European Journal of Risk Regulation (2026), 1–21
doi:10.1017/err.2026.10136

CAMBRIDGE UNIVERSITY PRESS

ARTICLE

Lobbying Regulation in the EU: A Case Study of the Alcohol Industry

Ollie Bartlett

School of Law and Criminology, Maynooth University, Ireland
Email: ollie.bartlett@mu.ie

Abstract

Lobbying is today recognised as a key part of corporate strategy. At European Union level it is also an essential part of democratic governance. However, lobbying becomes problematic when particular interest groups exert disproportionate and often hidden influence to procure policy results that will only harm the public interest. It is especially concerning when corporate lobbying shifts the frame of policy debates and thus shifts the balance of policy power towards private over public interests. There is a need to control lobbying activity to mitigate these risks, however the EU has not yet adopted controls that will ensure that lobbying of EU decision-makers is fair and supports the public interest. This article uses the case study of alcohol industry lobbying to demonstrate the flaws in the EU's current lobbying regulation and then discuss the possibilities for stronger controls on alcohol industry lobbying specifically.

Keywords: alcohol industry; lobbying; transparency

I. Introduction

The term "lobbying" covers a broad and often obscure array of interest representation in the policymaking process. While the idea may have originated from the practice of representatives of vested interests meeting politicians in the parliament building lobby to persuade them of their cause, the "lobbyist" today can be described in a variety of different ways and employs a increasingly sophisticated array of practices.[1] Lobbying is today recognised as a key part of corporate strategy,[2] with objectives including building allegiances with politicians by providing them information that will assist their political prospects,[3] assisting allied politicians to achieve legislative objectives[4] and negotiating compromises in policy outcomes.[5] While the effectiveness of lobbying in securing favourable policy results for interest groups is difficult to measure precisely,[6] and benefits

[1] D Coen and A Katsaitis, "Introduction: Lobbying and Public Policy" in D Coen and A Katsaitis (eds), *Handbook on Lobbying and Public Policy* (Edward Elgar 2024).

[2] C Scott, "Lobbying: A Critical Dimension of Business Strategy" (2015) 57(1) International Journal of Law and Management 17.

[3] J De Figueiredo, "Lobbying and Information in Politics" (2002) 4(4) Business and Politics 125.

[4] R Hall and A Deardorff, "Lobbying as Legislative Subsidy" (2006) 100(1) American Political Science Review 69.

[5] G Epstein and S Nitzan, "Lobbying and Compromise" (2006) 126 Public Choice 317.

[6] P Bernhagen et al., "Measuring Lobbying Success Spatially" (2014) 3 Interest Groups and Advocacy 202.

depend on what is being lobbied for and which approach is taken,[7] there are various indicators including subjectively reported value, policy content, and financial return that can illustrate the benefit of lobbying to corporations.[8] Studies have found high financial returns on lobbying investment,[9] while others have found that under the right conditions lobbying does influence the content of government policy.[10]

At European Union (EU) level lobbying is an essential and salient part of the democratic system of governance.[11] The EU institutions broadly define lobbying as "activities to influence the EU policy and decision-making process,"[12] and while this influence may benefit interest groups it also benefits the EU institutions, since it supplies them with knowledge that they do not have the resources to gather themselves and enhances dialogue between decision makers and stakeholders.[13] However, lobbying becomes problematic when particular interest groups are able to exert disproportionate or conflicted influence to procure policy results that will only harm, rather than help, the public interest.[14] Especially concerning is the ability of unelected corporate interests to, through lobbying activity which often is not transparent, change political and social norms in a way that shifts the frames of policy debate and in so doing shifts the balance of policy power towards private interests over public ones.[15] As such, there is a need to control lobbying activity to mitigate these risks to the democratic process. Some states such as Chile,[16] France[17] and Ireland[18] are already quite advanced in their control of lobbying.

However, the EU has not yet adopted controls that will ensure that lobbying of EU decision makers is done in a transparent and fair manner that supports the public interest. This article uses the case study of alcohol industry lobbying to demonstrate the flaws in the EU's current regulations and then discusses the possibilities for stronger controls on alcohol industry lobbying specifically. The article will first outline the successful lobbying of EU institutions that the alcohol industry has conducted, followed by the current EU rules on lobbying. Second, it will analyse these current controls to reveal some of their key weaknesses, illustrated through examples from alcohol industry lobbying activities. Finally, it will discuss the path forward for stronger control of alcohol industry lobbying, beginning with a comparison to how tobacco industry lobbying is being more stringently addressed by various countries and the legal issues that would be raised by efforts to impose such direct controls on the alcohol industry at EU level, and continuing to a

[7] M Hutchens et al., "Influencing Profits: The Differential Impact of Lobbying on Corporate Stock Returns" (Kelley School of Business Research Paper No.16-41).

[8] P Bernhagen, "Measuring the Effectiveness of Lobbying" in A Timmermans (ed), *Research Handbook on Public Affairs* (Edward Elgar 2024).

[9] R Alexander et al., "Measuring Rates of Return on Lobbying Expenditures: An Empirical Case Study of Tax Breaks for Multinational Corporations" (2009) 25(4) Journal of Law and Politics 401.

[10] D Nelson and S Webb Yackee, "Lobbying Coalitions and government Policy Change: An Analysis of Federal Agency Rulemaking" (2012) 74(2) The Journal of Politics 339.

[11] K Karr, *Democracy and Lobbying in the European Union* (Campus Press 2006); D Coen and A Katsaitis, "EU Interest Groups: Lobbying Strategies and Transparency Regulation" in M Knodt et al., (eds) *The Routledge Handbook of European Politics* (Routledge 2026).

[12] <https://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=WHY_TRANSPARENCY_REGISTER>.

[13] H Hauser, "European Union Lobbying Post-Lisbon: An Economic Analysis" (2011) 29 Berkeley Journal of International Law 680.

[14] M Rasmussen, "The Battle for Influence: The Politics of Business Lobbying in the European Parliament" (2015) 53(2) Journal of Common Market Studies 365.

[15] P Parvin, "Hidden in Plain Sight: How Lobby Organisations Undermine Democracy" in M Bennett et al. (ed), *Wealth and Power: Philosophical Perspectives* (Routledge 2022).

[16] The Regulation of Lobbying and Influence in Chile: Recommendations for Strengthening Transparency and Integrity in Decision Making (OECD 2024).

[17] E Bauer et al., "New Lobbying Law in France" (EPRS 2018).

[18] E Bauer and O O'Donnell, "Transparency of Lobbying: The Example of the Irish Lobby Register (EPRS 2016).

discussion of the more feasible initial improvements that could be made to the current regulatory mechanisms.

II. Alcohol industry lobbying at EU level

The business practices of the alcohol industry are a commercial determinant[19] of alcohol-related harm and are fundamentally incompatible with public policy efforts to reduce alcohol-related harm. The bulk of alcohol industry profits are derived from those who drink at harmful levels,[20] and a key element of their business model is to invest in transforming young people into lifelong drinkers.[21] The alcohol industry is consequently aware of the need to portray itself and its products as an economic force and a trustworthy social partner, but also as a necessary part of alcohol policymaking.[22] Corporate social responsibility initiatives are used to improve the social standing of the industry and distract attention from the health impact of their business practices,[23] while a sophisticated lobbying strategy is used to convince policymakers at state and EU level to accept the industry's truth on the policy problems of alcohol related harm and how to respond to them. This is intended to serve the dual purpose of defeating evidence based public health controls on industry activities in the short term while reframing alcohol policy debates towards the industry's commercial interests in the long term.

Alcohol trade associations and individual corporations have thus used lobbying extensively at EU level, as well as at national level.[24] The dual purpose outlined above is carried out through a well-established strategy of targeted political activity against novel policy developments combined with ongoing social contact with policymakers. This strategy has been successful over several decades in weaking the impact of EU alcohol policy on public health.

---

[19] On the concept of commercial determinants generally, see: A Gilmore et al., "Public Health, Corporations and the New Responsibility Deal: Promoting Partnerships with Vectors of Disease?" (2011) 33(1) Journal of Public Health 2; R Moodie et al., "Profits and Pandemics: Prevention of Harmful Effects of Tobacco, Alcohol, and Ultra-Processed Food and Drink Industries" (2013) 381(9867) The Lancet 670; R Jahiel, "Corporation-Induced Diseases, Upstream Epidemiologic Surveillance, and Urban Health" (2008) 85(4) Journal of Urban Health 517; J Collin and S Hill, "Industrial Epidemics and Inequalities: The Commercial Sector as a Structural Driver of Inequalities in Non-Communicable Diseases" in K Smith et al., *Health Inequalities: Critical Perspectives* (Oxford University Press 2016).

[20] S Casswell et al., "How the Alcohol Industry Relies on Harmful Use of Alcohol and Works to protect Its Profits" (2016) 35 Drug and Alcohol Review 661; A Bhattacharya et al., "How Dependent is the Alcohol Industry on Heavy Drinking in England?" (2018) 113(12) Addiction 2225.

[21] G Hastings, "'They'll Drink Bucket Loads of the Stuff': An Analysis of Internal Alcohol Industry Advertising Documents" (The Alcohol Education and Research Council, 2009); E Lin et al., "Engagement with Alcohol Marketing and Early Brand Allegiance in Relation to Early Years of Drinking" (2012) 20(4) Addiction Research and Theory 329.

[22] S Pettigrew et al., "Behind Closed Doors: The Priorities of the Alcohol Industry as Communicated in a Trade Magazine" (2018) 6 Frontiers in Public Health 217.

[23] See, for example: M Mialon and J McCambridge, "Alcohol Industry Corporate Social Responsibility Initiatives and Harmful Drinking: A Systematic Review" (2018) 28(4) European Journal of Public Health 664; M Petticrew et al., "Dark Nudges and Sludge in Big Alcohol: Behavioral Economics, Cognitive Biases, and Alcohol Industry Corporate Social Responsibility" (2020) 98(4) The Millbank Quarterly 1290.

[24] B Hawkins and C Holden, "'Water Dripping on Stone'? Industry Lobbying and UK Alcohol Policy" (2014) 42(1) Policy and Politics 55; A Millot et al., "An Analysis of How Lobbying by the Alcohol Industry has Eroded the French Marketing Regulation Law" (2021) 31(S3) European Journal of Public Health ckab 164.347; M Lesch and J McCambridge, "Understanding the Political Organization and Tactics of the Alcohol Industry in Ireland 2009–2018" (2022) 83(4) Journal of Studies on Alcohol and Drugs 574; T Sama and H Hiilamo, "Alcohol Industry Strategies to Influence the Reform of the Finnish Alcohol Law" (2019) 36(6) Nordic Studies on Alcohol and Drugs 556.

I. *Alcopop regulation*

An early success for alcohol industry lobbying at EU level was the defeat of the proposal to more rigorously regulate alcopops. At the end of the 1990s the Commission proposed a Recommendation on a code of practice on alcopops, with the objective of encouraging stricter regulation of a new phenomenon in the alcohol market.[25] Ready-to-drink beverages, termed alcopops due to the mixing of alcohol into a sweetened beverage that resembles a soda in taste and appearance, were a concerning public health issue since they were targeted at young drinkers.[26] Yet, after pressure from the alcohol industry, the Commission in fact proposed a Recommendation on the Drinking of Alcohol by Children and Adolescents,[27] which shifted policy focus onto risky behaviour and away from a risky product,[28] and even stated at one point that "preoccupation with 'alcopops' should not act as a diversion from the fundamental issue." This was a major success for the alcohol industry, who were aware that they would have to lobby for light control of this new product[29] since any regulation would likely pose an existential threat to it, as was proven right by a later tax policy in Australia that cut consumption of alcopops in half.[30]

This lobbying pressure was maintained when alcopops were raised as an issue in future EU alcohol policy initiatives. Alcopops were deliberately excluded from the 2006 EU Alcohol Strategy on the insistence of the industry, relegated from being the subject of a specific policy suggestion to simply being the subject of a Member State best practices mention (in a footnote).[31] They were also excluded from the Food Information for Consumers Regulation despite having initially been the only alcoholic beverage to be subject to the provisions on nutrition labelling in the Commission's proposal,[32] an outcome which illustrates the powerful organisation of alcohol industry lobbying since other industries were not so successful in having their products excluded from the scope of the legislation.[33] The lobbying efforts of the alcohol industry seems to have successfully suppressed the alcopops issue at EU level, since when the Alcohol Excise Structure Directive was reformed there was no mention of alcopops at all in the Commission's proposal, the institutional negotiations, or the final revised Directive. This was despite the problem of classifying alcopops for excise purposes being raised in the impact assessment for the revised Directive[34] as well as the evaluation of the original directive.[35] The

[25] C Sutton and J Nylander, "Alcohol Policy Strategies and Public Health Policy at an EU-Level: The Case of Alcopops" (1999) 16 Nordic Studies on Alcohol and Drugs 74.

[26] S Jones and S Reis, "Not Just the Taste: Why Adolescents Drink Alcopops" (2011) 112(1) Health Education 61; J Mosher and D Johnsson, "Flavored Alcoholic Beverages: An International Marketing Campaign that Targets Youth" (2005) 26(3) Journal of Public Health Policy 326.

[27] COM(2000) 736 final.

[28] C Sutton and J Nylander, "Alcohol Policy Strategies and Public Health Policy at an EU-Level: The Case of Alcopops" (1999) 16 Nordic Studies on Alcohol and Drugs 74.

[29] J Mosher, "Joe Camel in a Bottle: Diageo, the Smirnoff brand, and the Transformation of the Youth Alcohol Market" (2012) 102(1) American Journal of Public Health 56.

[30] T Chikritzhs et al., "The "Alcopops" Tax: Heading in the Right Direction" (2009) 190(6) Medical Journal of Australia 294.

[31] G Romanus, "EU Strategy on Alcohol Lobbied by the Alcohol Industry – But the COUNCIL Conclusions Are Better than the Commission's" (2006) 23 Nordic Studies on Alcohol and Drugs 513.

[32] P Kurzer and A Cooper, "Biased or Not? Organized Interests and the Case of EU Food Information Labelling" (2013) 20(5) Journal of European Public Policy 722.

[33] M Dionigi, *Lobbying in the European Parliament: The Battle for Influence* (Springer 2016).

[34] SWD(2018) 259 final. The Impact Assessment even went as far as to raise the German tax on Alcopops.

[35] R Dawkins et al., "Evaluation of the Council Directive 92/83/EEC on the harmonisation of the structure of excise duties on alcohol and alcoholic beverages: final report" (European Commission, DG for Taxation and Customs Unions, Publications Office, 2016).

Commission's report on alcohol labelling, discussed more fully below, also dismissed the possibility of alcopops being regulated as a separate category of beverage.[36]

2. Alcohol labelling

The alcohol industry has also successfully impeded the adoption of mandatory ingredient and nutrient labelling, as well as health warning labels more recently. In each of the processes leading to the adoption of first Directive 79/112/EEC, then Directive 2000/13/EC, and most recently Regulation 1169/2011, all of which have addressed the labelling of foodstuffs, the alcohol industry have managed to persuade EU policymakers to exempt alcoholic beverages above 1.2% abv from the mandatory ingredient and nutrition labelling.[37] The industry also strongly opposed the Commission's efforts to include a commitment to such labelling in the 2006 EU Alcohol Strategy and successfully prevented such a commitment from appearing.[38]

The latest attempt to subject alcohol to ingredient and nutrition labelling requirements has come during the revision of Regulation 1169/2011, Article 16(4) of which required the Commission to present a report on the possibility by 2014. A study was very belatedly produced in 2017 which concluded that there were no "objective grounds that would justify the absence of information on ingredients and nutrition information on alcoholic beverages," yet that "the sector is increasingly prepared to provide responses to consumers' expectations to know what they are drinking," and that "as a first step, current voluntary initiatives should be allowed to develop further."[39] The Commission invited the industry to propose a new self-regulatory scheme or face regulation. For some this was an abdication of the responsibility imposed on the Commission by the Regulation to act on alcohol labelling.[40] For the industry it was the reward of a strategy that they had begun many years previously to convince the Commission that they were a responsible partner on the issue of labelling. For example, the Brewers of Europe's pledge to include nutritional labelling on beer was announced in 2015 with much fanfare,[41] and was subsequently publicly praised by the Commission.[42] It is no surprise then that the industry gleefully welcomed the Commission's 2017 report, and took the opportunity to emphasise the idea that it had been making responsible commitments on labelling all along.[43]

However, the industry did not make the most of the platform it was gifted, and it produced a self-regulatory proposal that comprised ineffective interventions and which showed an unusually divided approach to the problem from different industry sectors, who could not agree a common approach for all sectors so instead presented separate plans for each sector.[44] This situation demonstrated that much of the alcohol industry's

[36] Report from Commission to Parliament and Council regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages, COM(2017) 58 final, 12.

[37] L Gonzáles Vaqué, "Listing Ingredients on the Labels of Alcoholic Beverages in the EU: A Reality?" (2018) 13(3) 233.

[38] J Gornall, "Europe Under the Influence" (2014) 348 British Medical Journal g1166.

[39] Report from Commission to Parliament and Council regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages, COM(2017) 58 final.

[40] C Varallo and C Cravetto, "Alcoholic Beverages Labelling: Analysis of the Joint-self Regulatory Proposal of the Industry on Nutrition Labelling and Ingredients' Declaration" (2018) 9(2) European Journal of Risk Regulation 329.

[41] "Brewers of Europe for Ingredient Labelling" (*drinksindustryireland.ie*, 1 April 2015).

[42] H Jacobsen, "Commission Applauds Beer Industry's Move on Labelling" (*euractiv.com*, 1 April 2015).

[43] R Arthur, "Drinks Industry Invited to Create Self-Regulatory Proposal for Nutrition & Ingredients Labelling on Alcohol in EUROPE."

[44] For commentary on the self-regulatory proposal, see: L Gonzáles Vaqué, "Listing Ingredients on the Labels of Alcoholic Beverages in the EU: A Reality?" (2018) 13(3) 233; C Varallo and C Cravetto, "Alcoholic Beverages Labelling: Analysis of the Joint-self Regulatory Proposal of the Industry on Nutrition Labelling and Ingredients' Declaration" (2018) 9(2) European Journal of Risk Regulation 329.

lobbying strength comes from its unified approach to a problem. Here, without a united front, and with a strong counter-reaction from public health NGOs,[45] the Commission had little choice but to reject the industry proposals and announce in its Beating Cancer Plan that it would move to legislate for mandatory ingredient and nutrition labelling.[46]

This did not, however, spell defeat for the alcohol industry on this issue. Quite to the contrary, they have continued to exert pressure on the EU institutions to stall the legislation promised in the Beating Cancer Plan. In the years following the publication of the Beating Cancer Plan, the alcohol industry has pursued a sustained campaign of contact with the European Commission, which research based on access-to-documents requests showed is having an impact in changing the attitudes of the Commission towards alcohol labelling.[47] Ongoing contact (on which more is said below) with Members of the European Parliament (MEPs) has led to several declaring public support for industry arguments.[48] This pressure culminated in the European Parliament passing a Resolution on *Strengthening Europea in the fight against cancer* in 2022 that removed references to alcohol health warning labels and instead called for "the provision of better information to consumers by improving the labelling of alcohol beverages to include moderate and responsible drinking information" as well as "introducing digital labeling,"[49] a strategy that has already been shown to be ineffective.[50] Meanwhile, other alcohol industry lobbying efforts have started to fragment existing EU alcohol labelling policy. The Wine Package recently adopted to amend the EU's CMO in Wine – discussed in more detail below – was primarily an economic support instrument but also contains revisions to wine labelling rules which allow wine to be described as "reduced-alcohol" even when the alcohol content is greater than in most beers, and introduced the possibility for digital labels, a method of consumer information long known to be ineffective. Consequently, the prospect of the strong legislation envisaged in the Beating Cancer Plan actually materialising grows ever distant – a clear success for ongoing alcohol industry lobbying efforts on this issue.

3. Ongoing pressure

The industry does not just engage with EU policymakers on specific policy proposals that it views as threatening to its interests. It also makes concerted efforts to ensure that its core message remains visible to policymakers so that they come to think of alcohol-related harm in a way that is compatible with the industry's interests. There are both overt and covert aspects to these efforts.

The most obvious is the ongoing relentless campaign to flood the public discourse with a dizzying array of information and initiatives which are designed not only to portray the industry as a partner in efforts to reduce alcohol related harm but also to frame the problems of alcohol related harm in a way that keeps attention away from evidence-based interventions. A good example is the European Beer Pledge organised by the Brewers of

---

[45] See a joint statement from various NGOs rejecting the industry's self-regulatory proposal: "We Deserve Better – Reaction to Alcohol Industry Self-Regulatory Proposal for Labelling" (13 March 2018, *epha.org*).

[46] "Europe's Beating Cancer Plan" COM(2021) 44 final.

[47] E Calvert, "Lobbying Hangover: How Intense Alcohol Industry Pressure Put COMMISSION Labelling Plans on the Rocks" (*blog.beuc.eu*, 26 March 2024).

[48] See for example the exchanges detailed in Gornal 2014. See also the comments made by MEPs in <https://www.browary-polskie.pl/members-of-the-european-parliament-get-hands-on-experience-at-one-of-europes-oldest-breweries/?print=print>.

[49] P9_TA(2022)0038, European Parliament resolution of 16 February 2022 on strengthening Europe in the fight against cancer – towards a comprehensive and coordinated strategy (2020/2267(INI)).

[50] J Rehm et al., "Assessing the Impact of Providing Digital Product Information on the Health Risks of Alcoholic Beverages to the Consumer at Point of Sale: A Pilot Study" (2023) 42 Drug and Alcohol Review 1332.

Europe. It has published numerous reports[51] and updates[52] with the intention of focusing public debate on various so-called responsibility initiatives of the industry on, amongst other things, responsible marketing, responsible consumption and alcohol misuse. These are problem framing tactics, designed to move attention away from public health evidence which demonstrates that the industry systematically market in a targeted manner to young people, that there is no safe level of alcohol consumption, and that most alcohol related harm arises from moderate consumption. The Brewers of Europe also target EU decision-makers directly, for example through announcements to newly elected MEPs to highlight their Beer Manifesto,[53] a publication which seeks to persuade MEPs on the economic necessity of beer production and the nature of beer as a so-called "lower-alcohol" drink, and which also provides a list of ways in which MEPs can promote the industry's interests within EU policymaking.[54]

The industry also uses its considerable financial resources in a more covert manner to cultivate long-term relationships with decision-makers. The best example is the European Beer Group, formerly known as the European Parliament Beer Club, which was set up in 1995 with the express and publicly declared intention of persuading MEPs to support the demands of the European brewing industry. The website of the Group declares that its member MEPs acknowledge the "significant contributions of beer to Europe's society, culture and economy" and "advocate for a robust brewing sector and support policies that nurture innovation and sustainable development in beer brewing and marketing."[55] Despite being an initiative that is owned by MEPs, the Group's events are run in direct collaboration with the Brewers of Europe. The Group's website describes their events as "[r]egular briefings, study visits, social gatherings and report launches – all often over a beer – bringing policymakers, brewers and the beer network together."[56] Such events are designed to "foster constructive dialogue amongst decision makers, the beer sector and other stakeholders, promoting a responsible and sustainable future for beer," with an objective to "enhance understanding of the brewing sector and the beer value chain within the EU institutions."[57]

The Group is not only a mechanism through which the brewing industry can directly lobby MEPs to support industry-friendly policy positions, for example when members were called by a coalition of hospitality, sponsorship and brewing companies to support an amendment to the European Parliament Resolution that would weaken the proposed endorsement of a total ban on sport sponsorship by alcohol companies.[58] It is also a mechanism through which the brewing industry can link itself to other important policy developments occurring in the EU and in so doing present itself as a reliable partner on matters of social concern and distract attention away from the harm caused by its products. A recent example is the Brewers of Europe running a Virtual Sustainability Forum during the EU Green Week in October 2020.[59] This was an official European Commission partner event, and it was an opportunity for members of the Group, alongside representatives of the Commission, to discuss how the brewing sector can contribute to

[51] See, for example, the third report for the period 2012–2015 at <https://brewersofeurope.org/uploads/mycms-files/documents/publications/2017/beer_pledge_web.pdf>.

[52] See, for example, the leaflet marking ten years of the pledge: <https://brewersofeurope.eu/wp-content/uploads/2022/11/beer-pledge-results-2022-1.pdf>.

[53] See at <https://brewersofeurope.eu/a-message-for-new-meps/>.

[54] See at <https://brewersofeurope.eu/beer-manifesto/>.

[55] See: <https://beergroup.eu/about-the-european-beer-group/>.

[56] Ibid.

[57] Ibid.

[58] See: <https://www.epbeerclub.eu/calling-on-meps-to-savesportsponsorship/>.

[59] P-O Bergeron, "Putting 'Brewing Green' at the Heart of the European Green Deal" (21 October 2020, *theparliamentmagazine.eu*).

the EU Green Deal. Here, the Group was a vehicle through which the brewing industry could place EU lawmakers on record as supporting the brewing industry as an indispensable part of achieving environmental sustainability, while drawing attention away from the fact that rising rates of alcohol related harm driven by alcohol industry practices is part of a wider health sustainability crisis in Europe. In many ways the Group functions in ways that are similar to alcohol industry "front groups" or "social aspect organisations" – its purpose is to feed alcohol industry arguments into policy debate and generally improve the public image of the industry through a forum that appears to be separated from the industry itself.[60]

The alcohol industry has been successful in its lobbying efforts for a number of reasons. The alcohol industry has been able to coordinate amongst itself in order to produce a coherent lobbying strategy. Although the alcohol industry is varied in its composition it manages to coalesce around agreed policy positions on many key issues,[61] with some notable exceptions such as labelling self-regulation as noted above. It also manages to organise its lobbying strategy systematically using varied but consistent tactics,[62] following the "playbook" style[63] that it shares with other unhealthy product industries.[64] All of this results in the kind of clear and unambiguous framing of a particular policy message that facilitates easier buy-in by policymakers. Importantly, the alcohol industry has also managed through its lobbying and corporate social responsibility efforts to differentiate itself from the image and tactics of the tobacco industry, so that even though the industries are similarly harmful and worthy of similar regulatory treatment and similar exclusion from policymaking processes,[65] they are not perceived in that way.[66] This has also facilitated acceptance by policymakers of the alcohol industry's lobbying messages.

[60] J McCambridge et al., "The Origins and Purposes of Alcohol Industry Social Aspects Organizations: Insights from the Tobacco Industry Documents" (2021) 82(6) Journal of Studies on Alcohol and Drugs 740.

[61] C Holden et al., "Cleavages and Co-Operation in the UK Alcohol Industry: A Qualitative Study" (2012) 12(483) BMC Public Health; S Hilton et al., "Policy Congruence and Advocacy Strategies in the Discourse Networks of Minimum Unit Pricing for Alcohol and the Soft Drinks Industry Levy" (2020) 115 Addiction 2303.

[62] See the summary analysis and large array of cited literature in: J McCambridge et al., "Alcohol Industry Involvement in Policymaking: A Systematic Review" (2018) 113 Addiction 1571; J McCambridge et al., "Advancing Public Health Policy Making through Research on the Political Strategies of Alcohol Industry Actors" (2020) 42(2) Journal of Public Health 262.

[63] J Lacy-Nichols et al., "The Public Health Playbook: Ideas for Challenging the Corporate Playbook" (2022) 10(7) The Lancet Global Health e1067.

[64] C Hoe, "Strategies to Expand Corporate Autonomy by the Tobacco, Alcohol and Sugar-Sweetened Beverage Industry: A Scoping Review of Reviews" (2022) 18(17) Globalization and Health; R Moodie et al., "Profits and Pandemics: Prevention of Harmful Effects of Tobacco, Alcohol, and Ultra-Processed Food and Drink Industries" (2013) 381(9867) The Lancet 670; D Miller and C Harkins, "Corporate Strategy, Corporate Capture: Food and Alcohol Industry Lobbying and Public Health" (2010) 30(4) Critical Social Policy 564.

[65] B Hawkins et al., "Reassessing Policy Paradigms: A Comparison of the Global Tobacco and Alcohol Industries" (2018) 13(1) Global Public Health 1.

[66] S Casswell, "Vested Interests in Addiction Research and Policy: Why Do We Not See the Corporate Interests of the Alcohol Industry as Clearly as We See Those of the Tobacco Industry?" (2013) 108 Addiction 680. A large part of the reason for the difference in perception has been attributed to "Tobacco Exceptionalism", whereby the ability of tobacco control advocates to create enough momentum to procure significant tobacco regulation, in contrast to the failure of alcohol control advocates to achieve similar results, has created a perception that tobacco should be treated uniquely harshly by regulators. This perception now lends credibility to alcohol industry arguments that alcohol should not be regulated similarly to tobacco: K Smith et al., "Tobacco, Alcohol, and Processed Food Industries – Why Do Public Health Practitioners View Them So Differently?" (2016) 4 Frontiers in Public Health <https://doi.org/10.3389/fpubh.2016.00064>; J McCambridge and S Morris, "Comparing Alcohol with Tobacco Indicates That It is Time to Move Beyond Tobacco Exceptionalism" (2019) 29(2) European Journal of Public Health 200.

III. Current EU lobbying regulation

The debate on civil representation in the EU policy system began in earnest with the 2001 White Paper on Governance.[67] Prior to this EU law had not addressed the nature or desirability of lobbying except to acknowledge that it was not unlawful. The only policy document that directly discussed lobbying was the Commission Communication on an open and structured dialogue between the Commission and special interest groups, in which the Commission said that they saw "no general problems with such contacts."[68] Treatment of lobbying by the Court of Justice of the European Union (CJEU) was similarly sparse. In C-405/92 *Mondiet v Armement Islais* the CJEU rejected an argument that a Regulation was invalid if it was adopted under lobbying pressure.[69] Similarly, in his Opinion in C-140/94 *DIP and Others v Comune di Bassano del Grappa and Others* Advocate General Fennelly considered that, as long as there are checks and balances, Member States who engage with lobbyists acting in the service of private interests are not abdicating their public legislative functions.[70]

However, after disquiet over civil society representation during the ratification of the Amsterdam Treaty,[71] the White Paper drew attention more closely to the practice of lobbying and how it supports, or not, EU legislative legitimacy. The subsequent 2006 European Transparency Initiative defined lobbying as "all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions"[72] and sought to draw a clearer line between proper and improper lobbying. This ongoing debate led to the codification in the Lisbon Treaty of the principle of participatory democracy in Article 11(1) TEU ("[t]he institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action") and the principle of transparency in law-making in Article 11(2) TEU ("[t]he institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society"). The requirement for stakeholder consultation is articulated in Article 11(3) TEU ("[t]he European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent").

Article 11 TEU is a recognition of the reality of the role that lobbying plays in EU policymaking.[73] It does not generate an entitlement to lobby the EU institutions. However, it is still unclear what it requires with respect to transparency or restraint in lobbying. Recent case law has shed light on some of the limits of lobbying activity,[74] but does not provide a systematic understanding of how to interpret the application of Article 11 TEU to lobbying. Other developments in EU policymaking have tried to operationalise the EU's obligations in Article 11 TEU concerning stakeholder engagement – foremost the Better Regulation agenda. A core aspect of Better Regulation was better consultation with stakeholders, and the requirement to conduct public consultations and feedback was supposed to improve the clarity with which the Commission integrated stakeholder views

[67] COM (2001) 428.

[68] [1993] C 63/2, 5.3.93, 3.

[69] ECLI:EU:C:1993:822, para 25.

[70] ECLI:EU:C:1995:226.

[71] C Marxsen, "Participatory Democracy in Europe – Article 11 TEU and the Legitimacy of the European Union" in F Fabbrini et al. (eds), *What Form of Government for the European Union and the Eurozone?* (Hart 2015).

[72] COM (2006) 194 final, 5.

[73] T Lock, "Article 11 TEU" in 'M Kellerbauer et al. (eds), *The EU Treaties and the Charter of Fundamental Rights: a Commentary* (Oxford University Press 2019).

[74] J Martín and I Galcerà, "Lobbying in the EU: Prospects and Challenges of the Mandatory Transparency Register" (2025) 6(1508017) Frontiers in Political Science <https://doi.org/10.3389/fpos.2024.1508017>.

into policy development.[75] However, further specific initiatives were necessary – indeed, the very development of the Better Regulation agenda, in particular the consultation aspect, made it clear that more had to be done to better control how lobbyists attempt to influence EU policymaking. A three-phase process was therefore initiated to formalise greater transparency in the lobbying process.

In the first phase, the European Parliament adopted a 2008 Resolution on a framework for the activities of lobbyists in the EU institutions,[76] and in the same year the Commission's Register of Interest Representatives was launched.[77] This momentum culminated in 2011 in the first Interinstitutional Agreement (IIA) on a common Transparency Register.[78] However, the Council was not party to this first IIA. In the second phase the Commission launched a Transparency Portal in 2012,[79] which aimed to be a one-stop-shop for accessing documents on the workings of the EU institutions. The IIA was also reviewed in 2013, with the Parliament adopting a 2014 Decision[80] that led to a revised IIA being signed in 2014.[81] An updated version of the Register also came on stream in 2015. The third phase was prompted by calls for signing the Register to become mandatory, and in response the Commission proposed another IIA in 2016.[82] A public consultation followed the proposal, and the negotiating mandates, guiding principles and post-meeting press releases were made public. Eventually the latest and current IIA was signed in 2021, not only creating a mandatory register but finally bringing the Council into the agreement.[83]

The Register is "designed to show what interests are being represented at EU level, by whom and on whose behalf – and the resources devoted to such interest representation activities."[84] The Register supposedly exerts control over lobbyists through the principle of conditionality,[85] which the Parliament, Council, and Commission have adopted through their own internal rules as stipulated in the IIA. The IIA defines conditionality as "the principle whereby registration in the register is a necessary precondition for interest representatives to be able to carry out certain covered activities."[86] An interest representative is defined as "any natural or legal person, or formal or informal group, association or network, that engages in covered activities,"[87] and covered activities are defined as "activities carried out by interest representatives with the objective of influencing the formulation or implementation of policy or legislation, or the decision-making processes of the signatory institutions or other Union institutions, bodies, offices and agencies."[88]

The breadth of these definitions combined with the commitment of each institution to the principle of conditionality appears to mean that anybody who wishes to influence EU policy decisions in any meaningful way must be on the Register. Staying on the Register is dependent upon abiding by a Code of Conduct (the Code) that describes how lobbyists

[75] A Christopoulou, "Public Consultations Unpacked: The Commission's participatory regime under the 2021 Better Regulation Agenda" (europeanlawblog.eu, 20 January 2022).

[76] 2007/2115(INI).

[77] <https://ec.europa.eu/commission/presscorner/detail/en/ip_08_988>.

[78] OJ L 191, 22/07/2011, pp 29–38.

[79] <https://ec.europa.eu/commission/presscorner/detail/en/ip_12_574>.

[80] 2014/2010(ACI).

[81] OJ L 277, 19.9.2014, pp 11–24.

[82] COM (2016) 627.

[83] OJ L 207, 11.6.2021, pp 1–17.

[84] <https://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do;TRPUBLIC-ID-prod=BQSngepCGim3T-3bz4i8jgNaIcHMhct5mJ9nLrETK4Gru_VnMEdu!-842628190?locale=en&reference=WHY_TRANSPARENCY_REGISTER>.

[85] Art. 5 of the IIA.

[86] Art. 2(h) of the IIA.

[87] Art. 2(a) of the IIA.

[88] Art. 3(1) of the IIA.

should interact with the EU institutions.[89] The Secretariat of the IIA is empowered to investigate alleged breaches of the code, and in the event that a breach is found, the Secretariat can remove the offending lobbyist from the Register.[90] Therefore, in theory lobbyists must abide by the Code or be refused access to the Parliament, Council, and Commission. This appears to be an effective mechanism for ensuring transparent behaviour by lobbyists. However, there are several weaknesses in the design of the Register and the Code which mean that lobbyists can still influence EU policy in a non-transparent manner, weaknesses which are exploited by industries seeking policy shifts that would harm the public good.

IV. Analysis of the EU transparency register

1. Covered activities

Several types of lobbying fall within the scope of "covered activities" as defined in the IIA, but there are other important lobbying activities that fall outside that scope. This gives inventive lobbyists such as the alcohol industry the ability to engage with EU officials in ways that do not have to meet the rules of the Code of Practice. The most important type of lobbying that is not a covered activity is a meeting of a "purely social character."[91] A social context does not make an exchange of ideas between professed lobbyists and EU officials any less likely to result in policy influence. In fact the literature shows that social lobbying is effective in increasing legislators' support for policy ideas.[92] It is difficult to say exactly when meetings between lobbyists and EU officials are "purely" social in nature. A lobbying agency itself describes the EU policy system as a "bubble,"[93] an environment which others have identified as one in which achieving a positive work-life balance is difficult.[94] Singling out a conversation in a Brussels social setting between lobbyists and policymakers in which aspects of EU policy are never discussed is an almost laughable task, making the definition of a "purely social context" virtually unworkable and therefore subject to exploitation. The alcohol industry of course takes advantage of this gap in EU lobbying regulation through the Beer Group, which organises gatherings of MEPs and industry representatives that on the surface are always social in nature, but which are clearly organised as fora for the exchange of views on EU alcohol policy. The European Beer Group Website publishes videos of more formal events held in institutional settings so that observers can see what is discussed,[95] but publishes only photos of events like their Summer Reception.[96] It is unthinkable that lobbying of EU officials would not take place at the Summer Reception, yet the IIA currently does not require such discussions to be transparent.

Another important access point for lobbyists, but which is not properly accounted for in the design of the Register is the EU's judicial system. Also excluded from covered activities is the act of "making submissions as a party or a third party in the framework of a legal or administrative procedure established by Union law."[97] It is a recognised strategy of Brussels lobbyists to use litigation as a way of influencing policy,[98] with the alcohol

[89] Set out in Annex I of the Interinstitutional Agreement.

[90] Set out in Annex III of the Interinstitutional Agreement.

[91] Art. 4(1)(f) IIA.

[92] C Grose et al., "Social Lobbying" (2022) 84(1) The Journal of Politics <https://doi.org/10.1086/714923>.

[93] Lobbying in Brussels: why and how? (publyon.com, 30 April 2021).

[94] J Reijnen, *Big in Brussels: The Art of Working and Living in the EU Bubble* (John Harper Publishing 2025).

[95] <https://beergroup.eu/ep-beer-club-event-what-future-for-sport-sponsorship-in-the-eu/>.

[96] <https://beergroup.eu/photos-of-the-european-beer-group-summer-reception/>.

[97] IIA Art. 4(1)(b).

[98] P Bouwen and M Mccown, "Lobbying Versus Litigation: Political and Legal Strategies of Interest Representation in the European Union" (2007) 14(3) Journal of European Public Policy 422; A Hofmann and D

industry no exception.[99] The problem here is not that the courts or other adjudicative or administrative procedures are a secretive path into policymaking, as is the case elsewhere where law firms are employed to conduct underhand lobbying for clients through litigation.[100] The litigation or complaints undertaken by alcohol corporations are designed to be fully public[101] – the purpose is to use the process as a public forum to push their arguments with an air of legitimacy, creating doubt in the minds of policymakers and the public. These arguments are coordinated and sophisticated, and reinforce those made in other public fora. Sometimes non-judicial process are used in a manner that gives the impression of a judicial process – for example, the alcohol industry used the EU technical regulations notification process (a non-judicial process) as a public forum to raise legal objections to Ireland's proposed health warning labels and hint that litigation might be considered.[102] This strategy is concerning because it is designed to generate public doubt around a policy, as evidenced by the fact that the industry's demand for the Commission to open infringement proceedings against Ireland, although ill-founded and not acted upon by the Commission, was widely reported on in the mainstream media.[103] The Commission itself did not question the legality of Ireland's policy when it was notified, and this further shows that the industry's litigation and quasi-litigation is pursued not in the genuine hope of a legal ruling against the policy, but with the expectation of keeping industry rhetoric and problem framing firmly lodged in the Brussels consciousness. Currently the IIA does not account for these sophisticated efforts to influence the thinking of EU policymakers.

2. Covered persons

In a similar way, while the definition of a lobbyist is broad, several relevant stakeholders are also excluded from the scope of the IIA.[104] Such stakeholders do not have to sign the Register before discussing policy with EU officials, and therefore such discussions are not subject to the provisions of the Code of Practice. Excluded stakeholders are largely public bodies, which makes sense if they are genuinely bodies set up by public entities to serve the public interest. However, public bodies might also be set up at the behest of private interests specifically to channel lobbying messages into policymaking. The cross-party group, a collection of MEPs from different political groupings that share a common policy interest, could be a prime example of a public body that conducts lobbying activities which are currently untouched by EU lobbying regulation.[105] The Beer Group is an example of a cross party group, and although it publishes certain information on its website, it discloses

Naurin, "Explaining Interest Group Litigation in Europe: Evidence from the Comparative Interest Group Survey" (2021) 34(4) Governance 1235.

[99] The most recent example is the filing of a formal complaint to the Commission regarding Ireland's health warning label policy: M O'Cearbhaill, "Wine Industry Lobby Group Launches EU-Level Challenge to Irish Rules on Alcohol Health Warnings" (*thejournal.ie*, 16 May 2023).

[100] E Korkea-aho, "Legal Lobbying: The Evolving (But Hidden) Role of Lawyers and Law Firms in the EU Public Affairs Market" (2021) 22(1) German Law Journal 65.

[101] For illustration, see: B Hawkins and J McCambridge, "'Tied Up in a Legal Mess': The Alcohol Industry's Use of Litigation to Oppose Minimum Alcohol Pricing in Scotland" (2020) 29(1) Scottish Affairs <https://doi.org/10.3366/scot.2020.0304>.

[102] É Cott et al., "Labelling the Debate: A Thematic Analysis of Alcohol Industry Submissions to the EU Consultation on Alcohol Health Warnings in Ireland" (2025) 21(34) Global Health <https://doi.org/10.1186/s12992-025-01126-3>.

[103] For example in Politico <https://www.politico.eu/article/explainer-eu-alcohol-industry-ireland-health-label/>, The Journal.ie <https://www.thejournal.ie/ceev-wine-complaint-eu-commission-6069514-May2023/> and the Irish Independent <https://www.independent.ie/business/irish/eu-wine-beer-and-spirits-makers-file-complaint-over-irish-plan-to-use-labels-linking-alcohol-to-cancer/a90911326.html>.

[104] Art. 4(2) IIA.

[105] <https://corporateeurope.org/en/2011/05/lobbying-under-radar>.

hardly any details about its corporate backers, so it is impossible to discern the level of influence being wielded behind the closed doors of events such as those described above. Another example of a cross party group is the EP Intergroup on Wine, Quality Foodstuffs and Spirits (the Wine Intergroup),[106] which has even more declared members than the Beer Group, yet publishes even less information online about its activities or corporate backers. There have been longstanding calls for cross-party groups created specifically to lobby for certain policy positions to become more transparent,[107] and to their credit the Bureau of the European Parliament has recently updated the Parliament's Rules of Procedure on intergroups to increase their transparency, mandating the public declaration of external financial support on an annual basis, the penalty for non-compliance with which is a ban on the group's use of EP facilities.[108] Since the rules came into effect in July 2024, the Wine Intergroup has made one declaration, which contained a solitary item of financial support for a cocktail party from the CEEV. While this is progress towards greater transparency in the true relationship between the MEPs in the Wine Intergroup and the alcohol industry, being able to learn that the alcohol industry has financially supported the group on one occasion within the year (a number which seems scarcely believable and for which there is no mechanism to check) is hardly groundbreaking, considering this much can be learned from the statements of the alcohol industry and the MEPs themselves. For example, Spirits Europe declared that it "strongly supports" the establishment of the group[109] and thanked group members on social media for their "support an efforts,"[110] while one of the group's vice chairs declared also on social media that the group's "mission is to protect European #wine against the demonizing efforts of the anti-alcohol lobby."[111] Exactly how the Wine Intergroup's MEPs and the alcohol industry interact in fulfilment of this mission is unknown and, since the group falls outside the scope of the IIA, unknowable.

Another key set of stakeholders who are excluded from the scope of the IIA and therefore not subject to the Code of Practice are the Member States themselves. Although it is inconceivable that Member States should be prevented from attempting to influence EU policymaking, their exclusion from the scope of EU lobbying regulation gives powerful interest groups such as the alcohol industry an opportunity to circumvent transparency and fair play rules. An excellent example is the Commission's hurried proposal of a Wine Package, which has recently been approved by the European Parliament[112] and the Council.[113] This set of legislative amendments to the Common Market Organization in Wine was extracted from the suggestions of the High Level Group on Wine which was set up in response to the pressures facing the European wine industry, pressure which was exacerbated by the threat of 200% US tariffs. Member States were the only official members of the High Level Group, however wine industry representative bodies such as the European Federation of Origin Wines[114] and the European Committee of Wine

[106] <https://www.europarl.europa.eu/meps/en/intergroup/details/7901/Intergroup> on Wine, Quality Foodstuffs and Spirits.

[107] <https://www.politico.eu/article/mep-urges-intergroups-to-become-more-accountable/>.

[108] Rule 35, Rules of Procedure of the European Parliament, <https://www.europarl.europa.eu/doceo/document/lastrules/RULE-035_EN.html>.

[109] <https://spirits.eu/media/press-releases/spiritseurope-calls-for-the-re-establishement-of-the-parliamentary-intergroup-on-wines-spirits-and-quality-foodstuffs>

[110] <https://x.com/spiritsEUROPE/status/1770484091479114124>

[111] <https://x.com/GyoriEniko/status/1882121026915782687>.

[112] <https://www.europarl.europa.eu/news/sv/press-room/20260205IPR33615/new-measures-to-protect-and-promote-the-eu-s-wine-sector>.

[113] <https://www.consilium.europa.eu/en/press/press-releases/2026/02/23/council-approves-set-of-measures-to-support-the-eu-wine-sector/>.

[114] See: <https://efow.eu/press-release-high-level-group-on-wine-policy-efow-calls-for-strategic-action-to-safeguard-the-future-of-eu-geographical-indication-wines/>.

Companies[115] were invited to participate in the meetings and share their ideas for the future of the wine industry. Public health organisations, by contrast, were excluded. The Commission put forward the Wine Package less than year after setting up the High Level Group, and less than a year after that the Parliament and the Council reached agreement upon the package. This speed is partly attributable to the Commission's wider concern for increased "simplicity by design" in the face of global economic uncertainty, brought forward in the publication of a Communication on "A Simpler, Clearer and Better Enforced EU Rulebook" to further develop Better Regulation principles.[116] However, Member States rushed through this economic support for the wine industry mainly because they are sympathetic to their demands. The wine industry has over time curated a close association with governments in several key wine-producing states.[117] This influence is so deep that the Italian Foreign Minister even publicly reassured the industry that he would do "all he can to spare the wine sector" from economic disadvantage.[118] So keen were the Member States to please the industry that the Wine Package was adopted without the impact assessments or public consultations that are normally required of EU legislation by the Commission's Better Regulation rules. The great irony is that these rules have been leveraged in other contexts to slow down the progress of alcohol control polices.[119]

3. *Strength of the code of practice*

To maintain access to EU policymakers, lobbyists who sign the register have to abide by a Code of Conduct in their lobbying practices. This implies a certain level of substantive control over lobbying activities, but in fact the rules in the Code are largely procedural in nature, and seldom concern the nature of lobbying activities themselves. The few that do are vaguely worded, and in the event of an allegation of breach it would otherwise be difficult to argue that they had been met. A good example is Rule (h), which says that Registrants should "not induce Members of the European Parliament, members of the Commission or staff of the Union institutions to contravene the rules and standards of behaviour applicable to them." The purpose of the covert lobbying activities such as that conducted through the Beer Group and Wine Intergroup is regulatory capture, which has been defined as "the result or process by which regulation [...] is consistently or repeatedly directed away from the public interest and toward the interest of the regulated industry, by the intent and action of the industry itself."[120] Lobbying to subvert an elected official's democratic responsibilities, especially on essential aspects of the social contract such as health promotion, is arguably an inducement to adopt a lower than expected standard of behaviour. For example it has been argued that MEPs amending proposed alcohol labelling legislation to include language reflecting health misinformation perpetuated by the alcohol industry is a dereliction of democratic duty.[121] Although

[115] See: <https://www.ceev.eu/news-and-events/high-level-meeting-on-wine-policy-european-wine-companies-request-eu-policy-to-look-forward-and-focus-on-markets-consumers-and-competitiveness-of-companies-willing-to-remain-and-invest-in-the-sector>.

[116] Commission Communication, "A Simpler, Clearer and Better Enforced EU Rulebook" (COM 2026) 380 final.

[117] See for example: German Wine Lobby Exposed: Political Interference, Deception, and Harmful Claims (movendi.ngo, 11 April 2024); New Report Exposes Unprecedented Big Alcohol Influence on French President Macron (*movendi.ngo*, 26 July 2022).

[118] G Leali et al., "EU Leaders under Influence of Booze Bosses as Trade War Escalates" (*politico.eu*, 28 March 2025).

[119] Double standards in Brussels: How the EU is fooling citizens on alcohol labelling (*eurocare.org*, 8 April 2025).

[120] D Carpenter and D Moss, "Introduction" in D Carpenter and D Moss (eds), *Preventing Regulatory Capture: Special Interest Influence and How to Limit It* (Cambridge University Press 2014).

[121] <https://www.europeancancer.org/resources/news/eco-urges-meps-to-ensure-consumers-receive-information-about-alcohol-health-risks.html>.

this argument carries moral weight, it would seem difficult to make provide concrete evidence that this contravenes the letter of Rule (h).

A more likely case to make concerns the removal of bourbon from the package of retaliatory tariffs that the EU announced to counter US tariffs on steel and aluminium. It is clear that great influence was exerted on Commissioner for Industrial Strategy Stéphane Séjourné by the alcohol industry – for example, meeting records indicate that French alcohol corporation Pernod Ricard met directly with the Commissioner three times between the announcement of retaliatory EU tariffs in March 2025 which included bourbon, and the delayed adoption of the tariffs in July 2025, during which time the EU dropped bourbon from the package. The pressure from French wine producers in particular upon the Commissioner nominated by France appears to have had a direct influence upon Commission policy. The Commission's Code of Practice for Commissioners requires that Commissioners perform their duties with "complete independence" and must not "express themselves, through whatever medium, in a manner which adversely affects the public perception of their independence."[122] Séjourné's comment that he was "hopeful" that bourbon would be excluded from EU retaliatory tariffs was widely seen as an indication that he had caved to lobbying pressure, not just from his own State but from the alcohol industry.[123] This is more than circumstantial evidence of alcohol industry lobbying inducing a member of the Commission to contravene rules and standards of behaviour applicable to them. However, the likelihood of such lobbying being found contrary to the Code of Practice is remote, this time given the vagueness of the term "induce."

V. Towards stronger controls on alcohol industry lobbying

The weaknesses in the EU's lobbying control regime analysed above are the tip of an iceberg of flaws and loopholes. Further examples include the inconsistent and insufficiently deep implementation of the conditionality principle in the EU institutions, which means that a host of EU officials below those within the top ranks in each institution are not covered by the rules established by the IAA.[124] Moreover, registrants are known to manipulate the financial and other information they submit to the register, meaning that the true level of influence that those registrants wield is greater than the public could ever discover.[125] The rest of this article focuses on what these weaknesses mean for control over alcohol industry lobbying, but other recent scholarship has done a good job of taking a deeper dive into the weaknesses of the 2021 IIA and the mandatory transparency register, and evaluating whether this latest iteration will realistically improve the EU's control over lobbying activity.[126]

These weaknesses stem from the nature of a transparency-based lobbying regulation system – such a system by default permits interest groups to access decision-makers, provided that they are (relatively) transparent in doing so. This allows some interest groups to engage with decision-makers with the specific objective of subverting democratic processes and securing outcomes that are detrimental to society.[127] This inadequacy is what drove the inclusion of an alternative form of lobbying control in the Framework Convention

[122] Article 2 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018D0221(02)>.

[123] <https://www.politico.eu/article/eu-industry-chief-stephane-sejourne-hopes-bourbon-spared-response-donald-trump-tariffs/>; <https://www.ft.com/content/180063de-15a8-4077-8daf-a6a591e117ec>; <https://www.politico.eu/article/eu-leaders-under-influence-of-booze-bosses-as-trade-war-escalates/>.

[124] <https://www.eca.europa.eu/ECAPublications/SR-2024-05/SR-2024-05_EN.pdf>.

[125] <https://www.theparliamentmagazine.eu/news/article/eu-transparency-register-inaccurate-say-campaigners>.

[126] J Martín and I Galcerà, "Lobbying in the EU: Prospects and Challenges of the Mandatory Transparency Register" (2025) 6 Frontiers in Political Science 1508017 <https://doi.org/10.3389/fpos.2024.1508017>.

[127] M Cohen-Eliya and Y Hammer, "Nontransparent Lobbying as a Democratic Failure" (2011) 2(2) William and Mary Policy Review 265.

on Tobacco Control (FCTC). Recognising that the lobbying efforts of the tobacco industry are wholly designed to undermine overwhelmingly evidence-based public health measures,[128] Article 5.3 FCTC provides that "[i]n setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law." This is not a blanket ban on tobacco industry lobbying and it is clear that any controls must be constitutionally compatible, however it obliges signatory states to move towards an access-based model of lobbying regulation for the tobacco sector. The WHO's Guidelines for the implementation of Article 5.3 recommend that "Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products."[129] However, the intent behind Article 5.3 goes deeper than just direct contact between the industry and policymakers – it aims to tackle the various political capture and policy framing strategies that the industry uses to influence policy (and which the alcohol industry also employs as demonstrated above). To that end, the Guidelines also make recommendations such as:

> "Parties should, in addition, raise awareness about the tobacco industry's practice of using individuals, front groups and affiliated organizations to act, openly or covertly" … "Parties should formulate, adopt and implement a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry" "Parties should not accept, support or endorse any voluntary code of conduct or instrument drafted by the tobacco industry that is offered as a substitute for legally enforceable tobacco control" … "Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law" … "Parties should not endorse, support, form partnerships with or participate in activities of the tobacco industry described as socially responsible."

There are several examples of states taking this obligation seriously. For example Ethiopia and Finland have prohibited the tobacco industry from conducting corporate social responsibility initiatives.[130] Australia have adopted new rules for its Members of Parliament and their officials which require the disclosure of conflicts, the avoidance of partnerships and the documentation of all meetings.[131] Botswana now requires all meetings between the tobacco industry and government officials to be held in public, bans political donations by the industry and bans public bodies from soliciting or accepting funding from the industry.[132] Even the Commission is making efforts to tighten its rules relating to contact with the tobacco industry, and will adopt a new general policy (albeit with each Directorate General left to implement the specifics) "to interact with representatives of the tobacco industry only if this is strictly necessary for the purpose of its activities."[133]

Although the alcohol industry's lobbying practices and objectives are very similar to those of the tobacco industry,[134] the alcohol industry is subject to none of the same

[128] A Yadav and S Glantz, "Tobacco Industry Thwarts Ad Ban Legislation in India in the 1990s: Lessons for Meeting FCTC Obligations under Article 13 and 5.3" (2022) 130 Addictive Behaviors 107306.

[129] *Guidelines for Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control* (World Health Organization 2013) p 7.

[130] Leading by Example: 4 Ways Countries Are Fighting Tobacco Industry Interference (*exposetobacco.org*, 13 February 2026).

[131] *Guidance for Public Officials on Interacting with the Tobacco Industry* (Australian Government 2019).

[132] Botswana Tobacco Control Act 2021, Part X.

[133] EU Commission tightens firewall enforcement against tobacco lobbyists (*corporateeurope.org*, 30 May 2025).

[134] J Landon et al., "International Codes and Agreements to Restrict the Promotion of Harmful Products Can Hold Lessons for the Control of Alcohol Marketing" (2016) 112(Suppl 1) Addiction 102.

restraints on its attempts to capture and influence policymakers and policy processes. This is unacceptable given that Article 168 TFEU obliges the EU to achieve a high level of health protection in *all* its policies and activities. The plain language interpretation of this obligation should be that the EU must make a greater effort to insulate its alcohol policy processes from influences that will only lead to a worse level of health for EU citizens. There is no question of the global political support for such action. The WHO have repeated emphasised in their alcohol policy work – especially the SAFER initiative[135] – that effective alcohol policy involves controlling industry activities. When the alcohol industry has lobbied[136] against important global health developments such as the 2025 UN Political Declaration on prevention and control of noncommunicable diseases and the promotion of mental health,[137] the WHO have been unafraid to call out the consequences of such industry pressure.[138] The WHO have even published an alcohol policy playbook to illustrate how industry policy narratives should be countered with a public health perspective.[139]

There are also moral rationales for stronger sector-specific lobbying regulation. Upon the adoption of the IAA on a mandatory transparency register the EU institutions released a joint statement that highlighted their desire to "further strengthen ethical interest representation." The way in which the alcohol industry seeks to influence policy certainly raises ethical questions. The alcohol industry already benefits from an enormous power imbalance compared to their consumers. Permitting them easy access to EU decision-makers would further widen this imbalance. Moreover, the conflicts of interest generated by alcohol industry participation in policymaking is arguably a breach of the social contract – governments should not be giving power to private interests to influence the rules that are intended to safeguard public interests. Furthermore, as the evidence base and public awareness on alcohol related harm grows, the alcohol industry's conflicts of interest become increasingly clear. In response the industry attempts to position itself as a socially responsible partner in alcohol policy and obscure the evidence base through propagating misinformation – allowing the alcohol industry to continue to disguise its fundamental conflicts of interest in this manner (as the tobacco industry did for years) and profit as a result is an abdication of public responsibility.[140]

Direct control of alcohol industry lobbying in the style of Article 5.3 FCTC could involve prohibiting certain types of interactions between industry representatives and EU officials – for example, a prohibition on industry representative meeting with Commissioners, or appearing in public with Commissioners. However, translating the ideas behind Article 5.3 FCTC to the alcohol context would be challenging, not least due to the continued political, economic and cultural influence of the alcohol industry.[141] It would also be challenging due to the legal arguments that the industry is certain to raise against

[135] The SAFER initiative provides guidance on how states can adopt the five most effective, evidence-based alcohol control initiatives. SAFER was introduced in an initial technical package: SAFER: A World Free from Alcohol Related Harms: Five areas of intervention at national and subnational levels (WHO 2019). For latest developments within the SAFER initiative, see: <https://www.who.int/initiatives/SAFER>.

[136] E Rumney and J Rigby, "Alcohol Lobby Takes on WHO in Battle Over Health Impacts (reuters.com, 20 October 2025).

[137] Political declaration of the fourth high-level meeting of the General Assembly on the prevention and control of noncommunicable diseases and the promotion of mental health and well-being, A/80/L.34.

[138] J Rigby, "Alcohol, Tobacco and Food Giants Block Health Reforms, Says WHO" (reuters.com, 18 September 2025).

[139] Empowering public health advocates to navigate alcohol policy challenges (WHO European Region, 2024).

[140] M Petticrew et al., "Alcohol Industry Conflicts of Interest: The Pollution Pathway from Misinformation to Alcohol Harms" (2025) 12(2) Future Healthcare Journal 100270.

[141] J McHardy, "The WHO FCTC's Lessons for Addressing the Commercial Determinants of Health" (2021) 36(Suppl 1) Health Promotion International i39; J Collin, "Taking Steps Toward Coherent Global Governance of Alcohol: The Challenge and Opportunity of Managing Conflict of Interest" (2021) 82(3) Journal of Studies on Alcohol and Drugs 387.

attempts to restrict their lobbying activity. Some of these legal arguments can be anticipated and evaluated.

The first argument would likely be that Article 11(2) TEU generates some manner of "right to lobby," or at the very least protects the ability of the industry to engage with the EU institutions. As noted above, the precise effect of Article 11(2) TEU has not been judicially established, although there have been academic suggestions.[142] The CJEU did provide some clues in C-57/16 P *ClientEarth*,[143] in which the Commission argued that it was entitled to withhold documents relating to an impact assessment to prevent its independent policy deliberations being influenced by excessive contact with interested stakeholders. The CJEU decided that the Commission was not entitled to a blanket presumption of confidentiality regarding policy documents, but it did say that Article 11(2) TEU "in no way means that the Commission is required to respond, on the merits and in each individual case, to the remarks it may have received."[144] Furthermore, it said that it was not "established that the external influences or pressures to which the Commission might be subjected . . . would be such as to risk . . . impeding that institution's capacity to act in a fully independent manner."[145] The first comment implies that while interest groups have a right to talk to the Commission, this is on terms set by the Commission, provided contact is sufficiently open, transparent and regular. The second comment implies that if the Commission could establish a real risk that its independence in policy deliberation would be compromised by certain actions of interest groups then it would be entitled to take action to mitigate that risk. This line of thought seems to be supported by further statements the CJEU made in the context of Article 11(4) TEU which concerns the European Citizens' Initiative. The CJEU said in C-418/18 P *Puppinck* that the "instruments of participatory democracy" in Article 11 have the objective to "encourage the participation of citizens in the democratic process and to promote dialogue between citizens and the EU institutions," but that "that objective fits within the pre-existing institutional balance and is pursued within the limits of the powers attributed to each EU institution by the Treaties."[146] This supports the suggestion that interest groups could rely on Article 11(2) TEU to challenge a blanket restriction by an EU institution on opportunities to discuss policy, but could not use it to challenge a specific, evidence-based restriction that is intended to stop a particular policymaking power of an institution from being compromised.

A further argument would likely be that controlling the ability of the alcohol industry to make representations to the EU institutions would restrict its freedom of commercial expression protected by Articles 11 of the EU Charter of Fundamental Rights. It has been well established in the CJEU's case law that the freedom of commercial expression can be restricted in pursuit of a legitimate public health purpose.[147] However, the nature of the rights restriction created by controls on lobbying activity has not been tested. The key question would likely be whether controls that seek to prevent contact between the alcohol industry and EU officials, rather than just regulate it, would be interpreted as impacting the essence of the freedom of commercial expression. The CJEU has consistently held that seeking to control the freedom of expression in a clearly defined manner, as

[142] J Mendes, "Participation and the Role of Law After Lisbon: A Legal View on Article 11 TEU" (2011) 48(6) Common Market Law Review 1849; Roadmap for the implementation of Articles 11(1) and 11(2) of the Treaty on European Union (Create Europe 2015), <ecas.org/wp-content/uploads/2015/03/RoadmapForTheImplementationOfArticle11TEU.pdf#page=1.41>; EESC opinion: Arts. 11(1) and 11(2) of the Lisbon Treaty, OJ C 11, 15.01.2013, pp 08–15.

[143] ECLI:EU:C:2018:660.

[144] Ibid, para 107.

[145] Ibid, para 108.

[146] C-418/18 P Puppinck [2019] ECLI:EU:C:2019:1113, para 65.

[147] C-547/14 Philip Morris Brands [2016] ECLI:EU:C:2016:325.

opposed to interfering with its essence, can be justified by public health objectives.[148] It is unclear from the CJEU's case law whether a restriction of commercial expression for the purpose of protecting public health that strikes at the essence of Article 11 CFR would still be supported by the Article 168 TFEU and Article 35 CFR obligation to achieve a high level of health protection, or would fall within the wide discretion that is afforded to the EU legislator to balance public health and economic interests.

Until tested before the CJEU, the legality of direct controls on alcohol industry lobbying remains uncertain. Of course, a global treaty on alcohol control which takes inspiration from the FCTC and which includes obligations for control of industry influence would avoid the need to debate the legality of EU level controls. A Framework Convention on Alcohol Control has been explored extensively over the past decade by the WHO, public health organisations and academics,[149] and the impact it could make for regional and national alcohol control efforts has been persuasively evaluated.[150] The likelihood of a global treaty on alcohol being progressed at any point in the near future, however, remains slim – in large part due to the power and policy penetration of the global alcohol industry.[151]

In the absence of global legal frameworks, it is within the EU's competence to take some initial steps towards greater oversight of alcohol industry influence, to prepare the political ground for more direct intervention. Some relevant ideas have already been publicly suggested. For example, the European Economic and Social Committee adopted an Action Plan for the Implementation of Articles 11(1) and 11(2) TEU,[152] in which they suggest ways in which the interactions between EU institutions and representative associations and civil society could be improved. Some of these suggestions include the creation of a Commissioner portfolio specifically for civil dialogue and similar positions within the European Parliament, and a European Observatory for civil dialogue. Creating the mechanisms that are dedicated not only to facilitating but scrutinising interactions between stakeholders and the European institutions would be a step beyond the existing transparency mechanisms, by promoting independent and active investigation into concerning lobbying interactions. This is something that the IAA does not promote since investigations of the Code of Practice are currently only investigated when an allegation of breach is made, and by a panel that is comprised of members drawn from the EU institutions themselves.

Other initiatives that strengthen the existing transparency mechanism can be envisaged. A good start would be to broker agreement upon a uniform application of the principle of conditionality in the EU institutions. Some promising steps have recently been taken towards stronger implementation of conditionality – for example, the new rules adopted by the European Parliament in 2025 extend the principle to the Parliament's Secretary-General, Deputy Secretaries-General, Directors-General, Directors, Heads of Unit and team leaders in the Cabinets of the President and the Secretary-General. This is good progress, but there are still too many points and forms of contact within the institutions

---

148 Ibid, para 151.

149 See, for example: Possibility of Developing a Framework Convention on Control of Harm from Alcohol Use: Report of an Intercountry Consultation SEARO, New Delhi, 5–6 January 2009 (WHO Regional Office for South-East Asia, 2009); Framework Convention on Alcohol Control: Why and How? (globalgapa.org, 29 January 2019); R Room and J Cisneros Örnberg, "A Framework Convention on Alcohol Control: Getting Concrete about Its Contents" (2021) 12(2) European Journal of Risk Regulation 433.

150 S Zhou, "What Difference Would a Binding International Legal Instrument on Alcohol Control Make? Lessons from the World Health Organization Framework Convention on Tobacco Control's Impact on Domestic Litigation" (2021) 12(2) European Journal of Risk Regulation 514.

151 S Casswell, "Will Alcohol Harm Get the Global Response It Deserves?" (2019) 394(10207) Lancet P1396.

152 See <https://www.eesc.europa.eu/sites/default/files/files/action_plan_for_the_implementation_for_article_11.pdf>.

that are not subject to the IIA. A deepening of the level of official to which the principle of conditionality applies across the institutions would at least tighten the alcohol industry's access to policy deliberations. For example, the Commission adopted its own reformed rules on conditionality at the end of 2024 which mean that the principle applies to any Commission staff member holding "management functions," yet there are many Commission staff who do not hold management roles but who are instrumental in shaping policy, such as Policy Officers, Legal Officers, Scientific Officers and Trade Negotiators.

A stricter approach to reporting on the content and outcomes of meetings would also be welcome. The information currently published on what happens when alcohol industry representatives meet with EU officials gives an incomplete understanding of how industry power is being leveraged upon EU officials. For example, the Commission asks Commissioners and all management staff to publish minutes of its meetings with lobbyists, yet MEPs are only asked by the European Parliament to publish the fact that a meeting with a lobbyist took place. The lobbying regulations in some Member States might provide a model for improving the available information about the content of lobbying meetings. For example, Ireland's Regulation of Lobbying Act requires registered lobbyists to submit a file every four months providing details of which public officials they met along with details such as "the subject matter of those communications and the results they were intended to secure" and "the type and extent of the lobbying activities carried on."[153] Mandating the lobbyists themselves to declare the substance of their activities creates greater transparency and would overcome the issue of inconsistent practices in the EU institutions.

VI. Conclusion

There is little doubt by now that the ability of the alcohol industry to influence policymakers is a particularly concerning commercial determinant of health. At the EU level a transparency-based approach has so far been used to mitigate the negative impacts of lobbying, including what we now know is extensive and successful alcohol industry lobbying of EU decision-makers. However, this approach cannot be effective in preventing the alcohol industry from delaying and defeating further EU alcohol policy efforts. The Transparency Register has too many loopholes to catch the many sophisticated and constantly evolving ways in which the alcohol industry attempt to influence policy – for the lobbying strategy[154] and vehicles[155] of the industry are not static, but dynamically responds to shifts in public policy, sentiment, and evidence. Moreover, the nature of transparency-based lobbying control itself will never prevent such influence from happening even if it takes place according to the rules. A more direct approach to controlling alcohol industry lobbying is required, in the same vein that the global community is now beginning to control the lobbying efforts of the tobacco industry. Moving towards such control will not be easy, especially since the alcohol industry will fight such initiatives – including with legal arguments – in the same way that they fight all other public health initiatives. Progress will have to be made incrementally, and ideas for the next steps to take have already been put into the public domain. Achieving such progress will ultimately require strong leadership from the senior ranks of the Commission and European Parliament, and work must continue to persuade these key

[153] Regulation of Lobbying Act 2015, section 12(4)(c) and (d).

[154] M Dünnbier, "Big Alcohol's Growing Woes: A Systemic Crisis and the Industry's Aggressive Response" (movendi.ngo, 26 February 2025).

[155] M Lesch and J McCambridge, "Evolution of the Major Alcohol Companies Key Global Policy Vehicle Through the Prism of Tax Records 2011–19" (2023) 19 Globalization and Health.

decision-makers that it is now time for alcohol industry lobbying to be seen for what it is – another determinant of alcohol-related harm that requires control in the same way as the industry's harmful marketing or sales practices.

Competing interests. I declare that there are no competing interests which have influenced the production of this manuscript.

Cite this article: O Bartlett, "Lobbying Regulation in the EU: A Case Study of the Alcohol Industry". *European Journal of Risk Regulation*. https://doi.org/10.1017/err.2026.10136