

# Le lobbying industriel dans l'Union Européenne

Quelques éléments pour comprendre



# Corporate Europe Observatory est...

- Une ONG créée en 1997 à Amsterdam
- Une équipe d'une petite quinzaine de personnes, environ la moitié à Bruxelles et le reste dans d'autres pays européens (NL, DE, UK, DK...)
- une structure de recherche et de plaidoyer sur le pouvoir politique et le lobbying des entreprises au niveau de l'UE
- financée par des fondations privées et des donations individuelles (nous n'acceptons ni subsides publics ni financements d'organismes à but lucratif)

# le lobbying est une profession : influencer la décision publique pour le compte d'intérêts particuliers



# Ici, un consultant en lobbying se vante d'avoir fait annuler un article de loi française qui prévoyait de taxer les produits de son client, Red Bull

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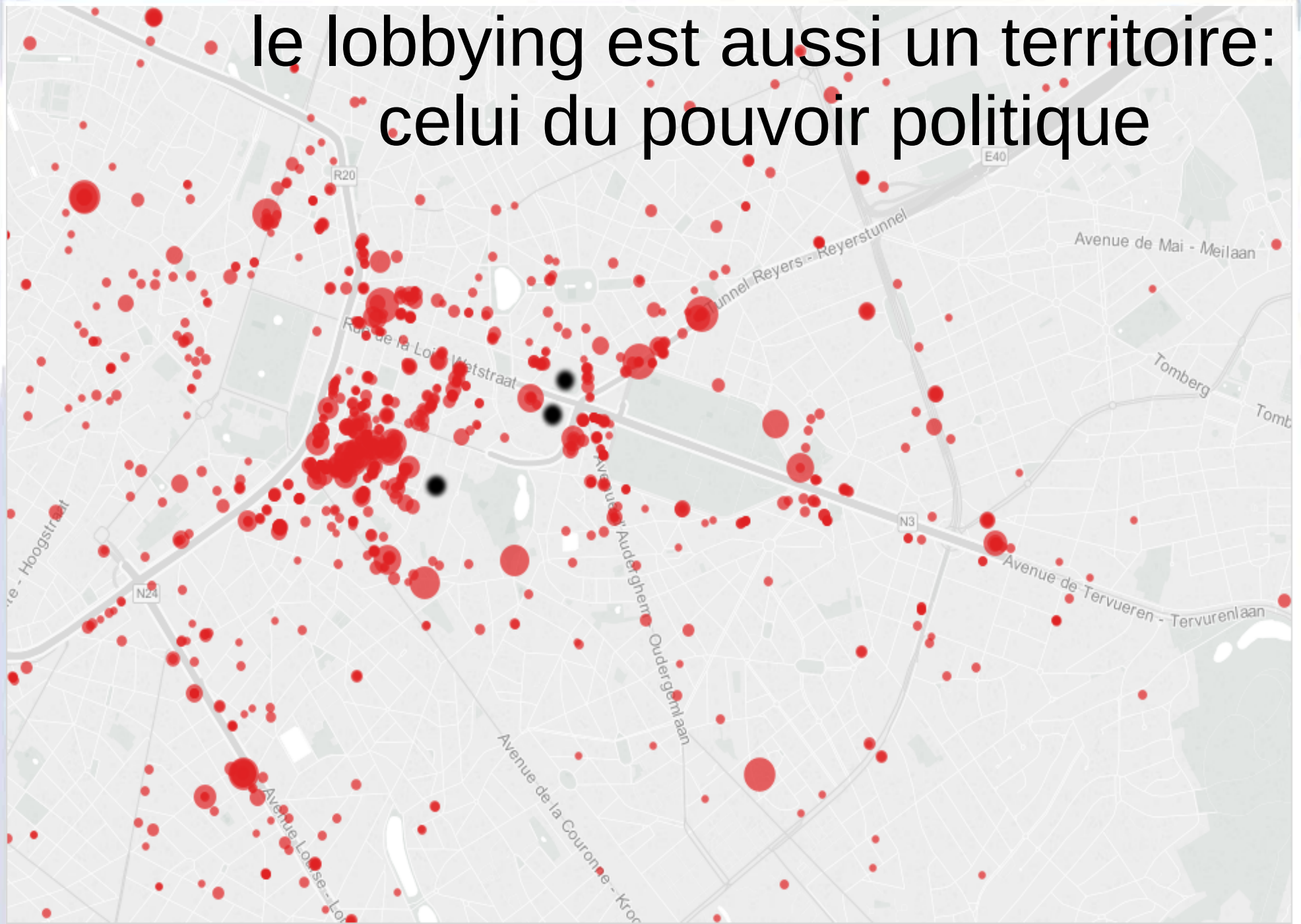
## Protecting a client's business



In late 2012, the French National Assembly voted an amendment to the draft bill on Social Security, creating a very high tax on energy drinks (which basically would have killed the market). The objective was to dissuade young people from consuming these products, and to generate revenue to reduce the social security deficit. We were contacted by the leader in the sector to try to defeat this initiative and to restore confidence in the product.

**How we helped:** We helped structure the relevant arguments (technical, legal, economic) and communicated the messages to the appropriate stakeholders within Government and Parliament for a 3 month period, in a crisis environment. In the end, the tax which was finally adopted by the Parliament was a quarter of the amount originally proposed. After the adoption of the law, we contributed to the process of challenging the tax on energy drinks in court, on the basis that it did not comply with the French Constitution. The Constitutional Council eventually considered that the tax was contrary to the Constitution and repealed it.

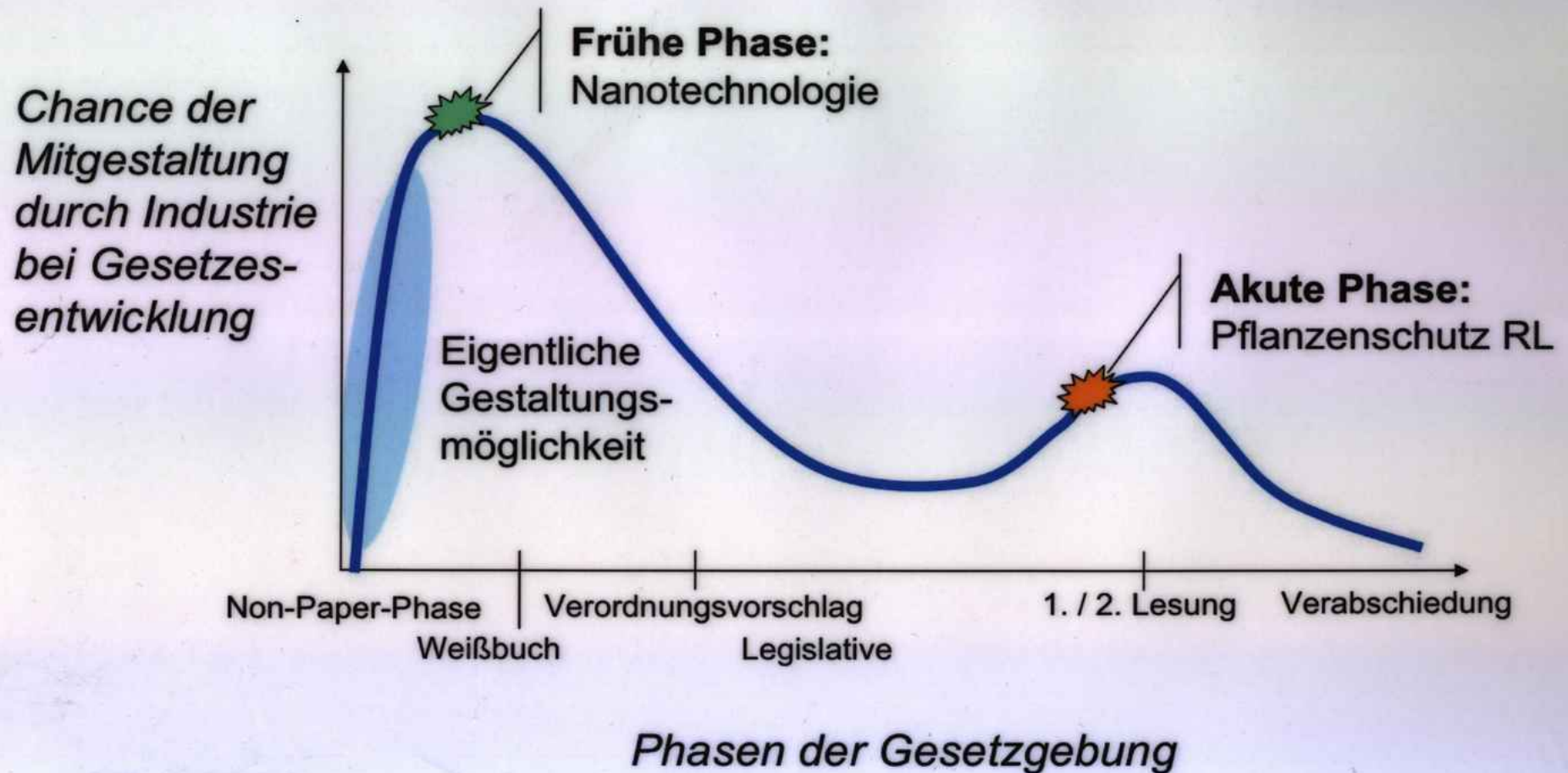
# le lobbying est aussi un territoire: celui du pouvoir politique



Le plus tôt sera le mieux : imposer sa vision du problème dans le débat public.

## Mitgestaltung: Je früher, desto besser

**BASF**  
The Chemical Company



une pratique très  
répandue :  
engager des  
« anciens » du  
système (hommes  
politiques,  
fonctionnaires,  
assistants  
parlementaires...)

Ex.: RyanAir engage l'ancien  
Commissaire au Marché  
Intérieur, Charlie McCreevy,  
pour organiser des réunions  
avec ses anciens collègues  
de la Commission

Better to check  
on file

#### NON EXECUTIVE DIRECTOR APPOINTMENT LETTER

Dear

I am pleased that you have accepted the appointment as a Non Executive Director of the Board of Ryanair Holdings plc. Your appointment will be confirmed at the next Board Meeting, which is due to be held on the [ ] for a three year term, commencing on [ ] and is subject to the approval of the next Ryanair AGM in September [year]. In advance of this you are invited to attend the next Board Meeting on [ ] and I enclose herewith a set of papers for your review.

Remuneration of all Non Executive Directors of Ryanair has been set at [ ] which will be paid quarterly in arrears. In addition you will be paid an annual consultancy fee of [ ] to cover specific advice to be provided to the Board and Management on European Commission and Government relations including up to two annual visits with Senior Management to Brussels for meetings with the European Commission.

Board meetings of the company are scheduled quarterly in December, March, June and September of each year. There may be some additional meetings or telephone Board meetings necessary to approve significant transactions or other matters of importance, and you will be notified of these as and when they arise.

As a Non Executive Director of Ryanair, both you and your immediate family (Spouse and dependant children up to the age of 21 years) will qualify for free travel on all Ryanair services, as well as reduced rate interline travel on other airlines, which may be available through our Interline Department headed by [ ] who can be contacted at any time at +353 1 8121400.

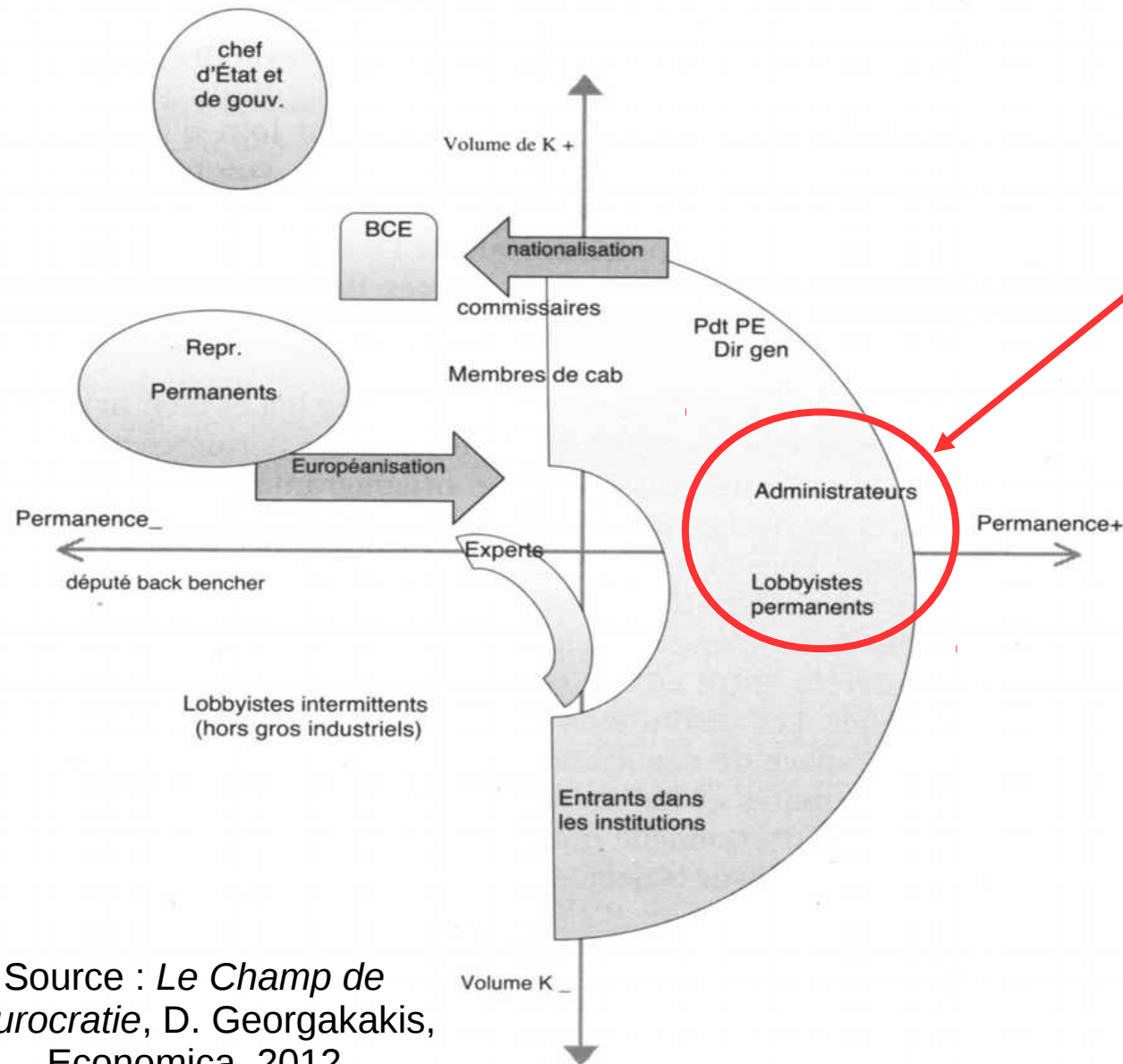
May I welcome you to the Board of Ryanair and say how much we are all looking forward to working with you over the coming three years. We hope that you will have a long and successful association with Ryanair as we continue to grow across Europe.

Yours sincerely

Juliusz Komorek  
Company Secretary

c.c. David Bonderman – Chairman  
Michael O'Leary – Chief Executive

Figure 1. - Représentation du champ sous la forme de la distribution du volume global de capital et de l'opposition entre capitaux liés à la permanence dans le champ



UE:  
fonctionnaires  
européens et  
lobbyistes  
permanents  
sont des  
groupes  
sociaux  
contigus, voire  
le même

Source : *Le Champ de l'Eurocratie*, D. Georgakakis, Economica, 2012



## Quelques chiffres

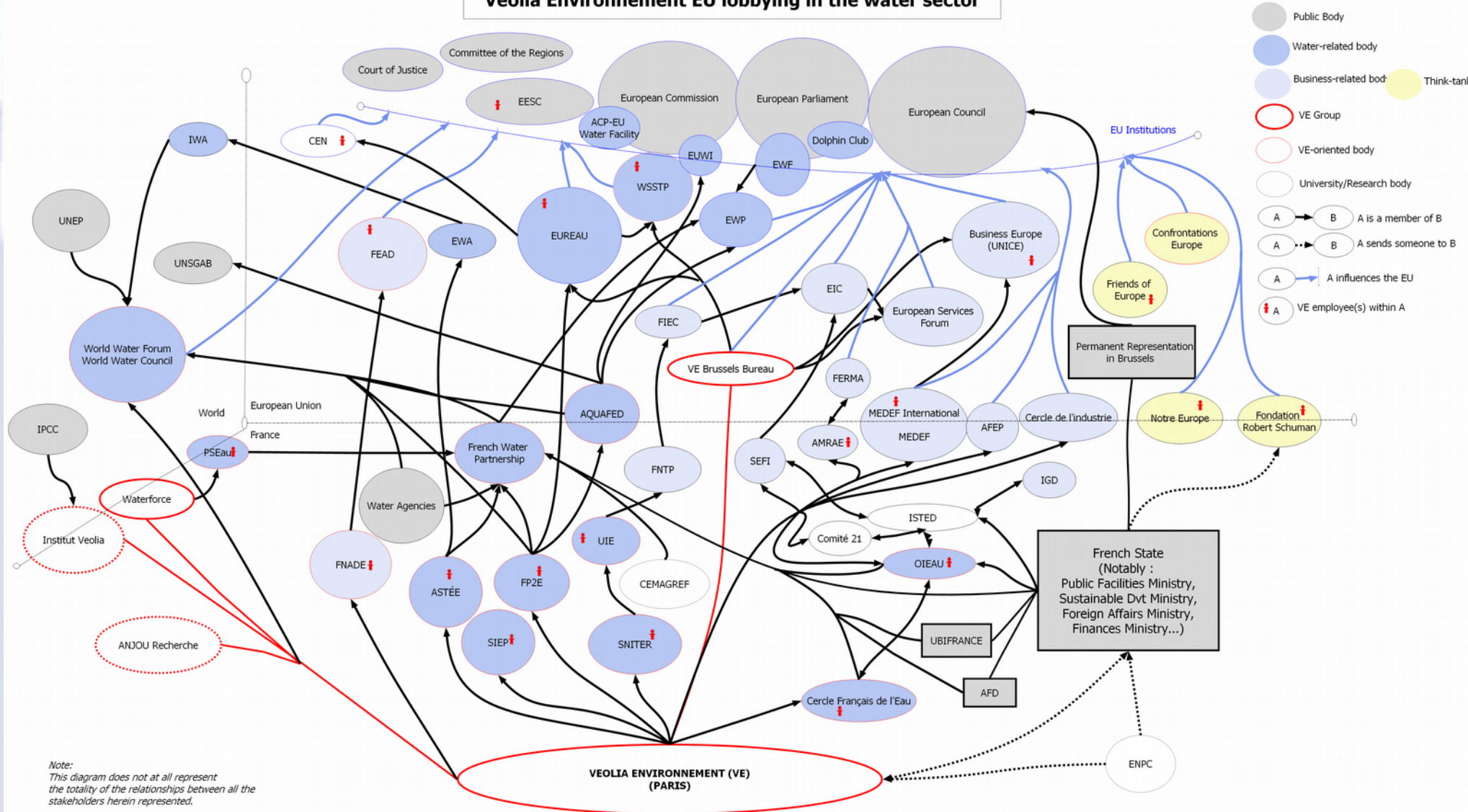
- à Bruxelles, entre 20 et 30.000 lobbyistes professionnels permanents
- Un secteur économique pesant plus d'un milliard d'euros par an
- Environ 70% représentent des intérêts commerciaux; 20% des intérêts "publics"; 10% restants sont la société civile "organisée"
- Commission Européenne: 33.000 salariés, seulement la moitié sont fonctionnaires

## Quelques idées principales

- le lobbying consiste à construire de la crédibilité : demi-vérités et mensonges par omission plutôt que mensonges directs
- faire passer le même message par des canaux en apparence indépendants les uns des autres, les alliances sont essentielles
- le lobbying consiste aussi à faire le travail de votre cible à sa place. Pour “rendre service”, être “constructif”... expertise “gratuite”??
- la plupart des lobbies “historiques” européens créés sur demande et avec financement de la Commission
- au niveau européen, le lobbying est (hélas) banalisé et partie intégrante du système

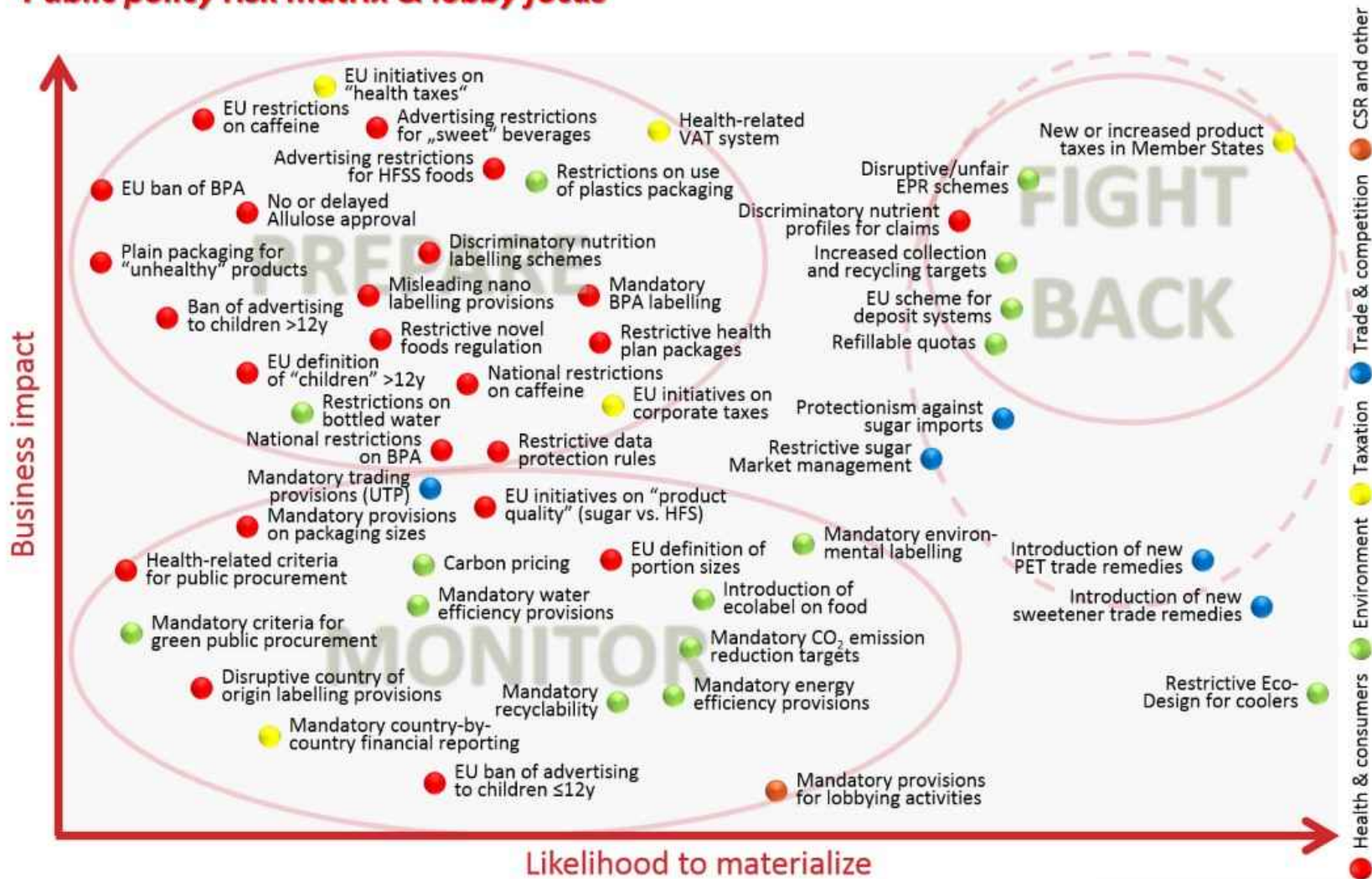
# Les lobbyistes: différentes catégories

Veolia Environnement EU lobbying in the water sector



# Le lobbying industriel raconté par ses documents internes: Coca-Cola

## Public policy risk matrix & lobby focus



# Le lobbying industriel raconté par ses documents internes : l'industrie des plastiques

## SWOT ANALYSIS

**PlasticsEurope**  
Association of Plastics Manufacturers

<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"><li>• Willingness to fund further research and position as responsible industry</li><li>• Sound production base in Europe and network of contacts</li></ul>	<p><b>WEAKNESSES</b></p> <ul style="list-style-type: none"><li>• Scientific evidence showing endocrine disrupting properties of plastics</li><li>• Availability of good alternatives?</li><li>• Reputation management vs. political and NGO forces</li><li>• ED strategy in DG ENVI</li></ul>
<p><b>OPPORTUNITIES</b></p> <ul style="list-style-type: none"><li>• Plastics properties for applications which alternatives do not have?</li><li>• Scientific research that can show different results on endocrine disruptors</li><li>• Difficult scientific discussion</li><li>• Definition of ED criteria left DG ENVI for DG SANCO</li></ul>	<p><b>THREATS</b></p> <ul style="list-style-type: none"><li>• Big political pressure from Member States (France, Sweden and Denmark most vocal) and European Parliament</li><li>• Issue is highly political leading to high probability of EU action</li><li>• Consumer organizations and environmentalists' pressure which could lead to lower demand and business reputation management issues</li><li>• Campaigning scientists</li></ul>

# Le lobbying industriel raconté par ses documents internes : l'industrie chimique

## Impact of Long- Range Research (LRI)



general	Examples	For CEPIC members
<ul style="list-style-type: none"> <li>Improved positive reputation of Chemical Industry</li> </ul>	<ul style="list-style-type: none"> <li>Pan European survey 2014 "Chemical Industry Reputation"</li> </ul>	<ul style="list-style-type: none"> <li>LRI among top reputation drivers</li> <li>Continue to raise awareness</li> </ul>
<ul style="list-style-type: none"> <li>Better and cost-efficient decision making</li> </ul>	<ul style="list-style-type: none"> <li>Endocrine disruption: success on threshold for ED based significantly on LRI research in last 7 years</li> <li>Direct LRI dialogue with ECHA on PBT to review guidelines</li> <li>Cooperation with ECHA and other EU Institutions on skin sensitization</li> </ul>	<ul style="list-style-type: none"> <li>RA instead of hazard regulation on ED</li> <li>Reduce substitutions pressure on major chemical product lines</li> <li>Saving potential of € 100,000 per substance in REACH registrations up to 2018</li> </ul>
<ul style="list-style-type: none"> <li>Better quality "science" based decisions</li> </ul>	<ul style="list-style-type: none"> <li>sharing knowledge between CEPIC member companies in critical areas like ED, mixtures and HBM</li> </ul>	<ul style="list-style-type: none"> <li>Leverage of company knowledge with CEPIC community</li> </ul>
<ul style="list-style-type: none"> <li>Proactive dialogue and early warning with Institutions/"pre-advocacy"</li> </ul>	<ul style="list-style-type: none"> <li>LRI called upon by EC, ECHA, EFSA, JRC, US-EPA and OECD to contribute</li> <li>Beta- tester of approaches to combinations effects</li> </ul>	<ul style="list-style-type: none"> <li>"Door opener" to Institutions on "science of concern" for us</li> </ul>
<ul style="list-style-type: none"> <li>Long term engagement with research community raising confidence and trust</li> </ul>	<ul style="list-style-type: none"> <li>Putting order in "chicken house" of molecular data</li> <li>Reducing complexity in ecotoxicology</li> <li>Develop benefit-risk approach for innovation</li> </ul>	<ul style="list-style-type: none"> <li>Reliable basis for decision making within companies and regulators on innovations</li> </ul>

# Le lobbying industriel raconté par ses documents internes : Business Europe (les syndicats patronaux européens) sur les objectifs climatiques de l'UE

## EU's 2030 GREENHOUSE GAS EMISSION REDUCTION TARGET

### 1. Background

- In June 2018, the European Commission, Parliament and Council during trilogues collectively agreed to increase the EU's energy efficiency binding target from 30% to 32.5% and the increased renewable energy target from 27% to 32%. Both have a clause for a possible upward revision by 2023.
- EU climate and energy commissioner Arias Cañete concluded in August that "Based upon our calculation models, we should de facto achieve a reduction in greenhouse gas emissions by 45% within the EU" by 2030 compared to 1990 levels because of these increased targets.
- German Chancellor Merkel stated she is "not very happy" about the Commission's push and thinks "we first of all have to stick with the goals we have already set for ourselves. I don't think constantly setting new goals makes any sense".
- Commission President Juncker in his 2018 State of the Union on 12 September stated that he supports Cañete's call both technically and politically.

### 2. Next steps - timetable

- The Commission seems willing to have this debate and possibly agree on a position in view of COP24, taking place in December 2018 in Katowice, Poland.
- The issue might be pushed into the set of conclusions of the next European Council on 18 October 2018. In case of an agreement (requiring unanimity), the impact on EU legislations such as ETS or Effort-Sharing is an unclear territory even though the Commission informally said that they have no plans of revisions at this stage. A debate could be expected as well in the Environment Council on 9 October.
- It remains unclear when / how the Parliament will position itself before COP24.

### 3. BusinessEurope advocacy and communication strategy

Members will be asked to discuss and agree on a line to take by BusinessEurope. As a basis for discussion, several approaches are outlined below:

- To be rather positive as long as it remains as a political statement, with no implications on the range of 2030 EU legislations (ETS, effort-sharing, etc.).
- To oppose the new increase of ambition, using the usual arguments of global playing field, we cannot compensate for others, etc.
- To challenge the process, such as the need for more transparency on the calculations, need for an impact assessment, risk of creating instability, etc.
- To "minimise" the issue arguing that the formalisation of a 'de facto' extra ambition is not what matters most. What is key is to persuade other major economies to catch up with the EU's ambition, and to make our transition in Europe a success. For this we need stability to mobilise investments.

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Les deux documents précédents soulignaient l'importance et l'intérêt de contrôler autant que possible la production scientifique sur les questions dangereuses pour les intérêts économiques des lobbies concernés. Monsanto ne dit pas autre chose ici.

Message

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**From:** HEYDENS, WILLIAM F [FND/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=230737]  
**Sent:** 4/10/2001 6:09:25 PM  
**To:** JACOBS, ERIK [AG/5040] [erik.jacobs@monsanto.com]; MARTENS, MARK A [AG/5040] [mark.a.martens@monsanto.com]; MCKENNA, RUTH M [AG/5040] [ruth.m.mckenna@monsanto.com]; VAN BOSSUYT, ALFRED [AG/5035] [alfred.van.bossuyt@monsanto.com]  
**Subject:** RE: Propachlor sample request

All,

Please don't do anything until we discuss this. Data generated by academics has always been a major concern for us in the defense of our products.

(Source : Monsanto Papers)



think-tanks

des  
lieux de  
“débat” ?

**Friends of Europe Les amis de l'Europe**

Friends of Europe thanks its VIP partners (Visibility – Input – Platform)

Logos of partner organizations include: eni, VOLVO, bp, UNICA, MERIFIN CAPITAL, Deutsche Post DHL, europlia, ExxonMobil, LUFTHANSA, gtz, DOW, RIM, GDF SUEZ, BT, Coca-Cola Europe, novartis, Microsoft, Statnett, WWF, EWEA, PlasticsEurope, TOYOTA, The McGraw-Hill Companies, IKN, NOVARTIS, Lilly, APCO worldwide, VEVE, AREVA, Cargill, Telefonica, First Solar, SAP, AON Hewitt, McKinsey & Company, VINYL 2010, gsk, GlaxoSmithKline, Statoil, RECTICEL, Adecco Group, VEOLIA ENVIRONNEMENT, Pfizer, CropLife INTERNATIONAL, & partners Schuttetaar, NBMG, AMGEN, ifra, Shell, OMV, United Technologies, TOTAL, THE ALLIANCE FOR SUSTAINABLE GROWTH AND THE ENVIRONMENT, EurActiv.

With the support of the European Commission:  
Support for bodies active at European Level  
in the field of active European Citizenship



# ONG, mouvements sociaux : attention aux contre-façons



FH 'TECH SPOTLIGHT' N. 7

## Is your organisation ready for the European Citizens' Initiative?

**FLEISHMAN**  
INTERNATIONAL COMMUNICATIONS  
**HILLARD**



From 2012, petitions signed by one million citizens from seven EU Member States will force the European Commission to respond by a Communication addressing the petition's demands and potentially proposing action. This new EU petition scheme, the European Citizens' Initiative (ECI), has the potential to dramatically reshape the public affairs landscape in Brussels: one million signatures cannot be ignored by EU policymakers. While European institutions used to have the monopoly on initiating policy debates, the European Citizens' Initiative now gives the opportunity for anyone to set the agenda. Although reaching out to one million citizens across Europe can seem a daunting task, it has already been done successfully by some organisations, and the emergence of online networking tools has made it easier to rapidly reach out to the required one million supporters. Is your organisation prepared to deal with the impact of an ECI? Has it considered launching an ECI itself to change or initiate legislation? This Fleishman-Hillard paper explores the threats and opportunities that the new instrument might represent for your organisation, how the Internet will enable future pan-European petitions to gather grassroots support, and gives predictions of what the first European Citizens' Initiatives might be about.

### THE EUROPEAN CITIZENS' INITIATIVE IS NOT A FANTASY, SOME ORGANISATIONS HAVE MADE IT WORK ALREADY

The European Citizens' Initiative is not a tool reserved for NGOs; corporations can use it too. Below are two examples of successful pan-European petitions, one led by eBay, the other by Greenpeace. When similar petitions are carried out in 2012, they will result in policy actions by the EU institutions.

#### **EBAY'S PETITION TO STOP UNFAIR TRADE PRACTICES**

*"We, the undersigned, oppose attempts by certain brand owners and manufacturers to unfairly limit the sale and resale of their products on the internet."*

Launched in July 2009, this petition had already reached 750.000 signatures in just a couple of months when it was officially presented at the European Parliament. The petition was made available on the eBay Grassroots Campaigns website, which is managed by the Government Relations Team. This made it easily accessible to the community of eBay users who were willing to support it.

#### **GREENPEACE'S 1 MILLION FOR FACTS NOT CROPS**

*"We call on you (the President of the European Commission) to put a moratorium on the introduction of GM crops into Europe and set up an independent, ethical, scientific body to research the impact of GM crops and determine regulation."*

This petition was carried out in 2010 in cooperation with Avaaz, a website that provides free online campaigning tools to help politically-minded citizens to organise themselves. It reached a million signatures in just seven months. The petition is now aiming for 1.500.000 signatures.

"This is a milestone in the development of European democracy. I warmly encourage the European public to make use of the European Citizens' Initiative to bring matters of their concern to the top of the European agenda."

Jerzy Buzek, President of the European Parliament

"I can assure you that there is a political will to listen to everybody and one million signatures is a voice that we should listen to."

John Dalli, European Commissioner for Health and Consumer Policy, when receiving the '1 million for facts not crops' petition

Cela dit: si les agences de relations publiques tentent d'imiter les mobilisations populaires (astroturfing – fausses ONG), c'est parce ça marche.

En fait, au niveau européen, seule la mobilisation citoyennes parvient (parfois à faire bouger les lignes et à rappeler au politiques où se situe l'intérêt général. Ces dernières années ont vu plusieurs mobilisations pan-européennes de la société civile (TTIP, glyphosate etc) qui ont pesé lourd et les mobilisations trans-européennes se multiplient. Des lobbyistes industriels commencent à se plaindre que les ONG sont plus puissantes qu'eux (c'est faux mais c'est bon signe). Avis aux amateurs (-rices) !

"la copie,  
c'est le  
succès!"

(Coco Chanel,  
1959)



Merci pour votre attention  
Martin Pigeon, Corporate Europe Observatory  
[www.corporateeurope.org](http://www.corporateeurope.org)