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# **Lobbying during the Covid-19 Crisis: An Analysis of Climate and Environmental Online Consultations at the EU**

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**Abstract**

This thesis asks how business actors have lobbied to influence environmental and climate EU policymaking during the Covid-19 crisis. It does so by focusing on business participation in online consultations associated with the European Green Deal at the outset of the pandemic. More specifically, this thesis asks three questions. First, which types of actors lobbied in the first stages of the policymaking process? Second, did businesses refer to Covid in their informational lobbying? Third, how did business actors incorporate the crisis into their advocacy? The thesis applies and modifies Crisis Exploitation Theory to examine the framing contest around the environmental policy proposals in the wake of the crisis. Drawing on an original dataset built from online consultation data on the European Commission website, this thesis uses content analysis and descriptive statistics to arrive at several important conclusions. First, business actors are disproportionately represented vis-à-vis other interest groups in this lobbying channel. This finding aligns with previous studies on business dominance in the EU during non-crisis times. Second, I find that 38% of business actors have indeed exploited the crisis when participating in environmental consultations in the few months following the outbreak of the pandemic. Third, I show that some sectors or groups of sectors have included the crisis in their lobbying more frequently than others, namely actors from the energy sectors active on the oil and/or coal markets as well as inter-sectorial organizations. Fourth, I describe what type of arguments corporate actors have employed when instrumentalizing the crisis to influence the policymaking process in one way or the other. The frames employed the most often includes two types of arguments: business actors trying to delay the process by asking the EU to adapt the consultation to the new crisis circumstances and business actors trying to avoid additional economic pressure from new environmental regulations. This study contributes to the existing literature on business power in environmental governance, on crisis exploitation theory and on lobbying in the EU.

**Résumé**

Ce mémoire pose la question suivante : comment les acteurs du monde du business ont-ils tenté d'influencer les consultations environnementales liées au Pacte Vert européen durant la crise de la Covid-19 ? Plus précisément, ce mémoire pose trois sous-questions. Tout d'abord, il étudie le type d'acteur ayant participé à ces consultations en ligne pendant l'année 2020. Ensuite, cette recherche explore si ces acteurs ont adapté leurs stratégies de lobbying aux nouvelles circonstances amenées par la pandémie. Finalement, la manière dont les acteurs ont instrumentalisé la crise est analysée plus en détails pour trois consultations. Dans ce mémoire, je fournis également une application empirique d'une adaptation de la théorie sur l'exploitation des crises (Crisis Exploitation Theory – CET). Ces questions sont explorées par de l'analyse de contenu et de statistiques descriptives, à partir d'une base de données originale. Les résultats obtenus permettent de tirer d'importantes conclusions. Tout d'abord, le monde du business a clairement dominé les consultations environnementales de l'EU pendant la crise de la Covid-19, ce qui indique une continuité par rapport à la situation d'avant-crise. Ensuite, 38% de ces acteurs ont en effet adapté leur lobbying aux circonstances de la crise lors de leur participation aux consultations environnementales. Certains secteurs ont fait référence à la pandémie plus souvent que d'autres, comme le secteur de l'énergie dont les acteurs sont aussi actifs sur le marché du charbon et/ou du pétrole ainsi que les organisations inter-sectorielles. Finalement, la crise a été instrumentalisée de différentes manières, le plus souvent pour ralentir l'élaboration des politiques ou pour tenter d'éviter de nouveaux coûts liés aux réglementations environnementales. Ce mémoire contribue à la littérature existante concernant l'étude du pouvoir du monde du business, de l'exploitation des crises (CET) et du lobbying à l'Union européenne plus généralement.

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# 1. Introduction and Problem Statement

## **A. Introduction and Background**

On July 14<sup>th</sup>, 2021, the European Commission (EC) announced the “Fit for 55” package, a comprehensive set of legislative proposals designed to reach the Green Deal’s new environmental goals of carbon neutrality by 2050 and a 55% reduction of net emissions by 2030 (European Commission 2021). This was a key step in the history of the Green Deal, a series of policies started in 2019 by the new EC President, Ursula von der Leyen, who subsequently launched an initiative that would adapt all existing regulations to the new targets. To kick off the policymaking process surrounding the Green Deal, several online environmental consultations were planned for the first quarter of 2020. But in January 2020, the spread of the Covid-19 pandemic throughout Europe changed policymaking as we know it.

Due to the outbreak of the Covid-19 pandemic, society had to reinvent itself, adapt and reach objectives in a radically transformed context, using new tools and strategies. Non-state actors in global environmental governance have also been compelled to adapt their practices to these new circumstances. One means through which corporate actors get involved in environmental governance is by directly influencing the policymaking process, specifically through lobbying (Morin, Orsini, and Jinnah 2020). As lobbying is known to constantly adapt to new contexts (Cooper and Boucher 2019), we can assume that interest groups were forced to adjust to the uncertain circumstances created by the global pandemic at the beginning of 2020. As Rasmussen observes: “[The pandemic] has also affected lobbying and the way interest groups and businesses interact with policymakers”(Rasmussen 2020).

In Brussels, many observers of the European policymaking process worried that interest groups, and particularly the business world, would take advantage of the crisis. As Winston Churchill once said: “never let a good crisis go to waste”(Churchill, in Rasmussen 2020). For instance, the NGO *Les Amis de la Terre France* (2020) published a report showing the many strategies employed by corporate lobbyists to take advantage of this crisis. Strategies such as asking for the removal or the weakening of existing environmental regulations, promoting their own technological solutions for the post-crisis world, repackaging old demands, or trying to capture as much public funding as possible (Les Amis de la Terre France and L’Observatoire des multinationales 2020). At the EU level, another example is the NGO Corporate Europe Observatory, which put in place the “Corona Lobby Watch” with the objective of denouncing the opportunistic behavior of many business actors (Corporate Europe Observatory 2020). Even the European Environmental Bureau (EEB) denounced opportunistic behaviors by corporate actors by giving five examples of strategies used by lobbyists. In one case, Business Europe, one of the main European business associations, openly asked Vice-President Frans Timmermans to delay certain environmental consultations and regulations because of the crisis (Lazarus 2020). By most accounts, corporate interest groups have been busy, even while the rest of the world seems to have been working in slow motion for months. Eady and Rasmussen (2021) have already been able to show that business actors were more present than any other actor types in Covid-related meetings with EC officials during the first months of the crisis.

This research examines the behavior and strategies of corporate lobbies during the Covid-19 crisis with respect to environmental and climate change policy. More precisely, it asks the following question: how, if at all, did the uncertainty brought on by the pandemic affect the way businesses and industry associations share their expertise with EU institutions? I look at whether and how corporate actors have included the Covid-19 crisis in their informational

lobbying strategy. My focus is on informational lobbying by business groups during the open consultations held by the European Commission in the early stage of policymaking.

### **B. Relevance of the Research**

This research is relevant to the fields of environmental governance in the EU and interest group behaviors for three reasons. First, it offers insights into the dynamism of lobbyist behavior in the context of a global pandemic, adding to the rather meager literature on the impact of external shocks on lobbying behavior. This could be especially relevant in an era where we can expect more crises leading to regional or global uncertainty. As such, this paper could be of great use to policymakers, by showing them what to expect from lobbyists in other crises or conditions of uncertainty. Second, by doing a systematic content-analysis of corporate actors' discourses to capture the emerging frame contest at the outbreak of the pandemic, this thesis provides an empirical application of Crisis Exploitation Theory in a new context. Third, and most importantly, this research will also contribute to a broader debate about the supposedly increasing importance of private authority in global environmental governance (Green 2013). Indeed, this article will analyze a new way through which private actors are able (or not) to increase their participation in global governance: by taking advantage of crisis periods.

## **2. Objectives and Research Questions**

The main objective of this thesis is to gain a better understanding of lobbying around environmental and climate issues at the EU during the Covid-19 crisis. Exploring this question will add to the meager literature on the exploitation of periods of uncertainty by business lobbies (Cooper and Boucher 2019; Eady and Rasmussen 2021). Considering the key role of businesses and business associations in EU politics as well as the unique momentum of environmental and climate policies in the EU at the moment (with the new Commission and the announcement of

the Green Deal a few months before the outbreak), the time is right for an in-depth analysis of how business actors influence environmental policies.

From this underlying objective, I derive two research questions. First, does the usual predominance of business actors in the policymaking process hold in crisis periods? To answer this question, I analyze the distribution of interest groups represented in EU online consultations about environmental or climate-related policies. Thus, the first sub-question is formulated in the following way:

**Q1:** *Who participated in online consultations for environmental and climate change policies during the first months of the Covid-19 pandemic?*

Second, since past literature has found evidence of industry groups using crises opportunistically, this research looks at how business actors in particular have been able to integrate the crisis in their informational lobbying.

**Q2:** *How, if at all, did business actors adapt their lobbying strategies to the new crisis circumstances?*

Two sub-questions are then designed to answer Q2. First, I ask if corporate actors have included the crisis in their environmental and climate lobbying strategies, specifically in certain online consultations. Second, I ask how these actors were able to incorporate the pandemic in their advocacy strategy by looking at the arguments they employed when making the link between the environmental issue in question and the pandemic. This second sub-question will explore the content of the business comments during online consultations and examine how, if at all,



business actors have instrumentalized the crisis in their environmental lobbying. These two questions can be stated the following way:

- **Q2A:** *Did business actors adapt their lobbying strategies to the crisis?*
- **Q2B:** *How, if at all, did businesses try to take advantage of the crisis when including it in their environmental lobbying?*

### 3. Literature review

The literature review will be divided into three sections: first, I provide necessary definitions and context on lobbying in EU governance in general. Second, I provide some theoretical foundations on business presence and business power in EU policymaking. Third, I explore the existing literature on the relationship between crises and lobbying patterns, which will be useful to analyze what emerged at the outbreak of the Covid-19 crisis in 2020.

#### **A. Definitions and Contextualization: Lobbying at the EU**

##### *a) An Abductive Approach*

For this paper, I have decided to pursue an abductive theoretical approach. In this kind of approach, reflection starts with a puzzle or a surprising situation, and the objective is to “make the puzzle less perplexing” (Schwartz-Shea and Yanow 2011, 27). In practice, it means that instead of following a purely deductive or inductive logic, the researcher goes back and forth between the theory and the empirical materials to then enter a process of “sense-making” and, possibly, deciding on interpretations of the empirical puzzle (Schwartz-Shea and Yanow 2011, 28). According to Friedrichs and Kratochwil (2009), the situations that fit this type of reasoning often appear “when we become interested in a class of phenomena for which we lack applicable theories”(Friedrichs and Kratochwil 2009, 714, in Schwartz-Shea and Yanow 2011, 28).

Considering the novelty and scale of the current crisis as well as the deep shift in EU environmental policy before the crisis, it seemed pertinent to engage in an abductive approach in order to interpret business lobbying behavior in 2020 piece by piece by going back and forth between evolving empirics and the literature.

### *b) Definitions and Concepts*

Generally, the global environmental governance's literature distinguishes two dimensions in which private actors operate. These are, first, the private rule-making strategies private actors initiate autonomously (often referred to as transnational governance schemes) and second, their strategic interactions with officials – using direct or indirect channels - with the objective of influencing or contributing to the policymaking process (Orsini, Morin, and Jinnah 2020). This paper will focus on the latter dimension, often referred to as lobbying.

Lobbying may take several forms and may happen at different governance levels as well as at different stages of the policymaking process. Considering the multitude of levels and moments at which an interest groups may try to impact the EU policy-making process, the EU is considered by many as a promising opportunity structure for lobbying (Richardson 2000, in Kluver and Mahoney 2015, 448). It is useful to distinguish between outsider lobbying, which occurs through external communication channels such as social media, and insider lobbying, which occurs when interest groups focus on accessing the institutions directly through channels provided by the policymakers to give interest groups the opportunity to be heard (Eady and Rasmussen 2021). The first type is often privileged by NGOs since they need to keep a large public mobilized (and often encounter more difficulties getting directly in touch with officials) while businesses are usually keener to employ insider lobbying strategies (Eady and Rasmussen 2021).

When trying to directly influence the policymaking process through insider lobbying, interest groups may deploy different strategies. According to LaPira (2017), interest groups try to access policymakers (often through lobbyists) to reduce political risks. The author explains that these political risks are of two types: the risk of not maximizing rent extraction and the risk of not minimizing market regulations (LaPira 2017, 56). Interest groups employ different strategies to minimize these political risks, one of which is that of informational lobbying, particularly relevant in the case of the EU. In EU environmental politics in particular, Grant (2012) explains that there is an asymmetrical knowledge division between interest groups and institutions. Therefore, interest groups provide specialized expertise to the EU, who relies on this knowledge to draft their policies. Grant (2012) adds that “informational lobbying is also seen as a legitimate and even helpful form of intervention which does not incur reputational damage” (p.176). Thus, informational lobbying is welcomed and even encouraged by the EC, which does not have the means to produce the same expertise by itself (Broscheid 2006 p. 105, in Grant 2012, 176). In this context, the EC provides channels for interest groups to share their knowledge, such as public consultations published throughout the policymaking process to collect the views of relevant stakeholders (Rasch 2018). Informational lobbying is an essential dimension of the relationship between interest groups and EU institutions and this characteristic makes Brussels’ lobbying style different from most state level strategies: a rather pro-active relationship has developed between private actors and EU institutions instead of a more destructive and oppositional one as we can witness, for instance, in Washington (Coen 1997, in Coen 2009, 148).

*c) Lobbying in the Online Consultations of the European Commission*

This paper studies exclusively the lobbying taking place at the EC, as it is the only formal agenda-setter of the EU (Fuchs and Feldhoff 2016; Rasmussen and Carroll 2014). The EC is

often considered as the most important lobbying target, even if the Parliament attracts more and more interest groups (Adelle and Anderson 2012). When drafting new policy proposals, the EC must comply with the principle of participative democracy, which means that it must maintain an open and transparent dialogue with representative associations and civil society through regular and inclusive consultation tools (Consolidated version of the Treaty on European Union 2012). To integrate this principle in the policymaking process, the EC has put in place at least eight consultation tools that are often combined with each other: conferences, public hearings and events; Eurobarometer surveys; workshops, meetings and seminars; expert groups; focus groups; interviews; public consultations; and consultations targeting SMEs (Fraussen, Albareda, and Braun 2020).

This paper will focus on one of these lobbying channels in particular: the early-stage online consultations organized by the EC when starting the drafting of a policy. In this section, we shall explore the details of this particular lobbying channel for a better comprehension of this paper and its results. First, no invitation is needed to participate in online consultations, as it is open to all (even to individual citizens). At first sight, this characteristic could make online consultations less attractive for interest groups because they are not exclusive and it is known that exclusive tools are valued higher by actors because of the fewer preferences represented and the closer contact with policymakers (Quittkat and Kotzian 2011, 404). However, participation in open consultations has in fact proven to be quite attractive for interest groups (Røed and Wøien Hansen 2018). Indeed, interest groups mainly pursue two goals when participating in consultations: influencing the policy outcome and representing their constituency (Bunea 2014, in Røed and Wøien Hansen 2018). Therefore, even if open consultation tools may seem less attractive to effectively influence the policy output, they still

represent an efficient platform for interest groups to mark their interest in a policy matter and, by doing so, represent their constituents.

Second, the fact that the online consultations studied here take place at the beginning of the policy-making process (e.g. consultations on roadmaps and impact assessments) gives two advantages to interest groups. On the one hand, these online consultations take place at a very strategic stage of the policy-making process and therefore represent an important opportunity to shape the policy proposal at the very start, before the final proposal is drafted and before it is presented to the Council and to the Parliament (Quittkat and Kotzian 2011). Schmidt (1999) added that later phases of the process offered very limited possibilities of impacting the proposal (Schmidt 1999, in Quittkat and Kotzian 2011, 405). Moreover, showing interest in the topic at such an early stage may potentially give the actor the chance to be seen as a key interlocutor later in the process (Quittkat and Kotzian 2011). On the other hand, the structure of these early-stage consultations, or rather the fact that they do not constrain interest groups to respect any structure when giving feedback, gives them a platform to lay out their arguments and expertise extensively and by doing so, to frame the issue early on (Quittkat and Kotzian 2011).

For all these reasons, the online early-stage consultations published by the EC seem to constitute an attractive platform for all interest groups to express their views, even though they do not represent an exclusive lobbying channel. Therefore, I assume that the feedbacks submitted by interest groups when participating in early-stage consultations represent a relevant avenue for studying informational lobbying practices at the EU.

*d) Current Context*

While the Covid-19 crisis made headlines around the world in 2020, much was also happening in EU climate and environmental politics during the same period. A wave of changes was initiated when EC President Ursula von der Leyen and her Commission took office on November 1<sup>st</sup> 2019 (European Parliament 2019). Very quickly, the new President made clear that environmental and climate issues were going to be at the center of her five-year mandate – issues that were already crucial during her election campaign (Lazarus 2019). Without wasting time, the European Green Deal (EGD) was announced on December 11<sup>th</sup>, 2019, only a month and eleven days after her first day in office (Garric 2019). On July 14<sup>th</sup>, 2021, the EC made the “Fit for 55” package public. The “Fit for 55” package is as yet the biggest set of policies ever rolled out by the EU and was designed to make the Green Deal and the objective of reducing EU net emissions by at least 55% by 2030 to become the first carbon-neutral continent by 2050 a reality (European Commission 2021).

This renewed interest in environmental matters at the EU marked a crucial turn in environmental and climate politics and was largely made possible by the new EC President. Indeed, although the EU seemed to be willing to become a climate leader before 2009, all interest disappeared after the disappointment in Copenhagen at the COP15 in 2009 (Fuchs and Feldhoff 2016). Several authors became quite concerned and pessimistic when writing about the future of EU environmental politics during President Jean-Claude Juncker’s mandate (2014-2019), during which the EC mainly focused on creating employment and economic growth (Fuchs and Feldhoff 2016). With the increasingly centralized decision-making power of the EC President during the last two mandates (Barroso and Juncker), the initiative in environmental politics had to come from a new President or scholars did not expect much change in

environmental ambition in the EU in the near future (Steinebach & Knill 2016, in Fuchs and Feldhoff 2016).

At the outbreak of the Covid-19 crisis, therefore, the new EC was set on radically transforming the role of the Union in environmental and climate politics. The peculiarity of this mandate makes any comparison between the previous and the current commissions particularly complex. In addition to this new context, the second year of the EC mandate is always the busiest of the legislative cycle, which was particularly relevant in the case of the new EC if we consider the particularly heavy policy agenda proposed by the new President (Bayer 2021).

There are two takeaways from this short contextualization. First, the Covid-19 crisis took place when the EC was about to initiate the drafting and thus the consultation process for an unusually large number of environmental policy proposals. This key moment of environmental change, or Europe's "man on the moon moment" according to President von der Leyen (European Commission 2019), makes it a particularly interesting period for study given the scale of the work undertaken. On the other hand, it renders this moment in European environmental politics particularly difficult to compare with any other period of European environmental decision-making. Second, the fact that environmental and climate issues were sidelined for such a long time may impact the participation of interest groups in the policymaking process as they are not used to face such comprehensive policy packages - at least in the area of environmental policy.

## **B. Business Lobbying at the EU**

Now that the context of general EU environmental policymaking has been explored, this section will focus on the behavior of business actors in particular. First, I give an overview of the findings concerning the representation of different interest group types in EU lobbying. Second,

I show how these groups try to influence policy-making processes by looking more closely at the content of the lobbying.

*a) Business Dominance and Interest Distribution*

A large strand of the literature on business interests in the EU has focused on the distribution of the different types of interest groups within the multiple lobbying channels provided by EU institutions. One finding seems unequivocal: the “heavenly chorus” is biased towards actors from the business world (Fuchs and Feldhoff 2016; Rasmussen and Carroll 2014). Several studies have proven the predominance of corporate actors at different stages of the policy-making process and in different policy areas. Fagan-Watson et al. (2015), for instance, demonstrated the presence of trade associations in EU climate politics at many lobbying entries, including through the revolving door, the briefing of policymakers, the organization of events, and the production of expertise, among others (Fagan-Watson, Elliott, and Watson 2015). The authors concluded their detailed report by stating that the implication of large trade associations in EU climate politics was “both impressive and (to some commentators) a source of serious concern” (Fagan-Watson, Elliott, and Watson 2015, 73). Another impactful article was written by Fuchs and Feldhoff (2016), who provided many illustrations of business lobbying influence at the EU, more particularly in climate politics. For example, they observed that 59% of participants in the public consultation for the 2030 Climate Framework represented interests from the business world (Fuchs and Feldhoff 2016, 65). They also interviewed EU officials, several of which stated that business actors were the most influential, so much so that the EC sometimes felt forced to propose the legislations business actors demanded. One of the interviewees even described the lobbying of the 2030 Climate Framework as “aggressive”, while still another stated that business lobbying was one of the main obstacles when trying to increase EU climatic ambitions (Fuchs and Feldhoff 2016, 65-66). In a study of EU



environmental policy, Grant (2012) acknowledged the crucial role of environmental NGOs, without whom EU environmental politics would be less developed, while also recognizing that business actors are advantaged in terms of contact resources, structural power, financial resources, and legitimacy (p.65). In online consultations more generally, Rasmussen and Carroll (2014) have proven that business dominance is obvious and real in all types of policy analyzed and that this bias is even stronger in consultations than in the EU Transparency Register (Rasmussen and Carroll 2014).

These examples show the predominance of business interests in the European lobbying sphere in climate and environmental politics (Fagan-Watson, Elliott, and Watson 2015; Fuchs and Feldhoff 2016; Grant 2012), as well as in online consultations in general (Rasmussen and Carroll 2014). In addition, certain authors argue that this dominance is not only frequent in all sectors of EU policy-making, but highlight the particular importance of business actors in environmental policy-making in the EU (Falkner 2008; Fuchs and Feldhoff 2016; Grant, Matthews, and Newell 2000). In 2013, Coen and Katsaitis showed that the DG ENV and DG CLIMA were particularly accessible to business interests with the DG ENVI, according to the authors, being the most intensively lobbied of all directorates (Coen and Katsaitis 2013).

However, the category of interest groups frequently referred to as the “business world” is often studied as a monolithic group, inadequately representing the various objectives and specificities of particular companies and trade associations. For instance, in climate politics, associations representing renewable energies will have different goals from energy intensive industries (Fuchs and Feldhoff 2016, 66). Indeed, climate change and environmental degradation, but also climate and environmental regulations, affect sectors in very distinct ways (Grant 2012). Therefore, we can expect different feedback from the business world when commenting on the

same policy proposals. Nevertheless, in Bunea's (2015) study of the distribution of preferences within different actor types in environmental online consultations, she concluded that there was only a low to moderate level of diversity of preferences among the same interest types. This would be, according to the author, due to a high degree of coordination among corporate actors (facilitated by their membership in trade associations). Thus, in this research I decide to create different categories of business actors to test for the heterogeneity of discourses when referring to the Covid-19 crisis within the broader "business world".

#### *b) Business Power in Online Consultations*

Merely looking at the distribution of interest groups among lobbying channels offers an incomplete picture of lobbying patterns at the EU level and does not provide much information on the actors' actual lobbying activities or policy demands (Bunea 2015a, 51). This is why, in this section, I lay out some useful literature about how business actors try to exert their power when lobbying in the EU, with an emphasis on the EC's online consultations.

In the context of this research, the concept of informational lobbying is essential. Indeed, when publishing online consultations, the EC asks stakeholders to share their expertise and preferences around a particular topic, giving interest groups a platform to exert informational lobbying. Interest groups have an incentive to take advantage of this platform to provide their expertise and, by doing so, their own interpretative frameworks, and, most importantly, their own solutions to the issue at hand, with the objective of steering the policy debate in the direction they prefer (Boräng et al. 2014).

When participating in online consultations, business actors can exert power in different ways. When participating in online consultations, business actors can exert power in different ways. One relevant conceptual framework to study business power consists in analyzing their actions

through a tri-dimensional lens. Scholars have developed a helpful typology to analyze business power by identifying three dimensions: instrumental, discursive and structural (Falkner 2008; Fuchs 2007; Fuchs and Feldhoff 2016). We can expect business interests to mobilize these three dimensions when lobbying environmental issues - as Fuchs and Feldhoff (2016) demonstrated was done when businesses lobbied the policy-making process of the 2030 EU Climate and Energy Framework voted in February 2014.

Instrumental power refers to the influence interest groups directly gain when participating in lobbying, campaign financing or events, among others (Fuchs 2013). In other words, instrumentalist approaches to power are actor-centered and follow the idea that a voluntary action by an individual or a group – such as deciding to engage in lobbying or sponsoring an event – has the potential to have a direct influence on another actor (Fuchs and Lederer 2007). One simple way of evaluating how interest groups try to exert their instrumental power when trying to steer negotiations is by looking at the formal or informal interactions/communications between business representatives and EU officials (Fuchs 2007, in Fuchs and Feldhoff 2016). In some cases, interest groups organize themselves strategically to increase their chances of success in influencing a policy outcome. More concretely, it means that diverse actors - that often share formal membership ties - will increase their chance of direct influence by multiplying the number of interactions with officials using these ties. In the context of online consultations, business actors will coordinate to multiply the amount of feedback containing the same policy alignments (Bunea 2015b). Bunea (2015) showed, through a study of this strategy, that empirically in five environmental consultations, position alignment was a result of the coordination between groups that are member of the same over-arching associations. Overall, she proved that organizations lobby in coalitions and that formal membership ties were good predictors for preference alignment (Bunea 2015b, 294).

Second, when exerting discursive power, interest groups aim at influencing the policy process by shaping perceptions, political actors, solutions, and contexts (Fuchs and Feldhoff 2016). An interest group is able to frame an issue in a way that highlights “what is at hand” and “fosters the interpretation of situations as of one type rather than another” (Fuchs 2007, 8). This second dimension of business power is crucial at the EU because of the aforementioned special role of informational lobbying (Grant 2012). The EC provides various opportunities for interest groups to share their expertise, considering that it is dependent on this external technical input to formulate high-quality policies (Eising 2001, in Fuchs and Feldhoff 2016; Grant, Matthews, and Newell 2000; Rasch 2018). The EC encourages stakeholders’ input because it does not have the resources to produce the necessary data itself, but also to ensure their policies will have legitimacy and support when they are published (Coen and Richardson 2009, in Adelle and Anderson 2012). Scholars agree on the fact that business actors participate more often and are more efficient at informational lobbying than other actor types (Grant 2012; Grant, Matthews, and Newell 2000). Thus, at the EU, and more particularly at the EC, interest groups and policymakers have developed what Coen and Richardson have labeled a *symbiotic relationship*. This dynamic may be associated with Jessica Green’s (2013) concept of delegated authority, which described situations in which states decide to delegate governance tasks to international organizations or private actors because of the growing number of global issues they have to deal with (Green 2013). In the context of the EU, we can even talk about redelegation, where the international agent supposed to act on behalf of states is itself delegating to private actors - in this case, the provision of expertise (Bradley and Kelley 2008, in Green 2013, 59). Overall, we see that a very singular style of lobbying has developed within the EU, with information dependency at its root, which then gives interest groups space to exert discursive power (Coen 2009).

Third and last, business groups exert structural power when participating in EU climate and environmental lobbying. Structural power refers to the ability of business actors to become, due to their position “in material structures and organizational networks”, agenda-setters – meaning that they will use their structural power to influence public policymaking – but also to create and implement their own private governance, which has been observed more recently (Fuchs and Lederer 2007). One of the most frequent arguments maintained by private actors when exerting structural power – in particular from energy-intensive industries – is that implementing overly restrictive environmental policies will put EU industries in difficulty, which could potentially result in a loss of employment and competitiveness (Fagan-Watson, Elliott, and Watson 2015; Fuchs and Feldhoff 2016). Fagan-Watson et al. (2015) observed in a study of the role of eight major trade associations in EU climate politics that energy-intensive industry lobbies, fossil fuels producers and broad-based trade associations (such as BusinessEurope) often employ arguments based on reduced competitiveness and carbon leakage risks when lobbying the EU (Fagan-Watson, Elliott, and Watson 2015, 73).

To resume this second section of the literature review, I would like to highlight two main points. First, interest distribution in general, in online consultations, and in climate and environmental politics has been found to be biased towards business actors. Second, business actors try to exert influence in multiple ways, and the tri-dimensional conceptualization of business power is particularly useful in analyzing interest groups’ lobbying strategies.

### **C. Lobbying in Times of Crisis**

Studying the impact of the Covid-19 crisis on any social phenomenon is challenging, for the simple reason that the pandemic is still ongoing and has created unprecedented circumstances. This research aims to explore the impact of a large crisis in one particular context: the environmental lobbying of business actors in the EU. According to Eady and Rasmussen

(2021), the literature on the impact of external shocks on lobbying patterns is still scarce. This section explores two dimensions of lobbying, more particularly of informational lobbying in open consultations, that are expected to vary at the onset of a crisis: the distribution of interest types and the discourses of business actors.

#### *a) Variation of Interest Distribution*

The Covid-19 crisis created a great deal of uncertainty world-wide, and I expect this uncertainty to have influenced business lobbying, considering that lobbying is known to vary greatly according to the context in which actors find themselves in (Cooper and Boucher 2019). For instance, Cooper and Boucher (2019) were able to empirically test the relationship between uncertainty and lobbying frequency. They supplemented the existing literature while studying the Canadian context, as they distinguished between two types of uncertainty. First, they described *policy objective uncertainty* as being a situation in which lobbies are uncertain about decision makers' policy intentions. Second, they analyzed what they called *issue information uncertainty*, or the phenomenon by which policy makers do not have the necessary information to make informed decisions, similar to LaPira's concept of policy ambiguity (LaPira 2017). The authors explained that this second type of uncertainty consists in "a lack of information about the technical details of an issue necessary to make an informed decision about policies and programs" (Cooper and Boucher 2019, 442). They argue that such a situation of uncertainty gives lobbies the opportunity to share their own frames and previously selected information with the relevant policymakers – which is something we could expect considering the instrumental use of informational lobbying described in previous sections. The empirical results from this study showed that the impact of uncertainty on lobbying frequency depended on the type of uncertainty: they observed a positive relationship between lobbying frequency and uncertainty for the second type (issue information) but a negative relationship for the first

one (policy objective). However, Cooper and Boucher (2019) tested the impact of issue information uncertainty by observing changes of a smaller scale (compared to a pandemic), such as a change in the top administration. Furthermore, they did not distinguish between the different categories of interests. However, this still represents a good empirical example of the role of uncertainty brought on by an external shock on lobbying dynamics. And considering that not all actors are equally able to produce the expertise EU institutions desperately need and that we know that businesses are usually more represented in EU environmental and climate politics, one could expect business interests to have been even more active in informational lobbying during the Covid-19 crisis.

However, the dominance of business actors in 2020 environmental consultations may not be as straightforward. On the one hand, Grant (2012) has noticed that NGOs have been more and more capable of producing high quality expertise and of participating in informational lobbying in the EU, in addition to being key actors in the development of EU environmental agenda. On the other hand, NGOs also have an interest in sharing their interpretation of and solutions to the crisis. Indeed, Pleyers (2020) has documented a battle over the interpretation of the crisis with, on one side, actors advocating for a quick return to “normality” and on the other, social movement organizations (SMOs) claiming loud and clear that “another world” is possible. Different SMOs saw the crisis as an opportunity to advocate for a deep transformation, such as social justice activists and progressist intellectuals claiming that the crisis should be the trigger for a true societal shift towards a more equal world and thus, an opportunity to part ways with the current “business as usual” capitalist organization of society (Pleyers 2020, 304).

In addition, two contextual elements may make us question to what extent corporate actors were actively participating in EU environmental and climate consultations in 2020. First, business

actors have expressed difficulties balancing the unprecedented crisis with efficient participation in the EU policy-making process. For example, BusinessEurope's General Director<sup>1</sup> Markus Beyrer (2020) explained in a letter to the Vice-President and Commissioner for the Green Deal Frans Timmermans that the business world had difficulties participating in the policy-making process because of the circumstances:

“However, for now Europe is facing an unprecedented human and economic crisis that does not allow to continue with a “business as usual” scenario. The European business community is fully focusing on managing the situation internally in order to minimize job losses and disruptions to the supply chains. (...) Facing certain deadlines as if nothing has happened does not seem to acknowledge the changing times and realities, and risks making the stakeholders inputs for consultations and existing EU regulations far from perfect.”

**Public Letter:** *“Extending deadlines for non-essential environment and climate-related consultations and regulations - Letter from Markus J. Beyrer to Frans Timmermans”*

Although the extent to which BusinessEurope was exploiting the crisis or reflecting a true difficulty of corporate actors to participate in consultations is not clear, it makes the study of interest distribution in 2020 environmental and climate consultations particularly relevant. Second, Eady and Rasmussen (2021) have proven that business actors have been better represented in meetings with the EC related to Covid-19 than NGOs. In another article, Rasmussen had also noticed that the lack of physical events made lobbying more challenging for those who have difficulties securing face-to-face time with legislators (Rasmussen 2020). All in all, one could expect business groups to have focused their efforts on direct lobbying with key EU officials – being the most valued lobbying type due to the proximity with policymakers (Quittkat and Kotzian 2011) - while NGOs' difficulties to reach policymakers could have forced them to turn to online consultations, which are highly inclusive.

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<sup>1</sup> BusinessEurope indirectly represents companies of all sizes from 35 European countries and directly represents the national business federations of these countries. It advocates for growth and competitiveness and is based in Brussels.



*b) Crisis Exploitation Theory and Framing Competition*

In the context of the Covid-19 crisis, the outbreak triggered fast reactions from decision-makers everywhere in the world, which shows a particularly high perceived immediacy – at least on the elites' side. Actors saw the crisis as critically attention-demanding, which was then reflected by the dominance of the crisis in political, media and public agendas (Hunt 2021). The important term here is *perceived*, considering that the way the situation is perceived by individuals will determine its potential impact on governing elites as well as on public policies. For instance, it is the *perceived* immediacy, proximity and universality of the Covid-19 crisis that triggered such quick and radical responses from political elites internationally (van der Ven and Sun 2021). Accordingly, crises may be defined as “events or developments widely perceived by members of relevant communities to constitute urgent threats to core community values and structures” (’t Hart and Tindall 2009, 24). In addition, this perception of the situation will vary among groups. For example, states have not shared the same experience of the pandemic and within groups, the perspective on the pandemic will also vary, with the viewpoints of individual actors “reflecting the different biases of stakeholders as a result of their different values, positions and responsibilities” (’t Hart and Tindall 2009, 24). Consequently, a specific event may be perceived, and therefore framed and shared, in different ways depending on an actor's “values, positions and responsibilities” (’t Hart and Tindall 2009, 24). Thus, a crisis situation gives room to competition between multiple points of view, with stakeholders trying to advance their own view of the event which is itself rooted in their own positionality, because they know that if a particular narrative takes hold, it could lead to changes of a scale that would not be feasible in normal times (’t Hart and Tindall 2009).

It is on the assumption that a crisis may be perceived but also framed in many ways that the Crisis Exploitation Theory (CET) is rooted (Hunt 2021). CET can be defined as the “purposeful

utilization of crisis-type rhetoric to significantly alter levels of political support for public office-holders and public policies” (Boin, 't Hart, and McConnell 2009, 83). According to this theory, stakeholders will frame a crisis situation in the way that benefits them the most and, as a result, a frame contest will emerge. In other words, the perturbation of “business as usual” gives stakeholders a window of opportunity to strategically redefine issues and to propose reforms and solutions while hoping to strengthen their position and to have their frame accepted by a large audience (Boin, 't Hart, and McConnell 2009). As a reminder, framing means for Entman (1993) “selecting and highlighting some features of reality while omitting others” (Entman 1993, 53 in Boräng et al. 2014) or, similarly, we can say that a frame defines what is at stake in a particular situation (Daviter 2012, 1 in Boräng et al. 2014). As we know that some frames are more efficient than others – Rasch showed for instance that presenting information through an economic or negative frame (focusing on losses) was more effective in convincing the EC (Rasch 2018) - the study of frame contests emerging during a crisis may be crucial for understanding the consequences and the decisions made following the perturbations of such crises (Boin, 't Hart, and McConnell 2009). Moreover, the social movement literature has shown that frames are subject to continual adaptation, renegotiation and reassessment, depending on changing environments (Snow et al. 1986, in Hunt 2021, 3).

CET was originally formulated with the goal of studying the behavior of political leaders and their opponents in crisis situations and to look at how they take advantage of crises to influence the political agenda ('t Hart and Tindall 2009; Hunt 2021). However, Hunt (2021) applied it to the study of social movement organizations (SMOs), asking if and how SMOs working on abortion issues have strategically framed the Covid-19 crisis when formulating their communication, even if their advocacy goals are not directly related to the pandemic. Adding to the scarce literature on the impact of widespread crises, she found out that all the SMOs

studied, regardless of their ideological views, integrated the crisis in their arguments (Hunt 2021, 12). Nevertheless, she found it surprising that the crisis was not employed instrumentally in SMOs' discourses to a greater extent (Hunt 2021, 13). In the context of abortion politics, SMOs have built competitive 'causal narratives' to justify the incorporation of the crisis in their discursive strategy in order to benefit from the attention-generating crisis. For instance, some activists were able to highlight travelling issues when someone has to move country to get an abortion by linking it to Covid-19 travel restrictions (Hunt 2021). In a more general context, Pleyers (2020) studied how SMOs in general were able to link the crisis to their diverse advocacy goals by building causal narratives that enabled them to highlight multiple dimensions of their fight. The author provides many examples, such as progressist movements capitalizing on the crisis to shed light on the ecological crisis and the limitations of the capitalist model (e.g. "Capitalism is the virus") (Pleyers 2020, 303).

### *c) Framing Contest during the Covid-19 Crisis: Theoretical Framework*

Building on the SMOs literature on crisis-framing, this thesis adapts the elite-centric approach of the original CET to explore how business actors have adapted their strategies to the new crisis circumstances (cfr Q2). Since, according to the CET and the SMO literature, crises create discursive opportunity structures for competing frames, I expect business lobbies to have framed the crisis to sway policy formation to their advantage. Specifically, when studying framing contests during crisis, 't Hart and Tindall (2009) have developed four potential framing contests for studying elite's behavior<sup>2</sup>. The last one, the framing contest emerging around the "policy game", is useful for the study of crisis framing by interest groups when lobbying the

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<sup>2</sup> In their book "Framing the global economic downturn – Crisis rhetoric and the politics of recession", 't Hart and Tindall (2009) identified four framing contests that emerge when a crisis takes place. The first one centers around the significance of the event for the community in question, the second one is about causality, about who or what drives the events, the third one is about political responsibility and the last one, the one adapted in this research, is about the lessons to be learned from the crisis: should we change or maintain current policy commitments?

policymaking process. The CET includes in this framing contest two main groups of actors, each including two subgroups. On one side there are those who will use the crisis to resist change, the ‘status quo players’ and on the other we find those who will see the crisis as an opportunity to do things differently, the ‘change advocates’ (’t Hart and Tindall 2009, 31). Within these two categories, we may find those who advocate at a high intensity and those who pursue their interests less assertively. The four categories are summed up in Table 1.

**Table 1:** *Framing contest around the policy game*

Status quo players		Change advocates	
Resist policy change	Contain policy change	Press for a paradigm shift	Press for incremental reforms

For this research, I adapted what Boin et al. (2009) called the “policy crisis exploitation game” to fit the object of study (p.90). Indeed, the typology was built to analyze how actors would engage not only with one policy in particular (which is the case in this study considering that each consultation on a policy proposal is analyzed individually) but with an entire policy area or with a type of governance that is supported by an elite during the crisis. In the context of the original CET, change advocates will analyze the situation (the governance of the crisis or a policy area in particular) and decide if they have the arguments and the clout to ask for a complete shift, or should rather settle for incremental modifications (’t Hart and Tindall 2009, 30). On the contrary, status quo players will ask themselves if they have the arguments to resist or contain the policy changes that were proposed by change advocates. In the context of this study, the logic of the CET is kept but adapted in the following way: considering that the consultations represent the EC’s willingness to adopt a policy change, the *status quo players* will be those who try to resist or contain this policy change – through the instrumentalization of the crisis. On the other side, the *change players* will be those who instrumentalize the crisis to express their support with the policy proposal (and the policy proposed are considered as

incremental changes) or ask the EC to go beyond these incremental changes and to strengthen their ambition – what will be considered as demanding a true paradigm shift. The adaptation of the CET for the framing contest emerging around the policy game in times of crisis is summed up in Table 2.

**Table 2:** *Adaptation of the CET typology*

	<b>General categories</b>	<b>Adaptation for this research</b>
<b>Status quo players</b>	Resist policy change	Actors instrumentalize the crisis to strongly challenge or oppose the policy proposal.
	Contain policy change	Actors instrumentalize the crisis to delay the change.
<b>Change advocates</b>	Press for incremental changes	Actors express their support for the change proposed by the EC.
	Press a paradigm shift	Actors ask the EC to strengthen its environmental ambitions.

## 4. Data and Methodology

### A. Methodology

#### *a) Analysis of the Interest Distribution in EU Consultations*

The first question aims at examining interest group distribution in environmental and climate consultations during the crisis. This question is answered using descriptive statistics from an original dataset built from data found on the EC's "Have your say" website; the clearinghouse for all early-stage online consultations (European Commission n.d.). To answer the first question, I compiled already existing data from the website in order to show the distribution of interest groups among 37 consultations in 2020. As a first step, I went through the consultations published in 2020 and looked for those that were published or at least co-published by either

the DG ENV or the DG CLIMA. I found a total of 37 consultations on Impact Assessment<sup>2</sup> (27), Roadmaps (6)<sup>4</sup> and Evaluation and Fitness Check Roadmaps (4)<sup>5</sup>. These consultations were included in the database and the following pieces of information were coded for each of them: title, ID, consultation period, DGs involved, consultation type, number of feedbacks and distribution the different types of actors. A few weeks after the end of the consultation period, the EC publishes the interest distribution that includes up to eleven types of actors (depending on the consultation): business association, company/business organization, NGO, EU citizen, non-EU citizen, environmental organization, academic/research institution, consumer organization, public institutions, trade unions and a category of “others”.

Following Fraussen et al.’s advice, it seemed relevant to exclude individual feedbacks from the equation and to focus on organized stakeholders when studying lobbying patterns (Fraussen, Albareda, and Braun 2020, 476). Thus, when answering Q1, the units of analysis are the feedbacks published by organized interest only. In addition to excluding individual feedbacks, I decided to group some of these categories to gain in conciseness. I ended up with six groups: NGOs (including environmental organizations), business actors (trade unions, companies and business organizations), consumer organizations, public authority, research/academic institutions and the “others” category with actors that have not been identified by the policymaker. Only the consultations ending after January 28<sup>th</sup>, 2020, when the Croatian President of the EU Council decided to activate the IPCR (Integrated Political Crisis Response)

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<sup>3</sup>The European Commission conducts impact assessments when a policy is expected to have significant economic, social, or environmental impacts. Impact assessments are carried out before the EC finalizes the policy proposal (European Commission n.d.).

<sup>4</sup>A roadmap may replace an impact assessment in the first stages of the policymaking cycle when the expected impact of the policy is less important (European Commission n.d.)

<sup>5</sup>Evaluations and Fitness Checks Roadmaps provide an opportunity for stakeholders to assess the EC’s evaluation strategy (European Commission n.d.).

in information sharing mode and started to ask for regular reports from the EC Covid-19 crisis outbreak, were included in the results (European Council n.d.).

*b) A Rationale for Case Selection*

Three consultations were selected to answer the second question of this research: *How, if at all, did business actors adapt their lobbying strategies to the new crisis circumstances?* (and its two sub-questions, Q2A and Q2B). They were chosen for different reasons. First, the three consultations aim at collecting feedback on the Inception Impact Assessment (IIA), which means that they all took place at the very beginning of the legislative process and were all considered by the EC as relatively far-reaching. Second, the three consultations were published after the crisis outbreak but before the vote on the EU recovery plan (presented on May 27<sup>th</sup>, 2020). Choosing this period leaves space for actors to frame the crisis and share their solutions to the crisis before the EC announces how it is going to respond to it. Third, these three consultations attracted a quite important and similar number of feedbacks from corporate actors. Table 3 shows the main characteristics of each consultation selected.

**Table 3:** *Consultations selected*

<b>Title</b>	<b>Consultation period</b>	<b>Type</b>	<b>DG</b>	<b>Feedbacks from organized interests</b>	<b>Business actors</b>
EU Green Deal (carbon border adjustment mechanism) (CBAM)	04/03/2020 01/04/2020	IIA	DG CLIMA	203	159
2030 Climate Target Plan	18/03/20 15/04/20	IIA	DG CLIMA	321	172
Industrial emissions - EU rules updated (IED)	24/03/2020 21/04/2020	IIA	DG ENV	152	107

c) *Business Environmental Lobbying during a Crisis: Content Analysis*

The second question of the research “*How, if at all, did business actors adapt their lobbying strategy to the new crisis circumstances?*”, was answered in three steps. First, I created a data base for these three consultations by coding each feedback with the commenter’s name, actor type, country of origin, URL, transparency register ID (when applicable) and feedback ID. A good part of the data extraction was automated using a data-scraping extension that allowed for bulk downloading of scraped data into Excel. After sorting the data, I went through the feedbacks of the actors registered as “Anonymous” or “Others” to see if it was possible to identify them by reading the first lines of their input and classifying them in the right category. This means that there may be small differences between the data on interest distribution employed to answer Q1 (and provided by the EC) and the interest distribution presented for these three consultations when exploring Q2 (because it was corrected manually). Also, when the scraping extension did not scrape all the feedbacks (for different reasons there was sometimes a difference between the total of feedbacks announced by the EC and the data scraped), I had to go through the feedbacks manually to find the missing ones, which was the most work intensive part of building the database.

Second, to answer Q2A, I opened the feedbacks of every actor who registered itself (or that I identified in the previous step) as a company, a business organization, a business association, or a trade union. Then, I searched in the feedbacks for a list of key words related to the crisis: “coronavirus”, “crisis”, “Covid”, “pandemic”, “recovery”, “boost”, “stimulate”, “sanitary”, “health”, “circumstances”, “situation”, “context”, “recession”, “virus”, “growth” and “medical”. When one or several of these words appeared, I verified if it was used when referring to the crisis by reading the section of text of the feedback. If it did refer to Covid, I copied the paragraph in question and kept it in a separate file. At that point it was possible to calculate the



proportion of business actors who included the crisis in their environmental strategy. To gain in precision, I classified the actors within thirteen different sectors or groups of sectors to then calculated the distribution of the sectors who included the crisis the most in their arguments. The details of this classification may be found in Annex 1.

Third, to explore Q2B: *“How, if at all, did businesses try to take advantage of the crisis when including it in their informational lobbying?”*, I read the sections of the feedbacks that refer to the crisis and analyzed the content. While reading these paragraphs, I had two conceptual frameworks in mind: the tri-dimensional conceptualization of business power and the adapted CET typology. I classified the actors following the adapted typology presented at the end of the theory section while remaining open to anything different I could find when analyzing the data. At the end, I had eight sub-categories from the four main categories presented in Table 2. I also grouped similar comments that did not fit these categories to see if they were exceptions or if a pattern would appear. Next, I calculated at what frequency each type of argument was employed by the actors, allowing for actors to be classified in multiple categories when they mentioned various arguments in the same feedback.

## **B. Data**

### *a) Early-stage Online Consultations*

On its website “Have your say,” the EC regularly publishes open consultations in order to collect expertise and preferences as well as to increase its decisions’ legitimacy. The consultation process takes place in various stages and differ from one legislative proposal to another. The most frequent structure is the following: the EC first asks for feedbacks using a roadmap or an impact assessment that “describes the problem to be tackled and objectives to be met, explains why EU action is needed, outlines policy options and describes the main

features of the consultation strategy”. Interest groups and individuals are invited to respond to this roadmap or impact assessment (anonymously or not) without having to follow specific guidelines: any written text in any European language is accepted (including English). Later, or sometimes simultaneously, the EC often draws a more precise and structured public consultation using questionnaires open to all interested actors. Finally, interest groups are sometimes given the opportunity to react after the commission’s adoption of a definitive proposal (a last step that attracts much less contributions from groups). This research only focuses on the first step of the consultation process.

### **C. Limitations of the Data and the Methodology**

First of all, the main assumption upon which this entire research is built may be challenged. Indeed, when deciding to study business lobbying of the environment during a crisis through “early-stage” online consultations, I assume that this lobbying channel is a relevant one to capture business informational lobbying strategies. Although consultations have many advantages for businesses, as described in the literature review, the fact that all feedbacks are made public may bias interest group’s discourses, potentially leading lobbies to be less candid when expressing their preferences to avoid by press.

I also encountered some difficulties when building the data base, which may impact its quality. First, regarding the content analysis, the biggest challenge was to include feedbacks in many different languages. I was able to analyze the original feedbacks published in English, French and Spanish (taken together they make the majority of the feedbacks), but for the other languages I employed diverse translation websites and tried to analyze the translations like the other feedbacks. By doing that, I may have lost in nuance. Second, when classifying corporate actors per sector, I used the available online information, and it was sometimes difficult to

determine exactly the economic activities of the actors in question, knowing that I am not very familiar with the world of the industry. This was especially the case when I tried to separate the actors from the energy sector within two groups, with the actors producing or selling energy from coal and oil on one side and the others on the other side – because working with coal and/or oil is not something firms want to advertise.

## 5. Results

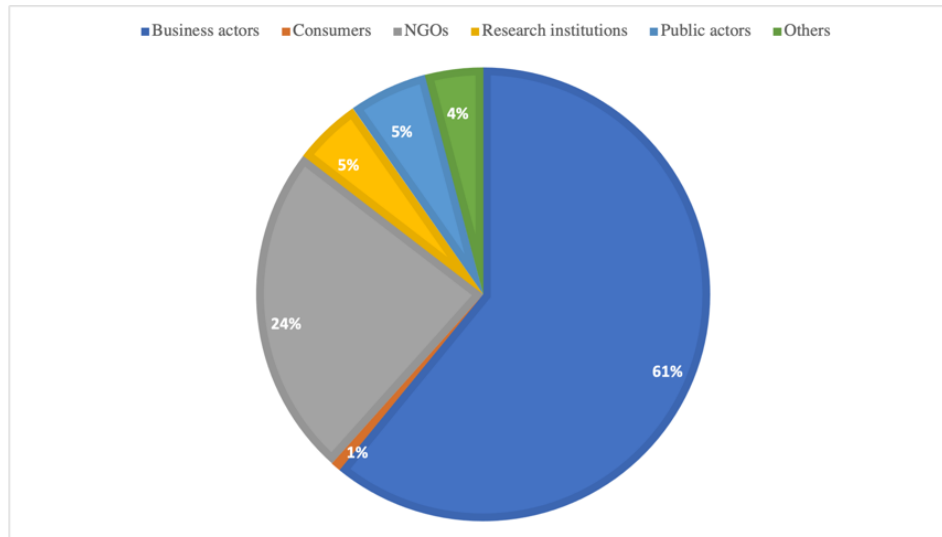
### A. Who Participated in Environmental and Climate Consultations in 2020?

First, the study of the early-stage consultations in the EC allows me to depict the distribution of interest groups for every climate and environmental consultation published from the outbreak of the crisis (January 28<sup>th</sup>, 2020) until the end of the year 2020. When including all early-stage online consultations on Inception Impact Assessment (IIA) (27), on Roadmaps (6) and on “Evaluation and Fitness Check Roadmaps” (4), that were published or co-published by either the DG CLIMA or the DG ENVI, we count a total of 37 consultations. These consultations collected an average 167 participants, with a maximum of 1093 feedbacks for the consultation on the 2030 Climate Target Plan (European Commission 2020). When excluding the feedbacks shared by EU and non-EU citizens, the average number of feedbacks amounts to 106 per consultation – with a maximum of 321 organized stakeholders for the 2030 Climate Target Plan.

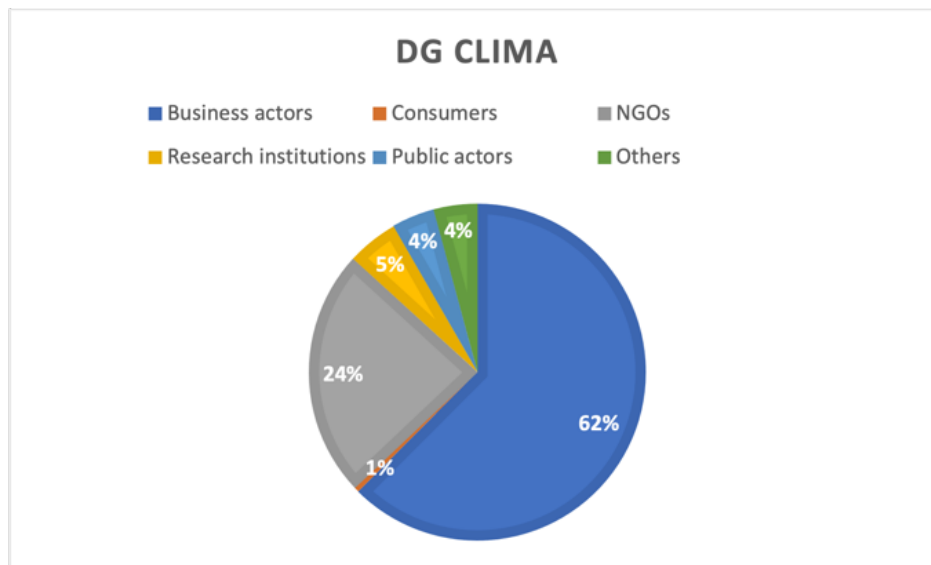
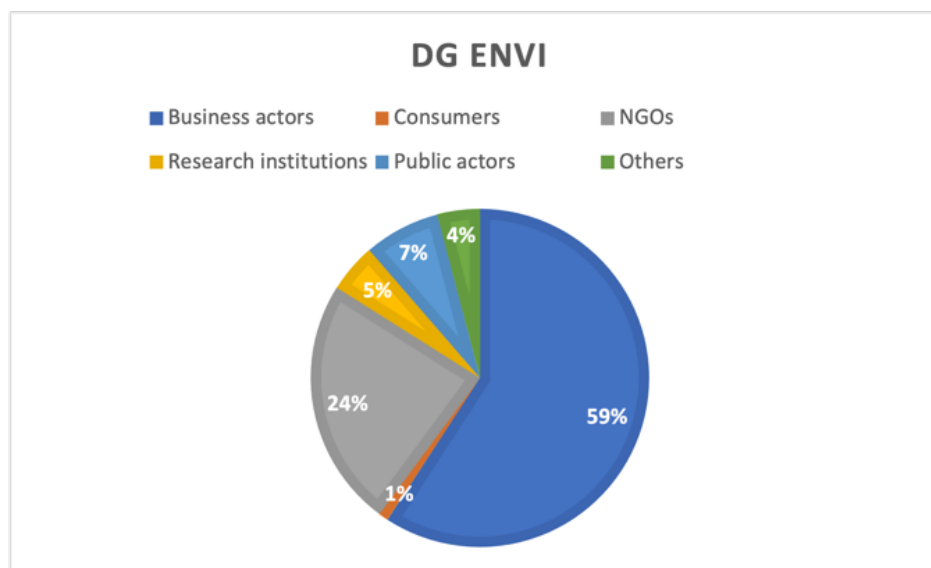
The following descriptive statistics on interest distribution aim to answer the first question: *Who participated in environmental and climate lobbying at the EC during the Covid-19 pandemic?* The category “business actors” encompasses trade associations, companies, and trade unions. Among the 3938 feedbacks shared by organized interests (including actors registered as “others” by the EC), 2398 feedbacks were uploaded by business interests – what

makes 60,9% of the feedbacks. The second type of actors having participated the most often are the NGOs. Figure 1 shows the details of the interest distribution.

**Figure 1:** *Distribution of the interest types.*



Considering that the consultations published by the DG CLIMA and those of the DG ENVI are included in the data base, the following two graphs (figures 3 and 4) show the distribution for each directorate in order to see if important differences appear. In total, 16 consultations on climate matters were published while 21 consultations were published by the DG ENVI. The distribution of interests looks very similar from one directorate to the other, with a clear dominance of business interests on both sides (62 and 59%) followed by around one quarter (24%) of the feedbacks sent by NGOs in both DGs. The share of research institutions is also the same in both DGs (5%) while the number of public actors was more important in the environmental consultations than in Climate ones (4% versus 7%). Globally, the consultation with the most important proportion of business actors (84%) was an IIA named *EU Green Deal – Revision of the Energy Taxation Directive*, followed by an IIA on the *Sustainable products initiative*, with 79%.

**Figure 2:** *Distribution of the interest types in 2020 Climate consultations***Figure 3:** *Distribution of the interest types in 2020 Environmental consultations*

## **B. Business Lobbying during the Crisis**

This section presents the results associated with the second question of this paper: *How, if at all, did business actors adapt their lobbying strategy to the new crisis circumstances?* The first sub-section answers the “if” part of the section while also providing some information on the types of corporate actors that included the crisis in their advocacy. The second part of this

section (Q2B) explores the “how” question and describes the framing contest that took place at the outbreak of the crisis.

*a) Informational Lobbying during the Covid-19 Crisis Q2A*

The analysis of the feedbacks allows me to confirm that a significant proportion of business actors have referred to the crisis in their advocacy and, therefore, adapted their informational lobbying strategies to new circumstances. On average, 38% of corporate actors referred to the crisis in their informational lobbying. It is in the consultation for the 2030 Climate Targets that the crisis has been referred to the most, with half of business actors including it in their advocacy. In the first consultation, the one on the project of implementing a carbon border adjustment mechanism (CBAM), only 22% of the actors have included the crisis in their lobbying. The results are presented in Table 4.

**Table 4:** *Business actors referring to the crisis in their advocacy*

	<b>CBAM</b>	<b>2030 Climate Targets</b>	<b>Industrial Emissions</b>	<b>TOTAL</b>
Date	04/03-01/04	18/03-15/04	24/03-21/04	
Total feedbacks (only organized interests)	203	321	153	677
Business interests	89	162	113	364
Business interest referring to crisis	20	81	37	138
Proportion referring to the crisis	22%	50%	33%	38%

Moreover, taking an inter-sectoral point of view allows me to show that not all business interests have referred to the crisis at the same extent. When classifying the participants of the three consultations within more precise categories, the distribution depicted in Table 5 emerges (taking all interests into account, not only those referring to the crisis). The largest category is made of the inter-sectoral companies and business association, then followed by the metallurgic industry. The less represented group is the one of trade unions, with only one feedback.

**Table 5:** *Distribution of business actors by sector of activity*

	CBAM		2030 Targets		Industrial Emissions		TOTAL	
1-Chemicals	9	10%	8	5%	7	6%	24	7%
2-Metallurgy	14	16%	14	9%	12	11%	40	11%
3-Energy	10	11%	32	20%	8	7%	50	14%
4-Energy including coal and or oil	8	9%	27	17%	14	12%	49	13%
5-Association of businesses from various sectors	18	20%	27	17%	18	16%	63	17%
6 -Transportation	3	3%	14	9%	3	3%	20	6%
7-Food and drink processing	3	3%	4	2%	13	12%	20	6%
8-Agriculture and forests	6	7%	13	8%	7	6%	26	7%
9-Mining	2	2%	5	3%	9	8%	16	4%
10-Construction and construction material	5	6%	7	4%	8	7%	20	6%
11-Energy-intensive industries and manufacturers (paper, ceramic, glass, automobile, refractory industry)	5	6%	4	2%	6	5%	15	4%
12-Others (finance, consulting, data, waste management, technology, home furniture, packaging)	4	5%	7	4%	8	7%	19	5%
13-Trade Union	1	1%	0	0	0	0	1	0%
TOTAL	88	100%	162	100%	113	100%	363	

Table 6 compares the proportion of businesses of each sector referring to the crisis with the total of participants for each sector. In the first consultation, twenty actors included the crisis in their climate advocacy, with 14 (70%) of them being part of one of three categories (out of thirteen): the inter-sectorial actor category, energy-intensive industries or of the category of actors from the energy sector being active in the oil and/or coal markets. When comparing the total number of actors from each group with the proportion of actors from each category that referred to the crisis (the two last columns of table 6), interesting patterns emerge. For instance, while energy actors involved in coal and oil markets (category 4) only represent 13% of all business actors, they represent a bit more than a fifth (21%) of the actors who included the crisis in their lobbying. The difference is also important for inter-sectoral actors (category 5), with 17% of all business actors but 24% of those mentioning the Covid-19 crisis. On the contrary,

when looking at the food and drinks industry (category 7), along with the actors from the agriculture and forests sectors (category 8), they represent together 13% of the participants but only 2 of them (1%) did mention the crisis in their informational lobbying. In the three consultations, the largest group of businesses that included the crisis is the one of inter-sectoral companies and trade associations (but same percentage (22%) in category 4 in the IED consultation).

**Table 6:** *Distribution of the business actors that included the crisis in their lobbying*

	CBAM		2030 Targets		Industrial Emissions (IED)		Proportion of actors referring to the crisis		Proportion of business actors
1 - Chemicals	1	5%	4	5%	3	8%	8	6%	7%
2 - Metallurgy (aluminium, metals, iron, steel)	2	10%	12	15%	6	16%	20	14%	11%
3 - Energy	1	5%	15	19%	3	8%	19	14%	14%
4 - Energy with at least some coal and/or oil extraction	4	20%	17	21%	8	<b>22%</b>	29	21%	13%
5 - Association of businesses from various sectors (or large businesses including various sectors)	6	<b>30%</b>	19	<b>23%</b>	8	<b>22%</b>	33	<b>24%</b>	17%
6 - Transportation (including automobile sector)	1	5%	6	7%	1	3%	8	6%	6%
7 - Food and drinks processing	0	0	0	0%	0	0%	0	0%	6%
8-Agriculture and forests	0	0	1	1%	1	3%	2	1%	7%
9-Mining	0	0	1	1%	3	8%	4	3%	4%
10-Construction and construction material	1	5%	2	2%	1	3%	4	3%	6%
11-Energy-intensive industries (paper, ceramics, glass, refractory industry)	4	20%	2	2%	1	3%	7	5%	4%
12-Others (finance, consulting, data, waste management, technology)	0	0	2	2%	2	5%	4	3%	5%
13-Trade Unions	0	0			0	0	0	0%	0%
TOTAL	20	100%	81	100%	37	100%	138	100%	



*b) Framing Contest Around the Policy Game Q2B*

This section explores more closely *how* business actors have included the crisis in their lobbying when trying to influence EU climate and environmental policymaking. I use the CET's conceptualization of the framing contest around the policy game to analyze the data and see if the typology fits this type of actors (corporate interest groups) and this particular crisis. In the adapted conceptualization of the framing contest around the policy game, an actor may hold four different positions towards the policies at hand (see Table 1). When applying this framework to the actual content of the consultations, I was able to distinguish different types of argument for each category. Table 7 sums up these arguments and provides an example for each of them.

**Table 7:** *Adaptation of the CET to business lobbying during a crisis*

		<b>Sub-categories</b>	<b>Example</b>
<b>Status quo advocates</b>	Containing change	<b>1a</b> - The situation does not allow for a comprehensive dialogue nor an in-depth response to the consultation	<i>We should likewise not allow the European Green Deal to fail, due to the inability of our industry and our workers to contribute fully because of the current difficulties we are all experiencing from the onslaught of the COVID-19 pandemic.</i> ECSA (European Community Shipowners' Associations) in Spanish Shipowners' Association's feedback (2030 Climate Targets)
		<b>1b</b> – The deadline to answer the consultation should be extended or the timeline (of the policy-making process) revised	<i>Notre première demande est donc que cette consultation soit prolongée, par exemple de deux mois. Cette réponse initiale, conçue pour indiquer notre intérêt pour le sujet, doit donc être comprise sous cette réserve.</i> Entreprises pour l'Environnement (CBAM)
		<b>1c</b> – The EC should take the crisis and its circumstances into account in its impact assessment	<i>Regrettably, the feedback period doesn't consider at all the current situation given by the Covid-19 pandemic. Thus, any assessment of legislative proposals is only possible to a very limited extend.</i>

			The European Foundry Industry Association (IED)
	Resisting change	<p><b>2a</b> – Sector/company/economy/citizens are sufficiently burdened right now; economic difficulties should be considered; EC should change revisit its priorities</p> <p><b>2b</b> – The crisis is instrumentalized to “threaten” the EC, to put pressure on the policymakers</p> <p><b>2c</b> – Actor ask for changes of already existing policies or deadlines</p>	<p><i>Avoiding any additional burdens on the energy sector is absolutely essential to make sure that energy companies survive and recover rapidly once the crisis is over.</i> EURACOAL (IED)</p> <p><i>...in the light of the current health and sanitary emergency and the economic crisis that will follow in the EU, it will be essential to adapt decarbonisation policies to the new context, in particular to avoid the collapse of productive systems and social cohesion throughout the EU.</i> AEGIS (CBAM)</p> <p><i>Due to these extraordinary circumstances, it is necessary to extend the district heating derogation for 12 months and this probably requires an amendment to the IED.</i> PGE (IED)</p>
<b>Change advocates</b>	Incremental change	<b>3</b> – The actor supports the environmental initiative/ does not try to change the EU initiative per se and highlight some solutions/dimensions	<p><i>The challenge of increasing the pace of the energy transition to secure the 2050 objective will be even greater, at a time when national authorities are struggling to address the critical economic consequences of Covid-19. It is hence of utmost importance to set a solid and ambitious target for 2030, accompanied by the most appropriate measures and instruments (...)</i> EFIEES (2030 Climate Targets)</p>
	Paradigm shift	<b>4</b> – The actor asks the EC to put the environment and the climate at the heart of the recovery strategy	<p><i>The EU Green Deal must become a driver for Europe’s strategy and rebuild the European economy, in the aftermath of the COVID-19 crisis, with decarbonization as the main driver.</i> Schneider Electric (CBAM)</p>

In the first category, *containing change*, I include the actors who use the crisis to delay the change. More precisely, these actors do not challenge the content of the policy proposal per se but rather try to delay the consultation process. Their message is clear: it is not the right time to consult or initiate the policy-making process. Within this category, three arguments may be distinguished: first, 14% of the actors that included the crisis in their lobbying argued that the circumstances did not allow for a comprehensive and inclusive dialogue between the stakeholders (1a). Second, 11% of the business interests using the crisis claimed that the time span allocated to answer the consultation should be extended considering the crisis (1b). And third, because the full consequences of the crisis are not known yet, 39% of the business actors referring to the crisis (15% of all business actors) stated that the consultation should be postponed or adapted to better reflect the new reality (1c).

For instance, the first argument (1a) may be illustrated by the following section of the feedback of the Confederation of Industry of the Czech Republic on the consultation for the new Industrial Emission Directive (IED):

*“Taking into account the importance of the topic, the analysis should be as comprehensive as possible with the maximum involvement of the public concerned, governments, NGOs, industry and other stakeholders, incl. appropriate discussion on different platforms. Unfortunately final deliverables of the IED evaluation project is not available yet and also the current situation regarding the COVID-19 pandemic makes this inclusive approach largely impossible. It would therefore be very appropriate to postpone the elaboration of the impact analysis to the post-crisis period.”* **The Confederation of Industry of the Czech Republic (04/21/2020)**

Some actors have employed several arguments in the same feedback, as it is the case of EURACOAL (the European federation of coal producers) when it responded to the consultation for the IED and employed, among others, two of the arguments of this first category (1a and 1b) in one statement:

*“This means extending the duration of public consultations at the EU level or even postponing some consultations. In respect of the European Green Deal and its related legislative proposals, it should be remembered that the current social distancing measures hinder all public dialogue and prevent proper stakeholder involvement.”* **Euracoal (04/21/2020)**

The argument of this category that is used the most often is 1c, when business actors ask legislators to slow down and to assess the consequences of the crisis before consulting on the topic in question. In the 2030 Climate Target Plan consultation, the Confederation of Swedish Enterprises is a relevant example for this type of argument:

*“The Confederation of Swedish Enterprise, together with our 60 000 member companies, support the European Commission’s target to reach climate neutrality by 2050. We are also open to discuss a more ambitious 2030 target. However; given the ongoing corona pandemic the discussion regarding changes to the 2030 target will benefit from being delayed until we have passed the immediate crisis and have a better understanding of the economic consequences.”* **Confederation of Swedish Enterprises (04/15/2020)**

The next section of the table concerns the actors that were completely against the changes and instrumentalized the crisis to *resist* the implementation of the environmental policies proposed by the EC. In this category, the main objective is not only to delay the process (as in the first category) but to avoid additional costs that could be caused by a new regulation. Within this second category, I also distinguish three types of arguments. First, and this is the largest category of arguments, 45% of business actors that referred to the crisis (17% of all business actors) asked the EC to revisit its priorities in light of the new circumstances. Within this category, a majority of the corporate lobbies argues that their sector, their company, the entire economy, or the consumers, are already sufficiently burdened by the pandemic (2b). Such an argument is provided by Deltalinqs (the main representative of the stakeholders of the Port of Rotterdam) in the consultation on the CBAM:

*“In view of the current economic uncertainty as a result of the COVID-19 crisis, Deltalinqs recommends to take caution with regards to the introduction of additional taxes/levies that will initially affect consumers in their purchasing power and subsequently have a negative impact on the industry and trade as a whole.”* **Deltalinqs (04/01/2020)**

Another argument often mentioned in this category is the future lack of investment capacity due to the economic obstacles brought by the crisis. KGHM Polska Miedź, a Polish mining company, may be classified in this category (IIA on the 2030 Climate Target Plan):

*“According to IMF “As a result of the pandemic, the global economy is projected to contract sharply by - 3% in 2020, much worse than during the 2008-2009 financial crisis.” This means that the actions of not only governments, but also individual companies, will be aimed at maintaining current operations, and then*

*stabilizing them. Investments, however desirable, will necessarily have to be postponed, or at least slowed down.” KGHM Polska Miedź (04/15/2020)*

Second, 12% of corporate interests employed a “threatening tone” when mentioning the crisis and highlighted the potential negative consequences for the society if the policy proposal was to be implemented (2b). This category of arguments may be analyzed in light of the tri-dimensional conceptualization of business power presented above as the actors able to employ this sort of arguments often do so because of their position in the broader economic system. As an example, the European Steel Tube Association argues in its feedback for the CBAM consultation that decarbonization policies must be adapted to the new circumstance in order to “avoid the collapse of productive systems and social cohesion throughout the EU” (European Steel Tube Association, 04/29/20). Another example is provided by PGE, a Polish actor from the energy sector (category 4), in the consultation on the IED who mentioned the Covid-19 to justify a delay in the compliance of previous environmental regulations and highlight the risk of not being able to heat some cities if the EC does not extend certain deadlines:

*“Construction process of the new district heating plants replacing the old ones can be expected to be delayed due to the COVID-19 outbreak. **There is a risk that several cities and urban areas would not be fully supplied with heat** in the heating season of 2022/2023 because existing installations with derogations would have to be phased-out prior to new ones becoming operational.” PGE (04/21/2020)*

Third and last, 6% of business actors using the crisis (8 feedbacks in total), did not only try to resist the change caused by the potential regulation but went even further by asking the policymakers to turn their back on existing environmental policies or deadlines that were already set before the crisis (2c). This category is critical because the objective was not only to avoid potential costs but also to diminish already existing costs. Cerame-Unie (the voice of the European Ceramic industry) provides such an example in the CBAM consultation:

*“These critical conditions require extraordinary interventions by the European Commission, which will inevitably require a reconsideration of the policies and instruments adopted and/or planned so far in order to avoid the collapse of the productive systems and the social cohesion in many countries.” Cerame-Unie (04/01/2020)*

But other actors are even more straightforward in their advocacy and ask for very specific derogations, as it is the case of PGE (the main energy producer in Poland) asking for a derogation for already existing rules in the aforementioned text fragment also employed to illustrate argument 2b.

The second type of arguments, used by the *change advocates*, includes a less important proportion of the actors and are divided into two groups. First, 12% of businesses' arguments referring to the crisis supported the change proposed in the consultation and sometimes instrumentalized the crisis with the objective of reaffirming their environmental engagement. They may for instance point out to the fact that they kept participating in the debate despite the crisis, which is considered here as a form of support to the policy proposal. These arguments will be considered as "pro-change" since they encourage an incremental change as the one of the policy proposals but without asking for an important shift. An example of the category is provided by FuelsEurope in the IED consultation:

*"Despite the current unprecedented circumstances that we and our member companies are facing due to the COVID-19 outbreak, we will endeavour to provide any useful inputs and robust data that are needed to carry out the upcoming impact assessment and inform the European Commission's work."* **FuelsEurope (04/21/2020)**

In the second category of *change advocates*, a total of 19% of the actors who mentioned the crisis (and 7% of all business actors) saw the pandemic as an opportunity to encourage EC's initiatives, to demand a shift towards more ambitious environmental policies (4). Within this category, most actors request that the EC makes of the climate and the environment two central pillars of the after-Covid era. Most of them see the crisis as an opportunity to redirect investments to fund a green recovery. In the consultation for the CBAM, Schneider Electric, a multinational energy-provider argued:

*"The EU Green Deal must become a driver for Europe's strategy and rebuild the European economy, in the aftermath of the COVID-19 crisis, with decarbonization as the main driver. Achieving climate neutrality will*

*require bold actions to build an ultra-efficient economy and accelerating direct electrification.”* **Schneider Electric (04/01/2020)**

This fourth category completes the picture of the framing contest that emerged around the policy game when only taking into account the four categories derived from the CET. Table D sums up the four categories and gives other examples to illustrate each type of argument.

In the four categories described above, the objective of the actor is to influence the degree of environmental ambition in the EC’s proposals. In addition to this first typology, 19% of the corporate actors employed the crisis to ask for funding (7% of all business actors). They asked financial support to overcome the crisis or to face the current and/or future environmental regulations. Since the three consultations reviewed took place before the announcement of the recovery package “Next Generation EU”, many actors took advantage of the consultations to influence the content of the future recovery policy (announced on May 27<sup>th</sup>, 2020). However, it is interesting to note that almost all the arguments exploiting the crisis to collect resources (25 out of 26), were part of feedbacks responding to the consultation for the 2030 Climate Targets. I assume that because this consultation tackles a broader issue, it was easier for businesses to justify tentative of rent-extraction. The lobby Business and Science Poland provides a good example for this category, in this case the actor asks for funding and mention the economic consequences of the crisis:

*“We need support from the EU to achieve these goals together, in particular in a short timeframe. The highest burden lies on those, who have to switch to new technologies in much faster timeline, given different starting points, and in much more hostile context due to the pandemic.”* **Business and Science Poland (15/04/2020)**

Many business actors focused their rent-extraction efforts on the future EU recovery package, as it is the case of Innogy, a German energy company, writing that the stimulus should contribute to the climate objectives when lobbying the 2030 Climate Targets:

*“Some Member States and Members of the European Parliament are already expressing caution regarding the adjustment of the 2030 target due to the pandemic. Significant measures and stimulus packages will be needed after the crisis is over and we believe these necessary measures can, and should, contribute significantly to our climate objectives.”* **Innogy (14/04/2020)**

Actors have employed these arguments at different frequencies, as it is briefly summed up in Table 8. The two arguments that were employed the most often are 1c and 2a in average as well as in the CBAM and 2030 consultations. Actors who employed the argument 1c asked the policymakers to include the new crisis circumstances in the IIA, to recognize the impact of the crisis when drafting the proposals – they do not challenge the relevance of the policy per se. The largest group of actors, those employing argument 2c, emphasized the deep economic impact of the crisis on the economy or in some cases on their firm, on their sector or on citizens. In the IED consultations, arguments 1a and 2a were the most frequent.

**Table 8:** *Frequencies of the different arguments*

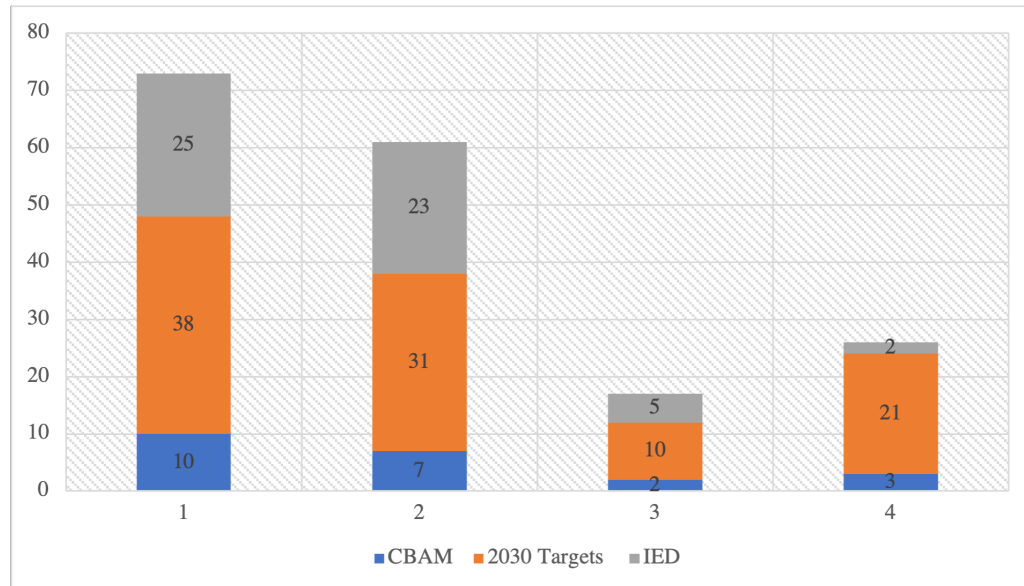
	CBAM	2030 Climate Targets	IED Adaptation	Total
<b>1a – No comprehensive dialogue is possible</b>	2	4	14	20
<b>1b – The consultation period should be extended</b>	2	4	9	15
<b>1c – Crisis should be included in IIA</b>	8	36	10	<b>54</b>
<b>2a – Too much economic pressure already</b>	5	33	24	<b>62</b>
<b>2b – Use the crisis to “threaten” legislators</b>	3	6	7	16
<b>2c – Asking to review existing regulations</b>	1	1	6	8
<b>3 – Incremental change</b>	2	10	5	17
<b>4 – Paradigm shift</b>	3	21	2	26
<b>Funding</b>	1	25	0	26

Figure 4 displays the aggregate results for the four main categories of arguments, with those being the most supportive of EC environmental and climate ambition on the right (categories 3 and 4) and those trying to weaken this ambition – and even change existing regulations – on the left. It is important to keep in mind that some actors may be classified in several of these



categories when employing the crisis in different manners in the same feedback (and therefore the total amount of arguments does not equal the number of feedbacks).

**Figure 4:** *Distribution of the arguments among consultations*



When looking more closely at the seven actors<sup>6</sup> who employed the most extreme arguments from the category *Resisting change* (2c - the actors who instrumentalized the crisis to ask the EU to modify already existing environmental regulations), I noticed that three of them were European level actors (Cerase-Unie, Euracoal and European Aluminium) while four of them were Polish corporate actors (two trade associations and two energy suppliers from the category 4). At the other extreme (category 4), 25 actors asked the EC the rebuild the EU economy with the environment at the center of the recovery strategy. The distribution within this category is much more nuanced, even if the majority of these actors comes from the energy sector - with eight of them from category 3 and six from category 4. Eight of these actors are inter-sectoral organizations and there is one actor from the chemical industry (Cefic), one from the wood

<sup>6</sup> The actors are counted only once even if they have used the same arguments in different consultations.

sector (European Woodworking Industry Confederation – CEI-Bois) and one from the waste industry (European Waste Management Association - FEAD).

## 6. Discussion

Before discussing the research questions, I believe that part of these results may be explained by some of the features of my cases of online consultations. The relatively small number of actors employing radical arguments against the proposal when exploiting the crisis (especially arguments of type 2c), may be related to the fact that I focused on early-stage consultations. These early consultations represent an opportunity for the actors to express their interest on the policy matter. They often do so in the hope of becoming privileged interlocutors for the rest of the legislative process (Quittkat and Kotzian 2011). In addition, Grant (2012) explained that the relationship between lobbyists and policymakers is made of repeated exchanges. When trying to influence policy, business actors need to “create and maintain credibility” (Grant 2012, 176). An example of such a behavior is provided by FuelsEurope, in the IIA on the the IED when they stated the following:

*“Despite the current unprecedented circumstances that we and our member companies are facing due to the COVID-19 outbreak, we will endeavour to provide any useful inputs and robust data that are needed to carry out the upcoming impact assessment and inform the European Commission’s work.” FuelsEurope (04/21/2020)*

The actor is clearly showing its willingness to participate in the further stages of the policymaking process and employ the attention-generating crisis to bolster its chances to become an interlocutor in the future. Therefore, we can expect lobbyists to be more moderate in their early lobbying, to make sure they maximize their chance to be part of the rest of the legislative process. In the rest of this section, I briefly discuss the results of each research question and then provide an application of the tri-dimensional conceptualization of business power but in the context of a widespread crisis.

### **A. Who Participated?**

First, as the evidence presented in the previous section suggests, environmental and climate consultations were dominated by business actors during the Covid-19 pandemic. While Fuchs and Feldhoff (2016) counted 59% of business actors in the consultation for the 2030 Climate Framework in 2014, I calculated an average of 61% of business interests in 2020 consultations (59% for the DG ENV and 61% for the DG CLIMA). This first result allows me to draw two inferences. First, even though some corporate actors like BusinessEurope (cfr quote from the President Markus J. Beyrer) communicated to the EC their difficulties to both manage their businesses and participate in EU policymaking in times of crisis, they seem to have been able to keep a high participation rate in spite of the circumstances. It is surprising how similar the percentages of business interests in environmental matters are in both DGs studied (59% and 61%) as well as in Fuchs and Feldhoff's 2016 study (59%). It would be interesting to see if this pattern repeats itself under other circumstances.

Second, these results show that the EC early-stage consultations are considered as attractive informational lobbying tools by business actors, in spite of their non-exclusive nature and of the crisis context. A good illustration of the attractiveness of these online consultations (those implemented at the start of the policy-making process) is that the eight major trade associations selected by Fagan-Watson et al. (2015) as case-studies (based on their prominence and recent activity in climate change EU politics) for their in-depth analysis of the influence of trade associations on EU Climate Policy in 2015, all participated in at least one of the three consultations studied in this research. This means that, the fact that businesses were more active in crisis-related face-to-face meetings with EC officials in 2020 (Eady and Rasmussen 2021), did not mean they shifted their lobbying to this more exclusive channel but rather that they cumulated both lobbying channels, dominating online consultations and crisis-related meetings.

## **B. Did Businesses Adapt their Lobbying to the Crisis?**

The results presented with the objective of answering Q2A, “*Did business actors adapt their lobbying strategies to the crisis?*”, also brought about some interesting conclusions. They show that, on average, only 38% of business actors included the crisis in their informational lobbying and when doing so, they built causal narratives (linking their argument to the pandemic) to benefit from the attention-generating crisis, a phenomenon that Hunt (2021) also witnessed. This quite low result may be due to the fact that the three selected consultations took place in the three first months of the crisis and business actors – just as many of us – were perhaps not expecting the crisis to last for so long. This is aligned with Hunt (2021) who found that a surprisingly low proportion of SMOs exploited the crisis to further their goals. However, it also shows that an important fraction of these actors – more than a third - did adapt quickly, which at least partially confirms the adaptation capacity of lobbies (Cooper and Boucher 2019). The fact that business actors referred to the crisis more often when lobbying the IIA on 2030 Climate Target Plan may be because the issue at-hand (deciding on a new climate strategy) is broader and leaves more possibilities for actors to justify their instrumentalization of the crisis.

The sectoral approach also uncovered some interesting patterns. Although the sample is too small to make definitive conclusions, there seems to be some important differences between the general distribution of interests by sector (or group of sectors) and the distribution by sector of business actors that included the crisis in their arguments. The two groups of corporate actors with the largest difference between the share referring the crisis and the total share of actors are the inter-sectoral organizations (category 5) and the actors from the energy sector active on the oil and/or coal markets (category 4). Interest groups from the fifth category represent 17% of all business participants but 24% of those instrumentalizing the crisis (a 7% difference). Similarly, actors from the fourth group represent 13% of the corporate participants but 21% of

those mentioning the context of crisis (an 8% difference). These results may be due to two phenomena. First, according to Eady and Rasmussen (2021), we can expect a more intensive lobby from those whose activities were the most disturbed by the crisis. Second, Fuchs and Feldhoff (2016) noticed a stronger lobbying by companies with a lot at stake in environmental consultations. Therefore, we could expect the more intensive exploitation of the crisis by these actors to be the result of one of these two mechanisms, even if this first explorative overview of what happened does not allow me to draw any definitive conclusions.

The analysis of the framing contest emerging in the consultations (Q2B), allows me to conclude that business actors have indeed employed EC early-stage consultations as a platform to share competing frames of the crisis in the objective of instrumentalizing it to further their own objectives. According to LaPira (2017), business actors deploy lobbies in order to reduce two types of political risks: the risk of not maximizing rent-extraction opportunities and the risk of not minimizing regulations. The results for Q2B show that business actors have indeed exploited the crisis to pursue these two goals, when influencing the environmental ambition of the EC on the one hand and capturing recovery funding on the other. Further, one of Fuchs and Feldhoff's interviewees remarked a few years ago a "particularly strong lobby on the part of companies with a lot at stake in European environmental negotiations" (Interview 1, in Fuchs and Feldhoff 2016, 66). This seems to be reflected in the instrumentalization of the crisis when we see that three of the six actors using arguments from the category 2c (actors asking for a revision of already existing regulations) are active in the coal and/or the oil market – knowing that limiting temperature increase below 2°C may cost up to USD28trn to the fossil fuels sector (Kepler Cheuvreux 2014). On the contrary, almost one third (8 out of 25) of the actors asking the EC for a green recovery are actors from the clean-energy sector (not involved in oil or coal markets).

### **C. Business Power and the Instrumentalization of the Crisis**

Finally, the analysis of the content of the consultation feedbacks allows me to confirm that the three dimensions of power conceptualized by Fuchs and Falkner (Falkner 2008; Fuchs 2007; Fuchs and Lederer 2007) were at play in the exploitation of the crisis by corporate actors. First, if instrumental power is described as the actors' ability to participate in lobbying by interacting with policymakers in order to, at the end, sway policy debates (Fuchs and Lederer 2007), business actors have indeed exerted instrumental power when forming coalitions and collaborating to multiply their number of interactions with policymakers. Indeed, from this actor-centered perspective of power, coalition lobbying is a way of increasing one's chances of success by intensifying the presence of specific preferences, which requires resources, time, and staff. Such examples of coordination are easy to find among the three consultations analyzed. A good illustration of this strategy is provided by a group of Czech corporate actors who commented: "the current situation regarding the COVID-19 pandemic makes this inclusive approach largely impossible." This comment appeared five times in the feedbacks as it was used twice by the Confederation of Industry of the Czech Republic (IIA on 2030 Climate Targets and IIA on the IED), twice as well by the Association of District Heating of the Czech Republic (IIA on 2030 Climate Targets and IIA on the IED) and one time by the Czech Chamber of Commerce (IIA on the IED). Similarly, in the consultation for the revision of the IED, three Swedish actors from distinct sectors<sup>7</sup> employed the exact same argument "It is important that the Commission addresses crisis-related matters for industry concerned and increase the timelines for replying" when referring to the crisis. Many other indicators of coordination may be found among the feedbacks, with sometimes entire paragraphs or

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<sup>7</sup> Innovation and Chemical Industries in Sweden, Swedish forest industries Federation and the Confederation of Swedish Enterprise.

sentences that have been copied or translated. In other cases, the actor expresses its support for a trade association or another company in its feedback.

Further, the use of discursive power to instrumentalize the crisis is explicit. The framing contest that emerged around the policy proposals analyzed is a good proof of it, with each actor framing the crisis in a way that serves his interests. Similarly to what Pleyers (2020) witnessed in his study of SMOs' framing, some business actors were putting forward negative frames and the need to come back to normal before drafting new policies (frames focusing on losses (Rasch 2018)) while others saw in the pandemic a chance for a renewal, for a green reconstruction. But outside of this main frame contest (arguments 1 and 2 against 3 and 4), some actors were very specific and referred to the crisis with the objective of shedding light on very specific dimensions and by doing so, framing themselves as essential to EU economy and society. For instance, among the three consultations, two actors, have argued that the crisis demonstrated the importance of electricity, such as Eurelectric (IIA on IED and 2030 Climate Targets) and Vattenfall (IIA on 2030 Climate Targets) claiming without giving many details that the “crisis is highlighting how much modern societies rely on electricity” (the use of the same wording by both actors is another proof of coordination between actors). Vattenfall goes even further and explain how electricity is critical in keeping hospitals running and making it possible for citizens to work from home. Then, the two actors ask the EC to focus recovery efforts on electrification. EuroACE<sup>8</sup> (IIA on 2030 Climate Targets) also provides a similar argument and explain to the policymakers that encouraging the reduction in energy consumption of buildings could be the key for an economic recovery with ambitious climate targets since it would allow the EU to save lives (because of an improved air quality), create jobs and save public finances. In conclusion, when Fuchs (2007) explained that one of the crucial ways through which

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<sup>8</sup> European Alliance of Companies for Energy Efficiency in Buildings.

businesses exert their power is by framing an issue in a way that they highlight “what is at hand” and foster “the interpretation of situations as of one type rather than another” (Fuchs 2007, 8), I argue that EC consultations indeed give an attractive platform to corporate actors to exert their discursive power by strategically framing the crisis.

Last, just as Fuchs and Feldhoff (2016) had showed in their study of business lobbying of the 2030 Climate targets in 2014, this research proved that structural power is also a big part of businesses’ lobbying strategies when instrumentalizing a crisis. Corporate actors exert structural power when they justify an argument using their position in “material structures and organizational networks” (Fuchs and Lederer 2007). In the feedbacks analyzed, they exerted structural power when exploiting the crisis mainly in two ways. On the one hand, many actors referred to the pandemic to highlight the economic difficulties encountered to then explain that the EC should be careful not to harm EU’s competitiveness even more. The Austrian Federal Economic Chamber (IIA for 2030 Climate Targets) explains for example that it is not clear how investments are supposed to drive the recovery and ensure the survival of companies “without a level playing field internationally”. Similarly, other corporate actors (such as Cerame-Unie and the German brick and tile Association in the CBAM consultation) write that, considering the impact of the crisis, it is even more important to avoid carbon leakages, since it would signify the relocation of some companies and the worsening of the economic situation. On the other hand, some corporate actors mentioned the importance for the EU to keep an independent economy to be protected from international supply chain disturbances such as the one that took place during 2020 widespread lockdown. PGNIG<sup>9</sup> stated for instance in the CBAM consultation that “the outbreak of coronavirus SARS-CoV-2 showed the weaknesses of economic models based on geographically stretched supply chains” before asking the EC to take measures to

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<sup>9</sup> A Polish corporate actor in the energy sector.



stimulate EU supply chains. Others, like UNIDEN<sup>10</sup>, go as far as saying that the EU should re-industrialize to avoid any supply shortage in the future. I counted as many as 21 feedbacks containing one of these two forms of arguments using structural power. These cases are good examples of the pressure some actors are able to make because of their position in the broader economic system. However, the particularly important number of arguments using this kind of arguments may also be due to the content of the CBAM consultation: the goal of this climate policy is to protect EU industry's competitiveness by setting a carbon tax at the border of the Union. Therefore, the ten arguments (out of 21) of this sort that were found in the CBAM consultation must be taken into account with this context in mind.

This exploration of business informational lobbying at the EU around environmental matters during a crisis has engaged with the existing literature in different ways and allows me to draw some broader conclusions. First, major external shocks do not impede businesses from participating in formal consultations about environmental policies. Even though corporate actors expressed difficulties in participating in the policymaking process and could have focused their efforts on lobbying through more exclusive channels, they still managed to strongly dominate early-stage consultations in 2020. Second, the adaptation of the framing contest around the policy game borrowed from the CET was useful in classifying groups' preferences regarding the environmental ambition of the policy at hand, but was too restrictive to account for other types of arguments – such the exploitation of the crisis with the objective of capturing financial support. Third, this research has participated in a broader debate happening in Global Environmental Governance by exploring another channel through which private actors could potentially increase their influence: by taking advantage of crises. I can

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<sup>10</sup> A French trade association in the energy sector.

conclude that some businesses take advantage of crises to reinforce their arguments when lobbying the environment at the EC. However, not all private actors built a causal narrative linking the pandemic and their environmental preferences. Only 38% of them did so among the consultations selected. Moreover, this research showed that the crisis was instrumentalized differently by actors from diverse origins and sectors with the objective of advancing sometimes very distinct arguments. All of which implies that private authority is not monolithic in its policy preferences. One key limitation should be noted: the analysis of the content of online comments showed if and how businesses instrumentalized the crisis in their advocacy. However, it does not show if and how business preferences were translated into policy outputs. Further research should look at the actual influence of these interest groups on the policy output.

## 7. Conclusion

I began this thesis by asking who participated in EU environmental consultations during the Covid-19 crisis and how, if at all, business actors adapted their informational lobbying to the new circumstances. First, I showed who participated in environmental and climate consultations. I depicted the distribution of the different types of interests to then break up the business world into several sectors (or groups of sectors) to give the reader a more nuanced picture. This first step confirmed previous findings about the dominance of business interests in EU environmental and climate politics. However, the peculiarity of the EC agenda as well as the lack of available previous data do not allow me to determine if the dominance is indeed more pronounced in times of crisis than in normal times. Second, I found that 38% of business actors did adapt their informational lobbying to the crisis, and actors from the energy sectors active on the coal and/or oil markets as well as inter-sectoral actors included the crisis in their advocacy more often. Last, when looking more closely at the content of the feedbacks, it appears that business actors did not refer to the crisis with the same objectives in mind. They

seem to have instrumentalized the crisis mainly for two reasons: influencing the EC's climate environmental ambitions (in one way or another) or trying to influence the future recovery package. The content analysis also highlighted the fact that corporate actors made use of the three dimensions of business power developed by Fuchs (2007) when instrumentalizing the Covid-19 crisis.

My goal was to give an initial overview of what happened to business informational lobbying on environmental and climate matters during the first months of the pandemic. By going back and forward between the existing literature and the available empirics, I engaged with the literature on interest group distribution, crisis exploitation through framing contests, and business power in an unprecedented context: the Covid-19 crisis. In doing so, this research lays the foundation for future research on business power during a crisis. For instance, it would be particularly interesting to compare the frame contest captured here with the instrumentalization of the crisis by other types of actors, especially NGOs who were the second most represented actor in the consultations studied. Other studies should also test if there has been a significant surge in business participation in other lobbying channels at the crisis outbreak (Eady and Rasmussen 2021), to see if the patterns in my cases are generalizable to other forms of lobbying.

Lastly, my findings highlight the importance for policymakers to adapt their proposals to the changing context more rapidly when drafting their consultations. Indeed, the second most frequent argument consists of corporate actors asking the EC to adapt its proposal to the new circumstances before asking for stakeholders' input. Corporate actors justify their demand to delay the policymaking process by the fact that the proposal is not adjusted yet. A better adapted proposal since the very beginning of the process would prevent business actors to use

this argument in many cases – although it may not be easy for institutions to quickly adapt either.

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## 9. Annexes

### **A. Annex 1: Classification of business actors in sectors and groups of sectors**

To classify business participants within sectorial categories, I used the information available online, often on the companies' website. The most difficult was to distinguish between actors from the energy sectors that are active on oil and/or coal markets and those that are not. Indeed, companies tend to advertise their activities in renewable energies and to hide their role in fossil fuel extraction. When I had to decide how to classify coalitions of energy companies, I looked at the activities of their members. If one of them was active on the coal and/or oil markets, the organization was put in category 4. Companies active in aquaculture were classified in category 7, with the companies active on the markets from food and drinks. Those producing and/or processing wood were classified in category 8, with other actors from the agriculture and forest sectors. Cement producers were classified in category 10, the construction sector.

Some websites were in other EU languages, in these cases I did my best to translate the necessary information. Also, understanding the complexity of the organization of some actors to determine their main activity was not always easy, and I acknowledged that I lacked expertise to be completely sure about this classification. Therefore, I realize this sectorial classification could be improved with more time and resources.