

# Who says what to whom in EU policy-making? The alignments, arguments and venues of national interest organizations

*Rainer Eising, Ruhr-University Bochum, Germany*

*Daniel Rasch, Ruhr University Bochum, Germany*

*Patrycja Rozbicka, Aston Centre for Europe, Aston University, Birmingham, UK*

*Danica Fink-Hafner, University of Ljubljana, Slovenia*

*Mitja Hafner-Fink, University of Ljubljana, Slovenia*

*Meta Novak, University of Ljubljana, Slovenia*

## **Abstract**

In the EU multilevel polity, domestic interest groups seek to shape EU legislation by accessing both national and EU institutions. Previous studies indicated that institutional and issue contexts, as well as organizational characteristics shape their strategies of interest representation. However, we know much less about how alignments and arguments impact on their participation in EU and national policy consultations. Addressing this gap, we investigate the lobbying strategies of almost 2,900 national interest organizations from five member states (Germany, the Netherlands, Slovenia, Sweden, and the United Kingdom) on 20 EU directive proposals bringing also a new empirical scope to the study of multilevel interest representation. The findings indicate that alignments and arguments shape the participation of domestic interest groups in consultations on EU policies. We infer from our study that some general predictions of interest group behaviour are overstretched and outline four variations of interest representation routines.

## **Key words**

Multi-level governance, national interest groups, strategies, alignments, arguments.

## **Acknowledgements**

We would like to thank the contributors to this special issue for their helpful comments. Moreover, we are grateful for the insightful suggestions of two anonymous reviewers.

## **Funding details**

Our research was co-financed by the Deutsche Forschungsgemeinschaft (grant number EI 461/6-1) and the Slovenian Research Agency Research Programme Political Science Research and project N5-0014 INTEREURO, as well as by the European Science Foundation project 10-ECRP-008: Comparative Research on Interest Group Politics in Europe (INTEREURO). An early version of this article was presented at a workshop on Multi-level interest representation in the European Union at the Ruhr-University Bochum 28-29 April 2016 that was held in preparation of this special issue and funded by the Fritz-Thyssen-Foundation.

## **Disclosure statement**

No potential conflict of interest was reported by the authors

## **Biographical note**

**Rainer Eising** is Professor of Comparative Politics at the Ruhr-University Bochum. He has published widely on interest groups, multilevel governance, and policy-making in the EU. He was principal investigator in the INTEREURO project and has recently directed a MERCUR project on interest groups in German political arenas.

Contact address: Ruhr-University Bochum, Department of Social Science, Chair of Comparative Politics, Universitätsstr. 150, D-44780 Bochum, Germany. E-mail: rainer.eising@rub.de

**Daniel Rasch**, formerly a researcher in the INTEREURO Project and now a post-doctoral researcher affiliated to the Ruhr-University Bochum. He has a PhD in Social Science and now works as a researcher on interest group participation in the European Union. Areas of research are comparative politics, political economy and research methods.

Contact address: Ruhr-University Bochum, Department of Social Science, Chair of Comparative Politics, Universitätsstr. 150, D-44780 Bochum, Germany. E-mail: daniel.rasch@rub.de

**Patrycja Rozbicka**, lecturer in Politics and International Relations at Aston University, Birmingham, UK – Aston Centre for Europe. Her main areas of interest and publications include: participation of interest groups in the EU political system, coalitions and networks studies, and regulation of music industry.

Contact address: Aston University, School of Languages and Social Sciences, Aston Triangle, Birmingham, B4 7ET, United Kingdom. E-mail: p.rozbicka@aston.ac.uk

**Danica Fink-Hafner**, Professor at the Faculty of Social Sciences, University of Ljubljana and Head of the Political Science Research Programme (P5-0136). Among others, she has published articles in international journals such as the Journal of European Public Policy, Public Administration, Europe-Asia Studies, Journal of Southern Europe and the Balkans and East European Politics and Societies and Culture.

Contact address: University of Ljubljana, Faculty of Social Sciences, Kardeljeva Ploščad 5, 1000 Ljubljana, Slovenia. E-mail: danica.fink-hafner@fdv.uni-lj.si

**Mitja Hafner-Fink**, Associate Professor of Social Science Methodology and Comparative Social Research at the Faculty of Social Sciences, University of Ljubljana and Head of Slovenian Public Opinion Research Programme. Among others, he has published articles in international journals such as Quality and Quantity, East European Politics and Societies and Culture and Europe-Asia Studies.

Contact address: University of Ljubljana, Faculty of Social Sciences, Kardeljeva Ploščad 5, 1000 Ljubljana, Slovenia. E-mail: Mitja.Hafner-Fink@fdv.uni-lj.si

**Meta Novak**, assistant at Faculty of Social Sciences, University of Ljubljana and researcher at Centre for Political Science Research at the same faculty. She is the author and co-author of several monographs and part of monographs including chapter on The role of organized civil society in EU policymaking: evidence from Slovenia and Croatia and chapter on Social participation, political participation and protests on the territory of the former Yugoslavia: comparative view based on social survey data.

Contact address: University of Ljubljana, Faculty of Social Sciences, Kardeljeva Ploščad 5, 1000 Ljubljana, Slovenia. E-mail: [Meta.Novak@fdv.uni-lj.si](mailto:Meta.Novak@fdv.uni-lj.si)

**Corresponding author:** rainer.eising@rub.de

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*Rainer Eising, Ruhr-University Bochum, Germany*  
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*Mitja Hafner-Fink, University of Ljubljana, Slovenia*  
*Meta Novak, University of Ljubljana, Slovenia*

## *Introduction*

In European Union (EU) policy-making, domestic interest organizations articulate their demands not only vis-à-vis national institutions but increasingly also at the European level vis-à-vis the EU institutions (Hooghe and Marks 2001; Princen 2007). Several studies highlighted that the groups' lobbying activities are linked to their organizational characteristics (Eising 2004), their embeddedness in domestic contexts and multilevel networks (Beyers and Kerremans 2012; Kriesi *et al.* 2007), as well as the features of policy issues (D'úr and Mateo 2016). These studies yielded important insights, but fail to account for a considerable extent of the observed variation in multilevel interest representation.

To narrow this research gap, we include potentially important issue-specific aspects of interest representation in EU policy-making in our study, focusing on how national interest groups' arguments and alignments with state institutions impact on their venue choices. Studies on groups' alignments with political institutions and argumentation patterns in a relation to multi-venue shopping are still a rarity, but we already see some useful insights. Hojnacki and Kimball (1998) and Hall and Deardorff (2006) indicated that groups seek access to like-minded politicians. Baumgartner and Jones (1993) pointed out that interest groups prefer venues that are more open to their demands and adjust the presentation of their arguments accordingly. Beyers *et al.* (2015) demonstrate that business interests are more closely aligned with rightist parties in the European Parliament (EP), and that civil society groups are more closely aligned with leftist political parties. Adding to this literature, we scrutinize how their alignments and arguments impact on domestic groups' participation in EU level and national consultations.

Our contribution to the debate on the interest groups' venue shopping is twofold. In theoretical terms, we present and test new hypotheses on how arguments and alignments impact on multilevel interest representation. We demonstrate not only that these factors have a significant impact on the choice of interest groups to whom they provide policy information but identify also systematic coping strategies with different alignment patterns. Empirically, we study 2,900 national interest groups from five countries that were vocal on 20 EU directive proposals which the European Commission tabled between 2008 and 2010. Including also nuanced controls for country and policy contexts as well as organizational

types we thus respond to the call for more rigorous empirical theory testing in EU interest group and policy studies (Beyers *et al.* 2014; Bunea and Baumgartner 2014).

First, we review the literature to establish our hypotheses about the association between the interest groups' participation in policy consultations and their arguments and alignments. The subsequent section outlines the research design and data. The following empirical analysis indicates how the route selection relates to positional and ideological alignments and expressed arguments.

### ***Domestic interest organizations and their venue selection: the relevance of alignments and arguments***

We study which factors cause national interest organizations to participate in consultations on EU policy proposals. In recent years, several empirical studies scrutinized the lobbying strategies of these organizations (e.g. Beyers and Kerremans 2012; Dür and Mateo 2016; Klüver 2013). These studies find that the national route is still the major route of national interest groups. While membership in EU level interest groups is a central element in their interest representation strategy (e.g. Eising 2017, in this issue), it is less common for them to voice their interests directly vis-à-vis the EU institutions. According to these studies, institutional contexts (such as the domestic modes of interest representation), policy contexts (e.g. distributive vs. regulatory policies) and issue characteristics (political or technical, degree of salience, extent of Europeanization) as well as interest group features (type of interest group, financial resources, membership base) account for variations in the representation of interests in the EU's multilevel system. While yielding a number of important insights, their emphasis on institutional and organizational characteristics as well as particular attributes of issues has neglected alignments and arguments.

We expand on these analyses by studying potentially important issue-specific aspects of EU policy debates. We conjecture that, to an important degree, alignments and arguments account for the variability of venue selection in the EU multilevel system. The notion of interest groups' alignments with political institutions is rooted in the study of voters and parties according to which citizens cast their vote for parties based on their proximity to the parties' ideological positions (see Kitschelt and Wilkinson 2007). Transferring the idea of alignments to the study of legislative lobbying necessitates some modifications because here interest groups do not elect political representatives for the next term but seek to impact on legislation. And as executive institutions rather than political parties tend to be their main interlocutors in EU legislation, we focus on interest groups' alignments with the European Commission that proposes EU legislation and with national governments that handle it in the domestic contexts and whose ministers decide on it within the EU Council. We distinguish among two kinds of alignments: *positional* alignments and *ideological* alignments.<sup>1</sup>

Ideological alignments relate to general programmatic positions, ideas and values of actors on politics (Gerring 2001: 71-80). Several authors (e.g. Müller-Rommel 1988) suggest the ideological proximity of certain types of interests with specific party families on the left-right dimension, i.e. trade unions with social democratic parties and business interests with

conservative, Christian Democratic, or liberal parties. Given the prevalence of the left-right dimension in the EU member states, it is well suited to studying the ideological alignments among interest groups and political institutions in EU policy-making (see also Beyers *et al.* 2015). Ideological alignments referring to the proximity of interest groups and political institutions on the left-right dimension are at the heart of lasting relations and durable alliances among these actors.

Referring to the congruence of different actors' positions on the issues in a policy proposal, positional alignments are prone to short-term fluctuations and *ad hoc* coalitions. We distinguish three general types of positions that an actor may hold on an EU policy proposal: opposed, supportive, or unclear/neutral. Our analysis will focus on two kinds of positional alignments and two kinds of misalignments, leaving out more ambiguous relations as these have less clear implications for venue shopping: Two actors A and B have either the *same position* on an incoming Commission proposal (A and B support it *or* A and B oppose it) or they have *contrary positions* (A[B] supports it and B[A] opposes it). Accordingly, aligned actors hold the same position on a policy proposal, whereas misaligned actors hold opposite positions on it. Given our focus on legislative lobbying, we expect that positional alignments will be more important to interest groups' venue shopping than ideological alignments.

Major studies of interest representation argue that interest groups seek out venues that are open to their demands (Baumgartner and Jones 1993; Hojnacki and Kimball 1998). Hall and Deardorff (2006) suggest that many groups prioritize contacts with like-minded politicians and provide information as a 'subsidy' to them because these advance their objectives in the best possible way. In multilevel systems, they will concentrate their efforts on the institutional layer that appears to be more amenable to their demands. In the EU multi-level system, the preferred venue of domestic interest groups depends not only on the alignment between their own and the national government's positions but also on that with the European Commission's position. Therefore, we test the hypothesis:

*Hypothesis 1. National groups that support a Commission proposal are more vocal in EU level consultations than national groups that oppose it.*

If the national government as its most important addressee in EU policy-making takes a contrary position on EU legislation, an interest group needs to look for alternatives. In the parliamentary democracies of the EU member states, it is almost impossible for such a group to convince the national parliaments to reverse the government's position because the majority parties keep government in power (except for minority governments which are common in Denmark and Sweden). In these circumstances, groups will participate more frequently in EU level consultations to impact on EU legislation (see also Marshall and Bernhagen 2017, in this issue):

*Hypothesis 2. National interest groups holding a different position on the Commission proposal than the national government are more vocal in EU level consultations.*

Ideological alignments may be as important as positional alignments because interest representation "is not just an *ad hoc* affair which starts when salient issues appear on the agenda, but an ongoing endeavour to establish social recognition and smooth-working

relations, all of which prepares the ground for exerting influence on a more persistent basis” (Kohler-Koch *et al.* 2017, in this issue). Establishing lasting relations with government and parliament will depend on the ideological outlook of these institutions. According to the party difference account of welfare state policies (e.g. Schmidt 1996), left-wing parties are (still) more prepared to engage in market and social regulation than conservative or liberal parties. The traditional proximity of trade unions to social democratic parties and that of business interests to liberal and Christian Democratic or Conservative Parties prove the point (e.g. Müller-Rommel 1988). It follows that business interest groups should have greater access to more conservative governments and may exit to the EU level when facing a leftist government (see Bartolini 2005 on the exit option).

*Hypothesis 3. Business interests are more inclined to participate in EU level consultations when facing a left-wing majority in the national parliament.*

The venues of interest organizations may also depend on the receptiveness of political institutions to their arguments (Majone 1989). We define an argument after Ball (1995: 3) as an ‘oral or written statement that advocates adopting a policy or justifies the decision to adopt a policy’. Actors in EU policy processes present arguments to substantiate their claims. As national and European decision-makers are unable to predict all potential effects of planned policies, they are in need of external information to reduce uncertainties, learn about alternatives, improve their problem-solving capacity, and win stakeholder support. Different policy-making institutions will be interested in different types of information (Bouwen 2002). Bureaucrats are said to seek technical information whereas politicians depend on political information about constituency support etc. (Dür and Mateo 2016; Beyers and Kerremans 2012).

We transfer the general idea to the presentation of arguments at different levels in the EU multilevel system. We assume that national interest groups present their arguments on an EU policy proposal to the national government which is their main contact in EU policy-making and able to represent them in the EU Council. However, domestic interest groups may emphasize different aspects of EU policy proposals (Klüver 2013; Eising *et al.* 2015) and present those more fervently at EU level that highlight profound repercussions of EU policies or to which EU institutions would seem to be more amenable than national institutions. We explore this proposition for arguments referring to expert evidence, costs and benefits, rights, national interests, and EU public interests.

International policy studies have drawn attention to the increasing role of scientific evidence provided by experts in public policymaking (Haas 1992). Given the complexity of EU policy problems, both national and EU level institutions require scientific evidence when developing EU policy goals and instruments. Experts who provide such information on technical, legal, economic, or financial aspects help them to better assess the problem-solving capacity and feasibility of the debated policy options and instruments. This has already been shown in access related studies (Chalmers 2013) as well as comparative studies between the US and EU advocacy systems (Mahoney 2008).

*Hypothesis 4a. National interest groups will present expert evidence in national and in EU level consultations.*

Classic policy studies emphasize the importance of cost-benefit calculations for the stance of actors on policy proposals (Lowi 1972). The bulk of EU policies are about market integration and the corresponding market and social regulation. The abolishment of barriers to the free movement of persons, goods, capital, and services is grounded in economic arguments highlighting not only welfare but also major distributional effects (European Commission 1985: 12). Given the centrality of the distribution of costs and benefit across member states, economic actors, and social classes to the justification of the EU's core policies, these are a major subject in the EU level debates on incoming legislation. Accordingly:

*Hypothesis 4b. National interest groups emphasizing costs and benefits participate more frequently in EU level consultations than those that do not name them.*

EU policies reallocate rights and obligations across citizens, consumers, professionals, institutions and firms, both across and within member states. The rights EU policies confer or take away vary tremendously. They can relate to economic issues such as market access, entitle EU citizens to obtain health treatment in other member states, limit the abilities of researchers to use animals in experiments, or grant refugees more support in court procedures, to name only some of the issues in the studied directive proposals. Obviously, the conferral or abolition of rights can entail frictions for domestic political systems and trigger domestic contestation. The conferral of new rights to them will lead many actors to move to Brussels to support the Commission's course of action where others will seek to move EU legislation in the opposite direction. Thus:

*Hypothesis 4c. National interest groups claiming rights participate more often in EU level consultations than those that don't.*

Not only interest group scholars (e.g. Bouwen 2002; Tatham 2017, in this issue) stress the relevance of territorial interests in EU policy-making. EU policies must be applied throughout the union's 28 member states and vary in their goodness of fit with national policy legacies, administrative settings, etc. (e.g. Risse *et al.* 2001). Therefore, information about member states' interests in incoming EU legislation is indispensable to the European Commission. However, for two reasons references to national interests provided by interest organizations should be more appreciated in national consultations than in EU level consultations. First, in EU legislation, the EU Council – rather than domestic interest groups – is the main channel for advocating national interests. Second, given their accountability to domestic voters, national governments would seem more responsive than the European Commission to interest groups articulating national interests.

*Hypothesis 4d. Interest groups stressing national interests will be more present in domestic consultations than those that do not stress to them.*

In contrast, national interest groups emphasizing the relevance of EU policies for European public interests would seem to address the European Commission and the European Parliament to complement their routinely conducted national level activities. This way, they



respond directly to the aims of the European Commission (to promote the general interest of the Union and take appropriate initiatives to that end, Article 17(1) TEU), and the European Parliament (that represents citizens directly at the Union level, Article 10(2) TEU).

*Hypothesis 4e. National interest groups referring to EU public interests participate more frequently in EU level consultations than those that do not refer to them.*

### ***Control variables***

We include national contexts, policy characteristics, and organizational types as controls. National systems of interest mediation may impact on venue shopping (Marshall and Bernhagen 2017, in this issue). As groups from corporatist countries rely to a greater extent on national concertation than those from pluralistic countries, the latter should be more visible in the EU arena. We measure corporatism by means of a composite index indicating the centralization of wage setting, trade union density, and collective bargaining coverage rate (see Vatter and Bernauer 2009). We also control for national wealth by including the logged GDP/capita of each member state in 2008 in the analysis, expecting that actors situated in wealthier contexts find it easier to participate in consultations (Carroll and Rasmussen 2017, in this issue).

From policy studies we take the insight that policy characteristics may impact on interest representation. On the one hand, we control for *analytical categories* developed in policy studies. We distinguish among distributive and regulatory policies (Lowi 1972) and separate also business regulation from general regulation and public sector regulation (Binderkrantz *et al.* 2014). We expect a greater amount of interest group activity in regulatory policy and business regulation because these include the bulk of EU legislation. We also control if the directive proposal is a novel or a recast proposal because in the latter case many interest organizations can build on previous mobilization experiences which should facilitate the participation in policy consultations. According to Dür and Mateo (2016), interest groups should be more active in policy areas in which the EU has greater powers. To indicate the Europeanization of policy areas, we draw on Börzel's (2006) measure for the policy breadth of the EU. However, national groups may not simply follow the competence allocation of the EU treaties but address mostly those political institutions who they find should do something to resolve the policy problem. Accordingly, we control if groups find that the national government or the European Commission should resolve the policy problem at hand.

[TABLE 1 ABOUT HERE]

On other hand, based on the categories of the Policy Agendas project (<http://www.comparativeagendas.net/>), we include two *substantial policy areas* that are characteristic for EU policy-making in the late 2000s to probe if these account additionally for the venues national interest groups seek out. In both policy areas, we retrieved a substantial

number of actors: in banking, finance, and domestic commerce 703 actors and in environmental policy 1,471 actors. Both policy areas vary across the type and length of EU intervention as well as national legislative traditions, which impacts substantially on the implementation of EU policies (Haverland et al. 2011).

Finally, different *types of interest* may have different organizational capacities. Based on the Olsonian logic of collective action (Olson 1965), business interest groups as specific interests should be more involved in policy consultations than civil society groups as diffuse interests. We present the descriptive statistics of all variables in Table 1.

### ***Research design and data***

Our analysis is part of the wider INTEREURO project on interest group representation in Europe (Beyers *et al.* 2014). Building on issue based sampling we study the participation of domestic interest groups in national and EU level consultations on 20 EU directive proposals which the European Commission tabled between 2008 and 2010. After placing all tabled proposals in these years in a random order and moving downwards from the top of the list, a proposal needed to be covered in at least one out of two EU level print media (Agence Europe, European Voice) and two out of three national print media (Le Monde, Frankfurter Allgemeine Zeitung, Financial Times) to make sure that it drew attention and was debated at both national and EU levels. We used English and non-English language newspapers to avoid a bias towards British actors. In each newspaper article, the coverage of a directive had to amount to at least five rows of reporting. As a result, our study includes a set of directives in the EU's energy and climate package, some directives in EU financial market regulation, some aspects of social regulation such as child protection, animal welfare, and asylum seekers' legal rights, such that a broad variety of EU policy areas is covered.

We study national interest groups from five EU member states: Germany, the Netherlands, Slovenia, Sweden, and the United Kingdom. This selection of countries controls some national characteristics and while ensuring variation with respect to national wealth, state-interest group models, and governing party ideologies. The per capita income in Germany, Sweden, the United Kingdom, and the Netherlands is well above the EU average whereas that of Slovenia is below it. The United Kingdom exemplifies the pluralistic countries while the other four countries are instances of corporatism. The ideological outlook of the parliamentary majorities in these countries differed when the Commission presented its proposals. Due to these differences, we expect the participation of domestic interest groups in the policy consultations to vary across countries.

In line with the advice to identify the full population of actors involved in legislative lobbying (e.g. Eising 2016), we proceeded in four steps: We coded the actors mentioned in the media articles used for the sampling of directives as well as in two daily newspapers placed on different sides of the left-right continuum in each of our five countries.<sup>2</sup> We also checked the official EU and national consultation data on each directive proposal using the webpages of the national ministries and parliaments, the Commission's consultation webpage "Your Voice in Europe", the consultation data provided by its Directorates General, as well as the EUR-

Lex data. Then, we searched the web for additional actors. Finally, interviews with EU and national officials as well as interest organizations yielded an additional set of actors.

In total, we identified about 4,700 unique public and private actors. More than 1,600 actors were present in more than one policy debate. A large variety of domestic actors voiced their opinion in the policy debates. We found 2,899 non-state actors from the five countries: 391 civil society groups (13.5 % of all studied actors), 57 trade unions (2.0 %), 178 professional associations (6.1 %), 607 business interest groups (20.9 %), 803 firms (27.1 %), 219 research institutes (7.6 %), 383 institutions (13.2 %) and 261 local and regional authorities (9.0 %). Not all retrieved groups participated in policy consultations. Some were only mentioned in the media, presented comments on their web pages, or were named by our interview partners.

Even though they are not held for each and every policy proposal in the EU, we study the participation in consultations for the following reasons. First, the EU holds policy consultations on the major directive proposals and these are a useful point of departure for sampling the involved actors. As the barrier to entry is fairly small almost all actors with a stake in the proposal are able to participate in these consultations and present their positions to EU decision-makers (see Bunea 2017: 65). Moreover, in many consultations, the actors' position papers are publicly available, providing us with the bulk of the document population. The set-up and frequency of national consultations differs across countries: German ministries and the German parliament consult actors by means of an invitation using a closed list; the same goes for British departments and the House of Commons. In contrast, Swedish and Dutch state institutions use an open list and invite all citizens to be involved through public calls. The Dutch government organized about twice as many consultations on the 20 directive proposals than the German government.

After collecting all 2,961 policy documents we found on the 20 policy proposals, we sampled them for the subsequent document analysis in three steps: first, developed an activity index for each actor. The more often the actor appeared in different venues, the higher his or her index value. Secondly, we made sure that our sample corresponded to the proportion of actor types (see above) that were vocal on each proposal in each country and at EU level. Thirdly, we coded a minimum of 30 per cent of the documents tabled in each directive debate. The smaller the number of documents found in a debate, the larger was the proportion of coded documents. In sum, we coded 1,010 policy documents for the actors at the EU level, in Germany, the Netherlands, Sweden and United Kingdom. This sample amounts to 34.1 per cent of our full population of 2,961 documents. Slovenian actors are *not* included in the document analysis due to different research emphases of the national teams in INTEREURO.

Then, we performed a computer assisted qualitative content analysis to study the policy documents. These were written in four different languages (German, English, Swedish, and Dutch), which rules out a meaningful quantitative comparison. To identify the actors' positions and arguments, six coders coded the policy documents according to a comprehensive code book implemented in MAXQDA. The code book included the names, definitions and short characterizations of the codes as well as a list of keywords. Each policy document formed a separate unit of analysis whose coding units ranged from one sentence at a minimum to one paragraph as a maximum. The coders marked the text passages (coding

units) indicating the positions and arguments of actors. Their training included test-test procedures for the different policy proposals, languages and document types (Krippendorff 2004). Reliability was measured by Krippendorff's alpha (0.739) with a percentage agreement of 87.4. After completion of the coding procedure, the MAXQDA files were integrated and transformed into a quantitative data set in which categorical variables indicate the positions taken by the actors (-1= opposed, 0=neutral/ambiguous, 1=supportive) and dummy variables indicate if an argument has been made in a policy document or not.

According to the document analysis, 24.1 % (N=182) of the interest organizations opposed the Commission proposals, 31.8 % (N=240) were neutral or ambiguous, and 44.0 % (N=332) voiced their support. National governments were more supportive: Only 9.2 % (N=273) of the actors were vocal on proposals on which governments voiced clear-cut opposition, 22.9 % (N=680) were active on proposals on which governments held a neutral position and 67.9 % (N=2,016) are linked to supportive government positions. The correlation among interest groups' and governments' positions is significant, but small: Pearson's  $r = 0.164$  ( $P=0.000$ ;  $N=705$ ) pointing to only weak overall positional alignments.

The usage of the studied arguments varies in our sample: 42.4 % of the policy documents include cost-benefit calculations (320 out of 754 actors), 40.5 % of them present expert evidence (305 out of 754), 23.5 % reference European public interests (177 out of 754), 17.1 % refer to national interests (129 out of 754), and according to 9.8 % the Commission proposal is about the (re-)allocation of rights (73 out of 746). Usage varies also across actor types. Around half of the business interest associations (51 %) and firms (48 %) as well as a large portion of professional groups (44 %) invoke cost-benefit arguments. Business (28 %) and professional associations (27 %) present also more often than other actors scientific evidence to substantiate their positions (except research institutes – 41 %). By comparison, civil society groups refer mostly to European public interests (31 %), national interests (25 %), and cost-benefit aspects (22 %).

Among these arguments, only the rights-based claims (Pearson's  $r = 0.178$ ,  $P=0.000$ ;  $N=746$ ) and the tabling of expert evidence (Pearson's  $r = 0.119$ ,  $P = 0.001$ ;  $N=754$ ) are significantly – and positively – associated with the actors' positions. This is different with respect to the government's positions: Rights-based arguments (Pearson's  $r = -0.163$ ,  $P=0.000$ ;  $N=596$ ), national interests (Pearson's  $r = -0.231$ ,  $P=0.000$ ;  $N=603$ ), and European public interests (Pearson's  $r = -0.262$ ,  $P=0.000$ ;  $N=603$ ) meet with greater government opposition, whereas cost-benefit arguments are associated with slightly greater government support for EU policies (Pearson's  $r = 0.141$ ,  $P=0.001$ ;  $N=603$ ).

We measure the ideological positions of national governments by the RILE index which can reach values from -100 to +100. As it is formed by subtracting left positions from right positions on the covered items, negative values indicate more left positions and positive values indicate more conservative positions (Volkens *et al.* 2011). We weighted the RILE index according to the parties' vote shares in the national elections to capture the national parliamentary majorities' – and herewith government parties' – ideological positions. Ranging only from -9.89 to 7.91 with a mean of 0.775, it indicates a preponderance of centrist governments. Within this range, conservative governments were more inclined to oppose

incoming EU legislation than leftist governments. The correlation among the weighted RILE index and the governments' positions amounts to Pearson's  $r = 0.421$  ( $P=0.000$ ;  $N=2,965$ ).

### *Empirical analysis*

As a result of the sampling procedure and list wise exclusion of missing observations, the number of observations reduces from 2,899 to 596 national groups when bringing into the analysis positions, alignments, and arguments.<sup>3</sup> We test our propositions in multinomial logit regressions. The dependent variable has four categories. It indicates the participation in national consultations ( $N=1,395$ ), EU level consultations ( $N=307$ ), and in national *and* EU level consultations ( $N=277$ ). It also includes those groups for which we could not find evidence of any participation in official consultations, but that were named in the media, by interviewees, or placed policy statements on their web pages ( $N=920$ ). As it is the default strategy of national groups, the participation in national consultations forms the reference category.

The regression coefficients indicate the logged odds to exit to the EU level, to take part in consultations at both levels, and not to participate in consultations, compared to the participation in national level consultations. We present two models. The first model includes the organizational, national and policy controls as well as the RILE index (model 1). The second model covers also arguments, positions, and alignments (model 2). Based on the  $\chi^2$ -tests, we may reject the null hypothesis that none of the explanatory variables is associated with the outcomes.

[TABLE 2 ABOUT HERE]

Our interpretation concentrates on model 2 which demonstrates that alignments and arguments impact on the choice of venues. We single out those four modes of positional alignments that are central to our argument: joint support, joint opposition, government support vs. group opposition, and government opposition vs. group support. To facilitate the interpretation of findings, we visualize the effects of the corresponding four combinations of logit coefficients. Figure 1 displays the predicted marginal probabilities to take part in national consultations only, in EU level consultations only, and in consultations at both EU and national levels (multilevel consultations), holding constant common values of the other variables included in model 2. Figure 1a presents them for business interests and Figure 1b for civil society groups.

[FIGURE 1 (1a and 1b beside or below each other) ABOUT HERE]

Figure 1 illustrates that it is common for domestic interest organizations to present their positions on EU policies in national consultations and not unusual for them to be present in EU level consultations. In fact, many domestic groups pursue a two-level strategy in EU financial market regulation. We expected that interest groups concentrate their lobbying efforts on like-minded politicians and bureaucrats in the EU multilevel system. This is only partly true. The main effects of the interest groups' positions on the Commission proposals are insignificant. Support for a Commission proposal does not *per se* lead a group to participate more frequently in EU level consultations which contradicts Hypothesis 1. Its *positional alignment* with the national government matters more to its venue choices. A national group holding the same position as the national government is more likely to participate in national consultations than a group holding the opposite position which conforms to our general expectation. Domestic conflict significantly increases the propensity to engage in EU level consultations (see also Marshall and Bernhagen 2017, in this issue): A group is more inclined to move to the EU level if 'its' government supports the proposal and the group opposes it. The tendency to *exit to the EU level* (Hypothesis 2) is highest if a group supports the Commission proposal and the government is opposed to it. In sum, it is not just the presence of domestic conflict that matters but also the direction of the positional alignment and the availability of a receptive venue at EU level. More generally, positional alignments lead to systematic variations of major interest representation routines.

Many domestic interest groups indicate their *opposition* to Commission proposals to policymakers. This finding may seem trivial at first glance. However, it contradicts not only the presumption that interest groups concentrate their efforts strongly on like-minded actors but also findings of a major study on interest representation in the United States according to which "supporters of the status quo often choose to do nothing when advocates challenge their interests; they conclude that the odds are in their favour that nothing will happen (...)" (Baumgartner *et al.* 2014: 204). Unlike in the US, actors in the EU who oppose a policy initiative do not expect policy stability but policy change when the Commission prepares a policy proposal. Strong *domestic mobilization* sets in to prevent the EU bill from turning into law or to amend it (Figure 1) if groups find themselves in unison with government. Groups feel slightly less need to take part in national consultations when the incoming EU proposal finds their support and has also 'their' government's backing enabling them to let the *national government* act to some degree *as their spokesperson*.

*Ideological alignments* with the parliamentary majority parties also matter. According to model 1, business interest associations facing a leftist government are more likely to exit to the EU level than other types of groups (Hypothesis 3) which implies that they will also be less present in the domestic arena. When taking into account arguments and positions in model 2 this finding holds for all group types. As leftist governments were generally more supportive of the EU policies than domestic interests (see above), these may feel greater need to state critical positions directly at EU level. Moreover, according to model 1, interest groups are more likely to state their positions in both national and EU level consultations when facing a conservative government. Based on model 2, domestic interests engage more at EU level when facing a leftist government in support of the incoming EU proposals. These results

suggest that positional alignments include more precise information on issue-specific allegiances between groups and governments than the governing parties' ideologies.

Now we scrutinize the impact of *arguments* on the usage of venues. We expected that national interest groups will present expert evidence to national and EU institutions (Hypothesis 4a) and do not find a significant difference in the usage of expert information in different venues. The costs and benefits of EU policies are stressed by EU players and multilevel players rather than national players, which supports Hypothesis 4b. Recall that business interests rely heavily on cost-benefit arguments. Faced with the prospective costs of EU regulation, they present their concerns at both the national level and EU level. Some even exit to the EU level because the national governments in this study tended to support policies on which cost-benefit arguments were exchanged.

Actors claiming rights tend to participate in consultations at both levels rather than merely in national consultations which is consistent with Hypothesis 4c. They find it necessary to act at both levels because the re-allocation of rights causes frictions in the domestic contexts. Especially those actors that do not oppose the incoming EU directive point out their support in EU level consultations in addition to their presence in national consultations as governments were rather opposed to EU policies re-allocating rights (see above). Likewise, organizations pointing to European public interests tend to do so at both levels which conforms to Hypothesis 4e. In addition to voicing their support for the Commission proposal at EU level, they find it necessary to convince their rather sceptical (see above) national governments.

Contrary to our expectations (Hypothesis 4d), the usage of arguments referencing national interests does not vary across different venues. As national governments tend to face Commission proposals with scepticism when perceiving that national interests are at stake (see above), supportive interest groups have an incentive to put also their version of the national interest forward to the European Commission. Note also that actors who do not participate in consultations refer only rarely to national interests, suggesting that these are an important reason to mobilize. In sum, our findings indicate that arguments are associated with venue choices. Actors raise arguments in EU level consultations in addition to their presentation at the national level rather than instead of it. This is particularly noticeable when costs and benefits, rights, and Europe-wide public interests are at stake. The results corroborate that actors do not just address like-minded political institutions in EU legislation but tend to engage in two-level politics to sway policymakers with contrary opinions.

What are the major findings regarding our control variables? *Group types* matter less than anticipated, perhaps because the hurdles that must be overcome to take part in EU and national policy consultations are small. Civil society groups tend to exit less to EU level consultations than other group types (Model 2). They are more firmly tied to domestic contexts, relying on the mobilization of national publics and lacking resources to state their positions also in EU level consultations. Figure 1 illustrates that, in conjunction with the effects of the other variables included in Model 2, business interests are more likely to act as multilevel players and adapt more flexibly to domestic alignments than civil society groups.

*National contexts* matter. It is more common for groups from wealthier member states: to participate in domestic consultations (rather than not), not to exit to the EU level consultations (model 2), and not to take part in consultations at both levels. In Sweden and the Netherlands, our two wealthiest countries, domestic groups rely heavily on the participation in national consultations. Moreover, groups from the pluralistic UK are more likely to become multilevel players than groups from the corporatist member states. Pluralism provides a context in which interest groups have a greater tendency to engage in venue shopping.

*Policy contexts* also play a role: Domestic groups are more likely to exit to the EU level or become multilevel players when facing EU regulatory policies. In response to policies that have (re-)distributive effects across member states they rely to a greater extent on domestic consultations. Furthermore, public sector policies trigger greater participation in policy consultations at both levels than business regulation. Previous mobilization experiences are also important. Recast directives are positively associated with the participation in consultations at both levels. Moreover, in more Europeanized policy areas, groups tend to be more active at both the EU and national levels only when not taking into account alignments and arguments. When doing so it is less likely that they exit to the EU level. Note also that these policy categorizations do not suffice to account for policy variations: Groups active in environmental policy-making are less likely to exit to the EU level and groups vocal on banking, finance and domestic commerce policy are more likely to become multilevel players than those in other policy areas. Finally, the perception of who should be responsible for dealing with the policy problem at hand is important. Groups indicating that the national government should do something are less likely to exit to the EU level, whereas groups that see the Commission in charge tend to become vocal at both levels.

### **Concluding remarks**

The analysis of political access and venue-shopping in EU policy-making has neglected the role of positions, alignments and arguments. To help fill this gap, we included positional and ideological alignments among state institutions and interest groups as well as the policy arguments in our empirical analysis. The findings indicate that these factors help accounting for the variability of domestic interest groups' strategies and call for a more systematic inclusion of alignments, arguments and positions in future interest group studies.

We provide evidence delimiting the scope of general predictions of interest group strategies in previous theoretical and empirical work suggesting that interest groups will 'shoot where the ducks are' – meaning that they need 'to get themselves to Brussels' where EU decision-making power resides (Richardson 2006: 232), approach mostly like-minded actors (Hall and Deardorff 2006), or lean back if they support the policy status quo (Baumgartner *et al.* 2014). Focusing on the selection of venues at different levels, we contend that interest representation in the EU multilevel system follows task contingencies and organizational routines: First of all, national interest groups present their arguments and positions to the national government. Only then do they participate in EU level consultations as an alternative or additional venue. Moreover, they tend to address those political institutions they consider to be in charge of



solving the policy problem and find it easier to act in the EU multilevel system if they had prior mobilization experiences. Secondly, interest groups in favour of the status quo and opposed to a Commission proposal do not lean back. Expecting policy change rather than policy stability in the EU multilevel system, they tend to advocate their positions even more than those who support the directive proposal. Thirdly, national interest groups show some inclination to address like-minded actors, but this does not preclude them from approaching policymakers with contrary opinions. They tend to participate more often in EU level consultations when supporting EU public interests, but also when identifying sincere consequences of EU policy proposals in terms of costs and benefits or the (re-)allocation of rights.

Finally, our study indicates that domestic interests have developed specific strategies to cope with positional alignments. We identified four conditional participation patterns (see Figure 1) that constitute variations of their interest representation routines. Joint opposition of national governments and domestic groups leads to *joint domestic mobilization* against the Commission proposal. Joint support results in groups more relying on the national *government as spokesperson* for their interests. Interest group opposition coupled with government support for a Commission proposal causes groups to engage in a *two-level opposition*, whereas interest group support in conjunction with government opposition causes them to *exit to the EU level*. The strategic flexibility of groups is contingent, inter alia, on group types, national contexts, and policy contexts. While business interests adapt their strategies noticeably in response to variations in their alignments with political institutions, the adaption of civil society interests is less pronounced because they are more firmly tied to domestic contexts.

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Table 1 Variable definitions and descriptive statistics (N = 596)

| Variable                           |  | Mean  | SD    | Min   | Max  |
|------------------------------------|--|-------|-------|-------|------|
| Consultations                      | 0 No participation 1 National consultation (ref.) 2 EU consultations 3 National and EU consultations   | 1.418 | 0.992 | 0     | 3    |
| GDP/Capita(log)                    | Member states GDP/Capita (log) in 2008   | 3.531 | 0.110 | 3.43  | 3.66 |
| Corporatism                        | Index of corporatism: sum of standardized scores for centralization of wage setting (1-3), trade union density (0-100) and collective bargaining coverage (0-100). Negative values indicate pluralism and positive values corporatism. | 0.279 | 1.861 | -2.49 | 3.82 |
| RILE                               | Right-Left index weighted according to parties' national vote shares. Negative values indicate a leftist majority and positive values a conservative majority of manifesto statements on a scale ranging from -100 to 100.             | 3.080 | 5.753 | -9.89 | 7.60 |
| Civil society group                | 1 Civic group 0 Firm, trade union, professional group, research institute, institution, local or regional authority  | 0.141 | 0.348 | 0     | 1    |
| Business group                     | 1 Business interest group 0 Firm, trade union, professional group, research institute, institution, local or regional authority  | 0.269 | 0.444 | 0     | 1    |
| RILE*Business group                | Interaction between RILE and Business group  | 0.449 | 3.524 | -9.89 | 7.60 |
| Environment                        | 1 Environmental policy 0 Other policy areas  | 0.446 | 0.498 | 0     | 1    |
| Banking                            | 1 Banking, finance, and domestic commerce 0 Other policy areas   | 0.174 | 0.380 | 0     | 1    |
| Recast                             | 1 Recast directive 0 No recast directive   | 0.221 | 0.416 | 0     | 1    |
| Regulatory policy                  | 1 Regulatory policy 0 Distributive policy  | 0.944 | 0.229 | 0     | 1    |
| General regulation                 | 1 General regulation 0 Business regulation   | 0.121 | 0.326 | 0     | 1    |
| Public sector regulation           | 1 Public sector regulation 0 Business regulation   | 0.193 | 0.395 | 0     | 1    |
| Europeanization of policy area     | 1 Only national powers in the policy area 2 Mostly national powers 3 National and EU powers 4 Mostly EU powers 5 Only EU powers  | 3.731 | 0.621 | 1.5   | 4    |
| Interest group position opposed    | 1 IG opposed to Commission proposal 0 IG neutral or ambiguous  | 0.228 | 0.420 | 0     | 1    |
| Interest group position supportive | 1 IG support of Commission proposal 0 IG neutral or ambiguous  | 0.482 | 0.500 | 0     | 1    |
| Government position opposed        | 1 Government opposed to Commission proposal 0 Government neutral or ambiguous  | 0.138 | 0.345 | 0     | 1    |
| Government position supportive     | 1 Government support for Commission proposal 0 Government neutral or ambiguous   | 0.559 | 0.497 | 0     | 1    |
| Rights                             | 1 According to the author of the text the essence of this proposal at a macro level is rights 0 The essence of the proposal is not about rights.   | 0.106 | 0.308 | 0     | 1    |
| Evidence                           | 1 The arguments refer to evidence generated by experts or in expert groups 0 The arguments do not refer to expert evidence.  | 0.404 | 0.491 | 0     | 1    |
| Costs & benefits                   | 1 The arguments point to the distribution of costs or benefits. 0 The arguments do not point to the distribution of costs or benefits.   | 0.436 | 0.496 | 0     | 1    |

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|                                   |   |       |       |   |   |
|-----------------------------------|---|-------|-------|---|---|
| National interest                 | 1 The arguments reference national interests of the EU member states. 0 The arguments do not reference national interests of the EU member states.  | 0.188 | 0.391 | 0 | 1 |
| EU public interests               | 1 The arguments reference the interests of the European public (the EU citizens at large, referring to individuals in potentially large number). 0 The arguments do not reference the interests of the European public. | 0.238 | 0.426 | 0 | 1 |
| European Commission: do something | 1 The European Commission should do something about the policy problem. 0 The European Commission is not named.   | 0.223 | 0.417 | 0 | 1 |
| National government: do something | 1 The national government should do something about the policy problem. 0 The national government is not named.   | 0.190 | 0.392 | 0 | 1 |

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Table 2 The participation of domestic interest organizations in consultations on EU policies:  
Multinomial logit regressions

| <i>Variables</i>                     | <b>Model 1</b> | <b>Model 2</b> |
|--------------------------------------|----------------|----------------|
| <i>EU level consultations only</i>   |                |                |
| GDP per Capita (Log)                 | -7.218***      | -11.411***     |
| Corporatism                          | 0.050          | -0.152         |
| RILE                                 | 0.025          | -0.201***      |
| Civil society group                  | -0.360         | -2.769***      |
| Business group                       | 0.162          | -0.732         |
| Business group*RILE                  | -0.061**       | -0.025         |
| Recast                               | 0.235          | 0.809          |
| Europeanization                      | 0.052          | -1.059**       |
| Regulatory policy                    | 1.087***       | 1.951*         |
| General regulation                   | -0.053         | -1.688*        |
| Public sector regulation             | 0.766***       | 0.646          |
| Environment                          | -1.312***      | -3.061***      |
| Banking                              | 0.318          | -1.751*        |
| IG position: opposed                 |                | -0.731         |
| IG position: supportive              |                | -0.079         |
| Government position: opposed         |                | -1.772         |
| Government position: supportive      |                | -0.293         |
| IG opposed*government supportive     |                | 1.955*         |
| IG supportive*government opposed     |                | 3.101*         |
| Rights                               |                | 1.195          |
| Evidence                             |                | -0.669         |
| Costs and benefits                   |                | 1.092**        |
| National interests                   |                | 0.263          |
| EU public interest                   |                | 0.484          |
| National government: do something    |                | -1.553*        |
| European Commission: do something    |                | 0.061          |
| Constant                             | 21.739***      | 41.735***      |
| <i>EU and national consultations</i> |                |                |
| GDP per Capita (Log)                 | -3.169***      | -2.684         |
| Corporatism                          | -0.119         | -0.472**       |
| RILE                                 | 0.071**        | -0.106*        |
| Civil society group                  | -0.097         | -0.478         |
| Business group                       | 0.415          | -0.131         |
| Business group*RILE                  | 0.012          | 0.076          |
| Recast                               | 1.261***       | 2.652***       |
| Europeanization                      | 0.867***       | 0.329          |
| Regulatory policy                    | 2.224***       | 1.873*         |
| General regulation                   | 1.481***       | -0.964         |
| Public sector regulation             | 1.719***       | 2.110***       |
| Environment                          | -0.013         | -0.878         |
| Banking                              | 1.971***       | 1.475*         |

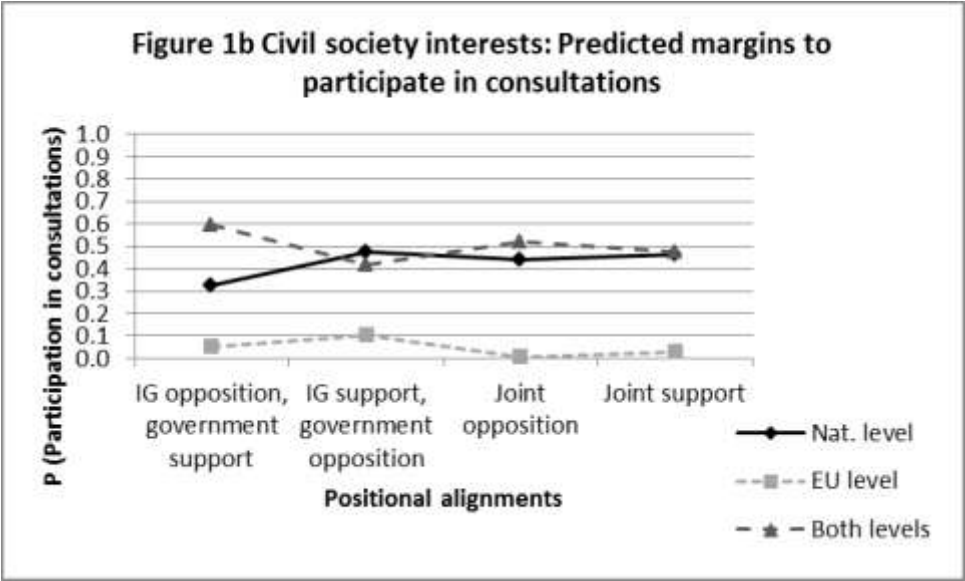
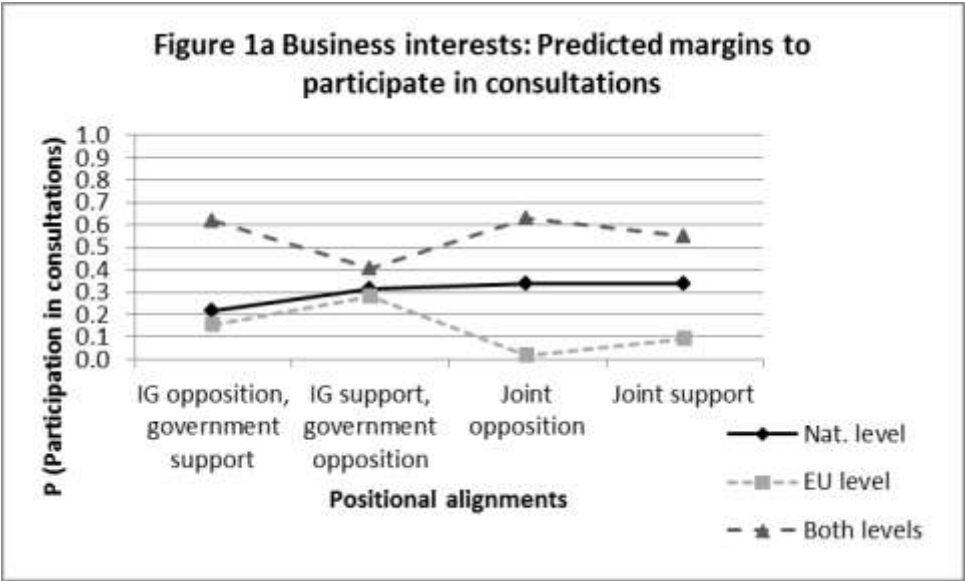
|                                   |            |           |
|-----------------------------------|------------|-----------|
| IG position: opposed              |            | -0.408    |
| IG position: supportive           |            | -0.484    |
| Government position: opposed      |            | 0.838     |
| Government position: supportive   |            | 0.751     |
| IG opposed*government supportive  |            | 0.651     |
| IG supportive*government opposed  |            | -0.264    |
| Rights                            |            | 1.506*    |
| Evidence                          |            | -0.554    |
| Costs and benefits                |            | 1.187***  |
| National interests                |            | 0.170     |
| EU public interest                |            | 0.833*    |
| National government: do something |            | -0.148    |
| European Commission: do something |            | 0.813*    |
| Constant                          | 0.470      | 2.292     |
| <b><i>No consultation</i></b>     |            |           |
| GDP per Capita (Log)              | -9.926***  | -7.860*** |
| Corporatism                       | 0.234***   | -0.095    |
| RILE                              | 0.067***   | -0.202*** |
| Civil society group               | 0.012      | -1.068*   |
| Business group                    | -0.263     | -1.317*** |
| Business group*RILE               | -0.024     | -0.043    |
| Recast                            | 0.089      | -0.623    |
| Europeanization                   | -0.026     | -0.351    |
| Regulatory policy                 | 0.178      | 2.838**   |
| General regulation                | 0.275      | 1.745*    |
| Public sector regulation          | 0.127      | 1.159*    |
| Environment                       | -0.535***  | -0.036    |
| Banking                           | 0.155      | 0.675     |
| IG position: opposed              |            | 0.265     |
| IG position: supportive           |            | -0.584    |
| Government position: opposed      |            | -0.041    |
| Government position: supportive   |            | 0.715     |
| IG opposed*government supportive  |            | -0.584    |
| IG supportive*government opposed  |            | -12.567   |
| Rights                            |            | -0.194    |
| Evidence                          |            | -0.445    |
| Costs and benefits                |            | 0.328     |
| National interests                |            | -2.509**  |
| EU public interest                |            | 0.326     |
| National government: do something |            | 0.188     |
| European Commission: do something |            | -1,607**  |
| Constant                          | 33.875***  | 23.390**  |
| N                                 | 2899       | 596       |
| LL                                | -2,746.666 | -521.698  |
| chi2                              | 1,338.776  | 508.381   |
| P                                 | 0.000      | 0.000     |
| Mc Fadden R2                      | 0.196      | 0.328     |



|                   |           |           |
|-------------------|-----------|-----------|
| Mc Fadden adj. R2 | 0.184     | 0.223     |
| BIC               | 5,828.161 | 1,561.006 |
| AIC               | 5,577.330 | 1,205.396 |

Note: \* p < 0.05 \*\*p < 0.01 \*\*\* p < 0.001. Reference category: participation in national consultations

Figure 1 Predicted margins of participating in consultations conditional upon positional alignments



Note: Based on model 2, margins were calculated for business interest groups in figure 1a [civil society groups in figure 1b] active in regulatory policy and business regulation of banking, finance and domestic commerce on a non-recast proposal. The groups present evidence and cost-benefit arguments and face a government with the mean RILE-value. For civil society groups, the interaction among business and RILE is set to 0, for business interests it amounts to the mean RILE-value. Groups attribute policy responsibility to the Commission. For corporatism, wealth, and the Europeanisation of policy areas, average effects are included.

Appendix table A1

Table A1 Descriptive statistics of policy and national contexts (2,899 observations)

| Variable                       | Mean  | Std.  | Min.  | Max. |
|--------------------------------|-------|-------|-------|------|
| Consultations                  | 0.980 | 0.897 | 0     | 3    |
| GDP/Capita(log)                | 3.464 | 0.208 | 2.93  | 3.66 |
| Corporatism                    | 0.709 | 2.327 | -2.49 | 3.82 |
| RILE                           | 0.775 | 6.858 | -9.89 | 7.91 |
| Civil society group            | 0.135 | 0.342 | 0     | 1    |
| Business group                 | 0.209 | 0.407 | 0     | 1    |
| RILE*Business group            | 0.128 | 3.180 | -9.89 | 7.91 |
| Environment                    | 0.371 | 0.483 | 0     | 1    |
| Banking                        | 0.176 | 0.381 | 0     | 1    |
| Recast                         | 0.219 | 0.414 | 0     | 1    |
| Regulatory policy              | 0.905 | 0.294 | 0     | 1    |
| General regulation             | 0.302 | 0.459 | 0     | 1    |
| Public sector regulation       | 0.107 | 0.309 | 0     | 1    |
| Europeanisation of policy area | 3.714 | 0.607 | 1.5   | 4    |

<sup>1</sup> We leave out inter-organizational linkages (e.g. among social democratic parties and trade unions) as the third major variety of alignments because we have not assembled data on such linkages. We also assume that interest groups which have organizational ties to political parties will be ideologically proximate to them.

<sup>2</sup> The journals are: The Guardian, Daily Telegraph (United Kingdom), Süddeutsche Zeitung, Frankfurter Allgemeine Zeitung (Germany), deVolkskrant, NRC Handelsblad (The Netherlands), Dagens Nyheter, Svenska Dagbladet (Sweden), Delo, Dnevnik (Slovenia).

<sup>3</sup> The descriptive statistics for the 2,899 observations included in model 1 are presented in Appendix table A1.