**Legitimacy through targeted transparency? Regulatory effectiveness and sustainability of lobbying regulation in the European Union.**

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**Abstract.** Regulating interest groups’ access to decision-makers constitutes a key dimension of legitimate and accountable systems of government. The European Union explicitly links lobbying regulation with the democratic credentials of its supranational system of governance and proposes transparency as a solution to increase legitimacy and regulate private actors’ participation in policymaking. This lobbying regulation regime consists of a Transparency Register that conditions access to decision-makers upon joining it and complying with its information disclosure requirements. The extent to which transparency-based regulatory regimes are successful in ensuring effective regulation of targeted actors and in being recognised as a legitimate instrument of governance constitutes a key empirical question. Therefore, the study asks: *do stakeholders perceive the transparency-based EU lobbying regulation regime to be a legitimate form of regulatory governance?* The study answers by building on a classic model of targeted transparency (Fung, Graham and Weil 2007) and proposes perceived regulatory *effectiveness* and *sustainability* as two key dimensions on which to evaluate the legitimacy of the Register. The arguments are tested on a new dataset reporting the evaluations of 1374 stakeholders on the design and performance of the EU lobbying regulation regime. The findings describe a transparency regime that scores *low in perceived effectiveness* and *moderate to low in sustainability*. Citizens criticise the quality of information disclosed and the Register’s performance as a transparency instrument. The Register did not effectively bridge the information gap between the public and interest groups about supranational lobbying. In terms of sustainability, interest organizations appreciate the systemic benefits of transparency but identify few organization-level benefits. Organizations that are policy insiders incur more transparency costs for which reason they instrumentally support transparency only insofar it suits their lobbying strategies and does not threaten their position. Insiders support including additional categories of organizations in the Register’s regulatory remit but not more types of interactions with policymakers. They support an imperfect regulatory status quo to which they adapted but lack incentives to support increased transparency and information disclosure. Targeted transparency proves an ineffective approach to regulate interest groups’ participation in EU policymaking, constituting a sub-optimal choice for ensuring transparent, accountable and legitimate supranational lobbying.

**Keywords: EU lobbying regulation, targeted transparency, regulatory effectiveness, sustainability, democratic legitimacy.**

**Introduction**

Regulating interest groups’ access to and interactions with decision-makers constitutes a key dimension of a legitimate and accountable system of government. Across political systems and levels of government, these rules are formalised in regulatory regimes that vary in form, stringency and scope (Chari et al. 2010). The European Union explicitly links the regulation of lobbying and interest groups’ participation in policymaking with the democratic credentials of its supranational system of governance and proposes transparency as a solution to increase legitimacy and regulate private actors’ interactions with European institutions and decision-makers (Smismans 2014). The EU operates a lobbying regulation regime that consists of a Transparency Register administered by the Joint Transparency Register Secretariat, an administrative structure run in collaboration by the European Commission (EC) and the European Parliament (EP) transparency units. Access to Commission and EP decision-makers is conditioned upon joining the Register and complying with its information disclosure requirements and code of conduct. Although the Register is voluntary, decision-makers meet only with registered organisations. This makes it *de facto* mandatory, an aspect formally recognised in September 2016 when the Commission proposed an Interinstitutional Agreement on a Mandatory Transparency Register.

The extent to which transparency-based regulatory regimes are successful in ensuring effective regulation of targeted actors and in being recognised as a legitimate instrument of governance by both regulated actors and the general public constitutes a key empirical question in the literature on regulatory governance (Graham 2002; Fung 2006; Weil et al. 2006; Fung et al. 2007; Baldwin et al. 2012). This is also a fundamental question raised in relation to the EU lobbying regulation regime: the literature questions the extent to which increased transparency and information disclosure improve lobbying practices and ensure unbiased, accountable and legitimate participation of interest groups in supranational decision-making (Greenwood 2011; Cini 2013; Greenwood & Dreger 2013; Smismans 2014). A central question is whether the Register contributes to the legitimacy of supranational policymaking by being recognised as an effective regulatory tool by both its regulatory targets (interest groups) and its users (the public). Whether the regulated actors ‘have good reasons to support and obey’ the Register (Fung 2006: 70) and whether information users perceive it as an effective tool for representative participation in decision-making (Smismans 2014), matters greatly for the legitimacy and democratic credentials of EU lobbying regulation and supranational governance (Smismans 2004). The Commission explicitly recognised this in spring 2016 when, as part of formulating the proposal for a mandatory Register, it held a broad public consultation asking interest groups and European citizens to evaluate the performance of the EU lobbying regulation regime. This offers an opportunity to empirically observe and systematically examine stakeholders’ evaluations of the Register and to address the following question: *do stakeholders perceive the transparency-based EU lobbying regulation regime to be a legitimate form of regulatory governance?*

The study answers by building on theories of regulatory disclosure and targeted transparency (Graham 2002; Weil et al. 2006; Fung et al. 2007) and studies of EU interest representation and participation (Smismans & Pérez-Solórzano Borragán 2012; Rasmussen et al. 2014; Bunea 2017). It conceptualizes the Register as a targeted transparency regulatory regime of EU lobbying and elaborates a theoretical framework that proposes *perceived regulatory effectiveness* and *sustainability* as the two main dimensions on which to evaluate its legitimacy and its potential to contribute to the legitimacy credentials of the EU system of governance. It argues that the Register is legitimate if stakeholders perceive it as both *effective* (information disclosers and users appreciate the quality of information disclosed and the tools used for information disclosure) and s*ustainable* (disclosers support transparency and derive benefits from regulatory compliance that outweigh the costs of information disclosure). In a regime perceived as effective, interest groups and especially the public are satisfied with how increased transparency helps reducing the information asymmetries between them concerning lobbying and decision-making. In a regime perceived as sustainable, interest groups have important incentives to comply with disclosure requirements and to support increased transparency. A regime perceived as both effective and sustainable is considered trustworthy by the public and worthy to comply with by interest groups. It is thus considered legitimate. The study discusses three other scenarios in which variation in levels of effectiveness and sustainability results in moderate, low or no legitimacy (regulatory capture) of the regime. This builds on the assumption that there is a strong link between stakeholders’ ‘perceptions of the quality of government’ and ‘their willingness to grant government legitimacy’ and to lawfully obey and comply with its regulations (Levi & Sacks 2009: 312).

The arguments are tested empirically on an original dataset reporting information disclosers and information users’ evaluations (perceptions) of the EU lobbying regulation regime expressed as part of the EC consultation in 2016. The findings describe a lobbying regulation regime that scores *low in perceived effectiveness* and *moderate to low in perceived sustainability*. Citizens are significantly more critical than interest organizations regarding the quality of information disclosed and the Register’s performance as a transparency instrument. This transparency-based regulatory regime did not effectively address the imbalances in information between the public and interest groups. In terms of sustainability, interest organizations appreciate the systemic benefits of transparency but identify few organization-level benefits associated with Register-membership. Organizations that are policy insiders incur more transparency costs for which reason they advocate expanding the Register’s scope to other categories of organizations while strongly opposing the idea of expanding its regulatory remit by making further interactions between institutions and organizations conditional upon registration. Insiders support transparency measures only insofar they instrumentally suit their preferred (direct access) lobbying strategies. The Register enjoys low levels of legitimacy amongst stakeholders, having thus little potential to contribute to the overall legitimacy of EU governance.

The research question is relevant to policy practice and academic research. Transparency and information disclosure lie at the heart of EU’s attempts to increase the level of public trust, accountability and legitimacy of supranational policymaking as clearly stated in the European Transparency Initiative (2008), President Junker’s Political Priorities (2014) and the Better Regulation Guidelines (2015). The extent to which these transparency measures managed to achieve their desired policy objectives remains however a topic open to inquiry and debate, in need of systematic empirical assessment (Smismans 2014). The main approach in the literature on lobbying regulation is to focus on the institutional side and to comparatively examine and explain levels of lobbying regulation across political systems (Greenwood & Thomas 1998; Chari et al. 2010, 2007; Holman & Luneburg 2012), or to examine through detailed case studies different institutional arrangements and regulatory regimes (Greenwood 2011; Cini 2013; Greenwood & Dreger 2013). It is important however to understand and empirically map how the regulated actors themselves perceive and evaluate the efficiency, sustainability and legitimacy of regulatory regimes aimed at structuring their lobbying activities and participation in decision-making. The extent to which interest groups perceive regulation as being ‘effective, competent and procedurally just’ directly affects their compliance with ‘governmental rules and regulations’ (Levi & Sacks 2009: 312). This represents a key issue in assessing the performance of participatory forms of democratic governance such as the EU (Smismans 2003; Papadopoulos 2012). The literature is currently missing such a systematic empirical analysis and this study tries to address this gap in research.

The study contributes to the literature on transparency-based regulatory governance and that on interest representation in several ways. Conceptually, it innovates by defining the Transparency Register as a targeted transparency regulatory regime and by elaborating an argument about how regulation of lobbying through information disclosure is similar to other regulatory regimes aimed at reducing information asymmetries between private actors and the public while advancing the public interest (e.g. corporate financial disclosure or information disclosure aimed at improving the provision of public services by private actors). This allows analysing the Register through the conceptual and theoretical lenses of broader theories of regulatory regimes. Theoretically, the study applies the model of targeted transparency developed by Fung, Graham and Weil (2007) to explain the performance of transparency-based regulatory regimes in US policymaking and tests its explanatory power in the context of EU policymaking. The study innovates by investigating how theories of regulatory governance developed in the US context hold in the EU landscape. The study refines this model by distinguishing conceptually and empirically between information disclosers (interest groups) that are policy insiders and those that are outsiders, and analyses the effect of insiderness on disclosers’ evaluation of targeted transparency regulatory regimes. Empirically, the study contributes by presenting the first systematic, quantitative empirical test of this targeted transparency model applied to the Register based on a built-for-purpose dataset containing information disclosers and users’ evaluations of EU lobbying regulation expressed in a public consultation.

The study first presents the theoretical framework and the observable implications. Section two presents the research design, while section three discusses the empirical analyses. Section four concludes.

**Regulating lobbying through targeted transparency**

The link between transparency and legitimacy of government and decision-making has been widely discussed in the literature on democratic governance (Hood 2006; Naurin 2007). Notwithstanding the complex relationship between the two (Lindstedt & Naurin 2010), the basic argument is that transparency about the substantive content of government decisions (transparency in rationale) and the process through which they were made (transparency in process) increases their legitimacy with the public and affected interests (De Fine Licht et al. 2014: 113). Legitimacy is understood as the ‘property of an authority, institution or social arrangement that leads those connected to it to believe that it is appropriate, proper and just’ (Tyler 2006: 375 cited in De Fine Licht et al. 2014: 113). This study builds on the assumption that lobbying regulation contributes to the ‘transparency in process’ of democratic governance and therefore the public’s and interest organisations’ evaluations lobbying regulation systems contribute to their assessment of the legitimacy of the overall system of governance.

The model of targeted transparency developed by Fung, Graham and Weil (2007) is particularly relevant for understanding the Transparency Register’s regulatory dynamics, legitimacy, as well as its legitimising potential for supranational governance (see also LaPira 2009 for a discussion of how targeted transparency is ‘ideally suited’ to examine lobbying regulation). EU lobbying regulation revolves around two principles: informing the public about interest participation in decision-making and managing interest groups’ access to policymakers and decision venues. Information disclosure (about organisational characteristics, lobbying interests, capabilities) represents the main instrument through which the regime shapes private actors’ lobbying behaviour and informs the public about sources of policy input and dynamics of interest representation in supranational policymaking. This offers the EU public information about the overall ‘acceptability of the process employed in producing […] products or services’ (Baldwin et al. 2012: 119). The ‘mandated information disclosure’ aims to ‘reduce the information asymmetries between experts and the public’ (LaPira 2009: 232), and to improve public trust in EU policymaking outcomes. The emphasis on information disclosure to reduce the risk of corruption and biased interest representation and participation, while increasing public trust in the policy process and outputs requires embedding the discussion of the Register in the literature on targeted transparency as a regulatory policy.

In addition to standard and market-based regulation, targeted transparency represents a ‘third form of government intervention to further important public priorities’ that ‘mandates disclosure by corporations or other actors of standardized, comparable and disaggregate information regarding specific products or practices to a broad audience in order to achieve a public policy purpose’ (Fung et al. 2007: 37-38, 46). Examples include US measures aimed at disclosing corporate finances to reduce risk to investors, food labeling to reduce diseases or restaurant hygiene ratings to improve public health (Idem: 183-215). The intervention aims to address ‘information asymmetries between disclosers and users’ that, if unaddressed, may produce adverse effects on the public by increasing risks to public health, reducing the quality of public services, perpetuating social inequalities or facilitating corruption (Idem :40-41). The aim of intervention is ‘to change the behaviour of individuals and organizations in ways the policymakers believe will advance the public interest’ (Idem: 51). Three categories of actors are key to this intervention: *the government* imposes the information disclosure requirements and the enforcement mechanisms by monitoring the quality of information disclosed and sanctioning inadequate disclosure; *targeted disclosers* are ‘specific organizations […] viewed as responsible for some public risk or performance problem (and therefore have unique access to information about it)’; *information users* are defined broadly as the general public (Idem: 41). The government decides the content disclosed by considering ‘the character of the information imbalance that the policy seeks to address’ and introduces a ‘framework that standardizes information format and content’ (Idem: 44-45).

The Transparency Register resembles well this targeted transparency model of regulation: it requires organizations to disclose and regularly update information about their characteristics, resources and lobbying interests in a ‘standardized, comparable and disaggregate’ online form that can be easily accessed by the public on its website. It aims to redress the information asymmetry between organized interests and the public about which organizations participate in supranational policymaking, feed input and affect policy outcomes. The *public interest pursued* is to avoid the risk of biased policy outputs, unequal interest representation/participation, regulatory capture and corruption. Registrants are required to indicate their legal status, type of interests represented, organizational remit, lobbying policy areas, main legislative initiatives followed, participation in advisory forums, resources. The Joint Transparency Register Secretariat decides the content and format of information disclosed, monitors registration and information disclosure and removes non-compliant registrants. *Targeted disclosers* are the organizations wanting to lobby Commission officials, MEPs and their advisory teams. *Information users* are members of the European public in their quality of ‘self-governing citizens’ with a legitimate stake in how EU decisions are made based on private actors’ input and as ‘individual customers/beneficiaries’ of policy outputs who are affected by their quality (Kosack & Fung 2014: 68).

***Evaluating legitimacy: the role of regulatory effectiveness and sustainability***

The regulatory success and legitimacy of targeted transparency can be assessed based on two dimensions: its *effectiveness* and *sustainability over time*. Fung et al. (2007) adopt a behavioural perspective and define *effectiveness* by the extent to which both information disclosers and users become embedded in the practice and use of information disclosure and to which information shapes their behaviours. On the one hand, transparency is effective when disclosed information becomes embedded in users’ decision-making: users perceive information as valuable, easy to access and use, compatible with their decision-making strategy, easy to comprehend and inform their policy choices and evaluations (Fung et al. 2007: 55-65). Quality of information, its substantive content and the disclosure method matter for users. For lobbying regulation, this means the public can easily access and understand information about interest groups’ participation in policymaking, being thus able to make an informed judgment about the mechanisms and legitimacy of policymaking and to hold decision-makers accountable for decisions made based on lobbyists’ input. On the other hand, transparency is effective when disclosers change their behaviour in response to perceived benefits of information disclosure (access, reputation, support, legitimacy with decision-makers, information users and other disclosers) and to feedback on how information is useful for and processed by the public (Idem: 66-70). This highlights the importance of the quality of information disclosed for assessing the effectiveness of targeted transparency since this information represents a key prerequisite for a behavioural change of disclosers and users that is consistent with transparency goals.

The *sustainability* of targeted transparency refers to its improvement over time by ‘expanding the scope of information relative to the scope of the problem addressed’, ‘increasing the accuracy and quality of information’ and the ‘use of information’ by users (Fung et al. 2007: 109). Sustainability matters for legitimacy insofar it allows the regime to evolve and to improve the ‘imperfect compromises’ which oftentimes characterise the introduction of transparency systems (Idem: 181). Sustainability refers thus to support for increased and improved transparency and allows the regime to adjust to policy circumstances and ‘political priorities’, increasing stakeholders’ incentives to comply.

Sustainability depends on the ‘politics of regulatory disclosure’ (Fung et al. 2007: 110-113). Transparency concentrates the costs of information provision on disclosers while the benefits are widely shared by the public. Transparency measures gain momentum when a crisis arises (i.e. corruption scandal), but afterwards they run the risk of regulatory capture by actors incurring the costs of disclosure (Idem: 112). This risk is however lower and sustainability more likely when disclosers (at least a significant part or those that are politically powerful) have incentives to support transparency, or when the interests of ‘dispersed users of information’ are effectively voiced by public interest organizations that advocate for improved disclosure (Idem: 112). This highlights the key role of interest organizations in the sustainability of transparency-based regulation. Disclosers are more likely to support transparency when over time perceived benefits of information disclosure outweigh its costs. Users are more likely to get their interests voiced by public organizations when there are ‘large perceived benefits to specific, well-organized groups or coalitions of potential users’ (Idem: 122). These organizations are likely to advocate transparency improvement when the benefits of information disclosure are evident in users’ behaviours, improving their choices of products and services. However, in transparency regimes where ‘the potential users are an undefined “public interest”’ (e.g. lobbying regulation) the aggregation of users’ interests by organizations is challenging and users remain ‘a highly diffuse and relatively unorganized group’ (Idem: 122). Even if such organizations get activated, they encounter important challenges in assessing the extent to which the public benefits from information disclosed about lobbying given the large size of potential users’ group which encompasses all citizens of a democratic polity. This is also particularly challenging in complex, multi-level systems of governance such as the EU. I argue therefore that sustainability of transparency-based lobbying regulation depends significantly more on disclosers’ support for improved transparency than on users’ organizations advocacy for it.

The legitimacy of targeted transparency regulation and the extent to which it contributes to good governance depend thus equally on its *effectiveness* and *sustainability*. Figure 1 illustrates how these two dimensions may vary and describes four scenarios under which transparency results in varying levels of legitimacy. Clockwise, Quadrant 1 describes a scenario in which transparency is recognised as both highly effective and highly sustainable. Therefore, it is recognised as highly legitimate and consequently as contributing to the overall legitimacy of democratic governance. Quadrant 2 corresponds to high effectiveness but low sustainability: its overall legitimacy is lower than in scenario one and its contribution to legitimate governance is moderate. Transparency measures are good and impactful but support for maintenance/improvement is low. Quadrant 3 describes a regime that is largely ineffective and unsustainable. Its legitimacy is low, and its contribution to the overall legitimacy of governance is low. Quadrant 4 describes regulatory capture: although transparency is ineffective, the regime is likely to be maintained because targeted disclosers are strong supporters of the status quo that they find convenient and in their interest. Regime’s legitimacy is at its lowest.

**{Figure 1}**

***Effectiveness, sustainability and legitimacy of targeted transparency in the EU***

To assess the Register’s legitimacy this study builds on three assumptions: first, that observing disclosers and users’ perceptions/evaluations of its effectiveness and sustainability constitutes a key step in assessing its legitimacy and legitimising power. Second, perceived effectiveness and sustainability are equally important for evaluating legitimacy. Third, the observable implications of the four scenarios derived in relation to legitimacy of targeted transparency (Figure 1) must be refined and specified in light of EU policymaking characteristics.

This study builds on the aforementioned behavioural conceptualisation of effectiveness but proposes an alternative view, based on the observation that in order to effectively shape stakeholders’ behaviours, a regulatory regime must first be perceived as well-performing, effective, trustworthy and worthy of compliance (Levi et al. 2009). Examining stakeholders’ perceptions of effectiveness is highly informative and constitutes a fundamental step in understanding the legitimacy of regulatory regimes (Levi & Sacks 2009; Levi et al. 2009; Baldwin et al. 2012). Research indicates a strong link between stakeholders’ ‘perceptions of the quality of government’ and their ‘willingness to grant government legitimacy’ and comply with its laws and regulations (Levi & Sack 2009: 311). Stakeholders’ perceptions are ‘grounded in evidence concerning government performance and updated in response to changes in government behaviour’ (Levi & Sacks 2009: 312). A first, essential step in assessing regulatory effectiveness is observing how a regime is perceived by stakeholders since these perceptions constitute a key ingredient that informs and shapes behaviours. Perceptions affect organisations’ willingness to comply with regulations and citizens’ confidence that information disclosed is useful in keeping decision-makers accountable and evaluating policy outcomes. Perceived effectiveness is a precondition for behavioural effectiveness, in a similar way to which perceived legitimacy is a precondition for behavioural legitimacy (i.e. voluntary compliance with authority, Levi et al. 2009).

Regarding sustainability, the study notes that, in EU lobbying regulation, disclosers’ evaluations of perceived transparency benefits are significantly more consequential than organised users’ advocacy for two reasons: first, EU decision-makers depend heavily on interest groups for the formulation and implementation of laws and policies. Interest groups provide decision-makers with technical expertise, information about the feasibility of policy options and their acceptability to various European societal and economic sectors (Eising 2007). This input is crucial for evidence-based, technocratic EU policymaking and essential for its input, throughput and output legitimacy (Schmidt 2013). This gives disclosers significant leverage when discussing the design and improvement of transparency-based lobbying regulation. Second, users’ interests regarding lobbying regulation are difficult to efficiently aggregate and voice when users are citizens from 28 Member States with different political systems and traditions of interest representation. Their interest aggregation is particularly challenging when considering the complex, multi-level, technocratic nature of EU policymaking, from which citizens feel distant and disengaged. This justifies the exclusive analytical focus on disclosers when assessing levels of perceived sustainability of EU lobbying regulation.

Furthermore, applying the targeted transparency model to the Register requires making an important conceptual distinction when defining and operationalising the constituency of *targeted disclosers*. Within the EU, information disclosers are interest groups that enjoy varying levels of policy insiderness, understood here as ‘being in a privileged position in terms of securing and frequently getting direct access to policy makers and decision-making venues that goes beyond the setting of open consultations’ (Bunea 2017: 50). The literature indicates the distinction between policy insiders and outsiders is a key dimension of the EU system of interest representation and a relevant characteristic of interest groups (Bunea 2017; Dür & Mateo 2016). The link between targeted transparency, disclosers and the insider/outsider dichotomy is that transparency-based regulation aims to shed light on and increase the amount of publicly available information about the structural and procedural conditions allowing some organizations to become insiders and develop privileged relationships with policymakers. This relationship is most efficient in ensuring influence and lobbying success when interactions take place behind closed doors and away from public sight. Transparency contests the conditions that favour insiderness such as secrecy, backstage deals and behaviours and to a significant extent it threatens the very idea of insiderness. Insiders are required to disclose information about their lobbying interests, campaigns and policymaking participation, which in turn might decrease their chances for privileged access to decision-makers and lobbying success. Under increased transparency and disclosure, decision-makers are less inclined to develop preferential relationships with some organizations over others. Hence, the more an organisation enjoys the insider status, the greater the costs of information disclosure it incurs. Insiders have higher stakes in the design and improvement of transparency-based lobbying regulation and higher incentives to capture the regime and make it work in their interest. Policy outsiders on the other hand are usually keen on reducing insiders’ advantages and consider transparency as an appropriate strategy for this. They are more likely to support improved transparency but have less political clout and leverage. These different incentives facilitate ‘a dynamic that fractures the political coalition opposing transparency’ amongst disclosers and creates ‘prospects for sustainable transparency’ (Fung et al. 2007: 112), provided that enough insiders also support improved information disclosure.

Figure 1 shows that *effectiveness of targeted transparency* varies from high to low. A *highly effective* transparency-base regime shapes the behaviours of both information disclosers and users in line with its policy objectives (Weil et al. 2006). The information asymmetries between them are effectively addressed: disclosers comply with the transparency requirements and users find the information useful. Both constituencies have reasons to recognise the merits of targeted transparency and to perceive it positively. No significant differences mark the positive evaluations expressed by citizens and interest groups regarding the effectiveness of transparency-based EU lobbying regulation.[[1]](#endnote-1) Therefore, the expectation is that in a lobbying regulation regime perceived as effective:

H1: *Both information users (the public) and disclosers (interest groups) positively evaluate the quality of information disclosed and the policy instrument(s) used for information disclosure.*

In an *ineffective* transparency regime, information users do not find the information disclosed adequate and useful in reducing the information asymmetry between them and targeted disclosers. Transparency fails to reach its key objective. Disclosers and users evaluate the transparency regime differently, with the latter being far more critical than the former. Disclosers might also be unhappy with the performance of targeted transparency but for different reasons: e.g. outsider organizations have more reasons to criticize the quality of information disclosed since they would benefit from a more stringent regulatory regime that would diminish insiders’ privileged access to decision-makers. However, what matters most is that in the case of ineffective transparency information users are systematically more critical of the regime than disclosers since they are the main audience and policy beneficiaries of targeted transparency. This suggests that in an ineffective EU lobbying regulation system:

H2: *Information users (the public) are more likely to negatively evaluate the quality of information disclosed and the policy instrument(s) used for information disclosure than interest groups.*

The *sustainability of targeted transparency regimes* also varies from high to low. Because disclosers incur the concentrated costs of transparency while the benefits are widely dispersed, sustainability depends to a significant extent on how disclosers experience, perceive and evaluate transparency and its consequences for organisational actors and their participation in policymaking. Sustainability is *high* when disclosers positively evaluate and support improved transparency. This happens when disclosers derive some benefits from complying with the disclosure requirements, such as increased reputation, decreased market competition or access to key decision-making points. The support of interest groups that are policy insiders for continued and improved transparency is particularly relevant since they are most affected by disclosure requirements and are in a powerful position to demand improving transparency given EU policymakers’ heavy reliance on their expertise and policy input. The expectation is that in a highly sustainable EU lobbying regulation regime:

H3*: Policy insiders are more likely to positively evaluate the benefits associated with transparency and their Register membership than policy outsiders.*

Conversely, the sustainability of transparency-based regimes is *low* when disclosers, and policy insiders in particular, do not support improved transparency because they do not derive any benefits from information disclosure and consider that the regime creates disproportionate costs for its targeted actors. In this case, the expectation about EU lobbying regulation is that:

H4: *Policy insiders are more likely to negatively evaluate the benefits associated with transparency and their Register membership than policy outsiders.*

Following Figure 1, the Register is perceived as legitimate when both hypothesis 1 and 3 are supported by empirical evidence (quadrant 1). When hypotheses 1 and 4 are supported instead, the register enjoys moderate legitimacy (quadrant 2). When hypotheses 2 and 4 are confirmed, the register has little legitimacy (quadrant 3). When hypotheses 2 and 3 are supported, the transparency regime has no legitimacy and is susceptible to regulatory capture (quadrant 4).

**Research design**

To assess the perceived effectiveness and sustainability of the Transparency Register the study examines how its targeted disclosers (interest groups) and its information users (members of the public) evaluate it by examining their responses to the online consultation on a proposal for a mandatory Register organised by the Commission during March-June 2016. Using an online questionnaire, the Commission asked respondents to evaluate various aspects of EU lobbying regulation. In total, 783 interest organisations and 975 individual respondents participated. Some organisations and individuals did not agree to make their contributions public. Therefore, this analysis examines the responses of 632 organisations and 742 individual respondents. The Commission published the data file presenting information about participants’ responses and key interest groups’ characteristics such as organisational name, interest type represented, registration number, country of residence. Based on this, an original dataset was assembled by gathering additional information about groups’ organisational features and resources. This information was gathered using their organisational online profiles, Register profiles and the Commission Register of expert groups.

The decision to examine empirically stakeholders’ assessment of the Register by observing their expressed evaluations in an open consultation builds on a well-established approach in the research on EU interest groups that uses consultations to examine lobbying behaviour (Rasmussen & Alexandrova 2012; Bunea 2014; Rasmussen & Carroll 2014), lobbying success (Bunea 2013; Klüver 2013) and patterns of biased interest representation (Rasmussen et al. 2014; Bunea 2017). Two additional reasons justify this decision: first, this consultation has a particularly high response rate amongst respondents answering as ‘an individual in my personal capacity’. This is rather exceptional for EU online consultations and thus constitutes a unique opportunity to systematically and comparably analyse interest groups and individuals/citizens’ policy preferences on a set of well-defined issues that are key for EU legitimacy. The high individual response rate is at least partially explained by the vigorous and active communication strategy the Commission pursued to encourage participation. This was motivated by its interest in presenting the EP a proposal for a mandatory Register that was embedded in a wide and inclusive consultative process and perhaps the hope that citizens’ participation will increase the demand and support for a mandatory Register and the legitimacy of its proposal. Second, this offers the opportunity to directly observe and compare the evaluations of two key constituencies in the EU lobbying regulation regime: the information disclosers and information users.

*Dependent variables: measuring effectiveness and sustainability*

Table 1 presents 31 closed-ended questions asked in the consultation and indicates about which of the two dimensions of regulatory legitimacy (effectiveness or sustainability) the item provides information. Questions asking stakeholders to evaluate the *quality of information disclosed* or the *functioning of the Register* as an *instrument of information disclosure* were considered as providing information about perceived *effectiveness* (14 items). Questions asking for feedback on the *organisational advantages* associated with registration/information disclosure, *contribution of transparency to policy development* and *extending the scope of Register* to other lobbying activities and organisational entities were considered as providing information about the perceived *sustainability of* the transparency regime (17 items). This allows the capture of both the perceived systemic and organisational-level benefits of targeted transparency.

The questionnaire employed closed-ended items and responses were coded as ordered-categorical, with category 1 representing the lowest value while category 3 the highest (i.e. 1- disagree; 2- partially agree; 3- fully agree). Five question-items were dichotomous and coded accordingly. The note accompanying Table 1 details the response categories for each question. On all items, a ‘No opinion’ category was available. This is not considered substantively informative for the analysis and therefore it is treated as a no response/missing value. Columns 3-5 in Table 1 indicate the frequency of responses across categories.

**{Table 1}**

*Targeted disclosers: conceptualisation and measurement*

The actors targeted by the Register and performing the role of information disclosers are interest organisations. Their status as ‘targeted disclosers’ does not depend on them being registered but on their quality of private actors that need to comply with transparency requirements if they wish to participate in EU policymaking. Table 2 details the profiles of organisations participating in the consultation. They represent various interests, have various organisational structures and possess different lobbying capabilities. Most have head offices in an old Member State (562), and only few in countries that joined the EU in or after 2004 (41) or in a non-EU country (29).

**{Table 2}**

Yet, the crucial difference between these organisations in their role of disclosers is their *degree of policy insiderness*. In line with Bunea (2017), a policy insider is defined in terms of its privileged position in the EU consultative and policymaking setting. This position is determined by the extent to which organisations possess the resources that policymakers require in exchange to access to decision-making and the potential to influence policy outcomes, such as policy relevant information and legitimacy (Eising 2007). The study recognises this important conceptual distinction and elaborates an empirical strategy that allows capturing fine-grained differences in levels of policy insiderness that characterise the organisations analysed here as information disclosers. Different from existing studies on lobbying regulation that use interest type or organisational structure as the main predictors for explaining interest groups’ preferences for different lobbying regulatory regimes (Chari et al. 2007; Greenwood 2011; Greenwood and Dreger 2013) this study adopts a strategy that allows the characterisation of disclosers based on their degree of policy insiderness.

Bunea (2017) defines insiderness as a matter of degree and proposes a cumulative index that captures four key traits defining a policy insider: membership in Commission’s expert groups; having a Brussels office; being an EU-level association; being a membership-based organisation. I build on this operationalisation and refine it by proposing a fifth trait that matters when identifying insiders: whether the organisation participated in previous EC public consultations on how to regulate and manage the EU system of interest representation. This feature is key for measuring insiderness because it captures an organisation’s participation in open consultative forums, similar to the way in which expert group membership captures participation in selective/closed forums, and offers a proxy indicator for how salient the issue of transparency-based lobbying regulation is for the actor. Insiders attach a higher salience to lobby regulation and thus are more likely to be present in such consultations. In addition, these consultations asked feedback on institutional/regulatory reforms aimed at broadening stakeholder participation and creating more inclusive consultations to reduce biases and inequalities in interest representation. Insiders had thus high incentives to participate.[[2]](#endnote-2)

Therefore, in addition to the four characteristics proposed by Bunea, for each organisation a dichotomous variable was coded to indicate whether it participated in one of the following five consultations: ‘Consultation on the Green Paper on The European Transparency Initiative’ (2006); ‘Consultation on the Code of Conduct for Interest Representatives’ (2007); ‘Consultation on the Transparency Register’ (2012); ‘Stakeholder Consultation on Smart Regulation in the EU’; Consultation on ‘Draft Stakeholder Consultation Guidelines’ (2014). In total, 87 out of 632 organisations participated in one of these consultations.

Across organisations, this five-traits cumulative index of insiderness takes values from 0 (outsider) to 5 (full-fledged insider). Figure 2 presents the distribution of the index values across cases and interest type. Only 3.2% of organisations present all five insider features, while 36.08% are outsiders, presenting none of these features. In between, 8.7% present 4 features, 13.13% present 3, 13.13% present 2, while 25.8% present only one. The distribution of insider index values across interest type does not suggest a pattern of association between a particular type of interest (i.e. business) with higher values of the index.

**{Figure 2}**

*Information users: conceptualisation and measurement*

Building on Fung et al. (2007), I argue that the users of the information disclosed in the Register are members of the European public broadly defined. The analysis focuses empirically on the citizens participating in the consultation who identified themselves as responding as ‘an individual in my personal capacity’. Their names were not public. Figure 3 presents the number of individual respondents based on their country of residence and shows a strong presence of German, French, British, Belgian, Italian and Dutch residents, with only few Eastern European residents participating. To distinguish information users from disclosers the analysis uses a dichotomous variable labelled ‘Citizen’, coded 1 for an individual and 0 for an organisation. While the total number of individual respondents and their country of residence are nowhere near the exigencies of a ‘representative sample’ of the 500 million EU citizens, these respondents represent nevertheless an interesting proxy for capturing empirically information users’ perceptions about the Register.

**{Figure 3}**

**Analyses**

Responses to each consultation question were analysed in a regression model. In total 31 models were conducted: 26 ran as ordinal logistic regressions and 5 as logit regression models (models 7, 10, 21, 30, 31). Table 3 tests hypotheses 1 and 2 derived in relation to levels of perceived effectiveness. Table 4 tests hypotheses 3 and 4 and examines the systematic differences in evaluations regarding systemic and organisational-level benefits of targeted transparency expressed by organisations that are policy insiders vs. those that are outsiders. The number of observations varies across models since not all participants answered all questions. This variation is in line with what previous research indicates to be a common characteristic of stakeholder participation in EU public consultations (Bunea 2014). The discussion of each set of regression analyses is preceded by a brief discussion of the distribution of responses across consultation questions.

On questions evaluating the perceived *effectiveness* of EU lobbying regulation, respondents indicate moderate levels of satisfaction with the quality of data disclosed and the Register’s performance as a tool for transparency-based lobbying regulation. Table 1 indicates that 64% of respondents agree that the right type of information is required from registrants (item 8). Half of respondents positively evaluate the data disclosure requirements and do not see a need to simplify them (item 10). The categorisation of organisations targeted by the Register is clear and does not raise any difficulties according to 86% of respondents (item 7). However, the overall data quality in the Register is perceived as problematic: 40% of respondents indicate the overall data quality is average, while 17% indicate the quality is poor. Only 43% evaluate data quality as good (item 11). The Register’s evaluation as a regulatory tool is mixed. Although 60% of respondents indicate the Register performs better than similar national-level regulatory schemes (item 14) and a majority consider its registration and updating process straightforward (items 12 and 13), 51% of respondents indicate the Register is only somewhat useful for regulating EU lobbying (item 1). The ‘average’ and ‘good’ evaluations of different aspects of the Register’s website (items 2-6) are evenly distributed across questions, with least critical comments for its overall design and structure.

Table 3 takes the analysis a step further and presents the regression models which refute hypothesis 1 but provide ample support for hypothesis 2 postulating that when perceived regulatory effectiveness is low, citizens are more likely to negatively evaluate the quality of information disclosed and the Register as an instrument of information disclosure than interest groups. Ten of the fourteen models indicate significant differences between information users and disclosers. Citizens were significantly less likely than organisations to indicate a positive evaluation of the Register website design and information availability (models 2-3), its ease of search function, accessibility, access via mobile devices (models 4-6). Citizens were less likely to indicate that data disclosure requirements should be simplified (model 10) and that the overall data quality in the Register is good (model 11). Similarly, citizens were significantly less likely to indicate the Register website is user-friendly regarding registration and updating (models 12-13). On whether the Register is a useful tool for regulating lobbying (model 1), the coefficient is negative but not statistically significant: while citizens are less likely to positively evaluate the Register’s usefulness as a regulatory tool, their evaluation is not significantly different from interest groups. No significant differences mark individuals and organisations’ evaluations of whether the categorisation of organisations used in the Register is problematic (model 7), whether it is easy to disclose the information required (model 9) and whether the Register performs better by comparison to similar national-level regimes (model 14).

**{Table 3}**

The Appendix presents a refinement of this analysis by focusing on the sample of interest groups only to examine whether the degree of insiderness affects an actor’s evaluation of perceived effectiveness (table 1 in Appendix). This additional analysis provides relevant insights into the costs incurred by insiders and indirectly helps understanding disclosers’ evaluation of Register’s sustainability analysed in Table 4 below. These additional models indicate that organisations scoring higher on insiderness are significantly more likely to positively evaluate the Register website in terms of information availability (model 3) and ease of search function (model 4). However, organisations that are insiders are significantly less likely to agree that it is easy to provide the information required (model 9), that the overall data quality in the Register is good (model 11) and that the Register performs better by comparison to national regimes (model 14). Overall, insiders are more critical of the perceived effectiveness of transparency-based lobbying regulation than outsiders. This supports the argument that insiders incur more of the concentrated costs of information disclosure and highlights the relevance of the insiders/outsider dichotomy in understanding transparency-based EU lobbying regulation. Insiders have mixed views over an imperfect regulatory status quo: they criticise disclosers’ experience with it but appreciate how information is made available to users. Their potential support for improving the ‘accuracy and quality of information’ (key for sustainable targeted transparency) is conditional upon keeping costs low for disclosers, with little concern for improving users’ experience. Insiderness effect on disclosers’ evaluations of effectiveness holds when interest type represented is introduced as a control variable in the models ran as robustness checks (table 2 in Appendix).

The questions evaluating the regime’s *perceived sustainability* reveal more positive perceptions of the Register’s scope, the contribution of transparency to policy development and of the benefits associated with joining the Register. Respondents’ answers to questions 22-29 indicate they indeed associate Register-membership with important advantages: 85% of respondents indicated access to Commission meetings as a very important advantage, while 83% indicated access to EC expert groups and access to EP buildings (79%) as very important advantages. Regarding the scope of the regulatory regime, 60% of respondents fully agree the current definition of activities covered by the Register is appropriate (item 17). However, a very strong majority of respondents (70%) consider the Register’s scope should be extended to include certain other types of organisational entities (item 18) and that further interactions between European institutions and interest organisations should be made conditional upon prior registration (item 30). An overwhelming number (94%) endorse the Commission’s view that the Council should be part of the new Interinstitutional Agreement on a mandatory Register (item 31). Regarding the contribution of transparency to policymaking, 70% of respondents strongly agree that ethical and transparent lobbying helps policy development (item 15), but 32% consider the EU institutions as not transparent, while 62% indicate they are ‘relatively transparent’ (item 16).

Table 4 analyses questions evaluating sustainability with the help of regression analysis and focuses on the subsample of interest groups only. The results provide limited evidence in support of hypothesis 3 and some evidence supporting hypothesis 4, suggestive of a transparency-based lobbying regulatory regime that enjoys moderate to low levels of sustainability. Policy insiders support the regime only insofar transparency serves their lobbying strategies and allows perpetuating their privileged position, being less interested in improving disclosure.

Specifically, in line with hypothesis 3, insiders are significantly more likely to support the expansion of the Register’s scope to include other organisational entities (i.e. churches, political parties, regional public authorities) (model 18). This is consistent with the argument that insiders incur important transparency costs that they would like to see dispersed across a broader category of organisations to reduce their current competitive disadvantage that follows from targeted transparency. Increasing the scope of information available to users is key for the sustainability of transparency regimes as indicated in the theoretical section. Insiders support increased transparency, as long as this implies increased information disclosure by other organisational actors. Similarly, insiders are significantly more likely to indicate that access to EP buildings (model 22) and to EC expert groups (model 29) are very important advantages associated with Register-membership. This is consistent with the argument that insiders prefer lobbying strategies of direct access to decision-makers (Dür and Mateo 2016). Thus, they have incentives to support that amount of transparency that is optimal for ensuring respectable access to decision-making but does not interfere with effective inside lobbying. None of the other six organisational advantages listed (public hearings, consultations, EC meetings, mailing lists, institutional patronage) seem to be particularly important for insiders. They appear significantly less interested in decision-making/lobbying settings associated with openness, transparency and increased accountability. Insiders’ incentives to support transparency appear distorted and not aligned with the goal of reducing the information gap between them and the European public.

In line with hypothesis 4, insiders are significantly less supportive of expanding the Register’ regulatory scope by making further interactions between policymakers and organisations conditional upon their prior registration (model 30). This provides further evidence about insiders’ interest in preserving their position that entails backstage behaviour and informal interactions with decision-makers that might not be currently captured in the present scope of the Register and their lack of incentives to support improved and more ambitious transparency measures. Insiders are significantly more critical of the enforcement mechanisms and less likely to consider the present procedure for dealing with alerts and complaints is adequate (model 20). Interestingly, no significant differences mark the responses of insiders and outsiders to the question of whether the Council should become part of the Register’s scope (model 31). This would represent an ambitious expansion of the regulatory scope, amount of information disclosed and significantly increase citizens’ use of disclosed information given that this would allow access to information about lobbyists’ interactions with national governments’ representatives taking part in supranational decision-making. The results are robust when interest type is controlled for in the robustness check models presented in table 3 in the Appendix.

These findings describe a targeted transparency regime that enjoys limited support on behalf of politically powerful disclosers. Insiders are more likely to endorse maintaining an imperfect status quo to which they adapted than to support substantive improvements of transparency and the quality of information disclosed.

**{Table 4}**

The EU transparency-based lobbying regulation regime is characterised by low levels of perceived regulatory effectiveness and moderate to low levels of perceived sustainability. This places the regime in quadrant 3 of Figure 1, indicating that it enjoys low levels of legitimacy amongst stakeholders and therefore has a low potential to positively contribute to the legitimacy of EU governance.

**Conclusions**

This study found that the transparency-based EU lobbying regulation regime is perceived by stakeholders as ineffective in reducing the information gap about supranational lobbying between the public and interest groups. Its sustainability is questionable: organizations that are policy insiders support transparency only insofar it instrumentally suits their lobbying strategies and do no threaten their privileged position. Actors with both a huge stake in and a considerable leverage over the development of transparency measures have little to no incentives to support improving the scope and quality of information disclosed that would strengthen and consolidate over time the regulatory power and legitimacy of the EU Transparency Register. Insiders’ explicit support for including additional categories of organizations in the Register but not more types of interactions with policymakers, as well as their complaints about difficulties in disclosing information while appreciating the amount of information available to the public, signals their support for an imperfect regulatory status quo to which they adapted. In addition to not having bridged the information gap between citizens and interest groups, transparency-based lobbying regulation might have also created distorted incentives for information disclosers, a common risk flagged in the literature on transparency-based regulation (Graham 2002).

The findings contribute to the literature by providing interesting insights into the challenges of applying targeted transparency to regulate EU lobbying. These challenges are diverse. First, ‘the nature of the information gap’ between disclosers (interest groups) and the public might be particularly difficult to clearly define. The audience of information users is too broad and diverse for a clear identification of what type and amount of information about supranational lobbying is relevant and interesting for citizens to keep EU decision-makers and lobbyists accountable given that these citizens come from 28 different national political systems with different traditions of interest representation and lobbying regulation schemes. The basic premise of targeted transparency is problematic since the ‘public interest’ is difficult to define in EU lobbying regulation. Second, targeted transparency does not work well when citizens do not value the information disclosed (Fung et al. 2007). Citizens behave differently as information users in economic vs. political markets, valuing information more in the former because of strong incentives to maximize individual choices of products/services while avoiding costs associated with ignoring information. They have lower incentives to be interested in information about supranational lobbying since their immediate well-being does not depend upon it. Also, supranational policymaking and lobbying are more difficult to grasp by citizens given their complex, technocratic features. Third, adopting a voluntary approach to targeted transparency is a sub-optimal choice since research shows that ‘substantial fines and other penalties’ as well as ‘strengthened enforcement’ are ‘essential elements of successful transparency systems’ (Fung et al. 2007: 179).

Two policy implications follow. First, by proposing a mandatory Register without significantly improving the quality of information disclosed, users’ engagement with information and tightening penalties for non-compliance, the Commission runs the risk of institutionalising a regulatory regime that is ineffective and that contributes to the EU democratic deficit instead of rectifying it. Its negotiating position in the deliberations over the adoption of the new interinstitutional agreement on the Register is thus weak relative to the EP and Council. Second, since democratic accountability and legitimacy are a pressing contemporary issue, the EU might consider introducing a lobbying regulation system similar to the US Lobbying Disclosure Act (1995) as recently suggested in a comprehensive political economy analysis of the effects of voluntary lobbying regulation on EU policymaking by Brandt & Svendsen (2016).

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**Supporting Information**

Additional Supporting Information may be found in the online version of this article at the publisher’s web-site:

**Online Appendix**

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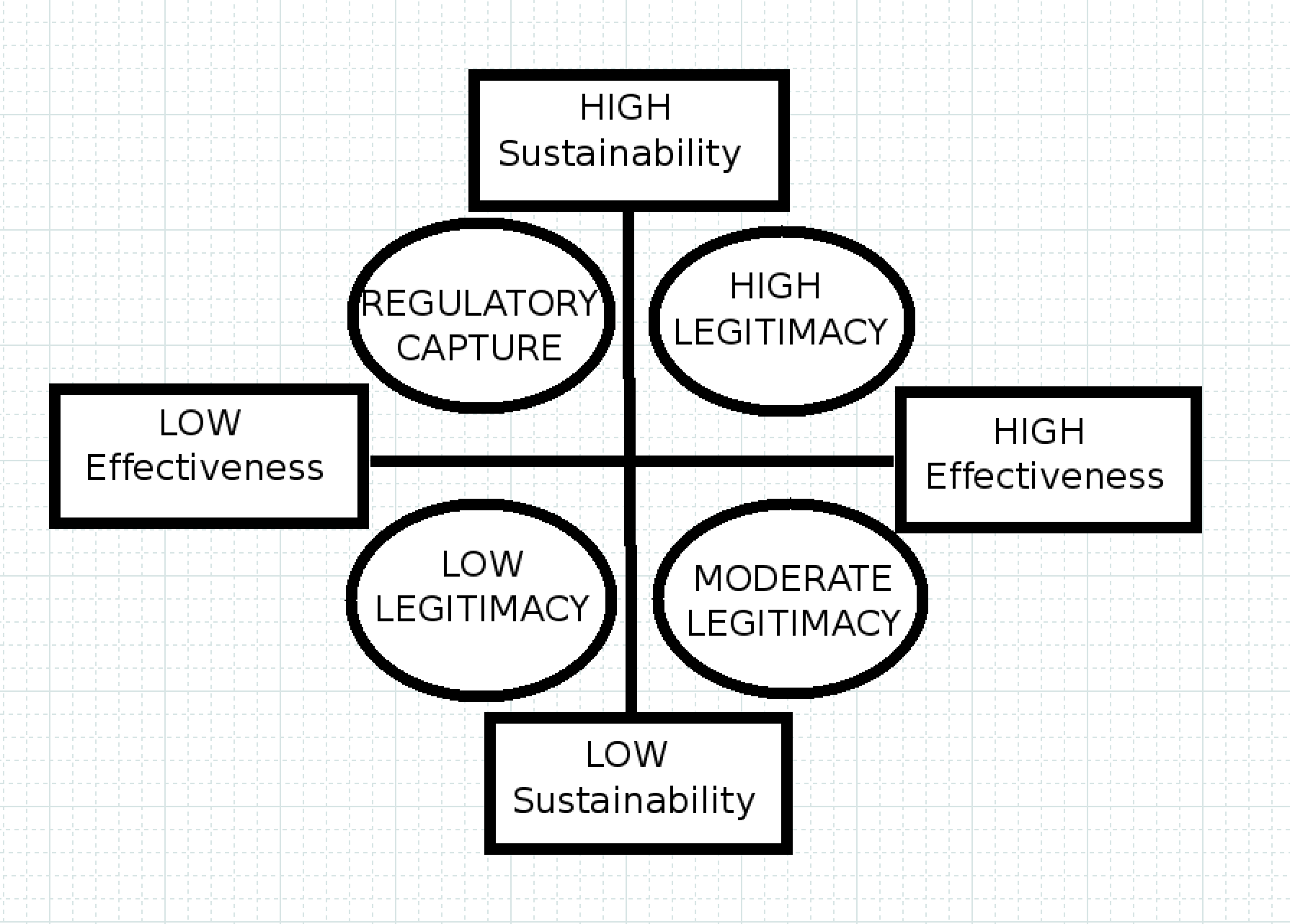
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**Tables and figures**

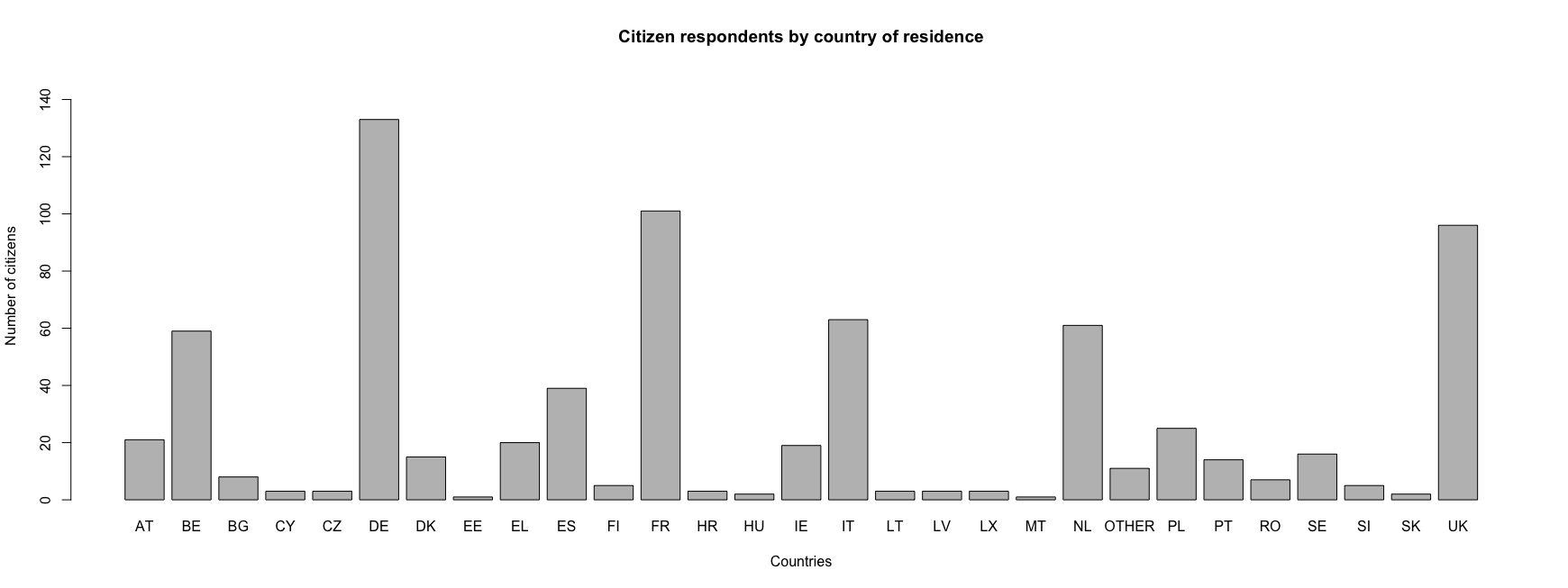
*Figure 1.*Legitimacy through targeted transparency: effectiveness and sustainability.

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*Figure 2.* Distribution of the insider index values across organizational interest type.



*Figure 3.* Number of individual respondents (citizens) participating in consultation across countries of residence.

****

*Table 1.* Question items and percentage of respondents choosing each category of the dependent variable.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item no** | **Question item** | **% of supporters**  **Category 1** | **% of supporters**  **Category 2** | **% of supporters**  **Category 3** | **Dimension** |
| 1 | Do you consider the Transparency Register (TR) a useful tool for regulating lobbying? | 6% | 51% | 43% | Effectiveness |
| 2 | What is your impression of the TR website: design and structure? | 10% | 43% | 47% | Effectiveness |
| 3 | What is your impression of the TR website: availability of information/docs? | 15% | 44% | 41% | Effectiveness |
| 4 | What is your impression of the TR website: ease of search function? | 16% | 37% | 47% | Effectiveness |
| 5 | What is your impression of the TR website: accessibility (e.g. features for visually impaired persons, ease of reading page)? | 18% | 40% | 42% | Effectiveness |
| 6 | What is your impression of the TR website: access via mobile devices? | 17% | 48% | 35% | Effectiveness |
| 7 | Have you encountered any difficulties with the categorisation of organizations invited to sign up for the TR? | 86% | 14% | - | Effectiveness |
| 8 | Is the right type of information required from the registrant? | 18% | 64% | 17% | Effectiveness |
| 9 | Is it easy to provide the information required? | 8% | 40% | 52% | Effectiveness |
| 10 | Do you see any room for simplification as regards the data disclosure requirements? | 53% | 47% | - | Effectiveness |
| 11 | What is your impression of the overall data quality in the Register? | 17% | 40% | 43% | Effectiveness |
| 12 | How user friendly is in your opinion the Register website in relation to the registration process? | 6% | 38% | 56% | Effectiveness |
| 13 | How user friendly is in your opinion the Register website in relation to the updating process? | 7% | 40% | 53% | Effectiveness |
| 14 | How does the TR compare to overall lobby registers at the EU Member State level? | 4% | 36% | 60% | Effectiveness |
| 15 | Do you agree that ethical & transparent lobbying helps policy development? | 8% | 22% | 70% | Sustainability |
| 16 | In your opinion, how transparent are the European institutions as public institutions? | 32% | 62% | 6% | Sustainability |
| 17 | Activities covered by the TR include lobbying, interest representation and advocacy. Is this definition appropriate? | 7% | 33% | 60% | Sustainability |
| 18 | The scope of the TR should be: (1) changed to exclude certain types of entities, (2) preserve the same currently; (3) changed to include certain types of entities? | 10% | 20% | 70% | Sustainability |
| 19 | Is the Codes of Conduct based on a sound set of rules and principles? | 5% | 22% | 73% | Sustainability |
| 20 | Is the present procedure for dealing with alerts and complaints adequate? | 16% | 36% | 48% | Sustainability |
| 21 | Do you think that the names of organizations that are suspended under the alerts and complaints should be made public? | 22% | 78% | - | Sustainability |
| 22 | Which of these advantages linked to TR membership is important to you: Access to EP buildings. | 4% | 17% | 79% | Sustainability |
| 23 | Which of these advantages linked to TR membership is important to you: Committee public hearings. | 6% | 21% | 73% | Sustainability |
| 24 | Which of these advantages linked to TR membership is important to you: EP patronage. | 9% | 19% | 72% | Sustainability |
| 25 | Which of these advantages linked to TR membership is important to you: EC meetings. | 2% | 13% | 85% | Sustainability |
| 26 | Which of these advantages linked to TR membership is important to you: EC public consultations. | 5% | 20% | 75% | Sustainability |
| 27 | Which of these advantages linked to TR membership is important to you: EC patronage. | 7% | 23% | 70% | Sustainability |
| 28 | Which of these advantages linked to TR membership is important to you: EC mailing lists. | 10% | 30% | 60% | Sustainability |
| 29 | Which of these advantages linked to TR membership is important to you: EC expert groups. | 3% | 14% | 83% | Sustainability |
| 30 | Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration? | 27% | 73% | - | Sustainability |
| 31 | Do you agree with the Commission’s view that the Council of the EU should participate in the new Interinstitutional Agreement on a mandatory register? | 6% | 94% | - | Sustainability |

Notes: Item 1, response categories: 1- not useful, 2- somewhat useful, 3- very useful. Items 2-6 and 11: 1- poor, 2- average, 3- good. Item 8: 1- too little is asked, 2- fully agree, 3- too much is asked. Items 9, 15, 17, 19, 20: 1- disagree, 2- partially agree, 3- fully agree. Items 12, 13: 1- cumbersome, 2- satisfactory but can be improved, 3- straightforward. Item 14: 1- worse; 2- neither-nor, 3- better. Item 16: 1- not transparent, 2- relatively transparent, 3- highly transparent. Item 18: 1- exclude entities, 2- preserve the same, 3- include entities. Items 22-29: 1- not important, 2- somewhat important, 3- very important. Items 7, 10, 21, 30, 31 were dichotomous: 1- no; 2- yes.

*Table 2.* Profiles of interest organizations participating in the consultation on a mandatory Transparency Register.

|  |  |
| --- | --- |
| **Organizational characteristics** | **Number of actors** |
| **Interest type** |  |
| Business | 219 |
| Consultancies | 61 |
| Public interest orgs. | 203 |
| Professional associations | 71 |
| Public subnational authorities | 78 |
| **Organizational form** |  |
| European association | 139 |
| National association | 130 |
| Regional & local organization | 67 |
| Individual organization | 296 |
| **Brussels office** |  |
| Yes | 258 |
| No | 374 |
| **Expert group member** |  |
| Yes | 111 |
| No | 521 |
| **Participated in previous consultations** |  |
| Yes | 87 |
| No | 545 |
| **Total organizational actors** | 632 |

*Table 3.* Evaluating the effectiveness of the EU Transparency Register: citizens vs. interest groups.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Model 1 | | Model 2 | Model 3 | Model 4 | Model 5 | Model 6 | Model 7 | Model 8 | Model 9 | Model 10 | Model 11 | Model 12 | Model 13 | Model 14 |
| Citizens | -0.07  (0.11) | -0.60\*\*\*  (0.11) | | -0.93\*\*\*  (0.11) | -1.12\*\*\*  (0.12) | -0.62\*\*\*  (0.15) | -0.64\*\*\*  (0.16) | 0.19  (0.28) | -1.04\*\*\*  (0.19) | 0.22  (0.20) | -0.36†  (0.22) | -0.43\*  90.18) | -0.53\*\*  (0.20) | -0.97\*\*\*  (0.21) | 0.24  (0.23) |
| LogLik | -1183.71 | -1128.86 | | -1164.35 | -1114.10 | -645.22 | -589.6 | -230.05 | -522.91 | -514.86 | -304.34 | -556.42 | -464.14 | -459.28 | -282.88 |
| N | 1344 | 1221 | | 1186 | 1149 | 629 | 585 | 564 | 597 | 568 | 442 | 541 | 543 | 530 | 357 |

Notes: Ordinal logistic regression models. Models 7and 10 use a logit regression model. Standard errors in parentheses.

Significance levels: \*\*\**p* < 0.001, \*\**p*< 0.01, \**p*< 0.05, † *p* <0.1.

*Table 4.* Evaluating the sustainability of the EU Transparency Register: policy insiders vs. outsiders.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Model 15 | Model 16 | Model 17 | Model 18 | Model 19 | Model 20 | Model 21 | Model 22 | Model 23 | Model 24 | Model 25 |
| Insiders | 0.14  (0.09) | -0.03  (0.07) | 0.08  (0.06) | 0.34\*\*\*  (0.07) | -0.04  (0.08) | -0.24\*\*  (0.07) | -0.09  (0.08) | 0.36\*\*\*  (0.10) | 0.09  (0.07) | 0.10  (0.07) | 0.03  (0.09) |
| LogLik | -259.79 | -349.18 | -516.67 | -489.78 | -220.74 | -289.49 | -223.23 | -237.46 | -318.75 | -315.27 | -211.91 |
| N | 627 | 598 | 613 | 511 | 411 | 291 | 374 | 431 | 433 | 414 | 438 |

Notes: Ordinal logistic regression models. Models 21, 30, 31 use a logit regression model. Standard errors in parentheses.

Significance levels: \*\*\**p* < 0.001, \*\**p*< 0.01, \**p*< 0.05, † *p* <0.1.

*Table 4.* Continued.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Model 26 | Model 27 | Model 28 | Model 29 | Model 30 | Model 31 |
| Insiders | 0.02  (0.08) | 0.09  (0.07) | 0.05  (0.06) | 0.24\*\*  (0.09) | -0.23\*\*  (0.08) | 0.12  (0.16) |
| LogLik | -286.63 | -314.03 | -385.10 | -227.33 | -212.22 | -82.18 |
| N | 439 | 415 | 429 | 435 | 350 | 355 |

Notes: Ordinal logistic regression models. Models 21, 30, 31 use a logit regression model. Standard errors in parentheses.

Significance levels: \*\*\**p* < 0.001, \*\**p*< 0.01, \**p*< 0.05, † *p* <0.1.

1. NOTES

   If differences exist, they should indicate significantly higher positive evaluations on behalf of citizens, indicative that the regime successfully address in their view the information gap between them and organized interests about EU lobbying. This would correspond though to a slightly lower regime effectiveness in which disclosers perceive transparency as performing less optimal. [↑](#endnote-ref-1)
2. The EC consultation report also mentions that ‘particular attention was given to those organisations which have been particularly active in the debate around lobbying transparency in the recent past’ (RPA 2016: 11). [↑](#endnote-ref-2)