

# Policy-Makers, Stakeholders and Legitimacy

Exploring the role of political salience in EU policy-makers'  
interactions with stakeholders

Jelle Verheij

# Abstract

This thesis utilises an exploratory approach to analyse the system of interactions between the policy-makers of the European Commission's Directorate General for Energy and different types of stakeholders. This system of interactions is often referred to as the 'interest system of the EU' and is largely informed by rational choice theoretical assumptions about the behaviours of policy-makers and stakeholders. The literature centres around the questions: which stakeholders do policy-makers interact with and why? Particularly business stakeholders are seen as privileged in their interactions with policy-makers, causing a 'bias' in the system. However, the academic field remains limited in its understanding of the role of policy-makers in the interest system. By utilising the concepts of input legitimacy and political salience, this paper seeks to fill a number of literary gaps and explore the behaviour of policy-makers in regulating which stakeholders they interact with. An exploratory approach is utilised to investigate the role of input legitimacy in policy-makers' interactions with specific stakeholders. The results indicate that businesses are indeed dominant, but that this dominance significantly varies when one distinguishes between salient and non-salient cases, thereby testing the role of input legitimacy. This indicates that input legitimacy does impact the behaviour of policy-makers and it provides a foundation for future research on the roles of policy-makers in regulating the EU's interactions with stakeholders.

*Key words:* European Union, stakeholders, bias, democratic legitimacy, salience  
Words: 19686

# Table of contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>The interest system of the European Union.....</b>	<b>3</b>
2.1	Understanding the theoretical rationale behind the system .....	3
2.2	The central problem: bias in the interest system.....	6
2.2.1	The underlying causes of bias .....	7
2.2.2	Translating bias into the distribution of access.....	8
2.2.3	The literary discussion on the distribution of access.....	9
2.3	Understanding the demand side: the European Commission's legitimacy.....	12
2.3.1	The Commission's rationale: legitimacy .....	12
2.3.2	Stakeholders and legitimacy: the consultation regime of the Commission.....	13
2.3.3	What impacts the Commission's legitimacy needs?.....	15
2.4	What we might expect based on the established field.....	16
<b>3</b>	<b>Case selection and methodology .....</b>	<b>18</b>
3.1	Case selection: DG Energy's stakeholder events.....	18
3.2	Creating the dataset.....	21
3.2.1	Adding 'salience' to the dataset .....	23
3.3	Methodological decisions: an exploratory approach .....	24
3.3.1	Measuring business dominance.....	25
3.3.2	Determining deliberate action by policy-makers .....	25
3.3.3	Exploring the role of salience.....	26
3.3.4	Statistical methods and decisions .....	27
<b>4</b>	<b>Analysis.....</b>	<b>29</b>
4.1	Measuring business dominance.....	29
4.2	Deliberation: the Commission's priorities.....	30
4.3	Exploring salience.....	32
4.4	Adding control variables .....	34
4.4.1	Absolute participation.....	34
4.4.2	Frequency.....	36
4.4.3	Location .....	38
4.4.4	(Co-)organisation .....	39
4.4.5	Bringing all control variables together.....	41

4.5	Discussion .....	43
<b>5</b>	<b>Conclusions .....</b>	<b>45</b>
<b>6</b>	<b>References .....</b>	<b>46</b>
<b>7</b>	<b>Appendix.....</b>	<b>51</b>



# 1 Introduction

The interactions between the policy-makers of the European Union (EU) and external stakeholders have caught the attention of academics and the public alike. Stakeholders are seen to play an integral part in the policy making process of the EU and their interactions with policy-makers, i.e. lobbying, have become entrenched in the system. The system of interactions between these actors has since been dubbed ‘the interest system of the EU’. Herein, focus is put primarily on the European Commission due to its important position in the policy process and its central role in including stakeholders into the interest system. Additionally, a critique of the literature relates to its attempts to generalise between Directorate Generals (DGs). Whilst this critique is discussed in further detail later in the paper, this paper notably centres around DG Energy as a particularly interesting case, due to the varied nature of the topics it deals with.

Then, there are two questions in particular which have guided the academic debate, namely: who are the stakeholders that policy-makers interact with, and why them?

Regarding the first question, academics largely agree that, whilst policy-makers are seen to interact with a wide variety of stakeholders, businesses are the most dominant relative to other types of stakeholders. This relative dominance is seen as a ‘bias’ of the interest system and has become the source of much academic and public scrutiny. The second question, namely ‘*why* do policy-makers interact with certain stakeholders?’ largely seeks to explain the dominance of businesses. Whilst this question has been at the centre of the academic debate, relatively little is known about its answer.

This paper seeks to add to the academic debate, particularly on *why* policy-makers interact with certain stakeholders, by filling a number of literary shortcomings. The central issue lies with the predominant focus in the literature on the actions of stakeholders, to explain why businesses are better at getting into contact with policy-makers than other stakeholders. This focus neglects the role and agency of policy-makers, who often play a crucial part in determining which stakeholders they interact with. Thus, this paper focuses on the behaviour, and in particular the rationale behind that behaviour, of policy-makers in determining which stakeholder to interact with in relation to a theorised dominance of businesses.

By exploring the role of ‘input legitimacy’ as a driving factor behind policy-makers’ behaviour, this paper seeks to provide a better understanding of their role in regulating which stakeholders they interact with, and in particular how business dominance fits into this. More specifically, the concept of ‘political salience’ of specific topics is analysed to better understand the role of input legitimacy. The salience of topics, i.e. the amount and variety of stakeholders that have an interest in

them, is expected to impact the importance of input legitimacy in the eyes of policy-makers and thereby the way policy-makers seek regulate the dominance of businesses.

Thus, to explore the role of input legitimacy in how the DG Energy's policy-makers regulate interactions with stakeholders, the following question is posed:

**How does political salience affect the Directorate General for Energy's policy-makers' actions in regulating stakeholder participation in EU policy-making?**

The literature's neglect of the behaviour of policy-makers causes it to be limited in its understanding of the roles that policy-makers play. This limited understanding subsequently warrants an exploratory approach to more broadly investigate the role of salience in this part of the interest system.

This paper does not posit one particular hypothesis about the role of salience, but rather seeks to explore a variety of relations between salience and policy-makers' interactions with stakeholders to provide a foundational understanding of this part of the interest system. A last critique of the literature is its exclusion of governmental interests from the analysis. To fill this gap, I additionally analyse business representation in relation to other stakeholders in two ways, both including and excluding governmental actors. This method provides a more detailed understanding of stakeholder representation in the EU.

To explore these relations, firstly the academic field and its theories on the interest system are discussed in more detail to gain a better understanding of its gaps and limitations. To understand DG Energy's role in the system, it is first important to understand the role of the EU and the Commission. The paper therefore sequentially narrows its scope on actors from the EU, to the Commission, to eventually DG Energy. Then, this paper explores the role of salience in the relation between DG Energy's policy-makers and stakeholders. This is done through a variety of smaller statistical tests that better accommodate the limited available data and the exploratory nature of the paper.

## 2 The interest system of the European Union

The interest system of the European Union is a term positioned at the centre of this paper. It broadly refers to the system of interactions between the EU's institutions and stakeholders (Crepaz & Hanegraaff, 2020). It therefore seeks to encapsulate a wide set of actors and the relations between them. The interest system should be seen as the institutional framework that allows EU policy-makers to interact with external stakeholders.

To gain a better understanding of this system and its problems, this chapter explains the academic field and its developments around it. To do so, firstly the theoretical basis that forms the foundation of the academic debate on the interest system is highlighted. Secondly, the relevant concepts within the interest system are discussed. Once we have a better understanding of how the system works and what actors are present in it, the central problem is introduced, namely: 'bias'. In light of this problem the paper posits a number of expectations about what we might expect to see when we take a closer look at how the system plays out in practice.

### 2.1 Understanding the theoretical rationale behind the system

The literature on the interest system of the EU centrally focuses the interactions between the EU's institutions, which form policies, and the external actors which make up the stakeholders on those policies. Academics have however taken different approaches in analysing these interactions, splitting the academic field into two strands.

Firstly, there are those that analyse the interactions between EU institutions and stakeholders to describe how actors act (see Salgado, 2014). This, in turn, is used to categorise the outcome of these interactions. For example, scholars on this side aim to determine to what extent these interactions lead to a system that can be categorised as 'democratic' (Greenwood, 2007). This side of the academic field is good at describing the overall picture of the interest system. However, it fails to explain the reasons for *how* the system works, because it neglects the underlying drivers, i.e. the rationales behind actors' actions, that explain *why* the system works the way it does.

Consequently, the other side of the field has sought to fill this gap by focusing on why actors act in certain ways, i.e. what is the rationale for each actor to interact

with others? The majority of the academic field is positioned on this side (see Bouwen, 2001, 2004; Quittkat & Kotzian, 2011; Binderkrantz & Pedersen, 2017; Van Ballaert 2017; Hanegraaff & Berkhout, 2018; Binderkrantz, Blom-Hansen & Senninger 2021), and this paper similarly takes the why-question as its starting point. I argue that, without first understanding what drives actors to interact in the interest system, it is difficult to make sense of the outcomes of that system.

To understand why actors act the way they do in the interest system, the literature is broadly inspired by rational choice theory (Bouwen, 2001; 2004; Hanegraaff & Berkhout 2018, p.846). The central aspect of rational choice theory that is used by academics in this field is the theory's position on what drives actors' behaviour. More specifically, the theory posits that actors act on individual preferences that are based on an evaluation of costs and benefits (Bouwen, 2001). Academics utilise the theory, for example, in their use of actors' self-interest as a guiding principle for their behaviour (Arras & Beyers 2020, p.836; Bouwen, 2001; Bunea 2019, p.7) and in their explanation of collective action problems as a causal factor for the central problem in the interest system, namely: bias (Binderkrantz, Blom-Hansen & Senninger 2021, p.474; Crepaz & Hanegraaff, 2020; Persson & Edholm, 2018; Salgado, 2014). Rational choice theory is an extensive and detailed theory that seeks to explain a wide variety of actions and behaviours. For the purpose of this paper, the theory only constitutes a rudimentary theoretical foundation and is thus not used as an exhaustive means to explain all aspects of the interest system. Therefore only the basic assumptions regarding actors acting rationally in their self-interest are taken to further use. Subsequently, a more detailed theoretical approach is discussed in the following sections, firstly on stakeholders, then policy-makers, and lastly the system as a whole.

When it comes to stakeholders, they are seen to be broadly incentivised to act on a desire to influence the policy-making process in their favour (Rasmussen & Gross 2015, p.352; Binderkrantz & Pedersen, 2017). The aim might be to avoid certain legislation being passed, to push certain legislation through, or to change the content of the legislation in question.

Stakeholders themselves come in many different forms and with different relations to the policy at hand. They can be the ultimate implementer of the policy, or the one that pays the costs of the implementation. In other cases, stakeholders are not the immediate implementers, but instead consider themselves intimately involved because of a special (political) interests. Stakeholders can come in the shape of representative bodies, i.e. they represent a wider set of individual interests, but they can also be seen as the individuals that are represented by those organisations. Stakeholders thus come in a variety of forms, and there is no consensus in the literature on what constitutes a stakeholder.

For the purpose of this paper, stakeholders are seen in a broad light as all actors that have an explicit interest in a particular policy topic. Those stakeholders then constitute individual interests that are often represented by a larger stakeholder organisation. These interests, however, do not necessarily have to be voiced, nor do stakeholders need to be aware of specific policies to have an inherent interest in them. People can thus subconsciously be stakeholders, without either knowing or specifically believing that themselves. Stakeholders can then act by seeking contact

with EU policy-makers and lobbying them (often through representative organisations) to ensure that the stakeholder opinions are heard and the positions are taken into account (Pappi & Henning 1998, p.558; Dür & Mateo, 2016).

The EU's institutions on the other hand are argued to act on a desire to preserve their role as European law-makers (Bouwen, 2001). This "self-preservation" is largely reliant on one concept, namely: 'legitimacy'. This means that, in a political system such as the EU, governing institutions that wish to maintain their positions, must be considered legitimate (Persson & Edholm, 2018). Legitimacy can then be derived in two ways: by producing 'good legislation' (output legitimacy) and by holding sufficient democratic representation (input legitimacy). The literature generally agrees that both are needed (Greenwood, 2007).

To create good legislation, the EU institutions cannot solely rely on their own internal resources of expertise and knowledge, but must also turn outward and consult with stakeholders and seek external resources (Van Ballaert 2017, p.407; Hanegraaff & Berkhout 2018, p. 845). Policy-makers thus require external expertise from other actors, such as those who consider themselves stakeholders of the policy at hand (Binderkrantz, Blom-Hansen & Senninger 2021, pp.473-4). Because it is in EU policy-makers' interest to create good legislation, the rational course of action is to include stakeholders into the policy-making process as valuable sources of information and expertise.

For democratic representation, the involvement of stakeholders is similarly regarded as a useful means to incorporate a wide set of interests into the policy process, thereby providing more democratic input. Particularly noteworthy is the European Commission, which lacks both the direct democratic representation of the European Parliament and the indirect democratic representation of the Council and the European Council. The Commission therefore has to draw its democratic input elsewhere, and involving stakeholders in the policy-making process is therefore seen as an especially important source for input legitimacy for the Commission (Persson & Edholm, 2018). By understanding the incentives that guide actors' actions, it becomes easier to structure one's understanding of the interest system overall. The incentives of EU institutions are discussed more elaborately in a later section of the paper.

These incentives then come together in a mutual desire for policy-makers and stakeholders to interact with one another. Policy-makers require stakeholders' input and stakeholders want to provide their own input in the policy process. A central concept that arises from this interaction is 'access'. Access refers broadly to the interactions that stakeholders have with policy-makers (Binderkrantz, Pedersen & Beyers 2017, p.307; Dür & Mateo, 2013; Eising, 2007). Access can take various forms such as participation in expert groups and responding to public consultations. The concept is generally seen from the perspective of stakeholders, meaning that stakeholders can 'gain' or 'lose' access to policy-makers. Thus, the more 'access' a stakeholder has to EU institutions, the more opportunities that stakeholder has to make their position heard by policy-makers. Access is a multifarious concept, i.e. it can take a variety of forms, which means that the interactions that stakeholders can have with policy-makers should not be regarded as all equal in neither depth nor width (Binderkrantz & Pedersen 2017, p. 320; Crepaz, Hanegraaff & Salgado 2021,

p. 384). For example, repeated interactions between a small group of stakeholders and high-level EU officials should be regarded differently than a one-off reply by a stakeholder to a public consultation in terms of quality of access.

Additionally, access is not the same as influence. Whilst access can certainly lead to influence, it is by no means guaranteed that stakeholders with more access also have more influence over the outcome of policies (Bouwen 2004; Binderkrantz, Blom-Hansen & Senninger 2021, p.478; Binderkrantz, Pedersen & Beyers 2017; Dür, 2008; Dür & De Bièvre, 2007; Hanegraaff & Berkhout, 2018).

Now that the theoretical foundation of the system and the incentives that guide actors within it are discussed, the focus can be narrowed to the central theory that seeks to explain the interest system: ‘the theory of access’. The theory of access, coined by Pieter Bouwen (2001) brings together the previously discussed incentives and adds one crucial factor: ‘information’. The system is theorised as a ‘supply and demand’ system in which information constitutes the central good (Bouwen 2001; 2004). Policy-makers require information from stakeholders to create good and legitimate legislation (the demand side) and stakeholders want to provide information as a means to give input into the policy process (the supply side). The theory of access seeks to provide, first and foremost, a rational explanation as to why stakeholders have been cemented into the policy making process of the EU. Scholars have attributed the role of stakeholders in the EU to the rational choice inspired incentives as previously discussed (Arras & Beyers 2020, p.836; Bunea 2019, p.7; Binderkrantz, Blom-Hansen & Senninger 2021, p.474). In light of the theory of access this paper refers henceforth to “the demand side” when talking about the EU’s institutions and policy-makers, and “the supply side” when referring to the stakeholders that seek to interact with those policy-makers.

Concluding this section, the interest system of the EU relies on the theory of rational choice to explain how the two sides of the equation, i.e. demand and supply side, act. The demand side, which includes the EU institutions as policy-makers, seek both input and output legitimacy, which drives them to consult with stakeholders. The supply side consists of various types of stakeholders, who seek to influence the policy-making process for a variety of reasons. When stakeholders are able to voice their opinion to the EU institutions, this connection is referred to as access.

## 2.2 The central problem: bias in the interest system

When the literature analyses the interest system of the EU, it often does so in light of the central problem that is associated with the system: bias. Whilst bias is widely discussed in the literature, it remains a difficult concept to pin down and is often not sufficiently conceptualised or operationalised. In a broad sense, bias refers to an unequal representation of stakeholders, and more specifically a relative overrepresentation of one group of stakeholders compared to a relative underrepresentation of another. (Crepaz & Hanegraaff 2020, p.103). To understand this better, these groups of stakeholders should be discussed.

Central to the discussion on bias is the distinction between different groups of stakeholders, or ‘types of interests’. Distinguishing between types of interests allows us to observe how their access differs relative to one-another. The main distinction made by academics lies between ‘business interests’ and ‘citizen interests’ (Berkhout et al., 2015; Bouwen, 2001; Eising, 2008). What sets these two stakeholder types apart is the width of the interests they represent. Citizen interests are regarded as ‘diffuse interests’ whereas business interests are seen as ‘narrow interests’ (Crepaz & Hanegraaff 2020, p.106). This means that citizen interests tend to represent a wider set of actors, often large groups of European citizens, whereas business interests tend to represent their own interests or the interests of a relatively small group of organisations. The group of business interests includes businesses, but also other forms of trade and professional organisations with primarily commercial interests (Berkhout et al., 2015). Citizen interests, on the other hand, include a wide variety of “non-commercial” interests such as NGOs, research institutes and academia (Crepaz & Hanegraaff 2020, p. 107). A third group of interests, but one that is often excluded by scholars when analysing bias, is made up of governmental stakeholders. Governmental stakeholders come in a variety of forms, from local, to national or even transnational. The role of this group of stakeholders in relation to non-governmental stakeholders in the interest system remains relatively under-researched.

Now that the types of stakeholders that supply information to EU policy-makers are discussed, it is easier to theorise about possible bias in their representation. Academics generally argue that business interests enjoy a disproportionately large amount of access to EU policy-makers compared to citizen interests (Bouwen, 2001; 2004; Berkhout et al., 2015; Eising, 2008; Wonka et al., 2010; Hanegraaff & Berkhout 2018, p. 843; Crepaz & Hanegraaff 2020, p.103). The following section further discusses bias in particular.

### 2.2.1 The underlying causes of bias

To explain why business interests would be favoured, it is useful to look at bias as a two-stage process, splitting the concept into “stage one” and “stage two” bias. Stage one bias refers to the abilities of interests to mobilise themselves into concrete actors that can effectively represent those interests (Rasmussen & Gross 2015, p. 345). This means that, before interests can be represented in the EU’s policy process, those interests need to be channelled and subsequently communicated to policy-makers by credible actors. For example, it is in the interest of many European citizens that the food they consume is safe to eat. However, in order for this interest to effectively reach the ears of policy-makers, those citizens need to organise themselves into concrete organisations that can voice this interest in a credible manner. The abilities of different interests to mobilise has long formed the centre of the debate on bias (Bouwen, 2001; Eising, 2008; Greenwood, 2007; Persson, 2007; Pollack, 1997; Wonka et al., 2010). In general, the different abilities of interest groups to mobilise can be seen as the underlying cause for why bias exists in the interest system of the EU.

Most scholars argue that businesses are better at mobilising their interests as a product of the narrow focus of their interests and the significant resources they possess (Crepaz & Hanegraaff 2020, p.103; De Bruycker, Berkhout & Hanegraaff, 2021). Following the logic of collective action (see Olson, 1965), the narrow focus of business interests means that they are more easily organised and communicated to policy-makers (Baumgartner & Leech, 2001; Danielian & Page 1994, p. 1060; De Bruycker, Berkhout & Hanegraaff, 2021; Dür & Mateo, 2016; Klüver, 2012; Lowery et al., 2015). Contrarily, citizen interests face relatively more organisational obstacles in mobilisation and finding coherent policy positions (Rasmussen & Gross, 2015). Additionally, business interests generally have more financial resources at their disposal for the purpose of mobilising their interests than citizen interests (Broscheid & Coen, 2003; Kaya 2019, p.35; Rasmussen & Gross 2015, p. 349; Persson & Edholm 2018, p. 561). Bias in the interest system therefore appears to favour business interests as their financial and organisation advantages provide better opportunities to gain access to EU policy-makers.

Stage one bias is important to understand as it constitutes the central problem that EU policy-makers are faced with in their interactions with stakeholders. In light of the inequality between different types of interests, policy-makers must choose which stakeholders to interact with. Now that the context in which the interest system is situated is discussed, it is possible to explore how this context plays out in EU-stakeholder interactions.

## 2.2.2 Translating bias into the distribution of access

Whilst better abilities to mobilise do not automatically translate into more access to policy-makers, when this does occur we might speak of “stage two” bias. Stage two bias refers to bias in the actual representation of different types of interests in the policy process. It is therefore about the relative distribution of different stakeholder groups that have gained access to the interest system, commonly referred to as simply the ‘distribution of access’ (Rasmussen & Gross 2015, p. 345). Stage one bias can lead to bias in the distribution of access for multiple reasons. Firstly, if businesses have more resources at their disposal to mobilise, they can more easily reach out to stakeholders. Secondly, an overpopulation of organised business interests relative to citizen interests might automatically lead to an overrepresentation of those business interests in the policy process if there is no external intervention. In most cases, however, intervening factors are at play, especially from the side of the EU institutions. These intervening factors can take a multitude of forms and affect how stage one bias is translated into the distribution of access. They are discussed in further detail later on.

There are many different types of settings in which stakeholders can gain access to EU policy-makers, and thus in which stage-two bias can occur (Bunea 2017, p. 49). These settings are also called “institutional venues” and refer to specific instances of access in which stakeholders provide information to policy-makers (Hanegraaff & Berkhout 2018, p. 843). Different institutional venues for example include: expert groups, advisory committees, public consultations, and stakeholder forums. The



types of institutional venues that make up the consultation regime are extensive and vary considerably in their formality, size and inclusiveness. However, one key aspect used to characterise institutional venues is the level of control that policy-makers have over regulating which stakeholders can gain access to them (Quittkat, 2013, pp. 63–69; Van Ballaert, 2017; Beyers & Arras, 2019; Arras & Beyers 2020).

The EU’s institutional venues are thus categorised broadly between closed fora such as committees and expert groups and venues with open access such as online public consultations (Arras & Beyers 2020, p. 836; Quittkat 2013, pp. 63-9; Van Ballaert, 2017; Binderkrantz, Blom-Hansen & Senninger 2021, pp. 471-3). Public consultations, for example, do not allow policy makers to regulate who can reply to them, and thereby gain access. In these cases, stage one bias might more easily translate into a biased distribution of access. On the other hand, the EU’s institutional system includes a variety of venues such as advisory committees and expert groups in which participation is at the discretion of policy-makers (Bourgeois 2009, p. 22). This means that policy-makers determine which stakeholders can participate, thereby regulating the distribution of access. Institutional venues thus form the settings in which access occurs and are therefore the natural focal point of the literature and this paper. The central aspect of institutional venues for the purpose of this paper is then the amount of control policy-makers have over the extent to which stage one bias can translate into a biased distribution of access.

To summarise, bias thus constitutes the central problem as described by the literature. Bias can be caused through collective action problems and resource inequality among stakeholders. These causes of bias are focused on the supply side of the interest system, i.e. they focus on the inequality between stakeholders’ abilities to gain access. These underlying causes can subsequently translate into a biased distribution of access. However, this is also where the role of the demand side, i.e. policy-makers, becomes more clear. Whether or not bias in the distribution of access occurs, and to which extent it does, is influenced in part by the interventions of policy-makers. Policy-makers can thus influence which stakeholders gain access. The extent to which policy-makers (can) do so depends largely on the institutional setting in which this access takes place, also known as ‘institutional venues’

### 2.2.3 The literary discussion on the distribution of access

Whilst it is possible to theorise about the causes of bias in the distribution of access, academic findings on the topic remain limited and at times even contradictory. The problems that plague the literature can largely be attributed to two things: its muddled focus on the supply and demand sides of the system and an incomplete understanding of ‘bias’ as a concept. Firstly, whilst both the supply and demand sides come together to create the distribution of access, they play distinctly different causal roles in creating this outcome and should therefore be understood separately before brought together. Secondly, bias remains a difficult concept to pin down and is often under-defined by scholars. To understand the interest system, it is useful to understand what it means for the distribution of access to be biased, and what the

distinct roles of stakeholders (supply) and policy-makers (demand) are in causing this bias.

Firstly, I elaborate on the problems regarding the literature's focus and understanding of supply and demand-side factors that affect the distribution of access. On the supply side of the system lie factors that influence the mobilisation of interests, both in how interests initially come to mobilise and in when and how stakeholders seek access with policy-makers. This side thus focuses on the capacity and rationales of stakeholders to pursue access. Factors that scholars have focused on include: the effects of funding; financial resources; and geographical origin on stakeholders' capacity to mobilise (see Crepaz & Hanegraaff, 2020; Persson & Edholm, 2018; Salgado, 2014); or the role of policy topics on stakeholders rationale to seek access (see Coen & Katsaitis, 2021; Hanegraaff & Berkhout, 2018; Rasmussen & Gross, 2015). On the demand side, lie the rationales of policy-makers to interact with stakeholders. Here scholars for example look at how different institutional venues are used by policy-makers (Arras & Beyers, 2020; Coen & Katsaitis, 2019; Crepaz, Hanegraaff & Salgado, 2021) and a variety of factors that impact when and how policy-makers might interact with specific types of stakeholders.

The problem that arises here is that scholars tend to focus their analyses almost exclusively on the supply side, i.e. the actions and rationales of stakeholders. In doing so the explanations for why access is distributed in a particular way are based on when, how, or why stakeholders seek access. The role and agency of EU policy-makers is thus often neglected. This is problematic because the distribution of access is a product of actors' actions on both the supply side and the demand side of the interest system. Whilst this does not mean every research paper needs to include all supply and demand factors, the roles of both sides need to be taken into account explicitly before it is possible to draw any definitive conclusions.

The second problem in the literature lies with the concept of bias, and more specifically 'stage two bias'. Bias is understood in a variety of ways throughout the literature, but three stand out in particular:

Firstly, some take stage two bias as the relative presence of one type of stakeholder to another (Arras & Braun, 2018). When comparing for example business interests with citizen interests, the closer the distribution of access between these groups is to a 50/50 distribution, the less biased a case is considered. The issue here lies with the arbitrary nature of a 50/50 distribution. This method is however highly contested by much of the literature, and there is little reason to suspect that this is an effective measurement of bias due to the complex nature of the stakeholder population (Lowery et al., 2015; Rasmussen & Gross, 2015).

A second understanding of stage two bias, that can be seen as a response to the first, focuses on bias in relation to the "overall population of interests" as a measure of "representativeness" (Rasmussen & Gross, 2015). This means that they look at the percentage of, for example, business interests with access to a specific venue and compare this to an imagined "total interest population" of all stakeholders with an interest in the topics discussed at that venue. It is however virtually impossible to measure an overall interest population and to quantify bias this way (Rasmussen & Gross 2015, pp.353-4). For example, it is impossible to quantify the amount of

“citizen” stakeholders on topics such as environmentally friendly energy in the EU. Within such topics a large body of citizens, and businesses, is likely to be a stakeholder as it affects nearly everyone in Europe, and the rest of the world. Thus, quantifying this vast body of citizen interests would be impossible to do accurately. Additionally, how would the amount of citizen interests have to weigh up to business stakeholders, i.e. does one citizen count the same as one business? These questions have not been sufficiently answered by scholars and remain problematic to this measurement of bias.

The academic struggle to conceptualise bias makes it difficult to accurately determine how and to what extent it constitutes a problem in the interest system. Therefore, to take a step back from stage two bias as a concept in and of itself, scholars opt for a third approach (see Coen & Katsaitis, 2021; Hanegraaff & Berkhout, 2018). This approach focuses on changes in the distribution of access without labelling the outcome of individual cases as “biased” or “unbiased”. Academics look at factors that might explain when, how and why the distribution of access changes. The focus is thus on relative bias instead of absolute bias. Relative bias can, for example, be measured by comparing the dominance of business stakeholders in in one case with another case to determine in which case business stakeholders are more dominant, thereby labelling that case as “more biased” relative to the other, holding all other things equal. Whilst this approach still relies on labelling one outcome as more “biased” than another, cases are not individually categorised as “biased” or “unbiased”, meaning no claims are made on the objective “biasedness” of cases.

Based on these issues in the literature, the following conclusions can be drawn and decisions are made: Firstly, the literature’s understanding of the roles of policy-makers in the distribution of access and the factors that drive them to favour certain stakeholders over others is still limited. To fill this gap, this paper zooms in on the “demand side” of the interest system and the rationales and actions of EU policy-makers in particular. The following sections therefore focus on: expanding the theoretical understanding of the drivers behind policy-makers’ rationales; exploring the possible impact of external factors on this rationale; and combining these two into a number of expectations about what we might see in the real world. Secondly, the concept of stage two bias, whilst having a central role in the academic field, cannot be measured in absolute terms. Therefore, I focus on the distribution of access and changes that might occur in it as a means to analyse ‘relative bias’. It is still possible to determine relative bias between cases, i.e. the distribution of access in one case might favour businesses more than in another case. Bias thus remains an important concept to include due to its inherent position in how the interest system is viewed, however due to the contested nature of absolute bias as a concept, I only look at relative bias.

## 2.3 Understanding the demand side: the European Commission's legitimacy

We have thus far narrowed the focus of this paper down to the demand side of the interest system to fill a literary gap. In order to fully understand this side of the system, i.e. the EU policy-makers, it is important to understand the underlying rationales that drive these policy-makers to act. This section therefore explores the central driving factors behind EU institutions' behaviour: legitimacy. The EU's institutions centrally pursue legitimacy to preserve their position as European law-makers. Whilst interactions with stakeholders can serve in favour of legitimacy as they allow for the inclusion of a wide set of interests and provide necessary information for good policy output, bias within stakeholder representation can be equally detrimental to legitimacy.

At this point, it is important to be more specific about which actors on the demand side constitute the main focus of this paper. The demand side of the interest system includes all EU institutions. However, there is one that stands out, namely the European Commission. The Commission is widely regarded in the literature as the most important actor when it comes to EU-stakeholder relations due to its central role in the policy process (Bouwen, 2001; Rasmussen & Gross, 2015; Coen & Katsaitis, 2015; 2021). Stakeholders most often focus their attention to the Commission when seeking to give input into the policy process (Rasmussen & Gross, 2015). Because of the central role of the Commission in the process and in EU-stakeholder interactions, it is thus an interesting actor on the demand side to analyse.

### 2.3.1 The Commission's rationale: legitimacy

At the core of the Commission's rationale lies the desire to create effective and legitimate legislation, also referred to as input and output legitimacy (Coen & Katsaitis 2019, p.280). Input legitimacy broadly refers to the openness and inclusiveness of the political decision-making process towards constituents and its responsiveness to public debate (Sharpf 1998, p.2). On the other hand, output legitimacy closely relates to the "quality" of policy outcomes, associated with the epistemic standards of the community of constituents (Bellamy, 2010).

The Commission was traditionally seen by the literature to pursue primarily output legitimacy (Bouwen 2001; 2004). However, since then academics have changed their perspective. Today, the Commission are argued to pursue both input and output legitimacy individually (Borrás et al. 2007; Beyers & Arras, 2019; Greenwood, 2007; Hanegraaff & Berkhout, 2018). As the primary initiator of new legislation, the Commission plays a central role in shaping the outcome of new policies. Because of its important role in creating legislation, it is focused on ensuring that the policies it creates are effective and sound. In doing so, the Commission is thus pursuing output legitimacy (Coglianese et al. 2004, p. 277). On the other hand, the Commission's input legitimacy has formed a growing subject for debate. We can

see both an increase in public scrutiny towards the Commission's input legitimacy as well as an increase in the Commission's desire to have input legitimacy (Coen & Katsaitis, 2021)

The Commission's desire for input legitimacy can be observed empirically, for example, in a white paper in which the Commission published its objectives in relation to the interest system (European Commission, 2001). This white paper specifically reports on the Commission's goal to open up the policy-making process to get a wider set of interests involved and to balance the input of interest groups, indicating a push towards input legitimacy (European Commission 2001, p.1). Additionally, the Commission's principles and minimum standards for consultations state that all relevant interests in society should have an opportunity to express their views (European Commission 2002, p. 5). Similar objectives were later codified within the Treaties (Article 11(3) Consolidated version of the Treaty on European Union, 2016). Protocol No 2(2) additionally states the Commission shall consult widely before proposing legislative acts.

The Commission is therefore concerned with both input and output legitimacy, but the literature has had a difficult time connecting the Commission's varying legitimacy needs to the roles of stakeholders. The following section therefore discusses the academic debate about the role of stakeholders in providing this legitimacy in further detail.

### 2.3.2 Stakeholders and legitimacy: the consultation regime of the Commission

To facilitate legitimacy, the Commission has put in place a participatory system that allows for the involvement of stakeholders in the legislative process through various consultation processes (Crepaz & Hanegraaff 2020, pp. 105-6; Mahoney 2004, p. 441; Quitkatt & Kotzian 2011, p. 401). Here, the Commission's role can be seen as that of an activist bureaucracy, intervening to empower a variety interests by providing access to legislative processes (Persson & Edholm 2018, p. 562).

The elaborate system of consultations with stakeholders set up by the Commission is also referred to as the 'consultation regime' (Bunea 2017, p. 49). The consultation regime is made up of a variety of institutional venues in which the Commission gives access to stakeholders in exchange for information (Bunea & Thomson 2015, p. 518). The Commission's current consultation regime can be characterised by the 'Better Regulation Agenda', focusing on the procurement of input and output legitimacy and the mitigation of bias in the interest system (Commission 2001, p. 17; Quittkat & Finke 2008, pp. 197-90; Quittkat & Kohler-Koch 2013, pp. 43-7; Bouwen 2009, pp. 26-32; Commission, 2017; Binderkrantz, Blom-Hansen & Senninger 2021, p. 471). The consultation regime, however, remains largely informal, with the Treaties only including a broad obligation to carry out broad consultations (TEU, Article 11). Therefore, whilst it is safe to assume the Commission's consultation regime strives to be legitimate and unbiased, it cannot be held specifically to any concrete legal requirements.

Whilst the literature is relatively clear about what the Commission theoretically wishes to achieve, how stakeholders fit into this picture remains subject for debate. Early literature on the EU's interest system argues that the type of information provided by interest groups is inherently tied to the type of interest group in question (Bouwen, 2001; 2004). Citizen interest groups were generally considered to be well positioned to provide relevant information for input legitimacy (Mahoney, 2008; Rasmussen & Gross, 2015). Their inclusion into the policy process would thus be crucial for achieving input legitimacy. On the other hand, business stakeholders were seen to be better able to provide technical expertise required to create technically sound legislation. This is because their position on the "receiving end" of policies would give them effective insight into practical implementation issues and other implications of legislation (Chalmers, 2013; De Bruycker 2016, pp.601-14). Additionally, they are often positioned at the centre of policy field, meaning they possess the technical expertise required to operate in the field. Their inclusion was thus associated with output legitimacy (Bouwen, 2001; 2004; Mahoney, 2008; Rasmussen & Gross, 2015). However, this idea has fallen under scrutiny by scholars arguing that the type of information interest groups provide is not inherent to the types of interest they represent (Hanegraaff & Berkhout, 2018). Rather it is argued that the type of information interest groups provide is a strategic choice available to all (Chalmers, 2013; De Bruycker 2016, p. 614).

What is interesting about this literary debate is its focus on what stakeholders provide to the Commission. Contrarily, when it comes to analysing the distribution of access, scholars focus exclusively on who has access, not what those with access contribute. This might work if one assumes the what and who to be inherently tied together, but this would be an unrealistic approach. It is too simplistic to assume that all business interests can provide solely technical expertise for output legitimacy and that all citizen interests solely provide representational input for input legitimacy. It is better to assume different types of stakeholders possess the capacity to provide different kinds of input to various extents (De Bruycker 2016, p.614). Therefore, when analysing the role of stakeholders in the interest system a clear distinction should be made between *who* is represented (i.e. the types of stakeholders with access) and *what* those stakeholders with access contribute (i.e. the types of information they provide). From this perspective, the question of *who* has access can be seen as focusing on input legitimacy, whereas the question of what information the Commission receives relates to output legitimacy. Input legitimacy is thus about a distribution of access that includes a wide set of stakeholders so that the sources of information are diverse. Output legitimacy is less about the sources of information and more about the information itself that has to be sufficient to create good legislation.

I focus on the *who*-question in this paper, thus looking at the types of interests in the distribution of access, and not the information provided by those interests. This is done because we need to know who the actors are that are present before we can understand their policy-positions and the information that they provide. The question of what information stakeholders then give to the Commission constitutes a relevant follow-up question for future studies.

### 2.3.3 What impacts the Commission's legitimacy needs?

The previous sections discussed in detail the Commission's rationales for involving stakeholders in the policy process. However, this rationale is not formed in a vacuum. The context in which the Commission's legitimacy needs are formed influences when and how different types of legitimacy are required most and which stakeholders might be preferred by policy-makers to gain access. This section therefore discusses what external factors might influence the distribution of access, focusing on one factor in particular: the political salience of topics.

Firstly, there are multiple factors that can influence which types of stakeholders EU policy-makers prefer to give access to. For example, variations in policy areas, legislative types and differences between institutional venues all influence how the Commission seeks to regulate the distribution of access of stakeholders (Hanegraaff & Berkhout, 2018; Wonka et al., 2018). Different policy areas might warrant types of information or even different degrees of input and output legitimacy. Different types of legislation can additionally vary in how they influence the types of legitimacy that the Commission believes most crucial. As a last point, but one that is central to understanding the demand side, different institutional venues within the Commission are argued to have slightly varying logics when it comes to the types of legitimacy they most require and the types of stakeholders they prefer to give access to (Arras & Braun, 2018; Beyers & Arras, 2019; Binderkrantz, Blom-Hansen & Senninger, 2021; Mastenbroek & Martinsen, 2018; Wonka & Rittberger, 2010). These differences can occur both between institutional venues within a Directorate General (DG), but there can also be differences between how different DGs view stakeholder access (Gornitzka & Sverdrup, 2008). Differences between DGs might also be attributed to the nature of different policy areas (Van Ballaert, 2017).

A central factor that stands out, is the political salience of the topic on which the Commission requires stakeholder input (Hanegraaff & Berkhout, 2018). Political salience can be conceptualised a number of ways. It has been characterised in the literature as the publicly visible government and public attention given to an issue (Baumgartner & Jones, 1993; Grande & Hutter, 2016; Beyers et al., 2018; Hanegraaff & Berkhout, 2018). There is one notable issue with this definition, which is its lack of detail in answering the question: salience for who? Within the literature the use of political salience is used varyingly to mean an issue is salient for a variety of actors, mainly public actors such as government officials, different civil society groups or individual citizens (Grande & Hutter, 2016; Hanegraaff & Berkhout, 2018). It is then important to note that the level salience depends wholly on which actor one analyses. For the purpose of this paper, and in line with the literature, I focus on the relative salience of topics for the general public, primarily represented by citizen interests. This is done because these would be the cases in which there is most reason to make sure all facets of society are heard, and where input legitimacy would thus be most pressing.

From the previous sections, the rationale behind policy-makers actions to interact with stakeholders, namely: legitimacy, has become clear. We additionally know that this rationale can be influenced by external factors that might affect to what extent those policy-makers favour one type of legitimacy over another. Changes in which

types of legitimacy are favoured by policy-makers can subsequently affect how those policy-makers regulate access. The final outcome, measured as the distribution of access, is thus dependent on the Commission's rationale and external factors that impact this rationale. Based on this theorisation, we can formulate a number of expectations about the effects of specific external factors on the Commission's rationale and thereby the distribution of access. The following section highlights the expectations on one such factor in particular: the salience of policy topics.

## 2.4 What we might expect based on the established field

Based on the theoretical foundation and literary field I have established the Commission's desire for legitimacy as the central driver behind its actions. The purpose of this paper is now to explore how this desire for legitimacy is tied to the way in which the Commission interacts with stakeholders, and more specifically how the Commission regulates the distribution of access. Further, the central focus is put on the Commission's desire for input legitimacy in particular. Input legitimacy refers to an involvement of stakeholders that is varied and thus not dominated by one set of interests. In this case, that means that business stakeholders would not be overwhelmingly dominant in their access compared to citizen interests. Thus, we might expect that in cases in which the Commission is most concerned with input legitimacy, the degree of business dominance would be the lower and the overall distribution of access would be the more balanced, compared to cases in which input legitimacy is not of concern.

However, due to shortcomings of the literature, academia's understanding of the Commission and its actions in this field remain largely theoretical. The literature has relatively neglected the demand side's rationales. More specifically, the role of salience on the rationale and actions of the Commission have thus far not been analysed nor discussed by academics. We therefore know relatively little about this part of the field. This makes it difficult to formulate hypotheses that are well-grounded into previous academic findings and the academic debate and that can be robustly tested. Therefore, I formulate two broader expectations about what we might observe, which can subsequently be explored in the analysis.

Based on the Commission's theorised desire for both output and input legitimacy, it is firstly expected that the Commission favours a generally unbiased distribution of access. This means that I do not to see an overwhelming overrepresentation of business interests in the distribution of access. Secondly, it might still be expected that this desire for input and output legitimacy is not wholly constant. It might be possible for external factors to affect the legitimacy-needs of the Commission. Whilst there can be multiple factors that influence when the Commission is more concerned with input legitimacy, one stands out in particular, namely: the political salience of a topic, as previously discussed. It might then be



expected that when the Commission works with topics that are more salient for the general public, its desire for input legitimacy increases. This is expected because salient topics attract more public attention and include a wider set of interests, specifically including more citizen interests, that want to represent their positions in the EU's policy process. This means that, to represent this wider set of interests, the distribution of access would include fewer business stakeholders and more stakeholders representing citizen interests. Additionally, an increase in public scrutiny on the Commission's actions within these topics puts more pressure on policy-makers to counter bias (or business dominance) and promote the inclusion of citizen interests. I thus expect that the more salient a topic is, the lower the business dominance in the distribution of access in venues related to that topic will be.

## 3 Case selection and methodology

The previous chapter established the state of the field, its problems and a number of expectations that can be drawn from it. This chapter explains how I build on those expectations and explore them. This paper is exploratory in nature due to the literature's limited understanding of the demand side of the interest system and the factors that influence it. Therefore, instead of seeking to either confirm or deny a specific hypothesis, this paper more broadly explores the expected relation between the concept of 'salience' and 'business dominance'. To explore this relation, an original dataset is created and a variety of statistical models are used including a number of possible explanatory factors. The purpose of the method is to further our understanding of the field, rather than to draw definitive conclusions.

### 3.1 Case selection: DG Energy's stakeholder events

To get a better understanding of the rationale behind my own case selection, it is useful to first look at how the literature has dealt with this issue. When analysing institutional venues, scholars often focus on advisory committees (Rasmussen & Gross, 2015), expert groups (Gornitzka & Svedrup, 2015), administrative networks (Mastenbroek & Martinsen, 2018), and public consultations (Arras & Beyers, 2020) to name a few. All of these provide unique institutional settings in which stakeholders can gain access to EU institutions. These cases can differ quite drastically in their institutional make-up and purpose however. Expert groups, administrative networks and advisory committees all constitute relatively small and closed-off institutional venues that are generally inaccessible to the majority of stakeholders. Public consultations on the other hand, are quite the opposite in nature. They allow for all stakeholders to freely provide their input into the policy process.

There is one type of institutional venue that has remained outside of the scope of academics, namely: stakeholder events. Stakeholder events constitute a middle ground. On the one hand, access to them is restricted and stakeholders can often only gain access by specifically being invited by policy-makers. On the other hand, stakeholder events are substantially more accessible than expert groups and advisory committees as they are used frequently, are larger in number and allow for more stakeholders to participate within them.

The literature thus focuses mostly on expert groups and advisory committees, but fails to consider stakeholder events. There are two main problems with this focus on expert groups and advisory committees for the purpose of this paper: these venues do

not reflect the rationale behind input legitimacy and they are not generally comparable (Gornitzka & Sverdrup 2015, p.157).

The first issue lies with the non-comparability of institutional venues within and across DGs. The Commission itself states that its stakeholder-outreach practices are spread across a variety of venues, meaning that one venue is not necessarily representative of stakeholder access in the Commission as a whole or other venues within it (European Commission, 2021a). For example, expert groups in one DG cannot be assumed to fulfil the same purpose as expert groups in another DG. Similarly, expert groups in one DG do not fulfil the same purpose as, for example, advisory groups in that same DG (Gornitzka & Sverdrup 2015, p.156). Therefore, studies that compare venues across or within DGs in this manner might find unreliable results. This, in turn, negatively affects the internal validity of such research.

To minimise the issue of non-comparability across DGs, the focus of my paper is narrowed to one Directorate General, namely DG Energy. By focusing on one DG, I am able to investigate the logic of DG Energy in their demand for stakeholder access more thoroughly. In line with the exploratory approach to the analysis, DG Energy was chosen as an illustrative case, in that it is concerned with increasingly salient topics such as climate change and sustainability, whilst maintaining a high level of technicality and including a multitude of economic implications. EU energy policy is expected to include a variety of both salient and non-salient issues in which a wide set of stakeholders have an interest. It therefore provides the variety necessary to analyse the role of salience in distribution of access, whilst maintaining the benefit of being limited to one Directorate General.

Then, the analysis must be narrowed down to a specific venue within DG Energy. There are two considerations that must be made here. Firstly, it is centrally important to distinguish between venues with 'open access' and those with 'restricted access' (Binderkrantz, Blom-Hansen & Senninger 2021, p.472). Open access venues, such as public consultations, promote relatively free participation of stakeholders without allowing policy-makers to regulate access. This means that EU officials generally have no say in who can and who cannot gain access in these cases. This makes it impossible to determine the demand-side actions to regulate the distribution of access. If the Commission's policy-makers play no role in determining the outcome of the distribution of access in these cases, then I cannot analyse the distribution of access from the perspective of the demand side. Open access venues are thus not sufficient for the purpose of this paper.

On the other hand lie 'restricted' forms of access. This category includes a wide variety of venues, that all have one important aspect in common, namely: their access is regulated by policy-makers. Stakeholders that wish to participate in these events generally have to either register and be granted permission by EU officials to join or be invited by policy-makers in the first place. This is especially the case for those stakeholders that wish to attend as participants/speakers rather than observers/attendees, something that is discussed in further detail later. This means that policy-makers have control in deciding who gains access and who does not. The purpose of this thesis is to analyse the 'demand side of lobbying', meaning in this case

the rationale of DG Energy to regulate the distribution of access in one way or another. The cases that are analysed should thus have ‘restricted access’.

There are three types of restricted access venues that stand out: expert groups, advisory groups and “stakeholder events”. As previously mentioned, most research has focus on the first two whilst stakeholder events have been largely neglected. There is however a problem with using expert groups or advisory committees for the purpose of this paper. These venues are expected to focus primarily on output and are generally homogenous. The primary purpose of these two venues is not to provide a platform for stakeholder input but to fulfil specific needs related to directives and regulations (output). Their distribution of access is thus not likely to be reflective of the Commission’s underlying desire for input legitimacy. It would therefore be difficult to isolate the effect of input legitimacy on the distribution of access in these cases. Additionally, these venues are rather homogenous as they are used by many DGs, including DG Energy, to reach out specifically to national governmental experts (European Commission, 2021a; OECD, 2019). They do therefore not give much of an indication of the demand for stakeholder participation beyond governmental interests.

There is one venue left in particular that could fulfil the needs of this paper, namely: stakeholder events. Stakeholder events consist of a wide set of forums, roundtable discussions, conferences and other events. They include the most diverse and extensive set of cases on DG Energy’s stakeholder outreach efforts. These events therefore provide the best opportunity to investigate the theorised relation between salience and access as they include a variety of salient and non-salient topics and are relatively frequent in their usage. Additionally, stakeholder events are less institutionalised than, for example, expert groups. This means that policy-makers are relatively free to determine when and how to organise stakeholder events, and there is generally less external pressure on the organisers to include specific types of interests (Rasmussen & Gross, 2015). Policy-makers are thus more free in how they regulate and distribute stakeholder access. This has the benefit of providing us with a distribution of access that is truer to policy-makers underlying rationale when it comes to their interactions with stakeholders. The central point of events is also to reach out to varying stakeholders, rather than fulfil specific policy needs like expert groups and advisory committees. Their focus lies thus more towards input legitimacy than output, meaning that the effects of input legitimacy as a rationale for action can be better explored. This venue is thus a good case to help answer the research question.

I therefore opt to focus on DG Energy’s stakeholder events. This has the benefit of allowing for a thorough and internally valid investigation into how DG Energy regulates the distribution of access. However, this also means the thesis is less able to make claims about the Commission as a whole and about other stakeholder venues. As previously discussed, DGs use a variety of venues to reach out to stakeholders, of which ‘stakeholder events’ is just one. However, ‘stakeholder events’, nonetheless provide a heterogeneous set of cases through which DG Energy’s actions can be fruitfully analysed. Therefore, whilst it does not give an overview of the distribution of all stakeholder access, it does give a good indication of how DG Energy acts to regulate access, and particularly in relation to input legitimacy. Stakeholder events

thus provide a useful venue for exploring the relation between salience and business dominance.

## 3.2 Creating the dataset

To explore the relations between salience and the distribution of access, an original dataset was created of DG Energy's stakeholder events. All stakeholder events that are subject to the analysis are taken from DG Energy's own website on which all events organised by DG Energy are listed. Whilst I do not expect any major differences to occur over time, the cases are limited to the years 2018 and 2019. This is done because due to inaccessible data from before 2018 and to stay within one Commission administration, as in late 2019 the Von der Leyen Commission replaced the Juncker Commission. Additionally, the Covid19 virus has been present in most of the Von der Leyen Commission's active years. The presence of the virus might cause irregularities in the use of and attendance in stakeholder events, which would decrease their degree of representativeness of such events in general.

Out of the events organised in 2018 and 2019, all but a few events were included in the dataset. First, a few events characterised as "workshops" were excluded as they are not intended to provide stakeholders with an opportunity to voice their position. Rather they are used by DG Energy as a means to "teach" stakeholders about new developments and activities by the Directorate (European Commission, 2021b). Second, to avoid repeated observations, I exclude five events that were recurring annually, meaning they were held twice within 2018-2019. Working my way forward, I excluded the five newest iterations of these repeated events. The events were similar on all important variables, but it was not possible to take an average as two events differed on one nominal variable. For each of these annual events, the distributions of access on both events were measured and no significant difference was found in any of the cases. There is therefore no reason to suspect that the exclusion of the 2019 iterations results in significantly different findings than if 2018 were to be excluded.

A total of 38 cases are included in the dataset. From these cases all stakeholders that were present were analysed, resulting in a list of over 2000 stakeholders. Information on the distribution of access within each event was extracted by hand from DG Energy's websites, Commission document requests and a variety of other online sources. A list of stakeholders present at each event was made combining information from event programmes, agendas, minutes and presentation lists. Information on each individual stakeholder was taken from the Joint Transparency Register of the Commission, Parliament and Council and stakeholders' own websites. Combining this information resulted in a dataset showing exactly which stakeholders were present at each of the 38 events. However, a number of additional decisions were made in determining which stakeholders were included in the dataset to ensure that the results were indicative of the relation that is explored in this paper.

Firstly, stakeholders within events were counted based on the amount of times they were platformed. For example, if two representatives of a specific organisation both give separate speeches or participate in separate panel discussions within one event, this organisation was counted twice. This is done because the organisers consciously provided these organisations with multiple chances to voice their position on topics and were therefore given an especially privileged position within that event. It is therefore fitting to count these organisations as many times as they were platformed.

Additionally, only platformed attendees are counted as participants and included in the dataset. Stakeholders at events can fulfil different roles, most notable are: panel chairs/moderators; panel members/discussants; presenters; and observers. The group of participants classified as ‘observers’ are present at events only to watch and they are not given an opportunity themselves to state their position. Additionally, this group of observers does often not have to be invited, but rather are free to come to events upon their own discretion. Their presence is thus not a product of policy-makers’ rationales or actions. This group is therefore not included in the dataset as their inclusion would not represent the relation that the paper analyses.

The stakeholders that are included in the dataset are subsequently categorised into different “types of interests”, similar to the previously discussed dichotomy between ‘business’ and ‘citizen’ interests. This is done to further explore the theorised roles of these two groups of stakeholders, as the involvement of these two groups in particular is central to the debate on EU-stakeholder relations. However, to preserve as much detail as possible, stakeholders are initially categorised into 13 different types. These types are largely in line with the categorisations made in the Joint Transparency Register. The list of categories includes professional consultancies, various forms of business representatives, NGOs, research and academic institutions and different governmental actors. A few minor changes were made to the Transparency Register’s categorisations in relation to the types of governmental actors that exist and I exclude churches and religious groups, as these are not present in any of the cases in the dataset.

These 13 types are then grouped into four categories. The first category (group 1: consultancy interests) consists of organisations representing professional consultancies and law firms. This group primarily acts as an intermediary between various interests, although mostly business, that seek access to the EU’s policy process and the policy makers themselves. This group therefore rarely act in their own interests, but instead aims to purport the interests of their “clients”. The second category (group 2: business interests) includes all representatives of the commercial side of the interest group spectrum, namely: Companies; trade and business associations; and trade unions and professional associations. This group forms the focal point for the analysis. The third category (group 3: citizen interests) combines all non-governmental, non-commercial/business interests. This group therefore includes: NGOs; think tanks and research institutes; and academic institutions. This group constitutes the main counter in business bias as referred to in the literature. The last category, one that is often overlooked or excluded in the academic field is the governmental interest group (group 4: public interests). This group is diverse in that it includes EU officials (e.g. representatives from the Commission or Parliament),

national, regional or local governmental/public authorities, and representatives of non-EU countries.

Most of the participants of the stakeholder events were representatives of organisations that are registered on the Transparency Register. For these organisations, their categorisation on the Transparency Register was used. In order to categorise organisations that were not on the register, they were compared to similar organisations that were. This information was combined with information on the organisations' websites and other digital sources providing information on the organisations to create the proper categorisation for each organisation. The four groups are made to simplify the analysis in determining the degree of business bias within each case. The analysis focuses primarily on group 2 (business) in relation to groups 3 and 4 to determine the degrees of business bias within different policy issues.

### 3.2.1 Adding 'salience' to the dataset

To explore the independent variable 'salience', the events in the dataset were categorised between 'salient' and 'non-salient' events, based on the topics that were discussed in the events. Although the 'salience' of topics has been measured before in the literature (see Hanegraaff & Berkhout, 2018), there is no standardised or agreed-upon way to measure salience. Whilst Hanegraaff and Berkhout (2018) measure salience through the number of mentions a specific issue receives in various media sources, this measurement does not work in my case for a number of reasons. Firstly, the topics for which I need salience are generally too broad to be measured by mentions within media. The technique used by Hanegraaff and Berkhout works for narrow issues such as specific directives and regulations, as it gives a good indication of small differences between the issues in question. Because I analyse much larger topics, such as "sustainability", "clean energy" and "energy infrastructure", the number of mentions within media of each of these topics would result in a relatively unreliable measurement as it would be difficult to determine what constitutes a "mention" of these topics specifically. Additionally, the number of times these topics are mentioned would most likely be far too high to be a reliable measure. This approach is thus unsuitable for the purpose of this paper.

Instead I utilise the 2019 Eurobarometer on EU energy policy (European Commission, 2019). Here a number of questions related to the importance of specific EU energy topics are combined, such as: what does EU energy policy mean to you?; What should be the EU's energy priorities for the next years?; And which energy-related issues should the EU take responsibility for? These questions were asked to EU citizens and are taken together as a proxy for the importance that EU citizens put on specific EU energy issues. By analysing the answers, I was able to construct a list of relatively salient topics and relatively non-salient topics. The salient topics include: clean energy; (investment in-) renewable energy sources; consumer rights; sustainability; and climate change. The non-salient topics include: energy infrastructures; international energy cooperation; nuclear technology and safety; and supporting developing and non-EU countries move to sustainable energy sources.

These topics do not make up the entirety of energy-related topics included in the Eurobarometer, they constitute the two extreme sides of the spectrum. A number of other topics such as “the role of local communities, cities and regions” are notable energy topics, yet do not show any significant signs of being either salient or non-salient. As none of the stakeholder events fit those topics in any case, they are not included.

One limitation that arises here is that there is no specific cut-off point for which topics were categorised as ‘salient’, ‘non-salient’ or ‘in between’ and there is no standardised measurement of the salience of these topics. Rather, the topics were categorised through an assessment of the Eurobarometer’s results. Whilst this limitation might risk bias, the list of topics can be found below with their categorisation for the purpose of transparency. Additionally, the Eurobarometer is a publically available, meaning that my assessment of topics can be checked and future studies can use a different categorisation if they see fit. The replicability of this paper is therefore still upheld.

It should be noted that the terms ‘salient’ and ‘non-salient’ are not taken objectively, but relatively. This means that a topic categorised as salient is regarded salient relative to topics categorised as non-salient. This is not a problem for my approach as I seek to explore the effects of “changes in salience” rather than measuring salience in absolute terms.

### 3.3 Methodological decisions: an exploratory approach

When it comes to the methodological approach, this paper is first and foremost exploratory in nature. Social science scholars have not found consensus on what it means to do exploratory research however, and varying perspectives persist (Casula, Rangarajan & Shields, 2020; Stebbins, 2001). Firstly, I take exploratory research as a means to investigate a problem/question that is thus far relatively unknown, meaning we know little about the problem itself and the factors that are related to it. In my case, academics have largely neglected the demand side of the interest system in general, the role of policy-makers in regulating the distribution of access, and factors that impact the demand side’s logic and actions. Whilst we can theorise about the roles of policy makers and different external factors, we know very little about how these things play out in real life. Exploratory research, though often qualitative in nature, can also be combined with a quantitative approach. The available data is mostly quantitative, as there is no sufficient information on each case to allow for a fruitful in-depth qualitative case analysis of them. The cases themselves are thus better suited for quantitative methods.

At the same time, the limited amount of available quantitative data (38 cases) makes a statistical approach more challenging and limits the extent to which individual models will be able to find significant results. The data availability therefore additionally opens up for an exploratory analysis: we want to make use not only of all the stakeholder events, but also everything we can find out about them. By



exploring the data, we can look at the different factors and how they impact stakeholder access. The different variables and relations between them are further discussed in the following sections.

As I take an exploratory approach, I do not seek to provide concluding answers to a specific hypothesis. Instead, I explore a variety of different possible causal relations to provide a foundational understanding of this side of the system. The preliminary aim is to determine whether any correlations can be found between salience and the distribution of access and whether any relations that are found can be attributed to the Commission's policy-makers. Whilst no definitive conclusions can be drawn from this approach, it can provide us with useful new insight into a different perspective on EU-stakeholder relations. This paper thus provides a platform on which future research can build. This paper should thus be seen as a preliminary step into developing a more complete picture of the interest system of the EU.

The sequential steps that are taken to explore different relations between business dominance, the role of policy-makers, salience, and a number of control variables are discussed in the following sections.

### 3.3.1 Measuring business dominance

Firstly, I measure the percentage of business stakeholders in the cases to determine the overall dominance of businesses in the distribution of access. This helps to build a picture of possible 'bias' across these cases. The percentage of business interests with the distribution of access of each event is captured in the dependent variable 'business dominance'. 'Business dominance' subsequently consists of two different variables: Firstly, there is the amount of business stakeholders as a percentage of all non-governmental stakeholders that were present at the events, also referred to as 'business dominance (when including governmental)'. Secondly business dominance can be measured as a percentage of all stakeholders present, including governmental ones, referred to as 'business dominance (when excluding governmental)'.

This distinction is made to expand on the literary focus on business vs. citizen interests. Most research focuses exclusively on the percentage of business stakeholders relative to citizen interests (i.e. all non-business, non-governmental stakeholders). Therefore, to first measure business dominance in line with the literature, I measure it as a percentage of all non-governmental interests. Secondly, the exclusion of governmental interests in the analysis is unnecessarily limiting. To expand on the literature and to further the discussion on bias, business dominance is also taken as a percentage of the total population of stakeholders present at an event.

### 3.3.2 Determining deliberate action by policy-makers

Then, I explore whether a correlation can be found between the way the organisers of events talk about which stakeholders they prefer and which stakeholders are actually present at those events. Commission officials might, for example, state in the description of an event that it is primarily directed towards business stakeholders. It is

then possible to see if this ‘priority’ towards businesses is reflected in the distribution of access as well. This factor is included to see if we can further strengthen the notion that policy-makers consciously and effectively determine who does and who does not gain access to these events, beyond the established “restricted access” from the case selection. This way, it is possible to say with more certainty that the distribution of access can be attributed to policy-makers actions.

The way the organisers describe at which stakeholders an event is specifically directed, is captured in the independent variable called ‘Commission priorities’. This variable refers specifically to whether the organisers prioritise: business interests; citizen interests; governmental interests; all/multiple interests; or no interests. Only if one specific interest is mentioned can we speak of the Commission prioritising that stakeholder group. The variable is then dichotomised into a dummy variable to focus specifically on whether business stakeholders are prioritised or not. This is done for three reasons: Firstly, the substantial majority of cases either prioritise business or no specific interests at all. The dichotomisation is therefore largely in line with the empirical data. Secondly, I seek to analyse the relation between the Commission priorities and the dominance of business stakeholders in the distribution of access. It is therefore more straightforward to measure a correlation between the Commission prioritising business stakeholders and the actual dominance of business stakeholders. Lastly, using the variable like this allows for the use of simple statistical models such as t-tests, which better fit the limited available data.

### 3.3.3 Exploring the role of salience

Thirdly, I explore the central relation between the independent variable ‘salience’ and the dependent variable ‘business dominance’. First, I determine whether a significant correlation can be found between these two variables. Then, to add robustness to the model, a select few control variables are introduced. These variables are first tested individually and later all together in one model. This method best fits the limited number of cases and allows me to explore a variety of control variables and spot when and where the significance of models changes. To maintain significance in a limited number of cases, and in line with the exploratory nature of the paper, only a handful of control variables that are expected to have the largest effect on the outcome are included. The control variables include the ‘absolute participation’; ‘frequency’; ‘location’; and ‘(co-)organisation’ of events.

The first variable, ‘absolute participation’, refers to the total number of participants that were present at an event. This variable is chosen because both extremely low and extremely high levels of participation are expected to have an effect on the distribution of access as an overlap can be observed between cases with extreme levels of participation (both high and low) and those with extreme levels of business dominance.

The second variable, ‘frequency’, refers to whether events are held on a regular basis, meaning for example once a year or once every two years, or whether events are a “one-off case”, meaning that an event was only held once. Frequency is included because it is expected that it might have an effect on the distribution of access. Events

that are held more frequently might, for example, be more institutionalised and therefore would encourage the Commission to include a more balanced set of interests, which could mean less business dominance. On the other hand, “one-off events” might be seen as more special and therefore attract more widespread attention from the public, pushing the Commission to pursue input legitimacy and include more citizen interests. The variable is dichotomised as either ‘frequent’, meaning it is held more than once, and ‘non-frequent’, meaning the event was only held one time. This is done because I do not expect events that are held once a year, to differ significantly from those that are held once every two or three years and to again better fit the relatively small dataset.

The third variable: ‘location’ refers to whether events take place in Brussels or not. Out of the total of 38 events, 14 took place in Brussels, and 24 were held elsewhere. Whether an event is held in Brussels might affect which stakeholders are given access. For example, events in Brussels might be considered more salient by the organisers as they could attract more attention from media and stakeholders, thereby providing the Commission with an incentive to decrease business dominance.

The fourth variable: ‘(co-)organisation’ captures whether DG Energy was the sole organiser of an event or if any co-organisers were involved as well. In 18 of 38 events DG Energy was not the sole organiser and received external help. Co-organisers are expected to bring their own rationales to regulating business dominance and thus are likely to influence how DG Energy regulates access. This variable is also dichotomised between DG Energy being the sole organiser, and a co-organiser being present.

### 3.3.4 Statistical methods and decisions

The methods used consist of independent t-tests, Pearson’s Chi Square tests, linear regression and simple data visualisations. For all these models the assumptions of parametric tests and additional conditions for validity of the Chi Square tests were tested and none were violated.<sup>1</sup> Additionally, I opted to use linear regression models instead of ANCOVA to test the relation between ‘salience’ and ‘business dominance’ whilst including control variables. Whilst an ANCOVA would have similarly worked, both methods are principally the same and linear regression models are still useful when using dummy variables (Field 2018, pp.521-23).

The only problem that occurred in relation to the assumptions is that two outliers were found when investigating the relationship between the independent (salience) and the dependent variable (business dominance). Because the dataset is as small as it is, and because removing these outliers improved the normal distribution of the residuals, these were removed. It should be noted as a general limitation that a

---

1. I checked additivity and linearity using graphs, normality of residuals using graphs and the Kolmogorov-Smirnov/Shapiro-Wilk, homoscedasticity using graphs and Levene’s test, and multicollinearity using VIF and tolerance levels. For the Chi-square, I also checked the expected frequencies and all were above 5 (Field, 2018).

number of the findings do not hold when including these two outliers. The removal of them therefore relies on the assumption that in a bigger sample, these two would still be considered outliers (See the appendix for more on the outliers).

Lastly, one limitation of the method is the limited number of control variables that are included in the analysis and their dichotomisation. Firstly, the purpose of this paper is to explore a new avenue within the academic field on the interest system of the EU. Therefore, whilst the limited number of control variables negatively affects the validity of the method, the paper is nonetheless able to provide a useful initial indication of possible causal processes at play. Additionally, by analysing the relations between a multitude of variables separately and sequentially, a variety of interesting results can still be found to form the basis of future research. Secondly, three out of four control variables were made into dummy variables. Whilst this limits the amount of detail the analysis is able to portray, it was a necessary decision in regard to the limited number of cases. However, the dummy variables still portray the most important aspect of each control variable. I therefore do not expect the dichotomisation to have a significant impact on the results.

## 4 Analysis

This chapter explores the roles of each previously discussed variable. Firstly, I measure whether or not business stakeholders are dominant in the distribution of access. Secondly, to explore whether the distribution of access can be attributed to the actions and deliberations of policy-makers, a possible correlation between the ‘Commission priorities’ and ‘business dominance’ is tested. Lastly, once the overall degree of business dominance and the role of policy-makers are discussed, the effect of ‘salience’ is explored in combination with the control variables.

### 4.1 Measuring business dominance

Whilst the literature is heavily focused on measuring stakeholder access its findings remain largely inconclusive and contradictory (Hanegraaff & Berkhout, 2018). Additionally, the narrow focus of research in this field has largely ignored the issue of “business dominance” in stakeholder events as an institutional venue. We thus have no reliable measure of the distribution of access of DG Energy’s events. The first step of this analysis therefore seeks to measure the distribution of access in these cases to determine the extent of business dominance.

**Table 1. Descriptive statistics of different stakeholder types in the distribution of access**

	Min.	Max.	Mean	SE	SD
Business stakeholders	.06	.71	.39	.027	.167
Citizen interests	.00	.37	.13	.015	.092
Governmental stakeholders	.07	.78	.47	.028	.172
Consultancies	.00	.13	.02	.006	.036
Business stakeholders (as % of all non-governmental stakeholders in events)	.20	1.00	.71	.031	.188

Whilst it is difficult to determine what the cut-off point is between a “biased” and an “unbiased” case, the distribution, as shown in table 1, clearly shows a relative dominance of business interests compared to citizen interests. The average degree of business stakeholder representation is 39% (of all stakeholder within an event, including governmental interests), whereas the average degree of citizen interests in events is only 13%. Additionally, when governmental interests are excluded, business stakeholders on average make up 71% of participants. Interestingly, the degree of

governmental stakeholders is on average (47%) higher than the average of businesses (39%). This is an interesting finding as it gives indication of a possibly important role of governmental stakeholders. This also means that, when governmental interests are included, the overall degree of business dominance becomes more nuanced in some cases. However, the distribution between citizen and business interests remains unchanged.

This is already an interesting finding as the outcome (business dominance) goes against the first expectation, namely that the Commission would promote a varied and “unbiased” distribution of access in which business interest would not be overly dominant. Additionally, the role of governmental interests is likely larger than the literature has given credit to. Whilst we have reason to believe the outcome of this distribution of access is a product of the actions of policy-makers, as the cases analysed all constitute “restricted” venues in which policy-makers retain the power to regulate who does and does not gain access, it is possible to further explore whether this outcome is a product of deliberate action on behalf of policy-makers, namely by exploring the role of “the Commission priorities”.

## 4.2 Deliberation: the Commission’s priorities

We can see a clear dominance of business and industry interests, but to further investigate the expectations we also need to know how much of this dominance can be attributed to the actions of policy-makers. To add to the already established regulatory power through the case selection, we can explore who Commission officials themselves favour for access, to further explore the “deliberateness” behind the established business dominance. Within the majority of events the organisers give an indication which stakeholders the event is primarily aimed at. Therefore, based on a content analysis of the Commission’s descriptions of each event, it is possible to determine which types of interests are “prioritised” by policy-makers.

I thus explore whether business interests were explicitly prioritised, and whether business interests were relatively dominant in specifically those cases. Cases are thus dichotomised between those with “business priority” and those without it. To measure whether correlations exist between the Commission prioritising businesses and their dominance, two independent t-tests are done. T-tests are a useful tool to compare the means of two groups to test whether a statistically significant correlation exists between one independent variable and one dependent variable. In this case I want to know if, when businesses are prioritised (business priority), the average mean of ‘business dominance’ is higher, than when businesses are not prioritised (no business priority). Here ‘business priority’ constitutes the independent variable and ‘business dominance (when including governmental interests)’ and ‘business dominance (when excluding governmental interests)’ are the dependent variables.

**Table 2. T-tests of business priority and business dominance**

		N	Mean	SD	Std. Error	df	p
<b>Incl. gov. stakeholders</b>	Business priority	17	.48	.18	.04	26.33	.003
	No business priority	21	.31	.12	.03		
<b>Excl. gov. stakeholders</b>	Business priority	17	.78	.20	.05	30.80	.047
	No business priority	21	.66	.16	.04		
(Equal variances not assumed)							

The first t-test tests the Commission priority of businesses against the dominance of business interests (when including governmental interests). The test shows a significant difference in scores for ‘business priority’ (M=.48, SD=.18) and ‘no business priority’ (M=.31, SD=.12) conditions;  $t(26.33)=-3.27$ ,  $p=.003$ . This means that, in events where the DG claims businesses are prioritised, they make up 48% of all participants on average. On the other hand, when businesses are not prioritised, they make up only 31% of participants. Thus, when the DG states they prioritise businesses to be present at an event, business dominance in those events, relative to all other types of stakeholders, about 17% higher than when they are not prioritised.

The second t-test tests the Commission priority of businesses against the dominance of business interests relative to the other non-governmental interests (when excluding governmental interests). This test also shows a significant difference in scores for ‘business priority’ (M=.78, SD=.20) and ‘no business priority’ (M=.66, SD=.16) conditions;  $t(30.10)=-2.07$ ,  $p=.047$ . This means that, when governmental interests are excluded, business make up 66% of the stakeholders on average, even when they are not prioritised, and 78% when they are prioritised. Whilst business dominance is thus always high, it is 12% higher on average when they are prioritised. We therefore have further reason to believe that when the DG says they prioritise businesses, businesses do become more dominant. These findings show support for the notion that bias in the interest system exists because of deliberate actions by policy-makers.

Whilst these tests show a significant correlation, they focus exclusively on the Commission’s favouritism towards business interests. They do not show to what extent the Commission prioritises other types of interests. Therefore, another measurement is used to show how often the Commission prioritises business interests, citizen interests and governmental interests. Events are categorised into five categories by Commission prioritisation of either: business interests; citizen interests; governmental interests; all three at once; or none of them. The latter indicates that the organisers made no claims as to which interests are specifically favoured to participate. The measurements are visualised below:

**Table 3. Descriptive statistics of different stakeholder types' prioritisation**

	Mean	SE	SD
Business stakeholders prioritised	.45	.082	.504
Citizen interests prioritised	.00	.000	.000
Governmental stakeholders prioritised	.03	.026	.162
Consultancies prioritised	.00	.000	.000
No stakeholders prioritised	.24	.070	.431
All stakeholders prioritised	.37	.122	.075

These measurements clearly indicate favouritism towards prioritising business interests in DG Energy's stakeholder events. Whilst business interests are prioritised in 45% of cases, in no single case were citizen interests exclusively favoured. Additionally, in 37% of cases were all prioritised and in 24% none were. Governmental interests were only prioritised in 3% of events. Interestingly then, even in cases where we would expect the Commission to prioritise citizen interests, such as in the 'Citizens Energy Forum', business stakeholders are still not excluded from prioritisation. DG can thus be seen to either prioritise business specifically, all interests together, or none whatsoever. Citizen and governmental interests are almost never exclusively prioritised.

This section has explored the "deliberateness" behind the distribution of access. It shows that there is further reason to believe the Commission actively decides which interests are dominant in stakeholder events. This is important because, in order to explore the theorised assumptions about the Commission's desire for legitimacy through regulating access, we need to know that the distribution of access is a product of the Commission's actions. The following sections can therefore more confidently explore the expectations related to the concept 'salience'.

### 4.3 Exploring salience

The previous sections established the existence of business dominance and attributed it more directly to the Commission's own actions. The following sections build on this by exploring the expected relations between salience and the distribution of access. Firstly it should be established whether a correlation can be found between the level of salience of an event and the degree of business dominance in the distribution of access. The following independent t-tests allow us to determine a possible correlation between salience and the two forms of business dominance:



**Table 4. T-tests of salience and business dominance**

		N	Mean	SD	Std. Error	df	p
Incl. gov. stakeholders	Salient	22	.32	.13	.03	27.24	.005
	Non-salient	16	.48	.17	.04		
Excl. gov. stakeholders	Salient	22	.64	.20	.04	34.39	.003
	Non-salient	16	.81	.12	.03		
(Equal variances not assumed)							

The first t-test tests the concept of salience against the dominance of business interests (when including governmental interests). This test shows a significant difference in scores for ‘salient’ (M=.32, SD=.13) and ‘non-salient’ (M=.48, SD=.17) conditions;  $t(27.23)=3.07$ ,  $p=.005$ . This means that business dominance, as a percentage of all stakeholders (including governmental) is on average 32% in salient events and 48% in non-salient events. Business dominance is thus, on average, 16% higher in non-salient events.

The second t-test tests the concept of salience against the dominance of business interests (when excluding governmental interests). This test also shows a significant difference in scores for ‘salient’ (M=.64, SD=.20) and ‘non-salient’ (M=.81, SD=.12) conditions;  $t(34.39)=3.15$ ,  $p=.003$ . This means that business dominance, as a percentage of all non-governmental stakeholders, is on average 64% in salient events, and 81% in non-salient events. Business dominance is thus, on average, 17% higher in non-salient events, compared to salient events.

Both tests therefore indicate a statistically significant correlation between whether an event is salient and the dominance of business within that event. Events that are considered not salient have a quite significantly (16% and 17%) overall higher presence of business interests than those that are considered salient. This is interesting because it shows initial support for the expected role of salience on the distribution of access. However, it is nonetheless useful to explore the relations between other variables as well to get a more complete picture.

We thus know significant correlations exist between ‘salience’ and ‘business dominance’, and between ‘business dominance’ and ‘Commission priorities’. To build on this, we can test if a similar correlation can be found between salience and the Commission prioritisation of business interests. This is done to explore whether the Commission might also prioritise business stakeholders more in non-salient events. Both variables that are tested are categorical (‘salience’ can only be “1=salient” or “0=not salient” and ‘Commission business priority’ can only be “1=business priority” or “0=no business priority”). This means a t-test will not suffice. Instead, Pearson’s Chi Square Test is used:

**Table 5. Chi Square Test of salience and Commission business priority**

	Value	df	p (2-sided)
Pearson Chi-Square	6.446	1	.011
N of Valid Cases	38		
a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.16			

The Chi Square test tests whether a statistically significant correlation exists between the salience of events and the business priority in those events. The test shows a statistically significant correlation with the following results:  $X^2(1, N=38) = 6.45, p = .011$ . From a Chi Square test, we cannot determine the direction of the relation between 'salience' and 'Commission business priority'. But the tests have shown that business dominance is higher in salient events, and that business dominance is higher when business is prioritised. We can thus hypothesise that when events are salient, business priority is also likely to be present. There is thus reason to believe that salience has an impact on whether policy-makers specifically seek out business interests or not.

Taken together, all previous tests show that business is dominant in the distribution of access, that there is good reason to believe this is a product of DG Energy's actions and that salience might have a significant impact on this. However, thus far the statistical tests have remained relatively simple, including only two variables at a time to better fit the limited number of cases. To supplement this, the following section explores a number of selected control variables.

## 4.4 Adding control variables

There are four different control variables that are added to add robustness to the analysis as discussed in the previous chapter, these are: absolute participation; frequency; location; and (co-)organisation. Whilst the number of control variables is limited to four, each variable is picked specifically based on the expected impact it has on the outcome. Firstly, all control variables are tested sequentially by including them in separate models to test whether any of them have an impact on the expected relation between salience and business dominance. After that all control variables, and the independent variable (salience) and dependent variable (business dominance) are included into a singular model to explore to what extent 'salience' still holds as an explanatory factor for the distribution of access.

### 4.4.1 Absolute participation

The first control variable that is included is the number of participants at an event, or 'absolute participation'. We previously established that cases with extremely low participation might more easily show distributions of access that are more skewed in favour of a particular type of interests (as percentages are quicker to change more significantly in cases with low absolute numbers). Building on this, and partially confirming this, an interesting overlap can be found between cases with extremely low participation, and cases with extremely high business dominance. For example, the four cases with the highest degrees of business dominance also have

extraordinarily low numbers of participants. Therefore it is useful to test whether the number of participants at events has an impact on the relation between salience and business dominance.

Firstly I test whether a significant correlation can be found between the number of participants of an event and business dominance. This is done to test if the number of participants, already on its own, significantly impacts the degree of business dominance. Then, ‘absolute participation’ is included as a control variable to test whether the relation between ‘salience’ and ‘business dominance’ still holds.

**Table 6. Simple linear regression of absolute participation and business dominance.**

		B (unstandardized)	Std. Error	p
<b>Incl. gov. stakeholders</b>	Constant	.347	.038	
	Absolute participation	.001	.001	.169
F=1.97 (p>.05); Adj. R <sup>2</sup> =.025; N=38				
<b>Excl. gov. stakeholders</b>	Constant	.712	.044	
	Absolute participation	.000	.001	.988
F=.000 (p>.05); Adj. R <sup>2</sup> =-.028; N=38				

In table 6, where absolute participation was tested against business dominance (as a percentage of the total stakeholder populations, including governmental stakeholders), the overall model was not significant in explaining the outcome (F(1, 36)=1.97, p>.05), with an R squared of .052. In the second part of table 6, where ‘absolute participation’ was tested against business dominance (as a percentage of the total non-governmental stakeholder populations), the overall model was also not significant in explaining the outcome (F(1, 36)=.000, p>.05), with an R squared of .000. Based on these models, it is thus impossible to draw any meaningful conclusions about the relation between ‘absolute participation’ and ‘business dominance’ as neither model was significant. Therefore, it is useful to test whether a model that tests salience and absolute participation against business dominance would be more significant.

**Table 7. Simple linear regression of salience and absolute participation against business dominance.**

		B (unstandardized)	Std. Error	p
<b>Incl. gov. stakeholders</b>	Constant	.443	.047	
	Salience	-.150	.049	.004
	Absolute participation	.001	.001	.255
F=5.83 (p<.01); Adj. R <sup>2</sup> =.207; N=38				
<b>Excl. gov. stakeholders</b>	Constant	.819	.055	
	Salience	-.166	.058	.007
	Absolute participation	.000	.001	.729
F=4.17 (p<.05); Adj. R <sup>2</sup> =.146; N=38				

The findings of these models show that the number of participants in events does not have a significant effect on the distribution of access. In table 7, where salience and the amount of participants are tested against business dominance (as a percentage of the total stakeholder populations), the overall model was significant in explaining the outcome ( $F(2, 35)=5.83, p<.01$ ), with an R squared of .250. Table 7 also shows that salience remained significant, as the beta coefficient is  $-.150 (p<.01)$ . The number of participants however, was not significant ( $p>.05$ ). In the second part of table 7, where salience and the number of participants are tested against business dominance (as a percentage of the total non-governmental stakeholder populations), the overall model was also significant in explaining the outcome ( $F(2, 35)=4.17, p<.05$ ), with an R squared of .192. Table 7 also shows that salience remained significant, with a beta coefficient of  $-.166 (p<.01)$ . The number of participants remains not significant ( $p>.05$ ).

Thus two models show that the effect of ‘salience’ remains significant even when controlling for absolute participation. This means that whether events have particularly high or low participation does not actually have an impact on business dominance, and does not take away from the role of salience in explaining business dominance.

#### 4.4.2 Frequency

The second factor that should be taken into consideration is the frequency with which events are held. The frequency with which events are held might have an impact how dominant business interests are. The effects of this variable should thus be tested to explore whether and how the frequency of events might impact the relation between ‘salience’ and ‘business dominance’. To do so, I first test whether a correlation can be found between ‘frequency’ and ‘business dominance’ in a separate model. Then, frequency is additionally included into a regression model as a control variable to test whether the effect of salience on business dominance still holds.

**Table 8. T-tests of frequency and business dominance**

		N	Mean	SD	Std. Error	df	p
Incl. gov. stakeholders	Frequent	23	.42	.15	.03	26.27	.170
	One-off	15	.34	.18	.05		
Excl. gov. stakeholders	Frequent	23	.75	.14	.03	20.53	.152
	One-off	15	.65	.24	.06		
(Equal variances not assumed)							

The first t-test tests the frequency of events against the dominance of business interests (when including governmental interests). This test does not show a significant difference in scores for ‘frequent’ ( $M=.42, SD=.15$ ) and ‘one-off’ ( $M=.34, SD=.18$ ) conditions;  $t(26.27)=-1.41, p=.170$ . Thus, business dominance here is on average lower (8% difference) in ‘one-off’ events (34% dominance) compared frequent events (42% dominance), this difference is statistically insignificant.

The second t-test tests the frequency of events against the dominance of business interests (when excluding governmental interests). This test also does not show a significant difference in scores for ‘frequent’ (M=.75, SD=.14) and ‘one-off’ (M=.65, SD=.24) conditions;  $t(20.53)=-1.49$ ,  $p=.152$ . Again, business dominance is on average lower (10% difference) in ‘one-off’ events (65% dominance) compared frequent events (75% dominance), this difference is statistically insignificant here as well.

These results indicate that no significant correlation can be found between the frequency of events and business dominance. This means that, whether an event is held only once or more often, this difference does not have a statistically significant impact on the dominance of business interests. Whilst these t-tests provide a useful initial indication of the role this variable, it is nonetheless useful to include ‘frequency’ into a linear regression model to explore whether the correlation between ‘salience’ and ‘business dominance’ still holds, even when frequency is introduced as a control variable.

**Table 9. Simple linear regression of salience and frequency against business dominance.**

		B (unstandardized)	Std. Error	p
<b>Incl. gov. stakeholders</b>	Constant	.444	.054	
	Salience	-.146	.051	.007
	Frequency	.043	.051	.414
F=5.41 (p<.01); Adj. R <sup>2</sup> =.192; N=38				
<b>Excl. gov. stakeholders</b>	Constant	.760	.061	
	Salience	-.148	.058	.016
	Frequency	.063	.059	.291
F=4.81 (p<.05); Adj. R <sup>2</sup> =.171; N=38				

The findings of these models show that the frequency of events does not have a significant effect on the distribution of access. In table 9, where salience and the frequency of events were tested against business dominance (as a percentage of the total stakeholder populations), the overall model was significant in explaining the outcome ( $F(2, 35)=5.41$ ,  $p<.01$ ), with an R squared of .236. Table 9 also shows that salience remained significant, as the beta coefficient is  $-.146$  ( $p<.01$ ). The frequency of events however, was not significant ( $p>.05$ ).

In the second part of table 9, where salience and the frequency of events were tested against business dominance (as a percentage of the total non-governmental stakeholder populations), the overall model was also significant in explaining the outcome ( $F(2, 35)=4.81$ ,  $p<.05$ ), with an R squared of .215. The table also shows that salience remained significant, with a beta coefficient of  $-.148$  ( $p<.05$ ). The frequency of events remains not significant ( $p>.05$ ).

These results indicate that the relation between ‘salience’ and business dominance remains significant, even when controlling for ‘frequency’. Whilst this is a good finding for the expected relation between salience and business dominance, two more control variables are yet to be included.

### 4.4.3 Location

A third factor that might impact the relation between salience and business dominance is the location where events were held. Events can take place in Brussels, but also in a variety of other host cities throughout Europe or the rest of the world. As previously discussed, I analyse only the effect of events being held in Brussels, thereby dichotomising the variable between: ‘in Brussels’ and ‘outside Brussels’. Firstly, I test whether there is a significant correlation between the location and business dominance through two independent t-tests. Then to test whether the relation between salience and business dominance still holds when location is introduced as a control variable, a linear regression model is used.

**Table 10. T-tests of location and business dominance**

		N	Mean	SD	Std. Error	df	p
<b>Incl. gov. stakeholders</b>	In Brussels	14	.41	.16	.04	29.12	.547
	Outside Brussels	24	.37	.17	.04		
<b>Excl. gov. stakeholders</b>	In Brussels	14	.77	.21	.03	22.46	.177
	Outside Brussels	24	.68	.17	.06		

(Equal variances not assumed)

The first t-test tests location of events against business dominance (when including governmental interests). This test does not show a significant difference in scores for ‘in Brussels’ (M=.41, SD=.16) and ‘outside Brussels’ (M=.37, SD=.17) conditions;  $t(29.12)=-.61$ ,  $p=.547$ . This means that, whilst the degree of business dominance is higher in events in Brussels (41%) than in events outside Brussels (37%), this difference is not significant and thus does not hold up.

The second t-test (when excluding governmental interests) also does not show a significant difference in scores for ‘in Brussels’ (M=.77, SD=.21) and ‘outside Brussels’ (M=.68, SD=.17) conditions;  $t(22.46)=-1.39$ ,  $p=.177$ . This again means that, whilst the degree of business dominance is higher events in Brussels (77%) than in events outside Brussels (68%), this difference is also not significant.

Both t-tests therefore show a non-significant relation between ‘location’ and ‘business dominance’. This means that whether an event is held in Brussels or not does not appear to have a significant impact on business dominance. It is however, again useful to include this variable as a control within a linear regression model to test whether the relation between ‘salience’ and ‘business dominance’ still holds:

**Table 11. Simple linear regression of location and frequency against business dominance.**

		B (unstandardized)	Std. Error	p
<b>Incl. gov. stakeholders</b>	Constant	.464	.042	
	Saliency	-.156	.049	.003
	Frequency	.032	.051	.533
F=5.22 (p<.01); Adj. R <sup>2</sup> =.186; N=38				
<b>Excl. gov. stakeholders</b>	Constant	.773	.047	
	Saliency	-.163	.055	.006
	Frequency	.091	.057	.118
F=5.68 (p<.01); Adj. R <sup>2</sup> =.202; N=38				

The findings of these models show that the relation between saliency and business dominance is still significant, even when location is introduced as a control variable. In table 11, where saliency and the location of events were tested against business dominance (as a percentage of the total stakeholder populations), the overall model was significant in explaining the outcome ( $F(2, 35)=5.22, p<.01$ ), with an R squared of .230. Table 11 also shows that saliency remained significant, as the beta coefficient is  $-.156 (p<.01)$ . The location of events however, was not significant ( $p>.05$ ).

In the second part of table 11, where saliency and the location of events were tested against business dominance (as a percentage of the total non-governmental stakeholder populations), the overall model was also significant in explaining the outcome ( $F(2, 35)=5.68, p<.01$ ), with an R squared of .245. This table also shows that saliency remained significant, with a beta coefficient of  $-.163 (p<.01)$ . The location of events remains not significant ( $p>.05$ ). In both cases the ‘saliency’ remains significant whereas the location of an event does not show a significant effect on the degree of business dominance. The expected relation between ‘saliency’ and ‘business dominance’ thus still holds. It is again, however, useful to include another control variable to further add to the robustness of the analysis. The following section therefore explores the effect of ‘co-organisation’ on the relation between ‘saliency’ and ‘business dominance’.

#### 4.4.4 (Co-)organisation

The fourth and last factor, included in this paper, that might impact the expected relation between ‘saliency’ and ‘business dominance’ is the organisation of events, or more specifically the co-organisation. This refers to whether DG Energy was the sole organiser of an event, or if a co-organiser was present as well.

**Table 12. T-tests of (co-)organisation and business dominance**

		N	Mean	SD	Std. Error	df	p
<b>Incl. gov. stakeholders</b>	Co-organiser	18	.35	.16	.04	35.74	.181
	No co-organiser	20	.42	.17	.04		
<b>Excl. gov. stakeholders</b>	Co-organiser	18	.65	.21	.03	30.66	.053
	No co-organiser	20	.77	.15	.05		
(Equal variances not assumed)							

The first t-test tests (co-)organisation against business dominance (when including governmental stakeholders). The test does not show a significant difference in scores for ‘co-organiser’ (M=.35, SD=.16) and ‘no co-organiser’ (M=.42, SD=.17) conditions;  $t(35.74)=1.36$ ,  $p=.181$ . Even though business dominance is thus lower when there is a co-organiser (35%) than when there is not (42%), this difference is insignificant.

The second t-test tests (co-)organisation against business dominance (when excluding governmental stakeholders). This test also does not show a significant difference in scores for ‘co-organiser’ (M=.65, SD=.21) and ‘no co-organiser’ (M=.77, SD=.15) conditions;  $t(30.66)=1.93$ ,  $p=.63$ . Similarly, whilst the degree of business dominance is lower when there is a co-organiser (65%) than when there is not (77%), this difference is also insignificant and thus does not hold up statistically speaking.

In this case both t-tests indicate statistically non-significant relations between ‘co-organisation’ and business dominance. This means that whether DG Energy is the sole organiser or not is likely to not make a difference for the degree of business dominance in the distribution of access. Whilst these tests already show no significant relation, it is useful to further test the role of co-organisation when the variable ‘salience’ is included. The following linear regression model is used as an indication of how well the relation between salience and the distribution of access holds up when the co-organisation is used as a control variable.

**Table 13. Simple linear regression of salience and (co-)organisation against business dominance.**

		B (unstandardized)	Std. Error	p
<b>Incl. gov. stakeholders</b>	Constant	.486	.041	
	Salience	-.148	.051	.007
	(co-)organisation	-.033	.051	.523
F=5.23 (p<.01); Adj. R <sup>2</sup> =.186; N=38				
<b>Excl. gov. stakeholders</b>	Constant	.831	.046	
	Salience	-.142	.058	.019
	(co-)organisation	-.077	.057	.189
F=5.20 (p<.05); Adj. R <sup>2</sup> =.185; N=38				

The findings of these models show that the (co-)organisation of events does also not have a significant effect on the distribution of access when salience is included in the model. In table 13, where salience and the (co-)organisation of events were tested



against business dominance (when including governmental interests), the overall model was significant in explaining the outcome ( $F(2, 35)=5.23$ ,  $p=.01$ ), with an R squared of .230. Table 13 also shows that salience remained significant, as the beta coefficient is  $-.148$  ( $p<.01$ ). The (co-)organisation of events however, was not significant ( $p>.05$ ).

In the second part of table 13 where salience and the (co-)organisation of events were tested against business dominance (when excluding governmental interests), the overall model was also significant in explaining the outcome ( $F(2, 35)=5.20$ ,  $p<.05$ ), with an R squared of .229. The table also shows that salience remained significant, with a beta coefficient of  $-.142$  ( $p<.05$ ). The (co-)organisation of events remains not significant ( $p>.05$ ). Again, both models indicate that there whether there is a co-organiser does not play a significant role, and that salience does remain a significant determining factor for the distribution of access.

#### 4.4.5 Bringing all control variables together

So far, the paper has gone through four different control variables that were expected to have an impact on the relation between 'salience' and 'business dominance' in the distribution of access. Interestingly, none of these factors have shown any significant results, meaning that from the tests that were used we cannot say any of these factors play an important role in determining access. These results therefore show support for the salience hypothesis, as it is so far the only predictor variable that has shown significant results in impacting the distribution of access, even when controlling for other factors. However, at this point none of the control variables have been tested together into one singular model. Therefore, to see if the expected relation still holds, even when controlling for all these variables together, the following linear regression model is used:

Table 14. Simple linear regression of salience, absolute participation, frequency, location and (co-)organisation against business dominance.

		B (unstandardized)	Std. Error	p
<b>Incl. gov. stakeholders</b>	Constant	.414	.076	
	Salience	-.140	.053	.013
	Absolute participation	.001	.001	.348
	Frequency	.033	.058	.578
	Location	.030	.053	.577
	(co-)organisation	-.008	.058	.896
F=2.34 (p>.05); Adj. R <sup>2</sup> =.154; N=38				
<b>Incl. gov. stakeholders</b>	Constant	.768	.084	
	Salience	-.141	.059	.023
	Absolute participation	.000	.001	.493
	Frequency	.057	.064	.377
	Location	.088	.059	.146
	(co-)organisation	-.046	.064	.480
F=2.69 (p<.05); Adj. R <sup>2</sup> =.186; N=38				

The findings of the first model shows that the salience of events still remains significant, with a beta coefficient of  $-.140$  ( $p<.05$ ), but that the model overall loses its significance when all control variables are included at once. In table 14, where salience, the number of participants, frequency, location and (co-)organisation of events were tested against business dominance (when including governmental interests), the overall model was not significant in explaining the outcome ( $F(5, 35)=2.34$ ,  $p>.05$ ), with an R squared of .230.

The second model shows that the salience of events still remains significant, and that the model overall keeps its significance when all control variables are included. In the second part of table 14, where salience, the number of participants, frequency, location and (co-)organisation of events were tested against business dominance (when excluding governmental interests), the overall model was significant in explaining the outcome ( $F(5, 35)=2.69$ ,  $p<.05$ ), with an R squared of .296. the table also shows that salience remained significant, as the beta coefficient is  $-.141$  ( $p<.05$ ). The control variables however, were not significant ( $p>.05$ ).

This means that the correlation between 'salience' and 'business dominance' still holds, even when controlling for all four other variables and with relatively few cases in the model, but only when governmental stakeholders are excluded from the model. The non-significance of the model using business dominance as a percentage of the total (including governmental stakeholders), might be attributed to the low number of cases in the model.

Thus, firstly we know that business dominance is present in DG Energy's stakeholder events, supporting the basis on which the academic debate is built. Secondly we have good reason to believe this dominance is a product of deliberate action of the organisers, furthering our understanding of the system of supply and demand. Additionally we know that the degree of this business dominance is lower

when it comes to more salient topics, and higher in less salient topics, thus supporting the theorisation about specifically the logics of the demand side in relation to legitimacy. Whilst the small number of cases is a limitation, the correlation between business dominance and salience still holds in all but one model, which is quite remarkable given the limited number of cases in the dataset.

## 4.5 Discussion

The findings show an interesting connection between DG Energy's theorised rationale of legitimacy, reflected through the concept of salience, and the way it regulates the distribution of access, reflected through 'business dominance'. From the findings a few points in particular can be highlighted for further discussion.

Firstly, I have sought to fill a literary gap by including two different types of models, one excluding governmental interests (i.e. like the literature) and one including governmental interests. Governmental interests and their role in the policy-process, and specifically in relation to business dominance, has been largely neglected by academics. Whilst governmental interests are generally more in line with 'citizen' interests in their nature, they are often not included in scholarly debates on the dominance of business interests versus citizen interests. This is interesting because the inclusion of governmental interests in the interest system is likely more deliberate than the literature makes it out to be. Their inclusion should thus not be ignored, but rather explored, for example from the perspective of the demand side, i.e. why does the Commission include governmental interests in specific forums or events? The findings of this paper indicate that, whilst business dominance remains apparent throughout, the picture is often much more nuanced when governmental interests are included. A relevant question might then be: do policy-makers deliberately include governmental stakeholders in their venues to counter business bias? The role of governmental interests in relation to business bias should thus be explored more in future research.

Secondly, an interesting finding is the lack of prioritisation of non-business interests. At no point has DG Energy, in the events analysed, claimed to favour citizen interests above all other interests, whilst favouring business interests on multiple occasions. The case of the 'Citizens Energy Forum' highlights this lack of "business exclusion" within the 'Commission's priorities'. The forum focuses on the protection of consumers' rights and the promotion of sustainable energy sources in relation to citizens' interests. Whilst this case has the potential for the Commission to prioritise citizen interests exclusively, as it so often does for business interests, this did not happen. Instead, no mention is made about which interests the Commission favours to participate. This is representative of a wider trend in DG Energy's stakeholder events, namely that in no cases out of 38, the organisers made claims to favour citizen interests. Additionally, the distribution of access in this case tells an interesting story as well. The Forum includes 50% business interests, compared to 22% governmental interests and 28% citizen interests. Whilst this is certainly not

one of the most extreme cases of business dominance, it displays an curious distribution for a “Citizens Forum” nonetheless. The Citizens Energy Forum thus shows an expected prioritisation and distribution that favours citizen interests, but delivers on neither of these. The case should additionally not be regarded as a “one off case” as it is largely in line with the previous findings on the body of cases as a whole.

The focus of this paper has been on the question who has access to DG Energy’s stakeholder events, and not on what it is that those with access provide to the Commission. Thus, whilst business dominate overall, still little is known about the differences between those businesses in terms of the actual interests they represent. For example, business interests can easily diverge from promoting “sustainability” to focusing on “commercial gain through the oil industry”. Here, interests such as “sustainability” are generally more in line with the ‘citizen interests’ for example. Assuming that businesses can vary in the interests they represent, it would be interesting to explore how this added variable could help us better make sense of the system. To further explore this, it would thus be useful to further distinguish between the types of “interests” different businesses represent.

## 5 Conclusions

This paper has explored the logics and actions of the demand side of the interest system and how these played out in practice through the central question: **‘How does political salience affect the Directorate General for Energy’s policy-makers’ actions in regulating stakeholder participation in EU policy-making?’**

Due to the academic field’s neglect of the demand side of the interest system, this paper employed an exploratory method to gage the effects of a variety of factors. This means that I do not seek to find conclusive or definitive findings to answer the literature’s questions. Rather the point of this paper has been to explore a variety of variables that can further our understanding of the interest system and can form a platform for future academic research.

Nonetheless, some interesting findings can be highlighted. Business stakeholders are overall dominant within DG Energy’s stakeholder events, especially when governmental interests are excluded. Additionally, there is good reason to believe that this dominance is indeed the product of deliberate action from policy-makers. Then, by exploring the role of salience, the importance of input legitimacy has become clearer. There is good reason to believe that salience plays a guiding role in determining how the DG Energy’s policy-makers regulate access. More specifically, political salience affects policy-makers’ actions in that policy-makers are more likely to include fewer businesses in the distribution of access in events that discuss more salient topics, compared to non-salient events. Whilst these findings are specifically about stakeholder events, the outcome of these events, as discussed in the case selection, provide good indication of policy-makers underlying rationales nonetheless. Thus, whilst this venue should not be generalised to other venues, stakeholder events are useful for the research question.

These findings have thus opened a new direction for the academic field and should provide an adequate foundation for future studies to build on. Future research could, for example, expand the case selection by focusing on a different timeframe or another directorate general. Additionally scholars should explore the role of governmental interests more within this field as their involvement has long been taken for granted and excluded from the academic debate on stakeholder access in relation to business dominance. Lastly, the role of input legitimacy on the demand side should be more closely tied to the supply side. In doing so we can gain a more complete understanding of the system and the complex subject that is EU-stakeholder relations. This paper has thus, opened a new direction in the academic debate towards understanding the logics and actions of EU policy-makers.

## 6 References

- Arras, S., & Beyers, J. (2020). Access to European Union Agencies: Usual Suspects or Balanced Interest Representation in Open and Closed Consultations? *Journal of Common Market Studies*, 58(4), 836–855.
- Arras, S. & Braun, C. (2018). Stakeholders wanted! Why and how European Union agencies involve non-state stakeholders. *Journal of European Public Policy*, 25(9), 1257–75.
- Baumgartner, F. & Jones, B. (1993). *Agendas and Instability in American Politics*. Chicago, IL: The University of Chicago Press.
- Baumgartner, F.R. & Leech, B.L. (2001). Interest niches and policy bandwagons: patterns of interest group involvement in national politics. *The Journal of Politics*, 63(4), 1191 – 213.
- Bellamy, R. (2010). Democracy without democracy? Can the EU's democratic 'outputs' be separated from the democratic 'inputs' provided by competitive parties and majority rule? *Journal of European Public Policy*, 17(1), 2-19.
- Berkhout, J., Carroll, B. J., Braun, C., Chalmers, A. W., Destrooper, T., Lowery, D., Otjes, S., & Rasmussen, A. (2015). Interest organizations across economic sectors: explaining interest group density in the European Union. *Journal of European Public Policy*, 22(4), 462–480. <https://doi.org/10.1080/13501763.2015.1008549>.
- Beyers, J. & Arras, S. (2019). Who feeds information to regulators? Diversity in stakeholder participation in European Union regulatory agency consultations. *Journal of Public Policy*, 40(4), 573-578.
- Beyers, J., Dür, A., & Wonka, A. (2018). The political salience of EU policies. *Journal of European Public Policy*, 25(11), 1726–1737. <https://doi.org/10.1080/13501763.2017.1337213>
- Binderkrantz, A. S., Blom-Hansen, J., & Senninger, R. (2021). Countering bias? The EU Commission's consultation with interest groups. *Journal of European Public Policy*, 28(4), 469–488. <https://doi.org/10.1080/13501763.2020.1748095>
- Binderkrantz, A. S., & Pedersen, H. H. (2017). What is access? A discussion of the definition and measurement of interest group access. *European Political Science*, 16(3), 306–321. <https://doi.org/10.1057/eps.2016.17>
- Borrás, S., Koutalakis, C. & Wendler, F. (2007). European Agencies and Input Legitimacy: EFSA, EMeA and EPO in the Post-Delegation Phase. *Journal of European Integration*, 29, 583–600.
- Bourgeois, G. (2009). *Beleidsnota Bestuurszaken 2009–2014*. Brussel: Vlaamse Regering.
- Bouwen, P. (2001). Corporate lobbying in the European Union: The logic of access. *Journal of European Public Policy*, 9(3), 365–390. <https://doi.org/10.1080/13501760210138796>

- Bouwen, P. (2004). Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions. *European Journal of Political Research*, 43(3), 337–369. <https://doi.org/10.1111/j.1475-6765.2004.00157.x>
- Broscheid, A. & Coen, D. (2003). Insider and outsider lobbying of the European Commission – an informational model of forum politics. *European Union Politics* 4, 165–189.
- Bunea, A. (2017). Designing stakeholder consultations: Reinforcing or alleviating bias in the European Union system of governance? *European Journal of Political Research*, 56(1), 46–69. <https://doi.org/10.1111/1475-6765.12165>.
- Bunea, A. (2019). Regulating European Union lobbying: In whose interest? *Journal of European Public Policy*, 26(11), 1579–1599. [doi:10.1080/13501763.2018.1539115](https://doi.org/10.1080/13501763.2018.1539115)
- Bunea, A., & Thomson, R. (2015). Consultations with interest groups and the empowerment of executives: Evidence from the European Union. *Politics and Governance*, 28(4), 517–31. <https://doi.org/10.1111/gove.12119>.
- Casula, M., Rangarajan, N., & Shields, P. (2021). The potential of working hypotheses for deductive exploratory research. *Quality & Quantity*, 55(5), 1703–1725. <https://doi-org.ludwig.lub.lu.se/10.1007/s11135-020-01072-9>
- Chalmers, A. (2013). Trading information for access: informational lobbying strategies and interest group access to the European Union. *Journal of European Public Policy*, 20(1), 39–58. <https://doi-org.ludwig.lub.lu.se/10.1080/13501763.2012.693411>
- Coen, D., & Katsaitis, A. (2015). Institutional & constitutional aspects of special interest representation: European Parliament publication. DG internal policies.
- Coen, D. & Katsaitis, A. (2019). Between cheap talk and epistocracy: The logic of interest group access in the European Parliament’s committee hearings. *Public Administration*, 97(4), 754–769. <https://doi-org.ludwig.lub.lu.se/10.1111/padm.12406>
- Coen, D., & Katsaitis, A. (2021). Governance, accountability, and political legitimacy: who participates in the European parliament’s committee hearings (ECON 2004–2014). *Journal of European Integration*, 1–17. <https://doi-org.ludwig.lub.lu.se/10.1080/07036337.2021.1922898>
- Coglianesi, C., Zeckhauser, R., & Parson, E. (2004). Seeking Truth for Power: Informational Strategy and Regulatory Policymaking. *Minnesota Law Review*, 89(2), 277–341.
- Crepaz, M. & Hanegraaff, M. (2020). The funding of interest groups in the EU: are the rich getting richer? *Journal of European Public Policy*, 27(1), 102–121. <https://doi-org.ludwig.lub.lu.se/10.1080/13501763.2019.1567572>
- Crepaz, M., Hanegraaff, M. & Salgado, R. S. (2021). A golden key can open any door? Public funding and interest groups’ access. *West European Politics*, 44(2), 378–402. <https://doi-org.ludwig.lub.lu.se/10.1080/01402382.2019.1697592>
- Danielian, L. H. & Page, B. I. (1994). The Heavenly Chorus: Interest Group Voices on TV News. *American Journal of Political Science*, 38(4), 1056–1078. <https://doi-org.ludwig.lub.lu.se/10.2307/2111732>

- De Bruycker, I. (2016). Pressure and Expertise: Explaining the Information Supply of Interest Groups in EU Legislative Lobbying. *Journal of Common Market Studies*, 54(3), 599–616.
- Berkhout, J., Hanegraaff, M., & Maloney, W. A. (2021). Looking for ‘Voice’ in Business and Citizen Groups: Who’s Being Heard? *Political Studies*, 1. <https://doi-org.ludwig.lub.lu.se/10.1177/003232172111019318>
- Dür, A. (2008). Interest groups in the European Union: How powerful are they? *West European Politics*, 31(6), 1212–1230. <https://doi-org.ludwig.lub.lu.se/10.1080/01402380802372662>
- Dür, A. & De Bièvre, D. (2007). Inclusion without Influence? NGOs in European trade policy. *Journal of Public Policy*, 27(1), 79-101.
- Dür, A. & Mateo, G. (2013). Gaining access or going public? Interest group strategies in five European countries. *European Journal of Political Research*, 52(5), 660–686. <https://doi-org.ludwig.lub.lu.se/10.1111/1475-6765.12012>
- Dür, A. & Matteo, G. (2016). *Insiders Versus Outsiders: Interest Group Politics in Multilevel Europe*, Oxford: Oxford University Press.
- Eising, R. (2007). Institutional context, organizational resources and strategic choices: Explaining interest group access in the European Union. *European Union Politics*, 8(3), 329–362. <https://doi-org.ludwig.lub.lu.se/10.1177/1465116507079542>
- European Commission. (2001). ‘European Governance: A White Paper’. COM(2001) 428 final, Brussels, 25 July.
- European Commission. (2002). ‘Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission’. COM(2002) 704 final, Brussels, 11 December.
- European Commission. (2019). *Special Eurobarometer 492: Europeans’ attitudes on EU energy policy*. Retrieved from: <https://europa.eu/eurobarometer/surveys/detail/2238>, last accessed: January 1, 2022.
- European Commission. (2021a). *Register of Commission Expert groups and other similar entities*. Retrieved from: <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups?lang=en>, last accessed: December 12, 2021.
- European Commission. (2021b). *DG Energy: events*. Retrieved from: [https://ec.europa.eu/info/events?facet\\_select\\_field\\_core\\_topics=367&facet\\_select\\_field\\_core\\_location:country=0&facet\\_select\\_field\\_event\\_organisers=0&facet\\_checkboxes\\_field\\_event\\_external\\_event=on&facet\\_select\\_field\\_core\\_event\\_collection=0&facet\\_](https://ec.europa.eu/info/events?facet_select_field_core_topics=367&facet_select_field_core_location:country=0&facet_select_field_event_organisers=0&facet_checkboxes_field_event_external_event=on&facet_select_field_core_event_collection=0&facet_), last accessed December 12, 2021.
- Field, A. (2018). *Discovering Statistics Using IBM SPSS Statistics* (5<sup>th</sup> edition). London: SAGE Publications Ltd.
- Gornitzka, Å., & Sverdrup, U. (2008). Who consults? The configuration of expert groups in the European union. *West European Politics*, 31(4), 725–750. <https://doi-org.ludwig.lub.lu.se/10.1080/01402380801905991>
- Gornitzka, Å. & Sverdrup, U. (2015). Societal Inclusion in Expert Venues: Participation of Interest Groups and Business in the European Commission



- Expert Groups. *Politics and Governance*, 3(1), 151–165. <https://doi-org.ludwig.lub.lu.se/10.17645/pag.v3i1.130>
- Grande, E., & Hutter, S. (2016). Introduction: European integration and the challenge of politicization, in: S. Hutter, E. Grande and H. Kriesi (Eds.), *The Politicization of Europe* (pp. 3 – 31). Cambridge : Cambridge University Press.
- Greenwood, J. (2004). The search for input legitimacy through organised civil society in the EU. *Transnational Associations/Associations transnationales*, 2(1), 145–55.
- Greenwood, J. (2007). Organized civil society and democratic legitimacy in the European Union. *British Journal of Political Science* 37(2), 333 – 57.
- Hanegraaff, M., & Berkhout, J. (2018). More business as usual? Explaining business bias across issues and institutions in the European Union. *Journal of European Public Policy*, 26(6), 843–862. <https://doi-org.ludwig.lub.lu.se/10.1080/13501763.2018.1492006>
- Kaya, C. (2019). Providing information and building capacity: interest group involvement in the application of EU law. *West European Politics*, 42(1), 25–44. <https://doi.org/10.1080/01402382.2018.1463723>
- Klüver, H. (2012). *Lobbying in the European Union: Interest groups, lobbying coalitions and policy change*. Oxford: Oxford University Press.
- Lowery, D., Baumgartner, F. R., Berkhout, J., Berry, J. M., Halpin, D., Hojnacki, M., Klüver, H., Kohler-Koch, B., Richardson, J., & Schlozman, K. L. (2015). Images of an Unbiased Interest System. *Journal of European Public Policy*, 22(8), 1212–1231.
- Mahoney, C. (2004). The Power of Institutions: State and Interest Group Activity in the European Union. *European Union Politics*, 5(4), 441–466.
- Mahoney, C. (2008) *Brussels Versus the Beltway: Advocacy in the United States and the European Union*. Washington, DC : Georgetown University Press.
- Mastenbroek, E., & Martinsen, D. S. (2018). Filling the gap in the European administrative space: The role of administrative networks in EU implementation and enforcement. *Journal of European Public Policy*, 25(3), 422–435. <https://doi.org/10.1080/13501763.2017.1298147>.
- OECD. (2019). *Better Regulation Practices Across the European Union*. Paris: OECD Publishing. <https://doi.org/10.1787/9789264311732-en>.
- Olson, M. (1965). *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, MA: Harvard University Press.
- Pappi, F.U. & Henning, C.H. (1998). Policy networks: more than a metaphor? *Journal of Theoretical Politics*, 10(4), 553–75. <https://doi-org.ludwig.lub.lu.se/10.1177/0951692898010004008>
- Persson, T. (2007). Democratizing European chemicals policy: Do consultations favour civil society participation? *Journal of Civil Society*, 3(3), 223–38. <https://doi.org/10.1080/17448680701775648>
- Persson, T., & Edholm, K. (2018). Assessing the Effects of European Union Funding of Civil Society Organizations: Money for Nothing? *Journal of Common Market Studies*, 56(3), 559–575.

- Pollack, M. A. (1997). Representing diffuse interests in EC policy-making. *Journal of European Public Policy*, 4(4), 572–590. [https://doi-org.ludwig.lub.lu.se/10.1080/135017697344073](https://doi.org.ludwig.lub.lu.se/10.1080/135017697344073)
- Quittkat, C. (2013). Consultation in daily practice. In B. Kohler-Koch & C. Quittkat (Eds.). *De-Mystification of participatory democracy. EU governance and civil society* (pp. 62– 84). Oxford, Oxford University Press.
- Quittkat, C. & Finke, B. (2008). The EU Commission consultation regime', in B. Kohler-Koch, D.D. Bièvre and W. Maloney (Eds.), *Opening EU-Governance to Civil Society: Gains and Challenges* (pp. 184 – 222). Mannheim, Mannheimer Zentrum für Europäische Sozialforschung (MZES).
- Kohler-Koch, B., Quittkat, C., Buth, V., & Altides, C. (2013). *De-mystification of participatory democracy. EU governance and civil society*. Oxford, Oxford University Press.
- Quittkat, C., & Kotzian, P. (2011). Lobbying via consultation - Territorial and functional interests in the commission's consultation regime. *Journal of European Integration*, 33(4), 401–418. <https://doi.org/10.1080/07036337.2011.582280>
- Rasmussen, A. & Gross, V. (2015). Biased access? Exploring selection to advisory committees. *European Political Science Review*, 7(3), 343–72.
- Salgado, R. S. (2014). Rebalancing EU interest representation? Associative democracy and EU funding of civil society organizations. *Journal of Common Market Studies*, 52(2), 337–53. <https://doi.org/10.1111/jcms.12092>
- Saurugger, S. (2008). The participatory turn and the professionalisation of interest representation in the European Union, paper prepared for the 4th ECPR Pan-European Conference on EU Politics, Riga, Latvia, 25–27 September.
- Scharpf, F. W. (1998). Interdependence and democratic legitimation. MPIfG working paper, 98(2).
- Stebbins, R. (2001). *Exploratory Research in the Social Sciences*. Thousand Oaks, CA: SAGE.
- Consolidated version of the Treaty on European Union. (2016). *Official Journal C 202/01*, 7.6.2016, Vol. 59, pp. 1–361.
- Van Ballaert, B. (2017). The European Commission's use of consultation during policy formulation: The effects of policy characteristics. *European Union Politics*, 18(3), 406– 423. <https://doi.org/10.1177/1465116517702004>
- Wonka, A., De Bruycker, I., De Bièvre, D., Braun, C. & Beyers, J. (2018). The structure of conflict in EU interest group politics: positions, actor alignments and divisiveness. *Politics and Governance*, 6(3), 1–20.
- Wonka, A and Rittberger, B. (2010). Credibility, Complexity and Uncertainty: Explaining the Institutional Independence of 29 EU Agencies. *West European Politics*, 33, 730–752.

# 7 Appendix

Figure 1. Boxplot showing the two outliers

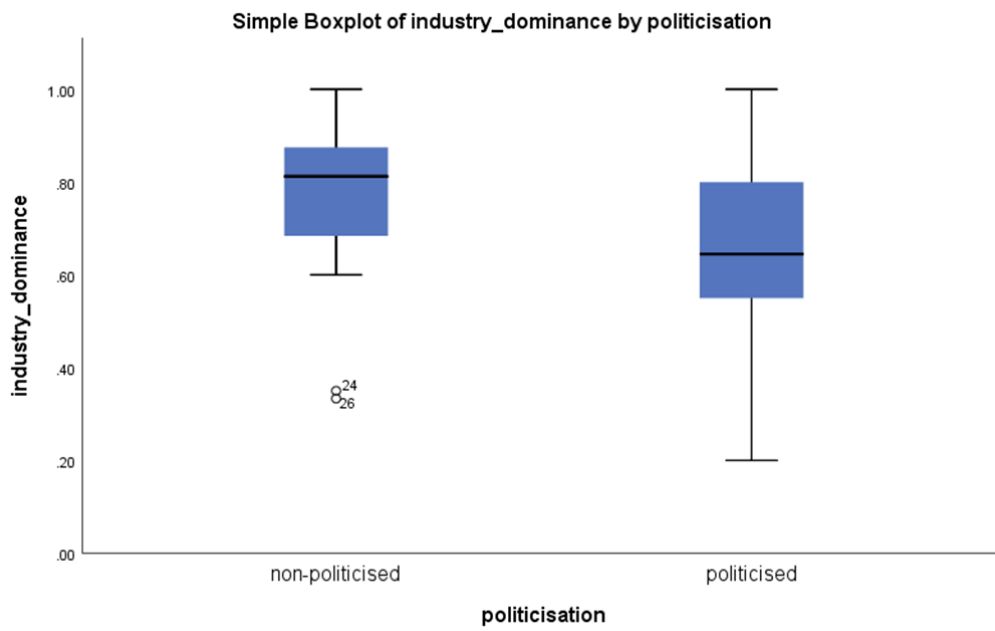


Figure 2. Distribution of normality before outliers were removed

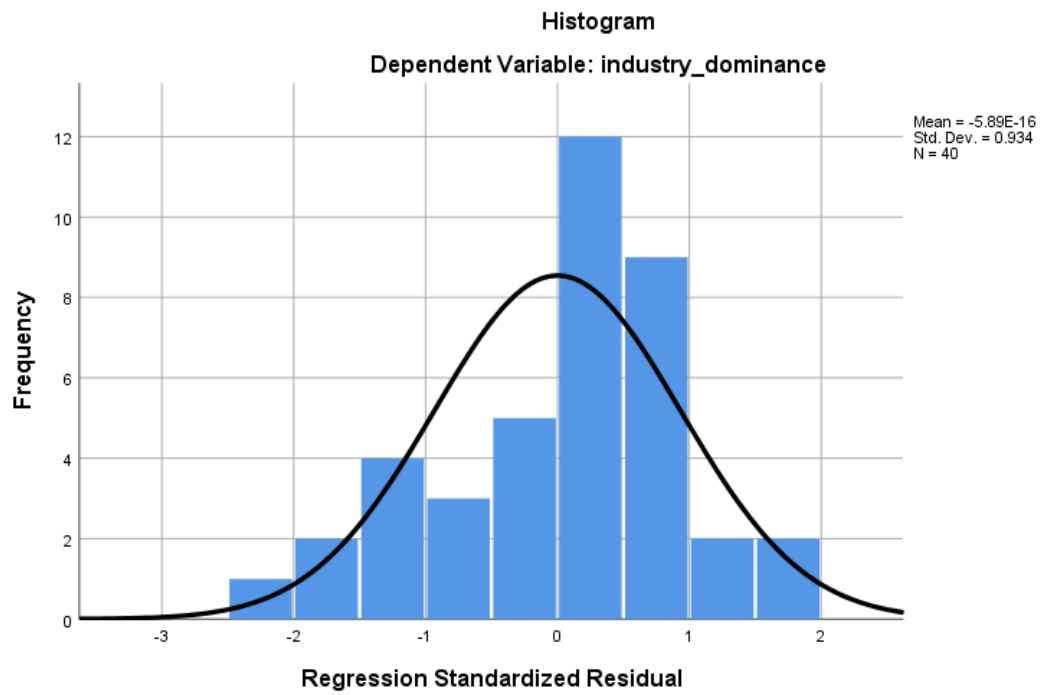


Figure 3. Distribution of normality after outliers were removed

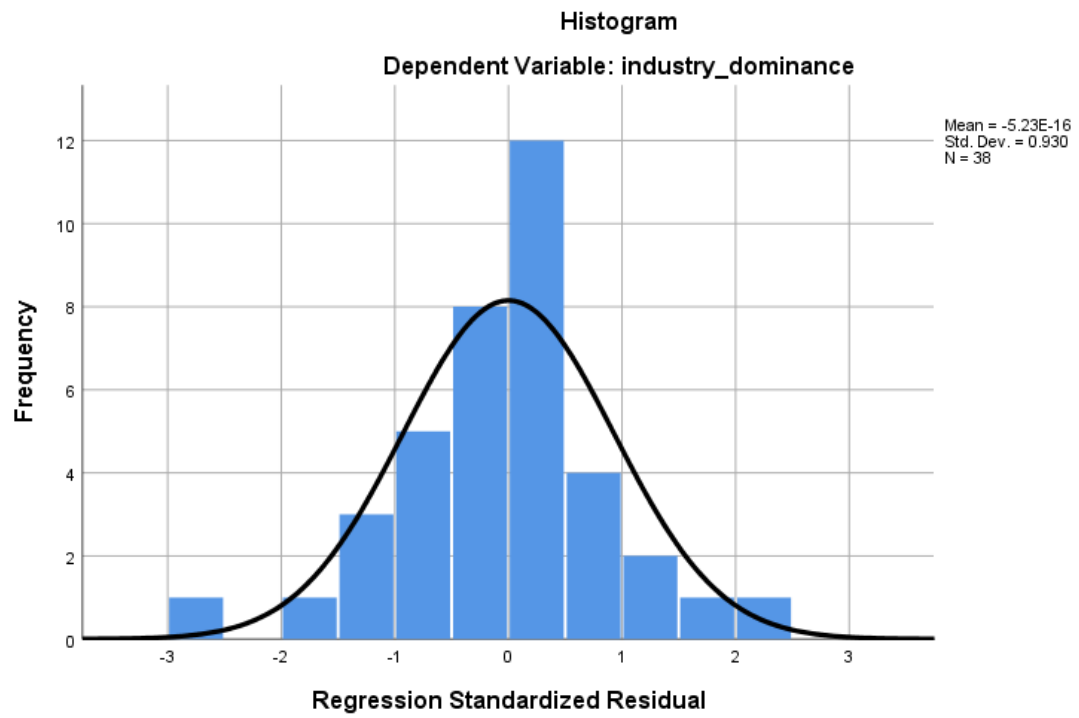


Table 15. Kolmogorov-Smirnov test

		<b>Tests of Normality</b>					
		Kolmogorov-Smirnov <sup>a</sup>			Shapiro-Wilk		
	Frequency	Statistic	df	Sig.	Statistic	df	Sig.
industry_dominance	one-off	.169	15	.200*	.934	15	.310
	returning	.111	23	.200*	.973	23	.752

\*. This is a lower bound of the true significance.

a. Lilliefors Significance Correction