

KLEMENS JOOS

CONVINCING POLITICAL STAKEHOLDERS



**READING
SAMPLE**

Successful lobbying through process competence
in the complex decision-making system
of the European Union

2nd revised and extended edition

WILEY

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WILEY-VCH GmbH

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Library of Congress Card No.:
applied for

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

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Excerpt from the work “Convincing Political Stakeholders. Successful lobbying through process competence in the complex decision-making system of the European Union”, 2nd edition 2024 (ISBN 978-3-527-51138-9 (Print), ISBN 978-3-527-84591-0 (e-book)).

Translation: Deman Übersetzungen GmbH, Düsseldorf, Germany/Ian W. Rhodes, WortSchatz Übersetzungen, Lengerich, Germany

Cover Design: Schindler Parent GmbH, Meersburg, Germany

Design of Illustrations: Agentur zur schönen Gärtnerin, München, Germany

Cover Picture: (c) KEEFFECT Design GmbH & Co. KG, Konstanz, Germany

Project Management and Editing: boos for books, Evelyn Boos-Körner, Schondorf am Ammersee, Germany

Satz: Straive, Chennai, India

Druck und Bindung:

Appraisal

“Based on competencies and international experience obtained over a number of decades in politics, business and academia, Prof. Klemens Joos and his co-authors impressively show in this book how successful lobbyists in complex decision-making systems – companies in the multi-level system of the European Union, for instance – have to structure their negotiating strategy and procedural organisation. In doing so, the authors add flexibility to the previous concepts of rigid sociological, political science and economic functional mechanisms of lobbying work and skillfully combine theoretical and methodological bases with specific orientation aids for business practice.”

Prof. Dr. Thomas F. Hofmann
President of the Technical University Munich

“Klemens Joos succeeds once again in treading new ground with this second edition of his book. He tangibly packs the important distinction between content competence and process competence, without which successful interest representation is not possible, into a formula that reduces the complex task of interest representation to its core and the central relationships.”

Prof. Dr. Gunther Friedl
Dean of the TUM School of Management

1 Set down in a formula: successful representation of interests in complex decision-making processes

1.1 Ways out of the complexity trap of political decision-making structures

1.1.1 Problem-solving in complex situations: process trumps content

Politics, the economy and society are becoming increasingly networked, digital, global, heterogeneous and dynamic. The complexity of their internal and external interrelationships and dependencies and the challenges posed by these for stakeholders of all categories are growing continuously. The risks associated with political and economic actions are also increasing significantly for the actors – in terms of the material, spatial and temporal dimensions of the consequences of actions, the related damage potential and, by no means least, the potential irreversibility of the damage caused and the associated potential for social conflict (see also Section 8.2.1).

Against this background, the requirements of sustainable action strategies for affected decision-makers are undergoing fundamental transformation. While a situation-based approach has always been needed to find the “right” solutions and avoid “wrong” activities, actors are increasingly finding themselves literally overwhelmed by the holistic assessment of both the decision-making situation itself and the consequences – opportunities and risks – of their own actions regardless of whether they are related to societal concerns, political objectives or business interests.

That situations can change continuously and have to be reassessed is not new. Facts and opinions on an issue about which an actor needs to make a decision are not and never have been stable. New data arise, previously significant factors decline in importance over time, a surprising change of sentiment leads to a shift in political majorities and personal motives suddenly become more important to certain stakeholders than factual considerations, etc. What is new is that the sheer number of the different levels and factors that have to be taken into consideration in business or political decisions due to their relevance to a decision-making process has increased exponentially as have their interrelationships and dependencies.

The growing number of societal stakeholders with increasingly divergent interests at the same time is partly responsible for this. In modern societies, these different interests and perspectives not only occur at the same time, but are also on an equal footing. This means that the same issue is usually viewed differently by individual stakeholders – what seems right to one appears wrong to another. This sharply opposed way of looking at the same problem is understandable and legitimate. Ultimately, what is regarded as true or incorrect is always dependent on the situation and therefore also the beholder. This is one of the research focuses of the scientific work undertaken by Nassehi, who deals with the issue of “translation conflicts” in Chapter 2.1 of this book.

In addition, the assessments of stakeholders in politics, business and society are subject to continuous change. What appears right to a stakeholder today may be rejected tomorrow due to a change in his environment, values and other decision-making factors in complex situations, and vice-versa. According to Nassehi, whoever wishes to achieve his objective must factor in the logic of the other party. To express it differently, there are no simple solution approaches in complex situations and decision-making processes. It is therefore not only content factors that are important; instead, the relevance of process factors has increased significantly in decision-making and problem-solving. Influenced by the degree of complexity of the problem environment, the likelihood of a solution approach proving successful is therefore no longer solely – often, not even extensively – dependent on content factors (i.e. particularly not on convincing content-based arguments concerning issues such as job security, technology leadership, price stability or efficiency, etc.). In many areas, this so-called content competence can no longer be identified as an adequate condition for solving a political, economic or societal problem. What is instead needed is what is called process competence, which – as will be shown – consists of three sub-components: process structure competence, perspective change competence and process support competence. The availability of these three sub-components of process competence is crucial for solving problems in complex decision-making processes.

1.1.2 Stakeholder versus shareholder approach

From the perspective of a company, the sharp increase in the complexity of the political, economic and societal environment necessitates a fundamentally new orientation in its own decision-making processes. Contrary to what was the majority view prior to the turn of the millennium, it is no longer sufficient to exclusively take the interests of the company's shareholders into consideration. In order to be successful, a company must instead always incorporate the totality of the interests of its primary stakeholders (i.e. employees, the representatives of their interests, customers and suppliers, etc. in addition to shareholders) and its secondary stakeholders (representatives of politics, administration, media, science, etc.). This paradigm shift from a shareholder orientation to a stakeholder orientation is one of the focuses of Meyer's research; he examines the importance of the stakeholder approach to modern corporate governance in Chapter 2.2.

This examination focuses on the secondary stakeholders. Convincing political stakeholders has become increasingly important for companies over the past decades. The financial crisis, climate change, the coronavirus pandemic, military aggression of diverse types and the energy supply crisis, etc. are just some of the issues that are proving relevant down to the very last details of daily corporate decisions. No company acts alone in a vacuum, but is reliant on a favourable, at the very least a reliable, regulatory environment for its economic success.

Against this backdrop, this assessment shows that – at the latest since the Treaty of Lisbon came into force in 2009 – the successful management of companies is almost

impossible without a knowledge of political decision-making processes and European legal framework conditions. The importance of process competence has become part of the focus of decision-makers within companies.

1.1.3 Decisions without decision-makers: complex multi-level system of the European Union (EU)

The majority of political systems have always exhibited a certain degree of networking, mutual dependencies and multi-layered structures. The European Union (EU) is a prime example of the sharp increase in just such complexity and the related challenges for decision-making processes. The decision-making system of the EU is unique and can only be understood against the backdrop of its actual composition: it is a geographical union consisting of 27 different member states with uniform external borders, a cultural union with 24 different official languages, an economic union with a common internal market and, by no means least, it is above all a political union whose decisions are made on at least three levels, the supranational, the national and the regional levels.

The political system of the EU is therefore especially suitable for examining the importance of process competence in complex systems (see also Chapter 4). The Treaty of Lisbon is particularly interesting for research purposes: as the legal basis of decision-making processes in the EU, it ultimately heralded in the paradigm shift from content competence to process competence. Chapters 1.2 and 1.4 in the following show that there is a negative correlation between the complexity of a decision-making process and the relevance of individual content considerations for the result. The more complex the situation is, the more the content logic in a decision-making process is subordinated to process logic.

1.2 Political rebirth of the EU

1.2.1 Treaty of Lisbon as the background to a paradigm shift

The European Union as we knew it came to an end on 1st December 2009 when the Treaty of Lisbon came into force. Figuratively speaking, what had until then been the relatively loose confederation of the European Union was de facto transformed into the United States of Europe, with a “state territory” extending from Portugal to Finland and from Ireland to Cyprus, even if this fact does not tally with the impression of many citizens. This discrepancy can ultimately be explained by the major effort undertaken at EU member state level to downplay their own loss of influence and power as a consequence of the Treaty of Lisbon.

This new political reality and boundless economic freedom go hand-in-hand with complex structural changes, which become challenges in the daily political routines of the EU member states, companies, associations and other civil society organisations. The framework conditions for successful communication between business and politics have changed dramatically due to the Treaty of Lisbon. Meanwhile, this paradigm

shift has often not actually become apparent to the decision-makers – in the sense of being taken into account in their own decisions and the development of their own sustainable action strategies. Previous strategies for introducing one's own concerns into political processes in the European Union and having them taken into consideration there are increasingly failing, often to the incomprehension of the parties involved.

In the light of this, it is urgently necessary to deal more intensively than ever before with the changed decision-making processes and the increasingly unclear formation of political majorities within the EU institutions. What this means for the “classic” instruments of interest representation, particularly the activities of associations and NGOs, but also of business lobbyists such as corporate representative offices and external service providers (e.g. law firms and public affairs agencies), also needs to be analysed. The focus of these classic instruments of interest representation clearly lies on content work: participation in public consultations, preparation of exhaustive argumentation papers and legal appraisals, conducting media campaigns, etc. They are therefore geared extensively towards content competence (see also “content competence” in Section 4.2 and “Structural instruments” in Section 7.4.1).

1.2.2 Reorganisation of decision-making processes due to the Treaty of Lisbon

So what has changed for stakeholders on the “stage of the European Union” due to the Treaty of Lisbon, which previously unknown problems have emerged for the classic instruments of interest representation and how can the concerns of companies continue to be successfully represented or supported in the European Union despite these challenges?

The key changes can be summed up as follows:

Firstly, the European Parliament's political influence increased significantly – it became an equal-status decision-maker in virtually every area alongside the Council of the European Union (Council): with the Treaty of Lisbon, the previous co-decision procedure was elevated to become the regular procedure (“ordinary legislative procedure”). The three EU institutions are involved in this procedure: the European Commission, the European Parliament and the Council. In this process, majorities are formed across all EU member states and political groups. This involves a fundamental difference compared to the legislative and executive decision-making processes of the EU member states: there is no structural legislative majority in which the executive can shape and implement legislative and executive agendas with its “governmental majority”. The face-off between the government and the opposition that is familiar from the parliamentary democracies of the EU member states is therefore foreign to the EU.

Secondly, the Council has been able to make decisions with a qualified majority in many important areas (internal affairs, justice, agriculture, foreign trade) since the Treaty of Lisbon. Unlike before, an individual EU member state is no longer able to

prevent a decision in these areas. A crucial lever for blocking political decisions in the areas concerned has therefore disappeared.

Finally, a new, influential decision-making forum has developed since the Treaty of Lisbon: the “informal triad” (see Section 6.2.3 and Section 6.3.4.1.3). The European Parliament, Council and EU Commission have come to an arrangement, without any primary law basis, to conduct informal consultations, seek majorities and plan the result in advance prior to the first reading of a legislative act. The legislative procedure in the EU has been significantly speeded up in this way – around 89 percent¹ of all legislative acts are already concluded successfully after the first reading in the Parliament and therefore make their way into the Official Journal of the EU (with respect to the changes brought about by the Treaty of Lisbon, see in particular Chapters 5 and 6).

To date, many stakeholders on the “stage of the European Union” have only adapted inadequately to all of these sweeping changes. Many EU member states, EU regions, companies, associations and organisations face the problem that the outcome of decision-making processes within the European Union has become largely incalculable for them: each legislative and executive agenda in the EU has to be regarded in isolation. The fixed content lines that are set down in coalition agreements at member state level, for instance, do not exist at EU level, nor is there any one (or very few) ultimate decision-maker (see in particular Section 6.3.4.1).

In view of the variety of legislative and executive acts, this entails the risk of a significant loss of involvement for the stakeholders at EU level. For instance, the framework conditions for commercial actions at EU level are extensively determined by directives, regulations, White and Green Papers from the EU Commission, implementing legislative acts and delegated legislative acts, including decisions in cartel and state aid legislation as well as through guidelines, duties and numerous other legislative and executive measures (see in particular Section 4.4.1 and Chapter 6). If a stakeholder lacks both an overview of and access to the decision-making processes underlying the respective legislative act, its concern will at best be taken into consideration on a random basis.

1.2.3 Effects on interest representation from the changed framework conditions of the Treaty of Lisbon

In a democracy, stakeholder groups have the right to put their individual concerns to politicians. All involved benefit from this continuous exchange between the societal-commercial and the political spheres: only in this way are the parties that bear political responsibility able to assess whether and how they can achieve the greatest possible benefit for the common good with their decisions.

This “principle of being heard” also applies in the democracy of the EU. At the latest since the Treaty of Lisbon, however, the previous, simple decision-making paths

¹ European Parliament (2023).

within the European Union have been superseded by a complex multi-level system. Day-to-day political life is determined not only by the 27 EU member states, but also by numerous mutual relationships between the 705 Members of the European Parliament and the 27 European Commissioners as well as their more than 32,000 employees.

One example of the new decision-making process within the EU that has particularly far-reaching consequences for the affected parties (companies, associations, etc.) is the previously described “informal trialogue”: they or the representatives of their interests are not formally heard in one of the most important phases of the decision-making process. Only the representatives of the European Commission, the European Parliament and the Council come together in this informal framework in order to determine common lines of compromise. It is precisely such opaque, informal decision-making processes with which classic interest representation, with its focus on content work, is no longer able to cope.

The informal trialogue is only one example and a synonym for a variety of informal processes in complex political systems. The classic instruments of interest representation in a simple political system no longer function in the complicated new world of the EU democracy after the Treaty of Lisbon. It has therefore become considerably more difficult, laborious and unpredictable to successfully represent the interests of the affected parties amongst the political decision-makers. In many cases, their concerns do not even reach the right addressees any longer or fail due to other reasons. This increases the risk of the affected parties no longer being able to get through to the decision-makers with their content, resulting in significant financial burdens or competitive disadvantages. Figuratively speaking, the complex decision-making processes within the EU can be compared to a labyrinth, for which the classic instruments of interest representation have no map, meaning a lack of understanding of the complex decision-making processes in the sense of process competence (see Section 6.3.4.1).

Triggered by a leap in the complexity of European decision-making processes in an increasingly heterogeneous environment, we are therefore experiencing a paradigm shift – a sharp increase in the importance of the “process” in politics compared to “content-based arguments” (see Chapter 4). While content and arguments remain important even in complex political procedures, their communication by the right person to the right addressees, at the right time, in the right place and in the right manner, with knowledge of the objectives, interest positions and mindsets of the decision-makers as well as the informal and formal decision-making rules is crucial to their promotion and inclusion.

1.3 Successful representation of interests in the complex EU decision-making system

1.3.1 Formula for success

The variables of successful political interest representation can be made tangible against the background of the changes and challenges in the complex political

decision-making system of the EU outlined in the preceding sections. So how can the interests of companies and associations, for instance, continue to be successfully represented or supported? The author will answer this question using an illustrative formula – the “formula for success in interest representation” (see Figure 1.1). In addition to the scientific investigations into interest representation conducted by the author over the past decades, it is particularly his practical experience acquired during more than 30 years of successful interest representation at EU and at member state level that forms the background to the formula. The bases of the formula were established over 30 years ago by the author in his dissertation and have been further developed in numerous scientific works. The results of this work were published as a complete “formula for success” for the first time in 2015.

The short verbal version of this formula is as follows: the well-balanced interaction of content and process competence is the basic prerequisite for successful interest representation within the EU. However, this success can be further increased if success is also achieved in:

1. advocating the concern of an affected party whereby through a change of perspective the positive effects for the common good are shifted to the forefront, and
2. driving this affected party's concern forwards in careful, detailed work day by day throughout the EU.

The practical implementation of this formula involves a governmental relations agency (governmental relations denotes a form of interest representation specialised in process competence, see Section 3.2.2 and Section 7.4.1.3.3.3) supporting the stakeholder (client) through the labyrinth of European politics as an independent intermediary – in addition to classic content-based interest representation through corporate representative offices, associations, public affairs agencies and law firms. The objective of this complementary approach is to change the previous perspective of a problem and discover ways to solutions. Instead of the previously usual “What do I want and why?” this approach shifts the focus to “Why should my concern interest the decision-maker?”.

The individual components of the formula (see Sections 1.3.2.4 to 1.3.2.7) and their application in practice are the subject of the example in Section 1.3.2.

1.3.2 Example of applying the formula for success – the “mountain example”

The way in which the formula for success works can be shown by a hypothetical example, i.e. based on overcoming a mountain as the symbol of a problem, an economic (business) challenge that has been triggered due to an EU legislative agenda (“mountain example”). In the example, the company affected by this problem wants to make the potentially negative consequences of the planned legislation (loss of competitiveness compared to other regions of the world, threat of job losses in certain markets, etc.) clear to the key decision-makers within the EU in order to prevent the legislation going forward or to change it according to its own interests.

The formula for success

In the complex multi-level system of the EU, the unique formula increases the success of interest representation by a multiple.

$$SIR = (CC + PStC)^{(PCC \cdot PSuC)}$$

Before the Treaty of Lisbon, successful interest representation consisted principally of content competence. In the complex decision-making system of the EU, at the latest since the Treaty of Lisbon, it is the result of the combination of content competence (CC) and process structure competence (PStC). The sum of the two is raised to a higher power with perspective change competence (PCC/OnePager® Methodology) and the latter is multiplied by process support competence (PSuC). In this, content competence (CC) and process structure competence (PStC) represent the structural instruments, while perspective change competence (PCC/OnePager® Methodology) and process support competence (PSuC) are the process instruments of successful interest representation. In other words, the sum of content competence (CC) and process structure competence (PStC) will usually only lead to a successful interest representation result in the complex decision-making system of the EU (SIR) if PCC/the OnePager® Methodology and process support competence (PSuC) are used at the same time.

SIR = Successful interest representation result in the complex decision-making system of the EU

Achieving competitive advantages, preventing competitive disadvantages and avoiding technical errors in legislative and executive initiatives at EU and member state level. Interest representation agendas include directives, regulations, White Papers and Green Papers of the Commission, decisions in cartel and state aid legislation as well as guidelines, duties and numerous other legislative and executive measures.

CC = Content competence

Content competence of the "classic instruments" of content-oriented interest representation (corporate representative offices, associations, public affairs agencies, law firms).

PStC = Process structure competence

EU-wide maintenance of spatial, personnel and organisational capacities (management competence) as well as production competence based on the cross-institutional, cross-political group and cross-member state networks of own employees, structural advisors, structural co-operation partners and external networks. This results in a service that is simultaneously a task force in times of crisis and a service unit and insurance against unexpected changes in legal and political framework conditions. The structural intermeshing of CC and PStC is a key factor for success in this.

Figure 1.1: The formula for success

**PCC = Perspective change competence
(OnePager® Methodology)**

Interdisciplinary analysis of the problem from different angles with the objective of working out a successful solution approach for the problem (change of perspective from the individual to a common interest perspective). This is carried out in a procedure that has been scientifically and empirically developed since 1990, and in which decision-theoretical, cultural, linguistic, inter-institutional, cross-member state and party political points of view are taken into consideration. The desired change of perspective is not possible in around 5 to 15 percent of cases, which de facto rules out successful interest representation. In this case, it is advisable not to take action. The advantage for the affected party consists in being able to choose alternative options early on and in avoiding the unnecessary deployment of resources. If the change of perspective is successful, however, which occurs in 85 to 95 percent of all cases, process support competence is critical to the achievement of the objective.

PSuC = Process support competence

All interfaces have to be structurally and sustainably supported on a daily basis throughout the EU by an independent intermediary so that the result of PCC/the OnePager® Methodology can lead to the success of the specific interest representation project. Experience shows that major projects have usually failed due to minor details. Organisational errors or

misunderstandings can no longer be afforded in a complex decision-making system. The continuous support of the decision-making processes through process support competence is another essential success factor because loyalties and coalitions, in particular, can change at any time during a decision-making process in a complex system. Continuously examining and co-ordinating all interfaces and situation-based updating of the OnePager® are therefore essential.

Complementary procedure

Ideally, the independent intermediary works according to the principle of "only one interest". Due to the continuously increasing complexity of the key decision-making processes, individual, project-specific intermeshing of all competencies is critical in each individual legislative or executive project. The crucial element in this is PSuC interface management between the affected party and its instruments on the one hand and the legislative and executive level on the other hand. In this, the independent intermediary stands for extensive process competence and intelligent process management across the EU. The intermediary is independent from the "affected party" and the "decision-maker" and is therefore recognised as a neutral and objective (trusted) intermediary that always acts to complement the affected party and the "classic instruments" of content-oriented interest representation.

Figure 1.1: The formula for success

For demonstration purposes, two different points in time can be pinpointed for the occurrence of the challenge: firstly, before the entry into force of the Treaty of Lisbon (see Section 1.3.2.1) and, secondly, after the entry into force of the Treaty of Lisbon (see Section 1.3.2.2).

1.3.2.1 Pre-Lisbon: successes for content-oriented interest representation

Before the Treaty of Lisbon came into effect, the affected company – itself or via a collective body such as an association – submitted its content-based concern directly to one of the few decision-makers with a right of veto in many cases. If the concern was convincing in terms of its content and the decision-maker shared the company's arguments, this could already prove successful in view of the usually one-dimensional decision-making processes of EU legislation (particularly thanks to the universal principle of unanimity prevailing in the Council at that time). If, for instance, an automotive company (or its industry association) wanted to prevent a disadvantageous EU regulation, blocking it in the Council was a particularly successful defence strategy, whether directly via the government of its own member state or indirectly via the other EU member states in which it had production plants, for example, and it was able to be heard as a result of this (see Sections 6.3.3 and 6.3.4.1.1). Consequently, even smaller EU member states were able to become important veto players in this "old world" of EU legislation.

If successful, the affected company had – to stick with the image – overcome the mountain and thus the challenge by drilling a direct tunnel through it to get to the other side of the mountain, i.e. by solving the problem (see Figure 1.2). In addition to a rudimentary knowledge of the process (who has the right of veto) and access to a decision-maker, instruments of content-oriented interest representation were particularly critical (content competence).

This form of interest representation was founded on an experience-based general rule: the simpler the structure of a political decision-making process (low number of decision-making levels, simple procedural rules, few decision-makers), the greater the relevance of content (argument-based) aspects to the outcome of a specific decision-making process. Consequently, interest representation primarily used content tools in the EU before the Treaty of Lisbon came into effect. The key decision-makers had to be identified in an initial step. In view of the usually one-dimensional decision-making processes, this was comparatively easy to do; in the Council, for instance, with the member state Minister responsible for the decision-making dossier, and usually via the rapporteurs of the two major political groups, EPP and S&D, in the European Parliament.

1.3.2.2 Post-Lisbon: process barriers to content-oriented interest representation

The entry into force of the Treaty of Lisbon presented interest representation, which had primarily been content-oriented up to then, with an enormous challenge: the relatively simple decision-making process within the EU, usually involving the easy

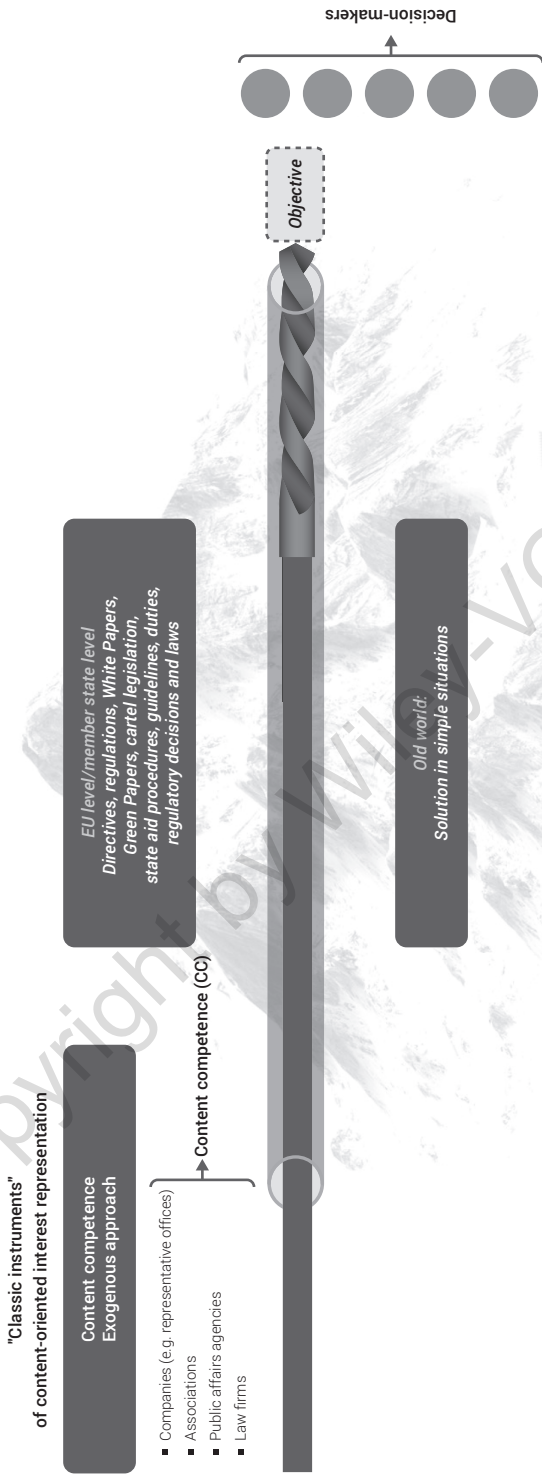


Figure 1.2: Mountain example - successful representation of interests in simple situations

identification of the key decision-makers, had been transformed into a complex multi-level system with a variety of decision-makers, some of whom were not identifiable readily or at all – a system of “decisions without decision-makers”.²

While long-term alliances between the actors of the legislative and the executive levels can often be formed in the political systems of the EU member states, this is not possible in many cases in the multi-level system of the EU due to the non-existence of governmental and opposition political groups. In a manner similar to a minority government, a lobbyist in the “post-Lisbon” EU also has to seek new allies and forge coalitions for each new concern or project. The inevitable consequence of this is the increasing opacity of European decision-making structures for individual companies, something that makes targeted, successful communication between business and politics very difficult indeed. Meanwhile, without knowledge and mastery of the new, complex processes and therefore also of the corresponding communication options, the company risks losing any possibility of involvement (see also Sections 5.3.3 and 5.5.1.1). In the “mountain example”, this new process challenge is symbolised by a rock barrier within the mountain: it is impenetrable to lobbyists, and therefore blocks the original “straight” route through the mountain. Instead, alternative methods are required to get to the other side of the mountain – to solve the problem.

Naturally, the classic, content-oriented instruments of interest representation also remain important and necessary for the success of interest representation in the “new post-Lisbon world”, but they are no longer sufficient by themselves. Corporate representative offices, associations, law firms and public affairs agencies that attempt to move their individual concerns forwards in the confusing decision-making processes of the EU solely with content arguments fall into the complexity trap (see Section 6.3.4.1.1). They will usually fail to achieve their objectives, because they do not have the necessary process competence.

This applies both to company representatives and to the executive and legislative actors themselves. One striking example of this is Germany’s failed attempt in 2022 to block legislation through which certain investments in gas and nuclear projects were classified as sustainable (“taxonomy”). Elements of the German Federal Government were publicly of the opinion that they would still be able to stop the initiative at EU level. However, they had apparently overlooked an important process barrier: the taxonomy proposal had been introduced into the legislative procedure by the EU Commission as a “delegated legislative act”, a special form of European legislation. In the case of delegated legislative acts, the EU Commission has the authority, based on authorisation in the basic legislative act, to independently structure and amend technical aspects of this basic legislative act. The European Parliament and the Council can only prevent this either by amending the basic legislative act – i.e. withdrawing the EU Commission’s authority – or by filing an objection to the delegated legislative act within a very short

² See Joos (2015)

deadline of two months. In the Council, such an objection requires a qualified majority (55 percent of the member states that represent at least 65 percent of the EU's total population); in the European Parliament, an absolute majority is needed (majority of all Members of Parliament).

With corresponding process knowledge, it ought to have been clear to all concerned in view of the short time window of just two months and the highly controversial debate surrounding the matter that it would not be possible to organise the majorities required to stop the legislative act from coming into force either in the European Parliament or in the Council.

1.3.2.3 Overcoming the process barrier through process-oriented interest representation

In the light of the above, the challenge for any form of interest representation in the post-Lisbon EU lies in the significantly more complex EU decision-making processes compared to the status quo beforehand: the “impenetrable layer of rock” (to remain with the mountain image) of complex decision-making processes can only be overcome by combining the familiar content-oriented instruments of interest representation with the now urgently required process-based instruments – process competence – (see Section 7.4.2). Ultimately, an understanding of the political processes is at least equally as important as working with political content and arguments. Without process competence, it is no longer possible in the dynamic multi-level system of the EU to communicate the contents at the right point in time to the respective, relevant decision-makers in a manner appropriate for the addressees.

Successful interest representation is therefore the result of the addition of content competence (content knowledge of the affected parties, e.g. a company, regarding the concern in question) and process structure competence (maintenance of management competence and production competence to be able to access process knowledge concerning the structures of the key decision-making processes and the persons acting therein; see Section 1.3.2.5). Content competence, which is exogenous from the perspective of the decision-maker (focus is on the perspective of the affected party) is complementary to endogenous process competence (focus is on the perspective of the sovereign decision-maker). Content competence and process structure competence represent the two structural elements (structural organisation) in this case, whereas perspective change competence and process support competence (see Sections 1.3.2.6 and 1.3.2.7) represent the two process elements (procedural organisation).

The result is that the more complex a decision-making system is, the more relevant process competence is in relation to content competence for the result of a decision-making process and the more extensively content logic is subordinate to process logic.

This often comes as a sobering realisation from the perspective of classic, content-oriented interest representation: the content positions that have been

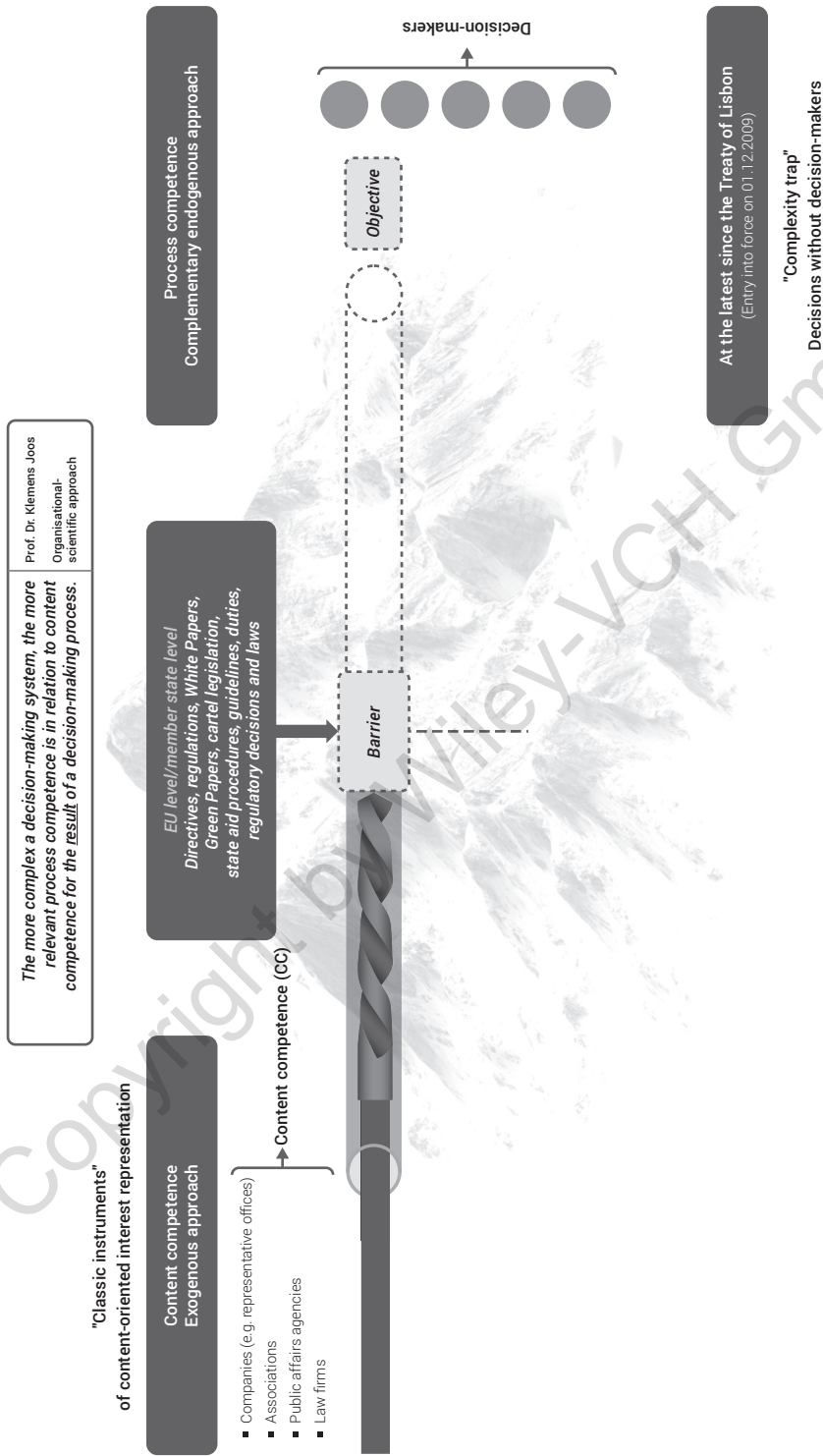


Figure 1.3: Mountain example – complexity trap after the Treaty of Lisbon

elaborated with a great deal of effort and commitment are not noticed by the decision-maker if they are communicated at the wrong point in time, or not to all respectively relevant decision-makers or not in a manner appropriate for the addressees.

So what do the individual elements of this formula for success mean? Let us begin with the concept of “process competence”.

1.3.2.4 Elements of process competence

The concept of process competence extends far beyond a mere knowledge of the regulations and procedures of a decision-making process such as an EU legislative process. Ultimately, process competence encompasses three elements, which will be elaborated more exhaustively during the course of this examination:

- The first element of process competence is process structure competence (PStC; in this regard, see Section 1.3.2.5). In turn, it encompasses two independent sub-competencies that build on one another:
 1. (In the example, EU-wide) management competence, i.e. the personnel, organisational and spatial capacities that are required to support the key decision-making processes;
 2. (In the example, EU-wide) production competence, i.e. the maintenance of reliable networks for communicating with the key actors for the decision-making processes.
- The second element of process competence is perspective change competence (PCC; in this regard, see Section 1.3.2.6 in the following), i.e. the ability as a lobbyist to put oneself in the situation, and view matters from the perspective, of a decision-maker in the key decision-making process (in the example, therefore, in the multi-level system of the EU) and to pick out the relevance of the concern from this perspective. Crucial perspectives can be both that of the individual decision-maker and also this party's institutional perspective – often to be equated to the common interest perspective in the case of representatives of the legislative or executive levels. Perspective change competence is a central element of the OnePager Methodology, which is crucial for a successful interest representation process and will be explained in greater detail in due course.
- The third element of process competence, that of process support competence (PSuC; in this regard, see Section 1.3.2.7 in the following), only becomes important if a change of perspective has been carried out successfully. In view of the frequently changing situations, assessments and influences in a complex decision-making process, the structural and sustainable monitoring of all elements and actors of a decision-making process is required to bring a specific interest representation project to successful completion.

1.3.2.5 Importance of process structure competence (PStC)

So what exactly is meant by the concept of process structure competence as the first element of process competence?

Formula for success for the management of successful interest representation in complex situations

$$\text{SIR} = (\text{CC} + \text{PStC})^{(\text{PCC} * \text{PSuC})}$$

SIR = Successful interest representation

CC = Content competence

PStC = Process structure competence

PCC = Perspective change competence

PSuC = Process support competence

Figure 1.4: Formula for success for the management of successful interest representation in complex situations

In practice, management competence, as the first sub-area of process structure competence, means that a lobbyist – usually a governmental relations agency – must keep all required personnel, organisational and spatial structures permanently available so that it can act as a task force in the event of crises, a service unit and insurance against unexpected changes in the legal and political framework conditions. Due to the diverse processes of consensus-building across member state borders, process support also frequently takes place on site in the individual EU member states. One of the challenges involved in successful interest representation in the EU is therefore to access Europe's capital cities in terms of clients and networks (see next paragraph), ideally with one's own offices or also via contractual partners on site. However practically experienced, expert employees who can undertake professional, targeted communication at the interfaces to the affected parties and decision-makers are crucial (see next paragraph). By no means least, the governmental relations agency should also have the organisational capacities necessary for project implementation.

The second sub-area of process structure competence, production competence, encompasses reliable, EU-wide, cross-institutional, cross-political group and cross-member state networks of the governmental relations agency's own employees, the structural co-operation partners and the structural advisors, some of whom are former heads of the legislative and executive level as well as public figures from various EU member states. Due to the variety and the increased complexity of decision-making processes in the EU, the number of contacts required to support them has grown exponentially. The member state networks alone are no longer sufficient for comprehensive process structure competence. At the latest since the Treaty of Lisbon, successful interest representation necessitates additional European contacts. The establishment and maintenance of an accordingly large and reliable network can only be achieved with an enormous effort that exceeds the capacities even of major companies. In practice, this can only be accomplished by a specialised governmental relations agency, established in numerous topic areas and therefore set up on a conceivably broad footing.

Ultimately, process structure competence ensures that interest representation does not fail as a result of avoidable tradecraft errors. In this respect, interest representation functions like a reliable fire brigade: its capacities are available on demand in an emergency to quickly and effectively put out a fire. Process structure competence is the prerequisite for process support competence (see Section 1.3.2.6).

1.3.2.6 Importance of perspective change competence (PCC)

Interest representation can only be successful if it is able to put itself in the situation and view matters from the perspective of the decision-makers involved – for example, the legislative or executive levels in political decision-making processes.

One of the core problems of communication (“translation conflicts”, see Chapter 2.1) between companies and politicians is that their representatives often view a matter exclusively from very different perspectives and are therefore unable to comprehend the problems of the respective other party – they then do not speak the same “language” and have no communicative common ground. One example: for homo economicus (businessman oriented towards benefit maximisation, see Chapter 4.8.1), more restrictive noise regulations mean that work at his company has to begin later but finish earlier – the company therefore suffers a financial loss. Conversely, for homo politicus (political decision-maker oriented towards the community, see Chapter 4.8.2) the same set of circumstances can mean that residents living in the vicinity of the company will be delighted about a higher quality of life – and vote him back into office at the next election. The involved actors (politics vs. business) that engage in a trade-off with one another therefore often pursue opposing objectives, represent different values or have different needs. Barriers to understanding and conflicts of interest are then bound to arise.

Transferred to the interest representation procedure, a translation service (change of perspective) that enables the formation of differentiated opinions for all actors, above and beyond individual interests, is necessary for communication aimed at problem-solving across system and value boundaries. A concern always has a high likelihood of successful resolution if it is capable of achieving a political consensus, meaning that it is approved by the necessary governmental and/or parliamentary majority. A majority of 50 percent of the Members of Parliament plus one vote is required for the ordinary legislative procedure in the plenary session of the European Parliament, for example. In the Council, a so-called qualified majority is achieved when 55 percent of the EU member states approve, insofar as they represent at least 65 percent of the European Union’s population at the same time (see Section 6.2.3 and Section 6.3.4.1.2). In order to find political majorities, the concern must above all be justifiable externally (vis-à-vis the population and other stakeholders) and must achieve high public acceptance. The change of perspective must therefore be oriented to the overarching objectives and values of the key decision-makers. These must be known or it must at least be possible to anticipate them. The framework for this is given by the premises that are relevant for a future-oriented, democratic governmental structure within a policy area: what consensually benefits society’s common interest (“common interest values”) has to be supported, e.g. the efficient handling of resources,

conditions for fair competition, social and generational equity, international alliance capability, employee satisfaction, supply diversity, decision-making freedom and independence or innovation and knowledge growth.

The individual concern of an affected party (the avoidance of financial losses by a company as a consequence of specific legislation, for instance) can always be promisingly represented vis-à-vis the legislative and executive levels if the sender succeeds in adopting the perspective of the recipient in his content argumentation, takes his position into consideration and, if possible, even adopts his preferred use of language. This process is part of each successful change of perspective from the individual to the common interest perspective: it enables the lobbyist to abstract from his own (represented) particular interest and to communicate the respective concern such that it is of relevance to the addressed decision-maker.

A change of perspective must be undertaken at the very outset of an interest representation project to check whether the concern can at all be communicated in a promising manner in the “political reality”. In the day-to-day work of a governmental relations agency, this change of perspective takes place on an exclusively theoretical basis in an initial step – in a “steering committee” consisting of representatives of the affected party whose interests are being represented and representatives of the governmental relations agency. The permanent members of this committee include a member of the affected party’s corporate management level (C level, i.e. high-ranking management positions in the company), the head of the company’s specialist department and a governmental relations agency employee who is responsible for the project (“interface manager”). In the steering committee, the course of the decision-making process is simulated by hypothetically adopting the position of the relevant decision-makers. If a concern cannot be communicated in a manner that promises success, it is not pursued any further (see point “A” in Figure 1.7).

Further on, the steering committee can also be extended by project-related participants as required. In addition to further governmental relations agency employees, these can also include its structural advisors on the process competence side. The structural advisors are often crucial to a successful change of perspective, since they have extensive knowledge of political decision-making processes (procedural issues) and are convincingly able to adopt the decision-maker perspective (legislative and executive) thanks to their expertise and political experience. On the content competence side, the steering committee can be supplemented by an association representative, a representative of a public affairs agency or lawyers with proven expertise in this issue, as the situation demands, in order to contribute additional content arguments. Depending on the complexity of the case, the steering committee can therefore comprise a variety of people.

In many cases, the question of whether a change of perspective is possible can be very quickly answered positively or negatively. A fictitious example: the problem that is causing a German company difficulties is also complicating the political situation of the French government at the same time. The German company’s French production

plants could be negatively affected by an EU legislative initiative, thus jeopardising jobs in France. It may therefore prove entirely sensible for the French government to support the German company in the Council. The prerequisites: the particular interest of the German company has to be successfully translated into the common interest perspective of French politics; in this case, for instance, the possible loss of jobs in France.

It is therefore not sufficient to put the concern of an affected party to the right decision-maker in plain language. What is crucial is to put this concern into a broader, addressee-related context (see also Section 6.3.4.2).

At the end of the consultations in the steering committee, the company's management decides on the concerns for which a previously developed change of perspective appears promising. However, the decision can also be taken to not pursue a concern any further in this case (see point "B" in Figure 1.7). Experience shows that interest representation would be futile from the outset in up to 15 percent of cases, because no convincing arguments for the concern can be developed seen from the perspective of the key decision-makers. In these cases, the concern is not pursued any further. This often saves the affected company vast resources and enables strategic reorientation at this point in order to adjust to the new legal and factual situation.

However, it can also happen that the affected company is nevertheless obliged to put its concern to the legislative and executive level due to reasons of compliance: if, for instance, the company is listed on the stock exchange and has to prove to its shareholders that it has undertaken everything conceivably possible to assert its interests.

Digression (see Section 4.8.2):

How do decision-makers decide in political decision-making processes – based on objective or subjective motives?

Experience shows that approximately 5 to 15 percent of those responsible are fully convinced of the concern of an affected party ("positive pioneers"). Equally, however, around 5 to 15 percent of decision-makers reject this concern due to fundamental considerations ("uncompromising parties"). These can be factual reasons, but also entirely personal motives. The political alliances required for successful interest representation can therefore occasionally fail because one politician has beaten the other to a party position at some point in the past. Why – due to factual or personal motives – a decision-maker decides in a certain way is not usually known. However, it is precisely this motive behind the decision that is essential to a lobbyist in order to be able to pursue the client's concern.

Consequently, 70 to 90 percent of those responsible have no preferences in terms of an affected party's concern. How they ultimately decide can depend, for instance, on what position the majority of their fellow party members take. However, it could also be that they may possibly feel obliged to now acknowledge a previous political favour from another decision-maker.

These percentage empirical values for decision-making ultimately correspond to the Gaussian normal distribution in combination with the law of large numbers.

In at least 85 percent of cases, however, there is a predominant likelihood of success, because a convincing (from the perspective of the decision-maker) change from the individual to the decision-maker's perspective (common interest) is possible. The change of perspective therefore has to be specifically elaborated in a further step. In the case of a governmental relations agency, this is done using the OnePager Methodology, i.e. the holistic breakdown of a highly complex issue and its description in an addressee-friendly form on one single DIN A4 page. In the context of the overall interest representation strategy, the OnePager Methodology acts like a contrast medium: it makes the complex overall situation clearer, more distinct and more transparent for all parties.

The difficulty lies in condensing what are sometimes highly complex issues to fit on just one page. The addressee of the description has to understand as quickly as possible what it entails and what the importance of the concern or the respective issue being pursued has to his voters, institution, party and himself. In view of this, such a DIN A4 page (OnePager, see in particular also Section 7.4.2.1.7) is far more than a mere memo. Governmental relations agency specialists formulate the issue (broken down into "background – problem – solution", for instance) so that the decision-maker is enabled to adopt an overarching point of view from which common ground between different positions is revealed. The core element of a good OnePager lies in coherent and convincing arguments for the addressed decision-maker including a proposed solution as the result of a successful change of perspective. The OnePager is consciously not written from the perspective of the affected party's (particular) interest. For the decision-maker, a successful change of perspective results in an independent logic to take action – in the interest of the general populace, his institution or himself. The content and language of the OnePager are co-ordinated in the steering committee and, if required, adapted to changing circumstances during the decision-making process.

Two examples of OnePagers that are based on facts and have only been modified slightly are provided in the following. The first OnePager was used at member state level (Germany) (see Figure 1.5) and the second at EU level (see Figure 1.6). They show how a convincing change from the individual to the decision-maker perspective (common interest) can succeed. This enables the decision-maker to move closer to the point of view of the affected party out of his own interest.

Transferred to the mountain example, this means that the effects that are seen as positive for the common interest by the decision-maker shift into the foreground due to the close connection between content competence and process structure competence in the steering committee and the jointly and successfully developed change of perspective. In the best case, this can now serve as the basis for successfully overcoming the previously insurmountable process barrier at the centre of the mountain.

However, it may still be some time before the OnePager is communicated to the key decision-makers: the OnePager development process is demanding and complex. It usually involves several rounds of co-ordination and text loops in the steering

In rural areas, midwives guarantee universal and full family care – safeguarding this profession is a societal responsibility

Background:

Ensuring "universal health care [...] with obstetrics close to the place of residence [and] midwives [...] on site" was set down in the coalition agreement. Care in rural areas is particularly at risk due to the dramatic decline in the number of midwives working in the field of obstetrics. This is due, firstly, to the fact that the earning potential for midwives is extensively limited compared to that of other health professions despite the wide range of services that they offer (obstetric care, prenatal care, post-partum care, family support). Secondly, midwives offering obstetric care, in particular, have been significantly affected for a number of years now by the sharp rise in liability insurance premiums, which they are barely able to finance from their low salaries any longer. The consequence of this is that around 18,650 of the approximately 21,000 midwives working in Germany are now no longer offering obstetric care, thus saving the liability insurance premium.

This steep increase in liability insurance premiums has arisen because the settlement of individual cases has become significantly more costly in recent years (damages for pain and suffering, care costs, therapies, compensation for the child's loss of earnings, etc.). A loss that cost the insurance companies 340,000 euros to settle back in 1998 cost 2.9 million euros in 2008 and already 4.3 million euros in 2014. The midwives' liability insurance premiums therefore have to be adjusted on an ongoing basis. One of the main cost drivers is the social insurance carriers' recourse claims against the midwife's liability insurance company.

Politicians recognised and extensively discussed the problem of these rising liability insurance premiums. Several attempts were undertaken to reduce the costs of settling the cases. Ultimately, the social insurance carriers' option of recourse in the event of negligent behaviour on the part of the midwife during the birth process was excluded in the context of the German Act to Strengthen Care in the Statutory Health Insurance. In future, the health and nursing care insurance companies can no longer settle their expenses with the midwife's liability insurance company in the case of minor negligence, but this remains possible for gross negligence.

Problem:

The limited earning opportunities coupled with the constantly increasing liability insurance premiums are compelling midwives in rural regions, in particular, to reduce the services that they offer and to limit themselves to low-risk areas or to leave the profession entirely. With negative effects for rural areas: there are regions in Germany in which care provided by midwives is already virtually non-existent. Not infrequently, expectant mothers are already having to spend the final few days before the birth far away from their homes in the nearest city. Births are taking place in locations in which there are still midwives. If families go to the nearest cities to give birth, there is hardly any opportunity for midwives to earn money in rural regions. Ensuring the (post-) care of families in rural areas is hardly possible any longer although midwives actually undertake a societal support function during the first few weeks after a birth.

While the limitation of recourse options, as set down in the German Act to Strengthen Care in the Statutory Health Insurance, marks an initial step, it does not have the effect required for the midwives' liability insurance premiums. It is unlikely that the premiums will be lowered. Added to this is the fact that almost all insurance companies have now withdrawn from liability insurance for midwives. The risks are no longer calculable due to the sharp increase in costs.

Conclusion: as there are hardly any insurance companies that will voluntarily become part of the midwife liability insurance consortium while the premiums cannot be calculated to cover costs, there will also be no functioning competition in this segment in the near future.

Solution:

Particularly in times of demographic change, it is the task of the state to give the birth of new life the appreciation that it is due. This involves the foundation of our society. Due to their particular earnings situation, midwives have to be supported, because they represent an indispensable part of our society. Politicians must therefore **make a decision in favour of families and therefore also midwives** at national level. The following is a possible starting point:

Limitation of the social insurance carriers' recourse options: While recourse for negligent treatment errors has been excluded with the adoption of the German Act to Strengthen Care in the Statutory Health Insurance in order to achieve a cost-reducing effect, this exclusion of recourse ought also to be extended to gross negligence.

Figure 1.5: Example of a OnePager for use at member state level (Germany)

Minimizing damage as a measure in the fight against cancer

Background:

Cancer has always been a cause of great suffering for people all around the world. Each case is the cause of a great deal of pain for the persons involved, patients and relatives alike. With a mortality rate of around 30%, cancer is among the deadliest diseases existing.

According to current research, almost half of all cancers are avoidable. This is why the European Commission under President Ursula von der Leyen has made the fight against cancer a political priority for its legislative term and for future European policy-making. Various political initiatives have been put forward. However, none of them includes direct measures to minimize damage, and so reduce harm, an approach aimed at minimizing personal damage and associated societal costs.

Problem:

The European Commission's cancer policy is designed to cover all stages of cancer: (1) prevention, (2) early diagnosis, (3) treatment and care, as well as (4) the quality of life of patients, former patients and their relatives. Minimizing damage complements the areas of prevention and early diagnosis. As such, it addresses societal and personal harm that is a direct result of personal habits, lifestyle and/or consumption. It is a non-judgemental and neutral approach, as it does not question the underlying rationale of personal behaviour.

The driving idea behind minimizing damage is not public perception but the aim of improving public and personal health. Therefore these measures are even found in areas that are associated with risky behaviour or that involve addictions (or other situations in which the persons involved cannot give up harmful behaviour). A fast-developing area of academic literature acknowledges that these measures are fit for purpose and effective tools.

This approach is far from new. As the following set of examples demonstrates, certain measures are already in place and well established:

Supervised Consumption Sites are public health facilities where (illegal) substances can be more safely consumed without fear of arrest and under the supervision of healthcare professionals.

Public and supervised 'drinking rooms' provide a safe place for homeless people to drink alcohol, which is not allowed in homeless shelters. Sometimes it is offered in exchange for community service.

Needle and syringe programmes (NSP) provide sterile injection supplies for people who inject drugs. NSPs have proven extremely effective in reducing the spread of transmissible diseases, such as HIV and Hepatitis C.

Nicotine replacement therapies (NRT) and nicotine substitution. Whilst cigarette smoking is the leading origin of cancer, this approach circumvents the exposure to combustible tobacco. NRTs provide nicotine in the form of gum, patches, sprays, inhalers, or lozenges and other substitution approaches foresee the use of less risky tobacco products (e.g. electronic cigarettes or chewing tobacco).

Drug replacement and maintenance therapies have a long history of providing individuals struggling with problematic drug use with legal access to drugs (e.g. heroine) that would otherwise be obtained through illegal means or via substitutes (e.g. methadone).

Solution:

The Commission's cancer policy will significantly advance the fight against cancer and improve public health. Up until now measures that focus on minimizing damage have not been fully incorporated into EU policy. To ensure that the full toolbox of available measures is used, minimizing damage should be taken up and implemented in future policy making.

Figure 1.6: Example of a OnePager for use at EU level

committee. The realisation that a concern does not offer the promised likelihood of success and should not continue to be pursued can still materialise in this phase of the interest representation process. In practice, this is to be assumed in 5 to 15 percent of cases (see point “C” in Figure 1.7).

As soon as success has been achieved in preparing a OnePager with an addressee-friendly and convincing change of perspective, the next step is to address the political decision-makers (through content competence and/or process competence representatives) and therefore undertake the final feasibility check. The interest representation process leaves the steering committee and reaches the legislative and executive sphere. In this, the governmental relations agency adopts the role of an independent intermediary (see also Sections 3.3.3 and 8.3.1.1) for the dialogue between the decision-maker and the affected party (a company, for example). Based on long-term experience, between two and five central stakeholders can be identified for the further procedure in the complex decision-making system with the aid of process competence. Ideally, each of these stakeholders will become an “endogenous process driver” by committing to the concern brought forward out of conviction and therefore of their own accord. However, there is still a risk that the decision-maker will not be convinced by the arguments that are put forth and will not continue to pursue the concern (see point “D” in Figure 1.7). Experience has shown that this constellation occurs in an additional 5 to 15 percent of practical cases.

1.3.2.7 Importance of process support competence (PSuC)

The environment of a decision-making process, the attitude of the actors involved, the factors to be taken into consideration and much more besides can change continuously. Interest representation that were to pursue a static approach would prove unsuccessful in the majority of cases. This is the point at which what is called process support competence becomes important. In addition to constantly monitoring the decision-making process and its entire environment, it particularly encompasses the resulting adaptation measures for each interest representation project. The process situation has to be monitored continuously and the legal framework conditions and the position of the political key players analysed in detail. Which stage legislation and decision-making processes are at must be monitored (see Chapters 3, 5 and 6). Which decision-making levels are currently involved, what challenges are looming and who has the formal, and who the actual, decision-making competence must be kept up to date on a daily basis (see in particular Section 7.5.4).

To prepare for this, an extensive key player matrix, i.e. an overview of all relevant actors in the decision-making process, their connections and dependencies, is created at the beginning of each interest representation project (see also in particular “stakeholder management” in Section 7.3 and “procedural situation assessment” in Section 9.1.3). Naturally, the existence of access to these key players is of essential importance (see Sections 4.6 and 4.7). The network of the governmental relations agency (own employees, structural advisors or structural co-operation partners) and the content-oriented

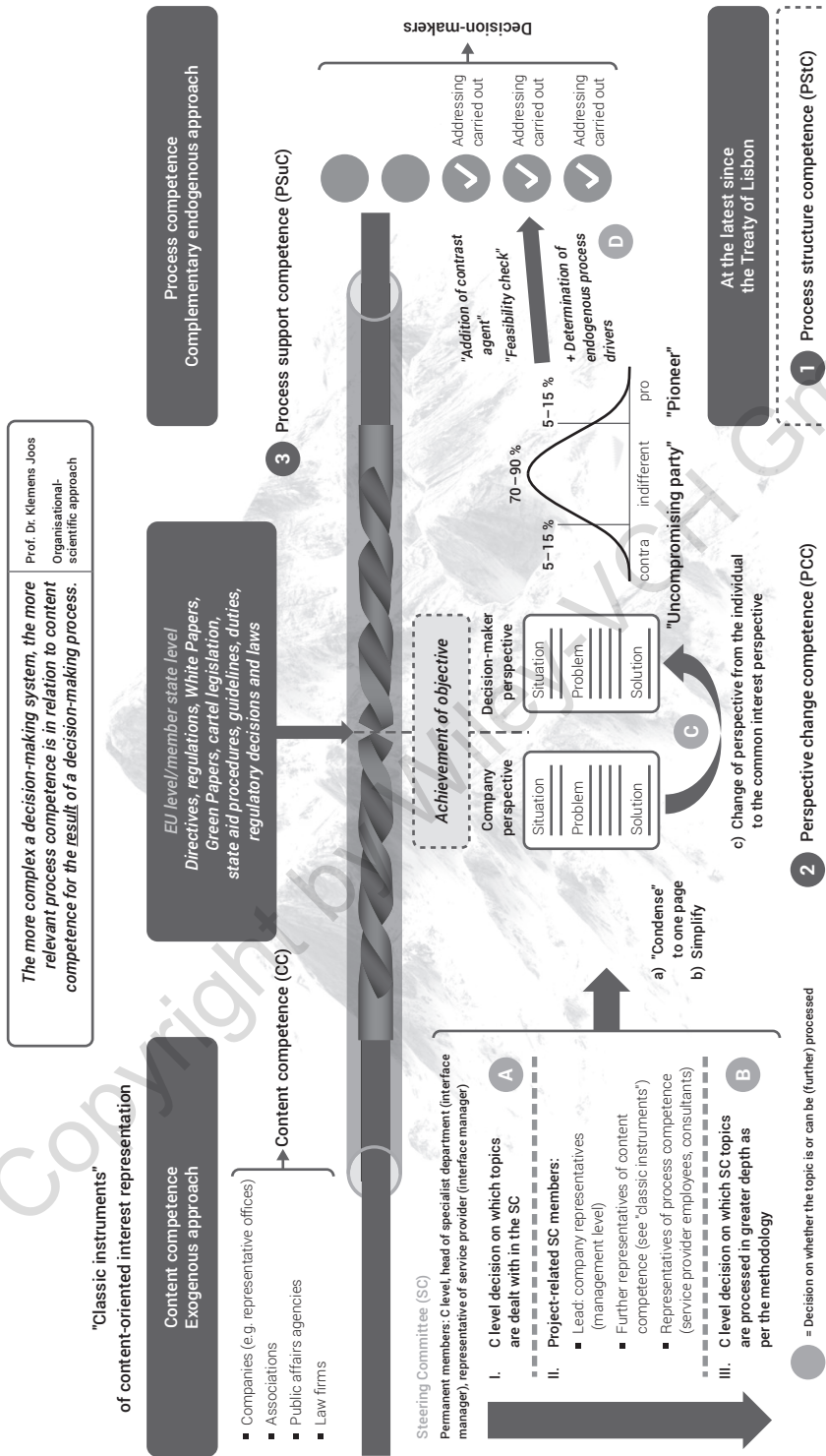


Figure 1.7: Mountain example – successful representation of interests in complex situations

instruments of interest representation (corporate representative offices, associations, public affairs agencies or law firms) must be continuously evaluated for this purpose and used as the situation requires.

Besides the factual component, effective time management plays a very significant role in successful interest representation (see Section 4.5). Each phase of a legislative process opens up specific time windows that absolutely must be respected, for instance in exchanges between the lobbyist and the sovereign level. Not only a knowledge of the process, but also the right timing, are key to success. All relevant process time windows must therefore be transferred as early as possible, carefully, without omissions and clearly to a time/tasks matrix.

Different addressees usually have to be identified and addressed in each interest representation project. A cascade of OnePagers that have interrelating contents, but which are independent in terms of addressee communication, therefore arises (see also Section 7.4.2.1.7). This procedure increases the likelihood of success, as the concern is analysed as regards all levels and perspectives of relevance to a decision and independent, addressee-specific lines of argumentation are then developed. In addition, the OnePagers used in the project have to be constantly updated, because things can always change throughout the entire process: majorities can change, a variety of different initiatives are on the European Union's agenda at the same time. The right interaction of the OnePager Methodology and process support competence is therefore paramount to success (see Section 1.3.2.6).

It can be stated that the key player matrix, the time/tasks matrix and the OnePager Methodology are the basic prerequisites for the success of a project (see also in particular "case studies" in Chapter 9). They are central tools that enable the governmental relations agency to support the entire decision-making process from beginning to end as an independent intermediary. The effort involved in all of this is enormous – complex projects tie up considerable human resources. Individuals are no longer able to meet the related requirements. It sometimes happens that 15 to 20 persons are working on a project at the same time (see also Chapter 8).

1.4 Conclusion

This first chapter offers an overview of the content of this work and the quintessence of the formula for successful interest representation in complex decision-making systems developed by the author, which is based not only on his scientific work (see "Literature" at the end of the book), but also and above all on his practical experience acquired in over three decades of successful interest representation at both EU and member state level.

The more complex the situation, the more the content logic in a decision-making process becomes subordinate to process logic. This clearly shows the crucial advantage

of process-oriented compared to classic, content-oriented interest representation and also reveals the basis of the formula for success at the same time.

In reality, interest representation is nevertheless usually limited to content-oriented instruments. Reliance is placed on convincing with good arguments in favour of one's own point of view that are put forward via one's own corporate representative office, the industry association or a public affairs agency, etc. The new reality of complex decision-making systems – particularly in the EU – is overlooked. However, the Treaty of Lisbon has led to fundamental changes in this regard. If they are not taken into consideration adequately or at all when structuring an interest representation project, it is doomed to failure.

This is precisely where the formula for success comes into play: a permanent and close connection between the content competence of the affected party and the process structure competence of a governmental relations agency is the basic prerequisite for successful interest representation, particularly in the EU. The prospects for success can be increased exponentially if you can succeed, firstly, in using a change of perspective that supports the concerns of an affected party to bring the positive effects for the decision-maker (for the common good) into the foreground (perspective change competence) and, secondly, in successfully integrating that concern into the crucial decision-making processes at the right times and at the right political levels and providing continuous support throughout the EU (process support competence).

The formula for success, through its exemplifying approach, therefore enables successful interest representation to be structured both initially and on an ongoing basis. Its suitability has already been impressively demonstrated in practical political interest representation, but its importance extends far beyond this. It ultimately has the potential to point the way to success in any conceivable, complex decision-making process.

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