



Swedish University of Agricultural Sciences
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Department of Forest Products, Uppsala

**Non-state actors' role in the EU forest policy making
– A study of Swedish actors and the Timber
Regulation negotiations**

*Icke statliga aktörers roll i EU:s skogspolicy
– En studie av svenska aktörer i förhandlingarna
om timmerförordningen*

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Keywords: Forestry, policy making, Participation, Lobbyism, Coalitions, EU timber regulation, non-state actors, consultation, forest stakeholders, E-NGO

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Sammanfattning

Syftet med denna forskning är att kartlägga hur icke - statliga aktörer har påverkat EU timmerförordning, genom deltagande och lobbying gentemot beslutsfattarna på EU- nivå och nationell nivå, för att åstadkomma justeringar i lagtexten. I studien undersöks även relationerna mellan skogs intressenter, E-NGOs och EU-institutioner, avseende kommunikation, samarbeten, informella och formella samråd. Deltagande och lobbying från icke - statliga aktörer har troligen påverkat resultatet av förordningen, genom förändringar i lagtexten samt genom att påverka attityder hos beslutsfattarna i EU - institutionerna. Flera faktorer som kan ha påverkat effektiviteten och tidpunkten för påverkan har identifierats genom intervjuer samt olika metoder för att påverka beslutsfattarna. Intervjuerna, där respondenterna är anonyma, uppnåddes med relevanta beslutsfattare, lobbyister och myndigheter som är involverade i utvecklingen av EUTR under perioden 2008-2012. Resultaten av studien kan vara till nytta för skogsrelaterade intressegrupper som är involverade i beslutsfattandet på EU - nivå och som ämne och material för ytterligare forskning gällande frågeställningar om skogspolicy på överstatlig nivå.

Nyckelord: Skogsbruk, Policy, Deltagande, Lobbyism, EU timmerförordning, icke statliga aktörer, konsultation, skogliga intresseorganisationer, E-NGO.

Abstract

The purpose of this research is to identify how E-NGO and forest stakeholders, in the study referred to as non-state actors, have influenced the EU timber regulation; through participation and lobbying towards the decision-makers (policy makers) at EU and national level, to achieve adjustments in the legislative text. The study also examines the relationships between the forest stakeholders, the E-NGOs and the EU-institutions, regarding communication, cooperation, informal and formal consultation where interviews were accomplished with decision-makers from the EU-institutions, forest stakeholders, E-NGOS and representatives from Swedish authorities that participated under the development of the EUTR during the period of 2008-2013. The participation and lobbying from non-state actors have most likely affected the outcome of the regulation, through alterations in the legislative text and through influencing the EU-institutions. Several factors that have affected the efficiency and timing of the influence have been identified through interviews as well as various approaches to influence the decision makers. The findings of the study may be useful for forest related interest groups that are involved in decision-making procedures at EU-level and as substance and material for further research in the subject of forest policy making at supranational level.

Keywords: *Forestry, policy making, Participation, Lobbyism, Coalitions, EU timber regulation, non-state actors, consultation, forest stakeholders, E-NGO.*

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Abbreviations

E-NGO	Environmental Non-Government Organization
EP	European Parliament
SFM	Sustainable forest management
DDS	Due diligence system
SME	Small and medium scale enterprises
EUTR	EU Timber Regulation
PFO	Private Forest Owners
DG	General-Directorate
ENV	Environment
EU	European Union
MEP	Member of the European Parliament
ENVI	Environment, Public Health and Food Safety
VPA	Voluntary Partnership Agreement

”Lobby as Hell” – Forest stakeholder

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1 Introduction

This study has its initial background in Swedish forestry and Swedish forest management, which are defined and regulated by the Swedish forestry act (Skogsstyrelsen, 2014), and will focus on the Swedish view of the development of the EU timber regulation as well as how and if the non-state actors has influenced the decision makers throughout the process of the EUTR. Since 1995, Sweden has been a member of the European Union, which has shifted parts of decision-making from a national level to a supranational level. Sweden, as a member state, participates in the decision making process in many different policy areas.

Sweden has a long tradition of forest management and is working towards an equal fulfillment of ecological and economical goals towards forestry (Skogsstyrelsen, 2014). Furthermore, the multiple land usage of the Swedish forestry is perceived as fragmented too meet the needs and interests from the society, industry and private forest owners.

However, since other policies cut through the forest sector on national level and in particular at EU-level, forestry and the forest management become complex when regulating forestry issues at EU-level, far away from where the forest production is practice. The absence of legal competence for forests in the EU, due to the principle of subsidiary, has in turn placed the responsibility on the member states (Pülzl & Hogl 2013). Despite the principle of subsidiary, policy areas, such as trade, environment, climate, and energy impact the forest policy and the forest sector of the member states. The regulation that most recent have concerned the Swedish forestry sector is the EU timber regulation, implemented in March 2013 (ec.europa.eu, 2014).

The European timber Regulation (EUTR) has its origin in the Forest law Enforcement, Governance and Trade (FLEGT) Action Plan, which was established in 2003 to reduce illegal logging and to reach sustainable and legal forest management, improving governance while promoting trade of legally produced timber products (euflegt, 2014). FLEGT was perceived to be insufficient to reduce the trade with illegal timber and subsequently reducing the illegal felling of forests and therefore a more consistent legislation was developed (Commission, 2008).

The EUTR is a regulation, which according to the EU definitions is a binding legislative act that must be applied in its entirety among all member states (Europa.eu, 2014), in comparison to a directive that is described as a legislative act that creates a goal that all EU member states must accomplish but with a national action plan (Europa.eu, 2014). The EUTR is the first legally binding act concerning forestry and in particular forest trade and have direct impact on some forest stakeholders and in wood trade at national level. In the EUTR a prohibition for operators to place illegal timber and timber products on the EU market for the first time was implemented, which required a legal management of trade with timber and timber products. Furthermore was a system based solution called the Due diligence system used as the instrument for the member states to handle risks, risk mitigation and information, to avoid trade with illegal timber with in the EU (ec.europa.eu, 2014).

The EUTR have impact on forest owners, forest related companies and the forest sector in the member states. Sweden as a member state of the EU and one of the largest forest producing member states in EU (foresteurope.org, 2011), is highly concerned with this regulation as it is accompanied by increasing costs and administrative burden for the forest sector. The strong environmental movement at EU-level stated further that the forecasted costs for the private forest owners and the SMEs, caused by the perceived framework of regulation, should be solved and paid by the domestic industry.

Furthermore was the legislation perceived to doubling already existing systems for control of legality in trade of timber and timber products as well as the opportunities for lobbying and participation could be less approachable than the decisions regarding the EUTR was taken at EU-level.

In Swedish national forest political decision-making, decision makers include the non-state actors in collaborative procedures at national level, due to existing actor networks on forest related subjects (Berglund et al. 2013). Then the increasing political decision-making at EU level is beginning to impact forest policy and the forest sector at the domestic level, the question arises whether non-state actors have a chance to influence these decision-making procedures. The situation of non-state actors participating and lobbying towards the EU institutions in a regulation that partly should be regulated at national level, but due to the cross-sectoral overlap from other policy areas become a question at EU –level. There is a knowledge-gap of how well non-state actors can influence the decision-makers at EU-level in policy's that have a cross-sectoral shape.

The methods of influence in decision-making processes are perceived to be *participation* or *lobbyism*. The participation of non-state actors in political decision-making process are according to Kohler-Koch & Buth (2009) legitimizing the policy making process in addition to the democratic perspective of the integration of the EU citizens. Lobbying are perceived as an action where a non-state actor are benefitting their own priorities and interest in a decision making process (Ibid). Scholars agrees further that most policy makers and political scientists perceive the public and private interests of policy making in EU as essential components of legitimizing of the policy process (Coen, 2007).

Furthermore does the situation of the non-state actor regarding power, legitimacy and level of urgency divide the non-state actor into different categories of stakeholder classes (Mitchell et al 1997), depending of the level of the fulfillment of each attribute that by Mitchell et al (1997) are described. The individual shape of each non-state actor define them as more or less connected to a certain attribute which equalize them with a behavior in the decision-making process. The behavior of the non-state actor can add an extra layer of understanding of how different non-state actors influencing the decision-makers at EU-level.

The commission, the council and the European parliament are the three institutions that non-state actors can possibly influence with proposals for amendments, analysis and diversified thoughts of possibilities and consequences of the regulation. Greenwood (1997) found out that over 20 per cent of the interest groups, active at EU-level were environmental, citizen, social and public interest groups. The long history of direct involvement by unions, farmers and other interest groups (non-state actors) in Europe lead to a communicative tradition where non-state actors interests almost always are given the opportunity to communicate their views (Doh & Guay, 2006). The non-state actors can be considered to promote and seek environmental actions that they perceive as more ethical and social into the decision-making procedure (Doh & Teegen, 2002). In this study, both the private forest owners and E-NGOs are considered non-state actors. The term non-state actors served both as an umbrella term, when both actors may be considered to participate and lobby the decision makers in the development of the EUTR.

The aim of this study is to survey how and if the participation and lobbying towards the decision-makers, by non-state actors, have influenced the outcome and the development of the decision-making process of the EU timber regulation.

2 Background

There is no strict competence regarding forestry in the EU. Forestry as a forest policy isn't included in the treaties between the EU and the member states. The existence of other policies implying the forest and the forest policy, all of which cut through the forest sector and occupy a unit that are adjusted at EU-level and thereby affect forestry and forest policy on national level (Pülzl et al, 2013).

At EU-level, there are certain policy locations that handle forest related questions, such as the standing forestry committee, advisory group on forestry and cork, advisory committee on community policy regarding forestry, forest based industries, council working party on forestry, think forest etcetera that are creating a complex structure of communication links between the different groups and committees. (KSLA, 2010). These committees and groups are connected to the national decision makers at member state level that creates a flow of information amongst the member states and the decision-makers at EU-level. The non-state actors have a chance to influence these committees as the MEPs and the civil servants at EU-level but the existence of a common platform for forest policy questions isn't present.

Some examples of former legislative acts from the EU that have concerned forestry due to the multilevel of governance and the cross-sectoral policy making work, are the bird and habitat directive, the water framework directive and FLEGT action plan.

2.1 Legislative process

The legislative process explains the regular formal process and the different steps in the legal process of EU timber regulation. The legislative process includes the impact assessment, public consultation and the role of the institutions at EU-level.

2.1.1 Impact assessment

The impact assessment of the EUTR is the documentation that the Commission prepared and measured to examine the impact the EUTR can have on social, ecological and economical factors through highlighting a number of options that described the approach and shape of the regulation. The impact assessment comprised options on how to combat illegal logging with the lead DG as DG environmental, together with a number of other involved DGs.

The EU timber regulation came out of the FLEGT action plan that was considered limited due to the VPAs, which inadequately prevented the illegal logging and trade of timber and timber based products that was illegally logged. The impact assessment report characterizes the problem of illegal logging with the three pillars; economic, social and environmental (Commission, 2008). A short explanation of each of the options is located below. In the impact assessment Commission consider all possible variables that may be influenced by the proposal, which means that the Commission need to measure possible impact on the social, economical and environmental sectors among the EU members. Additionally, what need to be measured are the countries that may be affected outside and inside the EU on different governance levels, such as supranational, national and sub-national level (Commission, 2008). In the impact assessment report option five, which was a combination of “voluntary measures by private sector and enforceability through the need for burden of proof” was perceived to be the most effective option.

Option five with the due diligence system appeared to have a limited affect on the cost for the private forest sector and would most likely reduce the amount of illegal logging (Commission, 2008).

2.1.2 Public Consultation

A part of the impact assessment is the public consultation where the commission addresses the problem of illegal timber and timber based products to the public. The participation was low in numbers where thirty of the respondents came form private sector, night teen from NGOs and three from national member states in the EU, beyond that 7.161 e-mails was received from Greenpeace through the campaign Ban illegal timber (Commission, 2008). According to the impact assessment report of EUTR, a majority of the respondents felt that the FLEGT action plan with the bilateral voluntary partnership agreements was inadequate addressing the problem of fighting illegal timber and timber based products and asked for an alternative approach for solving the problem of illegal timber and timber products on the EU market.

The ad hoc consultation of the stakeholders and E-NGOs were asked to rank the options (see 2.1.3) from best to worst. Option one (see 2.1.3) was voted as best of about half of all respondents. At the time of the ad hoc consultation option five wasn't developed yet. It was developed on the basis of the findings of the impact assessment.

Consultations were also made on a national level and with third countries, mostly with major timber importers such as China, Japan and USA. FLEGT partners such as Indonesia and Cameroon and other countries that had shown interest in the VPA where included (Commission, 2008).

2.1.3 The options

The four courses of action to decrease the trade of illegal timber and timber-based products were present in the impact assessment report;

Option 1: To expand the coverage of the bilateral approach through FLEGT VPAs.

Option 2: Voluntary measures by the private sector further developed.

Option 3: Border measures to prevent the importation of illegally harvested timber.

Option 4: Prohibition on the placing on the EU market of illegally harvested timber.

Tied to option 4 were two alternative approaches:

Option 4a: Legislation that prohibits the trading and possession of timber and timber products harvested in breach of the laws of the country of origin.

Option 4b: Legislation that requires that only legally harvested timber and timber products be placed on the market.

Option 5 with the due diligence system was developed after the impact assessment was evaluated.

Option 5: Legislation which requires due diligence by all timber traders to ensure that they trade in legally harvested timber (Commission, 2008).

In the impact assessment of the EUTR in the early 2008 the Commission took a number of variables into consideration e.g. social impacts on EU, the third countries involved in trade with timber and at national level (Commission, 2008). The impact assessment also considered the economical calculations for which of the options that may address the heaviest burden for the forest sector and how the environmental conditions will be affected by each option, through risk assessments and the standpoints of Commission regarding monitoring and evaluation (Commission, 2008).

2.1.4 The institutions of the European Union

The different EU institution concerned with political decision-making are the European parliament, the Commission and the Council of ministers all offer different opportunities to influence and participate in the decision-making processes. When creating a legislative act on EU-level, the governance are specific and follows a number of stages before it is adopted as an conventional law in the shape of a directive or regulation. The European union does generally make their decisions as co-decision where the MEPs in the EP need to find an agreement through a co-decision together with the member states in the Council. The governance of the EU starts with the Commission's proposal, for new legislative act, but after that the economical, social and environmental consequences have been evaluated in the impact assessment report. The Commission confers with stakeholders and E-NGOs, to get a clearer understanding and fulfill the needs for those who primarily concern the regulation. The internal negotiation in the Commission then begins, which subsequently leads to a proposal that each and every member of the commission agrees upon (europa.eu, 2014). After the proposal from the Commission the European parliament and the council debate and discuss amendments and try to reach an agreement in plenum. If they don't reach an agreement in the negotiations under the first reading, the negotiations continues onto a second reading where new amendments can be made by the EP and the council. If an agreement is not decided at this stage a conciliation committee tries to find a solution that can be approved by the council and the EP (europa.eu, 2014).

2.1.5 Previous cross-sectoral legislative acts on EU-level

The EU timber regulation can be viewed as a process of legislative work to achieve a compulsory legislative framework to regulate trade with illegal timber and timber products. In retrospect, one can see the numerous forest related policies made on EU-level that cut straight through the forest sector, such as the water directive and bird directive. There has been a process where some actors that strive for a common forest policy deem that there isn't so much forestland left to regulate by a directive or a regulation (Interview, respondent E). The earlier cross-sectoral decisions taken at EU-level have mostly concerned the agricultural sector, that indirect has a connection to forestry. The decisions taken regarding other things than forestry has affected the forest sector slightly but not direct as the EUTR did, with the regulation put on the trade of timber and timber products.

- (i) The bird and habitat directive that protect valuable species and habitats was implemented in the Swedish law in 2001, which led to the Natura 2000 network to decrease the extinction of animals and plants while preventing their habitats from being ruined. The bird and habitat directive did affect forest owners through limitations on forest managements in concerned areas.(Naturvårdsverket, 2014) The bird and habitat directive was proposed by DG environment, in 1979 for the bird directive and a complementary directive that concerned the habitats in 1992. Their work can be seen as a cornerstone in the European nature conservation policy (ec.europa.eu,2014).

- (ii) Water framework directive was accepted as a Swedish law in 2004 and comprises inter alia cooperation over national borders to improve sustainable use of water, reduce the pollution of groundwater and prevent the ecosystem of water to deteriorate. (Jordbruksverket, 2014). The water framework directive does concern the forest sector and consultation among stakeholders was made before implementation.
- (iii) Forest law enforcement, governance and trade (FLEGT action plan) is based on the idea of voluntary schemes to ensure that no illegally harvested timber is imported into the EU from countries participating in scheme. (ec.europa.eu,2014) The regulation was adopted in 2005 and allowed control of timber entering the EU from countries entering the bilateral FLEGT voluntary partnership agreements (VPA) with the EU (ibid). Once agreed the regulation also promote better enforcement of the forest law as well as involvement of the private sector and civil society.

3 Theory & Literature review

3.1 Governance & Forest policy

The expansion of the EU policy-making power has been followed closely by NGOs and other interest groups (Doh & Guay, 2006), whilst forest-focused policymaking has increased its importance over the years at the EU level (Pülzl et al, 2013). Furthermore has the political activity regarding energy and climate issues increased (Bjärstig & Keskitalo, 2013) where goals and objectives are related to forestry such as nature conservation, climate change mitigation and the provision of biomass for energy production (CEPF et al, 2012).

The responsibility for EU policy making are scattered over different directorate-general (DG) in the Commission. Forest issues are dealt with in different DGs, e.g. DG agricultural and rural development, DG environment, DG climate action and DG energy (ec.europa.eu, 2014).

In the report "*En gemensam europeisk skogspolitik*" Andersson (2007) concludes that the Swedish non-governmental organizations have change strategy due to other policy areas affecting the forests and forestry directly and indirectly. Furthermore deems Andersson (2007) that a common forest policy not is desirable amongst the forest stakeholders, the industry, environmental movement and other representatives from the forest sector, but cooperation and supporting action regarding forest issues at EU-level would be perceived as exemplary.

The Commission is the initial drafter of legislation and welcome the civil society and non-state actors to discourse in order to receive information while the increased power to European parliament has included them in the co-decision-making procedure with the council in most policy areas, owning the right to make legislative decisions (Doh & Guay, 2006). Furthermore, non-state actors influence the council by directly approaching domestic governmental actors of the different member states in the Council (Ibid). With the increased power of influence legislation outcomes have been a major reason why non-state actors have put considerable resources to lobby the European parliament (Ibid).

Scholars regard the presence of the civil society as a reaction of the allege lack of democratic shortage in the EU and reflects a way to make EU governance more effective and democratic (Greenwood, 2007). Civil society is supposed to bring in a variety of perspectives into the policy work in the EU. The outcomes may therefore be more reflective of the views the EU-citizens have. Hence, the organized civil society is regarded as an attractive partner in the EU governance in the scenes of bringing a diverse view of "down-to-earth experience" and knowledge into the policy making process (Kohler-Koch & Buth, 2009).

The civil society can on the one hand side be seen as the European people proposing demands and support the pro or con the political system of the EU. On the other hand the organized civil society form the civil society through e.g. interaction and give the society a voice, which according to Kohler-Koch & Buth (2009) does compensate for the deficiencies of democratic participation, by bringing Europe closer to the people.

So, in one way does the participation of non-state actors increases the legitimacy and the democratic dimension of the participation and also where interest organizations participate and influence by the reason of benefit their priorities and interests. Regardless of either view it addresses the same issue; influence the EU political decision-making process.

In the last decade, scholars have increasingly approached the issue of non-state actors and their influence on EU policy making related to forests mirroring the political trend.

Pülzl & Hogl et al (2013) states the key concerns of the forest policy actors in Europe, which includes concerns of: the non-legal competence at EU-level, that the forestry sector is overruled by other sectors, lack of coordination and coherence while policy areas expand and inconsistencies of policy goals. The assembled key concerns that are presented in the report Pülzl & Hogl (2013) can negatively affect the possibilities of relevant participation and lobbying by forest related interest groups.

Pülzl & Nussbaumer (2006) investigated the different models of governance including all coordination, co-operation and communication. Their conclusion was an ideal form of communication based on dialogue (circle- communication) is difficult to achieve and that communication activities were aggravated by institutional fragmentation of forest ownership, representation of forest stakeholders and the EU community etc (ibid.). The authors suggested an urgent improvement of the external and internal communication amongst the forest stakeholders, Commission and member states which can be seen as a way of influence the decisions-makers at EU-level.

Andersson (2007) conclude that transnational organizations advocates some sort of formalized cooperation regarding forestry furthermore concludes that the Swedish non-governmental organizations have change strategy due to other policy areas affecting the forests and forestry directly and indirectly. Andersson (2007) furthermore identify three different approaches among governmental and non-governmental organizations when it comes to EU political decision-making. Besides the national approach, where actors express that less EU governing is desirable, and the pragmatic approach; where the actors are perceived as reactive towards forest related issues are govern at EU-level. The tactical approach can, according to Andersson (2007) be perceived as the lobbying approach where the actors prioritize their own interests and priorities.

Mitchell, K.R et al (1997) come up with different stakeholder classes connected to three different attributes: power, legitimacy and urgency. The different stakeholder classes further describe the different behavior and salience of the stakeholders and how they can be perceived to influence the decision-makers. The salience and behavior of the stakeholders described by Mitchell, K.R et al (1997) does differ among different stakeholders depending on the concentration of the three attribute; power, legitimacy and urgency within the stakeholder organization.

It is obvious that a lack of legal competence in forestry at EU-level, the fact that other policy areas overlap the forest sector and the national resistance of a common EU forest-policy complicates the decision making process for domestic actors, regarding forest related issues, at EU-level. The absence of a common legal platform for forestry issues and the ongoing overlap from other policies provides a lack of communication and co-ordination between the member states and the institutions at EU-level. The lack of co-ordination, communication and cooperation can in the long run make the opportunities for influence by non-state actors limited, hard to achieve and that forest issues are regulated nationally without a common legal framework regarding forestry.

An increase communication between forest stakeholders and the EU institutions where the situation for, in particular the forest producing member states and the organizations connected

to the forest sector can communicate present problems, views and improvements would be exemplary. Previous research states that there is a lack of communication among the EU institutions and the forest stakeholders, that the occurrence of multilevel governance and other policy areas overlapping the forest sector can result in a lack of coherence while these overlapping areas expand. In the long run, if this expanding overlaps continue grow, it may lead to a national forest sector, which are governed at EU-level.

3.2 Non-state actors

In the study has following actors been used as non-state actors (annex 3):

1. A representative from the Confederation of European Forest Owners (CEPF)
2. A representative from the Nordic Family Forestry (NSF).
3. A representative from the environmental movement that in the study required to be anonymous.

The terminology of non-state actors is rather unclear within research. The term non-state is actors often chosen in studies on international relations and supposedly comprises all actors included in policy making except governmental actors and intergovernmental organizations (Risse-Kappen, 1995).

Other authors use instead the terminology of Non-governmental organizations (NGOs) (Doh & Guay, 2006; Dür, 2008; Bjärstig & Keskitalo, 2013). However, the term of NGO is often linked with the idea of a group of actors representing civil society and acting for the common will of the people. The stakeholders concept capture specific groups and individuals that affect or are affected by a an organizations purpose, such as governments, corpora-tions and organizations (Freeman, 1984), though the stakeholders fall into the category of non-state actors referring to as a group of actors following private interests and benefits. The different perception of the two groups, the NGOs and the stakeholders, can as be linked to the perception of their reasoning for influencing political decision making procedures. In contrast to the EU institutions locked in administrative rules and procedures the more dynamic non-state actors become complementary actor in policy-making.

3.3 Participation versus lobbying- two perceptions on non-state actors influencing

According to Doh & Guay (2006) the rising influence of the NGOs is one of the most significant developments in international affairs over the past 20 years. NGOs do have a prominent place in the decision making process in a consultative role towards the decision makers (Commission, 2001). The participation of non-state actors has led to major changes regarding governance and corporate behavior, non-state actors is viewed as ethical and socially responsible (the economist, 2003; Doh & Teegen, 2002). However, the level of influence from non-state actors on EU political decision-making is a contested subject amongst scholars, Dür & Bièvre (2007) argue for example that the impact from non-state actors on the trade policy is limited. One of the reasons discovered for limited impact was the difficulties to fulfill the aims and that the non-state actors lacked public backing (Dür & Bièvre, 2007).

The role of non-state actors in political decision-making can furthermore be perceived from two different normative standpoints.

First as a way of give the civil society a voice in political decision-making process, by addressing problems & demands of the society. At the EU level scholars perceive this *participation* aspect of non-state actors in political decision-making as a step towards European integration, legitimizing policy making and increasing the democratic perspective (Kohler-Koch & Buth 2009). Furthermore can participation only take place when the institutions initiate it and the responsibility for decision-making is not actually shared (Scott & Trubek, 2002). Non-state actors represent the civil society supporting the goals of common goods. Secondly, the role of non-state actors in political decision making is perceived as *lobbying*, as actions benefitting their own priorities and interests, establishing contacts and relations with key actors in political decision making procedures (Kohler-Koch & Buth 2009). Furthermore is a distinctive feature of lobbying that the very exchange of information takes place behind closed doors without public scrutiny (Andersson, 2007). On the other hand is useful expertise and information provided and translated by the lobbyists, which make details, concerns and opportunities visible for the decision makers (OECD, 2012).

Be aware of the two different connotations of non-state actors in EU political decision-making process. This study uses an analytical approach while trying to avoid a pre-set normative connotation. Hence, the focus is placed on the influence of non-state actors on political decision-making. Whether this influence can be interpreted as participation or lobbying will be discussed in the discussion of the empirical results.

3.4 Way of influence

The descriptive elements of influence consist of three factors; 1) the existence of different channels – non-state actors can use different channels such as direct or indirect (informal & formal) lobbying, influencing the public opinion, participate in coalitions with others, 2) the occurrence of counteractive lobbying – an non-state actor might not manage to shift a decision in a preferred direction, caused by the counter lobbying from another non-state actor, but manage to avoid an even worse outcome, 3) influence can be exercised at different stages of a policy process – non-state actors can influence at different stages, in the agenda setting stage, when decisions are taken or when decision are implemented (Dür, 2008).

Hence, Dür (2008) refers to the questions on how non-state actors perform influence, what non-state actor are influencing and at which phase in the political process non-state actors influence the process. The question also lies in with whom they are collaborating to influence the political process. In addition to this external effects e.g. elections in EU parliament, can affect how actors influence that may impose pressure on some actors, which can affect how the influence are submitted (Dür, 2008; Michalowitz, 2005). Whether and how non-state actors influence EU political decision-making is at the focus of this study.

Examining influence is amongst many topics of relevance when taking into account the different pathways of participation and lobbyism (Dür, 2008). By taking a pragmatic approach with respect to defining influence and power, by knowing that interest groups may use different pathways when formulate conclusions and by unifying different methods when measuring influence, Dür (2008) assumes that these factors will lead to greater success in measuring the affect and how influential interest groups are in the European Union.

3.5 Formulation of Questions

The purpose of this master thesis is to survey how non-state actors has influence the supranational policy process and the content change of EU Timber Regulation, through theoretical assumptions from the document analysis together with semi-structured interviews,

as methodology. The research question is built on the assumption of non-state actors influencing the political decisions and decision-makers at EU level with different approaches, which is connected to the literature of different ways of influencing decisions, the present situation of forest policymaking at EU-level and the key concerns regarding forestry issues at EU-level, with the example of EUTR.

The literature states that influence can be made as direct and indirect, in coalitions with others, through informal and formal channels, as counteractive lobbying and at different stages in a decision-making process (Dür, 2008), which have been considered in the formulation of the questions. The different approach of influence is by the literature described as participation and lobbying and the distinction of the meaning of the terms (Kolher-Koch & Buth, 2009), which have been linked with the formal and informal concept stated in the interview guide. The cooperation and communication among forest stakeholders and the EU institutions is in an urgent need for improvement according to Pülzl & Nussbaumer (2006), which reflect the present situation for forest stakeholders and forest related policy making at EU level. The lack of coherence and coordination while the overlapping policy-areas expand (Pülzl & Hogl, 2013) reflect the general approach of the study. To increase the knowledge of how the non-state actors have influenced the EUTR, with focus on the Swedish view of the process, three research questions were formulated;

1. How and if have the non-state actors influenced the formalized processes under the development of the EUTR?
2. How and if have the non-state actors approached major actors by using informal consultation?
3. How and if have the non-state actors built coalitions in approaching governmental actors under the EUTR process?

4 Methodology

In the study has a qualitative approach been used, conducting document analysis and semi-structured interviews as methodology to identify breakpoints and content changes in the documents, through the document analysis and by further legitimize the identified changes through the semi-structured interviews. The empirical work of the study started in the designing of the general research questions that was formulated from the document analysis, which provided the background for the interview guide. By study and analyze the document regarding the EUTR by the EU institutions and the non-state actors between 2008-2013, an indication of which articles that may have been debated and discussed was given to the author. Through amendments, position papers, PowerPoint and written correspondences by different the forest stakeholders and the E-NGOs as well as specific amendments made by MEPs in the EP, amendments on the origin proposal for a regulation from the Commission. Some of the suggested amendments on the articles from the MEPs were possible to deduce to the position of the non-state actors and were therefore assumed to be important topics in the development of the EUTR process.

4.1 Hermeneutic approach

The hermeneutic approach that Bryman (2008) refers to has been used in this study as the general scientific approach, to increase the understanding of the development of the EUTR, and to further develop a deeper understanding of the documents and later of the material from the interviews. The idea of the hermeneutics is in this study to identify the content change in the documents over time (Annex 1). The specific approach being used during the analysis of the documents is an interpretation-reinterpretation approach where new insight has led to new interpretations through reflection of the theory (Bryman, 2012) In a first step the EUTR official documents have been examined by identifying content changes over time from the early proposal from the Commission to the final adoption by the European parliament and the Council of ministers.

The documents were ordered chronologically, including the suggested amendments and position papers by non-state actors, to identify content changes and key events as well as phases and issues marked of high participation. The identified changes in content through amendments from MEPs and the council could later be deduced to the position of the non-state actors active in the development of the EUTR process. The document analysis builds further the basis for the interviews with the non-state actors where the interview guide was adapted to the identified changes found in the document analyze. Throughout the interviews, additional knowledge of how and if the content change in the draft documents could be linked to non-state actor influence in the development of the legal process of creating EUTR.

The interviews were transcribed and categorized in different categories that compose the structure of the results. The categories used are partly build on the theories on influencing political processes described in the theoretical section, in how influence can be performed, according to present research as well as on the identified changes in the content of the documents, where positions, through position papers, from non-state actors were recognized. Then the purpose of the study was to survey if and how the non-state actors have influence the decision-makers in the process of the EUTR. The categories of the different ways of influence and on which level the influence had been carried out, in order to visualize if and how the non-state actors could influence the development of the EUTR on different levels was of importance in the study. Furthermore was the category [Politics] developed after the

interviews were conducted, due to new findings from the interviews that weren't discovered in the document analysis.

The categories [Definitions], [Prohibition of placing illegal timber on the market], [Obligation for operators], [Due diligence system], [Small and medium forest owners] and [Delegated acts] were carried out from the document analysis as topics of high concern and where a change of the content had been present. By the reason of the content change in those categories/articles, an assumption was made, that the influence on the development of the EUTR from the non-state actors, as well as from the EU institutions had been high when negotiating the above mentioned categories/articles. The category of [Rationalities for participation, lobbying and communication] was linked to the research of communication, the diversity regarding objectives and perspectives as well as the ways of approaching decision-makers via lobbying activities and participation, described in the theory and literature review section. Furthermore was the category [Consensus] developed after the analysis of the interviews due to the situation of agreement of the EUTR.

The categories used in this study were; [Definitions], [Prohibition], [Obligation for operators], [Due diligence system], [Small and medium forest owners], [Delegated acts], [Way of influence], [Influencing through national level], [Politics], [Rationalities for participation, lobbying and communication] and [Consensus].

However, the process of filling the categories with relevant content was made with the background of the document analysis where the content changes and certain breakpoint were found, from the semi-structured interviews where further and deeper understanding for the EUTR process was recognized and in the process of visualize the different ways of influence at EU-level and at national level together with the theory and present literature. The codes used when coding the interviews were based on the process of filling the categories.

In the coding procedure was following codes used to reach full saturation in each category; "informal", "coalitions", "formal", "participation", "influence", "lobbyism", "arguments", "contacts", "collaboration", "decision making", "process", "due diligence system", "definitions", "obligations of operators", "prohibition", "communication", "friends", "trust", "relationship", "national", "authority", "election", "Lisbon" and "presidency".

During the process of creating categories and coding the interviews the author was resuming to the theory.

The categories are partly built on what Bryman (2008) presents as the main steps of qualitative research: (1) General research questions, (2) selection of relevant respondents (3) collection of material (4) Interpretation of the material, (4a) tighter specification of the research questions, (4b) collection of further material (5) conceptual and theoretical work and (6) discussion/conclusions.

As the approach of the study is based on theoretical assumptions of influence and lobbying through informal and formal consultation and coalitions, the deductive approach that Bryman (2008) presents isn't fully compatible with the approach of the study. The inductive approach represents an alternative strategy, in comparison to deductive approach, to link theory and research and does furthermore explain that once a phase of theoretical reflection, on a set of empirical data has been carried out, further empirical data is collected in order to establish the conditions to whether a theory will or will not hold (Bryman, 2012). The approach of fluctuate

knowledge between empirical material and theory to gain increased understanding suit the idea of using a stepwise deductive inductive method or an iterative approach, which involves a weaving back and forth between empirical findings and theory (Tjora 2012; Bryman, 2012).

4.2 Semi-structured interviews

A semi-structured interview with an interview guide was developed based on the results of the document analysis and the theoretical framework regarding the different approaches of influence and the key concerns mentioned in the theory & literature review part. According to Bryman (2008) questions in semi-structured interviews do not necessarily need to follow the exact path the outline from the interview guide and the questions that not are included. Follow up questions can be asked as the interviewer proceeds and flows. Some questions were added due to the process of learning related to the stepwise deductive inductive approach that was used in this study. This approach is based on the hermeneutic circle that emphasizes the relationship between the inner reflecting process of the author and the external dialog during the interviews and the processing of the theory (Bleicher, 1980).

4.3 Selection of interviews

The strategy to select interviewees to the study has its theoretical background in the purposive sampling theory where specific groups of respondents with a given role in the development of the EUTR were in mind, such as respondents from relevant non-state actors and the EU institutions. Initially, a convenience selection approach was used, which was the result of restrictions placed on the author where the author, to some extent, didn't have power to affect the selection of interviewees and received a number of respondents selected from the outsourcer (Bryman, 2012). Through the received respondents a snowball selection strategy was used, to get additional contact with other respondents that had been active in the process of the EUTR (Bryman, 2012). However, the approach of through sampling interviews until the categories achieved theoretical saturation, with a movement forwards and backwards between sampling and theoretical reflection was used to legitimate the content of the categories (Bryman, 2012).

4.4 Interview guide & Grouping of questions

The questions to the interview guide were formulated to fit a semi-structured approach and had the scope of 12-14 questions per group of respondents and the interviews were estimated to be approximately 45 min long. Furthermore were the interview guide divided in four different parts;

- i) *General question* - of the organization and their role in the development of the EUTR, where the questions were linked to [Rationalities for participation, lobbying and communication]
- ii) *Participation and/or lobbying*- how the respondent had participated and/or lobbied or how the respondent perceived the lobbying and/or participation towards them had been, where the questions were referring to the categories of the legal text, such as [Definitions], [Prohibition], [Obligation of operators],[Delegated acts], [SMEs and private forest owners] and [Due diligence system] that through the document analysis had been discovered to have a content change over time.
- iii) *Influence* – how the respondents had influenced the decision makers or how the decision makers had been influenced by the non-state actors, where the questions were

linked to the categories of [Way of influence], [Influencing through national level] and [Politics]

- iv) *General question of consultation* – questions regards informal and formal consultation, which was linked to [Way of influence] and [Influencing through national level].

The questions were formulated as open questions to avoid the respondent from any specific direction, which can be caused by closed question. The purpose is to let the respondent answer the question with his or her respective words as well as it leave space for unusual and unexpected answers (Bryman 2008).

4.4.1 Grouping of respondents

Based on the analyzed documents the questions were adapted to the four different groups of respondents and their role in the development of the EUTR (Table 1). Group 1 consists of the Non-state actors, group 2 of the Swedish forest agency and the representatives from the ministry of rural affairs, group 3 consist of one representative from the European parliament and group 4 of two representatives from DG environment in the Commission. The nationality of the respondents is overrepresented by respondents from Sweden.

Table 1 consist of the different groups of respondents participating in the study, which organization/institution they represent and the nationality of each respondent

Group	Group 1			Group 2			Group 3	Group 4			
Representing	Non-state actor	Non-state actor	Non-state actor	Swe-forest agency	Swe-forest agency	Swe-forest agency	Rural affairs	Rural affairs	Rural affairs	EP	The Commission
Nationality	Fin	Ger	Den	Swe	Swe	Swe	Swe	Swe	Swe	Swe	Eng/Esp

4.5 Interviews

The interviews were performed between 1 – 7 November 2013, both as face-to-face interviews in Brussels and in Stockholm and as phone-interviews. The phone-interviews were conducted due to geographical constraints and economic reasons. Phone-interviews lack social interaction in contrast to a face-to-face interview, which was compensated by allowing the respondents to explain deeper through follow-up questions on the specific issues verifying that the questions were correctly understood (Tjora 2012; Bryman, 2008).

All interviews were recorded under the rules of ethical framework to ensure the respondents anonymity Tjora (2012). One interview was performed as a group interview due to lack of time by two respondents. The situation led to the two respondents responding on each other sayings. The author captured the interaction that occurred between the two respondents in the dialogue, where a flow of knowledge was present, as a social process of exchange of experiences (Bryman, 2008; Tjora, 2012). A group interview can bring beneficial effects such as; the respondents react to each other’s opinions, where important attitudes and experiences can be raised while linguistic nuances can be neglected that can be of high relevance of the study (Bryman, 2009).

4.6 Transcription

According to Tjora (2012) doesn't translation from oral speech to written text-form exist. Instead, it is argued by Kvale & Brinkmann (2009) that transcription should be made in a suitable way, connected to the context of the situation of the interview. In this study have details events such as hesitation, laughs or other expressions been observe and transcribed using different symbols. The quotes shown in the results, taken from the interviews with Swedish speaking respondents, have been translated from Swedish to English by the author.

4.7 Limitations

Then the author has a Swedish nationality, an education in Swedish forestry and the study was supported from a Swedish agency it makes the study less objective in terms of diversified thoughts and positions from a broader variation of actors regarding the development and process of the EUTR.

Several interviews were conducted via telephone, some social patterns perceivable in face-to-face interviews might be not assessable in telephone interviews, and thus, descriptive nuances that further explain an experience or reasoning. Due to the time between the process of the EUTR and the interviews, memories of respondents were selective. The consequences of the selective memory can be that important events and actions has fallen in oblivion and that respondents may have modified their role and the procedure in the development of the EUTR.

4.8 Reflexivity

According to Alvesson & Sköldberg (2008) does the shape of the translation and interpretation of oral messages to written text depend on a number of different conditions. Tjora (2012) argues that it is necessary to reflect over how the translations and interpretations appears and justify the translation by "translating" it, e.g. the political, linguistically theoretical background can affect a translation. To clarify the position of the author in this master thesis a discussion

5 Material

In this study 38 different documents from the Commission, European parliament, the Council and position papers addressed from non-state actors during the development of the EUTR between 2008 -2013 have been used. The documents were found in prelex database, on the separate web pages of the different institutions on EU-level and provided by the Swedish agency (Annex 1) (ec.europa, 2014).

The interviewees were selected amongst those organizations and institutions represented in the process of the EUTR, according to their level of participation, covering the different EU institutions and CEPF, NSF and the environmental movement. In order to link the EU process with the Swedish position and understand how non-state actors influenced the EUTR process through the national level, domestic Swedish authorities involved in the EUTR process have been interviewed as well. In the following the respondents of interviews are listed:

1. Two Civil servants from the European Commission (DG environment) during 2008-2013 taking part in the EUTR decision-making process.
2. One representative from the European parliament during 2008-2013 taking part in the EUTR decision-making process
3. The non-state actors that had a frequent agenda between 2008-2013 and participated during the development of the EU timber regulation. The non-state actors were influencing the decision-making process through both participation and by lobbying the decision-makers. The non-state actors represented both the environmental movement, where the respondent required being anonymous, and two representatives from the private forest owners association represented by CEPF and NSF.
4. Six respondents from Swedish authorities, three from the Swedish forestry agency and three civil servants from the ministry for rural affairs that were representing Sweden, as members of the European Union in the Council, under the development of the EU timber regulation.

The interview material has been aggregated to protect the identity of the respondents. A randomly generated letter has referred to the respondents and the quantity of the respondents will be identified by represented organization in Annex 2. Furthermore, the author made repeated attempts to enact contact, primarily with E-NGOs but also with representatives of the EU parliament to increase the variation of respondents in the study, without success.

6 Results

The results are designed to follow the development of the EUTR through the most important topics relating to the theory and to certain events that were of major concern in the legal text. Each of the different categories declare the circumstances of the specific category and how the non-state actors has influenced the decision making process of EUTR. The results are furthermore divided in five different parts where; Part A discourse the legal text and the change of the content over time, Part B explain the ways of influence that the non-state actors used towards the decision makers and Part C the politics examines the external events that may have affected the regulation. Part D explain the rationalities for the non-state actors to lobby, participate and communicate and part E shows the consensus of the findings. The structure of the results, the mix of citations and body text summarize the most interesting results of the semi-structured interviews and captures how the non-state actors have influence the decision-makers in the process of the EUTR. The respondents are divided into five different groups where respondent A represent the forest stakeholders, respondent B the E-NGOs, Respondent C the Swedish authorities, respondent D the European parliament and respondent E the Commission. Furthermore is each category is linked to the context from the findings in the study.

In order to account for when the participation of non-state actors have been intensively a timetable over the years of when the various political events have taken place and how the level of participation has been perceived over time. Each year, cross-refers to the relevant part in the results where deeper understandings of the perceived participation are presented.

2008

The Commission held formal consultation meetings, released the impact assessment and proposed for the regulation. The participation by non-state actors was perceived as high in the formal joint meetings and through the whole consultation process where non-state actors via formal, informal and through coalitions influenced the decision-making process. The events that took place under 2008 are cross-referred in part A & B.

2009

EP and the Council propose for amendments on the regulation proposed by the commission (first reading) where participation was perceived as high among non-state actors, influencing the MEPs in the EP regarding the matters of the content of the articles in the legal text (categories). The events that took place under 2009 are cross-referred in part A & B as well as in part C in the results, due to the external effects of election in EP, Lisbon treaty and the Swedish presidency.

2010

EP and the Council propose for amendments on the regulation, released by the Commission (second reading) and found an agreement and adopt the regulation where the participation and lobbying by non-state actors to influence was perceived as high. The events that took place under 2010 are cross-referred to part A & B in the results.

2010-2012

The EP and council initiate the development of the delegated acts where the influence by non-state actors decreased to an observational approach, while other actors increased their participation. The events that took place between 2010-2012 are cross-referred to part A & B in the results.

2013

Implementation of the EU timber regulation at member state level

6.1 Part A – The legal text

Part A consists of the different sub-headlines that are linked to the articles in the legal documents, which have been of high importance regarding debate, discussion and influence from the non-state actors. In each sub-headline the position of the different actors in the study are examined, based on the interviews.

6.1.1 Definitions

The definitions were perceived as a major issue concerning the content and meaning during the EUTR process. Disparity in participation, involvement, strategies and the agenda setting were found among the non-state actors, concerning the influence and position.

Forest stakeholders and E-NGOs were participating in the discussion and debate when the definitions were negotiated in the EU-institutions, with a variation in perspective regarding the content and position, between the non-state actors (respondent D). However, the influence from the forest stakeholders was from them selves and by the some EU-institutions perceived as modest in (respondent A). Furthermore is the motivation to take part in the debate/discussion, regarding the definitions, varying between the different participants then the perspectives to participate differ.

Amongst the forest stakeholders, in particular the forest industries, has been identified as more interested in the definitions and how one define them than some of the forest related non-state actors (respondent C). It was perceived by the representative from the EP that the E-NGOs were more frequent in influencing the definitions under the negotiations in the EP in comparison to the forest stakeholders (respondent D). Additionally, the interest in the definitions was of high concern from the E-NGO side where they proposed for amendments and where more specific in their criticism towards how the definitions were defined, such as the definition of waste and what's included in it (respondent B). The participation and lobbying in the debate/discussion of the definitions amongst forest stakeholders varied, where some participants focused on the definitions and its content while other concentrated on more specific topics such as the due diligence system and the question of traceability, which divided the forest stakeholder in two groups, one as involved and one as more reserved (respondent A).

”We were highly involved and proposed for changes, we had a problem with waste and the definition of what waste was” (Interview, Lx2)

The approaches of establish contact and convey standpoints through amendments regarding the definitions differed between E-NGOs and forest stakeholder, where forest stakeholders mostly handed over the position paper with amendments and arguments when approaching the decision-makers in the process of EUTR (respondent D). The E-NGOs on the other hand gave the impression of mainly present their arguments by conducting dialogue with the decision-makers, which EP perceived as the general approach for the E-NGOs in the negotiations of the definitions (respondent B & D). The apprehensions from other participants were that E-NGOs mainly had a dialogue-oriented approach towards decision makers, when deliver their amendments, positions and standpoints regarding the content of the definitions and in general through the whole process of the EUTR. Simultaneously was one single E-NGO representative perceived as not dialogue oriented when approaching the EP and the Swedish authorities, both under the negotiations of the definitions and in general under the whole process of the EUTR;

“There was 5 or 6 person who was fantastic and really involved and they came from the E-NGO side. But one of the E-NGO representatives were aggressive and not at all dialog minded” (Interview, Ix1).

Definitions that have created more interests in participating and influencing the debate are e.g. the definition of placing timber on the market, the elements in the due diligence system and the discussion of traders, operators and suppliers (respondent E & C). Some of the Swedish participants from the ministry of rural affairs and the Swedish forest agency perceived some parts of the definitions as problematic and hard to apply in practice, particularly the definition of operators, where an agreement wasn't reached immediately (respondent C).

“We didn't quite understand what a due diligence system was and how to interpret it” (Interview, Sx1)

6.1.2 Prohibition of placing illegal timber on the market

The prohibition of placing timber and timber products on the market was perceived as the main issue in the EUTR process from a majority of the respondents. The debate of the prohibition of placing timber on the market generated conflicts in perceptions of the development of the EUTR between the respondents. The forest stakeholders were mainly against a prohibition and tried to release burden and exclude the forest stakeholder from the regulation, while the E-NGOs tried to get through additional reinforcements to achieve a solid regulation. Hence, has the influence from the non-state actors been intense during the discussion of the prohibition of placing timber and timber products on the market.

A majority of the participants in the EUTR process perceived the proposal for prohibition as the major subject of the development of the regulation, where the participation and lobbying was intense during the negotiations, in the EU institutions (Respondent A, B, C & E), simultaneously a single participant from the EP perceived that the discussion of the a prohibition of placing timber on the market wasn't of a significant character in terms of high influence from non-state actors (respondent D). The prohibition came originally from the ENVI Committee in EP, which has strong environmental interest, the forest stakeholder perceived that the ENVI committee and some E-NGOS had good connection and contacts that influenced the development of the content in the EUTR, in particular the development of the prohibition of placing timber on the market (respondent A).

The forest stakeholders perceived the proposal for a prohibition of placing timber and timber products on the market as alarming and the respondents amongst the forest stakeholders were expressed as unified, regarding a resistance against the proposal for a prohibition (respondent A & C). Furthermore was the prohibition seen as a heavy action to solve the problem of illegalities, wherein amendments and position papers were produced by the forest stakeholders proposing for a more flexible solution (respondent A & C). The proposal for the prohibition came, as mentioned above, from the EP and the ENVI committee and it was implicit that it would cover traders and suppliers as well, which would affect not just the forest sector, but rather surrounding sectors in the value chain (respondent A). Furthermore felt a majority of the forest stakeholders that the ENVI committee ran errand and took the E-NGO arguments and formulations as their own, straight into the debate in the EP (respondent A). However, the E-NGOs proposed in EP for an inclusion of traders and suppliers in the prohibition idea, which wasn't adopted in the end due to lack of sympathy among other participants (respondent B).

“There we lost, we wanted to have all of them, traders, suppliers and operators, we thought it should be much more fair to include everybody” (Interview, Lx2).

The interest of the prohibition of placing timber and timber products on the market has clearly divided the respondents into two different phalanxes. The E-NGOs perceived that the only reasonable solution to decrease the illegal trade of timber and timber products within the EU market was through a prohibition, more specifically to avoid loopholes that a more flexible solution could have caused (respondent B). Furthermore was the desired outcome from the E-NGOs that the prohibition should include all actors in the value chain to avoid deficiencies in the regulation (respondent B). The forest stakeholder on the other hand was clearly against the prohibition of the reason that it would hurt the PFO and the SMEs, caused by the forecasted administrative burden and the increment in cost linked to the prohibition in particular and the regulation in general (respondent A). Furthermore attempted forest stakeholders to gain sympathy for an exclusion of private forest owners from regulation, which wasn't accepted by the EU-institutions or the E-NGOs.

“We proposed to exclude the primary producers, the forest owners, from the process, both outside and in Europe. But this was not really acceptable to anybody, because the concern was that this would be a loophole for illegal timber to be exported to Europe anyway, that was our foremost argument” (Interview, Lx3).

The E-NGOs have strongly worked in collaborations with likeminded, both with other green NGO as with the institutions on EU-level, towards a fulfillment of the prohibition (respondent B). A majority of the respondents pointed at the collaboration between E-NGOs and the ENVI committee and refer to that as the key process and the main contributor for consolidate the idea of a prohibition in EP and furthermore the adoption into the regulation (respondent A, C & E). The collaboration was perceived as fruitful and bilateral by the E-NGOs whom didn't withhold the co-operation (respondent B).

“It is well evident that the environmental organizations have worked quite hard on the EP and the members of the EU parliament, one have, so to speak, been getting good contact with them.” (Interview, Rx1).

The discussions and negotiations concerning the prohibition have been communicated in a morality loaded way. Forest stakeholders and forest producing member states that opposed the prohibition felt neutralized by the discussion that was loaded with morality arguments, which located the discussion into a moral dilemma (respondent A & C). Furthermore perceived the forest stakeholders that one couldn't be against the prohibition without being pointed out as pro-illegal, which from the forest stakeholders view was a hard wave to work against (respondent A). The perceived consequence of the morally loaded argumentation was that the forest stakeholders had difficulties of highlighting arguments that explained how a prohibition of placing timber and timber products on the market could affect the forest sector and in particular the PFO (respondent A). The morally loaded discussion and the emotions that the regulation brought up to the surface prevented the forest stakeholders to fairly influence the decision makers;

“ [...] there was so hard to put facts on the table, it was just ignored, because who can be against illegal logging?” (Interview, Lx3).

A respondent from a EU institution emphasized the debate in the ENVI committee and the meaning and importance of being the one that sets the agenda for the discussion, which according to the respondent from EP will be the one that govern legislative process (respondent D). Hence, can the agenda setting and the defining of the problem to discussion be highly valuable and lead to an advantage in the ensuing negotiations.

“The topic that was of big concerns in the ENVI committee [...] the debate of blood timber and the civil war in Liberia.” (Interview, Ix1)

The proposal for the prohibition of placing timber and timber products on the market separated not only the non-state actors but also the EU institutions. The proposal from the Commission, released in 2008, didn't include a prohibition on operators, neither suppliers nor traders, which was agreed among all respondents. The Commission proposed for a system-based solution called; due diligence system that was build up on a system of information risk assessment and risk mitigation. The EP proposed amendments on the proposal with a jurisdictional approach embedded as a prohibition that wasn't perceived as elegant according to a Swedish authority (respondent C). Furthermore was the jurisdictional approach perceived to be linked with the ENVI committee and further on to E-NGOs that initially came up with the proposal for a prohibition (Respondent C). The Commission staff that created the origin proposal in 2008 perceived the adoption of the prohibition as a natural step, by referring to the US lacey that already was in the books and stated further that it was a political message from the EP and the MEPs (respondent E). Furthermore, by slightly ironical describe the prohibition as easier for the MEPs to stand behind, than explain the structure of the DDS, did the respondent from the Commission legitimate the prohibition for placing timber and timber products on the market as something all involved in the EUTR process could live with (respondent E). Meanwhile the PFO forecasted consequences for the future implementation for the prohibition; some forest related stakeholders were presumably benefit from the prohibition, such as some industrial actors (respondent E).

The division can be identified as well amongst the countries involved in the EUTR process. The perceived position of the negotiations of prohibition has not just divided interest groups and EU-institutions but also member states of the European union, where countries has been pro and con an adoption of a prohibition according to a Swedish authority (respondent C). The division is observable between countries that are perceived as forest consumers (pro) and countries that are perceived as forest producers (con) of timber and timber products (respondent C). Moreover, can a strong regulation benefit consumers in a trading situation while the reversed situation can occur for the trader, due to the increased administrative burden and extra costs (respondent C). Finally, in the voting procedure in the council Sweden was the only country that voted against a prohibition.

“The countries that primarily are consumers, the import countries, that doesn't have a domestic forest production, such as Denmark, Great Britain, Netherlands and Spain were driving for a harsh legislative act. They were apparently coordinated in the development for a prohibition and a strong legal act.” (Interview, Sx2).

The major perspective of the EUTR process among all actors was the foreign trade of illegal timber and not the forestry nor forest management in the European Union. The initial idea to find a solution to the illegal trade of timber and timber products through a system based solution was perceived as reasonable among forest stakeholders while the prohibition shifted the perspective and approach of how to solve the problem of illegalities (respondent C).

Furthermore was the scenario of a prohibition forecasted to have thoroughgoing negative effects on the forest producing countries within the European union, which was neglected by the forest consuming member states (respondent C). The E-NGOs played high on the prohibition card and embedded the arguments in a way that placed the countries and organizations that was critical to the prohibition in a situation of being pro-illegalities, which was perceived as placard policy according to a respondent from the ministry of rural affairs (respondent C).

“A prohibition in all its honor, but it is a very heavy action, there is other approaches to overcome illegal logging, that not are linked to trade; there are things that are equivalent terrible as cutting trees, that not are prohibited. It was hard to explain that, if you are against a prohibition, it doesn't mean that you are pro illegalities.”
(Interview, Sx1)

6.1.3 Obligations for operators in the framework of EUTR

The obligation for operators concerned some respondents more than others when some respondents were affected of the obligations for operators more directly. The forest stakeholders and the Swedish authorities had interest in limiting the obligations for operators then the respondents forecasted an increased burden, while the E-NGOs strived to strengthen the obligations for operators further.

The discussion of the obligations for operators was a point of high concern for forestry stakeholders and E-NGOs, whom participated and influenced the decision makers at EU-level. It was obvious, for the majority of the forestry stakeholders and E-NGOs that focus of the development of the regulation was on the operators that were placing timber and timber products on the market for the first time. The perspectives and scope of the involvement of the operators and whom that should be included in the definition differed among the forest stakeholders and the environmental movement. A participant from the European parliament perceived the debate as it was drifting in different directions with commercial interest on both sides, where some E-NGOs proposed for more flexible solutions, caused by chances of being disfavored by a strict legislative framework (respondent D). Furthermore did some respondents from the ministry of rural affairs perceive that the proposed amendments from the EP was outside the range of what the EU are allowed to decide about, in terms of forest and forest policy (respondent C).

“Given that the treaty not have a specific legal groundwork for a common forest policy, or at least when the concerns are on national level, at the member states, then many of the amendments that came from EP overhaul the European unions authorization”
(Interview, Rx1).

A distinction, amongst forest stakeholders and E-NGOs, concerning the regulation in general and particular in the discussion regarding the obligation of operators was present. The main approach for the E-NGOs was to strengthen the requirements for the operators to minimize the chances of loopholes and factors that could undermine the regulation (respondent B). However, the forecasted burden on the operators was perceived as central, to facilitate the safeguarding of the interests for the private forest owners and the SMEs according to the forest stakeholders (respondent A). Several operators, such as the private forest owners and SMEs, wasn't aware of that the EUTR was under negotiation at EU level and how the regulation probably could affect them. The forest stakeholder association proposed therefore for a release in responsibility and requirements for the operators to limit the possible burden

that according to several of the forest stakeholders could have considerable impact on the private forest owners, which was perceived as operators in the regulation.

“We tried to release the responsibilities of the operators and put more responsibilities to the public authorities” (Interview,Lx3)

6.1.4 Due diligence system

The due diligence system was viewed as an instrument that controls the observance of the regulation and raised a conflict between forest stakeholders and E-NGOs concerning the content of the DDS. How one should interpret it and what may be perceived as high -and low risk areas was topics in the discussions connected to the DDS. Hence, a powerful discussion proceeded of the content, where forest stakeholders strongly suggested minimizing the requirements for the operators, while the E-NGOs considered the DDS as necessarily.

The meaning of high and low risk areas, which was associated with the debate of DDS were perceived as diverse and caused an intense debate among the forest stakeholders and the E-NGOs (respondent A & B). Furthermore, in the early phase of the discussion, a confusion over the content was raised parallel with a debate of which approach that would be most efficient to solve the problem with the illegal trade (respondent D). However, the situation was perceived as diverse regarding the approach that would be adopted, where some participants, mostly from the environmental side argued, for stricter rules in comparison to the DDS approach (respondent D).

“The discussion on the subject of DDS was really, really big, but I also remember a discussion concerning pros and cons the whole DDS idea, that some wanted to replace the DDS with stricter rules concerning control, this discussion took place in an early stage of the development of EUTR” (Interview, Ix1).

A conflict between forest stakeholders and E-NGOs aroused concerning how to define high and low-risk areas and countries. At some point in the discussion the forest stakeholders perceived that more or less whole Europe was considered as a high-risk area, with trade by illegal timber from the E-NGOs (respondent A). Furthermore, felt the forest stakeholders that the discussion was incomprehensive, in particular when countries that were accused to being a high-risk area had mandatory forest plans and felling licenses as proof for legality (respondent A).

“To some point more or less whole Europe was considered to be high risk by some green NGOs and we had a lot of discussion of what to consider to be high risk, like Estonia was considered to be high risk for a long period even though they had mandatory national forest plans and felling licenses and stuff like that” (Interview,Lx3)

Forest stakeholder aimed to minimize requirements for the private forest owners in the discussion of DDS and claimed that a fulfillment of the national legislation would be proof for legality (respondent A). Furthermore, as a solution, the forest stakeholders attempted to implement a compromise in which the private forest owners become exempt from the regulation, where they wasn't forced to consider the concerns of the DDS (respondent A). The attempt from the forest stakeholders to influence the other participants in the EUTR to accept an exemption of the PFO from the requirements wasn't successful.

“We wanted basically the minimum, if you as a forest owner fulfill the national

regulation would be proof of legality and the proof should be like reverse, it should be up to the public authorities to proof legal logging, not vice versa” (Interview, Lx3)

The matter of what should be included in article 6 that was the article that handled the scope of the DDS, from the proposed regulation by the Commission, was of high concern for the participants involved in the EUTR and culminated in a discussion of the structure of the instrument. The due diligence system was of the Swedish authorities perceived to lack a clear substance structure, making it difficult to identify and interpret (respondent C). Moreover, at some point in negotiations some participants from the environmental movement experienced that a traceability register would be a necessarily as a part in the DDS (respondent C). The forest stakeholders and Swedish authorities view this proposal as unacceptable and unrealistic, due to the mission of tracing the origin of timber, timber products and fibers in timber products to secure that it comes from legal sources (respondent C).

“I remember that the issue concerning DDS in article 6 and what should be included in the information demand was a hot topic for everyone. What should be included and what should not be included” (Interview, Sx3).

6.1.5 Small and medium scale enterprises and private forest owners

The discussion of small and medium enterprises (SME), private forest owners (PFO) and large corporations were of high concern for the forest stakeholders and the Swedish authorities, caused by that diminutive consideration had been taken in differentiate the requirements between SME and PFO from the large corporations.

The discussion of PFO and SMEs was of high concerns and interest for forest producing and exporting countries such as Sweden, Finland and Austria. The concerns from the forest stakeholders consisted in general of the possible increase in burden for the ordinary forest owner, that relies on the domestic system in the forest exporting and producing countries (respondent C). The Swedish authorities had concerns regarding the risk of being forced to adapt to more or less unfair system of observance by the EUTR, as the E-NGOs were perceived to co-operate and influence the forest consuming member states in the council, that had the same strict view as the E-NGOs, which would affect the forest sector at national level (respondent C). Furthermore raised the Swedish authorities concerns of the debate about, according to them, the unreasonable traceability systems and the apprehension over the E-NGOs that were seeking for a too strict system to stop the illegal trade (respondent C).

“The E-NGOs endeavored to find a bulletproof system to fight the illegal trade of timber. A bulletproof system to fighting illegalities is to stop all trade, which is unachievable if one aims to have a business at the same time. The E-NGOs put no energy at the thought of who should pay for everything, that’s were not included in their plan” (Interview, Rx1).

Furthermore, was it perceived, from the forest stakeholder side, that existing domestic systems that works in relation to the circumstances in the domestic country was neglected in comparison to the EU perspective, to avoiding loopholes and develop a strict framework to fight illegal trade with timber and timber products (Respondent A).

The forecasted increment in administration alongside the possible cost burden for the SMEs and the private forest owners was recognized as substantial concerns from the forest stakeholders, the other dimension of the regulation was the possible risk of making timber less competitive in relation steel, concrete and other petroleum based materials (respondent A). In

order to realize the assumptions of the burden, calculations that explained the proportion of the affected for SMEs and PFO with two employees and the worst requirements, to be legal in the framework of the regulation, were made in collaboration between Cei-Bois and the forest stakeholders (respondent A).

“In this regulation, I think it was of grand understanding that many SMEs would be afflicted of this regulation, without their knowledge, at the time the regulation was discussed, while the big actors already had systems for this kind of regulations”. (Interview, Sx2).

The division between SME, PFO and corporations as well as the differences in perspective between them was recognized as an important issue that led to a debate regarding the reasonableness of treating all actors equally in the EUTR. There was an perception from in particular the forest stakeholders and the Swedish authorities that the globally known corporations wouldn't be affected by an cost increment while the forecasted extra cost would affect and treat the PFO and SME unfair in relation to the large corporations (respondent C & D) Moreover, was the opinion that all actors couldn't be treated with the same requirements, a harmonization of requirements over all actors was unreasonable according to the representative from the EP and some representatives from the ministry of rural affairs (respondent D). Consequently is policy work at EU-level not a prior for SMEs and PFOs in their day-to-day business according to a representative from the ministry of rural affairs (respondent C).

“If I compare a SME or PFO with IKEA, which are big and have surrounding world analysis and such things, it is unreasonable for SMEs to have the same surrounding world analysis as IKEA. They have analysis that cover their market and do not look into specific policy discussions on EU-level, which can explain why the participation from SMEs was weak in the beginning. They weren't aware of the current situation in the development of the EUTR, until we started to ask questions regarding their situation, they didn't ran any processes but rather answered questions that came up in the process” (Interview, Rx1).

The E-NGOs have been criticized, especially from forest stakeholders, by their perception of the regulation, that it will harm the forest sector and the private forest owners, caused by the viewpoint that E-NGOs don't need to handle the consequences of their actions in the regulation (respondent A).

In turn argued the E-NGOs to shorten supply chains and strengthen the legislative act, as only reasonable solution to decrease the trade with illegal timber and timber products (respondent B). They reason that the control is more simplified with less levels of distribution and through an increased allocation of the administrative work to the member states (respondent B), while the forest stakeholders argued for a reduction in requirements and that responsibilities were put on the public authorities in the member states (respondent A).

“For us it was important that the operators would be covered, as well to say that; the shorter supply chains the easier it normally is” (Interview, Lx2).

6.1.6 Delegated acts

The delegated acts were added to the main regulation to increase the knowledge of the implementation of the regulation and further explain how the member states should use the

DDS instrument. During the negotiation of the delegated acts one representative from the Swedish forest agency observed that the awareness of the main regulation, and how it might affect certain actors, increased as well as the lobbyism towards the institutions at EU level.

The overall picture from a majority of the respondents in the development of the EUTR was that the degree of explanation was missing in some articles after the adoption of the main regulation. The perception among the non-state actors was that they decreased their involvement towards the decision makers under the development of the delegated acts (respondent A & B). Furthermore was the discussion transferred, in particular to the EP and the council, where the debate was viewed as intense among the member states and MEPs in the EP (respondent D).

Despite the decrease in influence from the Non-state actors in the negotiations of the delegated acts a single respondent from the Swedish forest agency perceived the influence from E-NGOs, forest stakeholders and import countries as strong during the negotiations (respondent C), as was the influence performed towards the decision makers as both informal and formal at both EU and national level (respondent C). Although the delegated acts were negotiated in the end of the developed of the EUTR, the single respondent from the Swedish forest agency meant that an increased awareness among some non-state actors and import countries were raised, which had not been raised under the negotiations of the main regulation (respondent C). The new awareness concerned the consequences and the difficulties of achieve the requirements that the regulation placed on the actors (respondent C). To sum up, the lobbying was viewed as increased, as some actors became more aware of the consequences and realization of the requirements in the latter phase of the development of the EUTR.

“In the beginning of 2010 we had a meeting and the participation from stakeholders were not that much, I think the different organization realized the consequences late in the end of 2012 and that they understood that it might be a hard task to fulfill the requirements that were put on them. In December 2012 we held a meeting and then the participants understood the acts on deeper level, before they just had an overview idea of how this may affect them, the atmosphere was rather upset at that meeting.” (Interview, Sx1).

6.2 Part B – How to influence the decision-makers

Part B consists of results explaining the different approaches that non-state actors have use to influence the decision makers under the EUTR process on EU-level as at national level.

6.2.1 Ways of influencing

The ways of influence are the assembled terms for the different forms in which influence was performed at the development of the EUTR. The non-state actors have used formal consultation, such as participate in hearings and open meetings organized by the EU institutions and used informal consultation through different channels to reach out with their standpoints towards the decision makers. The non-state actors have also been working in coalitions with likeminded to influence the decision makers as a group. The formal consultation was perceived as a small fraction of the summarized lobbyism and participation performed by non-state actors.

The Commission undertook comprehensive consultation before they made a proposal for a regulation and throughout that work they were in contact with forest stakeholders and E-NGOs through hearings, open meetings and web-based surveys (respondent E) The aim of the

formal meetings were to increase the awareness of the participants' standpoints and make them visible to accumulate information and broaden the perspectives on the views of the EUTR (respondent E). After open consultation an intense internal debate took place in the Commission where the internal negotiations in the Commission were formed by the feedback from the formal meetings and from the antagonists in other DGs, whom together with the responsible DG needs to find an agreement to be able to propose for a regulation (respondent E). Furthermore, the system of negotiation was, with other DGs, recognized as a control system to avoid biases (respondent E). The attendance amongst the participants was understood as high through the channels that the Commission provided during the consultation phase (respondent A & B).

“We did it all, we did participate in all the stakeholder meetings” (Interview, Lx2)

The formal consultations were moreover viewed as complex and severe for some non-state actors, in the mission to address and express their specific view under the formal meetings (respondent D). The fact that some non-state actors managed to define the discussion initially increased the complex task of change the direction of the discussion later, which was perceived as a dilemma for the forest stakeholders (respondent A & D). To further explain could specific arguments, facts and certain questions, that was important for a certain non-state actor, fall out from the agenda, caused by the fact that other non-state actor initially defined the discussion and took the discussion in another direction (respondent D).

Furthermore has the organizer of a formal meeting the freedom to invite the participants and can thereby be selective. Thus, the organizer has freedom to invite supporters or opponents, or both. If a hearing should be fruitful all sides in a debate need to be present, this has not always been the case in the formal meetings at EU level, according to a representative from the EP (representative D). The quality of the hearing are hence dependent of the commissioner that organize the hearing, whom have an important role in how the common view from the non-state actors are addressed to the Commission (respondent D). Furthermore was a perception from some forest stakeholders that DG environment and some E-NGOs had rigged the whole regulation in advance by highlighting one side of the regulation in the proposal for the EUTR regulation (respondent A).

“If you look at the public hearings, these have been both good and miserable. It all depends on how frank the commissioners are who organize the hearing. I have visit hearings regarding forestry issues were only one side has been present and discussed this among likeminded, just to get the participants to feel that they have got the opportunity to raise their view. They will influence nobody and talk mainly for one another, but some of the hearings have been good, especially dose in the beginning.” (Interview, Ix1).

Formal consultations represent only a small part of the work that the forest stakeholders and E-NGOs do to influence decision makers. The perception from a majority of the respondents were that the opportunities for formal consultation is limited, while the opportunities for informal consultation are endless and only depend on resources and numbers of employees (respondent A).

“[...] the official meetings are only a small fraction of the work, the real part is the informal meetings.” (Interview, Lx1).

The allocation of the resources and energy spent on influence by the non-state actors need to

be spread among the EU-institutions as the different institutions have different agendas (respondent E). Furthermore said a civil servant from the Commission that the interaction with the Commission during the negotiation phase was of less importance than the debate has moved to the EP and the council (respondent E). The interaction with the Commission, formal as informal, was viewed as the most important interaction to interact with before the proposal for EUTR was released, which all respondents were agreed about.

“During the negotiating phase the interaction with the Commission will be much less of priority for stakeholders, trying to establish the position of the two, to influence the position of the two co-legislators, the EP and the council is a better idea.” (Interview, Ix2).

Informal consultation through meetings, lunches, corridor politics and other face-to-face meetings has occupied the non-state actors agendas under the development of the EUTR and has been of high relevance in their work to influence the decision makers. All forest non-state actors have, through informal channels, been able to put forward their standpoints and highlight important points to the decision makers, directly or indirectly through their personal assistants in EP, the Commission and the Council. The perception from the non-state actors was that the informal channels into the Commission, to influence the text before it was released, were of high importance to accomplish change in the content in comparison to influence the MEPs in the European parliament (respondent A).

“We lobbied informally towards Commission staff towards the cabinets of the commissioners, through any source we had in the commission to influence the documents before they were released” (Interview, Lx3).

In addition to the face-to-face meetings the instruments that forest stakeholders and E-NGOs used was position papers sent directly to the decision makers or handed over personally, which provided the decision makers with suggestions for amendments. To establish good contact with the politicians and the civil servants in the EU-institutions, to co-operate with and provide arguments to through dialogues, discussions and meetings perceived as the common approach for all non-state actors (respondent A & B).

“We organized meetings with different people in the EP, with member states and in the commission, it works like that: you send briefings and so on.” (Interview, Lx2).

Many respondents mentioned one or several factors that facilitates and describes the success in the consultation work from a general perspective: **i)** Resources (monetary and human), **ii)** Contacts, **iii)** Arguments and **iv)** Status of the trademark (respondents A, B, D & E) The respondents meant that if resources were the essential factor, then substantial resources probably correlate with increased possibilities to influence; to establish contacts that you can trust and rely on and vice versa; adopting arguments that are relevant and comprehensible in the context of the matter while the status of the trademark was perceived to give some non-state actors an advantage in the debate in relation to others, due to the legitimacy factor of the trademark (Respondent A, B & D).

“Some of the E-NGOs gain credibility through their trademarks and how they work. Ideally should one have a fuzzy boy or girl, that are sad because they can't bring their tame rat in to the meeting, it mediates such a delectable symbol off what they are passionate about”(Interview, Ix1).

Resources, human and monetary, were perceived as an essential factor from all participants for influencing political decision maker at the EU (Respondent A & B). Moreover, the likelihood to influence and make an impression on the decision makers was recognized to increase with the amount of monetary capital and staff members that are able to be part of the lobbying work (respondent A & B). However, one can assume that the industry have the best resources while the E-NGOs outcompete the forest private owners associations under the EUTR process. The advantages of E-NGOs in comparison to forest owner association have affected the allotment and potential of influencing the decision makers at multiple level, in the development of the EUTR (respondent A).

In addition to the resources, contact with the general directorates was understood as essential to successfully influence the decision and the decision makers (respondent A & B). The forest stakeholders particularly perceived the responsible DG as a hurdle to communicate their views and meaning with, due to lack of informal contacts in DG environment and a common platform to discuss the matter on (respondent A). Forestry issues are often linked to DG agriculture that regulates forest policy issues through a different angle than DG Environment does (respondent A). The limited contacts and informal channels in DG environment have most likely affected the opportunity to influencing the decision in the early phase (Respondent A). One forest stakeholder meant that if the DG agriculture would have had the lead on the EUTR the discussion probably would have been different in favor to the view of the forest stakeholder, caused by the good contact between DG agriculture and the forest stakeholder (Respondent A). The understanding of the informal contacts was that some respondents were referring to friends and non-friends when they described and expressing their informal channels, which more often was used by forest stakeholders than the E-NGOs. Additionally, it was perceived that a good lobbyist builds strong relations to those he or she is attempting to influence and as a result personal relationships among interest groups and decision makers occur (respondent C & D).

“The informal process prior to the public publishing of the paper, before it has been public it is very, very hard to influence. We didn’t have many friends in that part of the Commission, we have a lot of friends in DG agriculture but not many good connection in DG environment, who had the lead on this.”(Interview, Lx3).

The good informal relation among the E-NGOs and the DG environment was perceived as benefitting the E-NGO view and their standpoints in the development of the regulation (respondent A & B). The impression from forest stakeholders was therefore that the proposal was written more or less by the E-NGOs and the Commission staff in the DG environment, by informal consolation meetings, without any consultation and scrutiny by other actors involved in the process (respondent B).

“What came out from the commission was more or less a lightning from a clear sky, nobody saw that this would be the approach.”(Interview, Lx3).

Besides the contact with the DG ENV, the relationship with the ENVI committee was considered to be very important for the non-state actors, in particular the E-NGOs. The ENVI committee’s importance derives primarily in the fact that the committee, through their rapporteur, conveyed most of the proposed amendments regarding the regulation in EP, where the rapporteur was perceived to be the main person to influence. The rapporteur was furthermore a representative from the green party and was considered to stand behind the E-NGOs view and highlighting E-NGO argument to the EP (respondent A). The perception was

furthermore that E-NGOs had provided the rapporteur with argument, numerous amendments and with campaigns, which limited the chances for the forest stakeholders of through a voice in the committee convey the standpoints and arguments straight in the EP (respondent A). The good contact with rapporteur was nothing that the E-NGOs denied, they saw it rather as a matter of course to have good contact with rapporteur in the case of EUTR (respondent B).

*“We had good contact with the rapporture, because it is the main person”
(Interview, Lx2).*

*“ [...] the rapporteur was feed, paid and sponsored particular from the British
NGO side” (Interview, Lx3).*

Despite poor odds of engaging and establishing good relations in the ENVI committee, the forest stakeholders manage to get a strong allied in the ENVI committee that they could communicate with under the negotiations in the EP (respondent A). It was furthermore perceived that all active non-state actors strived for the attention of the ENVI committee and in particular the rapporteur during the drafting process in EP (respondent A & B).

The informal contact with the decision makers appeared to be on a personal level trust as the main foundation of the relationship. Both forest stakeholders and E-NGOs have their informal channels into the EU-institutions and through that, to the decision makers but none reveled in what institution and which position the contact had (respondent A & B). As mentioned earlier some respondents, especially from the forest stakeholders, who used the word “friend(s)” when they were describing allies in the different institutions.

*“There are different lobbyists and there are different views in different DGs, of
course all lobbyists will find friends in some issue, in all issues. We have people we
can trust and where we can get information [...]”(Interview, Lx3).*

Under the development of the EUTR the consultancy work proved to follow a trend where non-state actors influenced the decision-making process at various stages during the development of the EUTR. The influence, mostly informal, was put on the decision makers before the proposal for a regulation was released and under the drafting period in the EP then the two occasions were perceived as where one could influence most efficient (respondent A & B). All non-state actors meant that a major achievement in the influencing the process occurs when one manages to influence the text before it is released. Furthermore, was the perception from the forest stakeholders that its more efficient to influence a text before it is released than influence specific MEPs to vote in a particular direction (respondent A). An additional perspective with regards to influencing MEPs is that they have an intense schedule and meet a lot of actors, when they negotiate forest issues in the first hour and nuclear the next (respondent B).

*“There are many more decision makers in the parliament, so you need to influence
much more members of the EP to have the same result as in the commission. The
Commission is writing the text so if you can change a sentence in the proposal, it is
more powerful than putting forward an amendment in the parliament, which might
not be approved anyway.”(Interview, Lx3)*

Another interesting insight was that the Commission gives away draft papers before the official launching date for different reasons. All respondents was unanimous in the fact that EU-institutions do leak information and draft papers before the official launching date; the reasons of the leakage, however, differ between the respondents. The understanding of why

EU-institutions leak documents was, according to one forest stakeholder, some kind of “Brussels spirit” and dismissed the leakage as; “ that’s the way it goes in Brussels” (respondent A), while a majority of the respondents addressed the leakage of information as a ritual that have ideologically rooted, political and personal bonds (respondent A, B, C, D, E). There is however not guaranteed that EU institutions always share documents before the launching date, but it can happen and it has happen which raise the question of transparency in the decision making process in the European Union in general and the EUTR process in particular (respondent B)

Transparency in the decision-making process is absent in the European Union, which is amongst the non-state actors were seen as a problem. The perception of being transparent is to follow the ethical rules and accept the catchwords that are stated by the European Union. However, a respondent from the E-NGOs meant, if one knows the game of lobbying one know how to be transparent; while, despite of knowing the rules of transparency, no one wants to reveal whom he or she have talked with, which just add a more complex layer of scrutiny to the debate of decision making and transparency in the European Union (respondent B).

“[...] I think there is really bad lobbying in other areas.” (Interview, Lx2)

The social events and the informal meetings in the corridor can make the fulfillment of the goals of transparency difficult to achieve and keep record of. A respondent meant that the rules of transparency are peculiar and that the only one that benefits of more transparency is the restaurant close to the European parliament (respondent D). Informal contacts and influences are regarded not only as a way to grasp different perception of the stakeholders and E-NGO, but as well, as a necessity to put the decision making procedure in context. Without the input from non-state actors in the decision process a lack of diversity and awareness would occur and more fragmented decisions would probably be taken.

“[...]if one starts to threaten that freedom of lobbying, you get more politicians that make decisions in ivory horn and that’s extremely dangerous.” (Interview, Ix1).

How to communicate a standpoint or view varies due to the different communication culture/ lobbying culture between E-NGOs and forest stakeholders. Some respondents perceived the influence, from certain actors as aggressive and some as friendly and made parable with how people connect on a personal level in the daily life (respondent C & D). One respondent deemed that the success of contact making mostly depends on the person and his or her approach towards the decision maker; a respondent meant if one connect with someone a fruitful discussion and cooperation probably occur, the respondent regards further that trust must be mutual between the two parties (respondent C). A division among forest stakeholders and E-NGOs was perceived regarding communication approach where the forest stakeholders mainly convey their message through position papers and the E-NGOs used an dialogue approach towards the decision makers (respondent D).

“E-NGOs has more of a meeting discussion culture towards decision makers than stakeholders, which normally leaves a list with substantial arguments, there is a difference in how these two groups builds relations.” (Interview, Ix1).

Being a part of a coalition with other actors has been perceived as consistently for all non-state actors; and two different groups or coalitions has been observed; 1) Network of forest stakeholders and 2) network of E-NGOs working together to achieve a position and to

influence the decision makers with aggregated power. The forest umbrella organizations that are active at EU-Level consist of national forest organizations and works in coalition with different national forest stakeholders, the forest industry and others organizations related to forestry (respondent A). The E-NGOs worked in coalition with other green organizations and national NGOs, mostly UK NGOs to approach the decision makers with greater force (respondent B) The E-NGOs that worked together were coordinated and was perceived by e.g. representatives from the Swedish authorities to have a common agenda (Respondent C).

“We tried to work in coalitions were possible, with other NGOs and sometimes we went on our own. Normally when we are doing things in Brussels it was always with other E-NGOs [...] briefings are always together.” (Interview, Lx2)

The Commission initialized the idea of building coalition between these two networks by invite them before the proposal was released to connect the two different views of the civil society, regarding the content of the regulation. The Commission viewed it necessarily to unite forest stakeholders and E-NGOs in a joint meeting to observe the reactions in direct contact regarding details in the regulation (respondent E).

“I mean every group of specific stakeholder have a specific interest so they may have an operating joint interest, but then they all going to specifics so that we did meetings for as a whole. So in a way all of them were invited and we made a point of bringing the NGOs and the industry together, because we wanted to hear how they reacted in indirect, I wouldn't say confrontation, but in direct contact.” (Interview, lx2)

It also appeared that the member states, that had the same perspectives on the development of EUTR, were united in coalitions with like-minded. The member states that were perceived to be consumers (UK, Spain and Netherlands) were related to one coalition and producers (Sweden, Finland & Austria) to another coalition (respondent C).

“It is the like-minded forest country's that we traditionally have good alliance with, such as Finland, Austria and the Baltic country's but also Czech and to some extent also Germany.” (Interview, Sx2)

6.2.2 Influencing at national level

The non-state actors have through national offices and forest authorities influenced the decision and the decision-makers with a multilevel strategy to influence the decision-making process at both national and EU level.

National formal stakeholder meetings were held, with the Swedish forest agency as initiator in which the standpoint from Swedish forest stakeholders and E-NGOs were highlighted (respondent C) The Swedish position at EU-level has its origin in the political standpoint of the issue, analysis of the consequences of the EUTR and the assembled view of the interest groups (respondent C).

“On a Swedish level we organized stakeholder meetings [...] Here they had opportunities to come up with suggestions in a formal manner, our position [...], it is a product of political standpoint, analysis and the assembled picture of the stakeholders from the consultation meetings.” (Interview, Sx2).

Lobbyism and participation from the civil society and corporations are built in the EU-system together with the three EU-institutions. This is regarded as differing from the system that is practiced in Sweden. However, many stakeholders on national level chose to have informal contact with Swedish authorities collecting information from Swedish stakeholders (respondent A) These informal contacts was however not viewed as lobbyism but as collaboration between the stakeholders and thus very valuable. Whilst lobbyism instead is perceived as something ethically intolerable;

“Next after murder and child abuse lobbyism comes on the list of awful things to do in Sweden.” (Interview, Ix1).

From a national perspective was some interest organizations viewed as more active in their influence towards the Swedish authorities (respondent C). The Swedish authorities, mostly the Swedish forest agency was available for informal meetings that some non-state actors took advantage of and influenced via dialogue, position papers and personal contact such as e-mails and phone calls (respondent C). The forest stakeholders and E-NGOs influencing at EU-level also influenced the national authorities to affect the opinion of the member states by approaching the decision makers before meetings and drafting periods, using different forms of informal consultation (respondent A & B). A respondent from the ministry of rural affairs, active at both national and EU-level, meant that the participation from the civil society had been strong, where the respondent included both the environmental movement and the private forest association in the civil society (Respondent C).

“Secondary, we also worked with the national members of the forest institutions, to influence the documents before they were released.” (Interview, Lx3).

6.3 Part C – Politics

Part C examines the results assuming that external effects may have affected the development and the outcome of the EUTR process. Under the development of the EUTR three political events occurred that might have been a contributor to the outcome of the main regulation. The fast drafting process in the EP where MEPs lobbied for themselves in the ethical loaded discussion to be re-elected, that the Swedish presidency limited necessarily actions in the council and that the Lisbon treaty came through and increased the legislative power of the EP, have influenced the elaboration of the regulation.

6.3.1 Election in EP

In 2009 the European Parliament advertised for election and at the same time the EUTR was under negotiation in the EP and Council (respondent C & D). One affects that the election may have had on the development of the EUTR is that the drafting process was quick then the MEPs had a re-election campaign to focus on (respondent C & D). Furthermore did the swift drafting process put the Council in a stressed situation to find an agreement (respondent C). The fast drafting process in the EP was pointed out as an effect of the increased activity in the EP, among the MEPs, that prepared for their re-election campaigns (respondent C). A respondent meant that the members of the European parliament are forced to be re-elected, to be employed, which force them to be strategic in their political role towards their home opinion (respondent D). This was also seen as a chance for the E-NGOs and forest stakeholders to put extra energy and resources in their participation and lobbying towards the MEPs in the EP (respondent C).

“If you are a forest stakeholder or E-NGO you might need to choose your intervention, one need to prior if the organization shall do its selected measures in

the start of a election period or in the end when the MEPs are preparing for re-election, besides the MEPs working harder and the civil society can manage to get amendments in to the regulation (Interview, Rx1).

Members of the European parliament are dependent of being re-elected and due to that reason a contra position to an ethically loaded issue like illegal logging may not be possible. Some of the respondents were arguing that it might be a strategy for some stakeholders or NGOs to exercise selective measures, either in the beginning of a term, when the members of the European parliament are new, or towards the end when they are pushing for re-election, in addition to the MEPs to find a question that they could bring home to their constituencies (respondent C).

“One can imagine that a MEP, in the end of a length of office, search after factual questions that one can shape against its domestic public opinion, through the domestic electors.”(Interview, Rx1).

6.3.2 Swedish presidency

The Swedish presidency in 2009 put Sweden in a special situation where the codex of the presidency, which consists of a implicit structure in which one does not operate from their own agenda six month before and six month after the presidency period (respondent C). This forced the Swedish representatives to aim for an objective perspective.

”It did narrow our opportunities to be more critical and release our proposals. One example, that we brought up for a period, was to shift focus from the first seller to the first buyer, but it become to hard for the Czech presidency, so we did let it go.”(Interview, Sx2).

6.3.3 Lisbon Treaty

The Lisbon treaty came into fruition in December 2009 in which power of the European parliament increased, in the shape of co-decision procedure with the council (respondent D). The European parliament gained increased power over the legislative decision-making procedure of the EUTR, which may have affect, the development of the EUTR (respondent C). Furthermore, a respondent believed that EP used their power that they gained through the Lisbon treaty during the negotiations of EUTR;

I perceive that there was a heavy pressure from the EP because this was the first, in our political area, where EP could adapt their new power, which they got through the Lisbon treaty, they where active and came up with a lot of amendments.” (Interview, Sx2).

6.4 Part D - Rationalities for participation & lobbying

The examination of the results with regards to the rationalities for participation and lobbying by non-state actors are presented under part D. Every NGO, stakeholder or corporation have a specific reason to participate, influence and communicate in a decision-making process. Some actors will raise the voice for the civil society whereas others will increase their market shares. A reason to participate for the forest stakeholders were to safeguard interest of their members while the E-NGOs partially strived to satisfy the contributors that support their organization.

The rationalities for forest stakeholders (private forest owners) in trying to influence political decision making at the EU is to safeguard the interest of the forest actors in Europe, which contents of; strengthen the economical viability, the social factors, ecological responsibilities,

and also maintain the cultural heritage in the private owned forests in the EU (respondent A). The E-NGOs represent the voice of the society and are in general dependent on contributions from founders, from the civil society, to have resources to influence decision makers (Respondent B). Furthermore was the viewpoint from the respondent in the EP that some E-NGOs have a trademark that legitimizes them as good and caretaking regarding societal concerns such as nature and animals, which in some cases can give them competitive advantages towards other interest organizations that may be perceived to have ties to the industry (respondent D). These types of societal organizations often represent a view that a good number of the civil society stands behind, which gives the organization legitimacy (respondent D).

“The companies make their profit from a product and often have lobbyism and participation in policy-making procedures as a side activity. While for instance WWF has a business idea that include an impact and that people becomes members, by becoming contributors, if WWF in return, can deliver results that the contributors demands.” (Interview, Ix1).

6.5 Part E - Consensus

Part E presents the results for when the non-state actors reached a consensus during the development of EUTR. To reach an agreement the willingness of compromise is necessarily, all respondents involved in the EUTR were willing to compromise, however the forest stakeholders was perceived to have compromised more than E-NGOs. All respondents found that they had been successful in the EUTR process despite that the E-NGOs according to themselves got more than 50 % of their amendments taken up in the regulation.

Both the forest stakeholders and E-NGOs found that they have been successful in influencing the development of the EUTR. The participation by E-NGOs in the development of the EUTR was successful and the proposal for prohibition for placing timber and timber products on the market, which came from the E-NGO side, was taken up in the regulation. The prohibition for placing timber and timber products on the market gained sympathy among the MEPs in the European parliament and among a good number of member states in the council (respondent E). The forest related organizations were aiming for a release in burden for private forest owners and SMEs to make the regulation easier to implement and avoid harming the private forest owners and SMEs on national level (respondent A).

A forest stakeholder emphasized the importance of compromising and in the end find a suitable solution that all actors can accept and view as reasonable in the context of their aim of influencing the decision making process (respondent A) Furthermore, admitted the forest stakeholders that they were satisfied with the outcome of the regulation, even if it not in fully was in line with their view of forest policy (respondent A). A respondent from a E-NGO meant that they certainly had provided input in the public consultation, when the commission presented the option five in the proposal, which had been discussed before in the line of the four other options (respondent B). All non-state actors were satisfied with the outcome and deemed that they got amendments taken up in the regulation;

“Yes it has, not all of it but yes, more than 50%” (Interview, Lx2)

“I think we manage to bring the impacts on European forestry into the context and I don't think it was really considered in the beginning of the process. We manage also to activate members of the parliament, which were not really aware of the

negative impact that this would have on the forest industry and forest owners in Europe.”(Interview,Lx3).

Forest stakeholders and E-NGOs agreed that the development of the EUTR had been full of compromises. A proof for the compromising situation may be the negotiation regarding the prohibition of placing timber and timber products on the market where the E-NGOs proposed for a prohibition on the whole value chain, which wasn't adopted into the regulation. A respondent from an E-NGO deemed that lobby work is about give and take;

“I think we succeeded, of course there are always compromises, if we had written the documents it would have been a big difference in some places but of course this is totally acceptable by us, we are happy with it, but it is not fully in our line but it is good. This is always the case, of course, you need to be realistic, one organization can't write the legislation, it is like this which I think is good.”
(Interview, Lx1)

A complementing perspective came from the EP representative whom meant that there is rare that decision makers change their opinion due to lobbyists and lobby work (respondent D). Furthermore, meant the respondent that the main approach from an institution, MEP or civil servant often is steady and evident, and that lobbyism from different organization more finely adjusts these fundamental attitudes than change them;

“I have very, very seldom perceived that decision makers change opinion due to lobbyism. One has a fundamental view of forest products as better than nonrenewable products, and forest products are important [...], and of interest to maintain. Then one has things that one want to avoid, it depends on where you set the limit”
(Interview, Ix1).

7 Discussion

The purpose of this master thesis was to survey how and if the non-state actor participated and lobbied the decision-makers under the EUTR process. Focus has been on the Swedish view of the EUTR process and to study how and if the non-state actors have approached the decision-makers at EU - and national level, to change the content of the EU timber regulation. By study how and if the non-state actors have influenced the decision-makers through formal and informal consultation and by approaching the decision-makers in coalitions with other actors, the results show that the role of the non-state actors have been important. The supranational decision-making regarding forest policy is of high concerns for the Swedish non-state actors, as it will put pressure and demands on the private forest owners, SMEs and the forest sector in general, with the absence of legal frameworks at EU-level. The Swedish view of the process and development of the EUTR, and how both national and international non-state actors have influenced the decision and the decision-makers in the case of EUTR is of great interest in this study.

In the white paper on EU governance the Commission (2001) seeks for an increased interaction from the civil society in a more systematic way to increase the democratic process in the decision making process in the EU (Commission, 2001). The interaction and role of the civil society in the EU decision-making process can be seen as implicit, due to the facts that the frameworks and systems for participation for the civil society not has been fully developed in the European union.

To enhance the democratic perspective in the EU decision-making process, channels for non-state actors to participate in needs to be provided. Kohler-Koch & Buth (2009) argue that organizing effective participation may turn organized actors in to pure lobby organizations, than efficiency calls for elitism and effectiveness calls for specificity. Furthermore, knowledge and resources is important factors to accomplish efficiency with the potential chance of transforming the civil society groups to organizations that strives for long-term survival and the realization of their political agenda.

Moreover was Lobbyism understood as a loaded term at national level, often equalized with unethical tactics while it in the European Union is a highly important pillar to engage the civil society into the decision making process. Participation on the other hand are perceived as something that can make a good as cooperation and sharing of information to further develop systems in a democratic manner. However, participation and lobbyism from non-state actors in the decision making process at EU –level is important from a number of perspectives, e.g. when legitimacy of the European Union is under discussion and when question of how civil society can participate and contribute to that.

The civil society as such has no actor quality in the decision-making process, first when the civil society becomes organized it fulfills a quality (Kohler-Koch & Buth, 2009), e.g. representing society needs, problems and demands in the political process and thus answer the alleged democratic deficit of the European Union. The organized non-state actors have thus an important role in the EU governance, to voice the diverse interests of the citizens in to the policy making process (Kohler-Koch & Buth, 2009).

The results show a diversified participation of different actors representing different interests regarding the EUTR. The E-NGOs were e.g. addressing a stronger legislative act (prohibition of placing illegal timber and timber products on the market) with stricter rules to avoid

loopholes in the regulation. Meanwhile, forest stakeholders addressed a flexible solution that would release the burden for the private forest owners, as well as highlighting a forestry perspective on the development of the EUTR, which previously not been recognized by many of the decision makers. Whether these two examples of non-state actors interacting with decision makers in the EUTR process can be distinguished and interpreted as civil society, participating in and contributing to a democratic process or lobbying for their special private benefit-driven interests, is a matter of normative assumption backing this interpretation.

However, the presence of non-state actors in the European union decision making process reflects their aim to take part in the political process, contrasting those actors at the administrative and political institutions at EU-level characterized by incrementalism and bureaucratic acting. The aim of participation can either be to increase the democratic legitimacy of the decision making process by represent the voice of the civil society or lobby to benefit their own interests and priorities (Kohler-Koch & Buth, 2009).

Both, forest stakeholders and E-NGOs are dependent on their influence on political decision making processes. Forest stakeholder organizations, e.g. in form of forest owners organizations and E-NGOs represent their member interest and try to influence the political process in a way that these benefit from. Furthermore is the emergence of non-state actors, that seek to promote what they perceive to be more ethical and socially responsible business, beginning to generate substantial changes in corporate management, strategy, and governance (Doh and Teegen, 2002). So, if this is true one can say that the interest of the civil society is of grand importance, gives result and that the views of the non-state actors are perceived to reflect the view of the citizens.

Whether stakeholder organizations influence only for the sake of private economic benefit can be discussed, keeping in mind that forest management is supposed to contribute to a bio-economy as well and thus might contribute to a transformation towards sustainability. One can also discuss if Stakeholders need to be economic stabile to afford participation and to raise the voice of their employees or shareholders. On the other hand, E-NGOs representing the society and common goods, and thus acting on behalf of the will of the people, which can be discussed as well, taken into account that E-NGOs needs the revenues from their donors and members to survive and political attention is the main way to achieve this.

Furthermore mean Dür & De Biéver (2007) that donors that contribute to these groups may not even be aware of their organizations lobbying activities then they donate monetary recourses to humanitarian actions and further discuss if some E-NGOs can be seen as pure lobby organizations that are lobbying for headlines and their own survival, consequently their own priorities.

This thesis is not meant to contribute to the existing dichotomy of participation versus lobbyism nor does it want to box the different non-state actors in one of these two boxes. Instead it wants to raise the awareness that there this dichotomy is often used as a simplification. Furthermore the thesis shades light on the way of influencing, which might contribute to the discussion on participation and lobbyism.

However, the differences between the non-state actors can be perceived as small in terms of rationalizing the purpose of participation. Then both the forest stakeholders and the E-NGOs are representing parts of the civil society and that both actors use participation and lobbying to influence the decision-makers is the differences in approaching the decision-makers small.

The difference may instead be in how different non-state actors choose to represent the society and how they are perceived to engage in the development of the EUTR. If one generalizing, one could interpret the endeavors from the E-NGOs as the aim to stop the illegal trade of timber and timber products from illegal harvested sources while forest stakeholders instead aimed to protect the interests of the private forest owners at national level. The conflict between forest stakeholders and E-NGOs can probably be explained by the distinct difference in perspective of the aim within the regulation.

The influence from the non-state actors may have been perceived diverse among the decision makers, partly from how it was communicated and partly from how the decision-makers interpreted the influence-approach from the non-state actors. The empirical results of the informal and formal participation identified different approaches of forest stakeholder and E-NGOs where the E-NGOs perceived as, by the actors involved in the EUTR process, conducting a dialogue oriented approach and being communicative while the forest stakeholders perceived to act via handing in position papers to the decision makers.

Moreover is the communication tradition in Europe of the character where non-governmental interests are increasingly included in political discussions and given room to express their thoughts (Doh & Guay, 2006). Furthermore, shows the results that collaboration among forest stakeholders reach over a broad range of stakeholders such as the umbrella organizations for the forest industry and the agriculture movement to influence the decision-making process.

The E-NGOs on the other hand, have collaborated with other societal E-NGOs and may of some scholars be perceived as a counterweight to e.g. the industry. Doh & Guay (2006) argue that relationships between the environmental groups are collaborative and well coordinated which the results indicates, thus collaborations of E-NGOs, in briefings and meetings, both at national level, through the national offices, and on EU-level where some E-NGOs always appeared together and had the same agenda and positions when influencing the decision-makers.

To influence a multi-level system like the EU governance, the non-state actors need to spread their strategies and opportunities to influencing the decision makers on different levels. According to Baumgartner & Leech (1998) are influence attempts most effective when they involve multiple tactics, which means that one need to work in several levels of the governance system, with a variety of approaches and together in coalitions to be prepared for e.g. multiple point assess and shifting alliances. The empirical results of this thesis show, that forest stakeholders experienced the attendance on a multi-level as hard to achieve while E-NGOs seem to have better capacities to adapt to this system. Different reasons have been identified for the ability of the actor to cope with the need to address multiple levels and use different tactics to affect the outcome.

In the result some factors were presented, which may have affected the level of participation and lobbyism by the non-state actors, and furthermore the outcome of the regulation. The factors that were of most significant relevance for the EUTR process comprised (i) resources, (ii) contacts and (iii) arguments. Among those factors resources (monetary & human) have been perceived as the major factor contributing to successful influencing the EUTR process. However, the relevance of resources in influencing political decision making process is contested among different scholars, e.g. Leech et al., (2007) and Dür (2008) whom argue that a group's financial resources are a weak predictor of success in influencing policy outcomes.

Furthermore deems Dür (2008) that the larger the pool of members, the more political legitimacy a group may be able to claim. In contrast, Doh & Guay (2006) argue that the increased legislative power of the EP in the decision-making procedure has improved the influence of those actors devoting considerable resources to lobbying and participation in the EP.

Despite the contested scholarly opinion on the impact of financial resources the results of this empirical study indicate that E-NGOs have been able to use a multiple tactic approach when influencing both the DG ENV, the ENVI committee as well as the member states through their national offices, due to the available human and monetary resources. On the other hand, succeeded the forest stakeholder also with multilevel tactics through influencing the ENVI committee and forestry authorities on national level but with less effect in terms of affecting the outcome of the regulation. Furthermore can the facilitation of the argument be perceived as an important factors based on knowledge, expertise and information. Hall & Deardorff (2006) highlight that knowledge, expertise and information can facilitate the task of decision-makers, and are thus highly relevant for interest groups. One example from the empirical results shows that E-NGOs were perceived as thorough in their argumentation, caused by the effort they placed in developing accurate argument that made them appear as knowledgeable and high engaged in the subject of the EUTR, in their influence and approach towards the decision-makers.

The multiple use of forestry can create a fragmented pattern of goals to fulfill, which in return complicates the communication in the forest sector, which may lead to a fragmented argumentation at EU-level. Pülzl & Hogl (2013) see problems with coordination and coherence while the policy objectives expand into subdivisions of questions that touches forest policy, such as climate change mitigation, nature conservation and the biomass production for green energy. The results show that the forest stakeholders instead were cooperating, consistent and coordinated in their endeavor to release the burden, minimize the requirements and exempt the primary producers (private forest owners) from the regulation.

To enabling good relations and contact, seems to be dependent on a number of circumstances; e.g. political and ideological belonging, the personal attribute and how one convey the message. Regarding contacts and relations the empirical results shows that some of the non-state actors use the word “friends” when talking about informal contacts. These “friends” are decision makers from EU authorities that non-state actor can share information with, persons they trust.

The empirical results show that all non-state actors observed in this study have informal contacts (“friends”) in the EU institutions. Most likely is that non-state actors share the same political and ideological aims where the results show that E-NGOs had better contact with the DG ENV and ENVI committee than the forest stakeholders. Assuming that DG ENVI as well as the ENVI committee follows similar political and ideological ideas as the E-NGOs, the E-NGOs might have an advantage in establishing and using informal contacts as a way of influencing EU decision-making. In contrast, informal contacts might be less easy to establish, as there is no DG particularly responsible for forestry. Forest stakeholders instead assume to have established informal contacts to DG Agriculture where the forest stakeholders already had good contacts.

However, the relationship between non-state actors and EU institutions, traditionally perceived to share similar political and ideological ideas not given. One example of the

empirical results show that forest stakeholder has established an informal contact in the ENVI committee, through an MEP that shared the same view regarding forestry issues in the regulation. The informal character of the contact becomes apparent when the interviewees state that they can't name their contacts.

These informal contacts used for information exchange and influence is one reason for scholars to criticize the lack of transparency in EU decision-making procedures. In contrast to this position the alleged democratic deficit is assumed to have created a demand for input from interest groups to EU institutions (Dür, 2008). Other scholars go even further when arguing that there is a dependence of EU institutions on the input of non-state actor, which has led to a symbiotic relationship (Mazey & Richardson, 2001). This relationship has been criticized as forming an elite relationship, based on trust between insider interests groups and EU officials (Coen, 2007). Following this line of argument, the informal contacts based on trust-relationship between non-state actors and persons from EU institutions are, despite the demand for participation, not perceived as a way of contributing to democratic decision making. Instead these informal contacts are regarded as contributing to the lack of transparency.

The uncontrolled informal participation from interest groups on the institutions can be hard to detect, why a transparency register was set up to legitimate the quality of the democracy and offers interest groups to take part of and thereby accept ethical principles that the transparency register stands for (ec.europa.eu, 2014). Furthermore deem Pülzl et al (2013) that the lack of transparency and the informal participation by stakeholders in the decision procedures increases the democratic deficit within the EU. The question of transparency in the decision making processes will very likely continue to be a hot topic in the future process in EU political decision making procedures. However, some respondents neglect that increased transparency would hinder informal influences of no-state actors in political decision-making, as the options to bypass the system will remain.

The results indicate that the E-NGOs manage to get many of their standpoints into the regulation while the forest stakeholders had a modest success. Most obvious is the prohibition, that from E-NGO-side was the most important topic but also in a generalized way, over most of the articles in the legislative texts e.g. definitions and due diligence system, strengthen the regulation to avoid loopholes where illegal timber could pass into the European market.

Despite the variation in standpoints taken up in the regulation all actors stated to be satisfied with their influence. Dür (2008) deem that if an interest group doesn't manage to shift a decision in a certain direction it does not mean that that interest group lacked influence. That the E-NGOs got a good number of proposals taken up in the regulation doesn't mean that they were required to compromise less than the forest stakeholders. Moreover, it may not necessarily mean that they were more influential than the forest stakeholders either. The forest stakeholders may have countered the lobbying efforts of another group and were influential in the sense that they avoided an even worse outcome. However, the forest stakeholders raised the awareness of how multi-level governance policy making may affect private forest owners, that in the future can be valuable. This can be seen as achievement that is not as visible as the adoption of a text in a legislative act, but still of great importance for future discussions regarding forestry issues at EU-level.

The EU has a complex institutional system that force interest groups to make a lot of choices where to put their energy (Dür, 2008). The Swedish institutional system is not nearly as

complex and do not require interest groups to make choices in the same way. Swedish forest policy making is instead characterized by a cooperative style of decision-making since the adoption of the forest act 1993, where freedom with responsibility has been a major concept. This cooperative style implies that non-state actors have a pre-set opportunity to not only participate in political decision-making on forests but also be a part of the process and thus be highly influential. In comparison to the informal contacts between non-state actors and EU authorities in Brussels, the Swedish cooperative way has for a long time not been perceived as lobbying or a sign of lacking transparency. This criticism has been raised only lately in national Swedish daily newspapers by Zaremba (2012). Thus, the national Swedish policy making approach, in comparison to the European, may also partially explain the late awareness amongst some national forest stakeholders and gives further an idea of the distinctions in how influence are perceived on national and European level.

Furthermore can three general ways that the forest sector communicate through been identified; via PR (public relations), through lobbying and with two-way communication (Janse, 2007). Furthermore does Bjärstig & Keskitalo (2013) mean that the public relations has the approach of inform the general public regarding forestry and forestry issues while the lobbying approach is used to influence the EU policy makers, which can be seen as one-way communication, two-way communication takes form when all actors that are affected of an issue and tries to understand each other and thereby learn through common joint meetings etc (Bjärstig & Keskitalo, 2013).

The empirical results show that forest stakeholders have used lobbying as the main communication approach to influence the decision-makers in the development of EUTR, as well as the two-way communication through participating in the common joint meetings to develop an understanding of the discussion and make it more comprehensible. The Public relations (PR) approach can in the results be seen, when national forest associations informed their members regarding the situation and through national stakeholder meetings addressing standpoints towards the Swedish authorities, which was added to the calculations of the Swedish position in the council.

The timing and efficiency is important factors for influencing the political process. Those starting too late influencing the process tend to miss the opportunities due to lack of efficiency, then efficiency is a matter of timing of commanding resources and knowledge in the debate at the right moment (Kohler-Koch & Buth 2009). That might have been the case with the late awareness of some forest stakeholders at the national level. The results show a late awareness from some stakeholders on the consequences and fulfillment of the requirements of the regulation.

The late awareness might be results of lacking communication amongst the forest related stakeholders on national level and potential problems of grip the cross-sectoral and multilevel governance. In contrast E-NGOs appear to be well coordinated and structured in their influence approach (Doh & Guay 2006). Furthermore, was the participation high throughout the whole process from the formal consultations in the early phase to the drafting procedures in the EP. The results indicate an very intense participation and lobbying before the regulation was release by the Commission and under the voting procedure in EP, which simultaneously was synchronized with the election in EP and in the early phase before the regulation was released as well as the participation by non-state actors decreased after the adoption of the main regulation.

Moreover, show the empirical results the importance of influencing in the early phase before the regulation was released. Non-state actors recognize that a change in the legislative text before its released, through influencing on officials of the Commission outweighs the difficult task and the efficiency of influencing the members of the European Parliament to put forward proposals for amendments.

The negotiations of the EUTR have also been morally loaded mixing emotions and arguments. The empirical results show that moral arguments aggravated the chances for forest stakeholders to be substantial in their influence as their arguments were neutralized in the discussions. The empirical results shows when forest stakeholders scrutinized the impact of a stronger legislative act, it was not accepted by a large number of actors involved in the EUTR, because of the assumptions that the forest stakeholders were against the attempts of reduce illegal trade within the European union. This made it difficult to e.g. present facts on how forestry and private forest owners may be affected by the regulation.

An example of the morally loaded discussion from the empirical results is the discussion of blood timbers, which was initiated by the ENVI committee and led the discussion of the regulation in the EP to a discussion of civil war in Liberia and how one fund the war by selling illegal harvested timber. The morally loaded discussions were perceived as a strategic move from the E-NGOs and support the perception of E-NGOs as representing society belongings going well beyond private benefits thus contributes to gain legitimacy.

Here had the E-NGOs and those who shared that view a communicative success by using morally loaded arguments that none could deny the importance in. Thus is the initial definition of the discussion important where the one that defines the problem in the debate may have the lead in the future discussion of the regulation.

Furthermore can the non-state actors be connected to the different classes of stakeholders that Mitchell, K.R et al (1997) describes and link to the different attributes, which are described as power, legitimacy and urgency. The non-state actors could fit the class of Dominant stakeholders where the non-stakeholders are both legitimate and powerful. The results show a discrepancy between the forest stakeholder and the E-NGOs regarding power to influence the decision-makers, which can be linked to the difference in resources among the forest stakeholders and the E-NGOs. The power can be viewed in many ways and are by some scholars described as transitory. The legitimacy for influencing the decision-makers is for both non-state actors, in relation to the parts of the civil society they represent, consolidate. The E-NGOs legitimate their influence by fulfilling their contributors will while the forest stakeholders represented the private forest owners in Europe to safeguard their needs and present situation in the EUTR process.

7.1 Reflexivity

In the transcription process the author noticed that some follow-up questions were angled towards a Swedish perspective, in particular when the respondents were critical to the Swedish view and its management. Furthermore some of the interviews were performed as phone-interviews, which caused a lack of personal contact. Expressions, facial appearances and body language can in an interview situation explain an experience further.

Verbal complications in a two-way direction may have caused confusions, which required extra time for explanations and follow-up questions.

The fact that the author was inexperienced in practical lobby-work and participation in decision making processes at EU-level meant that some knowledge was lacking, in particular under the first interviews where some terms wasn't known by the author. Furthermore was the relationship between theory and empirics not always corresponded, which required the author to renew his view on e.g. the importance of participation by non-state actors, the role and importance of the members of the European parliament and particular the game of policy making with all included actors, which the author perceived as complex and sometimes irrelevant in the grounds on which a decision is taken.

Due to the constant flow of knowledge and awareness of new understandings gave the impression of some interview-questions as irrelevant in the context of the “new” reality that the author was facing. This phenomenon was repeated in the transcription and the writing of the report, which caused the author to constantly go back to the theory and the interview material.

All respondents have affected the author in some question, in some issue, as well as the work of writing the report, which caused the author to rethink and reformulate his thoughts of influence, decision-making, participation and lobbyism.

8 Conclusions

The major influence of the E-NGOs has resulted in the inclusion of the prohibition in the EUTR. This success in influencing the process can be related to better resources and contacts with the ENVI committee in the EP and DG environment. Another reason might be their culture in influencing the process, e.g. by dialogue oriented communication and the use of moral and ethical argumentation e.g. blood timber in the ENVI committee. Forest stakeholders have been successful as well when highlighting the forest perspective on the EUTR that before was unknown by many decision makers.

The participation of forest stakeholders and E-NGOs have tend to decrease over time, except for partial participation events during the negotiation phases close to the voting in EP. Recourses (mainly human) are a crucial factor that determines the outcome of the lobbying and sort of sets the limit of how much one organization can influence. Informal contacts, arguments and relationships between the actor and the EU-institutions are, next after recourses, crucial factors that facilitates the efficiency of the lobby work and through that the possibilities of influence the decision makers.

Influence can be considered as participation and valuable for political process regarded as important in EU procedure but as well as lobbying and diminishing transparency. Linking one way of influence to a particular group, e.g. ENGOS to participation is a too simplistic way as both groups used influence, through formal and informal consultation and via coalitions, for their organizational benefits and priorities.

The openness of which decision-makers and institutions one communicate and collaborate with, isn't transparent in the European Union decision making process. All actors have "friends" but none reveals in which EU body because of silence agreement of trust, which concludes a lack of transparency in the European decision making procedure as in the development of the EUTR. National hesitations against lobbyism was revealed as well as a willingness for cooperation that shows a dichotomy of influencing being split between valuable collaboration and participation on the one hand and lobbyist work for the sake of the individual actor on the other hand. In EU processes these are intertwined that may cause confusion in particular for national interest groups.

Furthermore was the formal consultation representing a small part of the work of non-state actors influencing decision-makers. The majority of the influence put on decision makers is of informal character.

The non-state actors have most likely affected the outcome of the EU timber regulation through influence the decision makers informally and via coalitions. To what extent the non-state actors have influenced the development of the EUTR can in this study not be concluded other than the E-NGOs were more successfully influenced the decision makers than the forest stakeholders and got a good number of amendments taken up in the regulation.

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Annex 2

Respondent A - Forest stakeholder (NSF and CEPF)

Respondent B - E-NGO

Respondent C - Swedish authority (The Swedish forest agency & ministry of rural affairs)

Respondent D – European Parliament

Respondent E - The Commission

Annex 3

Civil servant from the ministry of rural affairs involved in the negotiations of the EUTR at national level and in the council, interview performed 2013-10-28. Citation code: Rx1

Secretary General of the Confederation of European Forest Owners (CEPF) that lobbied and participated in the decision makers under the negotiations of the EUTR process in Brussels and at national level, interview performed 2013-10-28 Citation code: Lx3 (Phone-interview)

Civil Servant from the ministry of rural affairs involved in the negotiations of the EUTR at national and in the council, interview performed 2013-10-29 Citation code: Rx2

Civil Servant from the ministry of rural affairs involved in the negotiations of the EUTR at

national and in the council, interview performed 2013-10-30. Citation code: Rx3

Civil Servant from the Swedish forest agency, expert on forest policy issues and responsible for the national stakeholder meetings under the EUTR process, interview performed 2013-10-31 (Skype-interview). Citation code: Sx1

Civil servant from the Swedish forest agency, expert on forest policy issues and responsible for the national stakeholder meetings under the EUTR process, interview performed 2013-10-31 (Skype-interview). Citation code: Sx2

Civil servant from the Swedish forest agency, expert on forest policy issues and responsible in the negotiations of the delegated act, interview performed 2013-10-31 (phone-interview). Citation code: Sx3

Forestry specialist from the Nordic family forest that lobbied and participated under the negotiations of the EUTR I Brussels and at national level, interview performed 2013-11-01 (Phone-interview). Citation code: Lx1

Policy officer from one E-NGO that lobbied and participated under the negotiations of the EUTR I Brussels and at national level, interview performed 2013-11-04. Citation code: Lx2

MEP assistant representing a Swedish MEP in the European Parliament that negotiated the development of the EUTR in the EP, interview performed 2013-11-05. Citation code: Ix1

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