

Am I your type?

*A case study on what types of interest groups lobby the EU
Commission most successfully*



A Master Thesis by

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Date:	July 10, 2020
Wordcount:	19.776

Summary

It is well known that the European Commission is an important access point for lobbying interest groups. The early stages of policy formulation are often the easiest to influence, while it gets more difficult to adjust in later stages. However, not all interest groups are equally successful in lobbying the European Commission. Several studies have already highlighted different assets of interest groups that possibly contribute to an improved chance of lobbying success. However, no study has included all these factors and tested them through a case study approach. This study researches the lobbying success of Digital Europe, the Football Association Premier League Limited, Article 19, the Free Knowledge Advocacy Group, Ecommerce Europe, Bitkom, EDRi, and the Communia Association for the Digital Public Domain. These stakeholders are chosen based on their differences in the possession of relevant knowledge, staff size, member size, position towards the Commission proposal, public support, lobbying strategy, resources and type. This study took these seven factors from existing literature and compares them in one case study. By testing these factors against the EU Commission proposal on preventing the dissemination of terrorist content online, this study includes a proposal on security related issues. This is relevant because while studying lobbying success, this paper also shows the extent to which non-state actors on a European level can influence issues related to national security. This study found that only the position towards the proposal and the stakeholder type significantly increased chances of lobbying success. Citizen groups were generally more successful in lobbying the Commission than business groups and stakeholders that were in favour of the proposal and therefore faced few countervailing parties were more likely to influence the Commission than stakeholders that were against the proposal and faced many countervailing parties. However, despite this study being a solid case study, there are several recommendations for further research. In order to ensure the reliability of the outcome, it would be recommended to build on this research by conducting a study that includes more stakeholders and possible more cases. In addition, it would be interesting to research whether the results differ when the same study is conducted at the parliament stage or the council stage.

Acknowledgements

I would like to express my deepest appreciation to prof.dr. M. Haverland for guiding me through the entire process of writing the master thesis.

I would also like to thank dr. A. Zhelyazkova for reading the first draft of the master thesis and for providing very valuable comments on this thesis.

Finally, I would like to acknowledge E. Koster for proofreading the final version of the master thesis and for pointing out the remaining grammatical errors.

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1. Introduction

After 9/11, the European Union has been working on more extensive counterterrorism policies (Kaunert & Leonard, 2018). As a result, multiple documents on the definition of terrorism and several legislative instruments have been adopted. However, not much attention was spent on the removal of terrorist content online. In a time in which the internet is more important than ever, terrorist content online is not a topic that can be neglected.

As a result, the European Commission introduced a set of guidelines in 2017 called the ‘‘Communication on Tackling Illegal Content Online: Towards an enhanced responsibility of online platforms’’ (European Commission, 2017). The following year, the Commission adopted a recommendation based on several non-binding measures that could be taken by online providers and Member States to tackle the issue of illegal content online (European Commission, 2018a). The foundation of the regulation was the argument that what is illegal offline is illegal online. The regulation defined ‘‘illegal content’’ as any information which does not comply with EU or Member States law. Furthermore, it indicated how to flag illegal content and what should be done afterwards. In addition, the regulation contains a separate part focused on reducing the spread of terrorist propaganda online.

Subsequently, the European Commission conducted a public consultation (European Commission, 2018b). The results of the consultation showed that 75% of the respondents thought of the internet as a safe place (European Commission, 2018b). Based on the replies and the positive effects of voluntary measures of the earlier recommendation, the European Commission proposed a new regulation that among other things focused more on a more specific definition of terrorist content online, deeper cooperation between hosting service providers, Member States and Europol and a quicker removal of the content after its detection (European Commission, 2018c). In addition, the Commission tried to increase the transparency of the process by forcing member states to fine parties that do not publish an annual transparency report.

However, the new regulation received some critique from the United Nations Human Rights Council. In February 2019, the parliament requested an opinion from the EU Fundamental Rights Agency (FRA) concerning the key fundamental rights implications of the Commission proposal (European Parliament, 2018). FRA stated that in order to protect fundamental rights, the definition of terrorist content online had to be specified again because it was too broad. After having processed the amendments, the European Parliament adopted the proposal in April 2019. Currently, in April 2020, the file is still included in the list of unfinished business.

Table 1: Overview of key dates and events

28 September 2017	The Commission introduced a set of guidelines on prevention, detection and removal of illegal content online.
1 March 2018	The Commission adopted a recommendation with non-binding measures for online providers and Member States to tackle illegal content online.
30 April - 25 June 2018	The Commission conducted an open public consultation
12 September 2018	The European Commission proposed a new regulation on preventing the dissemination of terrorist content online
6 December 2018	The Justice and Home Affairs Council agreed its position on the proposal.
7 December 2018	Three experts of the United Nations Human Rights Council expressed apprehensions about the proposal.
6 February 2019	The Parliament requested an opinion from the EU Fundamental Rights Agency on the fundamental rights allegations of the proposal.
8 April 2019	The debate and vote on the draft report took place in LIBE
17 April 2019	The plenary adopted the amended proposal in first reading
9 October 2019	The plenary announced the Committee decision to enter interinstitutional negotiations.

Source: own illustration, based on information from the European Parliament *Legislative train schedule*.

1.1. Research problem

Several non-state actors have been involved in the process of approving the proposal. Generally, non-state actors are said to have limited influence on directives regarding terrorist content as it is often seen as a matter of national security. Yet, different non-state actors have been responsible for adjustments in the regulation on preventing the dissemination of terrorist content online. In the consultation report from the European Commission, all different types of non-state actors were able to give their opinion for the Commission to be used. However, according to multiple studies on lobbying in the European Union, different kind of non-state actors have different chances to successfully lobby in the EU (Bouwen, 2002; Mahoney, 2007; Dür, 2008; Van Schendelen, 2010; Klüver, 2011; De Bruycker & Beyers, 2018). This leads to the following research question.

What kind of non-state actors have been able to influence the regulation on preventing the dissemination of terrorist content online?

This research is relevant for multiple reasons. To explain this, the relevance is divided into two different types: a theoretical relevance and a social relevance. The theoretical relevance considers to what extent the research contributes to existing studies and theories on the topic. The social relevance considers the extent to which the research is relevant to the general public and the non-academic world.

The theoretical relevance of this research paper lies in its contribution to the theory on measuring lobbying success and the literature on corporate lobbying in the European Union. It contributes to the literature on lobbying success in three ways. First, this study introduces a new definition of what lobbying success is. Multiple scholars have already attempted to define lobbying success in such a way that it is possible to measure it (Mahoney, 2007; Dür, 2008; Van Schendelen, 2010; Klüver, 2011; and Dionigi, 2017). This research takes the most important elements from these studies and used them to formulate an in-depth definition of lobbying success that can be used in further research. Second, this paper uses variables introduced by other scholars to test what kind of non-state actors are generally most successful in lobbying institutions. As a result, this research will show to what extent the selected factors are indeed good variables to measure success. Third, this research combines the different variables presented by other studies and uses them in a clear case study that should answer the question on which factors a non-state actor should generally have in order to be most successful in lobbying. Existing literature has already studied which factors are important to lobby successfully (Bouwen, 2002; Mahoney 2007; Klüver 2011; De Bruycker & Beyers, 2018). However, there is no other study that includes all the different variables from multiple studies on lobbying success to test them all in one case study.

In addition to the theoretical relevance, this research is also of social relevance. The main importance of this research is to show the wider public that it is not just the “European Union” who makes rules for the European citizens. Non-state actors play an important role as well. It is generally more well known that companies are involved in cases that have effects on these companies themselves. However, the regulation on preventing the dissemination of terrorist content online is a security related issue affecting every internet user. Depending on the outcome, it could limit an individual’s freedom of speech online. This research paper serves three social goals. First, it aims to inform the wider public that it is not just the European institutions and member states making rules, but non-state actors influence this process as well. Second, this research explains that even security related issues can be influenced by the EU and non-state actors as well. Third, Non-state actors do not only play an important role in decision-making that does not affect the general public, but they also have the power to influence decision that affect your daily live.

This thesis consists of seven chapters. The first chapter is the introduction, followed by the second chapter containing the literature review. The literature review presents the most important literature on lobbying success and on lobbying the European Commission in general. The third chapter is the theoretical framework. This chapter serves to gather the most relevant literature from the literature review to create a framework on which this study is based. The fourth chapter, the research design, consists of four subchapters. It covers a section on the methods used in this research, an explanation of the case selection and data collection and a part on the reliability and validity. The fifth chapter deals with the data analysis and is divided into six subchapters. These subchapters discuss the first commission proposal, the interest group positions towards the proposal, results from the Eurobarometer to show the public opinion towards the proposal, a section on interest group profiles, the final commission proposal and a concluding part on the interest group influence on the outcome. The sixth and seventh chapter consist of the results from the study and a conclusion.

2. Literature review

This chapter provides an overview of the most relevant studies on two very important fields of literature that relate to this research. One interesting field is the study of measuring lobbying success. Even though there is not one clear definition of measuring lobbying success, multiple studies have attempted to research lobbying success and to come up with a clear definition of what lobbying success really is. In addition to measuring success, one also needs to determine whether there may be differences between lobby actors in terms of number, strategy or resources. These different factors may lead to a different way of defining lobbying success. The second part focusses on how lobbying the European Commission works. This serves to get a better understanding of what interest groups that lobby the EU Commission go through.

2.1. Lobbying success

One of the most distinguished authors who researched lobbying in the European Union is Bouwen. Bouwen argues in his work that measuring influence or success is too difficult. Therefore, in his article he focusses on measuring access as a form of researching lobbying influence. Bouwen argues that it is impossible for a stakeholder to have influence, if it does not have access. Consequently, he believes that measuring access is a good indicator of measuring success (Bouwen, 2002). Furthermore, Bouwen states in his article from one year later, that it might be possible to adapt the framework to either the national level or the international level. Instead of an in-depth analysis of the EU institutions to derive the demand for access goods, the specific national or international institutional setting would have to be considered (Bouwen, 2004).

According to Mahoney, lobbying success cannot be defined in one way. For example, if one interest group lobbies in favour of a directive and it passes, this does not mean that the lobbying of this interest group was successful. Because even though the directive passed, it could be very much watered down compared to the original proposal (Mahoney, 2007). She argues to measure lobbying success in relation to three standards: the interest group achieved none of its objective, it attained some of its objectives or it fully achieved their goal. Mahoney defines several important factors that could be used to reflect lobbying success. These are the accountability of policymakers, the rules surrounding the policy making process, the presence of countervailing parties, the salience of an issue, important events preceding a directive and the characteristics and the position of an advocate.

The most complete work on defining lobbying success up until now is by Andreas Dür. According to him there are three best ways to measure lobbying influence: process-tracing, assessing attributed influence and gauging the degree of preference attainment. Process-tracing focusses on

causal processes. It looks at the access interest groups have, the steps taken and the outcomes. However, limitations of this method are discovering what exactly the entire process had been, the reliability of sources and it does not tell much about the degree of influence. The assessing attributed method consists of a survey sent to all parties involved. The parties then need to assess the amount of influence of themselves and of others. An advantage of this method is its simplicity, but a disadvantage is that the outcomes may be biased. The final method is assessing the degree of preference attainment. It compares the outcomes of political processes with the ideal points of actors. The closer the outcome is to the ideal point, the more influential an interest group was. The advantage of this method is that it also measures the secret lobbying which one could not measure otherwise. Even though one cannot see the actual lobbying attempts, it is still visible that something did happen if the outcome is different from the original proposal. However, the downside is that ideal points of lobby actors are not always clear. In addition, it basically ignores other actors that may have led to the specific outcome. It involves many different channels, but it does not explain which channel was most influential and which channel the least (Dür, 2008).

Van Schendelen also contributed to a definition of lobbying success. He states that party A influences party B, if party B's behaviour changes due to the behaviour of A. However, within his definition it is important that party A does something. It is less important if party B's behaviour is in line with what party A had hoped for. Van Schendelen further explains that measuring influence is not constant, as it is dependent on time, arena, supply etc., and that measuring influence and success is always a plausibility and not a fact (Van Schendelen, 2010).

Klüver states that lobbying success can be defined by looking at multiple actors. According to her, you cannot demonstrate lobbying success when you only research one individual interest group. Once it is clear which actors are involved, she uses the following factors to explain influence: information supply, citizen support and the market power of lobbying coalitions. She believes that the higher these factors are for an interest group, the higher the amount of influence that actor has (Klüver, 2011). Klüver measures influence by linking the interest groups' policy preferences with the policy output.

Bernhagen, Dür and Marshall argue that lobbying success has been researched too much in a qualitative way (Bernhagen, Dür & Marshall, 2014). In order to contribute to the debate, he approached the definition of lobbying success from a quantitative approach based on a spatial view of political conflict. This method measures lobbying success by measuring the improvement compared to a reversion-point. In other words, they aimed to measure success by looking at how far the final directive lies from the original proposal and the advocate's objective.

Dionigi defines lobbying influence in another way. She defines it as "the achievement of interest groups' goal in decision-making, which is caused by interest groups' own intervention

(lobbying activity) and/or MEP's anticipation of them'' (Dionigi, 2017, p. 6). In addition to this definition, she also considers five stages of power. Respectively they are convincing another party to do something they would not have done otherwise, setting the agenda, shaping actor's preferences contrary to their own interests, exercise power through resources and finally a productive force derived from institutions reflecting general consent.

Other scholars who took a different approach to measuring lobbying success are De Bruycker & Beyers. They build on the definition of Van Schendelen and came up with the following definition of what lobbying success is. They defined success as the extent to which the policy objectives of an interest organization are realized. Lobbying success does not necessarily require the use of political resources, coordinated action, or advocacy. Success can also be the result of exogenous factors or even lucky coincidence. In addition, they state that few other studies examined which lobbying strategy contributes to success. In another article these two authors wrote together, they argue that there are two types of lobbying: outside lobbying and inside lobbying. Outside lobbying comprises tactics that indirectly address policymakers through mobilizing and raising the awareness of a broader audience. Inside lobbying involves direct exchanges with policymakers through private communication channels, such as face-to-face meetings, telephone calls, or email exchanges. They state that inside and outside lobbying affect the extent to which organized interests can lobby successfully. The main goal of the article is to show that interest groups lobby more successful when they create coalitions (De Bruycker & Beyers, 2018).

However, not all authors define success as broadly. Rasch researched the effect of frames on lobbying success and acknowledged the following flaws (Rasch, 2018): first, he states that measuring success is never fully possible since a large proportion of lobbying takes place between closed doors. Besides, even if one has access to all the necessary information, it is very difficult to prove which elements exactly contributed to an interest group's lobbying strategy being successful. In order to solve this, Rasch first sets a base definition for success. Success, according to Rasch, is achieving the goals you set beforehand. In order to determine success as specifically as possible, he cross-compares multiple findings from different cases to extract generalizable results. Then, he presents two additions to the definition of lobbying success. The qualitative definition of success is seeing whether legislative amendments were in line with the interest group's goals. Quantitative success is about finding general patterns and drawing conclusions based on those.

2.2. Lobbying the European Commission

The Commission is an essential target for lobbyists because of its right of initiative in the legislative process. Nevertheless, the Commission largely depends on external resources to provide them with the necessary information (Bouwen, 2009). Therefore, the strategic choice of early lobbying applies to the European Commission as an agenda-setter during the early stages of the legislative process. It becomes more difficult to amend policy documents because the formality increases when they move up the Commission hierarchy. As a result, it is well known among lobbyists that changes to the legislative proposals are made more easily if no formal documents are produced during the policy formulation stage (Bouwen, 2009).

Consequently, lobbying firms in Brussels sell their advice to interest groups. In return for access, the EU Commission requests resources that are needed for its own functioning: expert knowledge and legitimacy (Bouwen, 2009). Directorates-General (DGs) are the most important access points for lobbyists (Bouwen, 2009). Business groups are generally more likely to establish contacts with the Enterprise and Industry DG, while environmental groups develop closer contacts with DG Environment (Bernhagen et al. 2015). However, there is also one leading DG that is in control of a specific policy proposal in the European Commission. This DG leads in organising discussions with actors inside and outside the institutional framework and is therefore an important actor for lobbyists (Bouwen, 2009).

Most of the lobbying in the European Commission takes place at the lower Commission officials. Even though top civil servants have more power than the lower officials, it is more difficult for private interests to successfully lobby them because they mostly get involved during the later stages of the policy formulation process (Bouwen, 2009). Whereas comitology and expert committees are solely composed of Member State officials, private interests can participate in the consultative committees. They provide substantial input during the early stages of the policy process and are therefore vital access points for private interests to influence the EU decision-making process (Bouwen, 2009).

There are two ways in which political preferences of stakeholders may enter the Commission's proposals: The Commission may listen to lobbyists that possess a large amount of relevant knowledge, or it can listen to stakeholders with whom it shares political beliefs (Bernhagen et al. 2015). In general, lobbyists that offer important information to policymakers are most effective in acquiring access and influencing outcomes. Actors in possession of little information find the distance between the Commission's position and their own reduced when another interest group on their side can offer expert knowledge to the Commission (Bernhagen et al. 2015).

Nevertheless, the ability to offer relevant information may be ineffective if a group faces

hostile political decision-makers. Facing friendly policymakers, helps interest groups that can offer relevant information (Bernhagen et al. 2015). The distance between a lobbyist's position and the Commission position is smaller if the lobbyist faces a friendly lead DG (Bernhagen et al. 2015).

3. Theoretical framework

The most important literary works used in this research paper are the studies that measure lobbying success in their research. However, before it can be measured, it is important to introduce a clear definition of what lobbying success is (Johnson, Reynolds & Mycoff, 2005). The definition of lobbying success or lobbying influence in this paper is based on the different definitions by Mahoney, Dür, Van Schendelen, Klüver and Dionigi (Mahoney, 2007; Dür, 2008; Van Schendelen, 2010; Klüver, 2011; Dionigi, 2017). Lobbying success is when a firm achieves its stated objectives in adjusting a directive. Because it is often the case that an interest group does not get everything that it wants, this paper recognizes the following outcomes introduced by Mahoney (2007): an interest group achieved none of its objectives, it attained some of its objectives or it fully achieved their goal. If an interest group attained some of its objective, it can still be regarded as partially successful.

This paper recognizes that it is difficult to explain lobbying success due to several shortcomings such as a lack of information of negotiations that took place in secret, the uncertainty of what the entire process had been and the fact that success cannot be fully measured since it is an abstract concept. However, some factors can explain how successful the lobbying of an interest group has been. This thesis looks at seven different factors with a causal relation to lobbying success. These factors are used to explain the lobbying success of those interest groups. Lobbying success is the dependent variable of the research. The independent variables that are used to explain lobbying success in this paper are information, staff and member size, resources, countervailing parties, citizen support, type and strategy.

The first independent variable is the possession of relevant information (Bouwen, 2002; Klüver 2011). Bouwen used this factor to explain lobbying access to the European Commission, parliament and council. He argued that stakeholders in possession with the right information enjoyed greater access. Klüver built on this but added that possessing relevant information for the European institutions also meant a higher probability of the interest group influencing the policy formulation. Relevant information, in this case, means stakeholders with a lot of knowledge on how presenting and spreading information on the internet works. This leads to the following hypothesis.

H1: The more relevant information a stakeholder has, the more influence it has.

In addition, Bouwen argues that the size of a stakeholder can reflect how successful their lobbying is as well (Bouwen, 2002). He explains that size is important because bigger stakeholders often have more resources to invest in lobbying. This is especially important for lobbying in the European Union because only large firms have the resources to invest in an office in Brussels. Contrasting smaller

stakeholders who often need to rely on other interest groups to be able to influence the European institutions. Size is measured through the number of employees an interest group has when it is one organization and by studying how many businesses or other parties are members when it is an umbrella organization. This argument resulted in the second hypothesis.

H2: The bigger a stakeholder's size, the more influence they have.

Another factor that will be used is the amount of countervailing parties stakeholders face (Mahoney, 2007). According to Mahoney, stakeholders that face less opposition are generally more successful than stakeholders that face more. Therefore, the amount of countervailing parties a stakeholder faces is another factor that reflects lobbying success which leads to the fourth hypothesis. The definition on countervailing parties is about the stakeholders that have a different opinion than the ones selected. In this case interest groups can either be in favour of the regulation, against it or indifferent. From this argument, the third hypothesis is derived.

H3: The less countervailing parties a stakeholder has, the more influence they have.

Furthermore, Klüver states in her research that the amount of citizen support for a stakeholder's position also reflects a party's lobbying success (Klüver, 2011). She argues that the amount of citizen support is an indicator of a stakeholder's lobbying success as well. Stakeholders that enjoy great citizen support often lobby more successfully than stakeholders that do not have the same support. The reason is that the European Commission does not only look for information, but also for legitimacy. By negotiating with a stakeholder that represents a large amount of the population, the Commission gains more legitimacy. Public support is defined as the amount of the population that shares the same position as an interest group. This argument results in the next hypothesis.

H4: The more public support there is for a stakeholder's position, the more influence they have.

The next variable is the strategy a stakeholder has (De Bruycker & Beyers, 2018; Mahoney 2007). For example, a stakeholder is more likely to influence the Commission when it actively lobbies by assigning lobbyists and visiting the European Commission. The extent of an interest group's strategy is defined by the number of meetings the interest group had with the European Commission. This argument is processed into the following hypothesis.

H5: The more active a stakeholder's lobbying strategy, the more influence they have.

Furthermore, the amount of resources a stakeholder has is another very important factor that will be used in this paper (De Bruycker & Beyers, 2018; Mahoney 2007). However, considering that ‘‘resources’’ is a broad term, it is useful to define how analysing a stakeholder’s resources helps explaining lobbying success. This paper studies resources by examining a stakeholder’s lobbying budget. Since the lobbying budget is the most important resource that is needed to acquire every other resource.

H6: The more resources a stakeholder has, the more influence they have.

The final variable is the type of interest group. For instance, citizen groups are often more successful when lobbying than corporate firms (De Bruycker & Beyers, 2018; Mahoney 2007). This paper differentiates between citizen groups and business organizations to measure the seventh hypothesis.

H7: Citizen groups are more successful in lobbying than business groups.

4. Research design

To answer the research question, this research paper presents a qualitative research design. There are two reasons why a qualitative design is preferred over a quantitative design. First, there have already been multiple studies on measuring lobbying success. However, most of these studies were quantitative. This thesis sheds a different light on the topic by studying it through a qualitative design. Second, a qualitative research design with a small N allows for a more detailed case study of different actors. As a result, this thesis will be able to present an in-depth explanation of why certain aspects of a stakeholder allow for more influence.

Furthermore, the co-variational design is the preferred option through which this paper will answer the research question. There are two reasons why the co-variational design is the most suitable. First, through the co-variational design it is possible to determine whether a specific factor has a clear effect on something (Blatter & Haverland, 2012). This matches perfectly with the research question of this thesis. Second, when using a co-variational design, it is possible to show that the empirical findings of the cases studied can be generalized to a population of comparative cases (Blatter & Haverland, 2012).

4.1. Methods

Lobbying success in this paper will be measured by comparing the targets that an interest group set in advance to the final Commission proposal on preventing the dissemination of terrorist content online. Therefore, the measurements will all take place at the proposal stage of the regulation. Only the different Commission proposals will be compared to each other. Whatever happened to the proposal in later stages is not relevant for this study. Consequently, the outcome of the regulation is not relevant to this study either.

To determine what sorts of stakeholders are most likely to lobby the European Commission successfully, the seven factors will be used as the independent variables of this study. The dependent variable in this case is the lobbying success. For each of the selected stakeholders, this paper studies the seven different variables: information, size, position, countervailing parties, public support, strategy, resources and type of interest group. After having compared the positions of the stakeholders to the final Commission proposal, the most successful lobbying interest groups have been measured. Following this outcome, this research will determine which sorts of interest groups were most successful in lobbying the European Commission.

4.2. Case selection

The case selected for this thesis is the regulation on preventing the dissemination of terrorist content online. There are several reasons why this case was selected. The regulation on preventing the dissemination of terrorist content online is about combatting terrorist content online. Usually, issues regarding national security are matters of national concern. In this case, the European Commission steps forward with a proposal to introduce European measures to deal with the problem. This allows for international non-state actors to influence a regulation that will affect all European Member States. Second, this case is of high importance for the general public since the measures proposed by the European Commission would mean a decrease of individual privacy and possibly less freedom of speech. The proposal argues that hosting service providers should save and share uploaders' data and opinions that are considered to be dangerous are directly removed. Finally, this case is valuable since the European Commission organized an open public consultation in advance. This advantage allows for more access to information on the positions and characteristics of the different interest groups involved.

The stakeholders are selected to differ in some criteria while having some in common to make the selection diverse. They are selected based on the stakeholder type, their position towards the regulation, the possession of expert knowledge and their size. Stakeholder type determines for each stakeholder whether they are a citizen group or business organization. This criterion refers to the hypothesis predicting that citizen groups are more likely to influence the Commission than business organizations. The stakeholder's position towards the regulation means to what extent it supports it. This is based on the hypothesis stating that interest groups that face few countervailing parties are more likely to lobby successfully. Stakeholders were also selected based on the amount of relevant knowledge they possess because the Commission is more likely to be influenced by parties with expert knowledge. The final criterion on which stakeholders were selected is size. Since big interest groups are expected to influence the Commission more than small interest groups. Based on these criteria, this paper studies the following interest groups: Digital Europe, the Football Association Premier League Limited, Article 19, the Free Knowledge Advocacy Group, Ecommerce Europe, Bitkom, EDRI, and the Communia Association for the Digital Public Domain.

4.3. Data collection

There are six main methods of data collection for empirical research: documentation, archival records, interviews, direct observation, participant observation and physical artefacts (Yin, 2003). Documentation is used in most empirical research as it allows to verify correct spellings, it provides

specific details and it allows for inferences to be made from documents. On the other hand, Yin warns not to view documents as the unbiased truth since they are still written for a specific purpose. Next, the article mentions archival records. Even though archival records may provide valuable information about a party, it may not always be accurate. Another method for data collection, is through interviews. The advantages of interviews are that they allow for a unique insight and that your source may recommend other sources that can be used. However, this method is subject to bias and poor recall. The direct observation is a valued way to lead to a deeper understanding the case. Nevertheless, it is still subject to the researcher's bias. The same accounts for participant observation. Even though it leads unique opportunities in the form of access, there is still a bias from the researcher's side. The final type of data collection is the use of physical artefacts (Yin, 2003).

This paper collects data through documentation and archival records. Documentation is very important since a lot of documents from especially the Commission will need to be studied in order to get a deeper understanding of the case and to gain information on the lobbying parties involved. Second, archival records will be valuable to this study since it can provide detailed information on the lobbying done by the different interest groups. For this research the use of interviews was also considered. Since lobbying is still a rather secretive business, interviews may allow for access to information that could not be accessed in any other way. However, since this research studies a proposal from two years ago, interviews may not be a reliable source since the memories of people may not be accurate and positions may have changed in the meantime.

To answer the main question, the different hypotheses will be measured in several ways. Whether a stakeholder possesses relevant information, or expert knowledge will be measured as a logical argumentation based on a causal relationship. Therefore, this paper argues that a hosting service provider may possess more expert knowledge on the subject than a citizen group. This information will be retrieved from a stakeholder's website. The size of a stakeholder will be measured by studying staff size and member size. This information can be found on the interest groups' websites. The number of countervailing parties for each stakeholder will be measured in the following way: based on the Commission's summary report on the public consultation, this paper will be able to count how many parties agreed with the Commission proposal and how many were against it (European Commission, 2018b). For this measurement, all parties that replied to the consultation will be counted. Based on this outcome, this study will be able to determine how many countervailing parties a stakeholder has, and which position is the majority or minority. In addition, this study needs to research public support to be able to measure the fourth hypothesis. This information will be retrieved from the Flash Eurobarometer 469 (TNS Political & Social, 2018). This survey asked the public the same questions as the Commission asked the interest groups during the open consultation. The answers of the public from the Flash Eurobarometer 469 will be compared to the answers given by the stakeholders to the same questions. Based on this comparison, this study will be able to

measure to what extent a stakeholder enjoys public support. The fifth hypothesis states that a stakeholder is more likely to be successful when they have an active lobbying strategy. ‘Active lobbying’ in this research will be defined by the amount of times a stakeholder visited the European Commission. A high number of visits imply an active lobbying strategy. This information will be retrieved from Lobby Facts. Subsequently, this study measures the amount of resources a stakeholder has. However, the study only looks at a stakeholder’s assigned lobbying budget, because it would not be fair to state that a large amount of resources influences an interest group’s lobbying success if a company is very wealthy overall but has a very small lobbying budget available. In that case the resources would have no relation to lobby success, nor would it contribute to preventing lobbying fatigue. The information needed to measure a stakeholder’s resources will be retrieved from Lobby Facts. Finally, the type of interest group will be measured to be able to determine whether Citizen groups are more successful in lobbying than business groups. This research will measure what type of stakeholder each interest group is based on information from the summary report of the Commission’s consultation and from the interest groups’ websites (European Commission, 2018b).

To measure what types of interest groups are most likely to influence the European Commission, this research will first present the first Commission proposal and its main issues. Afterwards, the position papers from the different stakeholders will be studied to understand which issues they would like to change and why. Finally, the final commission proposal and its main issues will be presented. Subsequently, the final commission proposal will be compared to the first Commission proposal to be able to see which issues have changed. Based on these results this research will be able to learn which interest groups got their preferences realized. After this comparison, the results will be linked to the different stakeholders’ profiles to see whether a pattern can be determined.

4.4. Reliability and validity

The reliability and validity of a study show to what extent the conclusions drawn from a research are accurate (Johnson et al., 2005). The reliability of a study means the accuracy of measurement. In other words, will the test have the same results when it is repeated several times? This paper ensures its reliability by using the original EU Commission Proposals, stakeholder position papers and Eurobarometer results from 2018.

The internal validity of a research considers whether a study measures what it is supposed to measure. There are four different ways to evaluate the validity of a study (Johnson et al., 2005). These are face validity, content validity, construct validity and interitem association. Face validity covers the seemingly relation of concepts and not about empirically demonstrating a relation. Content validity involves defining the concept and defining how the concepts are related to each other. Construct

validity demonstrates whether two concepts are related based on theory. Finally, interitem association ensures validity by measuring the same things multiple times but with different factors. To ensure the validity of the measurement, the hypotheses are being evaluated through a mix of the four types of validity. For the first hypothesis, determining whether a stakeholder has expert knowledges will be evaluated through face validity since tech companies seemingly have more expert knowledge than citizen groups. The same accounts for the hypotheses on size, countervailing parties, public support and resources. Logically, stakeholders that are big, face few countervailing parties, enjoy public support and have many resources should be likely to lobby successfully. Similarly, this study argues that citizen groups are more likely to lobby successfully than business groups because the Commission cares about its legitimacy, which it receives from the citizens. The fifth hypothesis, on the active lobbying strategy, is measured through commission visits. This is validated through content validity. Even though counting Commission meetings does not directly show how active a lobby strategy was for this case, this study argues that it does indicate the general activeness of a lobbying strategy. In addition, the validity of the hypotheses is validated through construct validity. This paper showed the relation between the hypotheses and lobbying success in an in-depth literature study. Finally, the validity of the entire research is ensured through interitem association. When the outcomes of the measurement of the different hypothesis all indicate the same conditions for lobbying success, the validity of the research methods is tested.

External validity refers to the extent to which results from a study can be generalized to other situations (Crano & Brewer, 2002). This study aimed to ensure external validity by selecting a group of eight diverse stakeholders. However, this study recognizes that the results from this paper may be different for other studies since there are different cases, different stakeholder types and different factors that may lead to other outcomes. Therefore, it is advisable to repeat this study with more and different variables to increase the external validity.

5. Data analysis

The different hypotheses will be tested for eight different stakeholders. To do so, this chapter is structured in the following way. First, it provides an overview of the first Commission proposal followed by a chapter presenting the results from the Eurobarometer showing the public position towards the proposal. Third, it provides an overview of the interest groups profiles. These profiles are used to determine the different types of stakeholders that are selected for this case study. Subsequently, the chapter continues with an overview of the amendments that stakeholders would make to this proposal. After this, the final Commission proposal is presented. In the final part, the first proposal will be compared to the stakeholder positions and the final proposal to determine to what extent the interest groups successfully lobbied the Commission.

5.1. First Commission Proposal

On March 1, 2018, the European Commission adopted a recommendation on measures to effectively tackle illegal content online. This regulation provided non-binding measures to tackle the issue of illegal content online based on a set of guidelines that had been introduced by the Commission in September 2017. This chapter aims to analyse the content of this proposal, to be able to compare it to the positions of the different interest groups. After having compared the different positions of the stakeholders, this research will be able to determine to what extent these different stakeholders have been able to influence the document in comparison to the outcome of the final regulation.

According to the regulation, online service providers have societal responsibilities to deal with issues such as terrorism, child sexual abuse, hate speech or copyright infringements, because they have the technical capabilities to do so. It is important that this content is removed quickly. Therefore, online service providers should be able to make swift decisions. However, they should also install safeguards to make sure they do not remove content which is not illegal. The Commission stresses that the current voluntary measures were not enough. However, they also decided to keep the current legislative measures unaffected. According to directive 2000/31/EC Article 14, online hosting service providers can benefit from a liability exemption when they remove all illegal information as soon as they have been notified of it. Therefore, the Commission states that directive 2000/31/EC provides the basis of this new regulation as well. Accordingly, Member States should respect the different laws in different Member States regarding illegal content online in order not to restrict the freedom of speech in another country. To ensure the effectiveness of the regulation, the Commission aims to introduce a set of principles to minimize the differences between the Member States.

To improve transparency, hosting service providers should adequately inform the persons who provided illegal content of the steps taken to remove their content. In addition, the hosting service providers should be able to object against a notification stating that something is illegal in order to prevent legal content from being unintentionally removed. Nonetheless, they cannot do so when the content has been flagged illegal by a competent authority, or trusted flagger, based on public policy. Hosting service providers should regularly publish transparency reports about their activities. Furthermore, the regulation states that Europol should assist cooperation between hosting service providers and competent authorities where necessary in order to ensure a smooth cooperation.

The proposal is mostly focussed on the removal of terrorist content online, since terrorism is a great danger that has become more dependent of the internet over the last few years. Based on the assumption that terrorist content online is most harmful in the first hour after it is published, the Commission introduced the general rule that illegal content online should be removed within an hour. In addition, the regulation presents the following concrete measures: provisions should be made to submit and process notices, authorities should inform content providers why specific content needs to be removed and allow counter-notices, Member States are encouraged to facilitate out-of-court dispute settlement, transparency should be ensured through the publishing of regular reports, hosting service providers should take proactive measures to remove illegal content, hosting service providers should install safeguards to avoid legal content from being removed, measures should be taken to ensure that parties cannot accuse each other of illegal content in bad faith, and finally there should be a smooth cooperation between hosting service providers, Member States and trusted flaggers. The final chapter of the regulation states that the Commission will assess the success of the regulation to determine whether it will be necessary to introduce further steps to be taken. To determine the effectiveness of the regulation, the Commission held an open consultation from April until June 2018.

5.2. Results from Flash Eurobarometer 469

Besides the open consultation, the European Commission was also interested in the public's opinion. As a result, the Commission set out a survey between 18 and 26 June 2018. This survey was taken by 33,244 respondents from within the EU (TNS Political & Social, 2018). Even though the questionnaire was mostly on user's experience with illegal content online, some of the questions overlapped with the ones the Commission asked during the public consultation. Those questions will be used to study to what extent a stakeholder enjoys public support.

The following eight questions are used to measure this support. The first question was: Is the internet safe for its users? 65% of the respondents believed that the internet is not a safe place (TNS Political & Social, 2018). The second question asked whether there are additional measures needed to limit the spread of illegal content online? 90% of the respondents agreed that there should be more measures (TNS Political & Social, 2018). The third question was: Must freedom of expression be protected online? 85% of the respondents agreed that this was the case. The fourth question asked whether internet hosting services were effective in tackling illegal content. Of the respondents, 44% agreed that the providers were successful. The fifth question was: should hosting service providers immediately remove content flagged as illegal by public or law enforcement authorities? 90% of the respondents agreed that this should be the case. The sixth question was about whether internet hosting services should process all notifications received and assess the legality of the content? 86% of the respondents agreed to this. The next question was: Does content flagged by experts need to be removed immediately by hosting service providers? 85% of the respondents answered that the content should be removed immediately (TNS Political & Social, 2018). The final question asked whether users should be able to appeal a decision removing their uploaded content? 75% of the people that responded agreed that an individual should have the right to appeal (TNS Political & Social, 2018).

These questions were asked both to the stakeholders and the general public. Therefore, they can be used to measure to what extent the general public supports a stakeholder's position. Comparing the results of the Eurobarometer to the answers given by the stakeholders during the open consultation leads to results presented in table 2.

Table 2: Comparison of the public opinion and the interest group positions

	Public Opinion	Digital Europe	Article 19	Premier League	FKAG
The internet is safe	Disagree	Agree	Agree	No answer	Agree
Additional measures are needed to limit the spread of illegal content	Agree	Agree	Disagree	Agree	Disagree
Freedom of expression must be protected	Agree	Agree	Agree	Agree	Agree
IHS are effective in tackling illegal content	Disagree	Agree	No answer	Disagree	No answer
IHS must remove content when it is flagged by law enforcement	Agree	Agree	Disagree	Agree	Disagree
IHS should process all notifications	Agree	Agree	Disagree	Disagree	Disagree
IHS must remove content when it is flagged by experts	Agree	Agree	Disagree	Agree	Disagree
Users should be able to appeal a decision	Agree	Agree	Agree	Agree	Agree
Answers in Common	X	6/8	2/8	6/8	2/8

	Ecommerce Europe	Bitkom	EDRi	Communia Association
The internet is safe	Neutral	Agree	Agree	Agree
Additional measures are needed to limit the spread of illegal content	Neutral	Agree	Disagree	Disagree
Freedom of expression must be protected	No answer	Agree	Agree	Agree
IHS are effective in tackling illegal content	Agree	Agree	Agree	No answer
IHS must remove content when it is flagged by law enforcement	Agree	Neutral	Disagree	No answer
IHS should process all notifications	Agree	Disagree	Disagree	Disagree
IHS must remove content when it is flagged by experts	No answer	Neutral	Disagree	No answer
Users should be able to appeal a decision	Agree	Neutral	Agree	Agree
Answers in Common	3/8	2/8	2/8	2/8

Source: own illustration, based on data from the Flash Eurobarometer 469 and stakeholder position papers.

5.3. Interest group profiles

In this chapter, every interest group will be introduced. The focus lies on the interest group's general profiles. Regarding the hypotheses of this research, this introduction mainly serves to discuss the eight variables as discussed in the theoretical framework. Therefore, this chapter researches whether each of the stakeholders had the relevant information to lobby the Commission on the regulation. Second, the size of the stakeholders will be studied. In addition, this chapter analyses the stakeholder's position and the number of countervailing parties they face. Furthermore, this chapter aims to study the amount of public support for the stakeholder's position followed by an analysis of the interest groups' lobbying strategy for the regulation. The sixth variable is the amount of resources an interest group has. Finally, this introduction examines what types of stakeholder every interest group is.

Digital Europe

Digital Europe is a large trade association that represents digitally transforming industries in Europe. Since its foundation in 1999, Digital Europe has strived to shape industry policy positions on a European level (Digital Europe, 2020). The membership of Digital Europe consists of 35.000 different businesses that are all experts in the field of digital technologies. In addition, Digital Europe has 71 corporate members and 40 national trade associations active in 29 different European countries. As a result, Digital Europe is considered as a large stakeholder and a stakeholder that possesses a lot of relevant knowledge concerning the proposal.

Digital Europe replied to the Commission's consultation as a business company on behalf of online hosting providers (European Commission, 2018b). Meaning that their position is based on what would be most profitable for businesses rather than for the general public. Even though Digital Europe agrees that terrorist content online is a problem, they were against European measures. As a result, they are part of the minority of interest groups who replied to the consultation but disagreed with European legal measures. Of the respondents, 23 interest groups disagreed, 21 were either neutral or indifferent and 80 stakeholders agreed that European intervention was the right decision (European Commission, 2018b).

However, Digital Europe's position does enjoy public support. Based on the answers given by digital Europe during the open consultation it becomes clear that Digital Europe agrees with six out of eight question that the general public agreed with as well (TNS Political & Social, 2018). The only two questions that Digital Europe does agree with, and the general public does not, is the question whether the internet is safe for its users. Digital Europe thinks the internet is safe, but 65% of the respondents thinks it is not (TNS Political & Social, 2018). In addition, the question on whether the

internet hosting services are effective in tackling illegal content was also answered differently. Business Europe thinks they are, and the public thinks they are not (European Commission, 2018b). Digital Europe also shows to be an active lobbying actor as they visited the European Commission 137 times in 2018 (Lobby Facts 2018b). According to the same source, Digital Europe's lobbying budget was around €1,900,00 in 2018 (Lobby Facts, 2018b).

Table 3: stakeholder profile Digital Europe

Expert knowledge	Yes
Size	35.000 businesses
Countervailing parties	Many
Public Support	Yes 6/8
Strategy	137 visits
Resources	€1,900,000
Type	Business organization

Source: own illustration, based on information from Digital Europe's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

Article 19

Article 19 is a British NGO founded in 1987 that aims to protect human rights (Article 19, 2020). Consequently, they cannot be regarded as experts in online services. However, because they are only concerned with ensuring freedom of speech through courts of law and other institutions, they do have legal knowledge. Article 19 is active in 28 different countries worldwide, with regional offices in nine of those countries (Article 19, 2020). Article 19 replied to the Commission's consultation as a citizens group that wants to protect the freedom of speech of all individuals (European Commission, 2018b). They state to make their case for the general public, not to make a profit for themselves. Article 19 is against any measures on European level. This leaves them facing a high number of countervailing parties since the minority of replies to the Commission's consultation was against European measures (European Commission, 2018b).

In addition, Article 19 is also facing the public opinion as they only have two answers in common with the respondents of the Eurobarometer. The only two answers they had in common with the public were the answers to the question asking if freedom of expression needs to be protected online and the question whether users should be able to appeal a decision to remove their content (TNS Political & Social, 2018). In addition, Article 19 did not lobby very actively since never met with the European Commission that year. All of this does not seem strange when it is taken into consideration that Article 19 had a lobbying budget of less than €9,999 on lobbying the European Institutions (Lobby Facts, n.d.).

Table 4: stakeholder profile Article 19

Expert knowledge	No
Size	63 individuals
Countervailing parties	Many
Public Support	No 2/8
Strategy	0 visits
Resources	Less than €9,999
Type	Citizens group

Source: own illustration, based on information from Article 19's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

The Football Association Premier League Limited

The Football Association Premier League Limited is responsible for organizing football matches for clubs in England and Wales. Even though the premier league itself is limited to England and Wales, the matches that take place within this competition are viewed from all over the world. The Premier League itself is not an expert on digital technologies. However, the problem is still relevant since they experience around 210.000 illegal streams of matches, 450.000 unauthorized clips of matches and many unauthorized uses of their brand and logos per year (The Football Association Premier League Limited, 2018). The Premier League replied to the Commission's open consultation as a for-profit organisation. Their main concern was a loss of income due to the large number of illegal streams and unauthorized use of their brands. Therefore, they want this issue to be tackled on a European level.

The Premier League was in favour of all the Commission's proposals and even wanted to go further with some of the measures proposed. By being in favour of the proposal, the Premier League faces a small number of countervailing parties. On top of this, The Premier League also shared the public opinion as they answered six out of the eight questions in line with the general public. The only differences were that the Premier League did not answer the question asking whether the internet was safe for its users (European Commission, 2018c). In addition, the Premier League did not agree that the Internet hosting services should process all notifications they receive and assess the legality of the content, whereas the public did (TNS Political & Social, 2018). The Premier League did not lobby very actively in 2018 since they visited the Commission five times during the year (Lobby Facts, 2018c). The lobbying budget of the Premier League lied somewhere between €200,000 and €299,999 (Lobby Facts 2018c).

Table 5: stakeholder profile Football Association Premier League Limited

Expert knowledge	No
Size	1176 individuals
Countervailing parties	Few
Public Support	Yes 6/8
Strategy	5 visits
Resources	€200,000 - €299,999
Type	Business organization

Source: own illustration, based on information from the Premier League's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

The Free Knowledge Advocacy Group EU (FKAG)

The Free knowledge Advocacy Group EU is a group of Wikimedians whose main goal is to promote free access to knowledge worldwide (Free Knowledge Advocacy Group EU, 2013). Since Wikimedia is a platform hosting lots of user generated content online, they are closely involved with the regulation. However, since the Free knowledge Advocacy Group EU is a subgroup of several Wikimedians promoting public domain for public works, European freedom of Panorama and free use of orphan works, they cannot be regarded as experts on all the technical details of the regulation. The Free knowledge Advocacy Group EU is an initiative of Wikimedia offices from 19 different European countries (Free Knowledge Advocacy Group EU, 2013).

The Free knowledge Advocacy Group EU is registered as a citizens group that replied to the Commission's open consultation. They do not strive to make a profit, only to protect the freedom of sharing information worldwide. Even though they pointed out several issues of the proposal, the Free knowledge Advocacy Group EU indicated that they were in favour of the Commission proposal in general. As a result, they faced a small amount of countervailing parties. However, the Free knowledge Advocacy Group did have to face the voice of the general public on most issues. They only agreed with the public on two of the eight questions. They agreed on the questions asking whether freedom of speech should be protected online and whether users should be able to appeal the decision to remove their uploaded content (TNS Political & Social, 2018). Despite not having the public opinion on their side, the Free knowledge Advocacy Group did not lobby very actively in 2018 as they did not visit the European Commission once (Lobby Facts, 2018f). In addition, the Free knowledge Advocacy Group had a lobbying budget of somewhere between €50,000 and €99,999 (Lobby Facts, 2018f).

Table 6: stakeholder profile Free Knowledge Advocacy Group EU

Expert knowledge	No
Size	29 members
Countervailing parties	Few
Public Support	No 2/8
Strategy	0 visits
Resources	€50,000 - €99,999
Type	Citizen Group

Source: own illustration, based on information from the Free Knowledge Advocacy Group's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

Ecommerce Europe

Ecommerce Europe is a large business association that represents more than 100,000 companies selling goods or provider services online and can therefore be regarded as a big stakeholder. (Ecommerce Europe, 2020). Since Ecommerce Europe's main business is to represent online companies and providers, they do possess a lot of expert knowledge relevant to the Commission proposal. In general, Ecommerce Europe is against further legislative measures to tackle illegal content online. As a result, they face a large amount of countervailing parties (European Commission, 2018b).

Besides a large amount of countervailing parties, Ecommerce Europe also faces the public opinion as they do not share their position (TNS Political & Social, 2018). Based on the result that Ecommerce Europe answered three out of the eight questions in line with the public, it is concluded that they do not have the public support. They only agreed on the questions asking whether hosting service providers should immediately remove content flagged as illegal by public or law enforcement authorities, the question about whether internet hosting services should process all notifications received and assess the legality of the and the question asking if users should be able to counter-notice a decision to remove their uploaded content (European Commission, 2018b). However, Ecommerce Europe is a very actively lobbying interest group since they visited the European Commission seventeen times in 2018 (Lobby facts, 2018). In addition, Ecommerce Europe also had a rather large lobbying budget of somewhere between €300,000 and €399,999€ in 2018 (Lobby facts, 2018).

Table 7: stakeholder profile Ecommerce Europe

Expert knowledge	Yes
Size	100,000 companies
Countervailing parties	Few
Public Support	No 3/8
Strategy	17 visits
Resources	€300,000 - €399,999
Type	Business group

Source: own illustration, based on information from Ecommerce Europe's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

Bitkom

Founded in Berlin in 1999, Bitkom is the federal industry association for the German information and telecommunications industry (Bitkom, n.d.). As an interest group that represents 2,700 members active in the Telecom industry, Bitkom can be regarded as a stakeholder in possession of expert knowledge (Bitkom, n.d.). As a stakeholder that represents 2,700 companies, Bitkom can be regarded as a big interest group. Bitkom replied to the Commission's consultation as a business organization who disagreed with legislation at the European level (European Commission, 2018b). Consequently, they share many countervailing parties who have an opposite position.

In addition, Bitkom does not enjoy public support either (TNS Political & Social, 2018). Of the eight questions asked to the general public and the stakeholders, Bitkom only agreed with the general public on two of them. These were the questions on whether there are additional measures needed to limit the spread of illegal content online and the question on the protection of freedom of expression online (European Commission, 2018b). As mentioned before, Bitkom is an interest group that lobbies very energetically as they had 25 meetings with the European Commission that year. Bitkom's lobbying budget was reported to be somewhere in between €300,000 and €399,999 (Lobby Facts, 2018e).

Table 8: stakeholder profile Bitkom

Expert knowledge	Yes
Size	2,700 businesses
Countervailing parties	Many
Public Support	No 2/8
Strategy	25 visits
Resources	€300,000 - €399,999
Type	Business organization

Source: own illustration, based on information from Bitkom's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

EDRi

European Digital Rights (EDRi) is an organization that represents the interest of civil and human rights organizations in Europe (EDRi, 2020). Different from other human rights organizations, EDRi is only focussed on human rights in the digital environment. As a result, EDRi can be regarded as an expert on the legal aspect and the human side of the Commission proposal, but not on all the technical details of it. However, since the digital environment has been EDRi only field of operation since 2002, they can be regarded as experts on the topic of this regulation (EDRi, 2020). EDRi represents 42 non-governmental organizations and twenty other organizations are currently ‘observers’ who may choose to join in the future (EDRi, 2020). Therefore, it can be stated that EDRi is a large stakeholder.

Despite being a large interest group who represents several citizen groups promoting human rights, they do not enjoy the support of the public (TNS Political & Social, 2018). EDRi only agreed with the general public on two out of eight questions asked to both parties. They agreed on the positions that freedom of expression must be protected online and that users should have the right to counter a decision leading to the removal of their content online (European Commission, 2018b). EDRi is a relatively actively lobbying stakeholder as they visited the Commission fifteen times (Lobby Facts, 2018d). In addition, their lobbying budget in 2018 was reported to be €203,595, - (Lobby Facts, 2018d).

Table 9: stakeholder profile EDRi

Expert knowledge	Yes
Size	42 members
Countervailing parties	Many
Public Support	No 2/8
Strategy	15 visits
Resources	€203,595
Type	Citizen group

Source: own illustration, based on information from EDRi’s position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

Communia Association for the Digital Public Domain

The Communia Association for the Digital Public Domain is a group consisting of activists, researchers and practitioners from universities and NGO’s from 10 different European Member States (Communia Association, n.d.). The Communia Association is built on the Communia Thematic Network funded by the European Commission (Communia Association, n.d.). The main goal of the organization is to advocate for improvements to the EU copyright framework. The Communia Association published several policy papers on EU copyright laws, National copyright laws and the public domain (Communia Association, n.d.). However, since the Commission proposal is about more

than just copyright issues, the Communia Association cannot be called an expert on this topic. The stakeholder consists of eleven individual members and nine relatively small institutions and is therefore regarded to be a small interest group (Communia Association, n.d.). Since the Communia Association is strongly in favour of EU legislation, they face a small amount of countervailing parties (European Commission, 2018b).

Nonetheless, they do not enjoy much public support (TNS Political & Social). The only two answers out of eight they shared with the public were the answers that freedom of speech must be protected online and that users should be able to appeal a decision removing their uploaded content (European Commission, 2018b). The Communia Association is not a stakeholder that lobbies very intensively as they never met with the European Commission in 2018. With a lobbying budget of €1,500 for 2018, the Communia Association is regarded as a stakeholder with a small amount of resources to lobby (Lobby Facts, 2018g).

Table 10: stakeholder profile Communia Association for the Digital Public Domain

Expert knowledge	No
Size	11 individuals
Countervailing parties	Few
Public Support	No 2/8
Strategy	0 visits
Resources	€1,500
Type	Citizen group

Source: own illustration, based on information from the Communia Association's position paper, Lobby facts, the EU Commission and the Flash Eurobarometer 469.

5.4. Interest group Positions

This chapter serves to provide an overview of the preferences per interest group. The information from the Commission's public consultation, together with the position paper published by the stakeholders themselves, allow for this chapter to present the preferences of each selected interest group for each issue of the regulation. The feedback from the stakeholders is divided based on the fourteen issues as introduced in the previous chapter. The information from this chapter will be compared to the information studied in the chapters on the first and the final version of the Commission proposal. Based on this comparison, this study will be able to show to what extent the different stakeholders have been able influence the Commission's proposal.

Digital Europe

According to their position paper, Digital Europe supports the regulation introduced by the European Commission to reduce the dissemination of terrorist content online (Digital Europe, 2018). However, they disagree with the measures that the European Commission presented. The first problem is the scope of the proposal. According to Digital Europe, the definition of 'terrorist content' is too broad and would include content other than terrorist content as well. For example, the definition does not differentiate between service that exist to make any content available to the public by default and private content that is not primarily used for the dissemination of content. Digital Europe recommended the European Commission to limit the scope to services that are supposed to actively share content to the wider public and to exclude cloud infrastructure service providers. In addition, the position paper showed that Digital Europe believes the one-hour deadline to remove flagged content is too tight for small and medium-sized providers since they lack the resources to remove content that fast (Digital Europe, 2018).

Digital Europe also states that the proposal undermines the e-Commerce Directive (ECD) from 2000 (Digital Europe, 2018). The new regulation asked for Member States to oblige hosting service providers to monitor their users. However, Digital Europe claims that this is impossible and illegal. Also, since the regulation departs from limited liability, the regulation may be problematic for small start-up businesses. To prevent this, Digital Europe would like businesses to be allowed to keep countering terrorism on a voluntarily basis as they had been doing before. Other points of improvement that Digital Europe proposed in its position paper are the storage of alleged terrorist content for a maximum of six months, instead of an undefined amount of time. Furthermore, they propose a single judicial authority per Member State. Digital Europe fears that these 'competent authorities may lack expertise and pose a threat towards businesses. In addition, they fear that the

regulation could be misused to remove any content which would conflict with the European fundamental rights. Digital Europe continues by stating that the regulation privatizes the assessment of terrorist content. In order to solve this, they suggest that decisions taken by the provider should not lead to a breach of its duty of care under Article 3, nor in losing the benefit of the liability exemption provided by the e-Commerce Directive (Digital Europe, 2018). Digital Europe also wishes for a more defined role for Europol. Finally, Digital Europe argues that transparency reports should only include relevant information instead of all personal information and to the removal of sanctions. The use of sanctions would be unfair due to the lack of a sliding scale and the danger of different rules in different countries. In summary, Digital Europe addresses seven of the sixteen main issues presented in the original Commission proposal. These are the issues related to the definition, the one-hour rule, binding or non-binding, competent authorities, the liability exemption, the role of Europol and the transparency reports.

Article 19

Following the proposal by the European Commission, Article 19 published a position paper in which they express their concerns for the regulation. Article 19 disagrees with the idea that hosting service providers are the ones responsible for content removal rather than an independent court or tribunal (Article 19, 2018). In addition, they fear the Commission's plan to automatically remove content marked as illegal by a trusted flagger. Because, trusted flaggers are no independent organizations and may lack the necessary expertise to decide what is terrorist content and what is not. Article 19 also does not agree with the recommendation actively promoting "proactive measures", such as the introduction of filters to remove illegal content (Article 19, 2018). They believe that it is in contrast with the general prohibition on general monitoring under Article 15 of the Electronic Commerce Directive and the decisions of the Court of Justice of the European Union ('CJEU') in the SABAM cases (Article 19, 2018). Filters are not an option because no matter how advanced they are, whether something is hate-speech, terrorist content or an opinion depends on the context and the situation. Filters would not be able to understand the differences.

Furthermore, Article 19 is against further cooperation between hosting service providers and Member States. The reason is that they believe that the European Commission is not trying to only remove terrorist content, but also any content that is not in line with a company's community guidelines (Article 19, 2018). Due to the many doubts Article 19 has on the regulation, they argue that there should not be a regulation at all. Because at this moment it would be a waste of resources and would therefore decrease the efficiency of other police work. In addition, since the requirements to remove alleged illegal content does not exist offline, it should not be necessary to introduce it online either. Regarding the removal of content within the one-hour time frame, Article 19 believes that one

hour is too short to determine what is terrorist content and what is not. They argue that for instance, something cannot be flagged as terrorist content when the text does not incite the reader to violent actions. Finally, Article 19 does not believe that the regulation would contribute to the removal of terrorist content online. It is more likely to stigmatise expressions by any Arabic speaking or Muslim community. As a result, it would be more difficult to build trust which is necessary to de-radicalize terrorist groups (Article 19, 2018). Article 19 does not agree with the proposal in general. However, they do specify on seven issues they would like to see changed. These are the issues of responsibility, trusted flaggers, proactive measures, cooperation, the one-hour rule, Competent Authorities and Freedom of Speech.

The Football Association Premier League Limited

The Premier League agrees with the Commission proposal as it states that illegal content should be removed from the internet as fast as possible. According to them, currently this is not happening quick enough. The Premier League states that after an intermediary has been made aware of illegal content on its platform, it should be removed within a maximum of 30 minutes (The Football Association Premier League Limited, 2018). Regarding the argument of small hosting service providers not being able to remove the content in such a timespan, the Premier League argues that when a provider is capable of hosting content, they should also be able to remove it. In addition, the Premier League supports the idea of trusted flaggers if it is transparent and if there is a set of criteria which the flaggers should use to determine what illegal content is (The Football Association Premier League Limited, 2018). Besides trusted flaggers, the Premier League believes that rights owners should be allowed to have content removed. Whether they are trusted flaggers or not.

The Premier League agrees with the Commission that there is a need for greater transparency, especially in two areas. First, the Premier League argues that intermediaries should be legally obliged to ask anyone who wants to upload content to a platform for verified identification. When an intermediary is notified of an infringement on their platform, they should also be obliged to share all personal details of the user responsible for the infringement with the rights owner. These measures should prevent individuals from using fake personal details, proxy networks or privacy protection services in the future. Second, intermediaries should focus more on repeat infringer policies. Currently, it is easy for pirates to automatically upload their content again as soon as it is taken down. The Premier League believes that all access should be permanently suspended to infringing customers (The Football Association Premier League Limited, 2018). The Premier League agrees with the Commission that there should be more international cooperation between the different European Member States. They argue that since the internet is international, the tackling of the issue of illegal content online should be as well (The Football Association Premier League Limited, 2018). Therefore,

there should be complete harmonisation of the copyright laws in every Member State. In order to ensure this, Europol would also have to play a larger part. In addition, the Premier League proposes a European-level regulator who should have the final say in issues where an intermediary does not remove content when a rights owner asked them to do so (The Football Association Premier League Limited, 2018). Finally, the Premier League states that there should be appropriate safeguards to prevent content from being erroneously removed. As a result of their own sophisticated monitoring and verification system, the Premier League offers to be responsible for operating the content identification systems and takedown tools (The Football Association Premier League Limited, 2018). In general, the Premier League agrees with the Commission Proposal. However, they do have amendments for six out of the sixteen main issues. These are related to the one-hour rule, trusted flaggers, transparency, Cooperation, Europol and safeguards.

The Free Knowledge Advocacy Group EU

According to the European open Consultation results, the Free knowledge Advocacy Group are strongly in favour of measures tackling illegal content online (European Commission, 2018b). However, from their position paper it becomes clear that they do not entirely support the way in which the European Commission proposes to solve the issue. The first problem they address is that they do not believe that the platforms, which are private entities, should be held responsible to do a court's job in determining what legality of speech is (Free Knowledge Advocacy Group EU, 2018). They state that the Commission should focus more on the role of law enforcements in tackling the problem. In addition, they state that the focus of the Commission is too much on the role of the platforms on which criminals publish their content, instead of the providers of the criminal content themselves. The Free knowledge Advocacy Group argue that the current proposal implies that providing criminal content goes unpunished, if it is being prevented from appearing and reappearing online. Also, users' rights, such as freedom of speech, may be endangered when they decide to exchange information or join public debates online (Free Knowledge Advocacy Group EU, 2018).

Ecommerce Europe

Ecommerce Europe agrees with the Commission that concrete actions are needed to fight the dissemination of terrorist content, illegal hate speech and child sexual abuse material online (Ecommerce Europe, 2018). However, Ecommerce Europe is confused by the way in which the European Commission presented its plan. At first, it would only be about introducing a targeted instrument to combat terrorist content online. Nevertheless, the original Commission proposal also

included other types of illegal content. Ecommerce Europe recommends the Commission to refrain from introducing legislation when it also includes types of illegal content other than terrorist content online. They argue that a wider scope would not help to address the key problem and would only make the adoption of the laws more difficult (Ecommerce Europe 2018). Such a legislative proposal would force marketplaces in being stricter and quicker in removing illegal content which would lead to the removal of content without verification, without the possibility to appeal and to the removal of possible legal content as well.

Bitkom

As a reaction to the original Commission proposal, Bitkom published two position papers in which they provided their feedback for the Commission. In their first position paper, published on 29 March 2018, Bitkom starts by explaining that there is no need for binding measures in the first place (Bitkom, 2018). They argue that based on the E-Commerce Directive, and in specific the liability system, there is a good balance for all online service hosts. Since the only services that host content are very diverse, a new set of binding measures would only disrupt this balance. In addition, Bitkom states that within the liability regime of the E-Commerce Directive, industries developed an effective self and co-regulation to ensure a well-regulated market (Bitkom, 2018). These different approaches are fundamental in successfully tackling the issue of illegal content online. Furthermore, Bitkom explains that the one-hour rule would be counterproductive in tackling terrorist content online. The reason for this is that fixed deadlines would lead to hosting service providers feeling pressured and as a result could make the wrong decisions. They would feel stressed to just resolve cases as quickly as possible instead of reviewing every case in detail. In addition, it would be technically very difficult to remove content within one hour and the risk that providers would just not verify the content at all would be very high. This in turn leads to the violation of human rights such as freedom of speech (Bitkom, 2018). Furthermore, Bitkom argues that hosting service providers who takes proactive measures to tackle illegal content online should be protected from liability (Bitkom, 2018). Hosting service providers may not become liable for the information they host. Finally, Bitkom does not believe that access providers are the best place to start with to tackle the issue of illegal content online. In their second position paper, published on 25 June 2018, Bitkom does not add extra arguments to their first position paper. It is just a repetition of the main issues they would like to see changed.

EDRi

EDRi already published a position paper in October 2017, right after the Commission introduced the communication providing guidelines on the removal of illegal content online. In their position paper, EDRi welcomes the measures proposed by the Commission to tackle illegal content online. They even proposed to take a broader approach so that the European Union could serve as a beacon to tackle the problem globally (EDRi, 2017). In order to be able to do so, EDRi stresses that it is very important to ensure that human rights, such as freedom of expression, are always respected. This means that there should be clear safeguards installed to prevent the removal of legal content (EDRi, 2017). Currently, the original proposal focusses too much on quickly removing as much content as possible. EDRi also explains that they feel that the proposal is mostly about combatting the symptoms of the problem rather than the root causes. EDRi believes that for example Europol should keep track of the statistics of how many of the referrals to the Member States led to the opening of an investigation (EDRi, 2017). To successfully achieve this goal, EDRi points out the importance of learning from previous experiences. According to EDRi the EU does not do this enough.

Communia Association for the Digital Public Domain

The Communia Association for the Digital Public Domain understands the need for policies to improve the effectiveness of fighting illegal content online. However, based on the first Commission proposal and the questions from the open consultation, the Communia Association believes that the Commission is mainly throwing all sorts of different types of illegal content into one proposal (Communia Association, n.d.). The Communia Association argues that every type of illegal content harms a different group and should be tackled with the help of different legal frameworks and laws. Treating all these types of illegal content in the same way would only lead to ineffective policies and possibly even more harm (Communia Association, n.d.). The European Commission should better define what issue they want to tackle and in which manner. A large problem with the poorly chosen issue of 'illegal content online' is that one type of illegal content may relate to a specific human right, where another does not (Communia Association, n.d.). For example, the Communia Association states that child pornography and terrorist content are clear cases of violating the law (Communia Association, n.d.). However, if other types of content that related to freedom of speech are tackled in the same way as the previously mentioned types, this is a violation of basic human rights. In addition, the Communia Association explains the danger of automatic filter systems as introduced by the Commission (Communia Association, n.d.). Besides the argument that these filters could violate human rights, they will also lead to violations of the eCommerce Directive. According to the Communia Association, illegal content as such does not exist because it also depends on the context in

which it is published. Therefore, users should always have the option to counter a decision to take down their content (Communia Association, n.d.). No matter what the situation is, according to the Communia Association counter-noticing should always be a user's right. In short, the Communia Association calls for a more tailor-made approach to the problem. Especially in relation to the issues of the definition of illegal content, freedom of speech, automatic filters and counter-notices.

5.5. Final Commission Proposal

This chapter studies the content of the final proposal of the European Commission for a regulation on preventing the dissemination of terrorist content online. The proposal was adopted in September 2018, after the Commission's open consultation had closed. Based on the feedback they received, the Commission came up with a final version of the proposal.

The proposal introduces the hosting service providers as important factors in the digital market that can be abused by third parties to spread illegal content online. In order to prevent this from happening, the Commission expresses the need for a clear legislative framework since the voluntary measures were not enough to tackle the problem. The regulation cannot affect Directive 2000/31/EC. Especially not Article 14 of the directive in which the liability exemption is presented. Following the importance of proportionality and the freedom of individuals to express themselves, the regulation states the importance of the right of every legal person, particularly service providers, to fight a removal order.

To prevent legal content from being removed, the Commission further defined terrorist content to content that stimulates terrorist offences. Noting that wording is very important since they do not want to remove educational or journalistic content. Furthermore, the regulation argues that its scope reaches not only providers from within the European Union, but also hosting service providers from outside the Union that also publish content within. The procedure to remove illegal content online following a request should be harmonized in the EU. However, Member States remain free in choosing who they regard to be a competent authority that can determine what illegal content is. But after a competent authority has flagged content as illegal, it should be removed within one hour. In addition to automated removal systems, there should always remain human oversight to validate the process as well. In order to ensure the removal of illegal content after it has been flagged by a competent authority, the hosting service provider must send a report to that authority that shows which measures they have taken to remove the content. After the content has been removed, the hosting service provider only needs to save the relevant data of the infringing party such as their IP address so that they can be prosecuted if necessary.

The regulation calls for hosting service providers to annually publish reports on the measures they used for the detection, identification and removal of terrorist content online. These annual reports are necessary to ensure the transparency of the process. In addition, hosting service providers must install user-friendly complaint systems as a safeguard to not remove legal content. These complaints should be dealt with in a transparent way as well. Europol should assist the competent authorities if necessary, to prevent duplication and interferences with investigations. Therefore, Member States can make use of the different tools developed by Europol. Member States should cooperate closely as

well to be able to adopt the same rules on penalties, such as fines. Due to the danger of terrorism, hosting service providers should always notify their Member State when they remove something marked as terrorist content. Member States can use this information from the hosting service providers to start an investigation into the infringer. According to the regulation, Member States are also obliged to introduce penalties for hosting service providers that do not comply with the regulation.

The proposal stresses the following main points: it is a hosting service provider's duty of care to take action against illegal content, competent authorities have the power to order hosting service providers to remove content, competent authorities must send referrals with detailed information as to why content needs to be removed, hosting service providers should take proactive measures to remove illegal content, hosting service providers are obliged to preserve relevant data up to a period of six months. In addition, hosting service providers have several transparency obligations, hosting service providers should install safeguards to prevent legal content from being removed, hosting service providers have to install a user-friendly complaint system, the hosting service provider has to provide the information on why content was removed to a content provider upon request. Furthermore, Member States must ensure that competent authorities are capable, competent authorities need to cooperate with hosting service providers and if necessary, with EU bodies. Finally, the Member States in which a hosting service provider is located has jurisdiction over it, a hosting service provider that is not located in the EU should appoint a legal representative, Member States decide the penalties after infringement, Member States collect information that hosting service provider monitored every year and send it to the Commission.

5.6. Interest group influence on the outcome

To determine to what extent the stakeholders have been successful in their lobbying attempts, this chapter compares the first Commission proposal with the specific issues the interest groups wanted to adjust and the final Commission proposal. By comparing these three elements, this research shows which issues were accepted by the Commission and processed in the final proposal and which suggestions for adjustments had been ignored. There are three possible outcomes per issue: the stakeholder can be successful, unsuccessful or partially successful. When a stakeholder successfully lobbied an issue, they receive one point, half a point if they were partially successful and no points if they were unsuccessful. The total amount of points will be divided by the total amount of issues the interest group addressed. This leads to a percentage that determines the stakeholder's lobbying success. Therefore, the success percentages that will be shown in this chapter are relative to the total amount of point that could be obtained.

Digital Europe

The first stakeholder under discussion is Digital Europe. They lobbied the Commission for seven different issues, as can be seen in table 11. Two issues were changed in the final Commission proposal and one issue was partially processed. The other five were ignored for the final proposal. This score of 2,5 points equals a success percentage of 36%.

Table 11: stakeholder position Digital Europe

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Definition	Disseminating information relating to terrorism, child sexual abuse, illegal hate speech or infringements of consumer protection laws	The definition of 'terrorist content' is too broad and unclear and would include content other than terrorist content as well	the Commission further defined terrorist content to content that stimulates terrorist offences.	Yes
One-hour rule	illegal content online should be removed within an hour.	Too tight for small and medium-sized providers	flagged content should be removed within one hour	No

Liability exemption	Providers can benefit from a liability exemption when they remove illegal information as soon as they have been notified	Any decision taken by the provider should not lead to a breach of its duty of care	The regulation cannot affect the Liability exemption. But hosting service providers that do not comply face penalties.	Partially
Binding or non-binding	Non-binding	Keep countering terrorism on a voluntarily basis	Voluntary measures were not enough	No
Europol	Europol should assist cooperation between hosting service providers and competent authorities where necessary	A more defined role for Europol	Europol should assist the competent authorities if necessary, but Member States can use their tools.	No
Transparency Reports	Hosting service providers should regularly publish transparency reports about their activities.	Transparency reports should only include relevant information instead of all personal information	Hosting service providers must annually publish reports on the measures they used for the detection, identification and removal of terrorist content online.	Yes
Competent Authorities	Competent authorities are tasked with review potential illegal content	Competent authorities may lack expertise and pose a threat towards businesses	Member States are free to choose competent authorities that can determine what illegal content is	No

Source: own illustration, based on data from Digital Europe's position paper and the EU Commission.

Article 19

Article 19 lobbied the Commission for six different issues. In their case, one issue was processed into the final Commission proposal. Three other issues were partially accepted. As a result, Article 19 received a score of 2,5 points. When this is divided by the total amount of issues they lobbied for, Article 19 receives a success score of 42%.

Table 12: stakeholder position Article 19

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Responsibility	Online service providers have societal responsibilities	Disagrees with the idea that hosting service providers are	Hosting service providers are important factors that can be abused by third	Partially

		responsible for content removal	parties	
Trusted Flaggers	Trusted Flaggers can flag content to be removed.	Trusted flaggers are no independent organizations and may lack the necessary expertise to decide what is terrorist content	Trusted flaggers are completely removed.	Yes
Proactive Measures	Hosting service providers should take proactive measures to remove illegal content. E.g. Automatic filters.	Does not agree with proactive measures. E.g. Filters cannot differentiate between hate speech or opinion.	Encourages proactive measures. But, in addition to automated removal systems, there should always remain human oversight	Partially
Cooperation	There should be a smooth cooperation between hosting service providers, Member States and trusted flaggers.	Against further cooperation between hosting service providers and Member States.	Member States should cooperate closely with each other, Europol and hosting service providers.	No
One-hour rule	Illegal content online should be removed within an hour.	One hour is too short to determine what is terrorist content and what is not	Flagged content should be removed within one hour	No
Freedom of Speech	Respect the different laws in different Member States regarding illegal content online in order not to restrict the freedom of speech in another country.	Stigmatise expressions by any Arabic speaking or Muslim community	Stresses the importance of proportionality and the freedom of individuals to express themselves and adds a user-friendly complained system.	Partially

Source: own illustration, based on data from Article 19's position paper and the EU Commission.

Premier League

The Premier League lobbied the Commission for six different issues. Two of their suggestions were taken up into the final Commission proposal and one was partially accepted as can be seen in table 13. As a result of the 2,5 points, the Premier League achieved a score of 42% success with their lobbying.

Table 13: stakeholder position Premier League

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
One-hour rule	Illegal content online should be removed within an hour.	It should be removed within a maximum of 30 minutes	Flagged content should be removed within one hour	No
Trusted flaggers	Trusted Flaggers can flag content to be removed.	Supports the idea of trusted flaggers only if it is transparent and if there is a set of criteria to determine what illegal content is	Trusted flaggers are completely removed and not mentioned again.	Yes
Transparency	In order to improve transparency, hosting service providers should adequately inform the persons who provided illegal content of the steps taken to remove their content.	There is a need for greater transparency in two areas: intermediaries should ask anyone who wants to upload content for identification. Second, they should focus more on repeat infringer policies.	After the content has been removed, the hosting service provider only needs to save the relevant data of the infringing party for six months so that they can be prosecuted if necessary.	Partially
Cooperation	There should be a smooth cooperation between hosting service providers, Member States and trusted flaggers.	There should be more international cooperation between the different European Member States.	Member States should cooperate closely with each other, Europol and hosting service providers.	Yes
Europol	Europol should assist cooperation between hosting service providers and competent authorities where necessary	Europol would also have to play a larger part to ensure a complete harmonisation of the copyright laws	Europol should assist the competent authorities if necessary, but Member States can use their tools.	No
Safeguards	Install safeguards in order to make sure you do not remove content which is not illegal	Premier League offers to be responsible for operating the tools	Hosting service providers must install user-friendly complaint systems as a safeguard to not remove legal content	No

Source: own illustration, based on data from the Premier League's position paper and the EU Commission.

Free Knowledge Advocacy Group EU

Table 14 shows the two issues that the Free Knowledge Advocacy Group lobbied for. Both issues were partially accepted by the Commission, resulting in a success score of 50%.

Table 14: stakeholder position Free Knowledge Advocacy Group

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Responsibility	Online service providers have societal responsibilities	Platforms, which are private entities, should be held responsible to do a court's job in determining what legality of speech is	Hosting service providers are important factors that can be abused by third parties	Partially
Freedom of Speech	Respect the different laws in different Member States regarding illegal content online in order not to restrict the freedom of speech in another country.	Users' rights, such as freedom of speech, may be endangered when they decide to exchange information or join public debates online	Stresses the importance of proportionality and the freedom of individuals to express themselves and adds a user-friendly complained system.	Partially

Source: own illustration, based on data from the Free Knowledge Advocacy Group's position paper and the EU Commission.

Ecommerce Europe

Similar to the Free Knowledge Advocacy Group, Ecommerce Europe lobbied the Commission for two issues. However, both issues were fully processed in the final Commission proposal. Consequently, Ecommerce Europe achieved the highest score possible of 2/2, meaning a success percentage of 100%.

Table 15: stakeholder position Ecommerce Europe

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Definition	Disseminating information relating to terrorism, child	Definition should not include types of illegal content	Regulation is on preventing the dissemination of	Yes

	sexual abuse, illegal hate speech or infringements of consumer protection laws	other than terrorist content online.	terrorist content online.	
Binding or non-binding	Non-binding	Refrain from introducing legislation when it also includes types of illegal content other than terrorist content online	Voluntary measures were not enough, but other types of illegal content online are excluded.	Yes

Source: own illustration, based on data from Ecommerce Europe's position paper and the EU Commission.

Bitkom

Bitkom suggested changes for four issues based on the original proposal. However, only one suggestion was partially heard by the Commission. With a score of 0,5 out of 4, Bitkom has a success percentage of 12,5%.

Table 16: stakeholder position Bitkom

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Binding or non-binding	Non-binding	No need for binding measures	Voluntary measures were not enough	No
Liability Exemption	Providers can benefit from a liability exemption when they remove all illegal information as soon as they have been notified	Hosting service providers who takes proactive measures to tackle illegal content online should be protected from liability	The regulation cannot affect the Liability exemption. But hosting service providers that do not comply face penalties.	Partially
Responsibility	Online service providers have societal responsibilities	Access providers are not the place to start with to tackle the issue	Hosting service providers are important factors that can be abused by third parties	No
One-hour rule	Illegal content online should be removed within an hour.	The one-hour rule is counterproductive	Flagged content should be removed within one hour	No

Source: own illustration, based on data Bitkom's position paper and the EU Commission.

EDRi

The next stakeholder under discussion is EDRi. As table 17 shows, this interest group proposed changes to three issues. Out of these three suggestions, two were taken up on by the Commission. This result leads to a success score of 67% for EDRi.

Table 17: stakeholder position EDRi

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Freedom of speech	Respect the different laws in different Member States regarding illegal content online in order not to restrict the freedom of speech in another country.	Ensure that human rights, such as freedom of expression, are always respected	Stresses the importance of proportionality and the freedom of individuals to express themselves and adds a user-friendly complained system.	Yes
Safeguards	Install safeguards in order to make sure you do not remove content which is not illegal	There should be safeguards installed to prevent the removal of legal content	Hosting service providers must install user-friendly complaint systems as a safeguard to not remove legal content	Yes
Europol	Europol should assist cooperation between hosting service providers and competent authorities where necessary	Europol should keep track of the statistics of how many of the referrals to the Member States led to the opening of an investigation	Europol should assist the competent authorities if necessary	No

Source: own illustration, based on data from EDRi's position paper and the EU Commission.

Communia Association for the Digital Public Domain

The final stakeholder is the Communia Association. They addressed four issues that they disagreed with and wanted to see changed in the final proposal. The Commission fully agreed with three of these suggestions and partially agreed with the fourth. Translated into numbers, this means that the Communia Association achieved a score of 3,5 out of 4 which equals a success percentage of 88%.

Table 18: stakeholder position Communia Association

Issue	Commission Proposal	Interest Group's Feedback	Commission Final Regulation	Interest Group's Lobby Success
Definition	Disseminating information relating to terrorism, child sexual abuse, illegal hate speech or infringements of consumer protection laws	The European Commission should better define what issue they want to tackle and in which manner	Regulation is on preventing the dissemination of terrorist content online.	Yes
Freedom of speech	Respect the different laws in different Member States regarding illegal content online in order not to restrict the freedom of speech in another country.	If other types of content that related to freedom of speech are tackled in the same way as other types, this is a violation of freedom of speech	Stresses the importance of proportionality and the freedom of individuals to express themselves and only deals with terrorist content online	Yes
Proactive measures	Hosting service providers should take proactive measures to remove illegal content. E.g. Automatic filters.	Automatic filters could violate human rights and lead to violations of the eCommerce Directive	Encourages proactive measures. But, in addition to automated removal systems, there should always remain human oversight	Partially
Right to object	Hosting service providers should be able to object against a notification stating that something is illegal	Users should always have the option to counter a decision	Adds a user-friendly complained system.	Yes

Source: own illustration, based on data from the Communia Association's position paper and the EU Commission.

6. Results

This chapter serves to provide an overview of the results based on the data collected in the previous chapters. The data from the different types of stakeholders will be compared to the outcomes of their lobbying success to determine to what extent the different hypotheses can either be accepted or rejected. After all the hypotheses and the findings have been discussed, this paper will be able to provide an answer to the main research question.

H1: The more relevant information a stakeholder has, the more influence it has.

The first hypothesis was based on the literature by Bouwen and Klüver and predicted that stakeholders with more expert knowledge were more likely to lobby the EU Commission successfully (Bouwen, 2002; Klüver 2011). In order to test this hypothesis, the collected data from the eight different stakeholders has been divided into two groups. One group of stakeholders with expert knowledge and one without. This led to the division of stakeholders as shown in table 19. When one calculates an average of all the scores of the stakeholders in the two groups, it becomes clear that the stakeholders in possession of expert knowledge had an average success score of 54% and the interest groups without relevant information achieved 56% percent of their lobby goals on average.

Table 19: Average lobbying success of stakeholders with and without expert knowledge

Yes 54%	No 56%
Digital Europe 36%	Article 19 42%
Ecommerce Europe 100%	Premier League 42%
Bitkom 13%	KKAG 50%
EDRi 67%	Communia Association 88%

Source: Own data and calculations

Further processing this information in a bar chart clearly shows that there is no significant difference between the two scores. Therefore, based on these findings, hypothesis 1 is rejected. The interest groups with expert knowledge did not lobby more successfully than the stakeholders without this information.

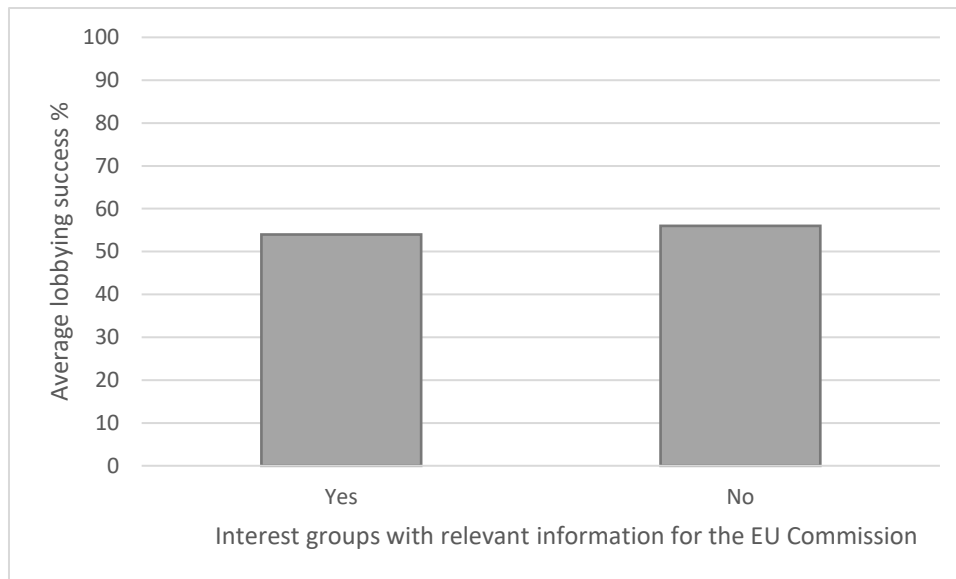


Figure 1: Average lobbying success of interest groups with and without relevant information.
Source: Own data and calculations

H2: The bigger a stakeholder's size, the more influence they have.

Based on Bouwen's argumentation, the third hypothesis predicted that a stakeholder that is bigger in size is more likely to successfully lobby the Commission than a smaller interest group. In order to compare the different stakeholders' sizes and their relation to lobbying success, this chapter divides the stakeholders into two groups. One group for the umbrella organizations and one for the single actors. The reason for this is that it would be unreliable to measure an umbrella organization that consists of 100,000 business members in the same way as an interest group that consists of 11 individuals. In addition, this chapter does not further process the tables into a scatter plot as will be done in the following chapters. Scatter plots serve to easily show the reader a relation between two variables. However, since the sizes of the stakeholders differ too much, the range would be from 29 business members to 100.000 business members and from 11 individuals to 1176 individuals. Since this difference is so large, it would be impossible to recognize the smaller sizes on the scatter plot. Therefore, it would no longer contribute anything. For this hypothesis the results will just be shown in the tables below because that is the clearest way to present the findings.

Table 20: Overview of the relation between size and lobbying success of umbrella stakeholders

Stakeholder	Size	Lobbying Success
FKAG	29 members	50%
EDRi	42 members	67%
Bitkom	2,700 businesses	13%
Digital Europe	35.000 businesses	36%
Ecommerce Europe	100,000 businesses	100%

Source: Own data and calculations

Table 21: Overview of the relation between size and lobbying success of single stakeholders

Stakeholder	Size	Lobbying Success
Communia Association	11 individuals	88%
Article 19	63 individuals	42%
Premier League	1176 individuals	42%

Source: Own data and calculations

As can be seen from table 20 and table 21, neither the table for the umbrella organization nor the table for the single organizations shows a clear relation between size and lobbying success. In the table for umbrella organizations Ecommerce Europe is by far the biggest stakeholder and the big winner with a score of 100%. However, the other four stakeholders do not show an upward trend in their lobbying success based on size. The two smallest stakeholders are more successful than Bitkom and Digital Europe who are much bigger in size. In addition, the table on the single organizations even shows that the smallest organization was more than twice as successful as the two bigger organizations. As a result, hypothesis 2 is rejected.

H3: The less countervailing parties a stakeholder has, the more influence they have.

The third hypothesis was based on Mahoney's work stating that interest groups that face fewer countervailing parties are generally more successful in lobbying than interest groups that face many countervailing parties (Mahoney, 2007). In this case study, the interest groups that were in favour of European measures faced 23 countervailing parties, whereas stakeholders that were against European measures faced 80. From the selected interest groups, four were in favour of European measures and four were against. This data was processed into table 22. The table shows the average score of lobbying success for both groups.

Table 22: Average lobbying success of stakeholders facing few and many countervailing parties

Few 70%	Many 39,5%
Premier League 42%	Digital Europe 36%
FKAG 50%	Article 19 42%
Ecommerce Europe 100%	Bitkom 13%
Communia Association 88%	EDRi 67%

Source: Own data and calculations

The results from table 22 were further processed into figure 2. This bar chart clearly shows that in general the stakeholders that faced fewer countervailing parties were more successful in lobbying the EU Commission than stakeholders that faced many countervailing parties. With an average success score of 70% percent for interest groups facing few countervailing parties against a score of 39,5% for interest groups facing many countervailing parties, it is legitimate to say that the third hypothesis is accepted.

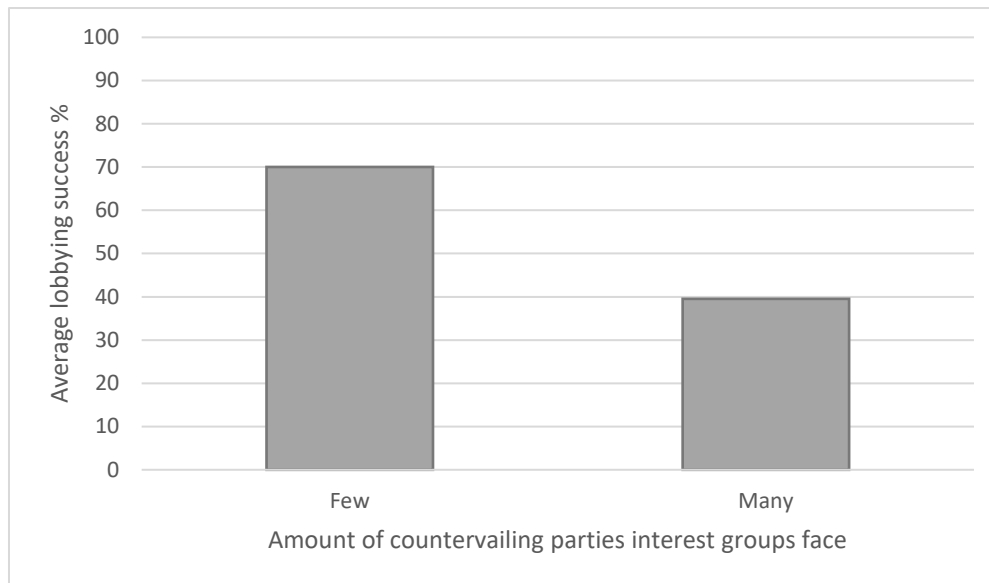


Figure 2: Average lobbying success of interest groups facing few and many countervailing parties.
Source: Own data and calculations

H4: The more public support there is for a stakeholder's position, the more influence they have.

Derived from Klüver's work, the fourth hypothesis argues that the more public support a stakeholder has, the more successfully they are in lobbying the EU Commission (Klüver, 2011). In order to test this hypothesis, the position of the eight stakeholders was compared to the answers given by the general public as presented in the survey from the Eurobarometer. The results from this comparison were linked to the lobbying success of the interest groups to see if there was a connection. The collected data is presented in table 23.

Table 23: Overview of the relation between public support and lobbying success

Stakeholder	Public Support %	Lobbying Success %
FKAG	25	50
EDRi	25	67
Communia Association	25	88
Bitkom	25	13
Article 19	25	42
Ecommerce Europe	38	100
Premier League	75	42
Digital Europe	75	36

Source: Own data and calculations

When further processing the results from table 23 into a scatter plot, it becomes evident that there is no direct relation between public support and lobbying success. As shown in the graph below, the five interest groups with equal public support still have different percentages of lobbying success ranging from 13% to 88%. In addition, the two stakeholders with the highest amounts of public support, have

some of the lowest scores on lobbying success. The only stakeholder that achieved 100% lobbying success, did not even enjoy public support with a score of 38% of the answers in common with the general public. Based on these results, the fourth hypothesis is rejected.

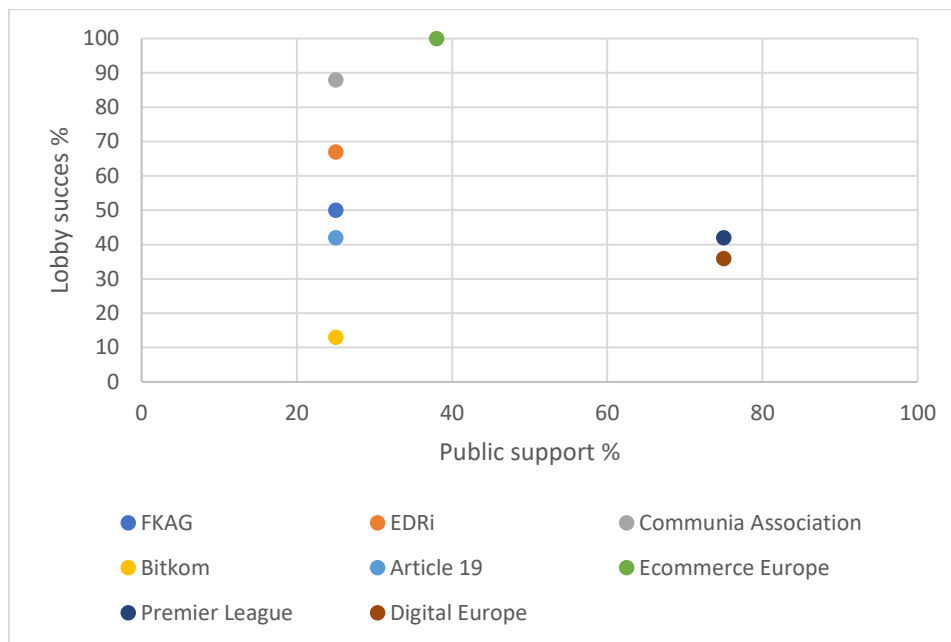


Figure 3: Relation between lobbying success and public support.
Source: Own data and calculations

H5: The more active a stakeholder's lobbying strategy, the more influence they have.

The fifth hypothesis is based on the article of De Bruycker and Beyers and the work of Mahoney (De Bruycker & Beyers, 2018; Mahoney 2007). These scholars argued that an active lobbying strategy could be an indicator of how successful a stakeholder could be in lobbying the EU Commission. To measure how active an interest group's strategy was, this paper studied the amount of times the interest group visited the European Commission in 2018. These results were compared to the stakeholders' lobbying success as can be seen in table 24.

Table 24: Overview of the relation between Commission visits and lobbying success

Stakeholder	Lobbying strategy	Lobbying Success %
Article 19	0 visits	42
FKAG	0 visits	50
Communia Association	0 visits	88
Premier League	5 visits	42
EDRi	15 visits	67
Ecommerce Europe	17 visits	100
Bitkom	25 visits	13
Digital Europe	137 visits	36

Source: Lobby facts and own calculations

When the results from table 24 are further processed into figure 4, it becomes apparent that there is no direct relation between the activeness of a lobbying strategy and lobbying success. The graph shows that the stakeholders that did not visit the Commission, still had generally high success rates of 42%, 50% and 88%. Whereas the interest group that visited the Commission the most only reached 36%. Furthermore, the stakeholder with the second most visits to the Commission, had the lowest success score of all stakeholders. Based on this research, the fifth hypothesis is rejected.

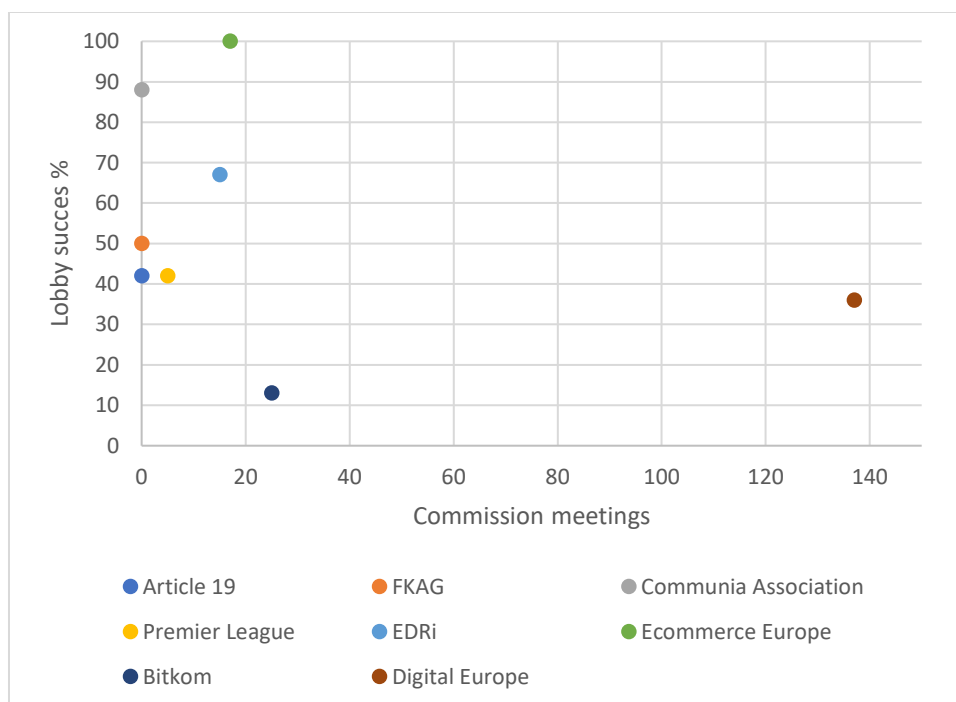


Figure 4: Relation between lobbying success and Commission meetings.
Source: Own data and calculations.

H6: The more resources a stakeholder has, the more influence they have.

Again, based on the works of De Bruycker & Beyers and Mahoney, the sixth hypothesis predicted that stakeholders with a higher lobbying budget were generally more successful than stakeholders with a smaller budget (De Bruycker & Beyers 2018; Mahoney 2007). The lobbying budgets were retrieved from the website of Lobby Facts. On this site, stakeholders can report their own annual lobbying budget. As a result, it is not entirely reliable and serves more as an indication. In addition, some stakeholders presented a range of two amounts in between which their actual lobbying budget should lie somewhere. In these cases, the average of the two amounts was used to study the relation to lobbying success. The results can be found in table 25.

Table 25: Overview of the relation between resources and lobbying success

Stakeholder	Resources	Lobbying Success %
Communia Association	€1,500	88
Article 19	€9,999	42
FKAG	€75,000	50
EDRi	€203,595	67
Premier League	€250,000	42
Ecommerce Europe	€350,000	100
Bitkom	€350,000	13
Digital Europe	€1,900,000	36

Source: Lobby facts and own calculations

When the data from table 25 is used to create a scatter plot, it becomes evident that there is no direct relation between lobbying budget and lobbying success. The stakeholder with the lowest budget, is the second most successful interest group. Digital Europe, with the highest budget by far, is the second most unsuccessful interest group. Besides these two extremes, the other results do not show a direct relation either. Based on these results, the sixth hypothesis is rejected.

H7: Citizen groups are more successful in lobbying than business groups.

The seventh and final hypothesis was based on the argument that citizen groups are more successful in lobbying the Commission than business groups (De Bruycker & Beyers, 2018; Mahoney 2007). To test this hypothesis, the eight stakeholders have been divided into two categories: citizen groups and business groups, as can be seen in table 26.

Table 26: Average lobbying success of citizen groups and business organizations

Citizen Group 62	Business Organization 48
Article 19 42	Digital Europe 36
FKAG 50	Premier League 42
EDRi 67	Ecommerce Europe 100
Communia Association 88	Bitkom 13

Source: Own data and calculations

When calculating the average lobbying success for both groups, it becomes apparent that the citizen groups from this case study are indeed more successful in lobbying the EU Commission than business groups. The difference in success can easily be read from figure 5. It shows that citizen groups were 62% successful and business groups were 48% successful. Based on these results, the final hypothesis is accepted.



Figure 5: Average lobbying success of citizen groups and business organizations.
Source: Own data and calculations

7. Conclusion

This study answered the research question ‘*what kind of non-state actors have been able to influence the regulation on preventing the dissemination of terrorist content online?*’. To answer this question, the study selected eight different interest groups that lobbied the European Commission for the regulation on preventing the dissemination of terrorist content online. The selected stakeholders were Digital Europe, the Football Association Premier League Limited, Article 19, the Free Knowledge Advocacy Group, Ecommerce Europe, Bitkom, EDRI, and the Communia Association for the Digital Public Domain. This research found an answer based on seven hypotheses predicting a correlation between lobbying success and relevant information, staff and member size, countervailing parties, public support, strategy, resources and the stakeholder type. The results showed that in this case study, interest groups that could be defined as citizen groups were generally more successful than business groups. In addition, interest groups that faced a low amount of countervailing parties were more successful than stakeholders that faced many countervailing parties. Stakeholders without expert knowledge were almost equally as successful as stakeholder in possession of expert knowledge. The results from the measurements regarding a large staff or member size, a high amount of public support, pursuing an active lobby strategy and a high amount of resources seemed to be mostly random and did not directly relate to lobbying success.

Interest groups can learn from this research in multiple ways. First, it is important for lobbying interest groups to not only lobby the Commission, but it should also try to convince other stakeholders. Since the amount of countervailing parties is a factor that contributes to lobbying success. Second, if a stakeholder really wants to make changes, it is not necessarily beneficial to increase the lobbying budget, to hire extra consultants or to conduct a research to show the Commission that they possess expert knowledge. It could be more valuable to save these resources for something else. Finally, citizen groups should not be de-motivated to lobby against giant corporate players. Citizen groups are more likely to influence the EU Commission than business groups and therefore stand a good chance in successfully getting their ideas across.

Even though this research design offers a solid basis to be able to provide an answer to the research question, there are some limitations as well. First, it may not be representative of other cases. Meaning that the factors that appear to be the most important to determine a stakeholder’s influence regarding this proposal, may not mean that the factors determine lobbying success in all other cases. Second, the scope of the research is limited to eight stakeholders. In addition, this research is limited to seven independent variables. Even though this is fine for a small N research, it is recommended for further research to widen the scope for the research to be more representative of other cases as well. In addition, there is limited amount of time available to conduct the research again over time.

Consequently, this research may lack reliability. Finally, due to the general secretive nature of lobbying, it is not possible to access all the relevant information. As a result, there may be missing some vital information from the research such as accurate lobbying budgets, unregistered Commission meetings or meetings with opposing stakeholders.

In addition, there were some limitations to the measurements as well. First, the size of the different stakeholders could not all be measured in the same way. To do this as well as possible, this study split umbrella organizations from single organizations and measured the results separately. Consequently, it is still not an entirely fair comparison. Second, the measurement of public support was based on one survey by the European Commission. The issue is that this survey did not represent the general public opinion. In addition, not all the questions asked in the survey were asked to the stakeholders and the other way around. In order to overcome this, the research only compared the questions that the two parties had in common. Third, the measurement of a stakeholder's lobby strategy was based on their visits to the Commission in 2018. However, not all visits may have been for the proposal from this case study. However, it does give a general overview of an interest group's activeness in lobbying.

Consequently, this study would like to conclude by making some recommendations for further research. First, it would be interesting to see the same research done with a bigger selection of stakeholders. That way, the results would be more generalisable. A quantitative approach could be advisable for this study on a larger scale. Second, this research could be done over again with a larger scope in general, meaning that there should be spent more time on collecting data from the stakeholders that is as accurate as possible. For example, by finding out the exact amount a stakeholder spent on lobbying the Commission on this proposal, instead of their estimated annual lobbying budget in general. Finally, it would be interesting to do the same case study for the European Parliament and the Council of the European Union to be able to draw a conclusion on what types of stakeholders are most successful in lobbying the European institutions.

Bibliography

- Article 19. (2018). ARTICLE 19 *written comments on the European Commission's Recommendation of March 2018*. Retrieved from <https://www.article19.org/wp-content/uploads/2018/07/EU-Survey-on-measures-to-tackle-illegal-content-online-250618-FINAL.pdf>
- Article 19. (2020, 11 May). ARTICLE 19 - *Defending freedom of expression and information*. Consulted on 11 May 2020, from <https://www.article19.org/>
- Bernhagen, P., Dür, A., & Marshall, D. (2014). Measuring Lobbying Success Spatially. *Interest Groups & Advocacy*, 3(2), 202-218. <https://doi.org/10.1057/iga.2014.13>.
- Beyers, J., & De Bruycker, I. (2017). Lobbying Makes (Strange) Bedfellows: Explaining the Formation and Composition of Lobbying Coalitions in EU Legislative Politics. *Political Studies*, 66(4), 959–984. <https://doi.org/10.1177/0032321717728408>
- Bitkom. (2018). *Position Paper: Inception Impact Assessment on Measures to further improve the effectiveness of the fight against illegal content online 29 March 2018*. Retrieved from <https://www.bitkom.org/sites/default/files/file/import/20180329-Bitkom-Position-Paper-Illegal-Content-Online.pdf>
- Bitkom. (2018b). *Position Paper: Public consultation on measures to further improve the effectiveness of the fight against illegal content online 25 June 2018*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal>
- Bitkom. (n.d.). *Über Uns*. Consulted on 6 June 2020, from <https://www.bitkom.org/Bitkom/Ueber-uns>
- Blatter J., Haverland M. (2012) Co-Variational Analysis. In: Designing Case Studies. *Research Methods Series*. Palgrave Macmillan, London
- Bouwen, P. (2002). Corporate lobbying in the European Union: the logic of access. *Journal of European Public Policy*, 9(3), 365–390. <https://doi.org/10.1080/13501760210138796>
- Bouwen, P. (2004). Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions. *European Journal of Political Research*, 43(3), 337–369. <https://doi.org/10.1111/j.1475-6765.2004.00157.x>
- Communia Association. (n.d.). *About*. Consulted on 6 June 2020, from <https://www.communia-association.org/about/>

- Communia. (n.d.). *Communia's opinion on measures to further improve the effectiveness of the fight against illegal content online*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal>
- Crano, W. D., & Brewer, M. B. (2002). *Principles and Methods of Social Research* (2nd ed.). Lawrence Erlbaum Associates.
- De Bruycker, I. (2000). *How Interest Groups Develop Their Lobbying Strategies: The Logic of Endogeneity*. Retrieved from <https://ecpr.eu/Filestore/PaperProposal/81ba85d3-2d34-4636-8bb9-c79f664861a3.pdf>
- De Bruycker, I., & Beyers, J. (2018). Lobbying strategies and success: Inside and outside lobbying in European Union legislative politics. *European Political Science Review*, 11(1), 57–74. <https://doi.org/10.1017/s1755773918000218>
- Digital Europe. (2018). *DIGITALEUROPE Position Paper on the proposed Regulation on 'Preventing the Dissemination of Terrorist Content Online'*. Retrieved from <https://www.digitaleurope.org/wp/wp-content/uploads/2018/12/DIGITALEUROPE-Position-Paper-on-Terrorist-Content-Online-proposal.pdf>
- Digital Europe. (2020, 28 April). *Digital Europe*. consulted on 10 May 2020, from <https://www.digitaleurope.org/>
- Dionigi, M. K. (2016). *Lobbying in the European Parliament*. New York, United States: Springer Publishing.
- Dür, A. (2008). Measuring Interest Group Influence in the EU. *European Union Politics*, 9(4), 559–576. <https://doi.org/10.1177/1465116508095151>
- Ecommerce Europe. (2020, 5 May). *About Ecommerce Europe*. Consulted on 6 June 2020, from <https://www.ecommerce-europe.eu/about-ecommerce-europe/>
- Ecommerce Europe. (2018). *ECOM Draft feedback on IIA Illegal Content Online*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal>
- EDRi. (2017). *A coherent and rights-based approach to dealing with illegal content*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal>
- EDRi. (2020, 6 May). *About EDRi*. Consulted on 6 June 2020, from <https://edri.org/about/>

- European Commission, *Communication outlining guidance on measures how to tackle illegal content online*, COM (2017) 555, September 2017
- European Commission, *Recommendation on measures to effectively tackle illegal content online*, March 2018a.
- European Commission, *Summary report on the public consultation on measures to further improve the effectiveness of the fight against illegal content online*, September 2018b.
- European Commission, *Proposal for a regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online*, COM (2018) 640 final, 2018/0331 (COD), September 2018c.
- European Parliament. (2018). *Preventing the dissemination of terrorist content online*. Retrieved from <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-preventing-the-dissemination-of-terrorist-content-online>
- Football Association Premier League Limited. (2018). *European Commission Public consultation on measures to further improve the effectiveness of the fight against illegal content online: Premier League Position Paper*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal>
- Free Knowledge Advocacy Group EU. (2018). *Additional comments to the Public consultation on measures to further improve the effectiveness of the fight against illegal content online*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal>
- Free Knowledge Advocacy Group EU. (2013, 4 November). *EU policy/Statement of Intent - Meta*. Consulted on 21 May 2020, from https://meta.wikimedia.org/wiki/EU_policy/Statement_of_Intent
- Johnson, J. B., Reynolds, H. T., & Mycoff, J. D. (2015). *Political Science Research Methods*. Thousand Oaks, Canada: SAGE Publications.
- Kaunert, C., & Léonard, S. (2018). The collective securitisation of terrorism in the European Union. *West European Politics*, 42(2), 261–277. <https://doi.org/10.1080/01402382.2018.1510194>
- Klüver, H. (2013). *Lobbying in the European Union: Interest Groups, Lobbying Coalitions, and Policy Change*. Oxford Scholarship Online. <https://doi.org/10.1093/acprof:oso/9780199657445.001.0001>

- Lobby Facts. (2018, 22 February). *Ecommerce Europe*. Consulted on 5 June 2020, from <https://lobbyfacts.eu/representative/b75d8d6afd534726b7c0f3cbd8cdb8aa/ecommerce-europe>
- Lobby Facts. (2018b, 1 March). *DIGITAL EUROPE (DE)*. Consulted on 3 June 2020, from <https://lobbyfacts.eu/representative/030dc004f253414db2f1062d977947d1/digitaleurope>
- Lobby Facts. (2018c, 8 March). *The Premier League (FAPL)*. Consulted on 3 June 2020, from <https://lobbyfacts.eu/representative/2b23425d4c2c48ce99ef19a555e8f241/the-premier-league>
- Lobby Facts. (2018d, 11 April). *European Digital Rights (EDRi)*. Consulted on 5 June 2020, from <https://lobbyfacts.eu/representative/163d6f5048884220ad21f2af5aff4622/european-digital-rights>
- Lobby Facts. (2018e, 4 September). *Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e. V. (Bitkom)*. Consulted on 5 June 2020, from <https://lobbyfacts.eu/representative/3d75bcd811c04ccfbfa6d0cd61af1c39/bundesverband-informationswirtschaft-telekommunikation-und-neue-medien-e-v>
- Lobby Facts. (2018f, 13 September). *Free Knowledge Advocacy Group EU (Wikimedia)*. Consulted on 3 June 2020, from <https://lobbyfacts.eu/representative/b7eb13b0ae474911b7fa0d1ef20e11b3/free-knowledge-advocacy-group-eu>
- Lobby Facts. (2018g, 17 October). *COMMUNIA association for the public domain*. Consulted on 5 June 2020, from <https://lobbyfacts.eu/representative/82c28ce05f23402aa5e718e0db963119/communia-association-for-the-public-domain>
- Lobby Facts. (n.d.). *ARTICLE 19*. Consulted on 3 June 2020, from <https://lobbyfacts.eu/representative/f53ccf7c25ac439e90489e88915a64a5/article-19>
- Mahoney, C. (2007). Lobbying Success in the United States and the European Union. *Journal of Public Policy*, 27(1), 35–56. <https://doi.org/10.1017/s0143814x07000608>
- Rasch, D. (2018). *Lobbying Success in the European Union: The Role of Information and Frames* (Routledge Advances in European Politics) (1st edition). Abingdon, United Kingdom: Routledge.
- Schendelen, R., van (2010). *More Machiavelli in Brussels*. Amsterdam, Netherlands: Amsterdam University Press.

TNS Political & Social. (2018). *Flash Eurobarometer 469: Illegal content online*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/flash-eurobarometer-illegal-content>

Yin, R. K. (2009). *Case Study Research*. Thousand Oaks, Canada: SAGE Publications.