

Lobbying and Informal Contacts

For a civil servant working in a policy area with a European dimension, lobbying and information gathering has no beginning and no end – it should be a continuous, planned process whose focus shifts according to the state of play of a particular dossier.

- P** Get in early. EU policies are like supertankers – a small nudge early on can make an enormous difference to the end position, but the later you leave it the harder you have to push to make any difference at all. Produce the first bit of paper, and then you will have set the agenda.
- P** Maintain good personal contacts with Commission and other Member State officials, relevant industry groups and other interested parties (consumer groups, NGOs, etc). Not only does this mean you'll have a better understanding of their position, but it will also increase the chances of you hearing about new developments in the policy area early on. If your contacts respect you, you will also be better placed to put your point of view across.
- P** You should identify and build alliances with opposite numbers in other Member States. (You should use UKRep and other Embassies to help develop those alliances.) But don't just talk to 'friends' – after all, it is not them you need to convince!
- P** Don't forget the European Parliament! This institution has a very important influence over the European agenda, with the vast majority of legislation jointly adopted by it and the Council. Identify the key MEPs in your policy area (UKRep can help a lot here) – often those on the relevant committee – and develop a relationship with them. Often, you can be one of their most reliable sources of information and facts.
- P** Effective lobbying is a two-way street. Always try to be able to offer some information on others' positions or facts about the issue at hand in exchange for what you want.
- P** Get UK industry to make full use of Europe-wide trade associations in lobbying the Commission, and encourage them to get their opposite numbers in other countries to seek support from their national governments.
- P** Consult interested parties in the UK. In addition to keeping them up to date with progress, the information they can give you on likely effects will help inform both your lobbying and your negotiating strategies and offer alternative ways of achieving the same end. Consider all forms of consultation, not just a formal paper document – focus groups; email lists; web sites; workshops; seminars; etc.
- P** It is often helpful to get other Government departments on your side. The Treasury can be particularly helpful e.g. in lobbying other Finance Ministries against state

aids.

- P** Do not forget to lobby cabinets as well as the Services: the two operate fairly independently. UKRep will help you do this.

Formal Negotiation

Formal negotiation takes place first of all at a technical level in Council working groups. Here, officials from all the Member States and the Commission, chaired by the Presidency, seek to resolve as many of the issues as possible. When they have achieved all they can, the dossier will be passed up to COREPER (the Committee of Permanent Representatives) and then to Ministers in the Council for final agreement (or referral back for more work!).

Even before taking part in a working group:

- P** You should have a clear, prioritised strategy, agreed by Ministers. Ideally this will have already informed your lobbying activities.
- P** Try to avoid taking up an inflexible negotiating position. Outright opposition to a measure will mean that UK concerns about the shape and detail of a draft directive will be ignored to the detriment of the UK. It is often much better to engage with other Member States on the detail of the proposal in order to achieve as good a result as possible.
- P** You may not personally believe in European integration. But any argument based on anything approaching Euroscepticism risks almost immediate dismissal. However, this doesn't mean that the national interest doesn't matter. There is generally a great deal of willingness to accommodate particular national difficulties. Wherever possible, back up your arguments with facts – often obtained through national consultation.
- P** Be aware of the dynamic of the negotiation. The very beginning is usually the time for declarations of principle, but things move quickly into discussions of detail. As the process accelerates and the pressure to reach agreement grows it becomes almost impossible to introduce new elements or to try to reopen points already agreed.
- P** Know when to give up on a point that is of little real importance. Multiple interventions on minor points of detail can quickly exhaust the patience of others around the table, and can often best be dealt with by a quiet word with the Presidency or the General Secretariat.
- P** Try to keep a feel for that intangible but vital commodity, negotiating capital. Making concessions on items you have portrayed as important to you earns you capital. Winning a point (or even fighting it too hard) spends it.
- P** Aim to maintain your informal contacts and use them between formal sessions

and, where appropriate, in the margins of those sessions too. Generally, the best way to garner support is to float an idea informally first, then, when you have secured sufficient support (usually involving the Presidency and, if at all possible, the Commission), raise it in a formal session.

- P** Don't forget that what you are negotiating is law. Keep close contact with your lawyers to make sure the text really does mean what you think it does. They can also help you keep in mind how the text before you will be turned into national law. Negotiation and transposition are not separate processes, and the need for fair but effective enforcement must be addressed whilst directives are being negotiated.