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## Consumers' Interest and the EU

### A Framework for Analysis, with Evidence from the Italian Case

#### Abstract

The literature on European interest groups has boomed over the past years. Much attention has been given to more traditional economic interest groups, whereas social movements have been less covered – although recently studies on the topic have been growing. Surprisingly enough, consumers' interests have been neglected in studies covering interest groups in Europe, notwithstanding their European tradition and their increasing relevance both at the European level and at the national level. The paper is devoted to the analysis of the development of consumers' interests in Europe and, by adopting a Europeanisation approach, it unveils the dynamics of multilevel interaction with respect to consumers' interest representation. In order to understand the role that Europeanisation mechanisms have played in the recent development of consumers' interest representation at the national level, it looks specifically at the Italian case. Furthermore, the paper assesses the recent developments of the EU consumer strategy by focussing on its capacity to increase the role of consumers in the EU policy-making.

#### Introduction

Since the late fifties the European political organisation has been particularly interesting for the analysis of interest group politics. The shaping of what today is called the European Union was also done by nationally-based interest groups which soon understood how relevant the European level could be for the development of national markets and the promotion of interest groups' preferences (Milward, Brennan and Romero, 1992; Moravcsik, 1998). More specifically, business interests were the most relevant ones both in shaping national governments' preferences and in lobbying the European institutions, and still today there is a clear unbalance among interests represented in Brussels (15,000 to 20,000 lobbyists work in Brussels) since it is estimated that only 10% of interest representation activities in Brussels are conducted by public interest groups, whereas 70% are conducted

by business organisations and 20% by cities, regions and international actors (ALTER-EU, 2009; European Parliament, 2003 and 2008). Therefore, private interest groups are significantly more present in EU decision-making than institutional or public interest groups. In fact, the public interest group weakness is mirrored by the limited attention that the growing literature on EU interest groups is still paying to the topic. Furthermore, such weakness has raised concerns also on the side of the European Commission which has recently launched a new initiative on European interest group regulation (Commission, 2006), explicitly aimed at increasing the transparency of EU lobbying activities.

If one unpacks the general notion of public interest (or diffuse interests; see Pollack, 1997) groups one realises

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that, over the past years, the European institutions have given new attention to a specific subgroup of diffuse interests: consumers' organisations. Consumers associations are quite peculiar with regards to other EU or national interest groups under three respects: intrinsic interest nature, organisational development and potential membership or coverage. *First*, consumers' interests are strongly connected to the general aim of the European integration process from its beginning, i.e. the creation of a European common market guaranteeing freedom of movement (in particular, of goods). In other terms, consumers have always been one of the main targets of EU initiatives, since the creation of a common market was aimed at increasing the overall wellbeing of the members of the new European political community with particular regards to their consumer identity.

To a certain extent, one may also argue that European citizenship has been crafted departing from the individual consumer dimension since the consumer potential of Europeans could be considered *ante litteram* the first pillar of a more developed European notion of citizenship – which, as it is well known, has been consolidated only more recently. In other words, the consumer identity has, at least implicitly, been one of the key drivers of the European citizens' linkage to European institutions. *Second*, consumers' organisations – in Europe but also in the US – are relatively new in the respective political landscapes since they are to a certain extent the product of civil rights movements which date back to the sixties but have been increasingly relevant from the seventies on (Maier, 1993; Bignami, 2006). Moving from less formal social movements to increasingly formalised organisations, consumers' organisations have gone through an interesting organisational development which has enabled them to become more relevant both at the EU and national level. *Third*, consumers' associations have potentially an incredibly powerful resource: they can represent any individual who is responsible (at least partially) of his or her consumption. Therefore, the consumer interests, if mobilised effectively, could become the most important shared interests among the population and thus build on its enormous membership potential.

The paper is organised as follows. Section 1 will discuss the topic of consumer interests in Europe and connect the problem of the study of consumer interest representation to the more general literature on Europeanisation and interest groups by providing a basic analytical framework. Section 2 will provide an analysis of the evolution

of consumers' interests in Europe, paying particular attention to recent institutional and policy developments. Section 3 will cover the Italian case and the hypotheses developed in Section 1. Section 4 concludes.

## **1 Europeanisation and consumers' interests: A framework for analysis**

Consumer interest representation in Europe is a relatively vast topic. In fact, the 'classic' research questions (Beyers, Eising, Maloney, 2008) could be numerous: How and why do European groups mobilise? What is the institutional configuration which promotes or limits access to decision-making? Which decision making phase is the most permeable to consumers' interest groups? The main common feature of these questions is that they all focus on the EU level whereas the national level is often left on the background. My basic argument is that, at least with respect to consumers' interest, also the national level is greatly important to understand the consequences of the reinforcement of a supranational level of decision making (the European Union) on consumers' organisations' lobbying strategies, institutionalisation and territorial organisation. In fact, it probably is the most important level if we want to fully understand the changes in the patterns of consumer interest representation throughout Europe. For this reason, the Europeanisation literature can be helpful in unveiling the new functioning mechanisms of consumers' association in the multilevel political system called European Union.

Europeanisation has become a fashionable term and has led to interesting studies in the interest group research subfield but the term has often been used as a mere synonym of 'impact of European integration' at the national level (Eising, 2007: 167; from a more cognitive perspective, Beyers and Kerremans, 2007). However, if this is the definition of Europeanisation we fall once again in the conceptual trap of 'putting old wine in new bottles', i.e. inventing new terms which may not be all that necessary (Radaelli, 2003; Radaelli and Pasquier, 2007). In other words, why use the new term of Europeanisation when we are only interested in the effects of regional integration? More generally, any new concept needs to 'travel' on its own and not lean too much on already pre-existing ones (Sartori, 1970). Therefore, if we want to take Europeanisation seriously then we need further to differentiate the concept from the mere 'effects of the EU'. For such purpose, the most promising (and at the same time parsimonious) definition is the following: Europeanisation is the domestic adaptation to European

regional integration (for further definitional details, see Vink and Graziano, 2008).

The basic advantage of this definition is that it does not confine ‘adaptation’ to the EU (i.e. for the purposes of this article, the impact of the EU on national interest groups) but it looks at domestic adaptation in a broader sense by looking at how national actors’ lobbying strategies, institutionalisation and territorial organisation have been changed (or not changed) due to the development of a supranational level of government. Therefore, when we look after Europeanisation we will be interested both in the European level and in the national level since our key research question is how the construction and diffusion of European institutions and policies have modified the key features of consumers’ interest groups: lobbying strategies, institutionalisation, organisation and membership. These three definitional components have been selected primarily because they constitute the core elements of any interest group (and therefore also of consumer interest groups)<sup>1</sup>: the lobbying strategies represent the key functions of interest groups, institutionalisation unveils their capacity to relate on a continuous basis to decision-making and membership relates to their capacity to represent consumers’ interests. More specifically, here follows a short discussion of the three main definitional components:

- a) *lobbying strategies*: this dimension deals with the ‘repertoire of actions’ which can be used by interest groups in order to represent the interests of the members. Strategies may vary significantly in function of the availability of resources: for example, in the cases of organisations with low expenditure capacities (as in the case of consumers’ interest groups), we can assume that in general the most used strategies may be ‘grassroots’ lobbying via direct mailing and advocacy activities aimed at raising awareness among institutions, as well as political action of members and potential members;
- b) *institutionalisation*: a ‘classic’ feature which deals with the fact that interest groups, may be strongly or poorly embedded (Eising, 2007: 171) in the national or European institutional setting. Such dimension

is particularly crucial for consumers’ organisations since national settings vary with respect to their degree of institutionalisation. More specifically, since potentially any small group of people (i.e. consumers) may form an association, a legitimisation issue arises: how representative is the association? And which associations may be considered as representative by national (and EU) institutions so that they are included in decision-making processes? As we will see with respect to the Italian case, some associations may be very poorly institutionalised at the European level and more institutionalised at the national level;

- c) *territorial organisation (and membership)*: this third analytical dimension, which deals with the way through which interests are represented and with the fact that “interest groups politics concerns aggregated individuals and/or organised forms of political behaviour” (Beyers, Eising and Maloney, 2008: 1106), has been vastly explored by the literature on interest groups although not with a specific focus on consumers’ associations. Of particular relevance in this case is the level or organisational logic which is channelled by the associations: for example, some may be organised only nationally (in the Italian case, among others, *Movimento Consumatori*) some may have a multilevel organisational setting (*Altroconsumo*, which is articulated on two levels from the beginning of its activity). Furthermore, there may be strong organisations (which are characterised by a large number of members in various regions) and weak organisations, characterised by a limited number of members.

Assembling all these dimensions (see Table 1), and building on some of the key hypotheses available in the interest groups literature (Beyers, Eising and Mahoney, 2008; Beyers and Kerremans, 2007), one could assume that those organisations which are ‘structured’ (i.e. use a varied lobbying strategy, are highly institutionalised and well organised) at the national level will be able to participate more effectively in EU decision making process by adopting following national lines. On the other hand, one could assume that due to national weaknesses consumers’ interest may be better organised

<sup>1</sup> Beyers, Eising and Maloney, with the exception of the organisational dimension, use other categories which are political interests (here labelled lobbying strategies) and informality which “relates with the fact that interest groups do not normally seek public office or compete in elections, but pursue their goals through frequent informal interactions with politicians and bureaucrats” (Beyers, Eising and Maloney, 2008: 1106-1107). My definitional components are largely inspired by their analytical dimensions

TABLE 1: The relevant dimensions of consumers' interest groups analysis

	European level	National level
Lobbying strategy		
Institutionalisation		
Territorial organisation		

at the EU level and use their greater strength in the EU as a tool for national empowerment. But, at least in the case of consumers, this hypothesis seems too naive for at least two reasons: first, there is no immediate 'power transfer' from the EU to the domestic level and therefore, even in those cases where there may be more capacity to be heard at the EU level, domestic interest groups will have to change 'at home' in order to be fully embodied into the national decision-making system; secondly, since consumers' interests do not have a long tradition like other interests (or cleavages), it seems much more difficult to gain autonomously more EU power and use it simultaneously at the national level. Nevertheless, 'weak' national organisations may be empowered by other actors' strategies (in particular, the European Commission) which are looking for allies in the on-going battle against national sovereignty (Milward, Brennan and Romero, 1992). Therefore, the most basic promising hypothesis for my analysis can be that 'strong' nationally based consumer associations may use their national strength in order to promote their role in European decision-making whereas 'weak' nationally based organisations may eventually benefit at home from other actors' strategies at the EU level.

To sum up, building on the analytical dimensions discussed above and on the existing literature on Europeanisation and interest groups, the main two specular hypotheses are the following:

- hypothesis 1: the more structured (i.e. characterised by a varied lobbying strategy, highly institutionalised and territorially well organised) a consumer interest group at the national level, the more influential the group will be in EU decision making. The advantage of this hypothesis is that it does not imply that some countries have a 'national' tradition which is reflected by all the consumer actors but it is more focused on the specific features of any group, whatever the country of origin.

- hypothesis 2: the less structured a consumer group at the national level, the greater the impact of the European Union institutions and policies – which have greatly developed over the past twenty years – will be on their overall lobbying strategy, institutionalisation and territorial organisation. Again, I do not take for granted that within typically 'weak' countries in EU decision making I will witness only 'weak' consumer interest groups. It is an empirical question which will have to be dealt with in the empirical part of the research.

Once the general hypotheses are set out, the problem of indicators and operationalisation arises. In particular, we need to operationalise the following variables: lobbying strategy, institutionalisation and territorial organisation, which constitute the most promising proxies of 'structuration' or 'organisational strength'.

First, with respect to the lobbying strategy the key indicators could be the set of lobbying practices which are used by the consumer group. For instance, institutional lobbying, grassroots lobbying and legal actions are typically the most diffused types of interest group activities (Graziano, 2001). The more diversified and continuous, the 'stronger' the lobbying strategy is. This, of course, does not imply that all the techniques may be used for the same issue. There may be strategic reasons that explain why a consumer interest group decides to use only one of the techniques in specific cases. But since I am interested in mapping the overall lobbying strategy, I will look for the general use of such techniques in the various activities carried out by consumer interest groups.

Secondly, institutionalisation – whose 'classic' definition (Huntington, 1975) is centred on the notion of functional specialisation. I complement this basic definition with two other indicators, namely internal elite change and relationship with public institutions. With respect to

functional specialisation, I will look at the division of labour within each consumer interest group. With respect to the internal elite change indicator, I will look at the top seats of the interest associations in order to assess how personalistic or institutionalised the interest group is.

Finally, with regards to the relationship with institutions, I will investigate if at the ministerial level there are permanent institutional *fora* which include the consumers associations. From this standpoint, high institutionalisation will be characterised by the presence and continuous activity of such *fora*, whereas a low degree of institutionalisation will be characterised by the absence or limited activity of such *fora*. Territorial organisation, as I have defined it previously, differs from institutionalisation basically because it looks at the diffusion of the association in the selected country. For this variable, I will use three indicators: the first one regards the national levels of representation involved (national, subnational), the second deals with the presence/absence of an administrative unit in Brussels, and the third one regards the overall number of group members. Here following is a table (see Table 2) which summarises the key variables and indicators which are used in this paper.

To sum up, in this section I have illustrated the key analytical features of my analysis. First, I argued that Europeanisation is a challenging analytical perspective in order to look into the functioning of European consumer interest groups. Second, I focused on the structure of interest groups and not on their capacity to influence decision making processes (which would constitute another, very relevant, question, but which would require further analytical tools). Third, I identified the key variables for the analysis – lobbying strategy, institutionalisation and territorial organisation – and

their respective indicators. The methods used for this paper follow the prescriptions of the historical neo-institutionalist process-tracing approach (Pierson 2000; 2004), through the means of observant participation techniques.

In the following section I will look at the evolution of the EU consumer strategy before I turn to the Italian case in order to have some preliminary feedbacks on the validity of the conceptual framework suggested in this paper.

## 2 The EU consumer strategy: Open method of coordination in disguise?

Until the end of the eighties, the European Union did not even have an administrative unit dealing with consumer interest. It was only in 1989 that “the European Community determination to implement consumer policy in Europe lead the Commission to establish the Consumer Policy Service [and] one of his tasks has been to keep tabs on Member States’ legal instruments in this field” (Commission, 1998: 3). But it was only the Amsterdam Treaty which gave new impetus to the European Union on consumer issues by stating that “(...) in order to promote the interest of consumers and to ensure a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers as well as to promote their right to information, education and to organise themselves to safeguard their interests” (Art. 153 TEC). In the same year (1989), the Consumer Policy Service was upgraded to a Directorate General for Consumer Policy and Consumer Health Protection (today Directorate General Health and Consumers, DG SANCO), setting therefore new premises for a stronger role of the EU in both European and national consumer policy. One of the first acts of the Commission was to promote a more intense scrutiny

TABLE 2: Selected indicators of the key variables

	Indicator 1	Indicator 2	Indicator 3
Lobbying strategy	Number of overall lobbying techniques used		
Institutionalisation	Number of offices/divisions dealing with specific aspects of the consumer interest group activity	Leadership* change during the period 1988-2012**	Presence/absence of domestic institutional fora
Territorial organisation	Number of regional headquarters***	Membership	

\* President, Secretary or spokesperson of the consumer group

\*\* If the association was founded after 1988, the foundation year is taken into consideration

\*\*\* Number of regions covered by the association

over existing policies at the national level by sending out a questionnaire to all the Member States asking specific information on how consumer protection was guaranteed at the national level.

The follow up of this exercise was the adoption of the first consumer policy action plan 1999-2001 which described how the Commission intended to intervene in the field. The general objectives were to provide a more powerful 'voice' for the consumer throughout the EU, provide a high level of health and safety for EU consumers and assure full respect for the economic interests of EU consumers (Commission, 1999). In a nutshell, the overall strategy was aimed at increasing the role of consumers at the EU level but also – although more implicitly – at providing a supranational 'tutoring' to those consumer associations who were not fully incorporated in the national decision making system. The procedure is very similar to the one that was being adopted for the European Employment Strategy which became the most cited example of the Open Method of Coordination in action, characterised by constant monitoring, benchmarking and best practice promotion (Borras, 2004; Zeitlin and Pochet, 2005).

The following consumer policy strategy 2002-2006 was even more aimed at empowering "consumers to understand policies that affect them and to make an input into these policies by setting three mid-term objectives: provide a high common level of consumer protection across the EU, support effective enforcement of consumer protection rules and guarantee a proper involvement of consumer organisations in EU policies" (Commission, 2002). One of the main institutional innovations was the creation, in 2005, of the Network of European Consumer Centres (ECC-net) which was created to address cross-border issues and to assist consumers. In the mid-term evaluation of the consumer strategy 2007-2013, the authors of the report argue that "[i]n 2006, ECC-net handled about 30,000 information requests, more than 14 times the number handled in 2005. The growth in contacts appears to be due mainly to the start-up of operations in all 27 countries across Europe but also reflects the increasing awareness among consumers and the increasing level of cooperation between EU Member States, DG SANCO and consumer organisations" (RPA-NERA, 2011: IX). Furthermore, between 2004 and 2007 a set of educational initiatives aimed at increasing the knowledge and capacities of domestic consumers organisations was launched (TRACE, Europea Diary, DOLCETA, and European Masters Courses) but clearly these attempts are a very first step in the direction of

creating a fully-fledged Europe of consumers (for a critical evaluation of the above mentioned educational programmes, see ECORYS, 2011). In brief, besides some educational projects, a set of very general objectives were laid out in the strategy which – nevertheless – was considered to be effective by the Commission at least with respect to the increasing participation of European consumer organisations (Commission, 2007).

Finally, the most recent Consumer Policy Strategy (2007-2013) does not innovate the basic goals which remain the empowering of consumers, to enhance consumer welfare in terms of price, choice, quality and safety, and to protect consumers effectively from serious risks and threats (Commission, 2007). In fact, the main concern seems increasingly limited to identifying "the key measures needed [to] empower consumers and boost their trust" (Commission, 2012). Put differently, the current main concern is that guaranteeing information to consumers is the most important goal of EU policies and institutions since growth – another transversal key concern of EU institutions – depends primarily on consumers. More recently, and after the economic and financial crisis which started in 2008, the Commission started to develop a more nuanced strategy based on a clearer definition of crucial policy sectors for consumers' organisation interventions, on the differentiation among consumers, and on the introduction of the notion of 'sustainable consumption' (Commission, 2012: 4). Furthermore, the Commission also started to clearly acknowledge the multilevel game played by consumers' organisations and the relevance of domestic consumers' associations in promoting information with regards to European consumers: "Consumer associations play an essential role improving consumer information and knowledge, but their situation varies enormously between Member States. Those operating at national level, in particular, often lack resources and expertise, and their role in channelling and filtering consumer concerns is not always properly recognised" (Commission, 2012: 5). Moreover, the Commission acknowledges that "[M]any problems consumers face with traders are not remedied, simply because the consumer does not take action. The Consumer Empowerment survey showed that, of those consumers who experienced problems, only 16% contacted consumer organisations or public authorities to resolve them." (Commission, 2012: 5).

From a policy perspective, consumer policy is clearly a transversal one since it deals with many other EU policies connected to the making and consolidation of the internal

market. To a certain extent, we may label consumer policy as an ‘actor awareness raising’ transversal policy since it regards primarily the role played by specific actors – i.e. the consumer(s) and, possibly, consumers’ organisations – partially in the formulation and mainly in the implementation of EU policies. To be sure, if we consider the three main targets of the 2007-2013 consumer policy agenda (CPA), the involvement of consumers is mainly in terms of obtaining greater information and ‘empowerment’ with respect to their purchasing choices. More specifically, the main objectives of the 2007-2013 CPA were threefold: guarantee a high level of consumer protection; guarantee effective application of consumer protection rules; and guarantee the involvement of consumer organisations in EU policies. If we further explore this third target, the biased nature of the definition of ‘involvement’ arises: involvement means managing training sessions, organising information campaigns on consumer rights and promoting consumer associations at the national level, the upkeeping and updating of the consumer affairs pages on the Europa website, overseeing publications aimed at the consumers, etc. (RPA-NERA, 2011: XI). In other terms, no relevant function is guaranteed to consumers’ organisations in the formulation of EU policies, their main role being connected to the informational side of the implementation coin.

The developments discussed above led to an overall situation in which, although over the years specific consumer groups dealing with many different topics have emerged at the EU level, their limited powers often did not enable consumer associations (i.e. European consumer networks such as BEUC-European Consumer Organisation or ECCR-European Consumer Consultative Group or those national consumer associations which were able to operate at the EU level) to be effective in their interest representation in the EU nor did it lead to the overall empowerment of consumers in national policy-making. Especially at the national level, as the Commission puts it using the findings of the 2002-2006 consumer strategy *ex post* evaluation carried out by three consultancy agencies (CIVIC, GHK and Van Dijk, 2006): “the EU strategy had an impact on national consumer policies but it was smaller than the impact on the priorities of the domestic policy, the concerns of the public and the legislation resulting from membership of the EU. Without the EU strategy (...) most of the national policies would have been different, but to a limited extent only” (Commission, 2007: 3). Furthermore, unlike other policy areas, it seems that the consumer policy strategy has been only partially successful; this statement surely

holds with respect to the effective protection of consumer in Member States of the EU and the development of effective European consumer networks (Commission, 1998; Civic, GHK and Van Dijk, 2007).

Nevertheless, the story may be different if one looks at the representation of consumer interests in various states where consumer associations were very marginal in the decision making system before the (soft) intervention of the EU. Put differently, notwithstanding the overall weak empowerment at the national level, has the CPA triggered any kind of organisational change at the national level? For this purpose, I use the Italian case as a test-case in order to assess the potential of the Europeanisation research framework.

### **3 Europeanisation and Italian consumer interest groups: A missed target?**

Until very recent years, the Italian system of consumer representation was very informal. To be sure, Italian consumer associations started to develop informally during the sixties with the exception of *Unione Nazionale Consumatori* which was already founded in 1955, whereas many others were founded between the second half of the eighties and the early nineties. Therefore, consumer associations or interest groups were active and – on an irregular basis – consulted by the Italian government (in particular, the Industry Ministry; Commission, 1998) but there was no institutionalised consultative body operating on a regular basis. This situation was primarily due to a lack of legislation on consumer interest representation; in fact, only in 1998, Law No. 281 – largely inspired by European initiatives and recommendations following the Amsterdam Treaty (see Commission, 1998) – was issued and therefore the most representative associations become visible and more active in national decision making processes. Currently, 18 national consumer associations have national headquarters and sufficient territorial diffusion to be included in the National Consumers Council (*Consiglio Nazionale dei Consumatori e Utenti* - CNCU) which is a consultative body within the Economic Development Ministry.

The 1998 Law was of great importance since for the first time specific procedures regarding the inclusion of consumer associations in a consultative ministerial board were adopted and the most representative associations became part of the above mentioned CNCU. As stated in the parliamentary discussion on the Law, one of the main arguments that the centre-left parliamentary majority made was that “today Italy is the

only EU member which has not yet adopted legislation regarding consumer interest representation”<sup>2</sup>. The Law was strongly opposed by the centre-right coalition but after four Parliamentary readings it was approved on August 14<sup>th</sup>, 1998. Furthermore, a dedicated register of consumer associations was created by the Law, which also established that in order to be part of the CNCU each association needed to fulfil a membership requirement, i.e. to represent at least 0,005% of the Italian population and be located in at least five Italian regions<sup>3</sup>.

Each association has of course its own story but the common trait of (almost all) the Italian consumers associations is that they originate from other organisations or interest groups (such as trade unions or green movements) which saw a further opportunity for representation in the field of consumer rights. For example, the most representative Italian trade unions (CGIL, CISL and UIL) contributed to the foundation of three of the most important consumer interest groups (*Federconsumatori*, *Adiconsum* and *ADOC*). Furthermore, other groups are strongly connected to other existing environmental associations (*Movimento a Difesa del Cittadino* is linked to Legambiente, one of

the most well known Italian environmental association; *Movimento Consumatori* is linked to ARCI, prominent cultural association whose origins are strongly connected to the consolidation of the Italian Communist Party during the fifties; *Lega consumatori* is linked to ACLI, another very established cultural association whose origins are strongly connected to the consolidation of the Christian-Democratic Party during late forties). Only a few (such as *Cittadinanzattiva*, *Codacons* and *Confconsumatori*) have an autonomous origin in the sense that they were not a ‘by-product’ of other existing and powerful civil society or political actors. As we shall see, this is one of the possible weaknesses of the Italian consumer movement. The following table provides some basic information on the Italian consumer interest groups or associations.

The table clearly shows the limited representativeness guaranteed by consumers’ associations in Italy. If we consider that the most representative trade union (CGIL) has over five million members, we fully understand the limits of consumers’ interest representation in Italy. Nevertheless, from 1998 the consumers’ interest groups started to become increasingly visible in public debates.

TABLE 3: The ‘identity card’ of Italian consumer interest groups

Consumer organisation	Foundation	Membership	Standardised membership *	Territorial diffusion **
ACU	1984	42,061	0.7	14
ADICONSUM	1987	149,375	2.6	20
ADOC	1988	84,736	1.5	19
ADUSBEF	1987	68,890	1.2	17
ASSOCONSUM	2002	50,250	0.9	19
ALTROCONSUMO	1973	338,917	5.9	8
ASSOUTENTI	1982	40,860	0.7	17
CTCU	1993	10,037	0.2	1
CITTADINANZATTIVA	1978	112,934	2	19
CODACONS	1986	36,027	0.6	20
CODICI	1993	33,220	0.6	16
CONFCONSUMATORI	1976	40,034	0.7	18
FEDERCONSUMATORI	1988	152,669	2.7	20
LA CASA DEL CONSUMATORE	2000	91,214	1.6	18
LEGA CONSUMATORI	1971	43,143	0.8	16
MOVIMENTO CONSUMATORI	1985	38,699	0.7	16
MOVIMENTO DIFESA CITTADINO	1987	30,634	0.5	17
UNIONE NAZ. CONSUMATORI	1955	45,829	0.8	19
TOTAL		1.409,538	24,7 (2,47%)	

\* Number of members per every 1,000 inhabitants (2010)

\*\* Number of regions (total Italian regions = 20)

Source: author’s own elaboration on Economic Development Ministry (Ministero dello Sviluppo Economico) data.

<sup>2</sup> Caponi, in Senato della Repubblica, 1997: 5.

<sup>3</sup> The only exception is represented by *Centro Tutela Consumatori e Utenti* which is located in a Special Statute region and therefore has a special ‘treatment’ with respect to its representativeness.



But what was the reason for such ‘upgrading’? Was it primarily due to the presence of autonomous association capacity building or do we have to look for other explanatory factors? Answering these questions is crucial for the testing of the hypotheses discussed in the previous section. In order to provide an adequate answer, let’s examine the specificities of Italian consumer associations by using the lobbying strategy, institutionalisation and territorial organisation variables presented previously.

a) *Lobbying strategy*. Consumer associations do not have a predefined lobbying strategy based on specific ‘political’ targets. Primarily, they provide consultancy services to their members on various issues such as food safety, energy providers, banking frauds, etc. In some cases, conferences on specific ‘consumer’ topics are organised but this activity does not appear to be crucial in the overall goals pursued by the associations. For example, media or protest events are (rarely) organised, but they usually are not part of a predefined lobbying strategy. The second most important activity is to produce press releases commenting on policy proposals or decisions which have been adopted by the legislature, and only rarely do (some) consumers associations conduct legislative lobbying (i.e. proposing amendments to legislative proposals). The most frequently used lobbying technique could be seen in the litigation activities, but these have only ‘reactive’ features and are typically aimed at gaining financial resources out of companies adopting fraudulent behaviour. Again, there is no systematic ‘autonomous’ political agenda set out by consumer associations similar to more traditional interest groups who are typically focused on lobbying legislators who may be in principle in favour of interest groups requests, against them or uncommitted (Austen Smith and Wright, 1994). Unlike other diffuse interests (such as environmental interest groups; Diani, 2000) consumers have not moved from the ‘reactive’ stage of interest representation to a more ‘proactive’ one based on a well-defined policy agenda and specific political targets. Put differently, consumers’ organisations have only been (marginally) included in the implementation phase of policy-making. Furthermore, the activity of Italian consumer organisations is strikingly different from other consumer associations who set lobbying campaigns and use a large variety of lobbying techniques (such as Public Citizen in the US).

b) *Institutionalisation*. If we look at the first indicator of institutionalisation, we learn that none of the 18 organisations have a significant degree of functional specialisation. To be sure, they all have a Secretariat or a governing body where thematic areas are divided among the board members, but this does not entail an *ad hoc* organisational division of labour with a clear division of responsibilities. In other words, all the associations cover different topics relevant for consumers, but they have a very limited degree of specialisation in the topics covered. Also at ‘street-level’ activity, often consultancy is provided by people who do not have a specific training covering the issues related to the advice required. Therefore, with respect to this first indicator, all score very low<sup>4</sup>. The second selected indicator reveals the ‘personalisation’ of the associations and of 18 associations only a few have changed their leadership over the past twenty years (or from the association’s foundation). In other terms, these interest groups are managed by governing bodies which have been untouched by leadership change, unlike more traditional interest groups such as trade unions or consumer association elsewhere. With respect to the third indicator, from 1998 thanks to the Law 281 all the consumers’ organisations fulfilling the above mentioned representativeness criterion are part of the national Council which meets on a regular basis and plays a consultative role in Italian decision making. In fact, all the above mentioned associations are part of the Council, but the most relevant issues discussed in the meetings are often those regarding the project-related funds distribution among the various associations. This is often the most important reason to take part in regular meetings: make sure that the represented association does not miss any fund distribution. To be sure, the *Consiglio Nazionale dei Consumatori e degli Utenti* – CNCU is also a forum where general advice on legislative proposals is provided, but so far the impact of such consultations is very limited. To sum up, consumer interest groups are very weakly institutionalised, with the exception of their consultative role played within the CNCU where, in any case, typically very limited contestation takes place since excessive criticism may turn into reduced funds for consumer associations maintenance. Put differently, the role played by consumers’ association may be relevant only in the implementation phase, via

<sup>4</sup> There is an ‘external’ functional specialisation (i.e. some consumer associations are more specialised in health care issues whereas others are specialised in banking frauds) but with respect to the Ministry and the media all the associations define themselves as generalist consumer interest groups which can (and should, in their eyes) have a saying on every policy which entails consumer issues – which means virtually any kind of policy.

helping awareness raising and consumers' information diffusion.

- c) *Territorial organisation.* As shown in Table 3, all the associations are quite spread out in the country since almost 50% of the associations have headquarters in all the Italian regions and all of them (with the already mentioned exception of CTCU) have offices in more than 75% of Italian regions. This could be a sign of effective representation but if we acknowledge that in many cases hospitality for associations' headquarters is offered by other more powerful associations, we may wonder if the territorial presence is truly effective or not. This holds particularly true if we look at the membership numbers in Table 3: only one association is comparable to other leading diffuse interest association (for example, WWF Italy which has over 300,000 members) and only three others have over 100,000 members. All together, the 17 consumer associations represent 1.4 million Italian citizens/consumers, less than 2.5% of the population. This is not per se quite different from other diffuse interest organisation (for example, equal opportunities associations) but, if combined with the above mentioned weakness with respect to lobbying strategies and overall institutionalisation, it is quite telling. Finally, only two consumer associations are active at the EU level (ACU and Cittadinanzattiva), whereas all the others have only a national reach and, eventually, are involved in EU decision making only when asked to by the Italian Ministry<sup>5</sup>.

The Italian consumer interest groups can still today be defined as characterised by poorly developed lobbying strategy, weak institutionalisation and limited territorial organisation. Therefore Italian associations still are very marginal in terms of presence in the EU decision making system, and EU institutions and policies did not have a strong impact on their lobbying strategy, institutionalisation and territorial organisation. In other terms, the first hypothesis is confirmed – at least with respect to the Italian case – whereas, hypothesis 2 is not. How can these findings be framed in a broader picture which goes beyond the Italian case and relates to more general interest groups politics in Europe? And in which direction should the European consumer agenda go in order to further empower European consumers, especially

in those countries where the consumer legacy is very limited? The concluding section tries to answer these questions.

## 4 Conclusions

In this paper I have looked into consumer interest representation and its evolution in Italy in connection with the European consumer strategy which was launched in the early nineties and reinforced in more recent years. As I have shown in the previous sections, consumer interests are still very marginal in the European Union political activity since – if ever relevant – they are particularly so in the implementation phase of decision-making, whereas at the national level (Italy) the past ten years have been particularly favourable to the (partial) institutionalisation of consumer associations.

With respect to our hypotheses, I can preliminarily conclude that hypothesis 1 has been confirmed: since prior to the launch of the European consumer strategy the Italian consumer associations were weak (i.e. no overall lobbying strategy, very poor institutionalisation also at the national level, limited territorial organisation), they played virtually no role in the setting of the European consumer agenda. The second hypothesis, however, can only very partially be confirmed since the European strategy has played a limited role in making Italian consumer associations more structured: as discussed previously, there a process of institutionalisation has been started also thanks to (indirect) European pressures, but the overall structure of consumer association has not been changed in a significant way. Therefore, I can conclude that even in those cases where there is a European strategy and virtually no strategy at the national level (misfit hypothesis; Borzel and Risse, 2003), not necessarily will there be a strong EU influence on the national level. To be sure, if we look at the Europeanisation literature (Radaelli, 2003; Graziano and Vink, 2006), we learn that we can expect high pressures in those cases where we witness a well-developed policy or strategy at the EU level, but this was not the case in the consumer policy field. In other terms, even if the EU has further legitimised EU consumer interest claims, interest associations have not yet been capable of developing into well-structured and representative political actors. And what are the reasons for this?

First, we need to examine the national political systems

<sup>5</sup> And it is not by chance that the only two associations who have European offices thanks to their participation in European networks have had a leadership of non-lawyers and trade-union members who have been involved in the green movement in the eighties (ACU) or have a more 'federalist' and academic cultural background (CITTADINANZATTIVA).

and their interaction with the EU in order to answer this question; secondly, also the EU institutions are partially responsible for this very limited Europeanisation – and this second factor is also of more general interest, beyond the Italian case.

The domestic explanations pertain primarily to the domestic party system. Consumer interest representation is still fairly ‘young’ in the Italian political system, which is particularly problematic in those political systems (such as the Italian one) where the dominance of parties over civil society has been detected (Morlino, 1991). Furthermore, in the nineties, when due to the lack of legitimisation of parties new political opportunity spaces were opened for civil society organisations, the trade unions – particularly relevant in the Italian case during the nineties (Mania and Sateriale, 2002; Ferrera and Gualmini, 2004) – and other rising interest groups such as environmental associations were capable of playing a hegemonic role also in the field of consumer interest by creating *ad hoc* associations, leaving very limited room for manoeuvre to autonomous consumer associations.

Secondly, the European consumer strategy has been until now very weak if not ineffective. This led to limited pressures for change at the national levels since the incentives to ‘conform’ to a rising European model for consumer interest representation were very limited. To be sure, EU funds did facilitate the reinforcement of some consumer associations but this was not the case with respect to many Italian associations which still today are not very present at the EU level. Unlike other policy areas (such as, for example, employment policy and cohesion policy where the EU policy was much more structured; see Graziano, 2004; Gualini, 2004; Baglioni, della Porta, and Graziano, 2008), the most relevant resources come from the national government via sanctions issued by the antitrust authority and therefore there is no need to become ‘more European’ for funding purposes.

Third, the persistent weakness of consumer associations is also linked to the fragmentation of Italian civil society (Ginsborg, 2003) characterised by numerous, small associations which are too often managed in a personalistic way. This is particularly true for interest associations since, in those limited cases where no hegemony is searched and reached by more relevant civil society organisations (such as trade unions), the founders rarely provide sufficient opportunities for the associations to become fully institutionalised and autonomous from the founders themselves – who, eventually, may be lawyers receiving extra legal work thanks to their

consumer association activity. This may not be an Italian peculiarity (as said, more comparative research is needed in the field) but it is quite striking to see how many consumer associations are very litigious mainly on two issues: reimbursements to ‘fraud-victim’ consumers and project financing (i.e. asking for funds aimed at consumer information campaigns). This may recall the evolution of the green movement in Italy which has gone “from radicalism to moderation” (Diani, 1990), although consumer associations were never a movement nor were they particularly radical. To me, it is a further sign of how also for civil society the ‘Iron Law of Oligarchy’ (Michels, 1966) is valid and, in the case of consumer associations, it may limit the political maturation of groups dealing with extremely diffused interests.

At least until very recently, however, also the European Union itself was responsible for not providing enough support to domestic consumers and related consumers’ organisations. This is clearly acknowledged in the most recent consumer policy document issued by the Commission where it is stated that one of the 8 key targets is to further support consumer interests in key sectors (Commission, 2012: 12). To be sure, it seems that European institutions consider it more effective to work primarily with EU-based organisations: for example, one of the key 2004-2007 actions aimed at supporting consumer organisations at national level have been stopped on the basis of “low efficiency,” and grants during the 2007-2013 period will only be provided to BEUC (RPA-NERA Consulting, 2011: 44). But is this the best way to proceed? If we consider that the EU internal market policy is one of the most integrated, then we can easily argue that consumers’ awareness needs to be gained at the national level, not at the EU one. Consumers will more easily relate to national (or regional) consumers’ associations, rather than to EU organisations – which may be very relevant in providing advice to EU institutions, but clearly have no expertise in terms of promoting the legitimacy and effectiveness of national consumers’ organisations. Put differently, if one of the key goals is to promote consumers’ interests in Europe, then the Commission is better off with national, representative, territorially diffused organisations rather than with a Brussels-based organisation which may simply provide a legitimating function, but with very limited representativeness (BEUC groups only a limited number of consumers’ organisations, which – at least in the Italian case – are already very poorly representative, as was argued in the previous section).

This does not mean that simply providing funds to domestic associations would suffice. As already argued, the risk that consumers' organisations easily turn into 'grant-seeking' organisations can be very high – especially in those cases where the consumer movement is particularly fragile or poorly developed. Following some of the initiatives carried out by the Commission over the past years (such as TRACE and other educational programmes), the focus of EU organisations should be more on further *upgrading* the competences of domestic consumers' organisations, but primarily at the national level, not at the EU level where functional specialisation (at least, within BEUC) is already well established. More specifically, thanks to improved EU and national educational tools, consumers' organisations could be more knowledgeable and further support consumers in their choices.

Secondly, the *funding* of consumers' organisations should be radically revised. As simply put by one of the consumers' organisations interviewed for the ex-post and mid-term evaluations report: "I think there should be limited national and EU funding for NGOs to counter balance the power, influence and money of the industry side. I don't know how BEUC or other European wide NGOs could survive without EU aid" (RPA-NERA Consulting, 2011: 141-142). As it currently stands, also at the national level (at least with respect to the Italian case) institutionalisation has meant primarily receiving funds from institutions. Only in a limited number of cases, membership fees constitute the primary resource for consumers' organisations (and not only in Italy). In the case of implementation functions, it could be easily accepted that consumers' organisations receive funds for their services (although supervision activities should be better implemented by national authorities); but in order to gain independence, there should be a clear distinction between the formulation and implementation functions, and autonomy in the first sphere can only be obtained through greater private fundraising capacities on the side of the consumers' organisations. Greater autonomy in policy formulation should be fully supported by the European institutions on a pluralist or democratic ground: since 'big business' voices are easily heard in routine policy-making at the EU level, then a more equilibrated "chorus" is needed if the European Union wants to keep its pluralistic nature (for the chorus metaphor, see Schattschneider, 1960). The consumers' organisation empowerment should be also paralleled by improved EU and domestic institutional capacities in monitoring and evaluating their performance (and representativeness) in order to guarantee that 'grant-seeking' misbehaviour –

maybe beneficial to the consumers' organisation but also detrimental to consumers – can be severely sanctioned.

Finally, in order to further include wider – and shared – goals with other policies, the EU consumer strategy should take into great account the *sustainability* of consumption and the *vulnerability* of specific consumers. There are already some signs of such attention in the European Consumer Agenda document (Commission, 2012) where the Commission states that "[c]onsumers should be empowered, assisted and encouraged to make sustainable and healthy choices which will lead to cost savings for themselves and for society as a whole. (...). Consumers should be supported in easily identifying the truly sustainable choice. Effective tools are needed to protect them against misleading and unfounded environmental and health claims" (Commission, 2012: 4). Although still somewhat vague with respect to the means which should be used to reach such goals, the path is clearly indicated. Similarly with regard to vulnerable consumers, especially in the light of the recent financial and economic crisis, the Commission seems to have clear ideas: "[w]herever the economic and sovereign debt crisis has struck, it has dented consumer confidence and, for some consumers, led to a very significant fall in income or purchasing power, thus increasing the risk of social exclusion and the risk that citizens are unable to afford essential goods and services. These risks are heightened by the fact that [the European] population is ageing, markets are becoming increasingly complex (...) The current context may also exacerbate the disadvantaged situation of vulnerable consumers, such as people with disabilities or with reduced mobility, who face difficulties in accessing and understanding information and in finding appropriate products and services on the market" (Commission, 2012: 4).

The main limitation of the current EU consumer policy is that, although some of the key targets have been identified, an overall coherent strategy is still lacking – may it be because the economic resources are too limited, or that the national sovereignty is too difficult to overcome. But if a full European integration in internal market policy is to be maintained, the consumers' empowerment is essential, and therefore further steps in the direction of upgrading the competences – and representation capacities – of consumers' organisations, strengthening of their (non opportunistic) funding opportunities and better targeting on sustainable consumption and vulnerable consumers need to be rapidly taken. And greater Europeanisation in the field of consumer policy may also follow.

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