

# SMALL STATES SEEKING INFLUENCE IN THE EUROPEAN COMMISSION: OPPORTUNITIES AND CONSTRAINTS

By Caroline Howard Grøn | Assistant Professor | Department of Political Science | University of Copenhagen | [CG@ifs.ku.dk](mailto:CG@ifs.ku.dk)

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**SUBJECT:** Opportunities and constraints for two small EU member states, Denmark and Sweden, when trying to obtain influence on drafting legislation in the European Commission.

**SIGNIFICANCE:** For small states, their ability to influence the work of the European Commission is an essential part of promoting national interests vis-à-vis the EU. This brief outlines some of the strategies available as well as the limitations facing small states.

**ANALYSIS:** Based on an analysis of Denmark and Sweden, this brief outlines how these two small EU member states approach the European Commission. Small states must look beyond the Council of Ministers when national interests are at stake. One option available is to lobby the Commission. But how is this actually done? And what are the constraints on being 'a smart state'? The analysis presented here indicates that small states face a number of constraints when lobbying the Commission. They have limited resources, and the resources available tend to not always be used in the everyday work with the Commission. However, there are also some opportunities that can be explored. Member states can influence the work of the Commission at different stages and the analysis shows that member states who attempt to 'help' the Commission by drafting legislation and by participating in the legislative process with high quality technical input can punch above their weight in Brussels.



## Lobbying the Commission

An understanding of the Danish and Swedish lobby approaches can be obtained by asking three questions:<sup>1</sup>

1. When to interact with the Commission?
2. Who to engage with, within the Commission?
3. What to offer the ones whom one interacts with?

<sup>1</sup>The analysis of Denmark and Sweden is based on 32 interviews with Danish and Swedish civil servants, as well as a survey among Danish and Swedish employees at permanent representations to the EU (n=38).

## When to interact

First of all, to be able to lobby successfully, civil servants from member states need to know what is going on inside the Commission. There are a number of formal channels for doing so, e.g. the work program of the Commission or public hearings regarding green and white papers, where the Commission asks stakeholders for their views on upcoming legislation. However, not everything that goes on in the Commission is visible through these channels and both Sweden and Denmark are well aware of the informal channels that may also be useful.

Commission expert groups, including member states experts, are one way of obtaining informal information. These groups are quite frequently used as a sounding board for the Commission when considering new or amended legislation. This information needs to come from experts, frequently employed in national (independent) agencies, through the parent ministry and onwards to the permanent representations in Brussels. The autonomous status of Swedish agencies poses an extra challenge compared to the way the Danish civil service is organized in this respect.

Another way of obtaining information is through direct contact with the relevant Commission officials. Meetings in the Council can be an efficient venue; both member states and Commission representatives are present. Coffee breaks at Council meetings are a much used venue for obtaining information on what is going on. Commission officials may also be contacted directly. However, this strategy can be more resource demanding and time-consuming. In addition, the member state needs to know that something is going on, before they can meaningfully pursue this strategy.

All EU member states have their own nationals in the Commission services as well as seconded national experts (SNE's) on loan to the Commission from ministries and agencies in the capitals. Commission officials of one's nationality are generally perceived as an attractive entry point into the Commission. There are not that many Danes or Swedes in the Commission, i.e. 1.6% and 2.2% respectively according to 2014 statistics from the Commission. It is therefore unlikely that someone of the same nationality will be working on the relevant dossier. Instead, contacting personnel of the same nationality in the higher ranks of the Commission hierarchy, may be helpful in identifying who are the relevant ones to contact within the Commission.

Looking at Denmark and Sweden, it appears that they behave similarly vis-à-vis the Commission when it comes to obtaining information regarding what is going on in the Commission. They both face resource constraints and it is expensive to keep an eye on what is going on in the Commission. Furthermore, an important channel of influence, the information obtained in expert committees, may not always be utilized fully. This is especially an issue for Sweden.

## Who to engage with

Once member states have an idea of what is going on inside the Commission, they need to consider how to promote their interest, and more specifically who to engage with. Several options are available. They may choose to contact the unit in the Commission working on the dossier. This is a low-key strategy, but if the process is not too far along, it may be a strategy that can give a high return on investment. As written above, contacting someone of the same nationality may also be a viable solution. However, the small number of Danes/Swedes in the Commission generally hampers this. When asked, the Swedes generally perceive it to be more efficient contacting someone of the same nationality than the Danes.

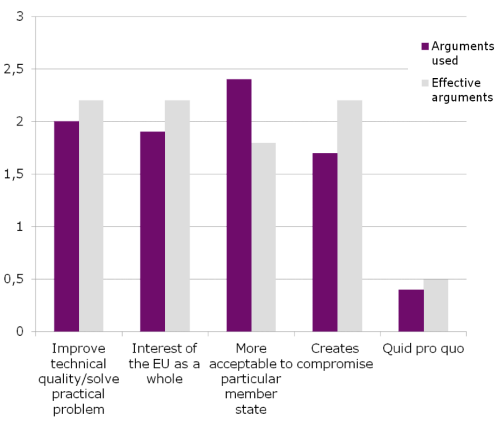
Moving up in the Commission hierarchy, a member state can also choose to contact Director Generals or the Commissioner (or his or her cabinet). This strategy typically involves either a permanent secretary, the ambassador to the EU or a minister. All these actors can be involved, but it is not very common, and sends a very clear signal to the Commission that a certain dossier is highly politicized for the member state. The two states differ with regard to the way such politicization is perceived. The Swedes generally perceived this as a more viable approach compared to the Danes, and are more likely to involve their Ambassador. The Danes on the other hand generally think that small member states should be careful not to cause too much trouble. They would rather pursue dossiers in a less politicized way.

## And what to offer them

Finally, member states need a strategy for obtaining influence. In this regard, it is possible to distinguish between different forms of input. The figure below illustrates five types of input that can be offered to the Commission.

Generally, the Danish and Swedish civil servants (attachés) evaluate technical propositions as the most efficient, along with proposals that are in the interest of the EU as a whole and which can generate a compromise. If member states can get in early on in the decision-making process and provide technical input, they can impact legislation to a great extent. However, looking at the figure, it becomes clear that the most used approach is delivering the position of the member state to the Commission.

When examined further in the qualitative data, it appears that providing technical input is costly and can be hard to prioritize. First of all, providing technical input may demand national agencies letting their experts work on a given subject. Secondly, while the benefits of such a strategy may be great, the policy processes go on for quite some time after proposals leave the Commission. The return on investment may hence be uncertain. What seems quite interesting is that both states examined here can identify policy areas where their input is wanted from the Commission due to their competence (e.g. environment). The Commission seems interested and willing to listen; the problem is prioritizing this kind of input in national administrative systems. As argued above, this is a resource question. But it is also a question of the way EU decision-making works. Attention from the top level of the civil service is usually tightly coupled to political involvement. But lobbying the Commission is an endeavor that takes place a long time prior to politicians becoming involved in the policy process. Hence the civil service is basically challenged in its emphasis on protecting the minister and using resources at the stage when he or she becomes involved vis-à-vis an earlier involvement. Hence, many lobby efforts consist primarily of civil servants delivering the “position” of their member state on a given subject. A strategy not deemed very efficient.



The scale goes from 0 (never) to 4 (every time).  
The score reflects the average answer.

## Conclusions

- The examination of these two small states leads to the following considerations:
- Lobbying the Commission and carrying out early interest representation is generally perceived as very important.
- To the extent that small member states are able to influence the technical side of proposals, they can punch above their weight.
- A focus on technical input on prioritized dossiers holds clear potential.
- To be able to lobby, member states need to allocate resources to this effect, and resources are a key constraint – even for these relatively rich and well organized small states.
- Furthermore, the organization in the national civil service can be an obstacle. The way competencies are divided between different strands of the civil service may not be the best way to ensure cooperation on EU affairs.
- Finally, it may be worth considering what being a small state entails. For Denmark, it sets certain limits to how “difficult” Denmark can be as a member state, whereas Sweden does not face the same limitations. It is however not possible to say generally if the passive or more aggressive approach is the most viable for a small EU country.

## Keywords:

European Commission, small states, lobbyism

## Further reading:

Grøn, Caroline Howard, Peter Nedergaard and Anders Wivel (eds.) (2015): *The Nordic Countries and the European Union*. London: Routledge.

Grøn, Caroline Howard (2014): Denmark and the European Commission: entering the Heart of the Union, in Lee Miles and Anders Wivel (eds.): *Denmark and the European Union*. London: Routledge. p. 109-125.

Grøn, Caroline Howard and Anders Wivel (2011): “Maximizing Influence in the European Union after the Lisbon Treaty: From Small State Policy to Smart State Strategy”, in *Journal of European Integration*, Vol. 33, Nr. 5, p. 523-539.