



# Regulating lobbying activities in the European Union: A voluntary club perspective

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## Abstract

This article offers a systematic exploration of why interest groups sign up to the European Union Transparency Register, a non-binding lobby regulation system. We distinguish between instrumental and normative perspectives to explain voluntary compliance, and find that concern for one's reputation represents the most important motivational driver. Based on this, we suggest that the Transparency Register can be understood as a “voluntary club” sponsored by European institutions. This theoretical perspective captures the appeal of the instrument among lobbyists, but also a number of inconsistencies in its current design, which make it unviable in the long term. We outline implications for the ongoing reform of the Transparency Register, and more generally for the regulation of lobbying activities. The analysis draws on semi-structured interviews with various types of lobbyists active in Brussels, and on data from public consultations organized by the European Commission.

**Keywords:** European Union, lobby regulation, transparency, transparency register, voluntary club.

## Introduction

Lobbying, understood here as activities undertaken with the objective of influencing decisions made by public authorities (Hardacre 2011, p. 3), represents an indispensable part of healthy democratic life. The participation of outside interests in the policy process is consistent with both input and output legitimacy. At the same time, however, lobbying can create problems of unequal access, bias, and even corruption. Hence, the need to regulate these activities is nowadays widely accepted, with international bodies such as the Organisation for Economic Co-operation and Development (OECD) and, more recently, the Council of Europe issuing recommendations and guidelines on the matter. Publicly accessible registers for lobbyists, often supplemented by codes of conduct, represent the most commonly used instruments in such regulatory efforts (see Chari *et al.*; Organisation for Economic Co-operation & Development [OECD] 2014), reflecting a conviction that transparency enables accountability and ultimately increases citizens' trust in the political system.

While lobby registers have a long tradition in the United States (US) and Canada, with relevant laws passed in 1946 and 1989 respectively, they are relatively novel in Europe. With the exception of Germany, European countries only began experimenting with such tools after 2005, to the effect that currently some form of lobby registration is required in 12 European Union (EU) member states.<sup>1</sup> EU institutions have been among the first on this bandwagon – perhaps unsurprisingly so, given that the size of the Brussels interest group population is deemed comparable only to that of Washington DC, the so-called “lobbying capital of the world” (Dinan & Weselius 2010). The current system – dubbed symbolically the *Transparency Register* (TR) – was launched in 2011 through an interinstitutional agreement (IIA)<sup>2</sup> and is jointly managed by the European Commission (EC) and the European Parliament (EP). The TR is the successor of schemes that had previously been run separately by the two institutions, namely the quasi-accreditation system of the EP, in place since 1996, and the EC's *Register of Interest Representatives* (ROIR), set up in 2008 as a voluntary database for groups. It is managed by a team of five staff members seconded from both the EC and the EP, who make up the Joint Transparency Register Secretariat (JTTRS).

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The TR asks registrants to declare their policy interests, lobbying expenses, membership in EU consultative structures, and staff members responsible for public affairs. This information becomes publicly available as part of a searchable online database,<sup>3</sup> which visitors can access free of charge. Adjacent to the database is a code of conduct outlining behavioral standards that registrants are expected to uphold in their interaction with EU officials. However, like its predecessors, the TR is not legally binding. Thus, the question arises why interest groups (broadly defined) choose to sign up to the TR. This is an interesting puzzle as membership numbers have grown constantly since the inception of the TR (amounting to a little over 11,000 individual entries at the time of writing). The TR's coverage of the target population back in 2013 was already estimated at 75 percent for business organizations and 60 percent for non-governmental organizations (NGOs) (Greenwood & Dreger 2013). These are not bad numbers for a voluntary regime, even when accounting for its unusually ambitious coverage: the TR is addressed to any organization or self-employed individual that practices “activities designed to influence – *directly or indirectly* – policymaking, policy implementation and decision-making in the EU institutions, no matter where they are carried out or which channel or method of communication is used” (European Union 2016, emphasis in original).

This article undertakes a systematic exploration of the motivation of interest representatives to join the EU voluntary lobby regulation scheme. Drawing on theoretical insights from compliance studies, we distinguish between instrumental and normative perspectives to explain target behavior. Accordingly, the decision to join the TR can be interpreted, on the one hand, as a function of incentives, and, on the other, as a function of values and social norms (e.g. accepting transparency as a rule of the lobbying game). The analysis draws on 19 in-depth interviews with public affairs managers recruited from various types of stakeholders (i.e. industry organizations, NGOs, trade associations, and consultancies) active in climate policy and tobacco control, currently two of the most contentious (and hence intensely lobbied) fields of EU policy. Additionally, we use statistical data collected in the framework of a 2012 EC-led public consultation regarding the TR.

From an academic perspective, this article adds to a relatively thin body of scholarship that deals with the TR and its forerunners. Existing research has approached EU lobbying regulation in the context of the broader efforts undertaken by EU institutions to open up and structure their engagement with outside interests. Thus, several contributions have highlighted the former ROIR as a distinctive democratic legitimation instrument, whereby the EC began to prioritize the groups' public accountability as the relevant criterion for inclusion in consultative exercises (Greenwood 2011; Smismans 2014). Others have focused on the initial difference in regulatory preferences between the EP and the EC (Greenwood 1998), and highlighted the conditions that eventually allowed the institutions to converge on the same model, as embodied by the TR (Cini 2013). Authors have criticized the schemes pre-dating the TR (particularly the ROIR) because of insubstantial incentives, weak monitoring and enforcement arrangements, and, above all, their voluntary character (Obradovic 2009; Chari & O'Donovan 2011; Kanol 2012). Such damning assessments are also present in comparative studies (e.g. Chari et al. 2010). Importantly, however, the EU seems to fall short mostly in relation to the long-standing and legally binding regimes in the US and Canada. With the European landscape as a reference point, Holman and Luneburg find that the TR is in fact leading the way in a “new wave of strong lobbying regulation” (2012, p. 91) in Europe. Greenwood and Dreger's in-depth assessment gives a mildly optimistic outlook, noting that while the TR has been successful in placing a breadth of information in the public domain, there are “faults of design and nomenclature” (2013, p. 159) that still need to be addressed.

While existing contributions have touched on various significant aspects of the TR, they are mostly silent with regard to the views and experiences of those who, as a target group, are directly affected by this instrument. The little research that exists on this issue, however, shows that lobby professionals have embraced transparency in their activities and support rather stringent forms of regulation. A 2008 survey that compared US and EU professional lobbyists revealed that almost half (49 percent) of EU respondents supported a mandatory regulation system, and nearly three quarters (72.3 percent) would not oppose a move by European institutions to make the system mandatory (Holman 2009). In another survey, which covered the EU as well as national-level European interest representatives, 82 percent agreed that lobbyist disclosure records should be available online, while 61 percent supported mandatory registration for all – leading the authors to conclude that “mandatory *versus* voluntary registration and disclosure of lobbying activity is simply not an area of much dispute – at least not within the lobbying community” (Holman & Susman 2009, p. 48). Other comparative work demonstrates that this support for regulation represents a more general trend. For instance, a relatively recent survey covering OECD countries revealed that 70 percent of lobbyists agreed that transparency should be mandatory for their profession (OECD 2014).

This widespread (but not unqualified) support for regulation is obviously significant in light of the inquiry pursued here, and makes it all the more important to unpack the motivations that might underpin it. However, the existing research does not focus exclusively on Brussels-active groups and is mostly based on data collected before 2011, when the TR was launched. Furthermore, all surveys listed above work with a restrictive definition of what constitutes a lobbyist, as they sample from professional public affairs associations or in-house lobbyists (and, exceptionally, from NGO-type advocates). By contrast, our study builds on more recent data that covers a broader spectrum of stakeholders, thus matching the target population of the TR. Moreover, by combining interviews and descriptive statistics, we are able to discern general trends as well as the more nuanced (social) processes through which actors join and experience lobby regulation. It should be noted, however, that we do not deal here with the question of effectiveness of the TR.<sup>4</sup> Effectiveness (i.e. whether the TR shapes the behavior and performance of EU lobbyists as intended) is a distinct and more complex matter, separate from determining what drives actors to join the scheme in the first place. Findings do nonetheless suggest several implications for the effectiveness of EU lobby regulations, which we outline in the Conclusion.

The article is structured as follows. The first section presents the analytical framework and shows how compliance motivations can be understood in the context of the TR. In the second section, we present our empirical analysis and argue that while motivations for joining the TR are mixed, lobbyists do converge on the importance that membership has for their reputations. Building on this, in the third section we propose that the TR is akin to other “voluntary clubs” (Prakash & Potoski 2007; Prakash & Gugerty 2010) that business (but also non-profit) actors join to improve their public image and earn stakeholder goodwill. The voluntary club framework is helpful because it not only explains why the TR has appealed to lobbyists, but also reveals a number of inconsistencies in its current set-up that undermine the democratic legitimization function that lobbying regulations are supposed to serve. Conclusions will follow.

## The Transparency Register (TR) and motivations for compliance

To explore the motivations of those who join the TR, we take a target compliance perspective. On a general level, the various factors that underpin compliance can be tied to either instrumental or normative perspectives (see e.g. Batory 2012). Thus, observing rules and regulations (irrespective of whether they are legally binding) can be understood either as a function of incentives or as a function of the values and social norms that surround individuals and group-type actors. This distinction echoes broader theoretical debates on the determinants of human behavior, namely between economics-inspired perspectives, which portray individuals as utility maximizers, and sociological explanations, which emphasize the centrality of values and group ties. March and Olsen (1989, 1995, 2006) aptly term this as the difference between the “logic of consequentiality” and the “logic of appropriateness.”

### Normative compliance

The TR represents a voluntary governance instrument, and as such, it is most likely to evoke normative compliance motivations. To be clear, we might expect that in the absence of a legal obligation to register, compliant behavior (i.e. registration) occurs because it resonates with the internalized values of the regulated and/or their sense of obligation as members of the same public affairs community. As Winter and May (2001) and May (2005) show, principled (normative) compliance can be of a general kind, based on people accepting the legitimacy of the regulator to impose regulations (irrespective of their content), or more specific, based on judgments regarding the “wisdom” of the regulation (i.e. people comply because they believe a genuine problem exists and authorities propose the right kind of intervention toward it).

There are reasons to expect that the TR might generate both general and specific normative compliance. As documented in the previous section, there is ample evidence that interest representatives – in the EU as elsewhere – have accepted that lobbying activities should be regulated, and favor transparency (through the creation of public registers) as a way to do that. It is also likely that European institutions are acknowledged as the right regulators for this task. It is significant, in this respect, that the two principal representative associations for public affairs professionals in Brussels, the Society of European Affairs Professionals (SEAP) and the European Public Affairs Consultancies Association (EPACA), both of which operate self-regulation instruments that pre-date the TR, now

recommend their members to join the latter.<sup>5</sup> And finally, the institutions themselves have made an effort to communicate registration as the socially desired and expected behavior. For instance, during the launch of the TR in 2011, former Commissioner for Interinstitutional Relations and Administration, Maroš Šefčovič, declared:

*All organisations, whether trade and professional associations, NGOs, think tanks or others who have nothing to hide will be in the register and will provide the public and the institutions with information about their work. All those who are not in the register will have to be asked why they can't be transparent - and they will see their daily work made more difficult by not being registered. (European Commission 2011)*

By highlighting transparency (“all...who have nothing to hide”), a value-based appeal was made, reinforced with the thinly veiled threat that those who fail to conform will face repercussions. All of these elements show that a normative “duty” to sign up to the TR might apply to lobby players active on the Brussels scene.

### Instrumental compliance

On the other hand, instrumental motivation can also underpin compliance with voluntary regulation regimes. In the absence of legal sanctions, alternative incentives can be used to alter the targets’ cost–benefit analyses and make it profitable for them to comply. For instance, financial inducements in the form of tax exemptions, subsidies, or specific public procurement practices have successfully been used by various governments to encourage firms to adopt socially responsible corporate policies (Steurer 2010).

In the case of the TR, instrumental compliance can potentially be sustained by a comprehensive package of privileged access opportunities to both information and decisionmakers, which is exclusive to actors who join the system. Table 1 provides an exhaustive list of the access benefits associated to registration. It also includes (in italics), additional incentives proposed in a recent (2016) draft for a new IIA for the TR, issued by the EC. The most important feature of this new draft is the participation of the Council of the EU (Council) in the TR.

While some of the incentives listed in Table 1 do not translate into substantial advantages for lobbying actors, others are far more convincing. It can be argued that free access to EP premises, the possibility to meet with officials at the highest echelons of the EC, and access to EC expert groups and EP committee hearings are of vital importance for undertaking practical lobby work at EU level. Therefore, at least some of the access incentives listed could accurately be described as (steep) costs that groups must incur for opting out of the TR. This has certainly been the angle taken by the EC, which has resisted calls for a legally binding TR by arguing that in its current shape, it is already indispensable for interest representatives (see Šefčovič 2014).

**Table 1** Access incentives in the Transparency Register

The European Commission	<ul style="list-style-type: none"> <li>• Meetings with Commissioners, cabinet members, and Directors-General.</li> <li>• Automatic alerts upon opening public consultations; public consultation submissions by non-registered entities are treated as having equal weight to those of individual citizens.</li> <li>• Membership in expert groups.</li> <li>• Inclusion on mailing lists set up to inform or alert stakeholders about certain Commission activities or initiatives.</li> <li>• Granting of patronage to events organized by stakeholders.</li> </ul>
The European Parliament	<ul style="list-style-type: none"> <li>• Long-term access passes to EP premises.</li> <li>• Participation as speakers in EP committee hearings.</li> <li>• <i>Granting of patronage to events organized by stakeholders.</i></li> <li>• <i>Meetings with Members of the European Parliament (MEPs), the Secretary-General, Directors-General and Secretaries-General of the political groups.</i></li> <li>• <i>Hosting of events on EP premises.</i></li> <li>• <i>Automatic notifications about EP activities.</i></li> </ul>
The Council of the European Union	<ul style="list-style-type: none"> <li>• <i>Meetings with the Ambassador of the current and forthcoming Presidency, as well as their deputies in COREPER, the Council's Secretary-General, and the Directors-General.</i></li> <li>• <i>Automatic notifications about the activities of the Council</i></li> </ul>

COREPER, Committee of Permanent Representatives; EP, European Parliament; MEPs, Members of the European Parliament.

Nonetheless, being on the TR is not devoid of costs. Although most of the information required from registrants is relatively benign, declaring lobbying expenditures can be a logistical challenge, a fact adequately reflected by the relatively lengthy explanations on the subject featured in the *Implementing Guide of the Transparency Register* (see Joint Transparency Register Secretariat [JTRS] 2015a). Furthermore, at least for some types of actors, the provision of financial information represents a potential liability. Public affairs consultancies are a case in point, as they are required to declare their full client list and (in bands) the income received from each of them, a fact that can affect their competitiveness and market share.

Furthermore, by signing up to the TR, actors expose themselves to the possibility of sanctions in case they break the code of conduct or fail to correctly fill in and update their TR profiles. The range of sanctions is rather limited, consisting of removal from the TR and loss of corresponding privileges for a period of time decided by the JTRS on a case-by-case basis (the maximum is two years), but always with a possibility to re-register if problems are solved.<sup>6</sup> However, sanctions can acquire substantially more bite if coupled with bad publicity, as the cautionary tale of the *GPlus* consultancy has shown.<sup>7</sup>

### Reputation-based (hybrid) compliance

Finally, compliance can also be sustained by reputational concerns. In this case, actors comply not because of their internalized values or the material incentives to which they are exposed, but rather because they care about the evaluative judgments made by others concerning their behavior (see e.g. Posner 2000; Guzman 2002). A relevant example of a soft governance tool where reputational incentives are used is the EU's own Open Method of Coordination, which aims to induce policy change at member state level by organizing peer review and benchmarking exercises that open the possibility for naming-and-shaming laggards (see Borrás & Jacobsson 2004; Thoniat 2010). Reputation-based compliance can be considered a hybrid category, where actors behave as both calculating individuals and social participants, acting on societal expectations and prescriptions regarding their behavior, while being aware of the costs and benefits of (not) doing so.<sup>8</sup>

Being in the TR can bring certain reputational benefits. Significantly, “demonstrating strong commitment to openness” and “showing allegiance to a code of conduct” are listed on the TR website as “good reasons to register” (European Union 2016). This appeal to demonstrate one's good standing by joining the TR would not fall on deaf ears considering the growing controversies surrounding Brussels lobbying in recent years. Suffice it to point out that lobbyists have found themselves at the heart of several spectacular scandals, such as the so-called “cash for amendments” affair in 2011, where three MEPs were proven to have accepted payment from journalists posing as lobbyists (*Journalistic spoof*, 2011), or the resignation of Heath and Consumer Policy Commissioner John Dalli a year later over improper dealings with lobbyists and suspicions of influence peddling (Dunmore 2012).

Events such as these, and their fallout, are likely to have rendered interest representatives more conscious of their reputations, which could in turn make registration appealing as a way to demonstrate one's good conduct in lobbying. Such signaling would target a varied audience: the European institutions (that were explicit in their expectation that everyone signs up), other groups and interests in the EU ecosystem (that represent potential lobby adversaries, allies, or – in the case of consultancies – clients), and, finally, watchdog groups and media outlets (and the general public), all of whom demonstrate increased interest in and wariness toward the EU lobby. In fact, in recent years, noteworthy policing activity has been undertaken by this latter sector, with Politico Europe – a newer (2015) and more aggressive arrival on the EU media scene – frequently running lobby stories, including a weekly segment entitled “Additions to the EU Transparency Register.” For their part, NGO watchdogs, in particular under the umbrella of the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU), have not only persistently advocated for stronger lobby regulation, but have also issued reports identifying lobbying actors that had failed to register by name (see e.g. Alliance for Lobbying Transparency and Ethics Regulation [ALTER-EU] 2013, 2015). This increased publicity around registrations has arguably increased the reputational stakes of joining the TR, pushing reluctant actors to sign up lest they should be publicly singled out for operating below the radar. Such considerations are all the more salient for interests that already have a negative public image (e.g. controversial industries), and for actors – such as public affairs consultancies – whose business models crucially depend on being in good standing with EU institutions.

To conclude, conditions exist for EU lobby actors to join the TR on both normative and instrumental grounds. While we can conceptually differentiate between these different compliance motivations, in practice they are not mutually exclusive – on the contrary, they can co-exist and interact with each other.<sup>9</sup> Accordingly, our purpose in this analysis is not to ascertain whether EU lobbyists are following instrumental or normative perspectives when joining the TR, but rather to use these conceptual categories as a heuristic device to classify the kind of justifications invoked vis-à-vis the decision to register.

## Methodological note

As indicated in the Introduction, our analysis draws on semi-structured interviews with representatives from different types of stakeholders active at EU level in climate change and tobacco control policy. Both represent highly contentious fields, and were chosen because the pronounced conflict on substantive policy makes it more likely that groups will use every means available in their lobbying confrontations, including a procedural issue such as the TR. While the negative consequences of climate change and tobacco consumption, respectively, are broadly accepted, stakeholders in both fields disagree on the type and extent of regulatory interventions necessary to tackle those problems. To provide a recent example, the negotiations around the EU's 2030 Climate and Energy Strategy, which was adopted in 2014, pitted industry representatives – most of whom advocated for a single EU-wide emissions reduction target – against environmental NGOs that considered the single target insufficiently ambitious and potentially ineffective, asking instead for additional distinct targets for renewable energy and energy efficiency (Fagan-Watson *et al.* 2015). In similar fashion, the revision of the EU Tobacco Products Directive between 2012 and 2014 revealed irreconcilable differences between industry and health groups over issues such as plain packaging (i.e. removal of brand images, logos, promotional elements from the package), display bans for tobacco products at the point of sale, and the regulation of e-cigarettes, the effects of which on human health are far more uncertain compared to classic tobacco products (Alemanno 2012). Both fields are therefore characterized by the presence of entrenched “battle camps” with well-resourced and powerful corporate actors on the one side, and smaller but highly active NGOs and consumer groups on the other side. Corporations such as Shell, British Petroleum, and ExxonMobil face off against NGOs like Greenpeace, the World Wildlife Fund, and Friends of the Earth Europe. Similarly, in the area of tobacco control the likes of Philip Morris and British American Tobacco are pitted against public health NGOs such as ASH, the Smoke Free Partnership, or the European Heart Network.

Additionally, according to data from the TR, climate policy and public health (the EU policy area where tobacco control measures are included)<sup>10</sup> are both subject to greater lobby activity by comparison to the general population. As Table 2 shows, in both areas, significantly larger percentages of stakeholders have set up a Brussels office, report higher annual lobbying expenditures, and have more employees with EP access badges.

The selection of interviewees was based on maximum variation sampling, a technique whereby a relatively small number of participants are picked to represent all important dissimilar types present in the wider population (Weiss 1994; Patton 2002; Rubin & Babbie 2009). A maximum variation sample permits generalization precisely because it contains very dissimilar cases – the logic being that any common patterns that emerge from a highly heterogeneous group would hold for the wider population as well (Weiss 1994; Patton 2002). Maximum variation samples are significant because they display the same variation as what we might find in the general population, but without reproducing the exact distribution of that variation (Seawright & Gerring 2008, p. 297).

**Table 2** Lobbying intensity in the EU climate action and public health fields

Policy fields	Total registrants (as of December 2015)	Registrants with Brussels office	Registrants with high lobbying expenditure (≥ 500,000 EUR per year)	Registrants with three or more EP access passes
Climate action	2,479	1,152 (46%)	336 (14%)	437 (18%)
Public health	2,077	1,053 (51%)	270 (13%)	390 (19%)
TR general population	6,674	2,656 (40%)	600 (9%)	881 (13%)

EP, European Parliament; EU, European Union; TR, Transparency Register.

In this case, to the extent possible, we aimed to select participants from each category of registrant listed in the TR and arrive at a more equal representation of those categories than the percentages present in both the general population and the EU climate policy and public health fields (Table 3). We focused on type of registrant because it represents the most likely dimension along which differences of views regarding the TR might appear, given its unusually diverse membership by comparison to lobby registers elsewhere.

Concretely, for climate policy, two participants each from categories I through IV and VI were chosen after performing a search on the TR website for groups that declared “climate action” among their interests. Category V was excluded because of the low number of organizations representing churches and religious communities active in this field. For tobacco policy, we have a more uneven distribution, with four participants for category II, three for category III, and one group each for categories I and IV. After searching the TR with a series of relevant keywords (“tobacco,” “cigarettes,” “smoking” etc.), we did not find any meaningful entries under categories V and VI.

All stakeholders included in the sample were based in Brussels and had recently been involved in significant lobbying campaigns in their respective fields. All had been in the TR since at least 2012, with some carrying over their ROIR registrations from 2008. Interviews were carried out with representatives of the selected groups, who were in charge of public affairs or governmental relations, under the assumption they possessed in-depth knowledge of the topic. The interviews took place between November 2014 and December 2015 in Brussels, Belgium.

In conclusion, our sample comprises diverse types of lobby actors, all well established in Brussels, active on controversial and intensely lobbied policy matters, and presumably well acquainted with the TR. For the reasons elaborated, these characteristics make it more likely that EU lobbying regulations have salience and elicit a diversity of responses among interviewees. Findings can therefore be extrapolated to the broader population of the TR, but limitations exist. This maximum variation sample is obviously less relevant when it comes to lobby actors who are not fully engaged on the EU scene, or are active in less disputed or lobbied policy matters. Furthermore, because of the relatively small number of interviews, it is not possible to isolate the individual impact of certain factors (e.g. it is not possible to say whether being a business or an NGO lobbyist differently shapes one’s motives for joining the TR).

### Signing up to the TR: Values, access, and reputations

This section explores the motivation of groups to sign up to the TR. Drawing on interviews – all of which were recorded, transcribed, and analyzed with the aid of specialized software (ATLASTi) – we focus on inductively identifying the most commonly invoked arguments for the decision to sign up to the TR. In what follows we present them, and subsequently try to map these patterns of justification onto the analytical categories of normative and instrumental compliance, outlined in the previous section. Interviews are anonymized, and hence respondents are referenced according to the type of organisation represented (NGO 1, NGO 2, Trade Association 1 etc.).

The interview data shows that the decision to register is primarily discussed in terms of principled beliefs and reputational concerns. Some respondents (Trade Association 4, In-house lobbyist 1 and 2, Consultancy 3) expressed support for the principle that lobbying activities need to be regulated. Closely related, others expressed the conviction that there is an obligation to abide by whatever rules of engagement the EU institutions set up:

*[I]f [...] the rules are being agreed by the institutions, and you want to actually engage with those institutions, it’s very normal that you abide by the rules that they actually put in place. (Trade Association 3)*

This notion of “playing by the rules” and “playing the game” was a common thread among interviewees. Consider the following quotes:

*It’s about values... transparency is one of them... it’s kind of a duty to be on it. (NGO 2)*

*When you’re a big, established organization as we are, you cannot just refuse to play the game. (Trade Association 1)*

**Table 3** Type of registrants in the EU climate action and public health fields

Policy fields	Total registrants (as of December 2015)	I. Representatives of professional consultancies/ law firms/self-employed consultants	II. In-house lobbyists and trade/professional associations	III. Non-governmental organizations	IV. Think tanks, research and academic institutions	V. Organizations representing churches and religious communities	VI. Organizations representing local, regional, and municipal authorities, or other public or mixed entities
Climate action	2,479	300 (12%)	1,319 (53%)	531 (21%)	184 (7%)	16 (1%)	129 (5%)
Public health	2,077	282 (14%)	946 (46%)	564 (27%)	162 (8%)	10 (0.5%)	110 (5%)
TR general population	6,674	673 (10%)	3,582 (54%)	1,680 (25%)	426 (6%)	43 (%)	279 (4%)
Interviews	19	3	6	5	3	—	2

EU, European Union; TR, Transparency Register.

*We obviously have to play by the rules... and [the TR] was a new rule, even if a voluntary one... it was never even a question to join... we're one player in the ecosystem, and if that ecosystem gives itself that rule for engagement... then we play by the rules. (In-house Lobbyist 1)*

The desire to “play by the rules” was in some cases underscored by pressure coming from the institutions (in particular the EC), which were “pushing hard” for registration. (Consultancy 1; Think-tank 1)

Furthermore, registering was also described as a “natural” choice because it aligned with the groups’ own organizational values and practices. For instance, one multinational company remarked that it had been subject to the mandatory scheme in Washington for decades, and therefore signed up to the TR as “it forms part of the company culture to be open and transparent about those things.” (In-house lobbyist 3) Similarly, another respondent remarked:

*We're a public health organization, as such we are fundamentally dedicated to the public interest, and one of our core principles is transparency, so it's perfectly in line with our values and principles. (NGO 3)*

Closely related, membership in the TR can also serve as a means to publicly show one’s commitment to transparency and deflect negative stereotypes regarding lobbying (Trade Association 1, Think-tanks 1 and 2, Regional organization 2, NGO 1, NGO 4). As one interviewee explained, a minimal “stamp of legitimacy” is acquired by joining the TR:

*I'm not saying that everyone on the Register really is always honest or whatever, but at least it's a stamp of legitimacy in a sense that you have been approved to conduct business legitimately, that you've provided enough information, in theory, that satisfies the guidelines of the Register to be a legitimate stakeholder on a given subject. (NGO 4)*

Given this reality, many actors (Consultancy 1 and 2, In-house lobbyist 1, Trade Association 1, NGO 2, Think-tanks 1 and 2) explained that not signing up carries negative consequences for one’s reputation and was therefore not a viable option. For example:

*[I]f you're not on it, it doesn't look good [...] you don't want to be effectively blacklisted because you have people thinking you're a bit dodgy. (Consultancy 2)*

And reputation is an important asset on the Brussels lobby scene – most participants deemed it to be one of, if not the most important aspect of continued success in the EU “bubble.” The following quote encapsulates this sentiment well:

*Brussels is small... very small... building relationships with the right people is very important...you can't build those relationships if people don't like or trust you. (Consultancy 2)*

Finally, there were also a number of respondents (Trade Association 1, Regional Organization 1, NGO 4, NGO 5) who recognized that being on the TR had implications for their access to policymakers – although they did not necessarily list this as a primary reason for registering:

*...it's also good for access because, come to think of it, recently I wanted to chase an MEP or their assistants, and being on the Register allowed me to enter the Parliament as such, and I literally was able to knock on their door, which I would not have been able to do as an external party. (NGO 4)*

It is important to note that while most interviewees could recollect some instances where they had been asked about their registration status before meetings with public officials, or visits to EP headquarters, they do not experience this as a regular practice. Some attested that such checks have only become more frequent in recent years (NGO 3, In-house lobbyist 3, Trade Association 4), while others (NGO 1, NGO 2, Regional Organization 2) see them as a consequence of new restrictions implemented by the EC as of December 2014, whereby those in the high-level hierarchy should not meet with unregistered actors.

What does this tell us about the motives that lead interest representatives to join the TR? The interviews show that while access and information incentives do play a role, actors are more inclined to evoke normative language when describing their participation in the scheme. To return to the categories identified by Winter and May

**Table 4** Motivations for joining the Transparency Register

Question item	Answer item (more than 1 choice possible)	No. of respondents who selected the answer item (out of a total of 233)
<i>Incentive-based motivation</i>		
Why did your organization register in the Transparency Register?	To be eligible for EP badges	154
	To be alerted when public consultations are opened	178
	To be alerted when roadmaps are published	162
<i>Value-based motivation</i>		
Do you think that appearing in the Register reflects positively on your organization?	Wish to be open/public about participation in EU decisionmaking process	217
	Wish to conduct our activities in a transparent, ethical manner	206
	Other	27
	Yes 218 (93.6%)	No 15 (6.4%)

EP, European Parliament; EU, European Union.

(2001) and May (2005), normative compliance was expressed in interviews in *general* terms (i.e. the desire to “play by the rules,” and the acknowledgement that EU institutions have a right to set these rules), as well as *specific* terms (i.e. the support for transparency as a value in public life, and the belief that lobbying should be regulated). The unifying theme, however, seems to be concern for one’s reputation. Transparency is clearly a widely accepted norm for conducting lobbying activities at the EU level, and signing up to the TR represents a way to show allegiance to this norm.

To complement the findings presented above, in the remainder of this section we analyze data from a public consultation on the TR, run by the EC in 2012. Although the EC carried out a similar exercise more recently (in 2016), this earlier consultation is the only one that included an explicit question regarding the respondents’ motivation to sign up to the TR. Thus, this data is directly relevant to our research question, and allows us to verify whether the justification patterns revealed in interviews are also present when surveying the larger population.

Table 4 shows the results of a question where respondents were asked to choose from a drop-down list of reasons for joining the TR (more than one choice was possible). Some of the answer items are indicative of instrumental motivations (i.e. to be eligible for EP badges; to be alerted of upcoming public consultations and roadmaps, respectively), while others are indicative of principled motivations (i.e. desire to be open/public about one’s participation in the European policy process, and to conduct activities in a transparent and ethical manner). Out of 252 valid answers, only 19 were given by respondents who were not registered in the TR (hence these answers were excluded from the sample as irrelevant).

The data offers a relatively balanced picture. Perhaps unsurprisingly, the vast majority (89 percent) of respondents chose a combination between the two types of answers, with 45 percent mentioning all five of the substantive answer items. It is notable that value-based reasons were evoked somewhat more frequently than instrumental ones. It is also very significant that nearly 94 percent responded that they believed being in the TR reflected positively on their organization. Considered with the interview data, this confirms the importance that the TR stamp has for the reputation of Brussels lobby actors.

In conclusion, the empirical data shows that the decision to join the TR relies on a motivational mix. But while the concrete access advantages associated with TR registration are appealing, interest representatives place perhaps a higher value on the symbolic significance of being in the TR.

## The TR as a voluntary club

The previous section has demonstrated that, contrary to the tone of the public debate, interest representatives do not oppose lobbying regulations, but rather welcome them as a way to legitimize their activities as a normal and valuable part of democratic policymaking. In this context, the voluntary nature of the TR allows actors to use their participation in the scheme to signal their good standing and integrity, and differentiate themselves from the “bad” lobbyists whose refusal to register is interpreted as having “something to hide.”

The centrality of reputational concerns indicates that the TR can be viewed as a so-called “voluntary club.”<sup>11</sup> Voluntary clubs are – usually – private regulatory schemes that target for-profit actors (firms) and have as an objective their engagement in socially responsible behavior that goes beyond what is legally required. The principal gain they provide, which induces members to implement otherwise costly measures, is the good reputation of being associated to the program “brand.” Brand affiliation represents a club good (hence the label “voluntary club”) because it is non-rivalrous (i.e. it can be simultaneously enjoyed by club members without being diminished) and excludable (i.e. it cannot be appropriated by outsiders). The program brand is a credible signal for the firms’ stakeholders (who cannot monitor the firms’ performance or verify their claims on their own), and hence, associating with the brand comes with a number of rewards ranging from stakeholder goodwill to (long-term) financial gains. The voluntary club perspective has been used extensively to analyze programs in the areas of environmental protection (Potoski & Prakash 2005; Prakash & Potoski 2006) and health, safety, and labor standards (Bartley 2009; Conzelmann 2012), among others. While voluntary clubs are usually sponsored by industry associations, NGOs, or international organizations (or a mixture thereof), they also represent a useful tool for governments in areas where no established legal mechanisms exist, because of either a lack of feasibility or weak political will.<sup>12</sup>

Through this analytical lens, the TR can be understood as a voluntary club sponsored by EU institutions. Alongside preferential access to information and to decisionmakers, registrants receive (non-rivalrous and excludable) branding benefits in the form of a “seal of approval” regarding their legitimacy as lobby actors. In exchange, they are asked to put their lobbying information in the public domain and agree to abide by the rules specified in the code of conduct. These represent costs because it takes logistical effort to collect and update the required data and, more importantly, registrants expose themselves to public scrutiny. Like any voluntary club, the TR is a mechanism for organizing collective action toward the realization of a socially beneficial outcome – namely, better behavior in lobbying, and a body of publicly available information on the topic, both of which presumably facilitate more democratic legitimacy and citizen trust for the EU political system as a whole. As such, the TR is similar to other voluntary programs where transparency (and hence increased opportunities for accountability) represents core outputs, like some of the so-called “accountability clubs” non-profits join to distinguish themselves from fraudulent counterparts (see e.g. Tremblay-Boire *et al.* 2016), or multi-party global sectoral programs like the Extractive Industries Transparency Initiative (see e.g. Haufler 2010; David-Barrett & Okamura 2016).

Conceptualizing the TR as a voluntary club suggests that its success – such as it is – is traceable not to an expanding access conditionality primarily (whereby policymakers attempt to approximate a legally-binding regime), but rather to the reputational benefits actors derive from membership. This is a significant insight that is not present in the contemporary reform debates, but can inform the process in substantial ways (we elaborate on this in the Conclusion). At the same time, the perspective of the voluntary club exposes two important weaknesses of the TR that demonstrate the severe limits of organizing a system of lobby regulation in this manner.

Firstly, the credibility of the TR is challenged by the fact that the EU institutions act simultaneously as club sponsors and principal targets for the reputational signals sent by interest representatives through their membership in the scheme. The problem is one of credible commitment, as this set-up essentially requires the institutions to police themselves in what concerns lobbyist interactions. Vibert (2007, 2008) noted a similar “credible commitment” problem for NGOs’ codes of conduct: because these are self-regulatory instruments, how can interested third parties be assured that participant NGOs will reliably abide by the code provisions? Similarly, because the TR is voluntary, how can we be assured that EU officials will respect its access conditionality (i.e. interact only with registered groups), and, more generally, accept registration as a reputation mark? So far, only the EC has found an answer to this dilemma, by updating its internal regulations with two decisions issued in November 2014, whereby Commissioners, their *cabinets*, and Directors-General were obliged to publish meetings held with

interest representatives on their respective web pages. A further *Communication on the working methods of the European Commission 2014–19 (C(2014) 9004)* indicated that, as a rule, Members of the EC should not meet with unregistered actors. But there are no similar provisions for the EP, and it should not be taken for granted that they will follow. It is telling, in this regard, that Vice-President Timmermans' call for the EP to follow suit in declaring meetings with lobbyists has been countered with arguments regarding the (superior) legitimacy conferred on MEPs through popular vote (Mahony 2015).

The second and more significant challenge is that while actors may sign up to the TR to demonstrate their good standing as lobbyists, the actual experience of being registered can prove discordant or even undermine this initial objective. This is because unlike classic voluntary clubs, where members join together to improve their collective (industry-wide) reputation (Conzelmann 2012), the TR has a very heterogeneous membership, incorporating actors who regularly find themselves on opposing sides in EU lobby contests. Thus, they have an incentive to use the information disclosed through the TR in the context of these confrontations, leading to a situation where the TR is simultaneously used for reputation-building and adversarial contestation.

This dynamic is most clearly illustrated by the use of financial data as evidence for the dominance of corporate interests in the EU policymaking processes. This represents common practice for watchdog-type groups (see e.g. Corporate Europe Observatory 2014, 2015) and can be used by NGOs as a strategic advantage in lobby contests, as illustrated by one of our interviewees:

*I was trying to make a point about how much money the tobacco industry spends so I added up the money spent by the big four companies just to make a very quick point – there was no particularly scientific method about it, it was just – look, at a ballpark figure they spend 7.5 million in a year to lobby, and we spend 10% to 5% of that. (NGO 3)*

If the civil society claim is that they are out-numbered and out-spent by business interests, the latter in turn point to the heavy funding that NGOs receive from EU institutions. As one respondent explains:

*[T]he problem that the Commission in particular has, is that it funds NGOs who then lobby it, and that is full-stop a problem. [...] So the role of government is to look at the issues and trade-offs and decide how you deal with several different priorities at the same time. And that's difficult to do if you're funding one side of the equation and not the other. (Consultancy 1)*

The implication here is not only that the NGOs can function as mouthpieces for the EC, but also that the institutions themselves might nurture a bias against the industry.<sup>13</sup> While the substantial arguments revolve around financial aspects, it is significant that this mutual contestation has a strong moral tone, where business actors feel they are (unfairly) portrayed as “the bad guys.” For instance:

*They [NGOs] do sometimes push the envelope too, and that's frustrating because they position themselves as being “holier than thou” and we are “the devil incarnate” – a total caricature – and the reality is actually quite different. (Consultancy 2)*

*I almost see it as if you have an industry of NGOs being against corporate interests, so it's more of an ideological question – they don't like corporate, they don't like us to earn money because they see us as bad people earning money. (In-house lobbyist 2)*

It is of course not surprising that non-profit actors primarily use TR data for public monitoring purposes – it is an accountability instrument meant to enable exactly this type of scrutiny. The problem is that these dynamics are at odds with its voluntary nature. After all, actors who joined the TR and disclosed their data to demonstrate that they “play by the rules” might rightly expect to derive reputational benefits (not losses) out of such a decision, precisely because they could have chosen not to join it. But the way in which the released information is interpreted and consumed in the public domain can lead to a deterioration of one's public image, as being a resourceful lobby actor seems to automatically trigger suspicion. This point is well illustrated by the following reasoning offered by an interviewee regarding the optimal number of EP access badges for his organization:

*But now if we would decide that we would want to get everyone in the office an EP access badge, even if you go into the Parliament once every so often, but we would want to give them that administrative luxury, which is*

*technically possible – well, we're basically not doing it because it could be conceived as being a mega-lobbyist and you are competing with organizations like Burson-Marsteller, Weber Shandwick... and suddenly you are seen as this negative entity. (NGO 1)*

In conclusion, while registration does gain all actors a minimal “stamp of legitimacy,” some experience more scrutiny than others, and because of sweeping generalizations that equate material resources to (undue) lobbying influence, some (but not others) sustain penalties in terms of public image. This creates a perceived lack of fairness.

## Conclusion

This article has explored what motivates interest representatives to sign up to the TR, an EU-level voluntary lobby regulation scheme. The design of this instrument, as well as the manner in which it was publicly communicated, shows that the decision to join may rest on both normative and instrumental motives. Based on the analysis of interview and public consultation data, we conclude that while both types of motivation play a role, normative language is more frequently used when discussing the TR. We also conclude that actors emphasize the value that membership has for their reputations within the Brussels public affairs scene.

The fact that reputation weighs so heavily as a motivational driver for compliance with EU lobby regulations suggests that the system can be framed as a publicly sponsored “voluntary club.” This theoretical perspective helps us understand the relative success of the TR, but also reveals inherent contradictions. On the one hand, EU institutions face a credible commitment problem as the voluntary nature of the TR means that they do not “bind their own hands” with regard to lobbyist interactions. This is an interesting aspect with broader relevance. Government-sponsored voluntary clubs have been criticized before as a weak, unambitious alternative to authoritative regulatory intervention (see Fiorino 2009). This case study suggests an additional problem – the incapacity of the regulator to guarantee differential treatment for club members – which represents a different kind of credibility challenge from what is generally discussed in the literature on voluntary clubs.

On the other hand, our research has also shown that using the TR to simultaneously affirm one's own reputation and contest that of lobby opponents does not sit well with the voluntary club logic, where everyone expects to derive benefits from their membership. This is also a significant issue, as it shows that being a compliant club member may not be enough to enjoy reputational perks. It seems crucially important, especially for transparency-focused clubs, how the disclosed information is translated into the public sphere and processed by interested stakeholders. The TR exemplifies a paradoxical situation where an instrument meant to legitimize lobbying by demonstrating that there is “nothing to hide” is just as likely to contribute to further problematization of this activity.

Our research has only covered stakeholders who are already in the TR, and who therefore are more likely to have a positive take on this instrument. Actors who are not registered might have a different view – for instance law firms, which can and do provide public affairs and representation services, have long argued that depending on national jurisdiction, client confidentiality rules prevent them from joining the TR (Council of Bars and Law Societies of Europe [CCBE] 2012).<sup>14</sup> Further research should therefore be conducted to determine why lobby actors choose not to join the TR, or why they might delay the decision to do so. This will give us a more nuanced understanding of how useful the various elements of the TR are in stimulating registration.

With this limitation acknowledged, our results are in line with previous findings in the specialized literature, which show that lobbyists support the regulation of their profession because of its perceived potential to augment negative public perceptions (see in particular Holman & Luneburg 2012). This article has further demonstrated that a publicly sponsored voluntary regime, although it speaks to this motivation, presents other shortcomings that make it unsuitable as a long-term solution. Therefore, from a broader EU perspective, the TR remains of limited usefulness as a model to emulate in other jurisdictions.

Our research also has concrete implications for reform. The TR is currently built as an incentive-based system where, in exchange for disclosing their lobbying information, registrants are rewarded with competitive advantages in terms of preferential access to decisionmakers and to policy-relevant information. But, the voluntary club perspective presented here suggests that such access incentives might be less effective compared to improving the

TR “brand,” because the reputational gains associated to registration are what lobby actors primarily care about. In this connection, the specialized literature (Prakash & Potoski 2007; Prakash & Gugerty 2010) highlights two aspects that define the credibility of voluntary club brands. Firstly, the club standards (i.e. the requirements for joining the club) signal the costs incurred by members to go above the minimum that is legally required – hence, the more stringent the standards, the higher their efforts, and the more credible the club. Secondly, monitoring and enforcement structures indicate the extent to which shirking behavior (i.e. members enjoying the benefits of the club without meeting its required standards) is curbed. The stricter these arrangements, the more credible the club.

Room exists to enhance the voluntary TR on both these dimensions. Higher standards most visibly translate into expanding disclosure requirements. Apart from lobbying expenditure (which is currently covered), specific information regarding lobbying targets and objectives could – in theory – significantly advance the public’s understanding of what interests are being pursued in Brussels, by whom, and through what means. US and Canada might serve as best practice models in this regard (see e.g. OECD 2014). On the other hand, the monitoring and enforcement arrangements are a more pressing matter, as the TR is notorious for containing unreliable information. This weakness has been acknowledged by the EU institutions themselves (European Commission 2015) and is plainly illustrated by the latest available data, which shows that almost 78 percent of the entries verified in 2015 were found to be non-conformant (JTRS 2015b). The problem is one of administrative capacity rather than institutional design. Namely, while the JTRS can initiate checks both on its own initiative and in response to external alerts, it is understaffed and hence it cannot cover the high number of entries in the TR. Nevertheless, increasing capabilities and performance in monitoring and enforcement activities is essential for keeping the reputational promise of the TR, such as it is. If the instrument is perceived as degenerating into a “transparency wash,” actors will likely be uninterested to join or indeed remain part of the scheme, as it can no longer provide them with a credible “stamp of legitimacy.”

The latest proposal of the EC for a new IIA on the TR (European Commission 2016) contains several provisions, which, if adopted, could lead to improvements in both data quality and enforcement practice, ultimately boosting the credibility of the TR as a voluntary club. Concretely, the 2016 draft IIA provides for an a priori quality check mechanism (see Art 6 and point 3 of Art 9), whereby future registrants would submit their data and supporting documentation to be screened for “eligibility” by TR staff before being granted a public profile on the TR.<sup>15</sup> Equally significant, a recourse mechanism for dissatisfied registrants is created through the proposed establishment of a Management Board (consisting of the Secretaries-General of the three participating institutions) which, among others, can review sanctions imposed by TR staff. On the downside, the draft IIA is very vague regarding the resources to be allocated for managing the new TR, hence one might speculate that the JTRS will continue to be chronically understaffed and consequently unable to effectively police the system, which would render the proposals outlined above much less significant.

This being said, the major innovation in the proposed reform package is the extension of access conditionality to the Council, and within the EP, as detailed in Table 1. Therefore, contrary to the “mandatory” label used by the EC to describe this newest proposed incarnation of the TR, the reforms represent more of a continuation of the current conditionality regime rather than a departure from it. Any conclusions based off the 2016 draft IIA must necessarily be tentative, as interinstitutional negotiations are ongoing at the time of writing, hence things are likely to change. But it does not seem likely that the new TR will be a legally binding instrument, especially given the Council’s reservations, as stated in its negotiating mandate (see Council of the EU 2017). This means that the contradictions discussed here regarding credible commitment and mutual contestation will remain and continue to undermine the TR.

Ultimately, keeping the voluntary nature of the TR works against the democratic legitimization of the regulator (i.e. the European institutions). As mentioned in the Introduction, lobby regulation – in the EU as elsewhere – rests on the premise that opening up the “black box” of decisionmaking to the public eye will boost citizens’ trust in the political system by proving that officials (and lobbyists) have “nothing to hide.” However, because the TR is non-binding, it does in fact allow for some things to stay hidden. For its critical observers, this has always seemed to be more important than the “full half of the glass,” as it were. The TR is essentially a symbolic policy – the kind that is adopted “because there is a need to *be seen* to be doing something” (Hill & Hupe 2002, p. 140),

and where consequently perceptions are as (or maybe even more) important than actual effectiveness. Accordingly, a traditional command-and-control regulatory model is perceived as being the more serious (effective) option. The current one – simply by virtue of its voluntary character – denotes a lack of willingness to truly engage with the EU's lobby problem.

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## Notes

- 1 The 12 EU member states are: Austria, Croatia, France, Germany, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovenia, and the United Kingdom (Grosek & Claros 2016).
- 2 IIAs can be signed between two or more EU institutions on a variety of subjects that pertain to their working relationship (e.g. budgetary matters, legislative decisionmaking, comitology). IIAs can be legally binding for the participating institutions, but do not carry legal obligations for third parties.
- 3 <http://ec.europa.eu/transparencyregister/public/homePage.do>
- 4 For a discussion on the perceived effectiveness and sustainability of EU lobbying regulations, see Bunea 2017; for analyses of the effectiveness of similar schemes in other jurisdictions, see, for example, Ozymy 2010, dos Santos & da Costa 2014, Thomas & LaPira 2017.
- 5 The SEAP code of conduct includes an explicit recommendation to register in the TR (SEAP 2016). Eighty-eight percent of the members of the EPACA are in the TR (EPACA 2017).
- 6 If the problem relates to incomplete or inaccurate disclosure, offenders are first given a chance to remedy their TR entries, whereas for demonstrated breaches of the code of conduct, removal is automatic.
- 7 In 2009, the *GPlus* public affairs consultancy suffered a reduction in its client base after refusing to declare three of their clients who has asked to remain anonymous in the then Register of Interest Representatives (Greenwood & Dreger 2013, p. 146).
- 8 In classifying reputation-based compliance as a hybrid category, we follow Sharman (2007), who shows that reputation can be analyzed in both rationalist and constructivist veins (with the latter deemed superior as it fully recognizes the relational and inter-subjective nature of reputations).
- 9 See Feldman 2011 for a detailed discussion.
- 10 While it was possible to query the TR for actors who had declared an interest in EU “climate action,” this was not an option for tobacco control. The TR unfortunately does not include tobacco policy as a separate item of interest that registrants can tick off. Instead, we provide data for “public health,” which is the EU policy area where tobacco control measures are included. The data in Tables 2 and 3 has been compiled by performing iterative searches in the TR database (available at: <http://ec.europa.eu/transparencyregister/public/consultation/search.do?locale=en&reset=>), for all registrants, as well as – separately – for registrants with declared interests in the climate action and public health fields, respectively.
- 11 See, for example, Prakash & Potoski 2006, 2007; Prakash & Gugerty 2010; Tremblay-Boire *et al.* 2016.
- 12 See, for example, Coglianesi & Nash 2009 and Hsueh & Prakash 2012 for analyses of government-sponsored environmental programs.
- 13 Some of our interviewees in fact explicitly voiced this concern – In-house lobbyist 3, Trade Associations 3 and 4.
- 14 Although this might not be a universal view, as there are 107 law firms signed up to the TR at the time of writing.
- 15 This arrangement differs from the present situation, where quality checks are performed only on existing entries, initiated by the JTRS either on a random basis or following the receipt of alerts.

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