Frame Resonance and Lobbying Success in EU Consumer Protection Policy

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Abstract

The supranational EU institutions are usually considered the main allies of consumers in Europe and they frequently express the priority of consumer safety. Yet they are continually exposed to harsh criticism voiced by official consumer representatives who point to the adoption of regulations and directives that rather mirror industry and producer interests, oftentimes at the expense of vital consumer interests. How can we account for this puzzling phenomenon given that one of the main goals of the Commission and the European Parliament (EP) is the safety of the European consumers through implementing common procedural and product safety standards in all member states? What is further puzzling is that we lack theories that explain why political actors take on positions and arguments revealed by particular non-state actors? I argue that the (un)successful representation of consumer interests in the field of consumer related regulatory policy is driven by the decision-making structure of the EU’s system of governance, with the EP committees playing a decisive role, and the ability of interest group coalitions to exploit these venues through strategies of issue framing. A theoretical framework is developed that puts emphasis on two main concepts (lobbying coalition diversity and policy frame communality) that, taken together, help to account for lobbying success in the European Union. In general, the paper highlights the eminently important but still rather neglected role that argumentation plays in EU interest group politics. Particularly in technical policy fields, such as consumer protection, to craft policies pivotal EP decision-makers have to rely on trustworthy and reliable information at the crucial stages of the now dominant codecision procedure. I posit this information comes in the form of expertise delivered by stakeholders from both public and private organizations. Hence, the theoretical model is built on micro foundations which link pivotal EP decision-makers and their issue-specific policy preferences to interest groups and their persuasive statements which place emphasis on particular dimensions of an issue while deliberately omitting others. Hypotheses which are derived from the theoretical model are tested against the case of the 2011 EU regulation on food labeling. Combining preference attainment with process tracing methods I conduct detailed online document and framing analyses to identify the issue-specific grouping of interest groups in lobbying sides and their arguments used toward EU policy-makers to reveal the crucial causal mechanisms behind lobbying success in EU consumer protection policy.
Introduction: Research Question and Outline of the Argument

Convention has it that the European Union’s (EU) multi-level governance structure enhances the chances of representatives of marginalized, weak or, put in classical terms, diffuse interests, such as consumer demands, to successfully compete with strong specific interests, e.g. producer interests, in the lobbying arena. Some scholars argue that the EU’s fragmented decision making structures and dispersed authority distribution at and across many levels, provide advocates of rather hard-to-mobilize societal demands with myriads of entry possibilities to the policy making process. Thus, the EU is considered to increase the chances for a broad range of societal interests to be heard by important administrative and political personnel when formulating new rules to govern social transactions (Marks/McAdam 1996; Pollack 1997). This paper is concerned with how different groups (especially public interest groups) can actually make use of the EU’s governance structure, here defined as the existence of multiple access points at the various stages of the policy process. What does it take to successfully navigate one’s own cause through the multi-stage structure of such a system? And do diffuse interests really benefit significantly from the availability of multiple routes, with the European Parliament representing the most promising venue for these actors since it is supposed to be more attentive to diffuse interests (Eising 2007a, 2007b)? I propose to study regulations in the regulatory policy field of consumer safety to answer these questions and I start with the assumption that, confronted with the EU’s complex ordinary policy-making process, interest groups active in this policy domain try to exploit the venues that are most promising for them to see their preferences represented by decision makers (Baumgartner/Jones 2009 [1993]; Richardson 2000: 1011–1013). They do so by forming lobbying coalitions with other interest groups to be able to establish powerful “policy frames” which are less vulnerable to competing lobbying strategies which also aim at establishing their own “image” of the same issue to have their preferences represented in the final policy output. Furthermore, I put forward the argument that whether a certain frame can successfully compete with other possible “images” of an issue is a crucial determinant of lobbying success in the EU. To successfully sway policy is highly contingent on whether a selected frame can survive political debates at the various stages of the policy-formulation process while other frames are omitted or remain rather irrelevant. Focusing on regulatory policy in general and consumer protection policy in particular, I develop two theoretical concepts and argue that in conjunction they help explain lobbying success in this rather technical policy field: the level of frame communality and the level of lobbying coalition (or side) diversity. Still researchers also have to take into account the institutional particularities of political systems and their decision-making rules, especially when dealing with the EU’s ordinary legislative procedure that involves multiple stages and various institutions and actors. Thus, my main research question reads as follows: How exactly do advocacy groups collectively employ issue framing strategies to successfully shape decision-making processes in EU
consumer protection policy? Or, put in simpler language: How does a frame help advocacy groups to successfully shape EU regulatory policy?

Posing this question touches on further puzzles that will be investigated. Further questions are:

Does the type of framing selected also have an impact on the success of lobbying efforts? Do lobbying sides increase their chances by collectively promoting one major reading of an issue that is communicated toward decision makers (leading to high levels of frame communality)? And does the size and composition of lobbying sides (i.e. their level of side diversity) also play a role in these processes? I derive a set of hypotheses from the theoretical model that is based on the concepts of frame communality and side diversity and test them against the case of the 2011 EU regulation on food labeling. Combining a preference attainment approach with the method of process tracing, I conduct detailed online document and framing analyses to identify the issue-specific grouping of interest groups in lobbying sides and their arguments used toward EU regulators to reveal the crucial causal mechanisms behind lobbying success in EU consumer protection policy.

The following section briefly summarizes the main findings of existing EU interest group lobbying research before I turn to introducing EU consumer protection policy as regulatory policy with high rates of interest group activity of both diffuse and specific interest organizations. I then elaborate on my theoretical model and present the hypothesis to be tested in the empirical analysis, followed by the operationalization and measurement of the dependent and explanatory variables, the research design, the method used, and the data analyzed. After the empirical case study analysis and the presentation of the results I conclude and discuss the implications of this paper for further research.

Existing research: A brief overview

The findings of recent research on EU lobbying are mainly contradictory and inconclusive. Eising (Eising 2007a, 2007b) finds that the EU’s competences in regulatory politics are the major incentive for interest groups to lobby at the EU level (also see Bernhagen/Mitchell 2009) and he concludes that well-endowed organizations have better chances to influence policy-making than poorer ones without significant resources. He doubts that the EU, especially the Commission and the Council, can be seen as facilitating weaker interests of European civil society, although he also points out that the European Parliament seems to be more attentive to diffuse interests. Yet the latter finding has recently been questioned by Smith’s (2008) and Rasmussen’s (2012) work on the role that EP committees play for organized interests (also see Marshall 2010, 2012). Especially under codecision, which has become the EU’s ordinary legislative procedure, their analyses cast doubt on the assumption that representatives of diffuse interests can heavily rely on the support of the EP and its Environment, Health, and Food Safety committee (ENVI) when facing major opposition voiced by industry (also see Kurzer/Cooper 2013). Dür and Mateo
(2012) find great advantages for resource-rich groups in general and business groups in particular in the EU. They conclude that there is a form of élite pluralism (Eising 2007b) to be identified at the EU level with the result that, especially regarding the Commission and the Council, in EU legislation decision-makers are not exposed to all interest group views equally. Klüver (2012a), on the other hand, first finds that lobbying success in the EU does not vary with interest group type, but later in another article she concludes that the Commission’s consultation procedure does not guarantee effective and equal interest representation since well-resourced groups can transmit information to Commission authorities better than other groups (Klüver 2012b). The latter finding is the more important if one takes into account Bouwen’s (2002; 2004) work on interest groups’ access opportunities to EU decision-makers and his emphasis on the importance of the Commission proposal (also see Bunea 2013). Later Bouwen (2009) again emphasized that who influences the Commission’s policy proposal will eventually also influence the final act. Yet, Burns (2005) finds that, if regulatory decisions are concerned, the EP can be most influential and, thus, if lobbyists manage to sway the policy outcome at the EP stage of the decision-making process they will also influence the final regulatory act (also see Häge/Kaeding 2007). And finally, Kurzer and Cooper (2013) argue that by strategically framing policy issues at the EP and committee stage, and by lobbying the pivotal actors in the Parliament as members of a larger lobbying side, industry actors managed to weaken a regulation that had been rather friendly towards their opponent’s interests at the Commission stage.

Hence, so far political scientists who deal with the question of interest group lobbying success in the EU’s multi-level system of governance empirically have focused their analyses on various, but oftentimes only some but not all decision-making stages and venues available to them. Despite recent developments (see Klüver 2013), we rather lack studies that thoroughly investigate all the crucial stages of the EU policy process at once and that carefully trace the activities of different interest group types across these various stages. What is further missing, is a sound comparative middle range theory that helps to explain interest group influence on outputs at these different stages and, thus, a theory that would tell us why decision-makers in the Commission, the European Parliament, and the Council of Ministers actually pay attention to some interest group preferences rather than others, and, thus, why they follow particular arguments regarding an issue at hand rather than different ones advocated by competing groups. Here I take a closer look at regulatory politics, which constitute a main part of policy types dealt with at the EU level and which attract high levels of interest group activity (Greenwood 2011: 21; Kelemen 2004; Kohler-Koch/Rittberger 2006: 35–36), to shed light on the factors that help account for successful lobbying strategies within this system. Hence, anew raising the question of the fate of diffuse interests in the EU’s multi-level system of governance and studying it empirically and as a process, based on sound theorizing, represents a major task.
for scholars who aim at tackling the puzzle of interest group influence and lobbying success more generally.

Before I turn to my own theoretical model, I will now discuss the relevance of EU consumer protection policy for research that deals with interest group influence in EU policy-making.

**Why study interest groups in EU consumer protection policy?**

Since consumer protection policy is a regulatory domain and since the EU is a “system (... ) based around regulation (... ) interest groups become significant actors due to the ways in which regulation typically distributes costs and benefits upon, and between, such actors” (Greenwood 2011: 21). They are the targets of EU legislation and, hence, concentrate their lobbying activities at the supranational institutions in charge of crafting policies (Bernhagen/Mitchell 2009; Eising 2007a, 2007b; also see Burns 2005: 487; Hix/Høyland 2011: 6–7).

In general, regulatory politics leads to public interventions in market processes and establishes “binding public provisions and standards of behavior which are mainly directed at companies” (Döhler 2006: 208; own translation). Thus, regulation produces beneficiaries and those who are disadvantaged by the establishment of new rules replacing the status quo, and, hence, it usually serves the interests of some groups better than others’. Mancur Olson discussed those kinds of interests which he saw as unlikely to be efficient and successful and referred to them as the “forgotten groups” (Olson 1971: 165–167). Among others he introduced the consumers as a major example for such a group. They are “at least as numerous as any other group in the society, but they have no organization to countervail the power of organized or monopolistic producers” (Olson 1971: 166). According to Olson’s theory of collective action rational individuals who are members of such a large group, representing a rather common and thus diffuse interest, hardly ever start to act in order to advance this particular common goal or form organizations to do so (Olson 1971: 2). Another well-known interest group typology that is also used to distinguish between diffuse consumer interests and special producer interests is quite similar to Olson’s work and has been used lately by scholars conducting research on interest group characteristics and their impact on EU policy outputs (Klüver 2012a). In general, two different kinds of interest groups can be distinguished: sectional groups and cause groups. While sectional groups represent special and, thus, concentrated or specific interests, for instance the ones of farmers or the pharmaceutical industry, cause groups, by contrast, usually represent rather diffuse interests, such as consumer, health or environmental interests. These interests have different chances to be organized effectively and it is often argued that sectional groups are usually more successful than cause groups to successfully lobby decision-makers (Klüver

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1 I deliberately avoid the phrase in “favor of the public good”, which is a common part of many definitions of regulation (Döhler/Wegrich 2010: 31; Francis 1993: 5; Hood et al. 2001: 3; Majone 1994: 81), since regulation usually happens serving the interests of some member(s) of society but not all.
2012b). With regard to the EU, while the latter distinction between sectional and cause groups has been used frequently to study diffuse interests such as environmental organizations working against industry actors (Long/Lörinczi 2009; Rasmussen 2012; Smith 2008), there has been almost no theory-driven empirical research on consumer groups and their lobbying battles versus representatives of specific producer interests. That is the more surprising since today consumer protection policy is considered to be a highly institutionalized policy domain at the EU’s supranational level (Eberlein/Grande 2005; Graziano 2012; Vogel 2003: 577), and according to the first paragraph of Article 169 (Title XV) of the EU’s 2009 “Treaty on the Functioning of the European Union”:

[i]n order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.

Thus, studying EU regulatory policy with a focus on interest group dynamics between cause groups representing consumer interests and sectional groups advocating the demands of producer organizations is a promising endeavor to contribute to the questions raised by the theoretical literature on lobbying success of different societal interests. Regulation brings with it high levels of interest group activity (Lowi 1964) and, as a result, patterns of competitive lobbying and counter-lobbying strategies (Austen-Smith/Wright 1992; also see Strünck 2006: 46–47). Business associations, companies and public interest groups line up to build issue-specific lobbying coalitions and go against the other side’s camp to become “winners” or, at least, to avoid being the “loser” after a regulatory decision has been decided upon.

What is puzzling, though, is that we lack theories that explain, firstly, why pivotal EU decision-makers take on positions revealed by particular non-state actors, and, secondly, why the latter actors would most likely be representatives of diffuse or special interests only? Here I argue that what has been fairly overlooked so far is the crucial importance of issue framing and, thus, the possibilities and determinants of policy calibration through processes of collectively establishing images of issues and forming diverse lobbying coalitions that (temporarily) represent these policy images at the crucial stages of the EU’s decision-making process. I build on a recently established research program on lobbying success and policy framing in the EU (Daviter 2011; Lowery 2009; Mahoney/Baumgartner 2010) and I argue that what is further needed is a theory that links established concepts developed by various interest group researchers with a framing approach that puts emphasis on the concerted selection of single aspects of a particular policy issue, to account for the understudied phenomenon of (un)successful lobbying efforts of diffuse interest groups in the EU. Besides seeking to enhance the theoretical knowledge of how framing constitutes a major type of lobbying strategy and how it increases the chances to successfully sway policy outputs, I aim to show how argumentation in general has to be seen as a central element of politics (Mahoney/Baumgartner 2010: 8).
I will now turn to a detailed elaboration on the theoretical model and its testable implications, which form the base for the case study of this paper.

**Theory: Policy Frames, Lobbying Sides, and EU Decision-Making Structure**

The main idea behind the analytical framework developed here is that, given that all the non-state actors involved in the EU’s policy-making process face the same structural constraints imposed by the EU’s decision-making rules, policy calibration through policy framing and forming lobbying coalitions can happen at any of the various stages of this process. Thus, both representatives of diffuse and specific interests can be successful in shaping policies if they collectively manage to navigate their side’s frames through the various policy arenas. As I will show in the following, the two most crucial and interrelated variables of my analytical framework are the *communality of a frame* adopted by a lobbying side and established at the different stages of the policy formulation process in the EU, and the composition of such a lobbying coalition which I refer to as a *side’s level of diversity*. Thus, despite the fact that multiple access points at various stages are available for different non-state actors, it may turn out to have different implications for actors depending on their argumentation and lobbying strategies and contingent on the particular stage of the policy process they become active.

Before I turn to my own concept of lobbying success in more detail I will first introduce the main assumptions of framing approaches and why such an approach can enhance analyses of interest group activities and their impact on policy. I will then introduce the concept of lobbying sides and discuss the significance of the EU’s ordinary decision-making procedure for lobbying activities in consumer protection policy in particular and regulatory policy in general.

**Policy frames**

In general, the concept of framing “offers a way to describe the power of a communicating text” (Entman 1993: 51). Thus, I follow Entman’s (1993: 52; emphasis in the original) definition of framing who points out:

> To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.

Thus, framing implies that since policy issues are almost always multidimensional, interested groups can be expected to highlight certain aspects of an issue while deliberately omitting others to make sure that policy makers are pushed more toward their own frames of an issue and, at the same time, away from the images advocated by other competing proponents in the same policy debate. For instance, when politicians deal with issues of environmental protection,

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2 For classical scholarship on issues of framing see Kahneman/Tversky 1984; Riker 1986; Schattschneider 1957, Schattschneider 1960.
advocates of stricter regulations will try to emphasize that current practices lead to the loss of habitat while other sides of the debate point to the danger of job losses and significant negative impacts on the competitiveness of entire industries if new regulations are passed (Mahoney/Baumgartner 2010: 4). Hence, these competing perceptions, policy images or frames help to define a policy issue in particular ways and constitute how an issue is understood and discussed in a policy debate. This gives specialists in a particular area the advantage over others who depend on this expertise and have to rely on the information processed to them to come up with collectively binding decisions (Ringe 2010; also see Mazey/Richardson 2006; Thatcher 2006: 323). Yet not every politician can have the same knowledge about an issue and the levels of decision-makers’ interest in certain rather non-political technical areas are usually quite low, which opens up opportunities for specialists who, “[s]ince they know the issue better, (...) are sometimes able to portray the issue in simplified and favorable terms to nonspecialists” (Baumgartner/Jones 2009 [1993]: 25). Thus, information can be seen as “the key currency in policy making interactions” since “[p]olicy-makers require scientific, technical, legal, economic and social (and implementation) advice and expertise as well as guidance on constituency preferences” (Lowery 2009: 4). This information is presented in the form of arguments pushed forward by various interest groups. The latter direct their policy images to pivotal policy-makers through a process of argumentation and persuasion that is shaped by frames which simplify definitions and explanations of the debated phenomenon. Druckman (2011) introduces the distinction between two types of frames: equivalency frames and emphasis frames. While equivalency frames can be presented in logically equivalent terms (for instance, addressing the economic situation of a country by emphasizing either the unemployment rate or the employment rate), emphasis frames help to deliberately highlight only some aspect of an issue without the possibility to gain easy access to the other possible dimensions of the same issue (for instance, exclusively referring to the economic implications of a proposed regulation, but leaving out its impact on the environment). With reference to political debates, Druckman argues that while equivalency frames' effects mainly cancel each other out, emphasis frames are resistant to this competitive framing-effect. Competition between emphasis frames does not cancel out these competing frames, but leads to the strong frame winning over people's opinion and issue-specific preferences. Frames are considered strong if they are seen as the dimension that is most persuasive and most compelling, and, especially in politics, “emphasis frames often have larger effects on motivated individuals” (2011: 286). Thus, invested politicians (and policy experts) in charge of drafting policies are more likely affected by strong emphasis frames than less interested politicians when confronted with an environment of competing issue conceptualizations. Hence, how a problem, which has to be politically dealt with, is defined and linked to a possible governmental solution is conceptualized as a “process of image making” (Stone 1989: 282).
Involved sides "deliberately portray" (Stone 1989: 282; emphasis in the original) issues in favorable ways to gain support for their cause and their policy position. Thus, at the heart of the policy process are advocacy group strategies that involve argumentation and the creation of particular understandings of an issue. To manipulate the "allocation of attention can be a powerful strategy in policymaking" (Baumgartner/Jones 2009 [1993]: 30), a strategy that is most promising for interest groups who aim to sway policy. How many sides form around one particular issue can vary from case to case and has to be studied empirically. The amount of sides is usually linked to the number or set of (competing) policy images created in a policy debate which describe and understand the issue at hand in different ways. This brings me to the second major dimension of my own theoretical framework of lobbying success: the significance of lobbying sides or coalitions.

**Lobbying sides**

How a policy issue is defined does not only structure political conflicts between various actors, it also "influence[s] the formation and organisation of interests and shape[s] political coalitions and alliances" (Daviter 2011: 3). One way of framing an issue almost always leads to other actors contesting it through promoting their own policy image (Chong/Druckman 2013; also see Chong/Druckman 2007). Thus, one lobbying coalition or side usually sees itself up against at least one competing group that engages in the same policy battle by constructing their own main image of the issue at stake (Baumgartner et al. 2009: 7). Studying lobbying success does not only demand that the researcher is aware of framing dynamics, it also requires studying the characteristics of the competing sides which form around a particular issue (Klüver 2011). How lobbying coalition and framing dynamics play out in a fragmented and multi-tiered political system, such as the EU, can vary significantly from one issue to the next depending on the issue-specific grouping of interest groups and their framing efforts. Furthermore, such systems’ decision-making structures can also lead to changes in interest group strategies further down the policy-making trail. Hence, taking into account the interplay between advocacy coalition strategies and decision-making rules is the main task when dealing with the determinants of lobbying success in the EU.

**EU decision-making structure**

In 2009 the Lisbon Treaty established the codecision procedure as the ordinary legislative procedure of the EU giving the European Parliament (EP) and its standing committees equal decision-making powers vis-à-vis the Council of Ministers (Hix/Høyland 2011: Chapter 3; Ringe 2010: Chapter 1; also see Lehmann 2009). Thus, I expect that since in the EP’s responsible committees expert politicians are in charge of drafting policy proposals in the form of reports, they are the actors mainly approached by lobbyists from various sides of a policy debate.
(Marshall 2010, 2012; Rasmussen 2012; Smith 2008). With regard to regulatory policy in
general and consumer protection policy in particular, these expert Members of Parliament
(MEPs) are oftentimes highly dependent on interest groups’ policy specific information due to
the technical expertise and policy legitimacy they can provide. Expert MEPs follow the policy
preferences of non-state actors, and ask their fellow non-expert MEPs to adopt the latter (Ringe
2010), when they are either already ideologically leaning toward an interest group position, or
are persuaded by adopting particular policy frames represented by advocacy groups that have
high levels of both frame communality and lobbying side diversity. That is, pivotal MEPs
(committee rapporteurs and members) rather listen to arguments posed by sides that, first,
collectively highlight the same aspect(s) of an issue and, second, represent a great diversity of
interests and constituencies (Lehmann 2009: 58). Hence, it is crucial to recognize again that
whether powerful policy images can be employed and sustained throughout the entire policy
process is contingent on institutional characteristics of the EU’s decision-making rules and the
motives of individuals acting within them. Again, “we have to take into account the aggregated
efforts of likeminded interest groups that fight for the same policy objective on any given policy
issue” (Klüver 2011: 500). Further, we have to trace the whole policy process, follow the
evolvement of the issues (Baumgartner 2007), and account for changes in advocacy group
strategies and framing efforts throughout the decision-making procedure applied.
After this broad introduction to policy frames, the role lobbying coalitions play, and how the
EU’s decision-making structures shape these phenomena, I will now turn to a more precise
elaboration on my own theoretical approach and its causal significance when studying lobbying
success.

The concepts of frame communality and side diversity as determinants of lobbying
success

Despite recent increased interest in policy framing processes and analysis we still know little
about what frame wins over (competing) other frames and why they do so both in the EU and
other political entities (Baumgartner/Mahoney 2008; Daviter 2011; Lowery 2009;
Mahoney/Baumgartner 2010). Thus, what types of frames and framing activities increase the
likelihood of dominating policy debates which eventually lead to (more or less) favored
outcomes? And does the grouping of interest groups in issue-specific alliances also have an effect
on the success of particular framing strategies?

Here one main assumption is that despite the fact that interest group resources matter to a
certain degree, the significance of argumentation, persuasion, and strategy should not be left out
of policy analyses that try to capture interest group impact on policy outputs. To be more
precise, my main points are that the more cohesive a lobbying side represents their image of an
issue, and the more diverse a side is, with high levels of diversity meaning the size of a lobbying
coalition’s membership and the number of many different types of interest groups in one alliance, the more likely it is that pivotal decision-makers will pay attention to their claims and formulate policy accordingly. Thus, while people can be vulnerable to certain frames, we should keep in mind that frames can be vulnerable, too, depending on who is communicating them and how, and what the opponents’ characteristics are with respect to these aspects.

I introduce a rather simple model of lobbying success that is built on two concepts which I call frame communality and side diversity. Both are characteristics attributable to lobbying coalitions and their strategies as collectives. The first term refers to how unified a group of actors, that shares the same policy goal, is in promoting a particular image of an issue debated during the decision-making process. Hence, lobbying sides where almost every single “member” organization repeatedly and solely uses the same policy image (while collectively omitting other potential alternative frames) to address policy-makers have a high level of frame communality. The level decreases if the number and the frequency of other frames employed by the members of one side increases. Side diversity refers to the composition of a lobbying coalition whose individual members share the same policy goal. If a side represents various types of interest groups and, thus, when the scope of the rather heterogeneous actors mobilized on one lobbying side expands, the level of side diversity rises. It follows logically that a coalition of interest groups that is composed of very like actors (only toy manufacturers, for instance), has a low level of side heterogeneity. I argue that with the help of these two simple concepts it can be studied how sticky frames can really be at the various stages of the policy process and in different institutional settings, a phenomenon that, according to Baumgartner, “is poorly understood” (2007: 485) so far. If they are represented by lobbying coalitions with a high level of side diversity, frames that also exhibit a high level of frame communality do well in keeping competing issue frames off decision-makers’ radars and increase the chances of their users to lobby successfully. Thus, while lobbying coalitions want to be heterogeneous when it comes to their composition, they should be united when the arguments presented to decision-makers are concerned. Figure 1 shows the two dimensions of my lobbying success model and their scales.

This analytical framework serves as the basis for the empirical analysis to which I will turn after I presented the hypotheses derived from my theoretical model.
Hypotheses

I will now introduce some first ideas of testable implications derived from the analytical model outlined above by formulating a set of main hypotheses which, as I argue, have to be seen in causal conjunction to come up with a satisfactory explanatory model of lobbying success in EU consumer protection policy.

The first dimension deals with the type of frame employed by one side. As spelled out above, since decision-makers cannot be experts in every rather technical policy (sub-)field, such as consumer protection, and given their cognitive limitations to deal with all the issues dealt with by a political system, policy makers tend “to focus on just a few dimensions of an issue” (Mahoney/Baumgartner 2010: 8; also see Ringe 2010). At the same time they often are dependent on information provided by interest groups who are seen as experts in their areas. Thus, especially when dealing with complex technical issues policy makers “need to take mental short-cuts” (Mahoney/Baumgartner 2010: 8). Here the significance of interest group strategies and their argumentation comes in, since these non-state actors can provide politicians or bureaucrats with biased, i.e. framed images of an issue at hand. Thus, I hypothesize that decision makers are more likely to adopt a lobbying side’s policy image and the according line of argumentation, if the members of that coalition constantly and exclusively share and use a
common understanding of the issue. Otherwise a side's argumentation would run the risk to lose its punch and convincing straightforwardness that makes things easier for decision makers with limited attention and temporal capacities. Hence, Hypothesis 1 ($H_1$) reads as follows:

$$H_1: \text{The higher the level of frame communality of one lobbying coalition, the more likely it is that its lobbying efforts are successful.}$$

The second dimension of the theoretical model deals with the composition of a lobbying side and, thus, with the different types of interest groups that together form a (temporal and issue-specific) alliance. Here the argument underlying the hypothesis is pretty straightforward. If a lobbying coalition is highly homogenous with regard to its members, policy makers could easily interpret their argumentation as one only representing the special interests of a rather small segment of society. Accordingly politicians could suspect their frames to be biased in favor of only egoistic preferences, leading to a rejection of their arguments and positions. Thus, I hypothesize that decision makers rather accept arguments put forward by larger and more diverse sides consisting of representatives of both cause groups and sectional groups (Mahoney/Baumgartner 2010: 7–8). My second hypothesis ($H_2$) is thus formulated as follows:

$$H_2: \text{The higher the level of side diversity of one lobbying coalition, the more likely it is that its lobbying efforts are successful.}$$

But I hasten to clarify that these two dimensions do not operate independent of each other when it comes to assessing the determinants of lobbying success. They have to be studied in conjunction which brings me to the formulation of the final and main hypothesis ($H_3$) of my research project:

$$H_3: \text{The higher the level of frame communality and the higher the level of side diversity of one lobbying coalition, the more likely it is that its lobbying efforts are successful.}$$

Thus, if both frame communality and side diversity are high in conjunction, the more likely it is that a side’s image of an issue becomes the dominant one in a policy debate, contributing to a higher likelihood that this frame shapes the final output of the policy process.

**Dependent variable – Interest group influence as control over outputs**

Since my main goal is to identify lobbying success in the regulatory race between lobbying groups active in consumer related policy processes, my study's dependent variable is the actual movement of the policy position of the decision makers in a policy space of a particular issue over the whole course of the legislative process. Thus, after I identified the location of the different interest group’s policy positions and those of the various decision makers at the outset of a legislative process, and after grouping the interest groups together into the lobbying sides that form around an issue (given their respective common policy positions), I trace whether the original positions of a lobbying side and the ones represented by the institutions involved in the decision-making process are the same. The side that manages to move the final regulation closer
to its preferred outcome is considered successful (Dür 2008a, 2008b; Dür/Biévre 2007; Klüver 2011: 489–490). The side wins, whose original preferences (policy positions) are eventually apparent in a regulation after the decision-making process has come to a close and a final act is available.

Explanatory variables – Level of frame communality and level of side diversity
The level of frame communality for each lobbying side of an issue is measured on an ordinal scale ranging from levels of “low”, to “medium” and “high”. To decide in which category a side falls, I coded interest group documents in a qualitative way to identify the kind of argumentation used by the various actors which enables me to track the types of frames present. The more the member organizations of one side collectively rely on one and the same policy image in a debate, the better the chances that this side is assigned the value of “high” on the frame communality variable. Low levels correspond with the presence of a greater number of different types of arguments across the various side members. Side heterogeneity measures are also presented on an ordinal scale from “low”, to “medium” and “high”. A side is considered to have a high level of heterogeneity when its members are many and represent different types of interests. Very homogenous coalitions score low on this dimension.

Research Design and Method
For the empirical analysis I relied on a case study design (George/Bennett 2005; Gerring 2004, 2007; Goertz/Mahoney 2012) and investigated one EU regulation in the field of consumer safety in detail over a longer period of time. Thus, the study covers the different stages of the decision-making process and advocacy coalition activity at these stages. The analytical framework of lobbying success through policy framing and forming lobbying coalitions will guide this endeavor as a kind of “typological theory” (George/Bennett 2005). Building on this theoretical model I focus on identifying causal mechanisms (Elster 2007: 36) which implies a skepticism towards explanations that rely on deductive-nomological reasoning or statistical analysis (Hedström 2008: 41–49; also see Hedström/Swedberg 1998; Tilly 2008). Instead, I tracked down causal tendencies that contribute to the explanation of one concrete event on a case basis, without the ultimate goal of generalizing correlations between variables or case-specific conjunctions to identify “covering laws” (Hall 2003: 377; also see Goertz/Mahoney 2012).

For the single case study I basically rely on within-case analysis that allows for the identification of conjunctural causal paths (Aus 2009) and provides the researcher with high levels of conceptual validity and in-depth case knowledge which can be an major asset when trying to avoid omitted variable bias and related prevalent problems in case study research (George/Bennett 2005). This is crucial when trying to track the causal mechanisms at work in my case (George/Bennett 2005: 19). The decision-making process is studied with the method of
process tracing (Collier 2011; George/Bennett 2005: Chap. 10; Goertz/Mahoney 2012: Chapter 8; also see Checkel 2008; Hall 2003: 391–395). Based on and guided by my analytical framework, process tracing helps to test the theoretical propositions formulated earlier by identifying the particular causal mechanisms that link the explanatory variables across time and which eventually lead to the particular outcomes to be explained. Thus, I cover the whole decision-making process from the point in time where the policy was introduced for the first time via a Commission proposal until its final passage (the final EU act passed). I hand-coded and analyzed the documents released by the formal institutions and the non-state actors involved to trace whether the types of frames promoted by a side can sway the policy debates at the various stages of the EU’s ordinary policy-making procedure. Hence, I compared the statements made by advocacy alliances with the contents of the official EU institutions’ documents to find out whether lobbying success varies with the level of communality of a side’s frame and a side’s composition. There was a main empirical focus on the activities of the EP committees and their members (especially the rapporteurs assigned to an issue), and on the positions taken and released by them. This was the case, since the EP is considered to be the most crucial EU decision-making body, especially at earlier stages, under the codecision procedure (Häge/Kaeding 2007), and it has significant powers in the field of regulatory policy leading some scholars to argue that who manages to influence the EP’s policy outcome, will also eventually influence the final act (Burns 2005). Thus I assessed which lobbying side’s frames could be identified to be effective in the EP and the responsible committee particularly during 1st reading.

**Case selection**

To be considered for the analysis, the EU’s policy-making process had to be initiated through a public online consultation launched by the European Commission to cover politically important issues and to have the individual interest group responses, their preferences, and arguments ready for the document analysis. Furthermore, the decision-making process had to be fully completed. Thus, the policy picked had to be adopted by the official publication of the final legislative act that makes an EU policy binding. Only by reducing the analysis to a finalized decision I can study lobbying success accurately and in sync with the analytical framework developed here. Furthermore, the policy to be studied had to be either a regulation or a directive since only these are EU legislative acts that are directly binding and attract high levels of interest group activities. I also made sure to only consider proposals which were adopted under the EU’s ordinary legislative procedure, which is the codecision procedure, since only under this procedure do the EP and the Council of Ministers operate as true co-legislators.

For this study I selected *Regulation (EU) No 1169/2011*, an EU regulation titled "Food information to consumers", that was adopted in the fall of 2011 while the Commission proposal
had already been released in January 2008. This highly salient case involved significant levels of activity of many different interest groups from both industry and consumer/public health organizations and received high rates of media coverage as well (see Brussels Sunshine 2010). Two lobbying coalitions were pitted against each other, mostly regarding the issue whether a so-called “traffic light labeling system” (or TLL system) should become mandatory for foodstuffs sold in the European market, a solution favored by consumer and public health organizations, or whether to introduce the so called GDAs (Guideline Daily Amounts). The latter option, favored by most parts of the European food industry and retailers, only contains nutrient-based information for the consumer without providing evaluations of healthiness at the nutrient level on the package (a feature of the TLL system). The final act was signed and published in October and November 2011.

Data and design of the analysis
I conducted detailed in-depth document analyses of primary and secondary sources published online by the official EU institutions, interest groups active in the policy debate, and by the European media (EurActive). In the case of food labeling, interest groups, such as (peak) consumer or producer associations active at the various European governance levels, public policy groups, and individual companies frequently released position papers on the debated issues on their websites and sent out press releases which are publicly available. For comparability reasons I limited advocacy group publications to these two types of releases (Mahoney/Baumgartner 2010: 9) in addition to their respective individual response to the Commission’s online consultation launched in February 2006. I only included those actors (associations, organizations, firms, and individuals) in my analysis that had submitted a response to the Commission’s official consultation (Bunea 2013; Klüver 2012b: 498, 2013).

The European Commission, the European Parliament committees, and (to a somewhat lesser extent) the Council of Ministers make their policy-relevant session and position summary documents available to the public online. Table 1 summarizes the different events analyzed and the various kinds of data collected at the consecutive stages of the EU decision-making process under the ordinary legislative procedure.

In general, the “Legislative Observatory” database of the European Parliament (EP) and the Council’s “Public Register” (CONSILIUM) were consulted online to track down the EU decision-making process.

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3 The responsible Directorate General for Health and Consumers (DG SANCO) received a total of 172 responses to its public online consultation launched in February 2006.
Table 1: Case Study Analysis – Process and Event Design

<table>
<thead>
<tr>
<th>Institutions</th>
<th>Policy Formulation Stage</th>
<th>Policy-Making Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>European Commission (Responsible Directorate General)</td>
<td>European Parliament</td>
</tr>
<tr>
<td></td>
<td>Preliminary Commission Draft Proposal</td>
<td>Committee Session/Vote</td>
</tr>
<tr>
<td></td>
<td>Commission’s Public Consultation</td>
<td>Decision and Vote in Parliament (Potential multiple Readings)</td>
</tr>
<tr>
<td></td>
<td>Commission’s Official Legislative Proposal</td>
<td></td>
</tr>
<tr>
<td>Event(s)</td>
<td>Consultation Document (Background Paper)</td>
<td>Summary of the Legislative Proposal</td>
</tr>
<tr>
<td></td>
<td>Interest Group Responses to Consultation Document</td>
<td></td>
</tr>
<tr>
<td>Data</td>
<td>Summary of the Legislative Proposal</td>
<td>Summary of Decision and Vote in Parliament</td>
</tr>
<tr>
<td></td>
<td>Identification of Interest Group’s Preferences (Regarding Issues) Identification of the Arguments Used by Interest Groups Grouping of Interest Groups into Sides</td>
<td>Analysis of Interest Group Documents released during Policymaking Process to identify Preferences and Arguments (Press Releases, Position Papers)</td>
</tr>
</tbody>
</table>

Source: Own table.
The preliminary DG SANCO draft proposal initiating the public consultation procedure in early 2006, all the individual responses of stakeholders and individuals submitted to DG SANCO by June of the same year, the summary of the Commission’s official legislative proposal adopted in January 2008, the summary of their sessions and decisions released by the Council of Ministers and the EP committees, and the summary of the text of the final legislative act were collected free of charge from the EU institution’s websites, with the “Legislative Observatory” being the main source that collects and provides links to all the information and documents related to the policy-making issue at hand. I consulted these websites to collect all the publicly available documents published with regard to the issue studied and compiled a large dataset that offers archived in-depth information about the positions taken by interest groups on a particular issue, the arguments they use, and the decisions taken by decision-makers at the various policy-making stages. I also collected and archived all the statements made by the members of the EP during the 1st and 2nd reading of the issue at hand, which can also be found publicly available online (see below). Furthermore, I consulted the online service VoteWatch Europe to gather data on the political affiliations and the voting behavior of both the members of the European Parliament (MEPs) and the member state governments’ representatives in the Council of Ministers who were active in the policy process under study.

Descriptive analysis

In the fall of 2011, after almost 3 years of intense legislative activities of the European Commission, the European Parliament, and the responsible Council of Ministers, a unified EU food labeling scheme was adopted during 2nd reading under the codecision procedure. The result was Regulation (EU) No 1169/2011 titled Food Information to consumers. Most parts of it will be in effect by mid-December 2014. In early 2006 the European Commission’s Directorate General Health and Consumer Protection (DG SANCO) organized a public consultation procedure and asked member states and actors of civil society to actively participate in the process of acquiring positions and opinions from stakeholders more or less directly affected by the planned legislative act. The main goal was to harmonize existing but piecemeal EU regulations and directives into one main scheme to provide consumers with better nutritional information through labeling without, at the same time, harming the functioning of the Single Market. The three main sets of issues that emerged at the consultation stage and that would also be the main battlegrounds of lobbying activities throughout the legislative process included general food labeling issues (such as the scope of the legislation, mandatory and voluntary labeling schemes,

4 The document is available online under the following link: http://ec.europa.eu/food/food/labellingnutrition/betterregulation/competitiveness_consumer_info.pdf (15-08-2013).
6 The only exception is the mandatory list of nutrients which has to be printed on every foodstuff’s pack from December 13, 2016 on.
and the presentation of the information, thus legibility, font size, and format), nutrition labeling issues (mandatory VS voluntary system, including all products or allowing exemptions (small packages and alcoholic beverages), amount of information required (number of nutrients), nutrition labeling scheme (GDAs VS traffic light labelling system), where to put the label (back-of-pack VS front of pack, or dual system), information per 100g/100ml VS per serving/portion, or both), and country of origin labeling (keeping the status quo, limiting mandatory labeling to unprocessed/raw products (meat), and the introduction of general rules to cover all foodstuffs including processed food). After the Commission had closed the consultation process in June 2006, DG SANCO finally published its legislative proposal for the revision of the several existing rules in January 2008. With regard to the most controversial issue of nutrition labeling, the policy proposal included mandatory front-of-pack nutrition labeling, a minimum font size of 3 millimeters, and back-of-pack GDAs concerning processed foods and drink products (while excluding non-processed meat and vegetables). Voluntary national labeling schemes (such as color-coded TLL systems) should still be allowed and coexist with the proposed mandatory requirements. Furthermore, the Commission document supported labels indicating the country of origin of a food.

The proposal was then forwarded to the EP and the Council of Ministers under the EU’s ordinary legislative procedure, which is the codecision procedure. In the EP the proposal was referred to the Committee for Environment, Health, and Consumer Protection (ENVI) as the assigned responsible committee. Thus, ENVI was put in charge of working and eventually voting on a report to be presented to the whole plenary during 1st reading. The rapporteur to prepare the report was Renate Sommer, a German conservative and member of the European People’s Party (EPP). During first reading the ENVI committee rejected the traffic light labeling system as a mandatory scheme with a close vote of 32 to 30 in mid-March 2010. The TLL system had turned into the most debated issue of the planned regulation and attracted high levels of lobbying activities (see below). ENVI furthermore agreed with the Commission’s proposal that energy content, fat, carbohydrates, sugar, and salt should have to be displayed on labels on the front of packs, and added proteins, fibre, and transfats to this mandatory list. Finally the committee backed the idea to allow member states to use additional national nutrition labeling schemes on a voluntary basis. During its first reading the European Parliament agreed with Ms. Sommer’s committee report and rejected the TLL system with 559 votes in favor of the report, 54 against it, and with 32 abstentions. Instead the GDA system, which was industry’s favorite, was backed by the majority of the parliament. Furthermore, the EP backed ENVI’s proposal to make country of origin labeling mandatory also for other meats than beef, dairy products, and even processed food. After the responsible Council of Ministers (Agriculture and Fisheries) had reached an agreement on the EP’s dossier in late 2010, the Council’s 1st reading position was published after its vote in late February 2011 and incorporated many of the EP’s amendments. With regard to
nutrition labeling the national ministers called for the following elements to be presented as the mandatory nutrition declaration: energy, fat, saturates, carbohydrates, sugars, protein, and salt. These would have to be presented in the same field of vision on the front of packs or elsewhere per 100g/100ml, with the "per portion" version permitted in addition. The Council also backed adding national schemes of nutrition information to the mandatory European wide scheme.

In early 2011, during the 2nd reading of the codecision procedure and after the Agriculture and Fisheries Council, on February 21st, 2011, had decided in a 26 to 1 vote (with Italy being the only member state voting against the proposed legislation) in favor of the proposed and amended regulation, the member states’ position was dealt back to the EP. On April 19th, the parliament’s ENVI committee voted on its rapporteur’s (Ms. Sommer) new report which was then approved by the EP’s members on July 6th of the same year (with 606 members voting yes, 46 voting against, and 26 abstentions). Thus, an agreement/compromise had been reached with the Council and the act was finally approved by the Council in late September, turning the compromise into the final regulation. This final act was signed on October 25th, 2011 and its text was officially published in the EU’s Official Journal in late November of the same year. With reference to the most controversial issue of nutrition labeling, the final act included the following: the mandatory nutrition declaration has to be printed in a minimum font size of 1.2 millimeters and has to include the so-called "Big 7" (= energy plus fat, saturates, carbohydrates, sugar, protein, and salt) in form of a table and always per 100g/100ml. It does not have to be on the front of the pack, but in one field of vision. Additional declarations “per portion” and information in form of the GDA scheme will be allowed. Furthermore, the final act allows national variation in labeling schemes as long as they are used on the pack in addition to the mandatory nutrition declaration which cannot be replaced.

After the purely descriptive analysis of the events leading to the final regulation and its main contents, I will now turn to the detailed theory-informed analysis of the adoption of the highly controversial issue of the EU’s new nutrition labeling scheme.

Causal analysis I: The policy formulation stage
I will now move on to testing my model’s hypotheses with regard to the success of interest group lobbying activities. Thus, I study the issue-specific grouping of interest groups in lobbying coalitions based on their initial policy preferences. I also compare their selective arguments (frames) with pivotal decision-maker’s statements at the various stages of the policy-making process.

At the Commission online consultation stage two major lobbying coalitions emerged with consumer and health organizations on one side and food producers, manufacturers, and retailers ("the industry") on the other. The public consultation that had been launched on March 15th, 2006 (and was formally closed on June 16th of that year) attracted 172 responses in total,
with 31 contributions by member state government related institutions (national ministries, national food safety authorities, etc.) and comprising 141 stakeholder and individual positions (also see European Commission 2006: 32). The industry side clearly outnumbered consumer and public health advocates already at the consultation stage and represented a diverse coalition of firms, national peak associations from various EU member states, and European associations such as the Confederation of Food and Drink Industries (CIAA; Today: FoodDrinkEurope), EuroCommerce (the European business association representing the retail, international trade and wholesale sectors in the EU), and UEAPME (The European Association of Craft, Small- and Medium-sized Enterprises). Accordingly, the industry's level of side diversity was high, while the consumer side could still be coded as having a “medium” level of side diversity, since it represented a rather heterogeneous coalition of national consumer groups (such as the German VZBV and UK's WHICH?), BEUC (The European Consumers’ Organisation), and further European associations such as the European Heart Network (EHN) and the European Public Health Alliance (EPHA), with the former being a Brussels-based alliance of heart foundations and similar NGOs, and the latter representing more than 100 non-governmental and not-for-profit organizations that work to support health-related public policies in Europe.

As Table 2 shows, the main issues at this stage of the policy-process included general food labeling issues, nutrition labeling, and country of origin-labeling (also see above). Advocates on both competing sides concentrated their statements on these three dimensions, putting emphasis on different arguments though.

Table 2: The main issues addressed by interest groups during consultation

<table>
<thead>
<tr>
<th>Breakdown of consultation responses</th>
<th>General comments</th>
<th>Strategic goal</th>
<th>General Food Labelling</th>
<th>Nutrition Labelling</th>
<th>Origin Labelling</th>
<th>Welfare Labelling</th>
<th>GMO Labelling</th>
<th>Labelling of alcoholic beverages</th>
<th>Non-Food Labelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State/ Government related</td>
<td>22</td>
<td>20</td>
<td>21</td>
<td>22</td>
<td>19</td>
<td>15</td>
<td>12</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>Industry</td>
<td>65</td>
<td>53</td>
<td>55</td>
<td>51</td>
<td>44</td>
<td>23</td>
<td>14</td>
<td>25</td>
<td>22</td>
</tr>
<tr>
<td>Consumer organisations</td>
<td>11</td>
<td>8</td>
<td>10</td>
<td>10</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Health related organisations</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Individuals</td>
<td>6</td>
<td>1</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Others</td>
<td>8</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>117</td>
<td>87</td>
<td>101</td>
<td>95</td>
<td>79</td>
<td>49</td>
<td>34</td>
<td>60</td>
<td>38</td>
</tr>
</tbody>
</table>

Please note that responses have been counted as a comment, whenever the given topic is mentioned in the contribution, regardless of the length and content of the comment.

Source: (European Commission 2006: 33).
In their individual responses to the Commission’s consultation\(^7\), consumer and health groups, such as BEUC, EHN, and EPHA, strongly opposed self-regulation activities of the industry and called for a mandatory EU-wide labeling scheme for both pre-packaged food and non-pre-packaged food. EHN only addressed nutrition labeling in its response and argued that diseases connected to unhealthy diets were caused by the lack of good mandatory labeling schemes. Obesity and heart-diseases were the main problems to be solved by establishing mandatory on-pack nutrition labeling in a European-wide, standardized, and comprehensible format.

For instance, throughout its statement, EHN used a *health frame* to justify the call for a new mandatory scheme and stated, for example: "If nutrition labelling were comprehensive, comparable (standardised) and easier to understand, consumers could use that information to eat more healthily". The heart network pointed out that overweight and obesity were among "the most important public health problems in Europe", and could most effectively be avoided by clear nutrition labeling standards. Front of pack nutrition schemes should be mandatory, especially when nutrients were concerned “about which there is most public health concern”.

EHN also linked the general food labeling issues of a mandatory minimum font size and a font type (i.e. color, background color etc.) to its general preferred public health frame, arguing that only truly legible labels could help to prevent citizens from consuming too many unhealthy products. EPHA also only dealt with nutrition labeling in its official consultation response, solely adopting a public health perspective when strongly rejecting industry self-regulation and asking for mandatory front-of-pack and back-of-pack nutrition labeling. EPHA pointed out: "Mandatory labeling provides clear signals to consumers and supports public health goals. This will fulfill better the stated objectives of the current legislation, which aim to support consumers' opportunities to make an informed choice on all types of food to assess what is needed to achieve an overall healthy diet". The organization also argued that on-product labeling would be the way to inform consumers to make healthy decisions, and that it should not be substituted by other means (such as hotlines, websites etc.). EPHA also supported full nutrition information on the back of packs, plus simplified color-coded signposting front-of-pack, printed in a standardized font size and type. Furthermore, as appropriate reference quantity of nutritional declaration EPHA supported the “per serving”-scheme since it was seen to be “more easily understood by consumers”. Finally, BEUC also called for mandatory front-of-pack nutritional labeling for pre-packed food presented in a minimum font size and in a standardized type. The consumer organization also argued that on-pack labels would be the way to inform consumers, rejected all forms of industry self-regulation, and also adopted a general public health frame, stating, for instance: "In the light of the current increase in obesity and diet related diseases across the EU BEUC calls for mandatory nutrition labelling on all pre-packaged food products”.

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\(^7\) All the original responses to DG SANCO’s consultation can be found and downloaded under the following link: [http://ec.europa.eu/food/food/labellingnutrition/betterregulation/docs/individual Resp_en.pdf](http://ec.europa.eu/food/food/labellingnutrition/betterregulation/docs/individual Resp_en.pdf) (14-08-2013).
Simplified front-of-pack signposting systems should also be considered by the Commission since “[c]onsumers must also be able to determine at a glance whether a food is a healthy choice”. Even though BEUC addressed the issue of small- and medium-sized enterprises (SMEs) that would be economically harmed the most by new mandatory labeling schemes, they still argued that “we believe that although this should be taken into account in the drafting of new legislation (e.g. with the provision of appropriate transitional periods and clear guidance) this should not affect consumers’ right to information”. In general, the overall costs related to the long-term impact of obesity and diet-related diseases that society as a whole would have to shoulder, were the ones to really worry about, not only the short-term costs of SMEs.

To sum up, neither EHN nor EPHA approached the issue of nutrition labeling from an economic or market competitiveness perspective, but strongly adopted a public health frame that connected the different proposed regulatory measures to the goal of fighting obesity and wrong dieting which the consumer and health side had identified as the most crucial issue. BEUC also focused on a health frame to formulate its positions, but the organization also briefly addressed the economic implications of new mandatory schemes for SMEs, but emphasized, that consumers were at the center of debates and not competitiveness. Hence, in addition to its medium level of side diversity, the consumer and health side gained high levels of frame communality at the consultation stage of the policy-process.

I turn to a selection of representatives of the industry side. In its individual response, CIAA stated that labeling on products would only constitute one possible source of information for consumers and argued that new regulations should not lead to new bureaucratic and administrative burdens ("red tape"), while labeling in general should not be too detailed and too descriptive. Securing a competitive environment for businesses in Europe should still be the main focus of regulations. Yet, in general, CIAA “strongly support[s] self-regulation as an efficient tool to provide information to consumers to make informed choices”, and thus the European association opposed new European-wide mandatory regulatory schemes that would only harm SMEs which need room for innovation to foster competitiveness in the European market. CIAA also stated, that "there is no need for more descriptive legislation as to details on format, size of the text etc", rejected mandatory labeling schemes altogether (asking to keep the existing rules), and supported own industry initiatives of self-regulation. The organization did not reference the GDA labeling scheme at this stage or proposed an own idea of how to label foodstuffs, but it still already argued that it was “important to remember that the nutrition label is not an educational tool but a means of information provision”. Furthermore, CIAA referred to “[t]he well-founded principle that there are "no good foods or bad foods, only good diets and bad diets", and that this principle "should be taken into account", since “[w]ithin this context, all foods have a place in a balanced, moderate and varied diet that contributes to health and well-being”. In its consultation response, UEAPME first focused on SMEs and the “continuously increasing costs for the design
and the production of labels”, and then, with reference to the subsidiarity principle, strongly demanded that the decision to label pre-packaged food or not should be left in the hands of the EU member states alone. According to UEAPME, on-pack information on nutrients should be voluntary unless related claims were made on the package. Finally, EuroCommerce also called for a flexible regulatory framework that would improve the competitive nature of the European market and reduce red tape. The organization opposed “a heavily prescriptive approach” by the EU that would not take into account the interests of SMEs. Furthermore, labels were not seen as the only way to inform consumers. Still, EuroCommerce pointed out that “full harmonization on what will be agreed as mandatory on-pack information is of the utmost importance”, without proposing an own scheme.

Thus, the industry side did not manage to frame the labeling issue effectively in one particular way. While some side members did not want any new competences to be “uploaded” to the EU institutions at all, others still focused on the implications of more or less mandatory nutrition labeling schemes. Among the latter some organizations rejected both the GDA and the TLL schemes right away (for instance the German Confederation of Retail (HDE)), while others supported GDAs as a scheme to be valued more than the TLL system (for instance the German BLL, the major association representing German food manufacturers). Overall, the industry and retailer side tried to frame the issue of food information in too many different ways and was too defensive at the consultation stage, trying to avoid mandatory labeling in general and to protect self-regulation practices: both fights this side “had already lost” (Kurzer/Cooper 2013: 726). The result was a low level of frame communality that could not compete with the strongly united health and consumer side that managed to concentrate on one public health frame when formulating its demands.

Thus, in January 2008 the Commission proposed “strict new nutrition labeling rules to help consumers make healthy choices (...)” (EurActiv 2008), most importantly supporting mandatory front-of-pack labeling of a set of nutrients (energy, salt, saturates, carbohydrates, sugars, and salt) and a minimum label font size of 3 millimeters. When presenting the proposal, Health Commissioner Markos Kyprianou stated that the proposal “combines the protection of consumers, of offering the consumers the possibility of making an informed choice, and of course protecting health” (EurActiv 2008). CIAA and EuroCommerce stated that they had “serious concerns” (EurActiv 2008) about the proposal. Thus, the consumer and health side had successfully framed their positions to shape the Commission proposal. But despite their general high levels of satisfaction in early 2008, BEUC and EHN regretted that the Commission had not yet called for their preferred color-coded TLL labeling system (EurActiv 2008).
Causal analysis II: The policy-making stage

After the proposal had been referred to the European Parliament for first reading, the 64-member ENVI committee became the main lobbying battle site for advocates of both lobbying coalitions (Brussels Sunshine 2010). When working on her report, the assigned committee rapporteur Renate Sommer, a German Christian Democrat, had contact with about 200 non-state interest groups and individuals that gave her input on the issue of food labeling. About two thirds of these contacts, which Sommer lists on her website, were with representatives of the food and retailing sector, while only about 15 per cent were with advocates from the health and consumer camp (Kurzer/Cooper 2013: 732). I take these numbers, which are similar to the ones identified at the policy formulation stage, as a proxy to assess the side diversity scores for both camps at the EP stage of the decision-making process. Hence, while the industry lobbying coalition kept its high score, the consumer and health coalition still only got a medium side diversity score. What changed was the strategy used by the most important representatives of the industry and retailer side. The German BBL and HDE, for instance, now voiced their support for a unified labeling scheme (the GDAs), seen as a prerequisite for a functioning common market. In a position paper released in late February of 2008, hence shortly after the release of the Commission’s proposal, CIAA also took on the issue of obesity and wrong diets, but not without using a new kind of argument that put the diet “as a whole” and the idea that “there are no good foods or bad foods, only good diets and bad diets” at the center of the debate. In the position CIAA stated: “It is widely accepted that diets must be assessed as a whole, rather than isolating individual nutrients, as weight gain, and other diet-related health problems are caused by a combination of factors such as unbalanced diets and lack of physical activity”. In a position paper that was released on the organization’s website in July 2008 EuroCommerce (2008) directly commented on the Commission’s proposal and criticized it again for putting too many new bureaucratic burdens (“red tape”) on SMEs. This time, though, the organization addressed nutrition labeling in more detail, rejected the standardization of a mandatory minimum label font size and called into question the usefulness of mandatory front-of-pack nutrition labeling. But, EuroCommerce also welcomed the Commission’s endorsement of the GDA nutrition labeling scheme “as a way to inform consumers in a neutral and objective manner and empower them to make healthier choices” (2008: 4). EuroCommerce further claimed that “food labelling legislation is not the appropriate tool for promoting the production of quality products, which should be left to the market”, and continued that “the Commission proposal should limit itself to streamline mandatory requirements and focus on the essentials” (2008: 5). Thus, with the referral of the rather consumer advocates-friendly Commission proposal to the European Parliament, industry started to get actively involved in shaping what nutrition labeling could look like, while at the same time beginning to frame the issue as one, where the EU as regulator

should not “nanny” the individual customer by introducing color-coding schemes on food-packages and telling him which single products were good for him and which ones were not. In various press releases and positions published online between 2008, the ENVI committee’s vote at first reading in March 2010, and the EP’s first floor vote in June 2010, advocates of the industry and retailer side took on this “nanny state frame”. The common argument made was: not only would a traffic light labeling scheme nanny consumers to an unbearable degree, it would also, for instance, privilege artificial foodstuffs, such as diet coke etc., over fruit juices since the latter are high in natural sugar. Demonizing individual products would not be of any help for the consumers, since only a balanced diet could contribute to an individual consumer’s health.

Industry had reached a high level of frame communality by focusing on this “nanny state frame”. The consumer and health side, on the other hand, lost its high level of frame communality since it was gradually pushed into a rather defensive position, mainly complaining about the dominance of industry lobbyists and losing the monopoly and the focus on the health frame which they had originally adopted successfully during consultation. In March 2010 the ENVI committee rejected calls for mandatory EU-wide TLL scheme in a close vote, leaving behind disappointed consumer and health groups, with BEUC lamenting this “severe blow for consumers and public health in Europe” and EPHA expressing its “disappointment over the outcome” (EurActiv 2010a).

In the European Parliament’s debate in Strasbourg on June 15th, 2010, thus one day before the first vote on the committee’s report, Ms Sommer opened the discussion in the plenary with a statement that revealed the crucial impact the “nanny state frame” had had on the pivotal ENVI decision-makers. Towards the end of her short speech she emphasized: “It is not the job of the legislator to nanny its master, which, in this case, is the citizen. It must provide assistance, but our citizens are responsible for themselves and it is not for us to take over that responsibility”. The TLL system would incorrectly classify products as either good or bad and, she pointed out, “[i]n the end, it is overall diet and lifestyle that count”. The liberal Gerben-Jan Gerbrandy, a future Vice-Chair of the ENVI-committee, asked: “Are we forcing people to make a healthy choice of foodstuffs or are we giving them the opportunity to decide for themselves what foodstuffs to choose”? Other members of the ENVI committee also warned their non-expert fellow MEPs in the plenary not to take a “paternalistic” approach to the issue of nutrition labeling, while one of the leading figures of the committee, the French conservative Françoise Grossetête, said: “More importantly, however, I believe that colour coding will also have the effect of stigmatising produce. I do not think that it is quite the right solution yet”. MEP Emma McClarkin pointed out

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9 All the MEP statements from the debate on June 15th, 2010 (including the ones cited here) can be found online on the European Parliament website under the following link: http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20100615&secondRef=ITEM-005&language=EN&ring=A7-2010-0109 (14-08-2013).
that “(...) the traffic light system provides too judgmental an assessment of foodstuffs and the complex nutritional composition of food; its place in the diet cannot be reduced to a simple colour”. She further argued that consumers “do not want to be dictated to about what food they can and cannot eat”. The next day the EP rejected the TLL scheme by accepting the German ENVI rapporteur’s report with 559 MEPs voting for it, 54 against it, and 32 abstentions. Since amendments that are rejected by the EP plenary at first reading cannot be tabled again during second reading, the mandatory European-wide TLL scheme had been eliminated for good.

When explaining their individual decisions against the TLL system in Parliament after the June 16th vote, many MEPs’ arguments resonated well with the reasoning industry representatives had previously put forward as well10. For instance, with reference to the TLL system, the Estonian liberal Siiri Oviir stated: “(...) I did not support the introduction of the colour code system. This system gives a subjective assessment of products, and does not give the consumer information on how to eat a balanced diet and how to eat according to one’s needs. The traffic light system actually divides up foods into good and bad, but it would be sensible to speak of good and bad eating habits”. The Italian Socialist Mario Pirillo also referred to the problem of a potential demonizing effect of a color-code scheme, when he declared why he had voted against an EU-wide TLL system, and the Romanian conservative Sebastian Valentin Bodu pointed out, that “[o]nce the new regulations have been implemented, it remains up to consumers to choose what they wish to consume”. Sophie Auconie, a French conservative and ENVI member, clearly aligned herself with industry’s reasoning in her written statement: “In particular, I am delighted that the European Parliament has rejected the principle of a traffic light scheme which is supposed to indicate the level of danger to health posed by food. Everyone knows very well that a little chocolate and a little wine is good for you. Too much chocolate and too much wine is bad. A green-amber-red colour code would not have made any sense. Once again, the Group of the European People’s Party (Christian Democrats) has made the European Parliament listen to reason”.

The CIAA, as one of the main industry representatives, immediately welcomed “the positive signal sent by Members of the European Parliament today on a number of key issues within the First Reading vote on the food information to consumers proposal” (2010), and the national peak association BLL (representing the German food manufacturers) portrayed the rejection of the TLL scheme as a “victory of reason” over a “judgmental labeling of foodstuffs” (BLL 2010; own translation). Representing the European consumer organizations, BEUC’s director-general Monique Goyens commented on the vote as follows: “There is no doubt that today's vote is a very, very serious setback”, and the European Heart Network “regretted the vote's outcome

10 All the MEP explanations of votes from June 16th, 2010 (including the ones submitted in written form) can be found online on the European Parliament’s website under the following link as well: http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20100616&secondRef=ITEM-009&language=EN&ring=A7-2010-0109#3-198 (14-08-2013).
regarding traffic lights” (EurActiv 2010b). In another press release immediately published for release on June 16th, 2010, the European Public Health Alliance (EPHA) joined the other health and consumer advocates by lamenting that “[t]he European Parliament has failed European citizens in its vote on Food Information to Consumers in today’s plenary session” (EPHA 2010). Furthermore, in the same document, EPHA’s Secretary General Monika Kosinska was cited stating: "What we have seen today is a triumph of industry lobbying over the public interest" (EPHA 2010). With reference to the Council of Ministers becoming the next EU organ with legislative responsibility, she continued: "Member States have an opportunity to save this process and find an adequate solution. They will need to show determination to fulfill their responsibility to defending the public interest" (EPHA 2010).

After debates had taken place in the Agriculture and Fisheries Council (AgriFish) in June and December of 2009, and in the Employment, Social Policy, Health and Consumer Affairs (EPSCO) configuration in December 2010, the decisive vote was taken in the AgriFish Council on February 21, 2011. Twenty-six of the EU organ’s member state representatives, among which a rather market-liberal ideology was dominant (with 19 out of 27 delegates representing conservative or liberal parties), voted “Yes” and only Italy voted against the proposed legislative act (no abstentions were recorded). Thus, the first reading Council position was adopted and dealt back to the EP for second reading. On the same day, the main representative of the European food and drink industry welcomed the result of the vote, arguing it would be “a good starting point for discussion at second reading” and would enable consumers “to make more informed food and drink choices based on their individual needs” (CIAA 2011).

On April 19th, 2011, the EP’s ENVI committee voted in favor of Ms. Sommer’s new report, which the rapporteur had developed based on the Council’s first reading position. On the same day, BEUC sent a document to the press, declaring ENVI’s food information vote “a defeat for consumers” and “a major blow for consumers since MEPs rejected proposals for mandatory front of the pack nutrition information” (BEUC 2011). In early July of the same year, the EP’s members approved the committee’s result (with 606 members voting yes, 46 voting against, and 26 abstentions). On July 5th, at the end of the discussion in Parliament one day before the final EP floor vote, the then EU Commissioner for Health and Consumers, John Dalli, stated in the plenary that “[i]t is not a question of telling people what to eat. It is a question of telling people what they are eating and then letting them decide what they really want to do”. Before the debate was closed, the Council’s President-in-Office Marek Sawicki also used the preferred industry frame when he pointed out: “I would also like to agree in full with the opinion expressed by Commisioner Dalli in this Chamber a short while ago, that consumers do not need to be told by

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11 The result of the vote and information on the national party/member state representatives taking it can be found under the following link: http://www.votewatch.eu/en/proposal-for-a-regulation-of-the-european-parliament-and-of-the-council-on-the-provision-of-food-inf.html (16-08-2013).
us what they should eat, but that they have the right to know what they are eating”. Members of the EP, particularly MEPs forming the market liberal majority consisting of conservatives and liberals, followed along. For instance, the French conservative Anne Delvaux stated that “(...) the adoption of this regulation will now enable consumers to be informed without a choice being imposed on them. In this regard, I am pleased that the idea of a ‘colour code’ did not get beyond first reading. That would have been misleading shorthand for consumers”. She was joined by the Italian conservative Elisabetta Gardini, who, in another written statement, argued that “(...) food labels do not serve the purpose of ‘educating’ the consumer, or of creating a good diet. They simply serve the purpose of providing information to citizens, to allow them to make more informed choices”.12

The agreement between the Council and the EP was finally approved by the Competitiveness Council (COCOM) on September 29th, 2011 turning the compromise into the final legislative act. It was signed on October 25th, 2011 and the text was published in the EU's Official Journal in late November of the same year.

**Conclusions**

This chapter has shown that it is crucial to study the impact of the issue-specific composition of lobbying coalitions (i.e., their diversity) on the one hand, and the role of collectively employed and bridged frames (i.e. their communality) on the other, to account for lobbying success in EU consumer protection policy. Representatives of diffuse interests do not seem to have a general advantage over specific and better-resourced non-state groups when the EP is in charge of drafting policies. The detailed case study of the EU regulation on food labeling shows that MEPs can decide to side with representatives of specific and better-resourced interests (such as the food industry and food retailers), if they find their arguments more compelling, trustworthy, and credible. Furthermore, the case study analysis brought to light that the “success” of a frame, thus how it is adopted by the targeted decision-makers, is also dependent on the institutional particularities of the policy-making process. While the Commission’s technocrats were most convinced by the consumer and health side's high levels of frame communality at the consultation stage, they disregarded this side's medium level of side diversity, since the competing industry camp was too divided on various key issues to benefit from their high level of diversity. Thus, when drafting the policy proposal to be negotiated between the EP and the Council of Ministers, consumer and health group arguments prevailed due to the successful framing of the issue as one mainly dealing with public health considerations and how to tackle the problem of obesity and diseases related to bad diets. The consumer side had occupied the

12 The oral and written statements on this date, can be found under the following link: http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20110705&secondRef=ITEM-012&language=EN&ring=A7-2011-0177 (16-08-2013).
scene early on and their arguments and preferences dominated the whole drafting phase of the policy process. At the same time producers and retailers, despite their superior level of side diversity, were split with regard to the support of pushing forward an own labeling scheme (GDAs) and were predominantly occupied with various strands of arguments concerning the protection of self-regulation and the rejection of adopting a general European wide labeling scheme.

Only after the Commission had passed a rather consumer friendly policy proposal and sent it to the EP and the Council for 1st reading, the industry side accepted that the former regulatory framework would not be upheld and launched a massive lobbying campaign that focused on the pivotal MEPs in the responsible ENVI committee to make sure that their worst case-scenario (an EU-wide mandatory front-of-pack traffic light labeling scheme) would not become reality. Industry and retailer organizations turned to a strategy of deliberately omitting the health concerns voiced by the competing side, that had previously dominated the policy drafting stage, and they successfully reframed the EP debates on nutrition labeling in terms of enhancing economic competitiveness, reducing the bureaucratic burden for SMEs, and, most importantly, by persuading the most influential parliamentarians that a traffic-light scheme would mislead and "nanny" the consumer to an unbearable degree while simultaneously demonizing whole products as "bad". MEP's statements made during the debates in Parliament at first reading and their oral and written explanations for their respective decisions reveal the dominance of the industry and retailer's frame, in some cases even with regard to parliamentarians from parties that had supported the traffic-light scheme earlier on. By successfully bridging their selective key arguments and concentrating on these aspects only, eventually the industry lobbying coalition reached high levels of frame communality while keeping its high level of side diversity. Consumer and health organizations lost ground due to the fact that industry had occupied their own area of expertise (nutrition labeling) with the latter side introducing and continually advocating their own labeling scheme (GDAs back-of-pack). The consumer and health coalition that had been successful at the policy formulation stage lost its high level of frame communality when it was gradually pushed into a rather defensive position, mainly complaining about the dominance of industry lobbyists and losing the focus on the health frame which they had originally adopted during consultation. With the rejection of a mandatory traffic-light labeling system during the EP's 1st reading in both the ENVI committee and in plenary, industry and retailers had reached their main goal. The Council, ENVI, and the European Parliament's plenary adopted a regulation reaching a compromise at 2nd reading without further ado. The regulation left behind disappointed consumer and health advocates, after the issue had started out as a promising piece of legislation for them.
Implications for further research

Hence, the theoretical model of lobbying success introduced here is of value when studying interest group activities in EU consumer protection policy. The chances for lobbying coalitions to successfully lobby the supranational EU institutions indeed vary with the framing strategies these sides apply and with their issue specific composition. I argue this lends support to the assumption that decision-makers use the communality of an argument pushed forward by interest groups and the composition of the latters' coalition as a mental shortcut to assess the credibility and trustworthiness of the points made.

But the case study also shows that strategies are most efficient if they are customized depending on the venue that is lobbied at a particular stage of the policy-making process and on the actors and their ideological backgrounds populating it. Furthermore, counter-lobbying strategies, in terms of counter-framing, can be a promising way for interest groups to get back on track even at later stages of the EU decision-making process. Consumer and health advocates gained the upper hand at the consultation stage not only because they exhibited high levels of frame communality (while representing rather medium levels of side diversity), but also because, first, they dealt with an already ideologically close Directorate General (DG SANCO) and, second, counter-framing efforts by the opposing side had not been considered by the industry advocates yet. Furthermore, decision-making in the European Parliament and the Council of Ministers (in its Agriculture and Fisheries configuration) was clearly shaped by significant conservative and market-liberal majorities respectively, which willingly responded to the traditional market-liberal and anti-regulation arguments then raised by industry representatives with which the latter directly attacked arguments that had been used by the consumer and health side. Thus, taking into account 1) (party-) ideological positions of legislators or their deeply held beliefs and how they resonate with or are invoked by interest group frames, and 2) relational aspects rather than individual characteristics seem to be crucial, too, when studying lobbying coalition dynamics.

To refine and develop the theoretical model and to put its empirical implications to further tests, future work has to reformulate the hypotheses with regard to the different stages of the EU’s decision-making process and compare various cases across different policy processes. Do different DGs react differently to different kinds of arguments used at the policy formulation stage? Do MEPs’ political beliefs and the ones held by the national representatives in the Council of Ministers resonate differently with frames employed by interest groups and does this have an effect on what preferences they share and support in a policy debate? Finally, all this has implications for interest groups and their lobbying strategies which have to be accounted for theoretically and empirically.

Since the EU is a system of revision and compromise (Mahoney 2007a, 2007b, 2008), especially under its ordinary legislative procedure, we need to trace the whole EU policy process to answer
the question of interest group success in this governance system (Baumgartner 2007). Furthermore, the study of the dynamics of framing, counter-framing, and their significance for interest group success is still in its infancy, no matter if the EU or any other political system is analyzed. Thus, further research is needed that in general addresses framing as a crucial part of interest group's lobbying strategy to get decision-makers to accept and support a preferred frame and the related policy solutions (McGrath 2007), and that helps to account for different "strengths" of competing frames. Thus, I follow Druckman (2011: 295) who states:

Future research is needed to better understand how competition between frames works and how individuals evaluate a frame's strength – that is, why some frames seem effective or compelling to people and others not. (...) In terms of strength, it should be clear that more work is needed. Understanding what strengthens a frame is perhaps the most pressing question in framing research. Indeed, frame strength goes a long way towards determining who wins and loses in politics.

Hence, I conclude that framing concepts can help to show the significance of argumentation in interest group politics, and, thus, they can also contribute to the study of participation of non-state actors in Europe in general.
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