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Jason Means

Dr. Birol Yeşilada, Thesis Adviser

Abstract

This study evaluates the assumption that lobbying at the EP level steadily increased after the Treaty of Lisbon, and also the expectation that there would be no variation in lobbying activity (measured by types of lobbyists) during this period. Research was conducted through the utilization of data from the European Transparency Register as scraped by Friedrich Lindenberg between 2012 and 2014. After categorizing more than 16,000 entries it was determined that the amount of lobbyists targeting the EU has steadily increased, and the primary lobbying group between the researched period was Business—though, there was a significant amount of variation between the types of lobbying groups, with NGOs coming in second. This is indicative of citizens becoming more involved in EU affairs as the deepening of integration and the expansion of supranational authority continues to affect ordinary Europeans.

1. Introduction

Several scholars have noted the absence of literature on EU lobbying, and the majority of research to date has focused on the role of interest groups lobbying the European Commission before 2009. After the ratification of the Treaty of Lisbon, researchers from several disciplines noted the likelihood of increased lobbying of the European Parliament (EP), observing a shift in competencies and the increased role

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of the Parliament in the EU’s legislative process. Though, problems of transparency and access have hindered the comprehensive, longitudinal data needed to quantify the Treaty of Lisbon’s true effects on lobbying the EP. With regard to Brandsma (2013), Hauser (2011), and Cirone (2011), this paper seeks to explore the reasons why interest groups would be more likely to lobby the European Parliament after the Treaty of Lisbon, identify whether an increase has actually occurred, and then gauge which interest groups have chosen to lobby the EP. As the term lobbying is frequently used throughout this paper, it is important to clarify how it will be used within the framework of this study: Lobbying refers to the influencing of legislative or administrative decisions made by public officials through the use of interest group representatives.

Section 2 will provide a historical overview of the changing structure of the European Parliament in order to provide a contextual background necessary in understanding the reasons behind the EP’s post-Lisbon makeup.

Section 3 will critically review the theories of the aforementioned scholars in determining the potential reasons why an interest group would be more likely to

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3 Gijs Jan Brandsma, “Bending The Rules: Arrangements for Sharing Technical and Political Information between the EU Institutions,” in European Integration online Papers (EloP), vol. 17 (Special Issue 1), 1-22

4 Ibid.

5 Alexandra Cirone, “Patterns of Interest Group Lobbying at the EU,” Columbia University, 2011, 1-27

target the European Parliament when choosing which EU institution to lobby. The Treaty of Lisbon has brought many changes to the EU’s institutional structure, including an increased demand for access to technical information, causing MEPs to rely on lobbyist support.\(^7\) On the lobbyist’s side of the table, targeting the EP has been posited to be more efficient and cost-effective due to the use of party groups as information shortcuts.\(^8\)

The perceived benefits of targeting the EP contains a sense of dissonance when considering traditional views on EU lobbying. Past literature has noted the tendency for interest groups to target the European Commission in an attempt to shift EU policy, considering that the Commission is the only European institution with the right to initiate legislation.\(^9\) Regardless, it is apparent that the EP has become a viable venue for lobbyists.\(^10\) The EP is considered to be especially favorable for those representing NGOs and other groups that champion public interest issues—MEPs, as directly elected representatives of the European public, are very invested in topics of relevance to their constituents.\(^11\)

In considering the complex inter-institutional relationships of the European Union, technical information is not the only important type of knowledge required to

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\(^7\) Hauser, 698; Brandsma, 4


\(^9\) Cirone, 2 and 5

\(^10\) Ibid., 2

\(^11\) Cirone, 7
navigate the legislative arena. Brandsma argues that both technical and political information are imperative and dictate the strategy institutions adopt in order to push legislation forward.\textsuperscript{12} He even argues that political information is the subject of most, if not all, inter-institutional arrangements, which indicates that MEPs most rely on interest groups for their technical information. What is uncertain, however, is whether this reliance on lobbying truly affects the legislative process—the European Parliament is but one arm of the European Union’s legislative body.

Section 4 will provide a detailed explanation of the methods utilized in determining whether lobbyists have increasingly targeted the EP since the ratification of the Treaty of Lisbon. Though data was unavailable immediately following 2009, thanks to Friedrich Lindenberg and the joint LobbyFacts project at the Corporate Europe Observatory and LobbyControl, this study has utilized data on persons accredited to lobby the EP from 2012 to 2014.

Afterwards, the aforementioned data will be analyzed to determine a) whether there has indeed been an increase of individuals lobbying the European Parliament since the ratification of the Treaty of Lisbon and b) which organizations have chosen to do so.\textsuperscript{13} The remainder of the paper will re-visit the framework through which this study has been conducted in order to glean potential explanations for these changing trends within the EU.

\textsuperscript{12} Brandsma, 5

\textsuperscript{13} Previous data suggests that NGOs and other groups representing the public interest have chosen to target the European Parliament over the Commission, therefore this study will check whether this is still the case. See Cirone (2011).
2. Background

“The existence of a parliament does not by itself create a stronger bond between the public and politics. To fulfil its mediating function, a parliament must establish a meaningful relationship with both the people and the government.”

The European Parliament was first established in 1952 as the Common Assembly (CA) and belonged to the EU’s nascent form, The European Coal and Steel Community (ECSC). The CA was initially criticized as being nothing more than a “democratic window-dresser and talking shop” due to its inability to influence the policy-making process. However, its creation was of importance to the founding member states—the High Authority (HA: executive) of the ECSC was unelected, consequently creating a democratic deficit. In a domestic context, the rational response to such a deficit would be to legitimize executive authority through the creation of a representative parliamentary assembly—all of the ECSC’s founding states were parliamentary democracies—however, this was the first time that such a feat had been attempted on a supranational scale. Member states were conflicted on what form this body would take: German representatives preferred a federalist approach—i.e., a strong parliament with real legislative and budgetary powers; French representatives were somewhat skeptical of federalism and preferred (at

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16 Berthold Rittberger, *Building Europe’s Parliament: Democratic Representation Beyond the Nation-State* (Oxford University Press, 2005), 74
17 Ibid., 98
least, initially) a largely unconstrained HA: Representatives from the Benelux states argued that a parliamentary assembly would be incapable of defending certain aspects of national sovereignty.\(^\text{18}\) It was concluded that the CA would be granted the ability to dismiss the HA and its 78 members would be appointed from national parliaments (thereby providing an indirect yet democratic link between ordinary citizens and European elites).\(^\text{19}\) Though seemingly minuscule, this first acquisition of power set the stage for the CA to seek out and successfully obtain more influence on the basis of strengthening the EU’s legitimacy.

As illustrated by Table A (see below), in its 64 years of existence the European Parliament has transitioned from having little authority to being on par with its fellow institutions, having acquired more rights and responsibilities with every treaty. Most noteworthy are the EP’s legislative and budgetary powers. As a function of Ordinary Legislative Procedure (OLP), the EP (with the Council) maintains legislative authority over more than 80 policy areas.\(^\text{20}\) This has allowed for more inclusion of human rights issues in European affairs, given that the EP is subject to public scrutiny and is therefore tasked with representing ordinary citizens—it has amended legislation to improve standards on air and water quality, increased

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\(^\text{18}\) Ibid., 100-101

\(^\text{19}\) Cini and Borragan, 160-161

\(^\text{20}\) Ibid., 163
consumer protection, and has championed initiatives that promote the fair treatment of workers.\textsuperscript{21}

\textbf{Table A: Critical Junctures in EP History}\textsuperscript{22}

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Parliamentary Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1952</td>
<td>Common Assembly Created</td>
<td>Right to dismiss High Authority</td>
</tr>
<tr>
<td>1970; 1975</td>
<td>Luxembourg Treaty; Treaty of Brussels</td>
<td>Limited right to amend and approve community budget; right to reject community budget</td>
</tr>
<tr>
<td>1979</td>
<td>First Direct Elections</td>
<td>MEPs transitioned from national parliamentarians to separately elected officials</td>
</tr>
<tr>
<td>1987</td>
<td>Single European Act (SEA)</td>
<td>Cooperation with Council in legislative affairs</td>
</tr>
<tr>
<td>1993</td>
<td>Treaty of Maastricht</td>
<td>Granted the right of Co-Decision: Right to approve or reject Commission nominations</td>
</tr>
<tr>
<td>1999</td>
<td>Treaty of Amsterdam</td>
<td>Increased rights within Co-Decision: Right to formally veto Commission President nomination</td>
</tr>
<tr>
<td>2003</td>
<td>Treaty of Nice</td>
<td>Extended rights within Co-Decision</td>
</tr>
<tr>
<td>2009</td>
<td>Treaty of Lisbon</td>
<td>Granted equal budgetary status with the Council; Granted equal legislative status with the Council (Co-Decision transition to Ordinary Legislative Procedure (OLP); Right to request treaty changes; (Contested) right to elect Commission President</td>
</tr>
</tbody>
</table>

Before the Treaty of Lisbon, there was a distinction between the EU’s compulsory and non-compulsory expenditure; the EP could only amend the latter, thereby limiting the scope of its influence. Now that this distinction has been repealed, the EP enjoys full access to the EU’s budget, and, in tandem with the

\textsuperscript{21} Ibid., 164  
\textsuperscript{22} Table inspired by Cini and Borragan, 161
Council, has the ability to amend the budget across all areas within the budgetary realm.23

Further changes brought upon by the Treaty of Lisbon have created additional avenues for citizens to engage with both the EP and the Commission. The EP has instantiated its power and relevance by tying in Commission presidential candidates with parliamentary elections—the adoption of *Spitzenkandidaten* helped to further politicize the Commission in an attempt to convince voters that the EP’s electoral process was more meaningful than ever before.24

This attempt, however, appears to have been in vain. The difference in voter turnout between 2009 and 2014 was less than 1%, continuing the narrative of more power, less interest.25 Despite these failed attempts at cultivating democratic legitimacy, the European Parliament has indeed made significant power gains since its creation, and is therefore likely to be more of a target for interest groups.

### 3. Theoretical Framework

The previous section establishes that the EP has achieved significant power gains since its creation, but how does this equate to an increase in being targeted by

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23 Hauser, 9
lobbyists? This section will explore past literature on the EP and lobbying as a means to set the stage for this paper’s key hypotheses.

3.1 Information as Power

Brandsma identifies information as a key factor in determining whether legislative initiatives are successful.26 Drawing from Sabatier (1978), Brandsma divides information into two categories: technical and political.27 Technical information is expertise based on empirical knowledge, and can be used in assessing the costs and benefits of a particular legislative initiative with regards to its content. Brandsma further divides technical information into two subcategories: exogenous and endogenous expertise.28 Exogenous expertise refers to the technical information already known to an individual or group before working on a certain policy, while endogenous expertise refers to technical information that is learned on the job.29 Whereas technical information focuses on content, political information is centered on power and interests—specifically, information about other actors’ policy preferences.3031 Both forms of information are important to all of the EU’s

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28 Ibid., 4
30 Ibid., 4
31 Brandsma uses the amount of resources spent on obtaining information about a particular policy as an indicator of the amount of interest an institution has.
institutions, considering that technical information is imperative in creating sound policies and political information is key to “winning” favorable policies throughout the legislative process. 32 Brandsma finds that most formal and informal inter-institutional relationships are built on the acquisition of political information, and that the EP is the primary benefactor of these relationships 33, subsequently leaving the need for technical information—specifically exogenous expertise—unsatisfied.

3.2 Supply and Demand: Interest Groups and the European Parliament

Exogenous expertise is particularly important to the EP due to the immense expansion of its competencies brought upon by the Treaty of Lisbon. As previously mentioned, the EP now acts as a bicameral legislator and has access to over 80 policy areas. This has effectively “exacerbated the strain on its institutional resources” and “[compelled] policymakers to rely more heavily on lobbyists for technical information and representative input.” 34 Put simply, the expansion of the Parliament’s competencies has created a demand for more technical information and a subsequent supply of lobbyists to provide that information. Though Hauser’s primary focus was on the Council, this paper operates under the assumption that his theories of supply and demand in a European context readily apply to the European Parliament when combined with Ringe’s theory of perceived preference coherence.

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32 Ibid., 5
33 Ibid., 19
34 Hauser, 681
Hauser’s focus on the Council stems from the Treaty of Lisbon’s extension of Qualified Majority Voting (QMV) to many new policy areas and the introduction of double majority voting. He predicted that the newest Treaty would provide businesses with fewer lobbying expenses and greater access to legislators:

“the expansion of QMV under Lisbon may increase the utility a business expects to gain by spending an additional dollar on lobbying by enabling firms to obtain favorable regulations despite securing less access to EU policymakers.”

Similar logic can be applied to the EP when the extension of QMV is replaced with the tendency of MEPs to compensate for their lack of exogenous information by adopting the policy preferences of their party colleagues (i.e., perceived preference coherence). In fact, it is perhaps more effective to focus on the EP instead of the Council in this sense as the Council is made up of national representatives and is therefore often not the chosen venue for lobbyists. In a traditional parliamentary system, especially one that utilizes a closed-list PR electoral system, MPs adhere to their party’s platform due to strong party leadership, however, MEPs are not in danger of the usual sanctions (e.g. barring an MEP from reelection) because EP candidate lists are chosen by national party delegations. Instead, party cohesion is created by the positive benefits associated with the sharing of information between

35 Hauser, 688
36 Ibid., 703
38 Cini and Borragan, 185
39 Ibid., 5
MEPs. This can make up for the lack of technical information prevalent throughout the European Parliament and also streamline the legislative process.

Perceived preference coherence is significant for lobbying, because, similar to Hauser’s QMV-Council prediction, the technical information that lobbyists provide has a greater chance of reaching more MEPs at less cost to interest groups. When MEPs receive exogenous information that is particularly helpful in assessing whether a particular policy matches their political preferences, according to Ringe these MEPs are likely to share this information with their colleagues; thus, this utility creates an incentive for interest groups to focus on lobbying the European Parliament.

3.3 Europeans and their Parliament

As EU integration further deepens to include issues that affect all Europeans, it is unsurprising that there are now several examples of citizens’ organizations getting involved in European affairs. In addition to the Parliament’s attempts at engaging citizens, the Commission has created an avenue for ordinary Europeans to get involved—The European Citizens’ Initiative (ECI). Beginning in April 2012, the ECI provides a legal avenue for European citizens to mobilize in order to convince the Commission to initiate particular legislation. 40 For a proposal to reach the Commission, it must receive one million signatures from at least one quarter of EU Member States. Then, by law, the Commission must decide whether it will act, and

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then explain the reasons behind said decision. At the time of this paper there are currently four open initiatives: “Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family,” “Wake up Europe! Taking action to safeguard the European democratic project,” “Stop Plastic in the Sea,” and “Fair Transport Europe.” While the ECI is not directly involved with the EP, it is nevertheless indicative of an increasingly engaged Europe. This is but one example of how citizens are increasingly transcending their involvement in domestic affairs to that of the supranational level. Perhaps because of this, Cirone’s research indicates that NGOs were more likely to lobby the Commission. However, it is logical to assume that the number of NGOs and other groups championing citizens’ interests will increasingly target the European Parliament. With respect to Dur and de Bievre (2007) and Beyers (2008), Cirone herself cites that NGOs provide technical information about broad topics and issues that appeal to citizens, subsequently making them directly relevant to MEPs. With this in mind, it seems likely that, at the very least, the rate by which NGOs lobby the EP will increase.

41 Ibid.
43 Cirone, 15
44 Cirone, 7
3.4 Predictions

Utilizing the aforementioned theories and assumptions, it appears that the expansion of powers granted to the EP by the Treaty of Lisbon has given interest groups more reasons to lobby the EP and the EP more reasons to seek out lobbyists, thus creating a relatively reciprocal relationship. Subsequently, MEPs’ need for more technical information provides a logical explanation for a potential increase of lobbyists within the halls of Parliament. Additionally, these groups seem likely to be comprised of more NGOs and other groups representing citizens’ interests, as the EP is the only institution comprised of directly elected representatives and is therefore interested in maintaining access to issues that are relevant to public opinion. Therefore, this study operates on the following hypotheses: H₁: As EU integration has deepened with each successive Treaty, lobbying at the EP is expected to steadily increase after 2009. H₀: No significant variation in lobbying activity (measured by types of lobbyists) is expected as a result of the deepening of integration in the EU.

4. Methods

Though there is currently a public register that displays those with accreditation to lobby the European Parliament, it lacks historical data and is mired by those also registered with the European Commission. In order to perform a cross-sectional study, I relied on data collected by Friedrich Lindenberg (@pudo) who, among other projects, has devoted his resources towards data scraping the European
Parliament Transparency Register daily from 2012 to 2014. Lindenberg’s data is currently being used by two transparency projects, the open source http://openinterests.eu and http://lobbyfacts.eu, a joint endeavor of Corporate Europe Observatory and LobbyControl.

I observed five datasets in total, covering 16,339 entries. Each dataset included information on those registered on a particular day to lobby the European Parliament. The five chosen datasets covered six month intervals, starting on March 16, 2012 and ending on March 16, 2014. The focal point of each entry was the organization that the registered lobbyist represented—I coded each entry by cross referencing the organization with categories assigned by LobbyFacts and OpenInterests, and triple-checked the data by ascertaining an organization’s legal status on their website when necessary. The data was categorized in five different ways: Business, Professional Consultancy, Non-Governmental Organization (NGO), Research Institution, and Government Organization.

Organizations were categorized as Business if they represented the interests of a particular sector (e.g. Trade, Agriculture, Finance, etc.) and/or maintained a legal status indicative of a business. A tangible example of an organization coded as a business is “RENAULT,” a trucking company. Organizations that were labeled by LobbyFacts and/or OpenInterests as NGOs or Professional Consultancies were coded

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45 This data is accessible on Lindenberg’s website: data.pudo.com/eu

46 Dependent upon legal requirements in particular countries, for example, a Limited Liability Company (LLC) is a Gesellschaft mit beschränkter Haftung (GmbH) in Germany.
as such, respectively.\textsuperscript{47} Separating professional consultancies from businesses was an important distinction to make; as consultancies tend to represent multiple individuals or organizations in their lobbying efforts it is impossible to categorize them as anything else. Any organization that was labeled as representing “local, regional and municipal authorities, other public or mixed entities, etc.”\textsuperscript{48} was coded as Government Organization. Any organization devoted to research (e.g. universities, think tanks, other research institutions, etc.) was coded as Research Organization.\textsuperscript{49}

After coding was completed, all five datasets were tallied by their individual categories and displayed to show the changing trends in the amount and type of lobbyists with EP accreditation from 2012-2014. In order to adequately assess whether H\textsubscript{1} is correct, data on the amount of EP-accredited lobbyists from before or immediately after the Treaty of Lisbon needed to be used. Cirone’s research determined that in 2010 this number was approximately 1,880.\textsuperscript{50}

5. Results and Analysis

There was an increase in the number of individuals with accreditation to lobby the European Parliament between 2012 and 2014 (See Fig. A). After a jump of 1,002 registrations between March and September of 2012, the number of registrations

\textsuperscript{47} Additionally, religious organizations were coded as NGOs.

\textsuperscript{48} Particular wording used by LobbyFacts and OpenInterests

\textsuperscript{49} The initial study was designed to code the fifth data category as Think Tank, however it quickly became apparent that there were more research-oriented organizations that were not solely think tanks.

\textsuperscript{50} Cirone, 14
increased every six months by an average of 11.2 percent. The slight curve between September 2012 and March 2014 indicates more-than-average growth rates, though without further data it is impossible to assess whether it can be called exponential growth (Though it would seem spurious to claim that the relationship between Time as an independent variable and the Number of Accredited Lobbyists as a dependent variable is statistically significant).

When separating the total number of interest group representatives into categories, it is clear that businesses represented the majority of groups lobbying the EP (See Fig. B) between 2012 and 2014. NGOs came in second place, ahead of professional consultancies, which may surprise the reader considering Cirone’s previous claims. Though, the average gap between the amount of NGOs and
businesses in this sample is 940. Noticeable in both Fig. A and Fig. B is the abrupt increase of the slope between March 16th and September 16th in 2012—this is due to a jump in registrations by those representing business interests. There is no immediately identifiable event in early September 2012 to explain such an event, nevertheless, a jump breaking the otherwise consistent slope occurred. Professional Consultancy came in third, closely behind NGOs, and Research Organization and Government Organization barely registered on the chart, fluctuating between fourth and fifth at an average of 94 and 81 registered lobbyists, respectively. Occasionally it was impossible to categorize an organization due to a multitude of reasons, ranging from not being included in the LobbyFacts and OpenInterests databases to an organization being extremely ambiguous about the nature of their legal status. These numbers were comparatively low, however, never exceeding .008% of a total sample.
These results illustrate that \( H_1 \) is correct: Cirone’s record of 1,880 individuals registered to lobby the EP had increased to 4,287 by March 16, 2014. Regarding \( H_0 \), there is large variation in the amount each group has chosen to lobby the European Parliament: \( s^2 \) for the above figure is more than 10 times that of \( x \). It also appears that the rate by which each group has increased between 2012 and 2014 varies: Government Organization and Think Tank barely increased; Professional Consultancy’s growth slowed to roughly half its original rate after March 16, 2013; NGO dropped from 45% growth to 13% growth in the first year, but slowly increased to 27% growth in the final sample; and Business, aside from the aforementioned jump, maintained an almost consistent growth rate to match that of the total number of registered lobbyists (in the months between the last two samples, the number of registered lobbyists representing businesses grew by 12.8%). Therefore, we may reject the null hypothesis that there was no significant variation in lobbying activity (measured by types of lobbyists)—there was significant variation, which may be the result of the deepening of integration in the EU.

It is unsurprising that Business was (and is likely to still be) the primary group lobbying Parliament. Even at its inception, economic integration across Member states has been more palatable than political integration. It is, however, notable that the rate at which business lobbied Parliament was barely affected by the global economic crisis and subsequent Great Recession. This is likely due to the theories laid out by Brandsma, Hauser, and their colleagues—large businesses have the capital to
research topics of importance to themselves and MEPs (i.e. access to technical information): vis-à-vis perceived preference coherence, this research may be passed on to other MEPs with little to no added expense to businesses. These avenues may also be adopted by NGOs, especially considering that they represent public interests and are therefore integral to the European legislative process; nevertheless, NGOs lobby on a smaller scale than businesses.

5. Limitations and Future Research

There were several limitations to this study, the first being that the data used did not cover the period immediately after the Treaty of Lisbon. Though my results do suggest that \( H_1 \) is correct and \( H_0 \) is incorrect, the data would be more robust if it covered interest groups with EP passes in six month intervals beginning in 2010 and ending more recently, ideally in 2016.

Additionally, though the way in which Business was classified generally followed suit with Cirone’s methodological set up and the classifications used by LobbyFacts and OpenInterests, it is ideologically questionable and may have skewed the data. This is due to this study’s inclusion of interest groups representing trade unions. Trade unions should not have been included in the Business category because they aren’t inherently representing the interests of businesses—instead, they represent the rights and interests of their particular constituencies, namely, workers. It would be valuable to replicate the previous study while isolating trade unions as a
separate control variable to assess whether the results would still place Business as the primary group lobbying the EP.

Though this study’s results do indicate that NGOs are taking advantage of the Parliament’s increased powers, these NGOs are greatly outnumbered by Business interests: as the deepening of EU integration continues to affect ordinary citizens’ lives, though, it will be pertinent to identify whether NGOs will ever surpass businesses in their future lobbying endeavors.

6. Conclusion

This study attempted to show the changing trends in lobbying within the European Union, with particular focus on interest groups that have chosen to lobby the European Parliament. By providing historical context, it was established that the EP has experienced a significant growth in power and responsibility over the last 64 years, and as the solely elected body of the EU, MEPs are tasked to represent the interests of their constituents. Afterwards, the theories of Brandsma, Hauser, Cirone, and their colleagues were discussed in order to lay the groundwork for this study’s hypothesis and null hypothesis—through coding more than 16,000 data entries covering a period of two years, it was determined that the rate of lobbyists targeting the EP has indeed increased and indicates continual growth; it was also determined that there is a large amount of variation in the types of groups that choose to lobby the EP. Though businesses are the overall lobbying “champions” in terms of sheer numbers, it is logical to posit that the increasing number of NGOs involving
themselves in EP lobbying is indicative of an ever-closer European Union. The Treaty of Lisbon, as an answer to the call for more citizen involvement, has been yet another step towards the idea of political union.
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