiders criticised the Commission for treating all consultation responses as equal and recommended that the EC should weight responses according to stakeholders’ representativeness as indicated by their organizational/individual membership levels. Insiders emphasised representativeness since this is one of their characteristics and competitive advantages. This indirectly reveals one of the mechanisms through which the consultation regime attempted to alleviate bias: formally giving an equal voice to stakeholders representing smaller constituencies or even their own interests. Another recommendation tackled duplicate submissions: insiders criticised any attempt to discard duplicate responses, suggesting instead that each individual response should be taken into due account and that duplicate responses should not be treated as one but rather as most preferred outcomes and the observable implication of legitimate coordinated advocacy/lobbying campaigns (Uni Europa, ETUC, European Crop Protection Association (ECPA)). Another recommendation was to distinguish between coordinated responses made by actors representing the same company and those made by several NGOs ‘as some duplicate replies reflect a real common movement while others come from one source and are only meant to fool the analysts’ (European Civil Society Platform for Lifelong Learning - EUCIS). On this issue, The Consultation Institute (UK), an outsider, made fewer yet well-formulated recommendations such as the ‘use [of] computer-assisted qualitative data analysis tools by trained analysts’ to ensuring respecting ‘the fundamental principle of fair interpretation’ of consultation results, and the use of ‘independent third parties to undertake the data analysis and write the ‘output’ and the ‘outcome’ reports’ on those issues that are ‘particularly controversial’. Outsiders advocate a different strategy for processing consultation feedback. This also illustrates that outsiders can be sophisticated actors, well equipped to make recommendations for improving the regime but choosing not to when the proposed change corresponds to their interests. On issue 3, asking for suggestions on how to encourage higher participation levels, insiders were less likely to make recommendations but the difference is not statistically significant.[[7]](#endnote-7)

**[Table 9]**

The results also indicate that in 2012, business stakeholders were significantly more likely to negatively evaluate the status quo with respect to the content of consultation minimum standards (issue 1); to indicate that consultation documents were not clear and complete (issue 3.2); that they were dissatisfied with the quality and transparency of the information provided on consultations results and their impact on policy outputs (issue 9.1). Business actors were however significantly less likely to indicate that roadmaps do not improve their participation or abstain from expressing a position on this matter (issue 4.1). They were significantly less likely to abstain on the issue of whether they would like to be automatically alerted to the publication of EC documents presenting the consultation feedback/results (issue 9.2). This indicates business’ interest in possessing the maximum possible amount of information about a policy instrument that was designed to explicitly countervail its prominent presence and influence. Table 7 shows no significant differences between business and non-business in their propensity to make recommendations for improvement in 2012 with the exception of issue 3.4 asking for feedback on how to improve the mixed use of targeted and open consultations. Their stronger preference for targeted over open consultative formats explains their higher interest in this.

Tables 8 and 9 indicate that in the 2014 consultation, interest type does not play an important role in explaining position alignments. No significant effect of this variable is found across issues with the exception of issue 8.2 asking for feedback on what other consultation tools and methods should be referred to in the guidelines. On this, business made a significantly higher number of recommendations than non-business although the effect is relatively weak (p<0.1). There are no significant differences between business and non-business on issues directly tackling participation levels (issues 2.1 and 3). Across consultations the effect of interest type remains the same when alternative model specifications are conducted as robustness checks.

**Conclusion**

This study addressed a key puzzle marking the EU system of governance: do stakeholders consider that the EU consultation regime reinforced bias in interest representation by benefiting policy insiders, or conversely created conditions that alleviated bias in supranational policymaking? Recognizing the empirical nature of the question, I proposed an innovative approach to answering it: examining stakeholders’ evaluation of the regime expressed in two public consultations. Building on rational choice institutionalism, I outlined the potential distributional outcomes of this regime and argued they are most likely to vary along the lines of a classic divide in policymaking that opposes policy *insiders* to *outsiders*. Two competing narratives were discussed in relation to the expected direction of this variation by discussing insiders’ incentives to support or oppose this regime. The observable implications were tested empirically on two original datasets. The findings indicate the lack of systematic, significant differences between insiders and outsiders when evaluating the regime. Where differences do occur, they are consistent with the image of a consultation regime that seems to have created conditions for alleviating bias in stakeholders’ participation. This is evident in insiders’ overall critical evaluation of the regime status quo, its proposed further institutionalisation and their higher propensity to suggest changes to this latter initiative. Business stakeholders had an equally critical assessment. Actors who are conventionally associated with the presence of bias in systems of governance (i.e. insiders and business) voiced positions consistent with the absence of a systemic bias favouring them. This supports an optimistic view over the democratic credentials and legitimacy of the EU consultation regime (Bouwen 2009, Quitkatt and Kotzian 2011, Rasmussen et al. 2014) and outlines an additional scenario under which policy actors traditionally associated with exerting more power and influence find themselves stripped of their privileged position (Dür et al. 2015).

A caveat remains: there is a fundamental tension between this regime’s ambition to create inclusive stakeholder participation and its goal of processing stakeholders’ feedback in a systematic, scientific manner consistent with the exigencies of evidence-based policymaking. This study and previous research indicate important methodological and logistical challenges in processing this feedback with the help of quantitative analytical tools (Bunea and Ibenskas 2015). This is key in evaluating the democratic quality and legitimacy of a consultation regime insofar it relates to its basic rationale: translating accurately, effectively and efficiently policy input into output. In light of its recent reform and expansion to a broader set of policy initiatives, the success of the EU consultation regime depends to a significant extent on addressing these challenges. Future research should thus go one step further in assessing this regime by investigating empirically the process through which supranational institutions process policy input received through various consultation instruments, while identifying those consultation settings and instruments most conducive to responsive and efficient supranational governance.

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**Supporting information**

The Online Appendix with additional information about the additional analyses and model specifications conducted as robustness checks is available on the publisher’s website (Appendix Tables 2-9).

**Notes:**

1. (http://ec.europa.eu/smartregulation/index\_en.htm. Accessed: July 31st, 2015) [↑](#endnote-ref-1)
2. http://ec.europa.eu/smart-regulation/stakeholder-consultation/index\_en.htm (Accessed: July 31st, 2015) [↑](#endnote-ref-2)
3. A third category asked about stakeholders’ experience of consultations (e.g. ‘How do you generally become aware of consultations?’). These ‘policy experience’ issues were infrequent (2 in 2012, namely issue 4.1a and issue 5.1) and excluded from the analysis, not directly addressing the research question. [↑](#endnote-ref-3)
4. For example, in the 2014 event: The Consultation Institute was coded 0; German League for Nature, Animal and Environment Protection - 1; Convention of Scottish Local Authorities - 2; Confederation of Finnish Industries - 3; BusinessEurope - 4. [↑](#endnote-ref-4)
5. Correlations are lower for some variables in 2012. The share of expert group members is roughly the same, but in 2012 fewer expert group members were EU associations (22 of 59) than in 2014 (34 of 56). Fewer expert group members were membership-based (40 of 59) than in 2014 (49 of 56). [↑](#endnote-ref-5)
6. The Appendix presents alternative model specifications using a dichotomous measure of ‘expert group membership’ to capture insiderness for the 2012 consultation (Appendix Tables 2-3). The analyses indicate similar effects as the main models. On some issues the effect is weaker (9.1 and 10). Different from the main models, they show expert group members are significantly more dissatisfied with how they are consulted on relevant elements of impact assessments (3.1), consultation documents (3.2), how they become aware of consultations (5.2), and more likely to support consultations in separate stages (4.3). [↑](#endnote-ref-6)
7. Tables 4 and 5 in the Appendix use ‘expert group membership’ to measure insiderness for the 2014 consultation (Appendix Tables 4-5). The results show similar effects of this alternative measure of insiderness on stakeholders’ positioning expressed in relation to issues 1.1, 7.1 (position ‘Yesbut’) and issue 6.2, although the strength of the effect is lower in these alternative model specifications. Different from the main models, expert group members are significantly more likely to indicate that: the new guidelines do not support the identification of the right target audiences (2.1) or indicate only partial agreement with this issue; that the new guidelines do not provide enough guidance on how to analyse results and assess representativeness (6.1); and make more recommendations on how to increase participation (3). Also, different from the main results, in these alternative model specifications, the previous significant effect of insiderness on issues 4 (position ‘Abstain’), 7.1 (position ‘Abstain’), 8.1 (position ‘No’) and issue 8.2 is no longer present.

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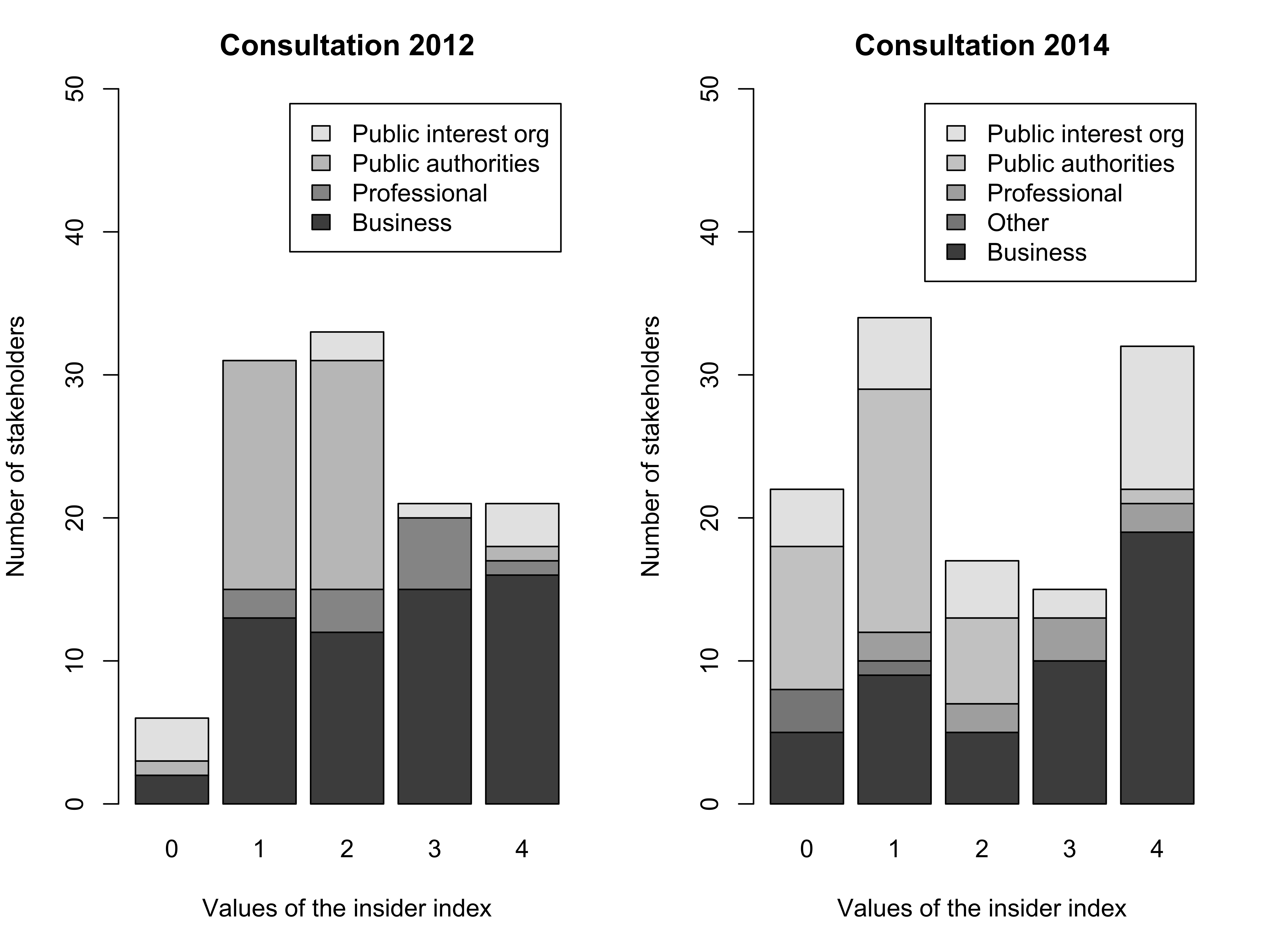
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   **Figures and tables**

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   ***Figure 1*. The distribution of the insider index variable per interest type.**

   ***Table 1.* Stakeholders’ organizational profiles**

   |  |  |  |
   | --- | --- | --- |
   | **Consultation event** | **2012** | **2014** |
   | **Interest type represented** | | |
   | Business | 58 | 48 |
   | Public authorities | 34 | 36 |
   | Public interest organizations | 9 | 25 |
   | Professional | 11 | 9 |
   | Other | - | 4 |
   | **Organizational format** | | |
   | European association | 29 | 36 |
   | National association | 39 | 36 |
   | Individual stakeholder | 44 | 42 |
   | Other | - | 8 |
   | **Total number of stakeholders** | **112** | **122** |

   ***Table 2.* List of policy issues discussed in the 2012 and 2014 open consultations in relation to the design and reform of the EU stakeholder consultation regime**

   |  |  |
   | --- | --- |
   | **Consultation 2012** | |
   | Issue 1 | Is the current set of general (consultation) principles and minimum standards appropriate or are there any changes you would like to see. |
   | Issue 2 | Are they applied to the right type of initiatives. |
   | Issue 3.1 | Are you generally consulted on all relevant elements of impacts assessment (i.e problem definition, objectives, policy options and their impacts). |
   | Issue 3.2 | Are consultation documents clear and complete. |
   | Issue 3.3 | Is the mix of target and open consultations used by the Commission appropriate. |
   | Issue 3.4 | Could you explain why not and provide specific examples. |
   | Issue 4.1  Issue 4.1a | Do roadmaps facilitate your involvement.  What use do you make of roadmaps. |
   | Issue 4.2 | Are your views usually sought at the right moments in the process of policy formulation. |
   | Issue 4.3 | Should open consultations preferably take place in one go or in separate stages. |
   | Issue 4.4 | In the case of separate stages, how could excessive costs (for the public and the Commission) be avoided and minimum standards respected. |
   | Issue 5.1 | How do you generally become aware of consultations. |
   | Issue 5.2 | Are you satisfied with how you generally become aware of consultations. |
   | Issue 5.3 | How would you like to learn about upcoming or current consultations. |
   | Issue 6.1 | How do you think the coverage of Commission consultations could be further extended in a cost-effective manner. |
   | Issue 6.2 | How could consultation channels in Member States be mobilized to this end. |
   | Issue 6.3 | Can the use of internet-based applications be improved. |
   | Issue 7 | What is your experience with consultations targeted to specific stakeholders (including public hearings). |
   | Issue 8 | Are you aware of any good practices in the Member States or elsewhere on how to assess the representativeness of different respondents to a public consultation. |
   | Issue 9.1 | Are you satisfied with the quality and transparency of the information provided by the Commission on the results of the public consultation and their impact on policy choices in its public summary of consultation, in impact assessment reports and in the explanatory memorandum accompanying final initiatives. |
   | Issue 9.2 | As a participating stakeholder would you want to be automatically alerted to the publication of these documents. |
   | Issue 10 | Do you think current consultation practices ensure the effective and transparent participation of all relevant stakeholders. |
   | **Consultation 2014** | |
   | Issue 1.1 | Do you think the Stakeholder Consultation Guidelines cover all essential elements of consultation. |
   | Issue 1.2 | Should any of these elements receive more attention or be covered more extensively. |
   | Issue 2.1 | Do you think the Guidelines support the identification of the right target audiences. |
   | Issue 2.2 | How would you improve them in this respect. |
   | Issue 3 | How can the Commission encourage more stakeholders to take part in consultations and better reach and engage under-represented groups of stakeholders and assist them in replying to complex issues. |
   | Issue 4 | Is there a risk of ‘over-consultation’, making it difficult for you as a stakeholder to distinguish between important and less important consultations. |
   | Issue 5 | Do you see a need to explain the limits of consultations in this guidance document. |
   | Issue 6.1 | Do you think the guidelines provide enough guidance on how to analyse the results and assess the representativeness of respondents and how to provide feedback to stakeholders participating in a consultation. |
   | Issue 6.2 | How could this process be improved. |
   | Issue 7.1 | Do you agree with the presentation of the different consultation steps. |
   | Issue 7.2 | Do you see additional steps. |
   | Issue 8.1 | Do you think these Consultation ‘tools and methods’ are adequate. |
   | Issue 8.2 | Do you see others that should be referred to in the guidelines. |
   | Issue 9 | Do you have any other comments or suggestions that could help make these Guidelines as comprehensive and clear as possible. |

   ***Table 3.* Frequency of positions expressed on evaluative issues in the 2012 consultation**

   |  |  |  |  |
   | --- | --- | --- | --- |
   | **Issue** | **Yes** | **No** | **Abstain** |
   | Issue 1 | 25 | 31 | 56 |
   | Issue 2 | 12 | 18 | 82 |
   | Issue 3.1 | 16 | 35 | 61 |
   | Issue 3.2 | 16 | 36 | 60 |
   | Issue 3.3 | 19 | 6 | 87 |
   | Issue 4.1 | 47 | 12 | 53 |
   | Issue 4.2 | 14 | 36 | 62 |
   | Issue 4.3 | 2 | 28 | 82 |
   | Issue 5.2 | 12 | 7 | 93 |
   | Issue 6.3 | 1 | 23 | 88 |
   | Issue 7 | 2 | 28 | 82 |
   | Issue 9.1 | 11 | 42 | 59 |
   | Issue 9.2 | 54 | 1 | 57 |
   | Issue 10 | 14 | 17 | 81 |

   Notes: On issue 4.3 the positions expressed were ‘Other’, ‘Separate’, ‘Abstain’. On issue 7, the positions were ‘Good’, ‘Not good’, ‘Abstain’.

   ***Table 4.* Frequency of positions expressed on evaluative issues in the 2014 consultation**

   |  |  |  |  |  |
   | --- | --- | --- | --- | --- |
   | **Issue** | **Yes** | **Yesbut** | **No** | **Abstain** |
   | Issue 1.1 | 16 | 61 | 35 | 10 |
   | Issue 2.1 | 30 | 26 | 32 | 34 |
   | Issue 4 | 21 | 20 | 47 | 34 |
   | Issue 5 | 60 | - | 16 | 46 |
   | Issue 6.1 | 31 | - | 63 | 28 |
   | Issue 7.1 | 36 | 23 | 16 | 47 |
   | Issue 8.1 | 14 | 33 | 37 | 38 |

   ***Table 5.* Number of recommendations expressed in the 2014 consultation**

   |  |  |  |
   | --- | --- | --- |
   | **Issue** | **Mean** | **SD** |
   | Issue 1.2 | 3.69 | 3.41 |
   | Issue 2.2 | 1.61 | 1.62 |
   | Issue 3 | 4.27 | 4.95 |
   | Issue 6.2 | 1.91 | 2.2 |
   | Issue 7.2 | 1.21 | 2.72 |
   | Issue 8.2 | 1.57 | 2.56 |
   | Issue 9 | 1.98 | 2.69 |

   ***Table 6.* Stakeholders’ evaluation of the consultation regime status quo expressed in the 2012 consultation**

   |  |  |  |  |  |  |  |  |
   | --- | --- | --- | --- | --- | --- | --- | --- |
   | Issue | Position  category | Intercept: coeff | Intercept:  SE | Insider:  coeff | Insider:  SE | Business:  coeff | Business:  SE |
   | Issue 1 | Abstain | 0.24 | (0.49) | 0.30 | (0.23) | -0.03 | (0.51) |
   |  | No | -1.94\*\* | (0.68) | 0.63\*\* | (0.26) | 1.29\*\* | (0.62) |
   | Issue 2 | Abstain | 1.51\*\* | (0.63) | 0.25 | (0.28) | -0.15 | (0.64) |
   |  | No | -0.88 | (0.84) | 0.56 | (0.34) | 0.07 | (0.79) |
   | Issue 3.1 | Abstain | 1.39\*\* | (0.59) | -0.02 | (0.25) | -0.02 | (0.59) |
   |  | No | 0.07 | (0.67) | 0.30 | (0.27) | 0.08 | (0.64) |
   | Issue 3.2 | Abstain | 0.98\* | (0.56) | 0.17 | (0.26) | 0.01 | (0.60) |
   |  | No | -1.00 | (0.70) | 0.42 | (0.28) | 1.52\*\* | (0.67) |
   | Issue 3.3 | Abstain | 1.33\*\* | (0.53) | 0.16 | (0.23) | -0.28 | (0.53) |
   |  | No | -10.04 | (35.30) | 0.38 | (0.42) | 8.55 | (35.29) |
   | Issue 4.1 | Abstain | 0.40 | (0.44) | 0.08 | (0.18) | -0.82\* | (0.43) |
   |  | No | -1.51\*\* | (0.75) | 0.39 | (0.30) | -1.57\*\* | (0.74) |
   | Issue 4.2 | Abstain | 1.40\*\* | (0.61) | 0.05 | (0.27) | -0.03 | (0.62) |
   |  | No | 0.23 | (0.68) | 0.32 | (0.28) | 0 | (0.66) |
   | Issue 4.3 | Abstain | 8.33 | (23.19) | 1.44 | (0.92) | -7.89 | (23.20) |
   |  | Separate | 7.01 | (23.19) | 1.27 | (0.92) | -6.82 | (23.20) |
   | Issue 5.2 | Abstain | 2.04\*\* | (0.68) | 0.28 | (0.28) | -1.02 | (0.67) |
   |  | No | -10.65 | (55.49) | 0.65 | (0.44) | 8.84 | (55.48) |
   | Issue 6.3 | Abstain | 0.89 | (1.16) | 9.69 | (51.09) | 7.81 | (67.15) |
   |  | No | -0.56 | (1.23) | 9.53 | (51.10) | 8.58 | (67.15) |
   | Issue 7 | Abstain | 11.50 | (29.51) | -0.49 | (0.67) | -7.22 | (29.48) |
   |  | Not good | 9.43 | (29.51) | -0.12 | (0.68) | -6.94 | (29.48) |
   | Issue 9.1 | Abstain | 0.21 | (0.64) | 0.74\* | (0.38) | 0.87 | (0.84) |
   |  | No | -1.39\* | (0.76) | 0.92\*\* | (0.40) | 2.31\*\* | (0.88) |
   | Issue 9.2 | Abstain | 0.27 | (0.42) | 0.10 | (0.17) | -0.85\*\* | (0.41) |
   |  | No | -10.15 | (44.82) | -0.31 | (0.84) | 7.35 | (44.82) |
   | Issue 10 | Abstain | 1.02\* | (0.59) | 0.59\*\* | (0.29) | -0.72 | (0.62) |
   |  | No | -1.23 | (0.82) | 0.75\*\* | (0.35) | -0.15 | (0.78) |

   Notes: Multinomial logistic regression models. Reference category: ‘Yes’. For model 4.3, reference category: ‘Other’. For model 7, reference category: ‘Good’. \*\**p* <0.05; \**p* <0.1. N=112.

   ***Table 7.* Explaining the number of recommendations for policy improvement expressed in the 2012 consultation**

   |  |  |  |  |  |  |  |
   | --- | --- | --- | --- | --- | --- | --- |
   | Issue | Intercept: coeff | Intercept:  SE | Insider:  coeff | Insider:  SE | Business:  coeff | Business:  SE |
   | Issue 3.4 | -2.25\*\* | (0.73) | -0.36 | (0.28) | 1.24\* | (0.73) |
   | Issue 4.4 | -2.94\*\* | (0.88) | 0.06 | (0.34) | 0.19 | (0.83) |
   | Issue 5.3 | -3.92\*\* | (0.93) | 0.53\* | (0.30) | 0.63 | (0.74) |
   | Issue 6.1 | -1.15\*\* | (0.37) | -0.08 | (0.15) | 0.49 | (0.36) |
   | Issue 6.2 | -1.52\*\* | (0.47) | -0.16 | (0.20) | 0.24 | (0.47) |
   | Issue 8 | -2.99\*\* | (0.71) | 0.36 | (0.25) | 0.58 | (0.61) |

   Notes: Logistic regression models for issues 3.4, 4.4, 5.3, 8. Negative binomial regression models for issues 6.1 and 6.2. \*\**p* <0.05; \**p* <0.1. N=112.

   ***Table 8.* Stakeholders’ evaluation of the ‘Draft Stakeholder Consultation Guidelines’ (2014)**

   |  |  |  |  |  |  |  |  |
   | --- | --- | --- | --- | --- | --- | --- | --- |
   | Issue | Position category | Intercept:  coeff | Intercept:  SE | Insider:  coeff | Insider:  SE | Business:  coeff | Business: SE |
   | Issue 1.1 | Abstain | -0.76 | (0.62) | 0.47 | (0.33) | -1.30 | (1.00) |
   |  | No | -0.19 | (0.50) | 0.77\*\* | (0.26) | -1.01 | (0.70) |
   |  | Yesbut | 0.55 | (0.44) | 0.52\*\* | (0.24) | -0.07 | (0.62) |
   | Issue 2.1 | Abstain | 0.10 | (0.41) | 0.04 | (0.18) | -0.11 | (0.54) |
   |  | No | -0.13 | (0.43) | 0.23 | (0.19) | -0.76 | (0.58) |
   |  | Yesbut | -0.85\* | (0.50) | 0.27 | (0.20) | 0.29 | (0.58) |
   | Issue 4 | Abstain | -0.36 | (0.52) | 0.35\* | (0.21) | 0.17 | (0.60) |
   |  | No | 0.73\* | (0.44) | 0.02 | (0.19) | 0.08 | (0.57) |
   |  | Yesbut | 0.29 | (0.50) | -0.06 | (0.23) | -0.85 | (0.75) |
   | Issue 5 | Abstain | -0.77\*\* | (0.36) | 0.22 | (0.14) | 0.10 | (0.42) |
   |  | No | -0.87\*\* | (0.44) | -0.18 | (0.22) | -0.46 | (0.66) |
   | Issue 6.1 | Abstain | -0.50 | (0.44) | 0.23 | (0.19) | -0.05 | (0.57) |
   |  | No | 0.21 | (0.37) | 0.27 | (0.16) | -0.01 | (0.48) |
   | Issue 7.1 | Abstain | -0.50 | (0.39) | 0.47\*\* | (0.17) | -0.30 | (0.50) |
   |  | No | -0.97\*\* | (0.48) | 0.27 | (0.23) | -0.90 | (0.71) |
   |  | Yesbut | -1.12\*\* | (0.47) | 0.41\*\* | (0.20) | -0.20 | (0.59) |
   | Issue 8.1 | Abstain | 0.84 | (0.53) | 0.28 | (0.23) | -0.81 | (0.68) |
   |  | No | 0.59 | (0.54) | 0.40\* | (0.24) | -0.90 | (0.68) |
   |  | Yesbut | 0.83 | (0.53) | 0.17 | (0.24) | -0.59 | (0.68) |

   Notes: Multinomial logistic regression models. Reference category: ‘Yes’. \*\**p* <0.05; \**p* <0.1. N=122.

   ***Table 9.* Explaining the number of recommendations for improving the ‘Draft Stakeholder Consultation Guidelines’ (2014)**

   |  |  |  |  |  |  |  |
   | --- | --- | --- | --- | --- | --- | --- |
   | Issue | Intercept:  Coeff | Intercept:  SE | Insider:  coeff | Insider:  SE | Business: coeff | Business:  SE |
   | Issue1.2 | 1.17\*\* | (0.14) | 0.04 | (0.06) | 0.13 | (0.18) |
   | Issue2.2 | 0.38\*\* | (0.16) | 0.10 | (0.07) | -0.29 | (0.20) |
   | Issue 3 | 1.57\*\* | (0.17) | -0.02 | (0.07) | -0.22 | (0.22) |
   | Issue 6.2 | 0.33 | (0.21) | 0.22\*\* | (0.08) | -0.40 | (0.25) |
   | Issue 7.2 | 0.63\*\* | (0.31) | -0.15 | (0.13) | -0.56 | (0.40) |
   | Issue 8.2 | -0.23 | (0.23) | 0.21\*\* | (0.09) | 0.45\* | (0.26) |
   | Issue 9 | 0.72\*\* | (0.24) | 0.02 | (0.10) | -0.22 | (0.30) |

   Notes: Negative binomial regression models. \*\**p* <0.05; \**p* <0.1. N=122. [↑](#endnote-ref-7)