

**Between Cheap Talk and Epistocracy:  
The Logic of Interest Group Access in the European Parliament's Committee Hearings**

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Abstract

Improving policy deliberation is a central objective for the European Union's institutions. Focusing on the European Parliament's committee hearings as an understudied area of European governance, we aim to understand their role, and their capacity to improve its procedural legitimacy. Building on theoretical work on interest group access and deliberation we argue that hearings can serve three purposes: (i) coordinative; (ii) epistemic; (iii) enhancing public participation. We construct a set of measures and assess an entire population of hearing's participants (2009-2014) concentrating on three committees. Our analyses show that hearings serve a hybrid purpose between coordinative and epistemic. At the top-end, we observe a core group of gatekeepers representing the dominant constituencies. Simultaneously, research organizations are granted unique access as experts that de-politicize debates. Theoretically, we contribute to discussions on interest group access while providing an innovative set of tools for its measurement, and the first dataset of its kind.

Key Words:

European Parliament, Committee Hearings, Deliberative Democracy, Interest Groups, Procedural Legitimacy

## 1| INTRODUCTION

In its White Paper on European governance reform, the Commission made interest group participation in policy deliberation a central objective under its aim for “Better involvement, more openness” (Commission 2001 p. 5). Increasing distrust towards politics in Brussels led the EU to adopt a series of measures to boost its democratic credentials and improve its decision making procedures. Over the past 10 years the EU expanded its use of policy deliberation mechanisms as a standard practice, and provided financial support for civil society mobilization. Beyond its inputs and outputs these actions are targeted at increasing its throughput legitimacy, the quality of governance processes; addressing concerns over issues such as biased interest group access, institutional capture by insiders, and lack of transparency (Schmidt 2013).

Despite its popularity within institutional circles the remedy has been contested. Conceptually, scholars question whether such procedures can expand participation beyond established insiders (Broscheid and Coen 2003). Significantly, notwithstanding work on the Commission (Pollack 2003; Joerges & Neyer 1997; Bunea 2017) the literature misses systematic analyses normatively testing such mechanisms in other EU institutions (however, see Fasone & Lupo 2015). In particular, the European Parliament (EP) faces growing alarms over business access to such procedures, giving it an upper hand to impact legislative proposals in areas of public interest (Euractiv 2017). By concentrating discussions on Brussels’ procedural (il-) legitimacy to the usual suspect in Berlaymont we treat such mechanisms in other institutions as a black box and limit the scope of the debate.

In this paper, we aim to assess which interest groups access the EP’s deliberative processes focusing on its hearings as an understudied area of European governance. Committee hearings are one of the few forums where the parliament invites organizations to provide information and deliberate on policy issues. Two connected questions come up: How open are hearings to interest groups? Do they include some interest groups more than others?

We answer these questions by arguing that hearings can serve three ideal-type purposes which in turn impact the interest group participants. First, hearings can be used as a coordinative procedure that allows policy stakeholders and policy-makers to frame the broader discussion over an issue, in line with information-exchange models and pluralist approaches to EU lobbying (Farrel & Rabin 1996;

Richardson 2000). This will lead to the same representative organizations participating creating insiders that are primarily business groups and associations. Second, hearings can be used as epistemic procedures inviting research organizations whose expertise plays a de-politicizing role, allowing MEP's to pivot their views towards a common majority (Egeberg et al. 2003; Estlund 2009). Third, hearings are used to maximize the institution's democratic credentials as a public participatory procedure that links the EP with citizens by elevating public issues into a political arena (Adams 2004; Wood 2015). They will give access to diverse public interest groups, such as civil society, to discuss citizens' perspectives over various issues.

We test our argument in the context of the EP, the institution charged with improving the EU's democratic legitimacy, focusing on three committees: the committee on economic & financial affairs (ECON), the committee on internal market & consumer protection (IMCO), and the committee on civil liberties, justice & home affairs (LIBE). We assess which were the specific organizations represented by speakers participating in committees' hearings across the 7<sup>th</sup> legislature (2009-2014). We map the entire population of groups participating, and examine them using a set of empirical measurements we develop to assess how open the committees are to different types of interest groups relative to the participants, and relative to the population of active lobbyists each committee faces (accredited lobbyists). We also examine to what extent specific organizations participate in different hearings, and conduct a network analysis which tests whether they participate in hearing across committees.

Addressing this research question is relevant in a number of ways. Interest group theories are widely used in assessing actors' access across the Commission's formal deliberation processes, yet the EP's processes are side-lined. This is in part due to the challenge of data availability and the difficulty it poses in testing normative criteria of access. By looking into hearings we gain valuable insight into the EP's committees, and appreciate hearings' role from a conceptual perspective. Furthermore, we can understand how the EP uses hearings as a procedure i.e. whether it is used as a top-down tool to broaden the pool of participants or if it is used to reduce information costs in the policy-making process.

The results paint an intricate image where hearings serve a purpose between coordination and epistemic justification, rather than enhancing public participation. While the primary participants reflect the main groups mobilized around specific committees, in relative terms research organizations such as think tanks and universities are granted unique access. Interestingly, public interest groups

such as non-governmental organizations are likelier to have insider status with specific organizations repeatedly participating in committee hearings.

We contribute to a growing literature assessing interest group access to parliamentary hearings (see Chaques-Bonafont & Munoz Marquez 2016; Pedersen et al. 2015); and indirectly contribute to broader discussions linked to deliberation in representative institutions (Eriksen & Fossum 2012; Weale 2007). Theoretically, we contribute to criteria of access by elaborating on analytic measures of openness and inclusiveness. Empirically, we provide the first systematic study identifying and mapping the entire population of participants invited to committee hearings creating an original data set of 357 participants across 74 events. Methodologically, we innovate through meticulous archival work which provides a fine-grained identification of specific groups, and links them to hearings across an entire legislature. By implication we provide material for further policy research into the relationship between stakeholders and policy deliberation in European governance. Overall, we address a key issue in EU studies, measuring the relationship between the EP's formal procedures and interest group access in a valid and reliable manner.

The paper begins by discussing hearings and their potential role as a procedure through different theoretical perspectives, and proceeds to discuss criteria and measurements. Then follow the research design, analysis, and finally the discussion/ implications are presented.

## **2 | HEARINGS & DELIBERATION AS PROCEDURE**

In most congresses and parliaments, committee hearings allow for the exchange of views between members of the parliament and interest groups over policy issues (Leyden 1995). Serving a multi-purpose role they can be used to highlight government successes or failures, to defuse political tensions, to signal other players, or simply to draw expertise. Significantly, these processes are extremely selective, from thousands of interests knocking on the committee door only a fraction will be invited; making their participants a select group of speakers with a unique admission badge.

The EP's Rules of Procedure (2017) broadly outline who can attend committee hearings: *'By special decision of a committee any other person may be invited to attend and to speak at a meeting'*. The EP also uses other forms of procedures, such as inquiries to hold actors accountable over issues related to the breach of the rules of procedure or ethical codes e.g. an ethics inquiry. Committees also employ 'exchange of views' or 'debates' when they invite institutional representatives and/ or experts for debates on specific issues e.g. the European Central Bank's (ECB) members to discuss the financial crisis. These events

do not have a binding character on the committee's work or the participants. Unlike other similar consultation/ deliberation forums hearings are open to a broader set of organizations and stakeholders such as agencies, companies, associations, civil society, and institutions. Nevertheless, without systematic analyses of hearings' participants, who accesses them and why is open for interpretation.

We assert that the EP wishes to maintain its authority through democratic means. To achieve this it aims for legitimate outputs, associated with policy outcomes that serve the common good and that are constrained by community norms; legitimate inputs that reflect responsiveness to people's preferences formed in public debates; and legitimate throughputs associated with the quality of its decision making processes (Benhabib 1994; Zürn 2000). Therefore, hearings serve to legitimize the EP's authority as a procedure linked to its inputs and outputs but also as a process in themselves. Based on work on deliberative procedures and interest group information-access models, we set three central ideal-type roles that committee hearings may serve. It follows that hearings participants are dictated by the procedures purpose.

The MEPs face increasing numbers of sophisticated lobbyists operating across a complex governance structure. To ensure the uninterrupted flow of legitimate outputs policy-makers opt to work closer with an inner circle of stakeholders that they trust based on the quality of the expertise they supply over time, and their representative authority vis-à-vis other interest groups in their field (Malloney et a. 1994). That is to say, to preserve the efficient flow of policy outputs the committee engages in information-exchanges with a limited number of actors it trusts, out of the overall mobilized population of lobbyists. Procedures such as committee hearings serve a deliberative-coordination role that synchronizes policy-makers and policy stakeholders. By formally dividing groups into insiders and outsiders a committee engages in 'cheap-talk' with selected groups (Farrel & Rabin 1996; Austen-Smith 1990), signalling the type of information-exchanges it seeks over an issue, and the channels (interest groups) through which information ought to be transmitted.

Therefore hearings formalize the inner circle's representative capacity in line with principles of associative democracy (Cohen 1996) and EU pluralism (Streeck & Schmitter 1991). We can expect that the same organizations that have the capacity to represent broader populations participate repeatedly at committee hearings. Since these processes serve the underlying 'common good' that is defined by the committee's policy agenda; the invited organizations will reflect the population of lobbyists surrounding the committee such as business groups and associations.

Nonetheless, these approaches play down that policy-makers and lobbyists' exchange information informally over repeated games and through numerous channels. Stakeholders are aware of the expertise in demand as well as the central nodes within the policy network, through which it can be transmitted. In a world of inflated information-exchange MEPs face the challenge of moving different constituencies towards a common focal point. Moreover, the EP's committees are particularly diverse constellations divided across political spectrums and national/ regional dimensions (Hix & Lord 1997; Garrett & Tsebelis 2000), operating within a non-majoritarian parliament where compromise is a necessary day to day reality. This creates a fundamental need to create bridges that connect MEPs within the committee responsible for the legislative draft, to the plenary that votes for the final draft; all whilst insulating the process from electoral costs that arise due to concessions.

Similar to the Commission's expert committees, hearings offer an opportunity to de-politicize issues through 'experts' who provide space for the creation of a common majority-ground (Radaelli 1999; Egeberg et al. 2003). They serve as 'epistemic procedures' (Estlund 2009) where MEP's collect expertise to produce legitimate policy outcomes whose epistemic justification is politically acceptable. In simpler terms, the EP's committees choose to technocrat-ise their political debates by giving access to research organizations such as think tanks, universities and other similar groups.

Scholars assessing the EP's actors, however, would argue that rapporteurs and party coordinators have considerable sway over their committee's policy-making. As policy entrepreneurs they direct diverse demands to a common political space, keeping negotiations informal allows them to trade concessions based on a system of preferences and avoid political losses in the open; whilst ensuring legislative files pass the plenary (Benedetto 2005; Costello & Thompson 2010). This common tale of informal policy-making suggests how unnecessary formal deliberation forums are as policy tools, and simultaneously highlights their necessity as instruments of political legitimacy. Lack of access to EU-level deliberation and 'policy without politics' has been a central Brussels critique (Schmidt 2006). Specifically, MEPs' limited responsiveness to public inputs in combination with strong business presence have overtime hollowed out the EP's legitimacy.

Hearings can act as a counterweight that creates public arenas of debate where MEPs and citizens, represented through organized public interests, can deliberate. In line with neo-institutionalist approaches, these processes are a tool for public participation (March & Olsen 1983; Adams 2004). Citizens' views can be transmitted directly at the EU-level, minimizing political costs associated with Brussels' policy at the national level, providing an insurance against accusations of biased

representation, and improving the committee's democratic credentials. Therefore, hearings serve to invite a broad array of public interest groups such as civil society or consumer organizations in order to make EU decision-making responsive to the public's inputs.

In summation, committee hearings can be: (1) deliberative-coordination procedures; (2) epistemic procedures; (3) public participation procedures. Two central dimensions of interest group activity are affected by these options. First, how often specific organizations are represented in hearings, the speakers participating can be: (i) insiders, where specific organizations participate repeatedly; (ii) diverse, where different organizations participate. Second, the type of organizations participating, speakers invited to committee hearings can belong to (a) business organizations & associations (b) research organizations (c) public interest groups. Based on these perspectives we argue below that there are two pertinent criteria to assess hearings, openness and inclusiveness, we develop measurement tools to assess them, and outline our expectations.

## 2.1 | Openness & Inclusiveness: From Criteria to Measurement

Drawing from the literature, we note five criteria that commonly appear as evaluative tools for deliberation processes namely: efficacy; accountability; transparency; openness; and inclusiveness (Parkinson & Mansbridge 2009; Papadopoulos & Warin 2007; Schmidt 2013; theoretical chapter of this SI). As we aim to assess the typology of interest groups given access to committee hearings, openness and inclusiveness stand out as the most pertinent criteria for this setting. Normative work discusses the potential uses of deliberative processes suggesting which types of actors are likely to be involved as a result, but offers few empirical tools for its measurement. Based on these two criteria, we elaborate and propose measures that can help us towards that goal. We provide a more explicit discussion of their operationalization in the research design.

### *Openness*

Openness is a criterion used to measure to what extent a committee is willing to engage with organized groups regarding the policies in which they are most interested. In other words, openness measures how accessible/ receptive hearings are to interest groups i.e. how many speakers representing interest groups participate in hearings. There are two dimensions that need to be untangled: (i) how open the committee is overall, the absolute dimension measuring the participants' density; and (ii) how open it

is to different types of organizations (e.g. business, civil society); a relative dimension which measures the participants' diversity. We propose two measurements:

*Absolute openness* measures the absolute number of speakers across committee hearings within a specific time frame. For example, during the 7<sup>th</sup> legislature the committee on economic & financial affairs' hearings had 105 speakers representing interest groups.

*Relative Openness* measures a committee's openness to different types of organizations (e.g. business, research organizations) within a specific time frame, as a percentage. It assesses the speakers representing one type of organization relative to the total number of speakers, across the committees' hearings. For example, during the 7<sup>th</sup> legislature in the committee on economic & financial affairs' hearings 10% of the speakers represented public interest groups.

$$\text{OpennessRelative} = \left( \frac{\text{Number of speakers per type of organization}}{\text{Total number of speakers}} \right) \times 100$$

### *Inclusiveness*

Inclusiveness is a criterion used to measure to what extent the committee draws from the pool of organized groups desirous of having a say with regard to the policies they are most interested. It measures participants' relative to the population of lobbyists that have formally indicated they are lobbying the committee, here we need to untangle two dimensions: (i) how inclusive committee hearings are relative to the mobilized pool of lobbyists, i.e. the sampling of speakers it conducts vis-à-vis the population; (ii) how inclusive hearings are towards specific organizations, i.e. if some organizations are insiders of the procedure with repeated access. We propose two measures.

*Sampling inclusiveness* measures a type of organization's (e.g. business) participation in committee hearings as a ratio. It assesses the percentage of speakers representing a type organization in committee hearings (Relative Openness), relative to the organization's proportion of lobbyists actively mobilized around the same committee as a percentage. Lobbyists that are actively mobilized are interest group representatives that have formally indicated their continuous interest in lobbying a committee, for example through the EP's interest group accreditation system.

A ratio equal to 1 indicates that a committee's hearings are equally inclusive of a type of organization relative to its mobilized population. A ratio smaller than 1 indicates that hearings are less inclusive of

a type of organization relative to its mobilized population. A ratio greater than 1 indicates that hearings are more inclusive of a type of organization relative to its mobilized population. For example, during the 7<sup>th</sup> legislature 81% of lobbyists mobilized around the committee on economic & financial affairs represented business groups, but 52% of the speakers at its hearings represented business groups, the committee's hearings show smaller sampling inclusiveness towards business groups by a factor of 0.63.

$$\text{InclusiveSample} = \frac{\text{OpennessRelative}}{\left(\frac{\text{Mobilized Lobbyists per Type of Organization}}{\text{Total Mobilized Lobbyists}}\right) \times 100}$$

*Outsider Inclusiveness* measures to what extent the speakers invited to committee hearings represent different distinct organizations, as a percentage. It assesses the absolute number of speakers per type of organization (e.g. public interest group) relative to the number of interest groups per type of organization represented in committee hearings. The greater the percentage the greater the number of speakers corresponding to different distinct groups. For example, during the 7<sup>th</sup> legislature in the hearings of the committee on economic & financial affairs there were 11 speakers representing public interest groups, 6 organizations were public interest groups: 54.55% of speakers represented a distinct organization. Conversely 45.55% represented an organization more than once

$$\text{InclusiveOutsider} = \left(\frac{\text{Total number of Groups per type of Organization}}{\text{Total number of Speakers per type of Organization}}\right) \times 100$$

Using our developed measurements of inclusiveness and openness to assess hearings, and our three ideal-type perspectives of hearings we outline our expected outcomes. If committee hearings' create insiders by giving access to the same distinct organizations repeatedly, they serve as a coordinative tool in line with classical theories on EU pluralism. Their openness and inclusiveness measures will favour the pool of organizations mobilized around the committee, primarily business organizations and associations. If it is primarily research experts that participate in committee hearings, then they serve as an epistemic procedure; their openness and inclusiveness measures will indicate preference for diverse research organizations vis-à-vis other groups. If committee hearings show greater openness and inclusiveness towards public interest groups, they will serve as a public participatory tool.

Theorizing hearings absolute openness we consider more closely the relationship between committees' inputs, throughputs and outputs. If hearings serve a participatory-deliberation role, we expect that they will increase along with the pool of lobbyists surrounding the committee; a gate that allows more representative groups to enter the deliberation process as the population of active groups' increases. If hearings are primarily focused on ensuring policy outcomes they will be dependent on a committee's efficiency. This may result in a gate that is selective with the interest groups it invites as the committee's work-load increases; or it may result in a gate that invites diverse research bodies to help MEPs reach agreements.

Table1: Expected measurement outcomes depending on the ideal-type role of committee hearings.

Deliberative Coordination view:	<p>Relative openness and sampling inclusiveness is greater for business organizations.</p> <p>Outsider inclusiveness is smaller for business organizations.</p> <p>Absolute openness correlates negatively with policy outputs.</p>
Epistemic Procedure view:	<p>Relative openness and inclusiveness are greater for research organizations.</p> <p>Absolute openness correlates with policy outputs.</p>
Public Participation view:	<p>Relative openness and inclusiveness are greater for public interest groups.</p> <p>Absolute openness correlates with the number of active lobbyists.</p>

We expect that our measures will be affected to some extent by the nature of the policy good (Lowi 1972). Committees that are responsible for (re-) distributive/ societal policy are likelier to observe greater public interest group mobilization, because the interests they affect are distinctly tied to the public. While committees that deal with regulatory/ economic policy are likelier to see a greater mobilization of private interests such as business groups and associations. Committees that are responsible for policy fields with greater targeted impact will observe more concentrated specific types

of interest group population (i.e. business or public interest). While committees responsible for policy goods that have broad impact across different types of constituencies will see a greater mix of different interest groups mobilized around them (i.e. business and public interest).

In summation, we expect that hearings' inclusiveness and openness is dependent on the way committees employ them: as a coordinative tool that empowers insiders; a participatory tool which invites primarily public interest groups, or as a majoritarian tool which gives access to scientific expertise. We are aware that there is a critical literature debating whether such processes and their actors can provide any form of legitimacy to the EU. We accept that despite its fair criticisms, consultation/ deliberation processes in Brussels can provide institutions with at least a minimum of legitimacy. Moreover, the interest groups participating have an opportunity to influence policy-makers, studying them opens-up the black-box of the EP's committee hearings. In this paper we are interested in assessing the typology of the participating actors, and through this understand more about the purpose and quality of the EP's hearings. In the following section we discuss our research design.

### **3| RESEARCH DESIGN**

To assess our hypotheses we require information on the hearings held by committees and the interest groups that attended them, as well as the population of interest groups mobilized around them. Information on the processes and various events held by committees from 2001 onwards are available to the public through the EP's online search engine. Nevertheless, this information is available in the form of scanned schedules/ programmes of events turned into pdf or original pdf files<sup>1</sup>. These files are in an unstandardized format making automated text analysis an unreliable data collection method. Moreover, while there is a broad literature on EU interest group typology, to the best of our knowledge this is one of the first studies on the EP's committee hearings. Therefore because this study has exploratory characteristics we chose to collect data through a directed content analysis of the hearings' schedules, focusing on the groups participating and their classification (Hsieh & Shannon 2005; Krippendorff 2004). Furthermore we note that because the search engines provided the events conducted by a committee within a given time frame we could not be definite that all the events

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<sup>1</sup> We note that this underscores key concerns on the difference between the availability and accessibility to information on EU governance, and spills-over to broader concerns with respect to the EU's transparency and accountability (Heritier 2003).

identified within a specific time span were indeed hearings. To ensure our study's external validity and reliability we decided to conduct meticulous and time consuming archival work over the entire population of committee events isolating the hearings. Below we explain our case selection and data collection process.

### 3.1 | Case selection & Data Collection

To improve our methodology's external validity, meaning that the data collected and the analysis are generalizable across the committees of at least one legislature, we decided to focus on the entire 7<sup>th</sup> legislature (2009-2014). We chose to concentrate on three committees with comparatively substantial policy output, that face considerable lobbying mobilization, and to control for the policy good's impact. To assess which committees produced greater outputs for the time period examined, we used the online search engine for committee documents. We collected the results for the different documents produced per committee per type of procedure and cross-referenced it with the total files the search engine found, leading to the creation of an original data-set with committees complete policy output. Of all the procedures available in the 7<sup>th</sup> EP's policy toolkit three are the most popular: the ordinary legislative procedure; the consultation procedure; own initiative report. This output reflects for example legislative files, and opinions, which the committees produce at similar levels i.e. the output produced in terms of procedures is comparable across the committees.

To assess the population of interests mobilized around the committees, we collected information on accredited lobbyists in the EP through the EP's Joint Transparency Register Secretariat. Interest groups that aim to mobilize within the EP on a permanent basis apply for an accreditation that allows them to enter the institution without having to register at the reception. Accreditations are valid for one year and apply to specific individuals per interest group, they are non-transferable. We focused on accredited individuals for two reasons. First, through accreditations we can safely infer at least a minimum of mobilization in the EP: accredited individuals are interested in conducting lobbying activity, and mobilize *within* the EP by applying for the permit. Second, accredited individuals are required to specify upon registration committees they are interested in lobbying. Third, individuals are classified under different organizational categories which provide detailed information on the organizational structure of different types of groups mobilized across our committees of interest. We collected data on the interest group population we focus on, leading to a data-set of the lobbying population mobilized around the EP's committees.

Based on this information, we selected three committees that ticked our research design requirements: (i) the committee on Economic & Monetary Affairs (ECON); (ii) the committee on Internal Market & Consumer Protection (IMCO); and (iii) the committee on Civil Liberties, Justice & Home Affairs (LIBE). Following, we collected all programmes/ schedules available for hearings held by these three committees for the entire 7<sup>th</sup> legislature, covering the period between September 2009 and July 2014. Because different types of events can be classified only after having read their schedule, we downloaded all available programmes/ schedules. We proceeded by going through all the collected schedules and isolating programmes that corresponded only to hearings. This excluded a number of inquiries and ‘exchanges of views’ which involved exclusive debates between a committee and, for example, ECB representatives or the Ombudsman.

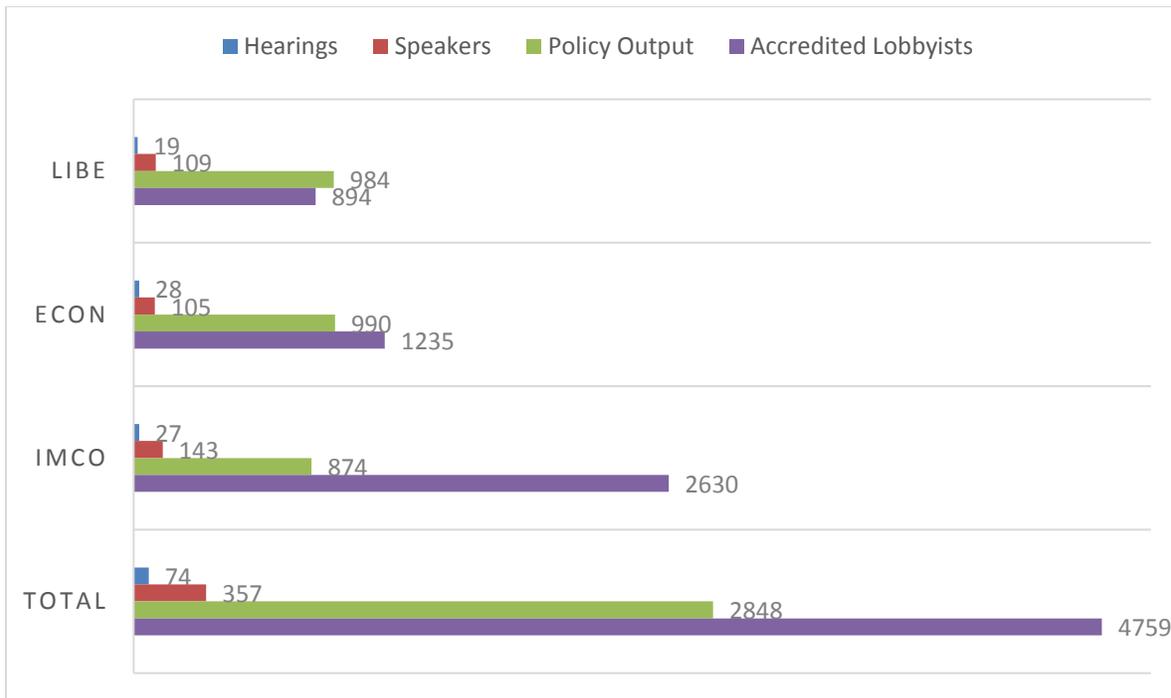
We then proceeded to collect information on the speakers representing interest groups per hearing: their name, the organisation they represented, the title of the hearing placed, and the committee that organised it. To gain a nuanced understanding of the interest groups represented we placed each speaker under one of 11 different categories, depending on the interest group she/ he represented: (i). Business (e.g. Deutsche Bank, Microsoft, Vortal); (ii) Business Association (e.g. BUSINESSEUROPE, European Association of Internal Combustion Engine Manufacturers, European Federation of National Engineering Associations); (iii). Public Interest-Consumer Affairs (e.g. European Consumer Organization, Which?); (iv). Public Interest-Foundation/ Platform (e.g. Open Society Foundation); (v). Public Interest-NGO/ Civil Society (e.g. Save the Children, Amnesty International); (vi). Consultancy (e.g. Roland Berger); (vii) Law Firm (e.g. JMW Solicitors LLP); (viii). Professional/ Trade Association (e.g. Association of European Journalists); (ix). Think Tank (e.g. Breugel); (x). Trade Union (e.g. European Trade Union Confederation); (xi). University (e.g. University of Maastricht). To assess which category each organization should be placed in we examined the organization’s mission statement on their website as well as on the transparency register if available.

This process led to an original dataset with 74 hearings and 357 speakers with all the participants per hearing. In order to uncover the number of distinct organizations that participated (rather than speakers) we coded an additional data-set that included only the organizations that appeared across a committee’s hearings. While this paper is not interested in multi-level opportunity structures, we make a note about interest group typology and coding. Across the board the vast majority of interest groups represented through speakers were groups operating at the supranational level, as such we do not entertain the discussion of national vs. EU level interests’ participation. In line with the literature, EU

institutions including the EP give predominant access to groups that have representative capacity and/or interests at the supranational level (Bouwen 2004; Eising 2007; Coen & Katsaitis 2015).

Based on the data collected we conducted an analysis on the hearing’s openness and inclusiveness using the measures we elaborated on. We stress that because of the methodology’s qualitative nature the entire process was particularly time consuming. The data and analysis provide the first mapping of committee hearings and a unique perspective into the EP’s governance.

Figure 1: Showing Committee’s Hearings, Speakers, and Accredited Lobbyists.



#### 4| ANALYSIS

Observing the overall picture across the three committees, the data highlight how exclusive the seats at the table are in relation to the overall number of lobbyists. Hearings are dispersed across the parliament’s legislative term increasing their value as formal access points to the policy-making process. First, we try to disaggregate the relationship between available inputs (accredited lobbyists), outputs (policy output) and throughputs (absolute openness). Taking into consideration the committee population examined, the descriptive data indicate that hearings serve as a procedure linked to policy outcomes (Schapf 1999). The number of speakers invited to committee hearings increases

as overall output per committee decreases, and vice-versa. From the outset of the analysis hearings are less likely to be used to increase the participation of interest groups in the policy-making process at least on the aggregate. Nonetheless, as we discuss and examine below, the nature of the policy good can have an underlying impact on the relationship between the interests mobilized around a committee and the speakers invited to hearings.

Highlighting the relevance of resource frameworks in understanding the EP's legitimacy preferences, constrained committees that produce more outputs have less time for formal interactions with lobbyists. The mechanism at hand is less clear, committees may choose to produce less policy output and invite more speakers at hearings and/ or they may choose to invite fewer speakers to produce greater output. Moreover, committees may opt to increase their informal interactions with interest groups complimenting for the fewer speakers at hearings; qualitative research into this area is warranted to understand the relationship.

To address the diversity of the actors participating and gain a perspective into the different types of organizations' distribution, we employ our relative openness measurement tool. In assessing hearings' relative openness, we note the contrast between the overall mean of different types of organizations invited and their distribution within each committee (table 2). Confirming work on the impact of the policy good on interest group mobilization (Coen & Katsaitis 2013), committees that are responsible for economic/ market issues invite greater numbers of private interests such as business organizations. While committees with distinct societal impact (LIBE) show an inverse image where public groups have a dominant presence. Interestingly, speakers representing research organizations, primarily universities, are one of the largest types of organization represented by speakers in committees whose policy space impacts distinctly private or public constituencies (ECON, LIBE). Moreover, where policy is increasingly related to private goods relative openness towards public interest groups falls further away from the mean.

Committees responsible for policy with concentrated impact on specific constituencies create outputs within a zero-sum-game framework, polarizing the political landscape; for example banking regulation or LGBT rights. The specific constituencies impacted are better able to focus their mobilization efforts threatening MEPs who stray from the electoral/ party agenda with increased political penalties. Additionally, these committees invite experts to de-politicize the debate and create common grounds for policy-making. Conversely, committees responsible for policy areas that have a dispersed impact across constituencies (IMCO), allow MEPs and interest groups to form broader alliances along the

public-private continuum that diffuse the extreme poles of the debate, leading to collaborative outcomes (Christou & Simpson 2006, 2011); underscored by the dominant presence of associations, and public interests in consumer affairs.

Table 2: Relative Openness assesses the speakers representing one type of organization relative to the total number of speakers across committee hearings, as a percentage

	<b>ECONro</b>	<b>IMCOro</b>	<b>LIBEro</b>	<b>Meanro</b>
Consultancy	3.81%	0.70%	0.92%	1.81%
Law Firm	2.86%	2.80%	0.92%	2.19%
Business	31.43%	8.39%	2.75%	14.19%
Business Association	11.43%	46.85%	11.01%	23.10%
Professional/ Trade Association	2.86%	0.70%	1.83%	1.80%
Trade Union	0.95%	2.80%	1.83%	1.86%
Public Interest-Consumer Affairs	2.86%	16.78%	0.00%	6.55%
Public Interest -Foundation/ Platform	0.95%	4.90%	25.69%	10.51%
Public Interest-Civil Society/ NGO	6.67%	3.50%	32.11%	14.09%
Think Tank	15.24%	6.29%	6.42%	9.32%
University	20.95%	6.29%	16.51%	14.59%
Total	100.00%	100.00%	100.00%	-

To test our argument, we conducted a t-test assessing the number of speakers per type of organization invited to each hearing against two dummy variables that operationalized the nature of the committee's policy domain. The analysis seeks to understand if the number of speakers across different interest group types, varies depending on the hearing's policy impact. Specifically, it examines how the number of speakers representing different interest group types, varies depending on whether a hearing is linked to common market policy (or not), and whether a hearing is linked to policy impacting broad constituencies (or not). The first variable operationalizes the committee's dispersed policy impact across public/ private constituencies; the value is 0 if no and 1 if yes (table 1 in the annex). The second

variable, tests the committee's policy impact on the common market vis-à-vis the organizations participating; the value is 0 if it is not, and 1 if it is (table 2 in the annex).

For the validity of the analysis, due to the number of observations per category we grouped interest group types under three broader categories business, public interests, and research organizations. The results support the overall argument, however the policy field's broad impact does not affect the speakers representing public interest groups in a statistically significant manner (table 1). This provides mixed support to the expectation that hearings are used as a broad participatory tool for public interests. Rather they provide further evidence that supports their role as deliberative-coordination tools that invite speakers from traditionally dominant business groups, companies and/ or their associations, within committees.

The speakers participating in hearings are also relative to the population mobilized around them, we explore this relationship by assessing hearing's sampling inclusiveness. We examine the percentage of different organizations represented by speaker-participants relative to their percentage of accredited lobbyists, as a ratio. A ratio of 1 indicates that the percentage of speakers representing a type of group is identical to its proportion of accredited lobbyists mobilized around the committee. A ratio that is smaller than 1 indicates that a type of group is underrepresented in committee hearings relative to its proportion of accredited lobbyists interested in the committee's policy work. A ratio that is greater than 1 indicates that a groups is overrepresented in committee hearings relative to its proportion of accredited lobbyists mobilized around the committee. In order to have comparable data we have placed the speakers under categories which they would be placed if they had accredited individuals based on the EP's accreditation taxonomy i.e. universities and thinks tanks are placed under research organizations; all public interests under one category; consultancies and law firms under consultancy, and all remaining business related categories under business.

Across the board research organizations have comparatively unique access relative to their mobilization, we note the underrepresentation of business groups (table 4). Hearings over-represent research organizations that are neither a part of a specific constituency nor do they intensely lobby committees; giving them particularly greater relative value, in terms of access, than other groups traditionally considered central lobbying players within the EP. This is substantial on two levels.

Methodologically, it indicates that measuring interest group access is a multi-layered activity that can benefit by considering the endogenous typology of invited participants (demand) in relation to the exogenous pool of mobilized groups that wish to participate in the policy-making debate (supply). In

other words, access has an absolute measurement but it also holds relative value, the results highlight the tension between these two dimensions. Additionally, they suggest an inclusiveness bias that access models using aggregate typologies may inherently contain. Because business and public interest groups are the most mobilized actors, we tend to underplay the access and impact of smaller interest group types.

Conceptually, information-access models become more nuanced by considering the variety of access gates allowing interest groups into the decision-making process, and variations in interest groups' access-value across them. In other words, the same interest group type may be valued differently in different procedures. Here we offer an example as to how such models can benefit from work that bridges the connection between supply/ mobilization at its broadest level, and explicit institutional demand/ access within specific procedures.

Table 3: Sampling Inclusiveness assesses the percentage of speakers representing a type organization in committee hearings (Relative Openness), relative to the organization's percentage of lobbyists actively mobilized (accredited) around the same committee.

	<b>ECONsi</b>	<b>IMCOsi</b>	<b>LIBEsi</b>	<b>Meansi</b>
Consultancy	0.27	0.17	0.16	0.20
Business Interests	0.71	0.85	0.44	0.67
Public Interest	0.93	2.40	1.14	1.49
Research Organization	14.85	13.39	8.90	12.38

Following we examine committees' outsider inclusiveness by assessing the ratio of speakers to the number of distinct organizations invited as a percentage. A score of 100% indicates that each speaker represented a different distinct interest group organization. A lower score indicates that some speakers represented a specific organization more than once, for example: a score of 90% indicates that 10% of the speakers represented a specific organization more than once. Across the board committees are more open to inviting different universities than any other group. While in some cases specific universities were invited to participate more than once, it is limited comparatively to other group categories. Interestingly, there is a core group of public interests repeatedly invited to hearings

particularly in committees dealing with issues closer to the common market. This may be because these committees are responsible for more technical files, specific public interest organizations have gained insider status by advancing their presence within a competitive field that has high-entry costs, associated with advanced expertise. By maintaining their dominance within their field of organizations they exclude other groups from the top as a way of maintaining preferential access. Once an organization gains access into the inner circle it has a privileged connection that reinforces its likelihood of socialization.

Table 4: Outsider inclusiveness, measures the percentage of speakers that correspond to a different distinct organization.

	<b>ECONoi</b>	<b>IMCOoi</b>	<b>LIBEoi</b>	<b>Meanoi</b>
Consultancy	100.00%	100.00	100.00%	100.00%
Law Firm	100.00%	25.00%	100.00%	75.00%
Business	84.85%	100.00%	100.00%	94.95%
Business Association	91.67%	76.12%	91.67%	86.48%
Professional/ Trade Association	33.33%	100.00%	100.00%	77.78%
Trade Union	100.00%	50.00%	50.00%	66.67%
Public Interest-Consumer Affairs	66.67%	41.67%	0.00%	36.11%
Public Interest-Foundation/ Platform	100.00%	71.43%	57.14%	76.19%
Public Interest-Civil Society/NGO	42.86%	100.00%	88.57%	77.14%
Think Tank	62.50%	66.67%	100.00%	76.39%
University	90.91%	100.00%	100.00%	96.97%
Aggregate	80.00%	72.03%	83.49%	78.50%

Limiting the channels through which public inputs can be supplied in formal deliberation processes reaffirms positions on public interest ‘astroturf representation (Kohler-Koch 2010). Simultaneously, it expands the net of institutional capture, as public interest groups appear to have a ‘heavenly-chorus’ of their own (Schlozman 1984). Dominant public interest groups that benefit from unparalleled formal access into committees become public agents with distinctive capacity. Committees that are responsive

to specific inputs limit other public interest channels. By default, this confines the committee's responsiveness to general issues of public interest re-invigorating concerns over these groups capacity to politicize debates and provide input legitimacy to the EU (Warleigh 2001). Additionally, it further dilutes support for the expectation that hearings serve as a way of enhancing public participation, and supports their role as deliberative-coordination tools. We point out that this does not demote the potential of institutional capture by business but rather emphasises its complexity.

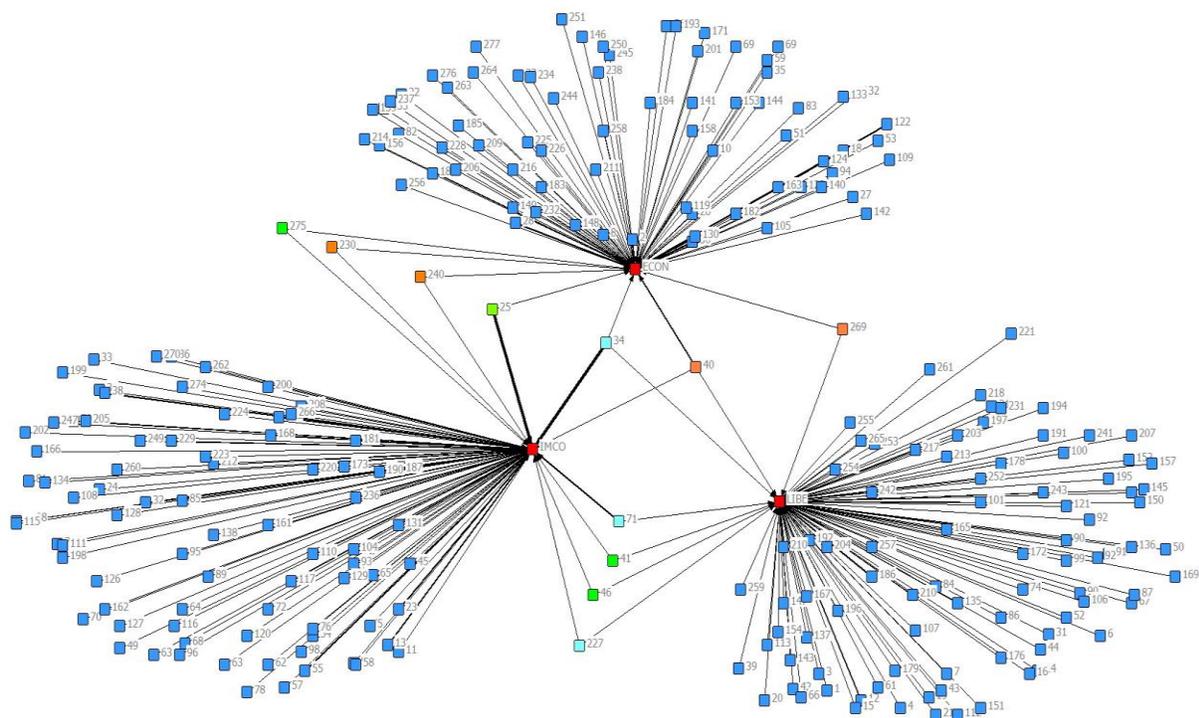
Insofar the analysis focuses on the speakers representing different interest groups within specific committees' hearings. Nevertheless, committee's policy work may overlap impacting similar interests, at the same time interest groups have diverse policy interests and may mobilize beyond one specific committee. In this environment the same interest groups may participate in hearing across different committees, creating a distinct set of insiders with cross-committee access. The question that comes up as a result of the analysis is, to what extent are specific organizations invited across committees? To answer this question we conducted a network analysis examining the link between interest group participations and committees. Each interest group was given a unique code creating a data-set with 280 organizations and the number of participations across each committee's hearings; if an actor was invited to a committee's hearing this created a tie with that committee. The thickness of the line indicates how strong the link is, i.e. how often a group was invited to hearings; following we isolated specific interest groups invited to at least two committees' hearings

The analysis led to 11 organizations that participated in more than one committee: 4 research organizations (orange); 4 public interest groups (green), 3 business groups (light blue); 2 of these 11 organizations were invited by all three committees: 1 business organization (code number 34) and one research organization (code number 40). We note that following from the nature of the policy good, committees that impact broader constituencies (IMCO) are better connected with other committees; conversely committees that are responsible for policy with targeted impact see fewer linkages between them (LIBE, ECON).

The results echo our analysis so far in a distinct way. Across a large population of interest groups, we observe a limited inner circle across committees, whose breakdown sees an equal distribution across types of groups. That is to say, overall interest groups' speakers participate within specific committees. Nevertheless, at the centre of the network lies a business organization (specifically an EU level business association, *BUSINESSEUROPE*) with strong ties to IMCO (small outsider inclusiveness),

underscoring the top-end role these groups have in Brussels while supporting hearings' deliberative-coordination role. While the other group at the centre of the network is a research organization (specifically an EU level think tank, the Centre for European Policy Studies) highlighting committees' demand for scientific expertise.

Figure 2: Network analysis showing specific organizations speaking at more than one committee (business light blue, public interest light green, research organization orange).



## 5 | DISCUSSION - IMPLICATIONS

Based on our analyses the results do not support that hearings serve as a political arena that aims to increase citizens' participation via public interest groups. Instead, hearings play a hybrid role between epistemic procedures that value substantially research organizations (in relative and absolute measures), and secondly a deliberative-coordination role that values 'cheap-talk' with their central constituencies (in absolute measure). As such, these procedures are primed to be epistemic while providing absolute access to constituencies directly affected. Additionally, we find that the openness

and inclusiveness patterns observed reflect the multi-faceted nature of access. By constructively assessing the aggregate supply side relative to a focused institutional demand side perspective we contribute to a nuanced understanding of access in the EP. This also underscores the potential variation of access-badges across different, for example, procedures.

How we evaluate these procedures depends on our analytic lens. If we evaluate their capacity as tools that increase civic engagement hearings throughput legitimacy scores will be low. They are not powerful deliberation tools in a sense that ideal, participatory, or even realistic deliberative frameworks would suggest (Bohman 1998). If hearings are a link that improves committee input and output legitimacy, hearings appear to be linked closer to outputs much in line with proponents of an outcome legitimate EU (Majone 1998; Scharpf 1999). In this context, if we assess hearings as deliberation procedures that lead to policy outcomes, whose invitees provide ‘scientific’ ‘representative’ and ‘justificatory’ expertise, then they hold throughput legitimacy.

Nevertheless, while the results suggest that hearings are used primarily as a tool geared towards outcomes, this does not necessarily improve the committees’ overall legitimacy. Despite being charged with improving the EU’s political legitimacy through additional authority, committees are actively seeking to depoliticize their decision-making. As such, the only institution that could potentially bring politics into policy aims for its further technocrat-isation. Moreover, it is disconcerting when taking into account that the committees examined represent some of the most active committees in the 7<sup>th</sup> legislature. In other words, though hearings serve a hybrid purpose rather than a singular role, balancing the EU’s outputs with responsive civic inputs is not one of them (Bellamy 2010).

To an extent the invitees reflect committees’ resource constraints. Democratic deliberation and representation cost, considering the resources provided the EP may have been given a mandate too broad to cover. As the institution needs to produce substantial outputs, hearings are used to address resource shortages. While insiders will always exist because of capacity limitations to socialize with multiple broad networks, constrained administrative resources exasperate the effect. Committees could improve their openness and inclusiveness if they had the capacity to socialize with other actors. Additional staffing provided to secretariats could allow them as well as MEPs to assess broader inputs formally through additional hearings. Increasing the size of the research service further could reduce demand for outsider research organizations and provide space for other organizations to participate in committee hearings.

Finally, accepting that civic involvement in policy deliberation has a beneficial impact on policy outcomes, the EP could borrow solutions from the Commission's toolkit. For example, granted additional resources committees could employ online policy consultations, or town hall meetings to enhance public interest group participation in policy deliberation. Such an undertaking would highlight that within the framework of representative democracy, different deliberative components can contribute to its overall legitimacy.

## 6| CONCLUSIONS

In this paper, we concentrated on the EP's committee hearings as an understudied area of European governance. Our primary aim was to assess which interest groups gain access to hearing, and by doing so better understand hearings' capacity to improve the EU's procedural legitimacy, its throughputs. Building on theoretical work on deliberative democracy, and information-exchange we argued that the EP's hearings can serve three potential purposes: (i) deliberative-coordinative; (ii) epistemic; (iii) enhancing public participation. Because the committee gives access to organizations and individuals to attend hearings, their purpose will dictate the typology of the invitees. Drawing from the literature we took up two defining criteria relevant to this study, deliberative procedure's openness and inclusiveness towards interest groups. Elaborating on these criteria we developed empirical measures, which we applied on an entire population of hearings across three committees of the 7<sup>th</sup> legislature (2009-2014); creating an original dataset that provided a unique snapshot into the EP and its interaction with interest groups.

Our analyses indicate that hearings serve a hybrid purpose. Supporting hearings' deliberative-coordinative role, we observe at the top-end a core group of gatekeepers representing the dominant constituencies affected by the committee's policy good (business organizations and/ or public interest groups). As specific groups participate repeatedly in hearings, committees formalize a distinct cluster of organizations forming an inner circle that defines the broad lines of the agenda, and acts as a policy interlocutor. Simultaneously, as MEPs try to maintain an open debate and forge majoritarian ground, they use hearings as an epistemic procedure that de-politicizes debates and allows the policy-making process to produce outputs uninterrupted. Research organizations have unique access in relative terms, indicating committees' demand for neutral third party expertise and space for blue-sky thinking. Finally, hearings appear to be more closely linked to outcomes rather than responsive inputs. Indicatively, public interest groups observe a greater share of insider groups, highlighting the limited

input channels the same organizations can provide to deliberation. The results do not lend support to hearings' role as a tool that enhances civil society participation in policy-making procedures.

The paper contributes to theoretical discussions on assessing the quality of deliberation procedures. It is perhaps simplistic to assume that such procedures can serve only one purpose, and therefore that we can evaluate them based through one-dimensional frames. Politics such as the EU's generate hybrid forms of deliberation seeking to tick the boxes of different criteria within a specific procedure at the same time. Conceptually, this demands frameworks that can encompass potentially competing schools of thought under the same space. The legitimacy of these procedures cannot be understood via dichotomizing mechanisms, but through an analytic lens that can evaluate different legitimacy objectives e.g. inputs and outputs. To that end, this paper employed throughput legitimacy and the criteria it provides as a conceptual framework allowing us to set a rich theoretical scene, to develop empirical tools for its testing, and offered the necessary flexibility for the interpretation of its results. We find that further research combining the literature within democratic theory with empirical work on procedural legitimacy offers a potentially fruitful, and timely, future research direction in European governance.

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