

EDF Toolkit: How to lobby EU institutions at national level

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# Introduction

### The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

# How to lobby the EU institutions at national level

EDF’s mission, as defined in the statutes, is to “ensure disabled people full access to fundamental and human rights through their active involvement in policy development and implementation in Europe”[[1]](#footnote-1). This active involvement allows us to shape EU policies and programmes to make Europe more inclusive. Since our organization’s secretariat is based in Brussels and our focus is on the EU, most of our work happens of course on EU-level. But the EU is closely connected to national institutions and governments and especially the Council is of course a representation of the Member States themselves. Therefore, it is important to influence the institutions on EU level, but it is as important to continue and extend this work to national level to successfully fulfil our mission to ensure full access to fundamental and human rights for persons with disabilities. In the following chapters we will describe this process in more detail.

## What is lobbying and why do we do it?

The word “lobbying” has a negative connotation and makes us think about corruption, lack of transparency, and undemocratic processes. While this has unfortunately happened sometimes, often documented this way by the media, it is just due to the wrong doing of some actors. In the end, we are lobbyists too! Not only big corporations lobby the EU institutions, Non-Governmental Organisations (NGOs), Think Tanks, municipalities, and churches also do it. As of 5 April 2022, there are 11.896 lobby organisations registered in the EU Transparency Register.[[2]](#footnote-2) We try to influence EU policy making, and if you call it interest representation, advocacy, or lobbying does not change this fact. However, of course we only do this in ways that it is legal and according to the official processes of the EU.

Still, it may be perceived as influencing decision-making in a negative way, believing that politicians and civil servants should be neutral and not listen to outsiders or, in the worst case, get paid to take certain decisions. Again, while the latter is, of course, illegal, the former is not so self-evident. While the EU institutions do have a lot of resources to research and fund their decision-making procedure, they sometimes lack the in-depth expertise that we can provide them. And while persons with disabilities make up about 1/5 the EU population according to the European Commission[[3]](#footnote-3), they are not sufficiently represented in the EU institutions and the decision-making procedures.

Therefore, the lobbying that we do aims at ensuring that the perspective of persons with disabilities is included in all laws and initiatives from the very beginning, so that the EU policies are representative of the entire EU population. Furthermore, decisions that are being taken behind closed doors and without close consultation with the concerned groups tend to be more difficult to implement in practice and less effective. So it is also the interest of the EU institutions to get advice from Disabled Persons’ Organisations (DPOs) to make sure the laws they are making “work” in practice.

For this, we follow the decision-making procedures from the very beginning, or even before that. We raise awareness by explaining why it is important to include persons with disabilities, we make proposals ourselves and ask the EU institutions to draft new laws where we think there is the necessity. Once the EU institutions start drafting the text, we give feedback and suggestions for improvement. And, later on in the decision-making procedure, we try to convince those who decide to vote in favour or against to reach a certain outcome.

We do this by providing first-hand expertise from the perspective of users, well-researched and independent background information, and by disseminating knowledge about the EU and its initiatives. All of those are tasks that the EU institutions either cannot do themselves because they lack the resources and expertise, or they need them to reach a balanced approach by ensuring representativeness which they, as an institution, cannot provide.

In the end, it is a win-win situation: The EU institution benefits from our expertise and ensures the right representation to facilitate implementation of their initiatives; at the same time, we benefit by ensuring that the voice of persons with disabilities is included in EU legislation, and by achieving our goal of improving full inclusion.

## Why to lobby on EU and on national level?

The EU and national level politics and decision-making are not strictly separate, but actually very closely interwoven and connected. There is not always a clear division, not least because once EU legislation and initiatives have been adopted they will need to be implemented in the Member States. And of course, each Member State has its own competences and agenda to push for in the negotiations. Therefore, we consider it important to also look at how we, via our members, we can influence the national decision-making procedures and positions.

We, as an EU umbrella organization who has members both on national and EU level, concentrate our lobbying activity on the EU. Here, it is more efficient to have all DPOs “speaking with one voice” to the EU institutions, ensuring that our positions are well-balanced and representative of the disability movement as a whole. If every organization tried to influence the EU separately (which of course, they still can), their influence is more limited and can sometimes take the focus away from the core messages. For the EU, it is easier to listen to one organization, and one message.

But there is also another reason why we focus on the EU level: when influencing EU decisions, they have effect in all EU Member States. Instead of starting from scratch and lobby 27 different governments, we can therefore in some cases also increase efficiency by focusing our efforts on one EU law instead of 27 national laws. Accessibility is one example where it does not make sense to “reinvent the wheel” 27 times and common requirements and standards make sense. But also other policy areas benefit of course from this approach.

Also, we have to look at where the EU has strong competences. The EU institutions do not have equal power in all policy areas. In some, they have exclusive power (for example in trade policy), in some they share competences with the Member States (for example in transport policy), and in some the EU only has coordinating competences (for example in education policy), which means that the final decision is always on the Member States. Therefore, it makes sense to also adapt our lobbying strategy accordingly and focus more on areas where the EU has strong competences to achieve the best possible results.

Furthermore, as we will explain in the next chapter, a part of the EU’s decision-making procedure is by design highly influenced by the Member States and national politics. This is the part that concerns the position of the Council of the EU and possible Trilogues (informal negotiations between the Council, the Parliament, and the Commission as part of the decision-making procedure) in which the national and the EU level converge, or sometimes clash.

Finally, as mentioned above, a law is only worth the paper it is written on if it is implemented fully and correctly. And this is done by the Member States. Therefore, it is clearly in our interest to work closely with our members to ensure that we also get the support of Member States for proposed legislation or initiatives on EU level. Lobbying on EU level is important but strengthening and supporting our members in their national lobbying efforts is at least equally, if not more significant!

## The roles of the different EU institutions and how to influence them

### European Commission

The European Commission is the “most European” institution of the three main EU institutions involved in the decision-making procedure. Here, the possibility to influence from national level is the smallest. The Commission also has representations in the Member States, but they are not vital in the decision-making procedure.

However, the European Commission regularly launches public consultations to seek the opinion of organisations and individuals before publishing legislative proposals or new initiatives. They can be found on the [“Have Your Say” Platform](https://ec.europa.eu/info/law/better-regulation/have-your-say_en)[[4]](#footnote-4) and it is important that they receive a wide range of replies – even if they are align or the same from different respondents, numbers also count -, also explaining problems and issues on national level, or showing good practice example from the different Member States. This is a good way to influence the Commission from national level.

There is also a more structured way to influence the Commission at national level, which is through the formal and informal [expert groups of the European Commission](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups-explained?lang=en)[[5]](#footnote-5). Those expert group are consultative and assist the Commission in relation to the preparation of legislative proposals and policy initiatives, the preparation of delegated acts, and the implementation of EU legislation, programmes and policies, including coordination and cooperation with EU Member States and stakeholders in that regard. There are currently 688 active expert groups registered[[6]](#footnote-6), and the one which is most relevant for the work of EDF is the [Disability Platform](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3820)[[7]](#footnote-7) (formerly called Disability Hight Level Group).

In the Disability Platform, representatives of national authorities and other relevant stakeholders, including EDF, are consulted by the European Commission on disability related topics. National members of EDF are not directly part of the group, but they can of course both bring forward their view via EDF and should also try to influence the representatives of the national authorities. Having a good working relationship with the relevant Ministries helps to ensure that the authorities give input supporting our own position and encourage the European Commission to use their full potential to propose and enforce legislation on disability rights.

#### How to influence?

* Establish a good working relationship with the national delegate(s) who participate in the Disability Platform meetings
* Inform them ahead of meetings (you can get this information from EDF) that you would like to give input to the agenda and/or provide background information
* If possible, even arrange a pre-meeting with the national delegate(s) to brief them about the DPO perspective on the agenda points
* If possible, ask the national delegates to also propose additional agenda points and to shape the agenda of the meeting
* Encourage the national delegate(s) to be active in the meetings and afterwards report back to the relevant departments
* Encourage the national delegate(s) to reach out to colleagues from other departments and follow-up on decisions taken in the Disability Platform meetings
* Offer your support to strengthen the network within and between the national Ministries and governments to mainstream disability rights

### European Parliament

The European Parliament, as the representation of the European citizens, plays a crucial part in the legislative process of the European Union. Holding legislative powers in an equal basis with the Council of the EU, through the co-decision process, it is the most open institution towards civil society. Meetings, events, conferences, and other types of relations with registered representatives from entities, associations, NGOs companies or just citizens are common in the daily agendas of the Members of the European Parliament (MEPs).

The institution is, as well, considerably transparent. All the legislative and political procedures and meetings are open to the public on the website, with the documents, agendas and minutes uploaded - more or less – timely. Also, the plenary and committee sessions can be followed live.

Therefore, the Parliament is the institution most used by lobbies to try to influence the ongoing legislative procedures, but also to propose new measures, to introduce issues in the political agenda, and/or to create positive political environments for their positions.

Regarding disability, we are in a good position, given the existence of the [Disability Intergroup](https://www.edf-feph.org/disability-intergroup/). This group is a platform for MEPs of any political group or Committee who meet and cooperate regularly to discuss together about disability-related issues. EDF holds the secretariat of the intergroup, and that allows us to raise matters of interest that the MEPs can afterwards propose. It also allows MEPs to have a quick access to the first-hand information and expertise EDF and its members can provide.

Knowing the complexity of the Parliament and its division between Committees, political groups, parties and Member States affecting the positions of each MEP, the main issue to consider when trying to influence this institution is to find the correct people in the right moment. At national level, a good system to access the Parliament is to find the MEPs representing the Member State and, amongst those, the ones who work on disability related files who are usually members of the Disability Intergroup.

#### How to influence?

* Find the right Member of the European Parliament, by analysing their interests and knowledge through the positions and reports in which they participate, and their strength within their party, group and national MEPs. Written articles, speeches, reports as rapporteur or own initiatives are the best guidance to find them.
* MEPs may want to obtain political gains from supporting one or other position, both at their European and/or national parties. Find out what political advantages can they get, such as showing their interest in defending a specific group of people’s needs, or the benefits it may bring to their constituency (country and region).
* Work with the assistants and develop a close relation with them, as they follow the reports, prepare the agenda and draft the documents, speeches and amendments for their MEPs. Every MEP has two or three assistants.
* When sending documentation, do it with background data and research supporting the position, while trying to be as succinct as possible.
* When sending amendments, prepare them in an easy format for the assistants, so they can include them directly in the reports if accepted.

You can deepen your knowledge on how to lobby the European Parliament following this dedicated training organised by EDF: “[**All you need to know about the European Parliament**](https://www.edf-feph.org/events-slug/all-you-need-to-know-about-the-european-parliament-edf-internal-training-for-disability-rights-advocates/)” (only for EDF members).

### Council of the European Union

Last, but not least, the Council is the EU institution which is most closely connected to the national level and, hence, the most relevant to lobby from the national level. In fact, EDF’s influence in Brussels is very limited when it comes to the Council and its role in the decision-making procedure.

The reason for this is, of course, that the Council is in fact a representation of the 27 Member States. It does have a secretariat and the President of the Council in Brussels, but the rotating Presidency is held by a different Member State every 6 months. Also, in the Ministers meetings, it is the representatives of the Member States who discuss EU legislation, not EU officials.

Thus, it is often difficult to influence “the Council” as a whole, but we rather have to influence each single Member States separately. This is of course more work, and often less successful, as we can often not predict how each Member State will position itself.

Furthermore, the lack of transparency of the Council is a huge obstacle for DPOs and other stakeholders when engaging with this institution in a meaningful way. While the European Commission is obliged to publish certain information, and the European Parliament even live-streams its meetings and publishes all agendas and minutes relatively quickly, as mentioned, the Council does none of this. Agendas are very vague, meetings happen behind closed doors, minutes are not public, and if outcomes such as draft reports are published, this happens usually with a long delay and often in inaccessible formats.

Nevertheless, this institution is therefore also the most worthwhile to influence on national level.

#### How to influence?

* Establish a good working relationship with the Ministry/government staff who are in charge of EU affairs (especially in the run up to a Presidency).
* Establish a good working relationship with the staff at the relevant Ministry/government office that is responsible of disability rights.
* Establish a good working relationship with the staff at the Permanent Representation to the EU of your Member States – usually this will be the Social Affairs Attaché, but it could also relate to other policy areas depending on the file.
* In the run-up to a Presidency, take contact with the officials at least 1 year in advance, if possible earlier and suggest priorities for the Presidency Programme.
* If you are consulted by a Ministry about a legislative file in the Council, try to give concrete and detailed feedback – EDF can help of course.
* If you have information about the status about a legislative file in the Council share it with EDF - often you have better access to this information than we have!
* Pro-actively approach the relevant staff at the Ministry/government when you are aware of an important file being discussed in the Council and send your recommendations – EDF can provide those

## Example: The European Accessibility Act

The [European Accessibility Act](https://ec.europa.eu/social/main.jsp?catId=1202) (Directive 882/2019)[[8]](#footnote-8) is a good example of why lobbying on national level is very important for relevant EU decision-making procedures. This was a very important file for EDF and the disability movement as we were the main stakeholder and the entire proposal concerned persons with disabilities – often, when we advocate for changes in legislation, we target only a few relevant articles. But here, the entire text required our input and attention.

It is also a good example because we followed it very closely, from the pre-drafting and campaigns stage, through the Commission proposal, the European Parliament position, the Council position, and finally the Trilogues. It was, however, also a very challenging file and even though we were successful in having a Directive adopted at the end, this was not without difficulties.

#### Difficulties we encountered:

* The Act was based on an Internal Market legal base, instead of non-discrimination. Neither us, the Disability Movement, nor the decision-makers, were used to this, which resulted in many misunderstanding and a need to do basic awareness-raising before our actual work could start.
* Following from the previous point, the Internal Market legal base and approach meant that the proposal was discussed in Committees and Working Groups which are not familiar with disability issues and focused more on economics than disability rights. That means that we were also less familiar with the decision-makers and those Committees, resulting in a weaker network for advocacy.
* Also related to the previous points is the fact that it being less focused on disability rights, there was also a stronger counter-lobby, notably from industry associations.
* Since the proposal was very technical, it was first of all difficult to find experts from our side to work on the proposal, and secondly it was harder to convince decision-makers because the details were very complex. We tried to break down the communication into simpler messages, but since “the devil is in the detail”, we had to invest a lot of time to make those aspects understandable.

#### How we lobbied on EU level

* We started our campaign to adopt EU accessibility legislation in 2011 with a concrete demand in our “Freedom Guide” publication
* We continued formal and information advocacy towards the Commission to create the ground for such a law, which was finally successful in 2015 with the publication of the Commission proposal
* We followed the official steps to give feedback and recommendations to the Commission proposal while at the same time also using communication strategies to raise awareness of the decision-makers and the general public, including via mainstream media
* We organized a demonstration in front of the European Parliament to raise awareness and give strength to our demands
* We also followed the official decision-making procedure through the European Parliament through meetings with Members of the European Parliament - up to the President of the Parliament -, attending and speaking at official hearings, submitting input for proposals for amendments to the texts, briefing the relevant MEPs and support staff, and attending the official votes in Brussels and Strasbourg.
* Once the proposal was discussed by the Council, we briefed the Attachés of the Permanent Representations of the Member States in Brussels, we replied to technical questions of the Working Group preparing the position, we supported those Member States that had a more ambitious approach, and we supported EDF members in contacting their governments and attended meetings on national level.
* During the Trilogues, we supported the Presidencies to find compromises with the most ambitious outcome and pushed the European Parliament and the Commission to stick to their positions and not give in to the pressure of the Council

#### The role of lobbying on national level

* When the European Parliament was discussing its position, EDF’s members influenced their national MEPs to support the EDF position in the relevant Committees and in Plenary. This was done via personal meetings in Brussels, or via letters and e-mails.
* At the stage of the Council position, EDF’s national members were crucial in supplying the EDF secretariat with documents and information about the state of the negotiations, which were not available to us
* EDF’s members also helped contacting their national decision-makers to ensure that the national position was supporting our position. This was done via official letters and meetings, but also via social media.
* National media also helped to bring this issue to the general public and “name and shame” certain Member States.

The combination of our effort on EU and national level helped to get the Accessibility Act adopted. Even though there are shortcomings to the legislation, lobbying on national level was nevertheless crucial to reach the result that we finally had.

# Document credits

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1. [EDF website. Our statutes](https://www.edf-feph.org/about-us/our-statutes/) [↑](#footnote-ref-1)
2. [European Union website. Transparency](https://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView) [↑](#footnote-ref-2)
3. [European Commission website. Information on persons with disabilities](https://ec.europa.eu/social/main.jsp?catId=1137) [↑](#footnote-ref-3)
4. [European Commission website. Have your say](https://ec.europa.eu/info/law/better-regulation/have-your-say_en) [↑](#footnote-ref-4)
5. [European Commission website. Expert groups explained](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups-explained?lang=en) [↑](#footnote-ref-5)
6. [European Commission website. Search for Commission Expert Groups and Other Similar Entities](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups?lang=en) , retrieved on 21 April 2022 [↑](#footnote-ref-6)
7. [European Commission website. Disability Platform Expert Groups](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3820) [↑](#footnote-ref-7)
8. [European Commission Website. European accessibility act](https://ec.europa.eu/social/main.jsp?catId=1202) [↑](#footnote-ref-8)