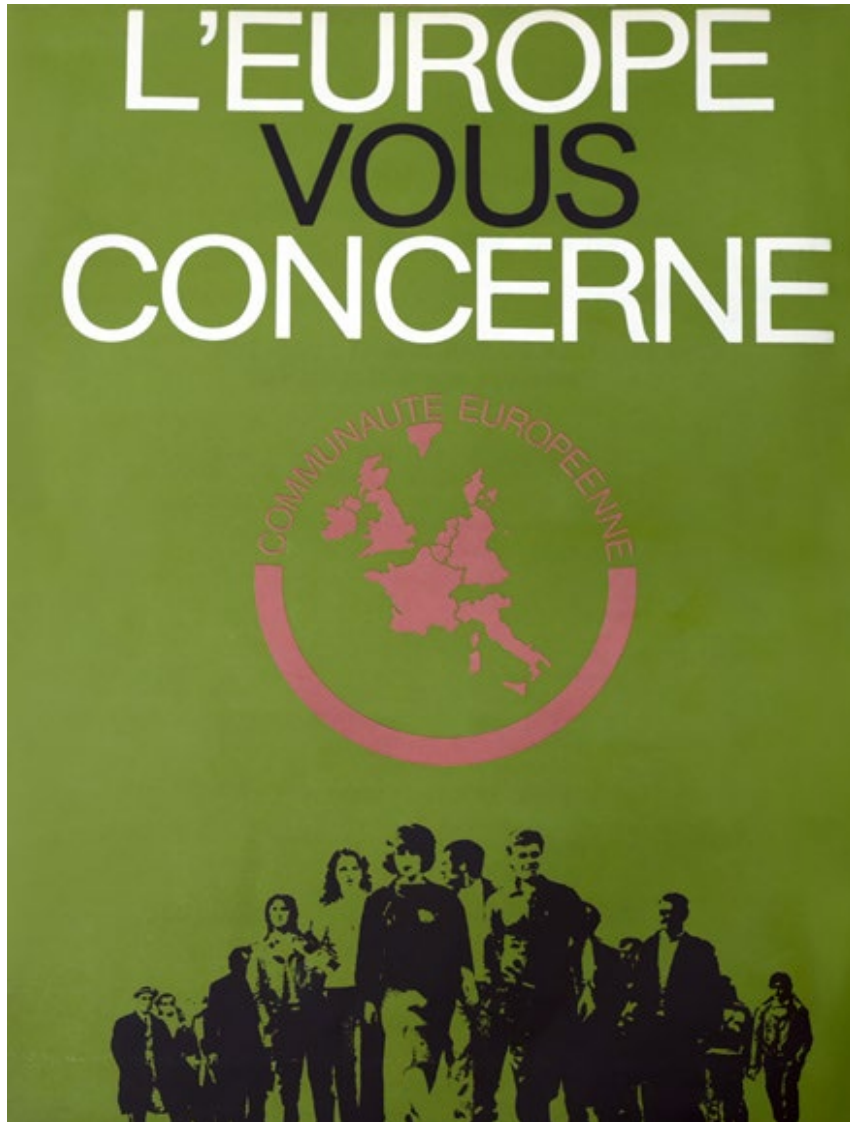


# Giving Europe a Human Face

Public Legitimation Strategies and Citizen Representation in the European Community, 1970s-1980s



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# 1. Introduction

## 1. Bridging the gap between 'Brussels' and 'the man in the street' in the long 1970s

In the 1970s and 1980s, the European Commission sensed an urgency to bridge a newly perceived 'gap' between citizens and the European Community (EC).<sup>1</sup> 'The man in the street' now had to be brought on board of the member states' and Community's combined effort to expand and deepen European integration beyond mere economic co-operation. Direct elections to European Parliament and a range of cultural projects – from the Erasmus program for students to a European anthem – aimed to turn disinterested subjects into European citizens. At the same time, the Commission radically reoriented its public legitimization strategies towards this general audience of rights-bearing, political beings.

The Community's administrative body espoused a new discourse of responding to what citizens wanted and tangibly improving their quality of life. Furthermore, it adopted a range of new social, consumer and environmental policies to appeal to public opinion, which it took into account more than ever before. By responding to societal developments, the Commission endeavored to replace its image of a distant, faceless bureaucracy with a more 'human face.' This included rearranging the Commission's system of governance to give the public a voice in policy-making. Especially in the new policy field of consumer protection, new spaces were created for citizen representatives to participate in European politics beyond the formal institution of European parliament.

Before, the European institutions had been grounded in a depoliticized governance mode of technocratic problem-solving, keeping a dignified distance from citizens. Although the Commission's information policy aimed to foster a shared European consciousness, it favored opinion leaders and sectoral interest groups over the masses. By the early 1970s, however, Western European societies saw the rise of new forms of political mobilization as well as political polarization and protest. New social movements – from environmentalists to women's rights activists – and other proponents of democratization and direct democracy attacked this *bürgerfern* approach on both the national and European level. Previous forms of representative parliamentary politics and corporatist governance were increasingly out of tune with changing societal perceptions of democracy and political representation.<sup>2</sup>

The Community was now framed as a 'Eurocracy' in public debates. This image embodied both its bureaucratic bias and remoteness from the realities of European citizens' lives as well as its growing performance issues amid the enduring economic malaise of the 1970s and 1980s. In this period, the term 'democratic deficit' was first used to argue that the

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<sup>1</sup> Unless specified otherwise, the abbreviation EC refers to the European Communities consisting of the European Coal and Steel Community (ECSC), the European Atomic Energy Community (Euratom), and the European Economic Community (EEC). For reasons of brevity and clarity, Commission or European Commission refers to the Commission of the European Communities (1965/1967-2007/2009).

<sup>2</sup> Ingrid Gilcher-Holtey, "Political Participation and Democratization in the 1960s. The Concept of Participatory Democracy and its Repercussions," in *Democracy in Modern Europe. A Conceptual History*, ed. Jussi Kurunmäki, Jeppe Nevers, and Henk te Velde (New York and Oxford: Berghahn, 2018). On the politicization of European integration in the 1970s: Ian Down and Carole J. Wilson, "From 'Permissive Consensus' to 'Constraining Dissensus': A Polarizing Union?" *Acta Politica* 41, no. 1 (2008).

Community's institutional framework and decision-making system suffered from a shortfall of democracy as well as transparency, which would exacerbate their inaccessibility to ordinary citizens.<sup>3</sup> The Community took this image issue and perceived 'gap' with citizens highly seriously as a threat to its overall legitimacy and functioning. The most well-known attempt to solve the democratic deficit was granting 'European' voters to directly elect their representatives in European parliament. Yet, as Wolfram Kaiser has argued, "we still know little about how the EC institutions conceptualized the democratic deficit or what explicit strategies they developed to address it."<sup>4</sup> Especially the role of the Community's central administrative body in bringing European integration closer to citizens is often overlooked.

In fact, the Commission consciously sought to strengthen the participation of citizen representatives as well as non-governmental organizations (NGOs) in its system of governance. To be sure, societal actors had never been excluded from European policy-making. Access, however, remained limited to specific sectoral and economic interest groups in a more corporatist conception of governance.<sup>5</sup> Structurally speaking, the transformation of the EC into a more trans- or supranational polity covering a growing range of policy fields – including consumer and environmental protection – provided new opportunities for societal groups to enter the European political stage.<sup>6</sup> But this does not explain why the Commission established new venues to consult consumer groups, or why it generously funded consumer activists and environmentalists to set up office in Brussels. For the administrative body, this was a means to respond to criticism of its remoteness from a changing society, to make itself more responsive to what citizens wanted.

The emergence of consumer policy illustrates how the Commission reacted to new societal concerns in an effort to construct a more 'human' image towards the general public. By the 1970s, there were rising public concerns over food safety, the regulation of personal credit, and environmental degradation against the background of a globalizing economy. New pressure and public interest groups voiced these worries in Community member states like Denmark and the United Kingdom.<sup>7</sup> The Commission responded by establishing the Environment and Consumer Protection Service (ECPS) in 1973. Under pressure by consumer interest groups, the Commission also founded the Consumers' Consultative Committee (CCC) to formalize their role in policy-consultation.<sup>8</sup> However, the Committee's constituent organizations soon went beyond formal procedures in using their platform to advocate new measures. The ECPS and CCC often lobbied together at the Commission presidency, but regularly clashed over consumer activists' militant media strategies or the scope of policy.

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<sup>3</sup> The first recorded use is in a resolution adopted by the Congress of Young European Federalists in Berlin in 1977 and was later popularized by David Marquand, political scientist, Labour Party MP and later Chief Advisor (1977-1978) to Commission President Roy Jenkins in his book *Parliament for Europe* (London: Jonathan Cape, 1979).

<sup>4</sup> Wolfram Kaiser, "Political Dynamics in an Emerging Polity: Globalisation, Transnational Relations and Europeanisation," in *The Institutions and Dynamics of the European Community, 1973-83*, ed. Johnny Laursen (Baden-Baden: Nomos, 2014), 58.

<sup>5</sup> Wolfgang Streeck and Philippe C. Schmitter, "From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market," *Politics and Society* 19, no. 2 (1991): 134-39.

<sup>6</sup> Wolfram Kaiser and Jan-Henrik Meyer, "Non-State Actors in European Integration in the 1970s: Towards a Polity of Transnational Contestation," *Comparativ. Zeitschrift für Globalgeschichte und vergleichende Gesellschaftsforschung* 20, no. 3 (2010).

<sup>7</sup> Matthew Hilton, *Prosperity for All. Consumer Activism in an Era of Globalisation* (Ithaca and London: Cornell University Press, 2009), 3-17.

<sup>8</sup> Christian van de Velde, "Environmental and Consumer Protection," in *The European Commission 1973-86. Histories and Memories of an Institution*, eds. Éric Bussière et al. (Luxembourg: Publications Office of the European Union, 2014).

More than that, consumer representatives challenged the influence and working method of established industrial or trade union interest groups. At the Commission level, these dynamics transformed conceptions of interest representation as well as the role civil society actors could play in the European political arena.<sup>9</sup> The Commission furthermore conceived the CCC as a 'communication channel' between itself and society. The CCC's member organizations conducted opinion research and collaborated with information campaigns on how the new consumer policies benefitted the lives of citizens.

There had always been a feeling within the Commission that the general audience knew too little about the EC. Yet, the Commission's information policies targeted elites, opinion leaders and specific economic sectors – the designated driving forces behind integration. The 'permissive consensus' of the public was largely taken for granted, while their active support was no prerequisite for the EC's functioning.<sup>10</sup> However, the Commission started to perceive citizens' lack of interest for the European community and at times their outright hostility as a considerable threat to the future of European integration in the 1970s. The EC felt an acute need to legitimate its existence and actions to citizens in the face of economic crisis. As a consequence, the Commission's Directorate General (DG) X for Information decidedly overhauled its information policies to address the broader audience of citizens and consumers.<sup>11</sup>

The information service believed that the public's indifference or opposition ultimately stemmed from ignorance, but was well aware that many aspects of European integration were far too technical to ever capture public interest. Instead, DG X realigned its information policy with the perceived desires of citizens and turned to television and PR-campaigns rather than information brochures. It propagated a new discourse stressing the humane side of the Commission. Not only was integration reframed as indispensable to overcoming the economic crisis, but also to increase their quality of living. The new social, environmental, and consumer protection policies were devised as well as narrated as tangible improvements to citizens' daily lives.<sup>12</sup> Moreover, DG X paired this discursive shift with a rigorous decentralization towards local and national information offices to quite literally bring 'Europe' closer to the public. On a deeper level, the establishment of the Eurobarometer to gauge public opinion signaled the new importance attached to how citizens felt about the EC – as well as a desire to more accurately steer public opinion.<sup>13</sup> Indeed, despite a discourse of dialogue with citizens, the Commission took a top-down approach to informing citizens. The administrative body was extremely reluctant to engage in an open-ended discussion with the media and refused requests to establish an *ombudsman* or any institutional measure to take citizens' views into account.

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<sup>9</sup> Liesbeth van de Grift, "Representing European Society. The Rise of New Representative Claims in 1970s European Politics," *Archiv für Sozialgeschichte* 58 (2018).

<sup>10</sup> Leon Lindberg and Stuart Scheingold, *Europe's Would-Polity. Patterns of Change in the European Community* (Eaglewood Cliffs, NJ: Prentice-Hall, 1970), 249-52; Alexander Reinfeldt, *Unter Ausschluss der Öffentlichkeit? Akteure und Strategien supranationaler Informationspolitik in der Gründungsphase der europäischen Integration* (Stuttgart: Franz Steiner Verlag, 2016), 199-210.

<sup>11</sup> Ana Lúcia Terra, "From Information Policy to Communication Policy: First Steps Towards Reaching European Citizens in the 1970s and 1980s," in *Public Communication in the European Union. History Perspectives and Challenges*, ed. Chiara Valentini and Giorgia Nesti (Newcastle upon Tyne: Cambridge Scholars Publishing, 2010).

<sup>12</sup> Claudia Sternberg, "Public Opinion in the EU Institutions' Discourse on EU Legitimacy from the Beginnings of Integration to Today," *Politique Européenne* 54, no. 4 (2016): 34-37.

<sup>13</sup> Céline Belot, Laurie Boussaguet and Charlotte Halpern, "La fabrique d'une opinion publique européenne. Sélection, usages et effets des instruments," *Politique Européenne* 54, no. 4 (2016): 89-101.

Combined, consumer and information policy offer a fascinating prism for this thesis to explore how the Commission conceived the democratic deficit and sought to bridge the gap with citizens. Both policy areas are intertwined in reframing the Community as an institution which not only assured citizens' well-being, but moreover reacted to their demands. New venues for citizen representation as well as means to map and respond to public opinion were established. These changes engendered discussions concerning the role citizens and their representatives could have in European politics. In a nutshell, this thesis highlights the entanglement and conflict between, on the one hand, new conceptions of citizen participation and legitimating narratives to the public, and, on the one hand, the transformation of European institutions and the position of citizen representatives in political practices between the early 1970s and the mid-1980s. The time frame encompasses what could be called a *Sattelzeit* or transitory period in reimagining the EC as a community representing individual citizens and consumers. In this period, long-term continuities were established in how the EC conceived its relation to public opinion and citizens as well as the role of civil society actors and public interest representatives in policy-making. Furthermore, it was an open-ended period with different or competing public legitimation strategies, from reaching out to the 'man in the street' and direct elections to a focus on a Citizens' Europe, cultural identity, and communicating the Common Market in the 1980s.

Until very recently, historians of European integration would have narrated these years as the 'dark ages' of European integration plagued by crises, a period of stagnation between the dynamics of the 1960s and the 'relaunch' inaugurated by Jacques Delors and the Common Market.<sup>14</sup> New studies do not deny these challenges: many initiatives were impaired by budgetary restraints, member state resistance, and lacking implementation. Instead, they have reappraised the long 1970s as a tumultuous, yet transformative period during which the EC initiated new policies, acquired new competences, and overall developed into a transnational polity of multi-level governance. Precisely under pressure new institutional arrangements were established, most importantly the European Council of heads of state and leaders of government. In addition, new steps were made in coordinating monetary policy, while the EC gained its own seats in G7 summits. Meanwhile, the European Court of Justice and the Commission functioned as catalyzers and advocates of further integration.<sup>15</sup>

The overall growth and expanding multi-layered character of the EC provided new opportunities for societal actors to enter the European political stage and shape transnational issues in this era of increased globalization.<sup>16</sup> Notwithstanding the abundance of new historical research on the EC in the 1970s, attention to how citizens and their representatives came into play remains relatively lacking, especially in comparison to the wealth of studies on transnational political parties or non-state actors in European integration. However, although the history of European integration is slowly emancipating itself from traditional diplomatic approaches, the EC's engagement with civil society actors and public opinion remain understudied. Even more problematic is the virtual ignorance of these earlier interactions

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<sup>14</sup> Martin Gilbert, "Narrating the Process: Questioning the Progressive Story of European Integration," *Journal of Common Market Studies* 46, no. 3 (2008).

<sup>15</sup> Johnny Laursen, ed., *The Institutions and Dynamics of the European Community, 1973-83* (Baden-Baden: Nomos, 2014); Claudia Hiepel, ed., *Europe in a Globalising World. Global Challenges and European Responses in the 'Long' 1970s* (Baden-Baden: Nomos, 2014); Umberto Tulli, "The Search for a European Identity in the Long 1970s: External Relations and Institutional Evolution in the European Community," *Contemporary European History* 25, no. 3 (2016).

<sup>16</sup> Wolfram Kaiser and Jan-Henrik Meyer, eds., *Societal Actors in European Integration. Polity-Building and Policy-Making 1958-1972* (Basingstoke: Palgrave Macmillan, 2013).

between citizens and European institutions in contemporary scholarship on the European Union's democratic deficit.

## 2. Literature Review

Both the democratic deficit or legitimacy of the European Union as well as its relationship with civil society actors and European citizens has been of interest to a considerable number of academics from a wide range of scholarly disciplines. On the whole, this thesis aims to contribute to and connect two larger bodies of scholarship. Firstly, the reorientation of European integration history on transnational history, European Studies, and political science, which approach the EC/EU as a multi-layered system of governance rather than a *sui generis* result of intergovernmental bargaining. This 'opening up' has enriched EU historians' conceptual and methodological toolbox as well as shifted their attention to societal and non-state actors in European integration.<sup>17</sup> In addition, this thesis adds to embedding the still insulated historiography of the EU within broader contemporary, social, and cultural historical debates – in this case, consumer politics and activism as well as the political representation of citizens in governance. Thereby, it furthermore contributes to the ongoing reappraisal of the 'long 1970s' as a transformative era in both European integration and global history.<sup>18</sup>

Secondly, research on the (democratic) legitimacy of the EU and international organizations more broadly. A growing interdisciplinary body analyzes how international organizations legitimate and narrate themselves at a time when multilateral cooperation is increasingly politicized.<sup>19</sup> The aim of this thesis is to add a much-needed historical perspective on how IOs legitimate themselves in the face of public criticism by offering an insight into the 'black box' of IO administration based on archival sources. Most importantly, this thesis explores how the Commission conceived and responded to the democratic deficit during the EC's first major public legitimacy crisis in the 1970s and 1980s. Debates on EU legitimacy are dominated by political scientists and legal scholars who either disregard this earlier period or postulate a teleological narrative of an ever-widening democratic shortfall upon which the EU has only acted since the 1990s.

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<sup>17</sup> On EU historiography, see: Kiran Klaus Patel, "Europäische Integrationsgeschichte auf dem Weg zur doppelten Neuorientierung," *Archiv für Sozialgeschichte* 50 (2010); Wolfram Kaiser, "From Isolation to Centrality: Contemporary History Meets European Studies," in *European Union History. Themes and Debates*, ed. Wolfram Kaiser and Antonio Varsori (Basingstoke: Palgrave Macmillan, 2010).

<sup>18</sup> For a broader perspective on the 1970s: Anselm Doering-Manteuffel and Lutz Raphael, *Nach dem Boom. Perspektiven auf die Zeitgeschichte seit 1970* (Göttingen: Vandenhoeck & Ruprecht, 2008), Niall Ferguson et al., eds., *The Shock of the Global: The 1970s in Perspective* (Cambridge, MA: Harvard University Press, 2010); Ariane Leendertz and Wencke Meteling, eds., *Die neue Wirklichkeit: Semantische Neuvermessungen und Politik seit den 1970er-Jahren* (Frankfurt am Main: Campus Verlag, 2016).

<sup>19</sup> For an overview: Jonas Tallberg, Karin Bäckstrand, and Jan Aart Scholte, eds., *Legitimacy in Global Governance: Sources, Processes, and Consequences* (Oxford: Oxford University Press, 2018).



## 2.1 Debating the democratic deficit

The majority of studies on EU legitimacy deals with the post-Maastricht era. After 1992 the EU did experience a far-reaching growth in competences and now encroached substantially on national sovereignty in a wide range of areas. Arguably, the EC's mechanisms of democratic accountability did not keep up. Following the negative Danish referendum and overall contested treaty ratification, criticisms of a perceived gap between EU policy-making and citizens emerged in both public and scholarly debates. The initial question was whether the EU has a democratic deficit and if so, how large this would be.<sup>20</sup>

One group of scholars argues that the EU cannot be compared one-to-one with our *ideals* of national democracies. Not only would they not be an appropriate normative yardstick for policy-making or the European Central Bank, but sufficient channels for democratic as well as political accountability already existed in similar fashion to those in member states.<sup>21</sup> The other, larger scholarly camp puts forward that the EU has a democratic deficit. There are different factions on whether the gap is insurmountable or how to bridge, but overall, there is consensus on a fundamental lack of democratic control or citizen participation.<sup>22</sup> In discussing what norms can be applied to democracy beyond the nation stand, scholars tend to group their arguments using political theorist Fritz Scharpf's distinction between 'input' and 'output' legitimacy. These respectively concern the effectiveness of EU policy and problem-solving for the people and how responsive the EU is to citizen concerns as a result of institutional arrangements for participation and representation.<sup>23</sup>

From another perspective, a growing number of political scientists have moved beyond this normative debate. Instead, they empirically study the effectiveness of measures to remedy the democratic deficit. One strand of research turns to concepts of democratic, transparent governance to disentangle the expansion of the multi-layered, transnational policy-making on the European level since the 1990s. In theory, the emerging hybrid mix of networks of national, EU, subnational, and transnational actors shifts the balance to competent stakeholders, rather than national interests, which could improve both the quality of policy and EU democratic legitimacy.<sup>24</sup> Recently, Vivien Schmidt has proposed the concept of 'throughput' legitimacy as a third normative criterion to study legitimacy in between input and output legitimacy 'in terms of the efficacy, accountability and transparency of the EU's governance processes along

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<sup>20</sup> Giandomenico Majone, "Europe's 'Democratic Deficit': The Question of Standards," *European Law Journal* 4, no. 1 (1998).

<sup>21</sup> Andrew Moravcsik, "In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union," *Journal of Common Market Studies* 40, no. 4 (2002).

<sup>22</sup> For an overview: Beate Kohler-Koch and Berthold Rittberger, eds., *Debating the Democratic Legitimacy of the European Union* (Lanham: Rowman & Littlefield Publishers, 2007); Antoine Vauchez, *Democratizing Europe* (Basingstoke: Palgrave Macmillan, 2016).

<sup>23</sup> Fritz Scharpf, *Demokratietheorie zwischen Utopie und Anpassung* (Konstanz: Universitätsverlag, 1970), 21-25; Fritz Scharpf, *Governing in Europe. Effective and Democratic?* (Oxford: Oxford University Press, 1999), 7-21.

<sup>24</sup> Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration* (Lanham, Rowman & Littlefield Publishers, 2001), 1-29; Beate Kohler-Koch and Berthold Rittberger, "Review Article: The 'Governance Turn' in EU Studies," *Journal of Common Market Studies* 44, no. 1 (2006).

with their inclusiveness and openness to consultation *with the people*.<sup>25</sup>

A second strand of research turns to forms of participatory democracy, in particular the emergence of civil society participation as a norm in European governance since the 1990s as a means to enhance the EU's input legitimacy. For example, the Treaty of Lisbon has introduced new measures to improve such forms of participation, such as the European Citizens' Initiative. It is debated, however, whether inclusion of NGOs and mechanisms for citizen consultation actually increase the public perception of democracy legitimacy, or to what extent a 'lobby' by citizens improves policy-making.<sup>26</sup> Moreover, it has been argued that this norm of civil society participation is contingent on underlying notions of what a democratic society is.<sup>27</sup> Overall, these studies offer a sophisticated toolkit for analyzing how today's EU deals with issues of legitimacy in conceptualizing its institutional framework. However, academic research on the EU can be as prescriptive as it is descriptive. As with functionalist theory in the 1960s, the academic discourses of participatory governance or output legitimacy have already been appropriated by EU institutions.

The criteria by which EU legitimacy are judged are inextricably bound to changing historical conceptions of democracy and political representation. It is no surprise that linking civil society to legitimacy surged in the 1990s following the fall of communism and the 'triumph' of liberal market democracies over state-orchestrated communism.<sup>28</sup> Most research does not reflect much on how today's norms shape both academic and EU conceptions of legitimacy. Even fewer studies take into account debates about the democratic deficit before the Treaty of Maastricht, nor the EC's interactions with citizens and their representatives on the supranational level beyond European parliament.

One result of present public debates is a surge in interest for historical Euroscepticism and referendums on European integration.<sup>29</sup> Although this provides new knowledge on the longer history of criticism on the EU/EC, studies have mainly focused on the usual set of actors and events: governments, political parties, European elections, and referendums on accession and treaty ratifications. From another angle, the democratic legitimacy and representative function of European Parliament have been well researched, although not always by historians.<sup>30</sup> However, the interplay between European institutions and a range of societal

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<sup>25</sup> Vivien A. Schmidt, "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput,'" *Political Studies* 61, no. 1 (2013): 2.

<sup>26</sup> Dawid Friedrich, "Democratic Aspiration Meets Political Reality: Participation of Organized Civil Society in Selected European Policy Processes," in *Civil Society Participation in European and Global Governance. A Cure for the Democratic Deficit?*, ed. Jens Steffek, Claudia Kissling, and Patrizia Nanz (Basingstoke: Palgrave Macmillan, 2008).

<sup>27</sup> Sabine Saurugger, "The Social Construction of the Participatory Turn: The Emergence of a Norm in the European Union," *European Journal of Political Research* 49, no. 4 (2010); Sandra Kröger and Dawid Friedrich, "Introduction: The Representative Turn in EU Studies," *Journal of European Public Policy* 20, no. 2 (2013).

<sup>28</sup> Michael Edwards, *Civil Society. Third Revised Edition* (Cambridge: Polity Press, 2014), 43-65; Jürgen Kocka, "Civil Society from a Historical Perspective," *European Review* 12, no. 1 (2004).

<sup>29</sup> Birte Wassenberg, Frédéric Clavert and Philippe Hamman, eds., *Contre l'Europe? Anti-européisme, euroscepticisme et alter-européisme dans la construction européenne de 1945 à nos jours (vol. I): les concepts* (Baden-Baden: Nomos, 2010); Daniele Pasquinucci, "The Historical Origins of Italian Euroscepticism," *Journal of European Integration History* 22, no. 2 (2016); Simon Hug, *Voices of Europe: Citizens, Referendums, and European Integration* (Lanham, Rowman & Littlefield Publishers, 2002).

<sup>30</sup> Berthold Rittberger, *Building Europe's Parliament. Democratic Representation Beyond the Nation State* (Oxford: Oxford University Press, 2005); Yves Mény, ed., *Building Parliament: 50 Years of European Parliament History, 1958-2008*

actors – from lawyers to multinational and consumer activists – had already become much more entangled and Europeanized since at least the 1970s in EC policy-making and implementation.<sup>31</sup> In recent years, historians have started researching this critical gap by charting the crucial role of non-state actors – ranging from other international organizations to farmers – in European governance and polity-building before the 1990s.<sup>32</sup>

What still remains understudied is how public interest groups or civil society actors have been active in the European political arena. As Wim van Meurs has argued, the study of a European institution or policy-area offers fruitful ground for an open-ended history of European democracy. The range of actors and interests involved go beyond a dichotomy between politicians and citizens, or the national and the European.. By studying how EC officials, experts, NGOs, and representatives shape policy, it is possible to access underlying conceptions and practices of participation and representation.<sup>33</sup> From another perspective, Liesbeth van de Grift has made the case for studying aspects of bottom-up mobilization and engagement with European integration through the lens of consumer politics. For example, she has demonstrated how the arrival of consumer representatives within the European Economic and Social Committee (EESC) has altered dominant practices of interest representation.<sup>34</sup> Building on these insights, this thesis turns to how the Commission has sought to embed consumers in their processes of policy-making in an attempt to represent individual consumer-citizens, rather than social classes and sectoral interests.

## 2.2 European consumer protection: representing the citizen-consumer

The development of European consumer policy is a particularly fruitful policy area to analyze both practices of participation and representation as well as how the EC/EU perceives – and narrates – its role towards citizens. So far, it has mainly been the domain of law scholars and social scientists. From a legal perspective consumer protection is an interesting case for studying how the European Court of Justice played an important activist role in establishing European consumer rights and law before the Single European Act (SEA) legally recognized EC the competencies in this field. Law scholars are primarily interested in the implementation

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(Luxembourg: Office for Official Publications of the European Communities, 2009); Simon Hix, Abdul G. Noury, and Gérard Roland, *Democratic Politics in the European Parliament* (Cambridge: Cambridge University Press, 2007).

<sup>31</sup> Wolfram Kaiser, Brigitte Leucht, and Morten Rasmussen, eds., *The History of the European Union: Origins of a Trans- and Supranational Polity 1950-72* (London: Routledge, 2009); Wolfram Kaiser, Brigitte Leucht, and Michael Gehler, eds., *Transnational Networks in Regional Integration. Governing Europe 1945-83* (Basingstoke: Palgrave Macmillan, 2010).

<sup>32</sup> Wolfram Kaiser and Kiran Klaus Patel, "Multiple Connections in European Co-Operation: International Organizations, Policy Ideas, Practices and Transfers 1967-92," *European Review of History: Revue Européenne d'Histoire* 24, no. 3 (2017).

<sup>33</sup> Wim van Meurs, "Et tu, EU-historicus? Actuele crises en integratiegeschiedenis," *Tijdschrift voor Geschiedenis* 130, no. 1 (2017).

<sup>34</sup> Van de Grift, "Representing European Society."

of these rulings and so-called 'soft' law before 1986, meaning legally non-binding directives.<sup>35</sup> Whereas most law scholars argue that the ECJ was not concerned with consumers per se and more with establishing the common market, Michelle Everson points out that the ECJ as well as the Commission were "highly aware of the legitimation potential of direct appeals to distinct (non-national) categories of the European citizen."<sup>36</sup> Sociologist Adam Burgess takes a more critical approach and argues that the initial aim of protecting consumers from a deregulated market evolved into a conscious top-down construction of citizen consumers by the EU to boost their public legitimacy.<sup>37</sup> Overall, these approaches do not delve into questions of who gets to represent consumers or what underlying conceptions of 'citizen-consumers' shape EC policy.

Beyond the EU, there has been anything but a lack of historical attention to the politics of consumption and consumerism in modern times. For although humans have always consumed, it has only been in specific contexts in the last two centuries that practices of consumption have been linked to political concept or identity of 'the consumer.' Moving beyond moral critiques or materialist assumptions that the consumer is a product of the affluence of the 1950s and 1960s, historians now ask how the political creature of the consumer has been constructed by which actors and with which underlying aims.<sup>38</sup> Another key question is who speaks on behalf of consumers. In the postwar era, a dense landscape of different competing actors and knowledge regimes doing so emerged, from consumer organizations and political parties to commercial actors and regulatory institutions. These competing representative claims do not reflect *the* consumer interest, but rather inscribe this malleable concept with a specific, often ideological, meaning. In the postwar period the concept of the consumer became loaded with ideological connotations of democracy and capitalism and a discourse of choice and freedom<sup>39</sup> Although much has been written on the role of the United States from this perspective, there is a relative gap in our understanding of how the EC has appropriated and defined consumer policy for Europe in the 1970s.

Most research instead focuses on (transnational) consumer activism. Matthew Hilton conceptualizes consumer activism as a social movement which eschews left-right dualisms. Furthermore, he blurs the state-activists stalemate by foregrounding the range of political actors within and beyond formal national political institutions who engage in policy-making and making competing representative claims on citizens.<sup>40</sup> Comparatively few studies address

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<sup>35</sup> Norbert Reich et al. *European Consumer Law. Second Edition* (Cambridge: Intersentia, 2014); Stephen Weatherill, *EU Consumer Law and Policy. Second Edition* (Cheltenham and Northampton, MA: Edward Elgar Publishing, 2009),

<sup>36</sup> Michelle Everson, "Legal Constructions of the Consumer," in *The Making of the Consumer. Knowledge, Power and Identity in the Modern World*, ed. Frank Trentmann (Oxford and New York: Berg, 2006), 112.

<sup>37</sup> Adam Burgess, "Flattering Consumption," *Journal of Consumer Culture* 1, no. 1 (2001).

<sup>38</sup> Frank Trentmann, "Citizenship and Consumption," *Journal of Consumer Culture* 7, no. 2 (2007); Frank Trentmann, "The Long History of Contemporary Consumer Society. Chronologies, Practices and Policies in Modern Europe," *Archiv für Sozialgeschichte* 49 (2009): 107-11.

<sup>39</sup> Alain Chatriot, Marie-Emmanuelle Chessel, and Matthew Hilton, "Introduction," in *The Expert Consumer: Associations and Professionals in Consumer Society*, ed. Alain Chatriot, Marie-Emmanuelle Chessel, and Matthew Hilton (Farnham: Ashgate, 2006), 1-5.

<sup>40</sup> Matthew Hilton et al., *The Politics of Expertise. How NGOs Shaped Modern Britain* (Oxford: Oxford University Press, 2013), 7-19; Matthew Hilton, "Social Activism in an Age of Consumption: The Organized Consumer Movement," *Social History* 32, no. 2 (2007).

how concepts of citizenship and political representation shape the interaction between governmental institutions. One good example is Giselle Nath's research on how Belgian consumer organizations competed with trade unions and government organs in claiming to represent citizens. She highlights the different political interests and conceptions of governance underlying the establishment of state institutions that give consumers a political voice.<sup>41</sup> Choices in institutional design are never neutral, but reflect underlying ideals and values and often elicit strife between different actors. The question is which notions of citizenship and citizen participation shaped how the Commission envisaged venues of consumer interest representation in the 1970s and how these were subsequently negotiated and contested in political practice. This historical approach sketches a much more nuanced picture of consumer representation than Burgess' argument of the EC essentially co-opting this for PR reasons. Nevertheless, the public image of the EC played a larger role in conceptualizing consumer policy than has often been assumed by scholars of European law.

### 2.3 European public legitimization strategies

These forms of bottom-up engagement and the Commission's legitimization efforts in fabricating a more human face via consumer as well as environmental protection, however, remain somewhat understudied in the wider literature on European efforts towards a Citizen's Europe. Most scholarly attention goes to the EC's cultural policies and efforts to foster a shared European identity from the 1970s onwards. Anthropologist Chris Shore has been one of the first to analyze how EU elites aim to fabricate and top-down impose a European consciousness through symbols, citizens, and the Euro.<sup>42</sup> Conversely, political scientist Oriane Calligaro criticizes this perspective for implying a "too high degree of coherence in the intentions of action" of a dirigist, elite-driven conversion effort.<sup>43</sup> Instead, she highlights how European cultural is relational and multidirectional, involving a wide variety of actors with divergent interests and views, rather than being orchestrated by elites.<sup>44</sup> However, a focus on policies which explicitly address citizenship obscures how the Commission pursued public legitimization efforts in other areas, often in cooperation with civil society actors. Nevertheless, Calligaro and others inform a more nuanced perspective on how the Commission formulated and conceived policies directed at the public. Meaning that there was not one single, overarching top-down legitimization effort, but rather a number of different contested

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<sup>41</sup> Giselle Nath, "Giving Consumers a Political Voice: Organized Consumerism and the Belgian Welfare State, 1957-1981," *BMGN-Low Countries Historical Review* 132, no. 3 (2017).

<sup>42</sup> Chris Shore, *Building Europe. The Cultural Politics of European Integration* (London and New York: Routledge, 2000); see also François Foret, *Légitimer l'Europe. Pouvoir et symbolique à l'ère de la gouvernance* (Paris: Presses de Science Po, 2008).

<sup>43</sup> Oriane Calligaro, *Negotiating Europe. EU Promotion of Europeanness since the 1950s* (Basingstoke: Palgrave Macmillan, 2013), 5.

<sup>44</sup> See also: Kiran Klaus Patel, ed., *The Cultural Politics of Europe. European Capitals of Culture and European Union since the 1980s* (Abingdon and New York: Routledge, 2013).

initiatives with varying success.

Much less attention has been paid by historians to the Commission's information services during the pivot to citizens and culture in the 1970s and 1980s. A number of historical studies cover the period until the merger of 1967 or the first enlargement of 1972, restricted by the 30 year restriction of most archival material. They address the tension between influencing elites and sectoral interest groups and the desire to foster a European consciousness. However, they signal an ongoing professionalization and focus on the broader public by the early 1970s.<sup>45</sup> On the other hand, whether a 'European Public Sphere' exists or in how far media has become Europeanized are contested issues within scholarly debates on European integration. Studies from a historical perspective likewise focus on the tentative existence of this public sphere, but the question how the European institutions have appropriated the concept of the public sphere and if so, to what aims, is rarely asked.<sup>46</sup>

Several political and communication scientists have investigated the public legitimization and communication strategies of DG X and the EC more widely based on policy papers and speeches for this period. Overall, they agree on a shift to informing public opinion and mobilizing public support, but that such efforts were hampered by financial difficulties and institutional reorganization.<sup>47</sup> In addition, Claudia Sternberg and Dominika Biegoń have argued how underlying this transition to a discourse of listening to citizens was a notion of top-down output legitimacy, rather than a 'genuine' responsiveness to citizens.<sup>48</sup> Studies on the establishment of the Eurobarometer in the 1970s subscribe to this view. For example, sociologist Philippe Aldrin has demonstrated how the Eurobarometer served to survey public opinion, but also to explicitly construct a European public sphere and legitimate new European policy initiatives.<sup>49</sup> What remains less clear in these studies, however, is how actors within and connected to the Commission actually conceived – or contested – the evident gap with citizens and how to overcome it. This also applies to how information policy relates to other initiatives by the European institutions towards the public as well as broader historical notions of legitimacy and political representation.

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<sup>45</sup> Reinfeldt, *Unter Ausschluss der Öffentlichkeit?*; Lisa Rye, "The Origins of Community Information Policy: Educating Europeans," in *The History of the European Union: Origins of a Trans- and Supranational Polity*, ed. Wolfram Kaiser, Brigitte Leucht, and Morten Rasmussen (London: Routledge, 2009); N. Piers Ludlow, "Frustrated Ambitions. The European Commission and the Formation of a European Identity, 1958-67," in *Institutions européennes et identités européennes*, ed. Marie-Thérèse Bitsch, Wilfried Loth, and Raymond Poidevin (Brussels: Emile Bruylant, 1999).

<sup>46</sup> Jan-Henrik Meyer, *The European Public Sphere: Media and Transnational Communication in European Integration 1969-1991* (Stuttgart: Franz Steiner Verlag, 2010); cf. Michael Brüggeman, "How the EU Constructs the European Public Sphere: Seven Strategies of Information Policy," *Javnost – The Public. Journal of the European institute for Communication and Culture*, 12, no. 2 (2005).

<sup>47</sup> Marc Gramberger, *Die Öffentlichkeitsarbeit der Europäischen Kommission 1952-1996. PR zur Legitimation von Integration?* (Baden-Baden: Nomos, 1996); Ana Lúcia Terra, "From Information Policy to Communication Policy."

<sup>48</sup> Claudia Sternberg, *The Struggle for EU legitimacy. Public Contestation, 1950-2005* (Basingstoke: Palgrave Macmillan, 2013), 80-89, 100-02; Dominika Biegoń, *Hegemonies of Legitimation. Discourse Dynamics in the European Commission* (London: Palgrave Macmillan, 2016), 106-110.

<sup>49</sup> Philippe Aldrin, "L'invention de l'opinion publique européenne. Genèse intellectuelle et politique de l'Eurobaromètre (1950-1973)," *Politix* 23, no. 89 (2010); Philippe Aldrin, "From an Instrument to the Instrumentalization of 'European Opinion,'" in *A Political Sociology of the European Union. Reassessing Constructivism*, ed. Michel Mangenot and Jay Rowell (Manchester: Manchester University Press, 2013).

## 3. Method and approach

### 3.1 Research question and outline

To tie together the previously discussed research strands, this thesis is structured around the following overarching research question: “How did the European Commission seek to legitimate European integration towards citizens and conceive their participation and representation in European politics between circa 1972 and 1986?” The start of the period has been chosen because around 1972 and 1973 the Commission acted upon an urgency to legitimate European integration to the general public. The Single European Act of 1986 and the Commission Presidency of Jacques Delors signify a fundamental change in the size and competences of the EC. Moreover, this included new notions of ‘selling’ and communicating the EC to the public as well as new conceptions of civil society participation. In addition, this question enables a focused approach to the transforming role of citizens in European politics, both at the discursive level – a shift towards a citizen-centered discourse and new political claims – and at the practical level – the extent to which new discourses resulted in new institutional arrangements and access of citizens to European-level policy-making.

The focus explicitly lies on political actors acting to represent the interests of consumers without passing judgement from a normative perspective or postulating a dichotomy between ‘good’ activists and bad’ industrial interests or institutions.<sup>50</sup> The terms civil society actors, consumer representative, and public interest group are used intermittently as heuristic terms – also because the source material consists of different languages and the actors are rarely explicitly identified as ‘civil society actors’ – to designate those actors and their role in shaping new practices and notions of citizen participation in European politics. Within the Commission, DG X and the ECPS constitute two overlapping prisms to study these developments from the perspective of public legitimation and information strategies and the emerging field of consumer protection policy. Before answering the main question, it is first necessary to delineate how this thesis defines legitimacy.

### 3.2 Defining legitimacy and representative claim-making

Legitimacy is inextricably bound to normative historical beliefs of what is legitimate. Hence, it is important to define a non-normative working definition to studying legitimacy and legitimation strategies which can empirically analyze different historical periods. From a conceptual perspective, it is more fruitful to approach the European Community as a type of

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<sup>50</sup> For a discussion of the term, see: Wolfram Kaiser and Jan-Henrik Meyer, “Beyond Governments and Supranational Institutions: Societal Actors in European Integration,” in *Societal Actors in European Integration. Policy-Building and Policy-Making 1958-1972*, eds. Wolfram Kaiser and Jan-Henrik Meyer (Basingstoke: Palgrave Macmillan, 2013), 5-6.



international organization, rather than a one of a kind creature. For although the EC aspires to be more than an intergovernmental IO, it does face similar, albeit at times stronger, challenges as other IOs do and does not employ fundamentally different legitimation strategies. Overall, the debate on political legitimacy in both European and global governance is dominated by sociologists, political scientists, and IR scholars – of which the latter generally disregard citizen participation and democratic legitimacy.

Broadly speaking, scholars of legitimacy take either a normative or empirical approach. The empirical approach traces its roots back to Max Weber who reconceptualized legitimacy as a social belief or fact rather than a philosophical idea. He furthermore distinguished three categories of legitimizing strategies to cultivate beliefs in a political order based on legal, traditional or charismatic authority.<sup>51</sup> Particularly Weber's ideal type of legal-rational legitimization has been rediscovered as a theoretical perspective on how IO bureaucracies legitimize themselves via a discourse of rational and efficient policy-making – "output" legitimacy *avant la lettre*.<sup>52</sup> Not necessarily opposing an empirical approach, constructivists study how the legitimacy of norms and laws affects IO behavior or how legitimacy is created, used, and contested.<sup>53</sup>

Basing themselves on Weber, political scientists Jennifer Gronau and Henning Schmidtke propose an empirical conceptual framework to the study of IO legitimation incorporating both actors and institutional bureaucracies as well as discourses. Focusing on IO actors, they define legitimation strategies as a form of top-down "goal-oriented activities employed to establish and maintain a reliable basis of diffuse support for a political regime by its social constituencies."<sup>54</sup> Here, diffuse, or general, distinguishes public relations efforts which generate support for specific policies, from legitimation strategies, which seek to cultivate diffuse support for an international organization from the wider public, organizations, and IO bureaucrats. Gronau and Schmidtke furthermore distinguish two overall strategies. Firstly, a *discursive* strategy of proactive communication involving legitimacy claims and language to "(re)define and the present the institution as a force for normative good." Secondly, an *institutional* strategy to revise governance targets, procedures, and institutional designs to conform to new normative expectations in a crisis of legitimacy.<sup>55</sup> Notwithstanding the framework's top-down outlook<sup>56</sup>, it provides appropriate working definitions for studying the legitimation strategies specific EC actors on both the discursive and institutional level in negotiation with other actors as well as wider societal developments.

These 'societal developments' informing legitimation strategies, or their contestation

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<sup>51</sup> Max Weber, "Politics as Vocation," in *Max Weber's Complete Writings on Academic and Political Vocations*, ed. John Dreijmanis (New York, 2008).

<sup>52</sup> Jens Steffek, "The Legitimation of International Governance: A Discourse Approach," *European Journal of International Relations* 9, no. 2 (2003); Jens Steffek, "The Output Legitimacy of International Organizations and the Global Public Interest," *International Theory* 7, no. 2 (2015).

<sup>53</sup> For a discussion: Jonas Tallberg and Michael Zürn, "The Legitimacy and Legitimation of International Organizations: Introduction and Framework," *The Review of International Organizations* (2019), <<https://doi.org/10.1007/s11558-018-9330-7>>.

<sup>54</sup> Jennifer Gronau and Henning Schmidtke, "The Quest for Legitimacy in World Politics – International Institutions' Legitimation Strategies," *Review of International Studies* 42, no. 3 (2016): 540.

<sup>55</sup> Gronau and Schmidtke, 541-42.

<sup>56</sup> Cf. for a less nuanced but more interactive model: Tallberg and Zürn, "The Legitimacy and Legitimation of International Organizations."



by societal actors, are less well-defined by this model, however. Returning to Weber, British philosopher David Beetham criticized his focus on people's beliefs towards a political order as too simplistic and static. Instead, Beetham argued for studying how a system of norms and values shape the social construction of legitimacy in a specific historical context.<sup>57</sup> It is no surprise that in the few theoretically underpinned historical perspectives on modern political legitimacy, Martin Conway and Peter Romijn follow Beetham's more historical approach. However, Conway and Romijn emphasize that legitimacy is not neatly constructed by social beliefs and rulers, but instead often contested and beyond the grasp of institutions.<sup>58</sup> It is this open-ended, non-normative historical approach which is also applied here to the contested concept of legitimacy. Rather than prescribing present-day notions of legitimacy, the focus lies on how historical actors perceive legitimacy and construct claims on what is normative.

The same applies for how this thesis approaches democracy and democratic legitimacy. It follows political historian Remieg Aerts and philosopher Peter de Goede who conceive democracy not as a fixed system, but rather as model and practice which are continuously redefined, reshaped and reappreciated. The historical discussion and contestation of democracy are central.<sup>59</sup> In addition, this thesis builds on new constructivist approaches to political representation as a constant discursive and performative process, rather than a representation of pre-existing interests and groups. Political theorist Michael Saward's notion of representative claim-making will be used here to explore how actors – be it Commission bureaucrats or consumer activists – shaped new understandings of how to legitimate European integration towards citizens as well as political and interest representation in Europe.<sup>60</sup> However, although such constructivist understandings are vital to understand how legitimation strategies and representation transformed in the 1970s, it is equally important to study to which extent this led to new institutional arrangements and practices of policy-making. Addressing the discursive should not disregard the institutional realities in which discourses take shape.

### 3.3 Combining discourses, practices and institutions

Discourses and material institutions are not binary opposites in European polity-building. Rather, ideas and practices of governance or democracy inextricably shape the way institutions of governance are set up. In recent years scholars of IR and governance have incorporated constructivism and institutionalism in their methodological toolkit and have termed the concept of 'metagovernance' to approach these intertwined practices and ideas

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<sup>57</sup> David Beetham, *The Legitimation of Power* (Basingstoke: Palgrave Macmillan, 1991), 8-15.

<sup>58</sup> Martin Conway and Peter Romijn, "Introduction," *Contemporary European History* 13, no. 4 (2004).

<sup>59</sup> Remieg Aerts and Peter de Goede, eds., *Omstreden democratie. Over de problemen van een succesverhaal* (Amsterdam: Boom, 2013).

<sup>60</sup> Michael Saward, "The Representative Claim," *Contemporary Political Theory* 5, no. 3 (2006); Lisa Disch, Mathijs van de Sande, and Nadia Urbinati, eds., *The Constructivist Turn in Political Representation* (Edinburgh: Edinburgh University Press, 2019).

underlying institutional arrangements. Acts of metagovernance often occur when institutional actors perceive a sense of crisis or being out of tune with dominant norms of good governance – as the Commission felt during the 1970s.<sup>61</sup> A succinct definition of metagovernance would be the “governance of governance”. A more elaborate definition redefines metagovernance as a “reflexive, higher order governance practice” involving producing and disseminating hegemonic norms and ideas of governance, but also the normative as well as context-dependent choice of choosing particular modes of governance, and the strategic managing of institutional forms of governance to secure interaction or certain goals, thus capturing the discursive, normative, and strategic aspects of metagovernance.<sup>62</sup>

Public policy scholars Jan Kooiman and Svein Jentoft provide a useful distinction of the elements and modes of governance informed by metagovernance. The three elements they distinguish are images of governance, e.g. presuppositions, convictions, ends and goals underpinning governance; instruments of governance which are not neutral mediums, but shaped by these images; and, lastly, action of governments, policy-implementation and the mobilization of other actors.<sup>63</sup> In addition, they distinguish three ‘orders’ of governance informed by outer governance. The first-order or outer ring deals with daily business, outside actors, and identifies problems – a process of conscious choices, rather than reflecting an objective reality. The second ring entails the institutional arrangements for governance and the third or ‘meta’ order is the center of governance which sets and applies ‘normative governance principles.’<sup>64</sup> For example, the trade-off between distant, technocratic policy-making and putting inclusion of civil society representatives first.

It is important to stress that principles of transparency or accountability are not a given for governance. Moreover, giving a voice to citizens can range between consultation followed by being ignored to being involved in the process of decision-making. This approach offers a useful framework to conceptualize and define the choices made in representing consumer representatives as well as the restructuring of information policy by the Commission in the period under scrutiny. Moreover, it offers a much-needed search light to study the available sources.

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<sup>61</sup> On meta governance and the EU: Bob Jessop, “Multi-level Governance and Multi-level Metagovernance,” in *Multi-level Governance*, eds., Ian Bache and Matthew Flinders (Oxford: Oxford University Press, 2004); Alastair Stark, “More Micro than Meta? Competing Concepts of Metagovernance in the European Union,” *Public Policy and Administration* 30, no. 1 (2015).

<sup>62</sup> Jacob Torfing et al., *Interactive Governance. Advancing the Paradigm* (Oxford: Oxford University Press, 2012), 126-131.

<sup>63</sup> Jan Kooiman and Svein Sveintoft, “Meta-Governance: Values, Norms, and Principles, and the Making of Hard Choices,” *Public Administration* 87, no. 4 (2009): 821-22.

<sup>64</sup> Kooiman and Sveintoft, “Meta-Governance,” 822-25.

### 3.4 Sources

For both DG X Information and the ECPS/DG XI<sup>65</sup>, the main primary source material for this thesis consisted of their archives deposited at the Historical Archives of the European Commission in Brussels. In addition, digitized sources from the Commission's Secretariat General office offer insight into the metagovernance of both DGs. Most archival material stems from the period until the early 1980s, after which far fewer sources are accessible and the analysis relies on published policy papers and resolutions. A general issue is that notes of meetings and discussion are not verbatim, whereas the available correspondence obscures undocumented informal discussions or telephone calls. Moreover, apart from a few exceptions, conceptions of legitimacy and citizen participation remain implicit and require a careful reading informed by additional correspondence and literature. Additionally, there is a considerable amount of useful 'grey' literature on consumer and information policy, including contemporary scientific research and publications by the EC.<sup>66</sup>

For DG X, a typology of three types of sources can be made. Firstly, memorandums, reports on strategy and restructuring, annual information programs and annual budgets. Unfortunately, very little correspondence with information offices has been documented. Nevertheless, the various drafts and versions of memoranda and action programs provide a systematic insight into how the Commission conceptualized its information policy and launched new initiatives or ideas. It is important to ask what role these documents had and who read them: here, they provided the basis for launching new initiatives and rethinking information strategies. They were used internally to coordinate the main tenets of information policy, but also as a communication and legitimation of budget and work done to the Council and Parliament.<sup>67</sup> A second set of sources, the discussions by the Council and the Council's Committee of Permanent Representatives (COREPER), shed light on the politicization of information policy between Commission and member-states. Thirdly, questions by Members of European Parliament (MEP) and EP reports on information policy. They provide a more critical angle towards DG X. Crucially, MEP questions and answers by DG X can uncover underlying notions and conceptualizations of citizen mobilization which otherwise remain largely implicit.

For the ECPS/DG XI a more multifaceted body of sources remains. In the first place these are multi-annual action programs for consumer protection as well as annual oversight reports. Secondly, there are correspondence and notes of meetings between Commission actors and consumer representatives as well as the archive of the Consumers' Consultative Committee (CCC). The latter includes opinions voiced by the CCC as well as communication

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<sup>65</sup> The Environmental Consumer and Protection Service became a separate Directorate General for Environment, Consumer Protection and Nuclear Safety under the Thorn Commission in 1981.

<sup>66</sup> E.g. Meinolf E. Sprengelmeier, *Public Relations für Europa. Die Beziehungen der Kommission der Europäischen Gemeinschaften zu den Massenmedien* (Bochum: Studienverlag Dr. N. Brockmeyer, 1976); Jacqueline Poelmans, *L'Europe et les consommateurs* (Brussels: Editions Labor, 1978); Economic and Social Committee of the European Communities, *European Interest Groups and their Relationship with the Economic and Social Committee* (Saxon House: England, 1980).

<sup>67</sup> Kristina Spohr Readman, "Memoranda," in *Reading Primary Sources: The Interpretation of Texts from 19<sup>th</sup> and 20<sup>th</sup> Century History*, ed. Miriam Dobson and Benjamin Ziemann (London and New York: Routledge, 2009).

with consumer associations and EC institutions. Combined, they allow an analysis of how the representation of consumers was negotiated institutionally and in political practice to furthermore tease out representative claims and underlying conceptions of citizen inclusion in European governance. Lastly, the archives of both DGs consider several Eurobarometer as well as survey studies. These enable practical questions on how public opinion was conceptualized and embedded in policy-making. On a deeper level, they highlight the new importance attached to public opinion and citizens' views.<sup>68</sup>

### 3.5 Thesis outline

To answer the overarching research question of how the Commission sought to legitimate European integration towards citizen and conceive their participation and representation, this thesis is divided in two chapters dedicated to respectively information and consumer policy. Both are organized around four thematic sub questions. Each chapter begins by asking how each policy area was structured and governed institutionally over time. Secondly, the first case study analyzes the motives and aims behind Commission information policy. Thirdly, it discusses the target audiences of public legitimation efforts, and how the Commission conceptualized its relationship with these audiences and public opinion. Fourthly, the focus lies on the means of communicating information, both the materially – via television or brochures – and discursively – how DG X narrated and framed its information.

Subsequently, the second case study on consumer policy discusses three other key issues. Firstly, the metagovernance behind the participation and representation of consumers on the European level. Secondly, how consumer interest representation functioned in political practice. Thirdly – in partial cooperation with DG X – how the consumer service tried to 'sell' its new consumer protection policies as part of the wider rebranding of the Commission as a *bürgerlich* institution. As the next and first chapter illustrates, bringing 'Europe' closer to citizens has not always been a priority of Commission information strategy.

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<sup>68</sup> Wim van Meurs et al., *The Unfinished History of European Integration* (Amsterdam: Amsterdam University Press, 2018), 153-160.

## 4. Commission information policy

### 4.1 Institutional development of Directorate General X

Public opinion has always been of great concern to the European Union. What has changed is how the European institutions have conceived the importance of informing of or mobilizing the broader public for European integration. Already in 1952, information policy was institutionally embedded in the High Authority of the European Coal and Steel Community. Its first president Jean Monnet attributed great value to clarifying and propagating this brand new institution to both the general European audience and diplomats in the United States and United Kingdom.<sup>69</sup> A central information and press service was set up in Luxembourg and information bureaus in member state capitals as well as in London and Washington soon followed. The information service was directly under Monnet's auspices, further underlining the importance of good PR.<sup>70</sup> Following the 1957 Treaty of Rome, the new Commission of the European Economic Community established a *Service de Presse et de l'Information* which was to be shared with the High Authority and the Euratom Commission.

Despite that the treaty did not mention information policy explicitly, the Commission legitimated itself by referring to the principle public accountability and thus a need for public information inherent in any EC treaty.<sup>71</sup> Member states did not contest this right unless they perceived any infringement on their sovereignty. Moreover, the fact that the Council had to approve of the Commission's budget did grant it a form of formal influence over information policy. In sum, however, information politics illustrate the Commission's agency in opening up new spaces for European action beyond their strict legal competences and the historically contingent dynamics between EC institutions, member states and societal actors in European integration.<sup>72</sup>

However, the new Communities' desire to speak with one voice was undermined by chronic understaffing and underfunding as well as rivalry and different priorities between themselves. It is important to mention the compromise of 1961 over the distribution of information services between Brussels and Luxembourg. Each Community now received its own spokespersons group for day-to-day information to the press on their own specific tasks to their own specific audiences, while the Common Press and Information Service continued to address the public about the Communities' general activities.<sup>73</sup> This compromise weakened a coherent communication policy, but crucially created a long-lasting institutional path-dependency of keeping daily relations with the press and general information for the public and specific target groups apart.

This separation was reconfirmed when the European Communities merged in 1967.

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<sup>69</sup> Jacob Krumrey, *The Symbolic Politics of European Integration. Staging Europe* (Basingstoke: Palgrave Macmillan, 2018), 22-37.

<sup>70</sup> Reinfeldt, *Unter Ausschluss der Öffentlichkeit*, 96-98.

<sup>71</sup> Sprengelmeier, *Public Relations für Europa*, 87-88.

<sup>72</sup> Rye, "The Origins of Community Information Policy."

<sup>73</sup> Reinfeldt, *Unter Ausschluss der Öffentlichkeit*, 106-40.

The former Common Press and Information Service became the new Directorate General X for Information while the Spokesman's Group became part of the Commission President's office. Policy-wise, the period between the 1950s and early 1970s was characterized by much continuity. Most of the EC's information efforts focused on elites and sectoral interest groups in line with the general elitist and technocratic nature of European integration in this period.<sup>74</sup> Faced with limited budgets, the information service sought to address opinion leaders in order to influence public opinion. It also had to allocate energy and resources to an increasing number of external information offices across the world to inform ministries and business groups in a more technical manner of how the common market functioned. In addition, DG X allocated funds to informing farmers, industrialists, journalists and, interestingly, youth organizations as well as educators. The EC's ambitions to foster a sort of European spirit via the youth in combination with its information ventures abroad led to tensions with the Council and member states, particularly France under Charles de Gaulle.<sup>75</sup> Putting a halt to this was one of the main motivations behind the empty chair crisis of 1965.<sup>76</sup> In line with the reached compromise, the Commission's information policy oriented itself increasingly towards journalists and so-called opinion 'multiplicateurs.' The 1971 restructuring further compartmentalized the service towards specific elites and sectoral milieus, whereas relations with the Spokesman's Group remained uncoordinated and unclear.<sup>77</sup>

Under the Ortolí Commission (1973-1977), information policy gained new priority and had to reorient itself towards the general public. The economic crisis and sharp critiques of the EC in new members Denmark and the United Kingdom provoked a sense of crisis in the higher echelons of the Commission: public support had been lost and needed to be regained. Whereas the information budget had remained stagnant before, it now grew by over two thirds to almost 7 million ECU and the number of personnel rose to ca. 275. Again, the division structure of DG X was reformed in 1973 and 1975. Efforts were made to expand activities on television with a new audiovisual sub-divisions as well as to reach out to the man – or woman – in the street with new sub divisions for consumer and women's information.<sup>78</sup>

A new three-level scheme was created to organize tasks between the Spokesman Group and DG, according to which both cooperated in providing background information to media and priority milieus, but did not work in practice. Information policy furthermore needed to be decentralized in two ways: by granting more autonomy to local information offices closer to citizens and to co-operate more with other Directorate Generals in information campaigns. However, this constant restructuring and the flux of experienced personnel – most prominently the departure of director-general Jacques-René Rabier – undermined the efficiency of DG X's work. It gained the nickname "Directorate Restructuring" and lost status and influence within the Commission. Other DGs even initiated their own information programs. Particularly the working relation with the Spokesman's Group remained diffuse and unsystematic. Moreover, the Commission Presidency's reform plans were soon subsumed by the ongoing economic crisis and depended on the energy of individual Commissioners and

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<sup>74</sup> Sternberg, 'Public Opinion in the EU Institutions' Discourse,' 25-27.

<sup>75</sup> N. Piers Ludlow, "Frustrated Ambitions."

<sup>76</sup> Krumrey, *The Symbolic Politics of European Integration*, 70-75.

<sup>77</sup> Gramberger, *Die Öffentlichkeitsarbeit der Europäischen Kommission*, 130-35.

<sup>78</sup> Terra, "From Information Policy to Communication Policy," 51-55.

DG X personnel.<sup>79</sup>

Efforts to communicate more directly with European citizens were intensified under the Jenkins Commission (1977-1981). Certainly, the upcoming direct European elections required a concerted information campaign. But coming from the UK, Roy Jenkins and his team were poised to close the gap between citizens and Brussels: more transparency and better information were needed.<sup>80</sup> As a consequence, the structure of information policy was changed fundamentally by merging the Spokesman's Service and DG X under the direct oversight of the president. The overall budget almost doubled and emphasis shifted to issue-driven information campaigns and audiovisual communication.<sup>81</sup> Additionally, the external presence of the Commission expanded with new information offices in Asia and Latin America. However, the aims to modernize the EC's Public Relations fell short of expectations. Part of this was unfortunate personnel management: the experienced Director-General Seán Ronan as well as long-standing Commission Spokesman Bino Olivi were replaced by Renato Ruggiero who struggled to lead the decentralized units and maintain good relations with the press. On the Commission level, the newly merged Directorate General was not led in a coordinated fashion with continuing miscommunication between divisions amid an ongoing decentralization. The stagnant approval rating polls and especially the disappointing turnout for the European elections led to disillusionment among the President's Cabinet.<sup>82</sup> Notwithstanding a much-needed modernization and professionalization of the information services, promises of transparency and dialogue with citizens remained just that.

The subsequent Thorn Commission aimed to mobilize citizens for European integration via cultural policies, rather than a concerted communication effort. Instead of tackling the issues of the merged DG X, the Spokesman's Group and the information service were once again separated. After the split, approximately 450 people worked for the Directorate General – around 200 in local offices in member states. Increasingly, the Commission emphasized 'selling' itself and its policies to the people instead of informing people on how the Community functions or engaging specific groups with their information policies. The focus shifted to more audiovisual information and sponsoring popular activities like sports events, but after initial growth, the budget actually decreased in 1984 as well as 1985.<sup>83</sup> Even though the information service and its various local information offices continued to function, it was not prioritized in a period of deepening economic recession and 'eurosclerosis.' The continuous restructuring, however, negatively affected the DG's functioning on the Commission level.

By 1985, the prospect of the internal market became a driving force for revitalizing the Commission's information policies. Delors was much more media-savvy than his predecessor

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<sup>79</sup> Pierre-Olivier Laloux, "At the Service of the European Citizen: Information Policy, a People's Europe, Culture, Education and Training," in *The European Commission 1973-86. History and Memories of an Institution*, ed. Éric Bussière et al. (Luxembourg: Publications Office of the European Union, 2014), 445-46. See for a critical perspective also: Sprengelmeier, *Public Relations für Europa*, 119-130.

<sup>80</sup> N. Piers Ludlow, *Roy Jenkins and the European Commission Presidency, 1976-1980. At the Heart of Europe* (Basingstoke: Palgrave Macmillan, 2016), 67.

<sup>81</sup> Gramberger, *Die Öffentlichkeitsarbeit der Europäischen Kommission*, 153-159.

<sup>82</sup> Ludlow, *Roy Jenkins and the European Commission Presidency*, 88, 113; Laloux, "At the Service of the European Citizen," 447-48.

<sup>83</sup> Gramberger, *Die Öffentlichkeitsarbeit der Europäischen Kommission*, 162-174.



and realized the value of good PR.<sup>84</sup> Tellingly, the DG was renamed to Information, Communication and Culture consisting of a directorate for Information and one Communication – subdivision for priority milieu were scrapped. The budget for information policy was doubled in anticipation of intensified information efforts. By the end of the 1980s, the gap-bridging discourse of dialogue and listening to the man in the street had been replaced with a more top-down focus on communication and culture, but the main objective had remained the same: winning over citizens for European integration.<sup>85</sup>

## 4.2 Motives and aims of Commission information politics

It is a basic but important question to ask: why exactly does an international organization engage in a systematic, institutionalized information policy? Doing so siphons off much-needed financial and personnel resources, whereas IOs generally face tight budgets and severe budget constraints imposed by member states. Moreover, from a functionalist perspective, IOs exist for tackling cross-border issues, not for transnational public communication. Yet from its very inception, the European Communities have set up institutional divisions and later even a separate DG for information politics. Empirical research by political scientists suggests that in the end, public communications aims to self-legitimize the IO as a polity as well as its policies, particularly when it faces criticism and politicization.<sup>86</sup> This was indeed a main impetus for the EC to revamp its public legitimization activities in the 1970s. However, historically, Commission information politics have always been shaped by a number of overlapping and at times conflicting goals. Different priorities changed and competed over time: from fostering a European consciousness among citizens to supplying technical information to select interest groups.

For the Commission, European integration was never a purely economic undertaking. The administrative body's information politics reflected these aspirations towards a political union and were shaped by the awareness of the public's lacking support and interest. Particularly in the 1950s and early 1960s, the Commission aimed to idealistically stimulate a European civil consciousness among the broader public via mass media and public speeches.<sup>87</sup> Simultaneously, the European executives established a system to disseminate more technical information on how the Community functioned to affected groups such as farmers, but also

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<sup>84</sup> N. Piers Ludlow, "Jacques Delors: Surfing The Crest of the European Wave," in *The European Commission 1973-86. History and Memories of an Institution*, ed. Éric Bussière et al. (Luxembourg: Publications Office of the European Union, 2014), 469.

<sup>85</sup> Giorgia Nesti, "The Information and Communication Policy of the European Union between Institutionalisation and Legitimation," in *Public Communication in the European Union. History Perspectives and Challenges*, ed. Chiara Valentini and Giorgia Nesti (Newcastle upon Tyne: Cambridge Scholars Publishing, 2010), 30-31; Biegoń, *Hegemonies of Legitimation*, 106-110.

<sup>86</sup> Matthias Ecker-Ehrhardt, "Self-Legitimation in the Face of Politicization: Why International Organizations Centralized Public Communication," *The Review of International Organizations* 13, no 4. (2018).

<sup>87</sup> Jackie Harrison and Stefanie Pukallus, "The European Community's Public Communication Policy, 1951-1967," *Contemporary European History* 24, no 2 (2015): 236-242.



to future member states. However, by the early 1960s, efforts to spread a European consciousness beyond a select group of elites proved to be either fruitless or very costly. When the Commission set out to formulate a more coherent information strategy in 1963, it also involved the Council, partly to secure more funds. The Council's increasing involvement reinforced the shift to a less idealistic understanding of information policy.<sup>88</sup>

Over the course of the decade, providing objective information to sectoral interest groups and foreign diplomats became a main objective alongside nurturing public support via approaching opinion leaders. A desire to prevent 'false information' or bad press importantly informed this turn to journalists. Overall, these different motives all aimed to increase the acceptance of the Community as a polity by specific interest groups and to a lesser extent the general population to secure the EC's future development.<sup>89</sup> Fostering a shared consciousness became a secondary route to achieve this, even though the Commission continued to spend large sums on youth education. The lack of public interest was noted, but in this early period of European integration, securing the support of elites and economic actors was perceived as more important. The new DG X continued this policy. Its annual policy memoranda emphasized mobilizing priority groups, or as the mission statement for 1971 states, to "inform all interested circles about Community activity and to promote a favorable image of the Community as a whole."<sup>90</sup>

However, next year's information program was marked by an urgency to reach out to public opinion. In the early 1970s, the Commission aimed to engender public support as well as a European consciousness in much more concrete objectives than the idealist aspirations of two decades ago. The earlier 'permissive consensus' was perceived to have vanished – "the political and even economic integration of Europe is no longer something that goes without saying for large sections of the population within the Community."<sup>91</sup> The older aims of informing citizens were asserted much more forcefully and programmatically. Although the Commission had been pressured by state actors supporting more intergovernmentalism before, it appeared to have been particularly alarmed by fierce criticism from society by politically engaged youths and social movements. The way in which the 1972 memorandum phrases DG X's new policy aims reflects this alarmism over critiques of not only EC policy, but also the EC as a polity. It calls for a "community spirit" to "perpetrate the conscience of all citizens" to make them understand just how much the Community benefits their lives. In fact, the EC's "future evolution" depends on explaining "more concretely and in a more comprehensible way to the public" why "neither a return to isolated national policies nor non-obligatory international co-operation between sovereign states" are viable alternatives.<sup>92</sup>

These aims would be reiterated in following years as criticism did not abate. In fact, the Commission saw critiques intensifying as the economic malaise lasted, especially from new members Denmark and the UK. Not just the Commission sensed the importance of a galvanized public legitimation effort. In a COREPER meeting on 1974's information policy, the Dutch and Italian delegations supported DG X in their objective to prioritize legitimating

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<sup>88</sup> Rye, "Origins of Community Information Policy," 154-159.

<sup>89</sup> Reinfeldt, *Unter Ausschluss der Öffentlichkeit*, 179-183.

<sup>90</sup> Objectifs et priorités du programme d'information pour 1971, 26 November 1970, HAEC, BAC 25/1980/29/1, 1.

<sup>91</sup> Programme de politique d'information 1972, 15 December 1971, HAEC, BAC 25/1980/139/1, 1

<sup>92</sup> Programme de politique d'information 1972, 5.

European integration vis-à-vis “une opinion publique militante.” Other national representatives, however, chose to disregard what the public thought and instead argued that external information efforts were key to economic recovery.<sup>93</sup> Such discussions highlight that information policy continued to be shaped by competing goals. Informing foreign diplomats and business circles about the benevolent goals of European economic integration was urgent when economic and diplomatic relations with both the US and Latin American as well as African countries cooled down.<sup>94</sup> In the same vein, information efforts towards political elites and economic interest groups remained high on the information policy agenda.

However, from 1972 onwards, information policy memoranda are unequivocal in asserting that addressing European citizens is instrumental to overcoming obstacles to expanding and deepening the Community. The Commission hoped that a more coherent and clear information policy would bridge the gap between citizens and itself.<sup>95</sup> When outlining the policy priorities for 1976, DG X functionaries put it the following way, “the essential objective of the information policy consist of interesting and involving citizens in European integration [...]”<sup>96</sup> Under the Jenkins Commission, which also had to prepare for the first direct European elections, information politics took an unprecedented further turn to the public. However, the main aim was reaching as many people as possible to mobilize them for European integration – making people aware of their democratic rights appears to have been a secondary aim for the Commission.<sup>97</sup> These goals were reiterated for the upcoming election year. Additionally, DG X functionaries stressed for the first time that information for the sake of information should not be the overarching objective of information policy. Rather, information policy is “complementary in character” and should focus on specific policies and developments in public opinion as a “viable instrument at the disposal of the Commission” for implementing such policies and impelling European integration overall.<sup>98</sup>

The disappointing results of the elections for European Parliament as well as decreasing approval rates in the Eurobarometer polls induced DG X and the Commission to reconsider the aims of its information activities.<sup>99</sup> Furthering the democratization of the EC, or even bolstering its democratic legitimacy, disappeared from the policy agenda. The first information policy memorandum under the Thorn Commission is remarkably frank about what needed to be done: “For the Commission, which is often presented as the scapegoat, the current situations means that it must pursue an active information policy to defend not only the Community but also its own role.”<sup>100</sup> The Directorate General outlined four priorities: convincing the public of further European integration, stressing what has been achieved,

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<sup>93</sup> Secrétariat général de la Commission, Note à l’attention de mm. les membres de la Commission, Résultats de la 721<sup>ème</sup> réunion du Comité des Représentants Permanents, 13 mars 1974, 15 March 1974, HAEC, BAC 25/1980/528/4.

<sup>94</sup> Tulli, “The Search for a European Identity in the Long 1970s.”

<sup>95</sup> Terra, “From Information Policy to Communication Policy,” 51.

<sup>96</sup> Lignes directrices pour l’établissement du programme d’activité 1976, 27 June 1975, HAEC, BAC 101/1999/392.

<sup>97</sup> Programme d’information pour 1978, 9 December 1977, HAEC, BAC 131/1983/578, 1-5.

<sup>98</sup> Information Policy and Programme for 1979, 6 December 1978, HAEC, BAC 131/1983/582, 4.

<sup>99</sup> For an overview of decreasing support according to Eurobarometer surveys: Richard C. Eichenberg and Russel J. Dalton, “Post-Maastricht Blues: The Transformation of Citizen support for European Integration, 1973-2004,” *Acta Politica*, 42, no. 2/3 (2007).

<sup>100</sup> Information Programme: Objectives and Means, 4 May 1981, COM (81) 116 final, <[http://aei.pitt.edu/15646/1/COM\\_\(81\)\\_116\\_final.pdf](http://aei.pitt.edu/15646/1/COM_(81)_116_final.pdf)>.

showing the need for European solutions, and presenting the Commission's view on the future. This emphasis on clear-cut information reflects how the Commission was well aware of its public image as an ineffective bureaucracy amid – and partly causing – *Euroschlerosis*. The subsequent annual report shows how Commission policy became reactive to growing criticism. It even acknowledged that the Commission could no longer ignore criticism – “our information activities cannot be confined to vaunting the positive achievements” – and needed to convince citizens that “the Community is here to stay.”<sup>101</sup>

Over time, the Thorn Commission started to perceive information policy primarily as a means to deflect criticism. Since DG X could not convince the people of the benefits of EC policy and parliamentarization was equally ineffective, a new task for information policy was spreading the word about the plans for a ‘Citizen’s Europe’ and the Commission’s new cultural policies.<sup>102</sup> DG X continued its activities towards consumers and farmers as well as in embassies beyond the Community, but these were no longer the priority objectives in the eyes of the Commission presidency. Over the course of the 1980s, the information service had to readjust its public legitimation strategies to communicate positive PR about European cultural identity and later about the prospect of the Common Market under Delors.<sup>103</sup> The Commission’s information policy had never aimed to neutrally inform interested groups, but convincing citizens of supporting the EC had never so explicitly been the main objective before. Overall, it is evident that the Commission increasingly perceived information policy as a means to self-legitimize itself during politicization and economic malaise in the 1970s and 1980s and continues to do so even today.<sup>104</sup> However, appealing to the perceived desires of citizens by ‘selling’ specific policies had already begun much earlier, namely with the new consumer and environmental protection policies of the 1970s.

### 4.3 Target audiences and public opinion

Like all international organizations, the European Community needed to enlist the support of its member states. But, as recent research indicates, IOs realize very well that ministries of foreign affairs do not represent a nation’s interest alone and address several constituencies. The Commission’s information policy consciously aimed to target a range of political elites and interest groups and embed them within European integration. During the 1970s and 1980s, EC public legitimation efforts radically shifted towards the general public and public opinion. However, these remain unclear catch-all phrases. How exactly did the Commission and DG X envisage the addressees of their information politics? What were the underlying reasons for targeting specific groups within and beyond the European Community? Faced

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<sup>101</sup> Information programme for 1982. Communication from the Commission to the Council, 9 February 1982 COM (82) 3 final, <<http://aei.pitt.edu/35922/>>.

<sup>102</sup> For a reflection on these different legitimation strategies, see: Luuk van Middelaar, *Passage naar Europa. Geschiedenis van een begin* (Groningen: Historische Uitgeverij, 2009), 308-20.

<sup>103</sup> Gramberger, *Die Öffentlichkeitsarbeit der Europäischen Kommission*, 172-74, 210-11.

<sup>104</sup> Ecker-Ehrhardt, “Self-Legitimization in the Face of Politicization.”

with diminishing public support and politicization, the Commission was furthermore forced to rethink its relation with European citizens. Going a step further than identifying target audiences, the Commission's conception of its information policy as a form of 'dialogue' with citizens is analyzed. Despite a discourse of listening to what citizens wanted, this was not an open-ended dialogue. On the contrary, the scientization of European information politics via the introduction of the Eurobarometer surveys fundamentally shaped how the Commission perceived public opinion. These opinion surveys provided an impetus for shifting attention to public opinion in the first place.

#### 4.3.1 Target audiences of Commission information policy

When the Commission fleshed out its information policy during the 1960s, it gave clear priority to two broad groups: 'leaders of opinion' and professional or sectoral publics. The Spokesman's Group and information service furthermore took great care in attracting and influencing journalists to write positive stories or produce newsreels about the European project, as they could reach the general public more effectively than EC flyers.<sup>105</sup> Practically speaking, the information service lacked the resources for a full-blown public information policy, but its focus on journalists and elite figures followed from the assumption that they would effectively influence what the public at large thought about 'Europe.'<sup>106</sup> On a deeper level, moreover, the European executives were much more interested in embedding political and economic elites as well as directly affected professional groups in European integration through targeted information. This becomes evident when looking at the professional publics (*milieux prioritaires*) addressed by information policy: agricultural unions, steel and coal industries, unions, (nuclear) researchers and business groups, all of which were prioritized for visits to the European institutions in Brussels and Luxembourg. Although DG X and its precursors did not completely ignore general public opinion, ultimately, the consent of 'the man in the street' or mass politics played no role in the Commission's postwar technocratic and corporatist understanding of European integration.<sup>107</sup> However, the information service continued its cooperation with federalist and youth organizations and spent a large portion of its budget on educating the youth – the future elites and citizens of Europe – on European integration.<sup>108</sup>

The apathy of the young adults and youth towards the EC initially spurred both the European Parliament and the Commission to scale up DG X's activities in this area in the late 1960s. The generation of 1968 and youth as well as student activism appeared to have little interest for the technicalities of economic integration. This 'demographic evolution' impelled

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<sup>105</sup> See: Gilles Bastin, "Un politique de l'information? Le 'système Olivi' ou l'invention des relations de presse à la Commission européenne," in *La communication sur l'Europe, regards croisés*, ed. Eric Mamer et al. (Strasbourg: CEES, 2007).

<sup>106</sup> Rye, "The Origins of Community Information Policy," 154-60.

<sup>107</sup> Sternberg, *The Struggle for EU Legitimacy*, 35-39.

<sup>108</sup> Reinfeldt, *Unter Ausschluss der Öffentlichkeit*, 242-50.

the Directorate General to turn towards the general audience more directly, even though it classified education and universities as priority audiences.<sup>109</sup> DG X ordered an opinion survey in 1973 to more systematically study people's views which confirmed its perception of growing criticism. When the information service reflected on a required reorientation of information policy, it noted that "particularly the young generation is extremely critical, indeed hostile towards the Community" while left-wing political parties, unions, new social movements, and, equally worrying, very large parts of the population were no longer supportive of European integration.<sup>110</sup> The Council, European Parliament, and Commission agreed that information policy needed to directly address the general public.<sup>111</sup> The table below demonstrates this shift as from 1974 onwards DG X allocated significantly more funding to *information polyvalente* for the public at large, rather than to professional or sectoral publics.

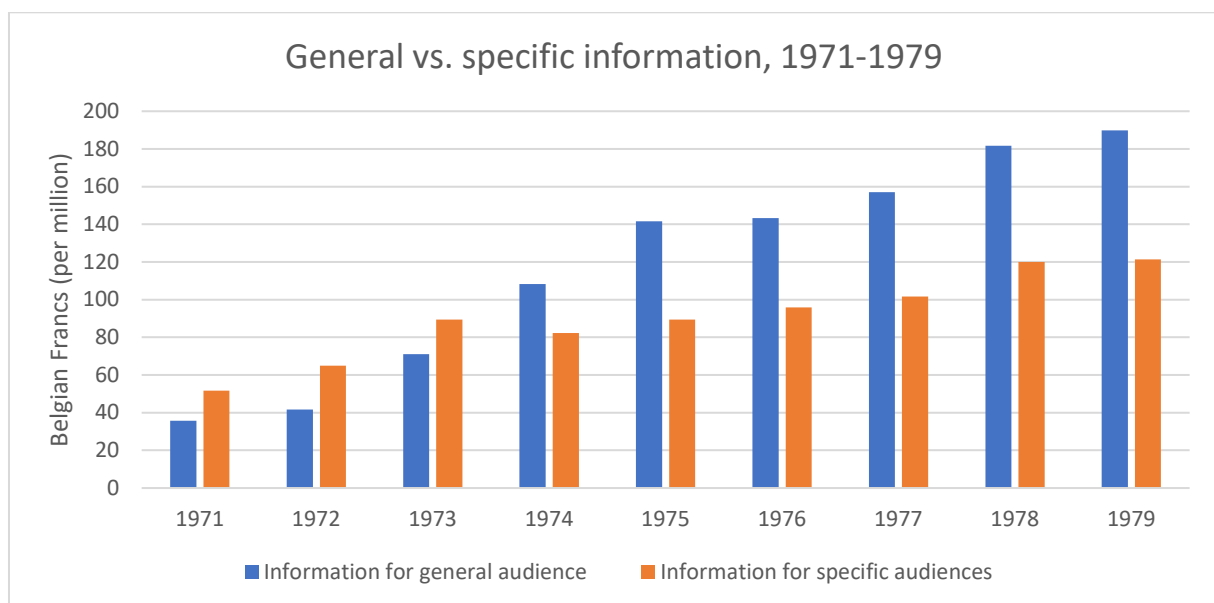


Figure 1 An overview of DG X's allocation of budgets to specific audiences (including university studies and education) and the general public on both the European and the local level between 1971-1979, the period for which detailed budgets were available. Based on: Budget-programme d'information pour l'exercice 1973, december 1972, HAEC, BAC 25/1980 141/4; Budget-programme d'information pour l'exercice 1976, december 1975, HAEC, BAC 131/1983 no 73; Budget programme d'information pour l'exercice 1979, December 1978, HAEC, BAC 131/1983 no 582.

This paradigm shift was accompanied with a different approach to information policy. Instead of reaching the public via mediating opinion leaders, DG X started investing in its own audiovisual information capacities as well as co-operating with TV and radio broadcasters. Secondly, information policy was increasingly decentralized towards local information offices in member states and to regional press. The primary aim was to win back the Eurosceptic public with a concerted public legitimization effort. In fact, representatives from countries with hostile public opinions on the EC asked for extra legitimization activities, while more

<sup>109</sup> Kiran Klaus Patel, *Projekt Europa. Eine kritische Geschichte* (Munich: C.H. Beck, 2018), 163-66, 171; Objectifs et priorités du programme d'information pour 1971, 5-6.

<sup>110</sup> Orientations générales pour le programme d'information 1974-1975, 5 December 1973, HAEC, BAC 25/1980/141/1, 3.

<sup>111</sup> Secrétariat général de la Commission, Note a l'attention de mm. les membres de la Commission – 649<sup>ème</sup> réunion du Comité des Représentants Permanents du 12 juli 1973, 20 July 1973, HAEC, BAC 25/1980/141/1 ; Sprengelmeier, *Public Relations für Europa*, 122-24.

Eurosceptic member states like Denmark received a larger local information budget.<sup>112</sup>

At the European level, however, DG X continued to allocate a large part of its budget – up to 25 to 30% more than that reserved for foreign public relations – to a selection of priority groups in society. In the period between 1971-1973 the budget for youth and education grew by over 50%, until part of it was redirected to information for the general public. The critical trade unions likewise saw a large increase in information budget. Interestingly, two new audiences emerge in the 1970s: women’s organization and press and consumers – later joined by environmental organizations. Whereas the prioritization of unions and educations follows from their Euroscepticism, these audiences indicate DG X’s new aim to interest larger sections of the population for European integration. The rise of consumer information and education is also a consequence of the Commission’s new consumer policies, which were designed to enhance the Community’s image vis-à-vis the public.<sup>113</sup>

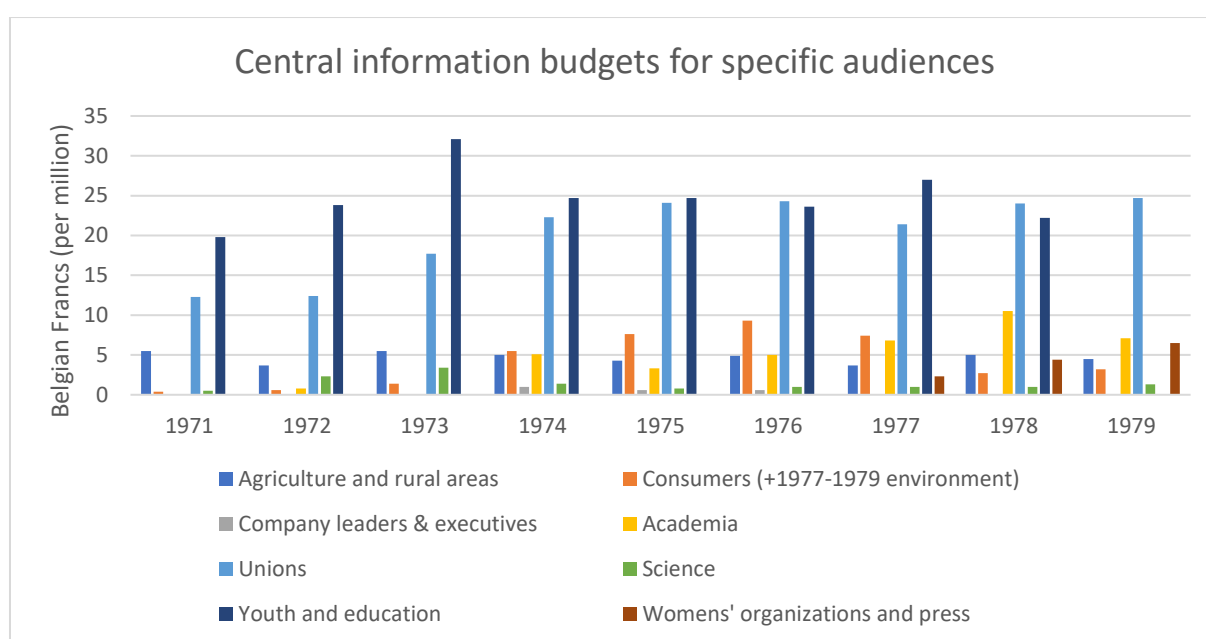


Figure 2 An overview of DG X’s funding for which specific audiences on the central, European level. This analysis was possible to local and national information bureaus as there was not sufficient budgetary information. The graph is based on the same sources as figure 1.

Following the UN’s international women’s year in 1975, DG X expanded its information activities towards women and established a specific service for women’s organizations and press. The service orchestrated information events at women’s fairs and collaborated with women’s press, such as the Dutch *Libelle* or the German *Für Sie* to inform women on what the EC means for them. In its annual report, the service expresses that women “have not only been extremely positive, but have showed a renewed interest for the

<sup>112</sup> E.g. the Council discussion on allocating funds to member rather than non-member states, Le Conseil: Objet: politique de la Commission en matière d’information dans les pays tiers – Répartition de l’effort d’information entre l’intérieur de la Communauté et les pays tiers (résumé des discussions du groupe de l’information), 6 November 1978, HAEC, BAC 131/1983/581.

<sup>113</sup> The second chapter will discuss the Commission’ consumer information policies from the perspective of the consumer protection service, which pursued its own information efforts in cooperation with DG X from the mid-1970s onwards. This also explains the decrease in the budget DG X allocated to consumer information, as the ECPS increasingly coordinated its own information policy.

Commission which they previously regarded as a bureaucratic machine far removed from the real problems of life.”<sup>114</sup> More pragmatically, Eurobarometer surveys showed that women reported to be less knowledgeable or interested in the Community – or were more honest in admitting so. On the eve of the first direct elections, the service aimed to catalyze women’s interest for the distant European Community.

Already before, the Commission’s local information office had started taking a keen interest in a group which ultimately represented over half of the Community’s population. The West German bureau enthusiastically reaffirmed its commitment to the ‘grand public’ and prioritized consumers, women, workers, pupils, and teachers – in that specific order. However, the Bonn bureau warned their Brussels colleagues that they should not rely too much on civil society organization as “people expect the Community to represent itself.”<sup>115</sup> Conversely, the Dutch information office lauded the efforts by women’s organizations in co-organizing events and spreading much-needed awareness in an “inward-looking” nation.<sup>116</sup> These local perspectives demonstrate how the decentralization of information policy in these years did not equal chaos.<sup>117</sup> National and local offices were allowed to diverge from guidelines to suit local needs, but could also ‘upload’ their policy experiences to Brussels as in the case of women’s information. DG X was well aware that women’s magazines did not represent the opinion of individual women. Nevertheless, it expanded the women’s information budget 1979 because it wanted to stimulate as many women as possible to vote, and ultimately bolster the Community’s democratic credentials.<sup>118</sup>

These elections’ disappointing turnout stimulated the Commission to more forcefully address the general public. The merger between the Spokesman’s Group and DG X was initially envisaged to provide a more coordinated public information effort and detailed responses to criticism, but fell short of achieving this. Despite their subsequent split, DG X aimed to “systematically widen the scope for getting our message to the general public directly.”<sup>119</sup> It continued the indirect approach via opinion leaders and women’s organizations, particularly locally, but ultimately as a secondary strategy. This radical shift with concomitant budget cuts was met with protest by long-serving DG X functionaries, but the Thorn Commission was adamant in streamlining communication towards national and local public opinion.<sup>120</sup> It were not so much commerce or agriculture which had to be convinced of the Common Market or European integration, but voters and national politicians by a more Euro-friendly public opinion. Furthermore, the new cultural policies of the 1980s were first and foremost geared to citizens. Next to electing European capitals of culture or broadcasting EC-sponsored sports events at the European level, the recently reinforced local information offices were given a large role in dealing with the European citizen.

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<sup>114</sup> Service d’information des organisations et de la presse féminine to DG X, Objet: Programme d’info et budget 1978, 1 September 1977, 1.

<sup>115</sup> Tätigkeitsprogramm für 1976 Bonn, 30 July 1975, HAEC, BAC 101/1999/392, 3.

<sup>116</sup> Review activities The Hague office in 1977, 18 April 1978, HAEC, BAC 101/1999/423.

<sup>117</sup> Cf. Gramberger *Die Öffentlichkeitsarbeit der Europäischen Kommission*, 137-41.

<sup>118</sup> Programme 1979 pour l’information des milieux d’opinion publique féminine, 28 July 1978, HAEC, BAC 101/1999/412.

<sup>119</sup> Information programme for 1982, 4.

<sup>120</sup> Laloux, “At the Service of the European Citizen,” 450.



### 4.3.2 A dialogue with European citizens

The shift to the general public ushered in a new, organic discourse of responding to the pulse or 'air pressure' of public opinion, of an open dialogue with citizens. This resonated with the Commission's ambitions to present itself as responsive to citizens daily needs, both in rhetoric and by introducing new social policies. Claudia Sternberg has argued that this "discursive turn towards 'what the people want' essentially revamped the output legitimacy paradigm."<sup>121</sup> She is correct in pointing out that the discourse of dialogue hardly took the shape of an open-ended input of citizens' desires. This closer analysis of how DG X conceived of this dialogue in practice partly reaffirms this, yet, the Commission did devise new ways to consult – albeit in a controlled manner – and influence public opinion in the face of criticism and changed its information politics accordingly. Moreover, although DG X was not so much interested in citizens' individual suggestions, the Commission took public opinion more into account than ever before.

The markers of this new discourse emerged in DG X policy documents in the early 1970s, when government summits and the Tindemans report likewise embraced a new citizen-centered rhetoric. The information service was by then well aware that a top-down approach of transmitting positive but technical to the public through opinion leaders fell short of achieving its aim. Hence, 1973's policy outline stated that

*"Good information requires a frank and open dialogue with the public and its representatives. One part of [this] dialogue consists of exposing and clarifying the action of the Commission, but the other is not less important, which consist of responding to questions and to criticism and grievances of the public."*<sup>122</sup>

However, notwithstanding an evident desire to improve existing communication strategies, the Directorate General did not yet envisage concrete new venues for facilitating this. A speech by the DG X's Director-General Sean Ronan to an audience of experts gives a rare insight into how the information service perceived such a dialogue. He argued that the Commission's lacking visibility and responsiveness to citizens ultimately resulted in a lack of empirical legitimacy among the general public. It was no wonder that citizens perceived the EC as abstract, distant and bureaucratic. Hence, Ronan argued for a more forceful Commission intervention in national media. Information needed to be "more simple, lively and concrete" and address how the Community improved people's quality of life. Concretely, a further decentralization of information politics would "open up dialogues with the local people" and provide crucial feedback and response from the Commission's audiences. This would be supplemented by the newly established Eurobarometer.<sup>123</sup> Ultimately, however, Ronan's views subscribed to the notion that citizens' opposition to the EC or a lack of interest was the result of ignorance and lacking information strategies.

Subsequent action programs reiterated the need for dialogue and a clear response to

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<sup>121</sup> Sternberg, "Public Opinion in the EU Institutions' Discourses," 35-36.

<sup>122</sup> Programme pour un politique d'information en 1973, 8 June 1973, HAEC, BAC 25/1980/141/1, 6.

<sup>123</sup> Sean Ronan, "The Information Policy of the Commission." Address to the Public Relations Institute of Ireland, 7 November 1975, <<http://aei.pitt.edu/8544/>>.



criticism. Local information offices were pivotal in communicating citizens' comments, complaints, suggestions to Brussels. Additionally, this included a dialogue with inter alia those trade unions or women's organizations which were not well-organized on the European level about their perspectives and criticisms.<sup>124</sup> The London bureau, which had dealt with the British referendum campaign for staying in the EC in 1975, emphasized to the DG X administration that information policy worked most effectively in the form of "two-way communication[s]" to exchange ideas in "constructive dialogues" involving a range of local politicians, citizens, and civil society organizations.<sup>125</sup> As the economic crisis worsened and critiques of 'eurosclerosis' waxed, the Commission in turn argued for a clearer and more convincing story of how the EC improved standards of living to citizens.

The policy outline for 1982 is a case in point. It proposes to portray the Community as a force for "coherence and solidarity" which aims to "protect and defend the man in the street" in a unique and democratic way across borders. Citizens simply need to be explained that "decisions can only be taken after an arduous passage through the institutions" for which there is no more democratic or alternative way.<sup>126</sup> It is evident that the Commission took criticism seriously and fundamentally adjusted its information policies to revolve around European citizens and their needs. Yet, this primarily resulted in a discourse of democratic responsiveness to more forcefully enlighten citizens on why the EC and its new policies tailored to citizens' well-being mattered to them.

This becomes clear when assessing questions by Members of European Parliament about the nature of information policy. On several occasions, the Commission is asked to respond to critical pieces in the media. Every time, the Commission refused to take positions on any press articles.<sup>127</sup> Another time, MEPs questioned the Commission about a suggestion by British parliament to set up a special committee to inquire what goes on in the "back rooms" of Brussels as there was a "complete lack of information." To the enquiry how the Commission is going to respond to such systematic critique of its information policies, it responded that it firstly does not respond to national parliaments, and, secondly, that it is not neglecting its duties to the press and the public.<sup>128</sup> Overall, the European executive was very reluctant to respond directly to national media or institutions.

Similarly, the Commission remained hesitant to establish a more open-ended dialogue with European citizens. The British Lord O'Hagan, coming from a much more polarized parliamentary culture, asked the Commission a number of critical questions. Asserting that Commission was a "distant bureaucracy," he asked why there was no institutional venue to ensure that citizens' letters are answered and their complaints critically evaluated. Here, the Commission acknowledged the criticism, but stated that letters were always answered and that there was no need for such a mechanism.<sup>129</sup> However, a question enquiring how many

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<sup>124</sup> Objet: propositions de programme d'information 1978 pour le secteur syndical, 22 June 1977, HAEC, BAC 101/1999/407, 2; Programme 1979 pour l'information des milieux d'opinion publique féminine, 2.

<sup>125</sup> Activity programme for 1976: UK Office, 18 July 1975, HAEC, BAC 101/1999/392.

<sup>126</sup> Information programme for 1982, 2-3

<sup>127</sup> Eg. Question écrite (QE) 439/72 de M. Vredeling, Objet: les commentaires de la Commission sur des informations de presse, BAC 130/1983/133

<sup>128</sup> QE 412/73 de Mm. Müller and Kater, Objet: l'information de l'opinion publique par la Commission, BAC 130/1983/133.

<sup>129</sup> QE 562/74 de M. Lord O'Hagan, Objet: possibilités de contacts avec la Commission, HAEC, BAC 130/1983/135.

letters the Commission had received and answered remain unanswered.<sup>130</sup> Going even further, Lord O'Hagan proposed a European Ombudsman to "bridge the gap separating the citizens and EC machinery" and ensure that citizens are represented within the administration. The Commission argued that citizens could already address their local MEPs or information bureaus and that there was no need to formalize an institution that would further bind European policy-makers.<sup>131</sup> However, the Commission did set up another mechanism to gauge citizens' views which suited its controlled approach to public opinion.

#### 4.3.3 The Eurobarometer and the scientization of European information politics

The Eurobarometer was formally established in 1974 to assess public opinion and beliefs among European citizens. Former DG X Director-General Jacques René Rabier conducted them under the information unit's auspices. Compared to all member states of the Community, the Commission was fairly late in conducting systematic opinion research. Its name reflected its purpose: to measure the 'atmospheric pressure' of public opinion, in other words, to feel the 'pulse' of what the man in the street felt about European cooperation. Although the information service had conducted polls before, the Commission had not felt the need to institutionalize them.<sup>132</sup> By the 1970s, however, it felt an urgency to acquire a more systematic insight into citizens' opinions and sensibilities towards the Community when 'permissive consensus' gave way to politicization and criticism. For DG X, the Eurobarometer was an extremely valuable tool to study which parts of the population in which member states felt what about specific aspects of Community policy and development.

But the Eurobarometer was never a mere mechanism of governance. By reporting on how 'Europeans' felt about issues, its makers actively aimed to contribute to shaping a European public opinion. In addition, it has been demonstrated how European institutions use – and manipulate – survey results to legitimate policies.<sup>133</sup> On a deeper level, however, the foundation of the Eurobarometer underlines how the Community now awarded value to citizens' opinions. For example, Jean Monnet cared deeply about good PR for European integration, but it would have been unthinkable for him to actually take citizens views into account in policy- and decision-making.<sup>134</sup> Whereas most research on the Eurobarometer critically assesses either its questionnaires or its political (mis)use, the question how it shaped DG X's policies or its views on public opinion more broadly is seldom asked.

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<sup>130</sup> Written Question (WQ) 550/73 by Lord O'Hagan, Concerns: Public awareness of the work of the Commission, HAEC, BAC 130/1983/135.

<sup>131</sup> QE 663/76 de M. Lord O'Hagan, Objet: Ombudsman de Communautés, HAEC, BAC 130/1983/135.

<sup>132</sup> Reinfeldt, *Unter Ausschluss der Öffentlichkeit*, 289-292.

<sup>133</sup> Markus Haverland, Minou de Ruiter, and Steven van de Walle, "Agenda-Setting by the European Commission. Seeking Public Opinion?" *Journal of European Public Policy* 25, no 3 (2018); Aldrin, "From an Instrument to the Instrumentalization of 'European Opinion.'"

<sup>134</sup> Cf. Isabelle Petit, "Dispelling a Myth? The Fathers of Europe and the Construction of a Euro-Identity," *European Law Journal* 12, no. 5 (2006).

Compared to the Eurobarometer's founder Rabier's idealist aims to foster a European consciousness, DG X initially perceived it as an "a posteriori control of the effectivity of information policy [...]"<sup>135</sup> However, when the results of the 1973 runner-up survey to the Eurobarometer came in they underlined just how many people were very badly informed about the Community, and worse, felt negatively about it. From then on, Eurobarometer results were used in DG X policy memoranda to highlight the need for action in specific member states or to augment public views on the Community overall. The information service was not alone in this. Next to Commissioners, the Council likewise saw Eurobarometer results as a wake-up call: they "show how a huge lot of information work on the Community needs to be done."<sup>136</sup> At the same time, the opinion surveys were part of an ongoing professionalization of DG X's efforts to study the effectiveness of its activities beyond monitoring media articles on the Community. Relaying information on local public opinion by national information bureaus was one dimension of this effort, the Eurobarometer the other.<sup>137</sup> Reports by British or Danish information officers, however, were not included in policy papers.

In fact, the scientization of opinion research via the Eurobarometer, which provided quickly legible graphs on citizens' views on European co-operation, did not so much guide information policy as transform DG X's notions of public opinion. Information service functionaries and Commissioners alike treated Eurobarometer results as an accurate reproduction of member states' public opinion. Social scientists have pointed out how the surveys' questions and phrasings were continuously altered and shaped, rather than reflected, attitudes towards European integration, but this was clearly not how contemporaries within the Commission perceived it.<sup>138</sup> In their eyes, the dropping approval rates confronted them with an alarming reality. In this sense, the Eurobarometer surveys partly informed a notion of public opinion as something problematic which needed to be convinced or won over. More importantly, it provided an aggregated – or simplified – chart of fluctuating opinion which was something that could be guided by a proper information policy.<sup>139</sup>

Essentially, the Eurobarometer provided DG X with an instrument to gauge public attitudes in a controlled manner. Apart from being able to frame the results as it wished, it allowed the information service to legitimate itself as being responsive to public opinion and criticism without having to take recourse to more binding and public forms of accountability and responsiveness. For example, the Commission conducted special 'flash' Eurobarometer surveys to demonstrate to both the general public and the powers that be that 'Europeans'

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<sup>135</sup> DG de la Presse et de l'information, Orientations proposées pour la politique d'information en 1973, 12 March 1973, Historical Archives of the European Union in Florence (hereafter HAEU), Fonds Émile Noël (hereafter EN/650), 6. See e.g. Jacques-René Rabier, "La naissance d'une politique d'information sur la Communauté Européenne (1952-1967)," in *Naissance et développement de l'information européenne*, eds. Felice Dassetto, Michel Dumoulin, and Yves Conrad (Brussels: Peter Lang, 1990).

<sup>136</sup> Le Conseil, Projet sommaire de conclusions de la réunion du Groupe de l'information du 19 juillet 1978, 26 July 1977, HAEC, BAC 131/1983/581, 2.

<sup>137</sup> Sprengelmeier, *Public Relations für Europa*, 165-67.

<sup>138</sup> Martin Höpner and Bojan Jurczyk, "How the Eurobarometer Blurs the Line Between Research and Propaganda," MPIfG Discussion Paper, no. 15/6, Max-Planck-Institut für Gesellschaftsforschung (2015), <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2681038](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2681038)>.

<sup>139</sup> Aldrin, "L'invention de l'opinion publique européenne,"; Belot, Boussaguet, and Halpern, "La Fabrique d'une opinion publique européenne."

supported direct European elections or the accession of Spain and Portugal. One poignant early example is the 1976 study *The European Consumer*. On the one hand, it gave the Commission insight into which policies consumers favored most. On the other hand, the positive views by consumers on the new consumer policies served to legitimate the Commission to expand its activities and scope in this area.<sup>140</sup>

## 4.4 Winning the hearts and minds of European citizens

A crucial issue which remains to be studied in depth is how DG X attempted to win the hearts and minds of the European public. It is one step to identify the broader audience or consumers as a key audience, but it is another to elaborate a successful communication strategy. Partly based on Eurobarometer results and emerging societal issues like environmental protection, the Commission identified key issues which would appeal to the public at large. Subsequently, these were narrated in such a way to present the Commission as well as the Community as close to the citizens and their needs. But first, it is necessary to discuss by which means DG X could let these narratives be read, heard, or viewed by the public.

### 4.4.1 Means of communication and communication strategies

Around 1970, the Commission employed a variety of means to reach different audiences, such as international expos, visits to the European institutions, seminars and information events, maintaining close ties with the press, and occasionally newsreels and radio broadcasts. Written publications of all sorts – from leaflets on cleaning up the Rhine to 400-page annual overviews of EC activities – were by far the most used means of communication.<sup>141</sup> The information service was not unaware of the influence of radio or the emergent medium of television, but lacked the funds to establish its own radio station or TV studio, an enterprise which furthermore encountered opposition by member states. Therefore, the DG X relied on written publications to transmit its message independently from mediating journalists or producers to distinct audiences. Over the years, its sub divisions for publications and priority audiences had developed a set of specialized publications for farmers and industries, but also bulletins for the national as well as regional press and more accessible magazines for the interested – albeit small – audience. However, DG X encountered many difficulties in providing clear information to interested audiences. Firstly, its division of tasks with the Spokesman's Group was unclear internally, let alone for journalists, who increasingly turned to the daily press

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<sup>140</sup> Commission of the European Communities, *The European Consumer. His preoccupations; his Aspirations; his Information* (Luxembourg: Publication Office of the European Communities, 1976).

<sup>141</sup> See for an overview also Reinfeldt, *Unter Ausschluss der Öffentlichkeit*, 250-261.

meetings of the latter for their information.<sup>142</sup> The technical character and rather dry translations of the EC's publications into the Community's languages did not improve their readability.<sup>143</sup>

It was clear to the Commission that lengthy information bulletins for specialized audiences would not succeed in successfully informing ordinary citizens. For 1972, it aimed to alleviate this issue by publishing one-page *notes d'information* on specific policies to the press and diplomatic representations and realizing *telé-informations* to discuss a policy rapidly and clearly in five points on TV.<sup>144</sup> Still, by 1973, 16% of the entire budget was spent on written publications (down from 21% in 1971), which enabled the dissemination of close to 200,000 EC periodicals in the member states. DG X's think piece on reorienting its information policy emphasized the need to shift its efforts to radio and particularly television. However, it was noted that the various publications, which had received many positive reactions over the years, were perceived to have much influence on opinion multipliers. Additionally, the information services could easily adapt the publications per audience and member state.<sup>145</sup> The Council was equally divided on a turn to television. Whereas the Dutch delegate welcomed an emphasis on audiovisual communication and journalism to reach the general public, the Danish representative argued that text was much more suited to make people understand the intricate workings of the Community. Although the delegations were most concerned over the costs of audiovisual communication, they agreed on a much-needed investment to counter worsening public opinion.<sup>146</sup>

Eventually, DG X decidedly prioritized *actions de vulgarisation* to reach as many people within the Community as possible by focusing on audiovisual communication, mass media, and large-scale information events. DG X orchestrated Community-wide poster campaigns at stations to promote its travel policies and even launched a line of t-shirts to raise interest for the EC.<sup>147</sup> Within the framework of decentralization, national information offices were tasked to expand their efforts towards radio, television and large newspapers and magazines as well as to participate in exhibitions and events to bring "Europe" closer to the people. They received shorter leaflets in policies and events and were asked to adapt their magazines to a more general public of interested readers.<sup>148</sup> The 1975 DG X reform furthermore strengthened its audiovisual division. The Commission established its own TV studio and mobile television unit in 1977, but was dependent on cooperation with national broadcasters through the European Broadcasting Union (EBU) to actually reach into people's living rooms. Nevertheless, the new facilities did enable DG X to produce its own footage on European politics and issues.<sup>149</sup>

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<sup>142</sup> Bastin, "Un politique de l'information?" 128-30.

<sup>143</sup> Sprengelmeier, *Public Relations für Europa*, 74-75, 140.

<sup>144</sup> Programme de politique d'information 1972, 33-36.

<sup>145</sup> Orientations générales pour le programme d'information 1974-1975, 17-19.

<sup>146</sup> Programme d'information 1974/1975 de la Commission – Débat annuel du Conseil, 25 February 1974, HAEC, BAC 25/1980/141/2.

<sup>147</sup> Programme complémentaire d'information 1975, 13 March 1975, HAEC, BAC 25/1980/529/1, 1.

<sup>148</sup> E.g. 1975 Report of Principal Activities of the Copenhagen Office, 11 February 1976, HAEC, BAC 101/1999/412.

<sup>149</sup> Projected programme of activities of the audio-visual division in 1978, 28 September 1977, HAEC, NAC 101/1999/407, 2-4.



*Figure 3 An example of the European Community's new 'clothing line.' From: HAEC, BAC 39/1986 no 523*

The upcoming 1979 European elections formed a constant impetus behind the Commission's drive to expand its communication capacities towards the general audience and intensify its cooperation with national media and broadcasters. The publicity campaign behind the election signals the professionalization efforts within DG X. Local information offices were entrusted with posters and flyers to inform the man in the street directly and received funds to collaborate with television channels. On the European level, DG X established a new subdivision for information campaigns to coordinate specific actions for the election campaign and future efforts.<sup>150</sup> Meanwhile, the Commission prepared a campaign with an initial phase focused on opinion leaders, journalists, and politicians in 1977-78 and a second multi media campaign addressing the general public at the price of 8,5 million ECU, almost doubling DG X's annual budget. There were several ad hoc Eurobarometer polls to gauge the effect of the information efforts. Next to cooperating intensively with professional broadcasters and producers for election transmissions, the information service also enlisted the advice and services of specialized PR agencies for the first time to design posters and frame the Community's 'image.'<sup>151</sup> These connections and experience proved to be valuable when the Commission increasingly sought to engage the general public in concerted PR campaigns. Interviews with former DG X members illustrate how they felt the need to renew the service's

<sup>150</sup> Unité "Campagnes d'Information": Proposition de programme pour 1979, 22 July 1978, HAEC, BAC 25/1980/849/3.

<sup>151</sup> Rapport sur le programme spécial d'information pour les élections directes, 19 July 1979, BAC 25/1980/849/3.



outdated communication methods for an era of modern mass media communication.<sup>152</sup> The reformed DG for Information, Communication and Culture organized large-scale events to draw the public's attention to Europe via sponsoring European cycling events and the European Capitals of Culture. This different choice of means of communication signified the new image of a Citizens' Europe the Commission aspired to narrate.

#### 4.4.2 Narrating European policy: towards a human face for the Commission

Ultimately, any sort of legitimation strategy aims to create support for a political regime by its social constituencies. Over the course of the 1970s and 1980s, perhaps the most profound change in EC legitimation strategies was citizens becoming the key constituency.<sup>153</sup> If one would only look at the topics of information policy there is remarkably continuity in priority issues: economic and monetary cooperation, political cooperation and the Community's position in the world, institutional renewal, regional and agricultural policy, and consumer and social policies. What has changed dramatically is how these topics are narrated to citizens. It is less a matter of informing and listing achievements than one of arguing forcefully how Community action – be it the Common Market or reducing air pollution – serves the individual citizen in a way states on their own cannot. Moreover, DG X consciously sought to bridge the distance between European institutions and citizens by lacing its information activities in a discourse of responsiveness to the man in the street.

When the information service was reformed under the Ortolí Commission, the institution realized that it also needed to change how it presented the Commission and narrated its information.<sup>154</sup> However, such underlying aims and notions of legitimacy often remain implicit in the remaining source material. One exception is a draft presentation by Roy Pryce, director of information operations within DG X, to Secretary-General Emile Noël. Pryce planned to present it on an upcoming conference by the Internal Political Science Association on the legitimacy of the EC and wanted to hear Noël's opinion on his ideas for improving the service. Of interest here is that Pryce defines legitimacy as something which only exists in the eye of the beholder, meaning that it needs to be visible and intelligible. Pryce asserted that the Community remains remote and tangible, and even though many of its policies affect the public deeply, a "curious conspiracy of silence normally surrounds the facts about Community intervention." The only way forward was making the Community's impact more visible, clear and tangible to citizens, which in turn would require several measures to cooperate more closely with the media.<sup>155</sup> Although Pryce had been an accomplished scholar of European history and integration prior to his appointment, he does not appear to have been alone in his views on how to improve the public legitimacy of the Community and the

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<sup>152</sup> Laloux, "At the Service of the European Citizen," 461-62.

<sup>153</sup> Dominika Biegon, "Specifying the Arena of Possibilities: Post-Structuralist Narrative Analysis and the European Commission's Legitimation Strategies," *Journal of Common Market Studies* 52, no. 2 (2013): 203.

<sup>154</sup> See also Gronau and Schmidtke, *The Quest for Legitimacy in World Politics*, 541-42.

<sup>155</sup> Pryce to Noël, *The Invisible Community: Mass Communication, Legitimacy and European Integration*, 30 April 1975, HAEU, EN/688.

Commission. There are many similarities in thought with DG X's director-general Ronan's speech on EC information policy that same year.<sup>156</sup>

Moreover, for several years now, memoranda and reports on information policy had stressed that the Community was perceived as a "very bureaucratic organization, too distant from the worries of the man in the street."<sup>157</sup> Instead, DG X wanted to get a new message across to the average Joes of Europe. The Commission was in fact incredibly responsive to their needs and a vital force in solving their day-to-day problems. New social, environmental, and consumer policies were narrated as the outcome of the Commission being in touch with what ordinary people wanted. Development aid was another, older policy area utilized to give the Commission a "more human, more lively and more concrete" image in Europa and beyond.<sup>158</sup>

To illustrate this, in 1973, the brochure of the Bonn information office with the largest circulation was the one on the new environmental action program. Other well-circulated brochures on the new policy areas included "Tomorrow is too late", "Beginning with Social Europe", and "Father Rhine waits for the great cleaner."<sup>159</sup> In a cable from The Hague to Ronan, the Dutch information office argued for more emphasis on environmental and social policies as a "good way 'to sell' the Commission in the Netherlands is to take action every time the Commission underlines its role as the protector of European interests and the initiator of European solutions."<sup>160</sup> Over time, the assertion of the Commission's humane image and response to new societal anxieties over food safety or environmental protection increasingly gave way to the dire need to highlight its tangible actions in the socio-economic field to the benefit of citizens.

Even in the run-up to the European elections of 1979, DG X did not narrate the Commission or the Community as particularly democratic institutions requiring citizens' input. Quite on the contrary: the 1982 action program proposed to use the EC's democratic institutional setup as a scapegoat for the public as to why decision-making was so protracted.<sup>161</sup> The Commission realized that parliamentarization would not succeed in remedying the democratic deficit any time soon. Neither would the image of a Commission working hard for its citizenry be very convincing in a time of ongoing economic malaise. Instead, the Thorn Commission opted to frame the EC as a People's Europe of a shared cultural identity, but also shared rights and opportunities, markedly free movement within a Common Market.<sup>162</sup>

It has been argued that the public legitimization strategies of the 1970s were little more than a refurbished form of output legitimacy or a functionalist, problem-solving Europe.<sup>163</sup> Certainly, the new discourse did not include a genuine dialogue with citizens in practice and in fact legitimated the dirigiste, top-down logic of European policy-making. At the same time, public opinion and the general audience became the focal point of information policy and

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<sup>156</sup> Sean Ronan, "The Information Policy of the Commission."

<sup>157</sup> Orientations générales pour le programme d'information 1974-1975, 11.

<sup>158</sup> Programme d'information 1975, 26 September 1974, BAC 25/1980/528/4.

<sup>159</sup> Sprengelmeier, *Public Relations für Europa*, 138.

<sup>160</sup> Bureau La Haye to Ronan, Nota, 31 July 1975, HAEC, BAC/101/1999/392.

<sup>161</sup> Information programme for 1982.

<sup>162</sup> Sternberg, *The Struggle for EU Legitimacy*, 95-97.

<sup>163</sup> Sternberg, *The Struggle for EU Legitimacy*, 101; Biegon, "Post-Structuralist Narrative Analysis," 202.



greater value was attached to citizens' opinions than ever before. Moreover, such a perspective ignores the role that citizens and their representatives could in fact play in European politics as the next chapter demonstrates.

## 5. Consumer participation and interest representation

### 5.1 The development and institutionalization of consumer protection

Initially, the European Economic Community paid little heed to the concerns and interests of individual consumers. Even though the main national consumer organizations had already been well established by the 1950s, the Treaty of Rome ignored them as potential members for the consultative body of the Economic and Social Committee. The phrasing of the Treaty reflects the underlying notion of early European integration that the free competition, free choice and free trade of the Common Market would ultimately benefit the consumer.<sup>164</sup> When the EC was set up, there was no political concept of the citizen-consumer yet or specific policies to protect consumers. Likewise, the consumer as such was not a distinct legal category. This changed when a number of scandals over product and medicine safety caused public outrage around 1960. The issue of more stringent product regulation was put on the agenda when John F. Kennedy gave a speech on consumer protection to Congress in 1962 after the drug Thalidomide caused multiple birth defects.<sup>165</sup> Subsequently, the Commissioner of Agriculture Sicco Mansholt – who had already reached out to consumer organizations to set up office in Brussels before informally – established the Contact Committee for Consumer Questions within his own Directorate. It allowed a number of European umbrella organizations to voice opinions on agricultural matters and delegate consumer representatives to other advisory committees on agricultural regulations. A few years later, the Competition Directorate initiated a special unit to deal with consumer policy problems. Although it exchanged ideas with the OECD and Council of Europe, very little actual policy progress was made.<sup>166</sup>

After the empty-chair, new steps were pursued to expand European cooperation beyond the customs union. At the Paris Summit of 1972, the heads of state stated that “economic expansion is not an end in itself” and called upon the Commission to start working on environmental and consumer policy to improve citizens’ quality of life instead.<sup>167</sup> The development of EU consumer law and policy has usually been regarded as a necessary step towards a functioning Common Market. To be sure, both the Commission and the European Court of Justice stressed the functional need for harmonizing national laws to ensure free trade unhindered by legal hurdles. However, there was a distinct shift in discourse: consumers were no longer technical organisms benefitted by free trade, but individuals whose individual well-being needed to be ensured. This discourse was fueled by new societal concerns over environmental degradation through modernization and the new social movements voicing the rights of nature and consumers. Moreover, EC actors very consciously appropriated these

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<sup>164</sup> Hans-Wolfgang Micklitz and Stephen Weatherill, “Consumer Policy in the European Community: Before and After Maastricht,” *Journal of Consumer Policy* 16, no. 3-4 (1993): 288.

<sup>165</sup> Iris Benöhr, *EU Consumer Law and Human Rights* (Oxford: Oxford University Press, 2013), 13-14.

<sup>166</sup> Commission of the European Communities, *Ten Years of Community Consumer Policy: A Contribution to a People's Europe* (Luxembourg: Office for Official Publications of the European Communities, 1986), 8-9.

<sup>167</sup> Statement from the Paris Summit (19-21 October 1972), *Bulletin of the European Communities* no. 10 (1972), 14-26, <[http://www.cvce.eu/obj/statement\\_from\\_the\\_paris\\_summit\\_19\\_to\\_21\\_october\\_1972-en-b1dd3d57-5f31-4796-85c3-cfd2210d6901.html](http://www.cvce.eu/obj/statement_from_the_paris_summit_19_to_21_october_1972-en-b1dd3d57-5f31-4796-85c3-cfd2210d6901.html)>.

issues responding to citizens' concerns only after they had been firmly put on the international political agenda by other IOs, most importantly the UN conference on the environment earlier in 1972.<sup>168</sup>

Thus, the Commission set out to work on preliminary action programs for consumer and environmental policy, but yet had to find a place for both within its administrative infrastructure. Previously, the DG for Industrial, Technological and Scientific Affairs had dealt with environmental issues and the DG for competition with consumer protection. There appears to have been no preconceived plan of creating a joint administrative unit for both fields, despite their overlap in policies and in their joint potential of giving the Commission a more humane image. In a 2010 interview, Michel Carpentier, who chaired the ECPS between 1972 and 1981, said that the merger happened "more or less by accident" and "without any strategic design on the part of the Commission."<sup>169</sup> Since other DGs resisted a horizontal service interfering with their activities, the choice was made for a semi-DG for both nascent policy areas.

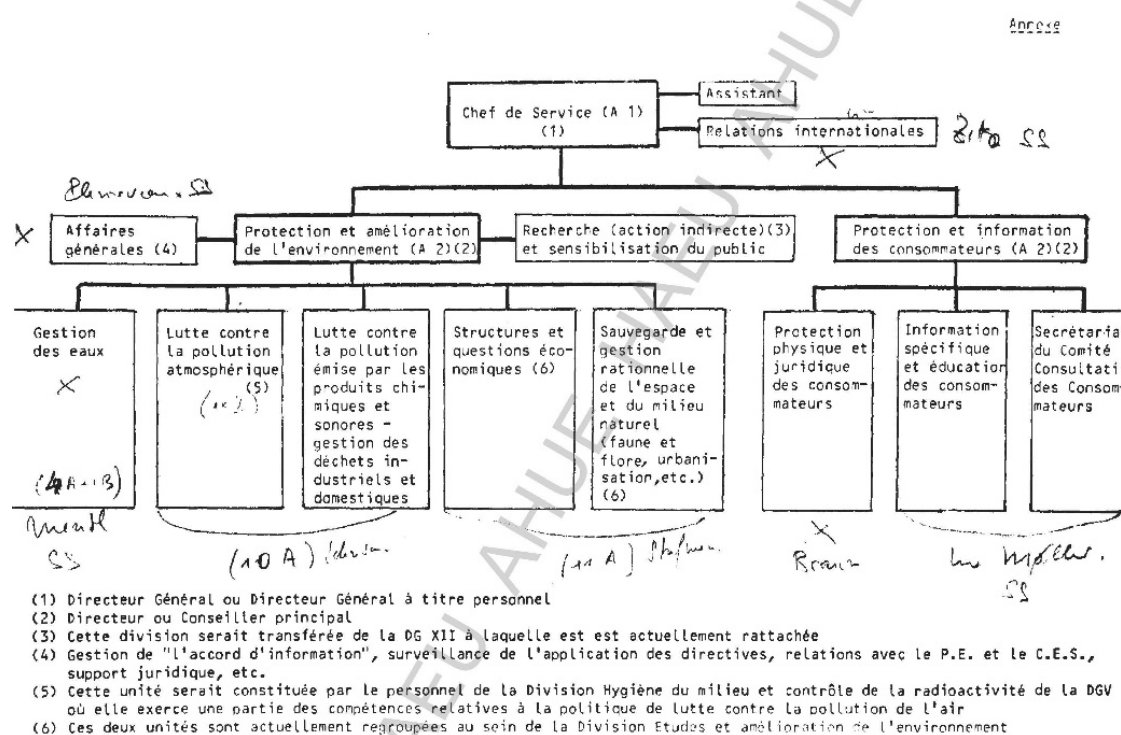


Figure 4 An overview of the structure of the ECPS in 1976 from Carpentier's memorandum, including suggestions for future heads. Source: Carpentier, Memorandum, Annexe, HAEU, EN, 2417.

<sup>168</sup> Laura Scichilone, "The Origins of the Common Environmental Policy: The Contributions of Spinelli and Mansholt in the Ad Hoc Group of the European Commission," in *The Road to a United Europe: Interpretations of the Process of European Integration*, ed. Morten Rasmussen and Anna-Christina Larring Knudsen (Brussels: PIE, 2009), 335-58; Jan-Henrik Meyer, "Appropriating the Environment: How the European Institutions Received the Novel Idea of the Environment and Made It Their Own," *KFG The Transformative Power of Europe Working Paper Series* 2011, no. 31 (2011), <[http://userpage.fu-berlin.de/kfgeu/kfgwp/wpseries/WorkingPaperKFG\\_31.pdf](http://userpage.fu-berlin.de/kfgeu/kfgwp/wpseries/WorkingPaperKFG_31.pdf)>.

<sup>169</sup> Van de Velde, "Environmental and Consumer Protection," 388-89.

Documents from the Secretariat General of the Commission on the eve of the Jenkins Commission and a possible restructuring of the ECPS confirm this change of events. In a memorandum to Secretary General Emile Noël from 1976, Carpentier agreed that “it was probably coincidence that led to the union of these two areas” but stressed that environmental and consumer protection shared important aims and would accomplish more together than separate.<sup>170</sup> Subsequently, Noël agreed and indeed advised future Jenkins not to split the services, but rather strengthen them insofar as the budget admits.<sup>171</sup> Structure wise, however, consumer protection had its own subdivision within the service and its own information policy and at times also sought to expand its funding and number of personnel at the expense of the other subdivisions.

In hindsight, the relatively contingent decision to create a joint ECPS had set in motion an institutional path dependency. Nevertheless, both policy fields faced the issue that they were not explicitly recognized as independent spheres of EC action by the 1957 Treaty. Consumer protection needed to be framed in terms of economic integration and one way to secure legally binding policy was through the harmonization of national laws – so-called ‘negative integration.’ A second route was ‘soft law’ initiatives and resolutions – legally unbinding on paper, but with a not to be underestimated influence on national law-making or through ECJ judgments.<sup>172</sup>

The first of such ‘soft law’ initiatives was the preliminary action program for a consumer protection and information policy, approved by the Council in 1975. It outlines the five fundamental rights of European consumers: the right 1) of protection of health and safety 2) of protection of economic interests 3) of redress 4) to information and education 5) to representation (the right to be heard). It is important to note that neither the UN’s Resolution on consumer rights nor Kennedy’s from 1962 included this last right, which highlights the Commission’s desire to create new venues of consumer participation.<sup>173</sup> Moreover, consumers were not solely defined as purchasers or users “but also as a person concerned with the various facets of society which may affect him directly or indirectly as a consumer.”<sup>174</sup> These plans rather explicitly espouse the Tindemans Reports’ tenets of tangibly improving citizens’ lives and responding to their concerns. However, point 4 of the program immediately reins in any overly ambitious proposal by limiting them to existing Treaty articles.

Beyond legal issues, considerable tensions existed between, on the one hand, the Commission’s and consumer representatives’ ambitions, and, on the other, the economic interests of member states and economic interest groups. During the 1970s and until well into the 1980s, Europe experienced a severe economic recession, and energy crisis, and increasing

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<sup>170</sup> Michel Carpentier, *Mémoire* (très confidentiel): Situation et structure du Service de l’Environnement et de la Protection des Consommateurs, December 1976, HAEU, EN/2417.

<sup>171</sup> Emile Noël, Note pour Monsieur Audland et Monsieur Jenkins. Objet : Structure du Service de l’Environnement, 17 December 1976, HAEU, EN/2417.

<sup>172</sup> Everson, “Legal Constructions of the Consumer,” 107-111; see for more detail Hannes Unberath and Angus Johnston, “The Double-Headed Approach of the ECJ Concerning Consumer Protection,” *Common Market Law Research* 44 (2007): 1237-42.

<sup>173</sup> Cf. Benöhr, *EU Consumer Law and Human Rights*, 13.

<sup>174</sup> Council Resolution of 14 April 1975, Annex: Preliminary programme of the European Economic Community for a consumer protection and information policy, *Official Journal of the European Communities* No C 92/1 (1975): 2, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31975Y0425%2801%29>>.

competition from beyond the EC. This had a negative impact on the willingness of producers to increase safety from environmental risks and that of national ministers to support such measures in the Council, to say the least.<sup>175</sup> This tension is laid bare by both the number and nature of consumer protection directives passed: a total of twenty, virtually all dealing with relatively technical – i.e., harmless – issues like labelling foodstuffs and chemicals.<sup>176</sup> Still, the second action program of 1981 highlights the important steps being made in coordinating the safety of children toys, research on commodity prices, liability of producers for their products, and the regulation of consumer credit, to name a few issues. The prospect of the SEA gave a new impetus to consumer policy and 1986 saw a new action program. Policy-wise, it followed the lines set out by the previous programs, but the assertion of consumer rights have been toned down notably. A neoliberal return to the logic of the Common Market subsumed other consumer interests under free choice and market expansion.<sup>177</sup> The acceleration of economic integration also elevated consumer protection to an independent Consumer Policy Service and eventually an independent DG with its own commissioner in the 1990s. In addition, new venues for consumer participation and consultation were established – dealing with a veritable increase of business lobbying, but building on experiences from earlier years.<sup>178</sup>

## 5.2 The metagovernance of consumer representation

### 5.2.1 A new principle of governance

Democratic accountability or the participation of civil society in policy-making had not been part of the blueprint of the European Communities in the 1950s. Building on the technocratic internationalism of the 1930s, men like Schuman and Monnet valued efficiency and policy output more. Notions of functionalist spill-over were furthermore legitimized by contemporary scholars of European integration.<sup>179</sup> Although the treaties did not explicitly mention all of the sectoral and economic interests groups which would be embedded in EEC policy-making or the EESC, it was implicit that consumers were not one of them. The 1962 *Comité de Contact* for consumer organizations within the Agricultural DG was not so much a venue for venting citizen's opinion as an advisory organ for yet another sectoral interest groups. What had changed by 1970? The call for democratic renewal emerged in many member states in the wake of 1968 and the rise of new emancipatory movements and parties.

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<sup>175</sup> This also applies to environmental issues: Wolfram Kaiser, "Sometimes it's the Economy, Stupid! International Organizations, Steel and the Environment," in *Internal Organizations and Environmental Protection: Conservation and Globalization in the Twentieth Century*, eds. Wolfram Kaiser and Jan-Henrik Meyer (New York and Oxford: Berghahn, 2016): 166-170.

<sup>176</sup> Commission, *Ten Years of Consumer Policy*, Annex III: Principal Instruments Concerning Consumer Protection Adopted by the Council since 1975.

<sup>177</sup> Weatherill, *EU Consumer Law and Policy*, 9; Trentmann, "The Long History," 127.

<sup>178</sup> Hilton, *Consumer Activism*, 71-73.

<sup>179</sup> Patel, *Projekt Europa*, 169-70.

Notions of technocratic or corporatist governance gave way to new ideas on participation and broader elaboration with civil society. On the European level, MEPs and Commission bureaucrats alike increasingly started to perceive the gap between European governance and societal engagement as a problem.

Consumer protection was one of the main areas in which the new ideas of citizen participation were put into practice. For one, the Council and the Commission had explicitly envisaged it as a policy field to directly improve peoples' lives – and the EC's image. However, the Commission's plans to incorporate consumer organizations in this new policy area went beyond the lines set out by the Paris Summit 1972. The Commission sought to incorporate new ideas of civil society participation in conceiving the institutional arrangement of consumer – not least of all to bolster its legitimacy vis-à-vis consumer-citizens and their representatives.<sup>180</sup> Furthermore, the Commission realized the expertise the organizations could provide in this new policy field and, on a more political level, the counterweight a claim on consumers interests could provide against economic interest groups well-established in mechanisms of EEC governance.

It would be wrong to speak of a simple co-option of consumer organization, however. Consumer interest groups put considerable pressure on the Commission to be granted institutional access after the dissolutions of the Contact Committee in 1972.<sup>181</sup> The form in which consumer voices were allowed to be heard was contested: would it be limited to mere consultation or a role in decision-making? The next paragraphs will discuss the contestation of translating ideals of accountability and participation into a new institutional framework between the foundation of the ECPS in 1973 and the Council's approval of the preliminary program for consumer protection and information policy in 1975.

## 5.2.2 Negotiating the framework of consumer representation, 1973-1975

### *Bringing new ideals into practice*

The Paris Summit's initial task to the Commission for developing an action program still echoed previous notions of corporatism and labor unions as the primary representatives of citizens economic interests. It calls for a program aiming at "closely involving workers in the progress of firms, at facilitating [...] the conclusion of collective agreements at European level in appropriate fields and at strengthening and co-ordinating measures of consumer protection."<sup>182</sup> It does not envisage a role for the large national consumer organizations which had gained ample political clout in northwestern European countries as well as France since

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<sup>180</sup> Kooiman and Sveinsoft, "Meta-Governance."

<sup>181</sup> All former constituent organizations of the Committee sent letters to Commission President Malfatti, see e.g. on behalf of BEUC: Castelain to Malfatti, Les associations européennes de consommateurs reprennent à leur compte les objectifs du Comité du Contact, 25 February 1972, HAEC, BDT 244/91/51.

<sup>182</sup> Statement from the Paris Summit (19-21 October 1972).

the 1950s.<sup>183</sup> One of these countries set out to correct this. Denmark, a new member with a particularly strong consumer movement, submitted a memorandum on consumer protection and explicitly called for taking consumers' interests and representatives into account in drafting policy and legislation. What is more, the Danes even proposed a new European quasi-ombudsman authority to deal with consumers' complaints.<sup>184</sup> However, this proposal proved to be too radical for both other countries and the Commission, which sought to channel consumer representation in a less-binding way.

Still, the Commission's first draft of an action program unambiguously embraced a discourse of putting consumers interests first. An inter-service group of experts from different Commission directorates wrote the draft together with a committee of nation experts under supervision of Michel Carpentier. The first paragraph nominates consumer protection as the domain "which reaffirms the commitment of the Communities to pursue human ends [...] which have not always been considered as having consequences on everyday life."<sup>185</sup> This further made explicit by listing three fundamental rights for consumers within Europe, including the right of representation and to be heard. Consumers had to be ensured of optimal protection and information to exercise their freedom of choice.<sup>186</sup> Following the Danish example, the program moreover emphasized the need for a framework to enable consumers to voice their complaints as well as a transparent method of informing consumers of their rights.

From the perspective of the Commission, the CCC was such a means to give voice to consumers beyond their representation in technical advisory bodies, such as the discontinued *Comité de Contact* – whose former members continuously pressured the Commission to establish a more powerful body. The action program stated that consumer representation entails both consultation and participation. The CCC forms a venue for taking the perspectives of consumer representatives into account at the earliest stages of policy-making. The program even stated that "the policies could thus be stopped in the light of information simultaneously received from the representations of producers and consumers."<sup>187</sup> Lastly, when discussing concrete steps to further consumer protection, it aimed to support consumer organizations in coordinating their European representation and the CCC by all means possible.

However, the initial program stopped short of participation beyond initial consultation of consumers on plans initiated by the Commission. It was carefully phrased not to cause too much opposition when discussed by the member states' representatives and continuously underlined both the economic and legitimizing benefits of a progressive consumer policy. Still,

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<sup>183</sup> Alain Chatriot, "Consumers' Associations and the State: Protection and Defence of the Consumer in France, 1950-2000," in *The Expert Consumer: Associations and Professionals in Consumer Society*, ed. Alain Chatriot, Marie-Emmanuelle Chessel, and Matthew Hilton (Farnham: Ashgate, 2006); Karsten Ronit, "Danish Consumer Movement," in *Watchdogs and Whistleblowers: A Reference Guide to Consumer Activism*, ed. Stephen Brobeck and Robert N. Mayer (Santa Barbara: Greenwood, 2015).

<sup>184</sup> Memorandum from the Danish government on actions for consumer protection, n/a, HAEC, BAC 48/1984/1174/1, 2-3.

<sup>185</sup> Programme Préliminaire des Communautés Européennes pour l'information et la protection des consommateurs, 5 December 1973, HAEC, BAC 48/1984/1174/1, 1.

<sup>186</sup> Frank Trentmann, "Knowing Consumers – Histories, Identities, Practices: An Introduction," in *The Making of the Consumer. Knowledge, Power and Identity in the Modern World*, ed. Frank Trentmann (Oxford and New York: Berg, 2006), 16-17.

<sup>187</sup> Programme Préliminaire, 15.



in internal discussion, Carpentier asserted the need for better consultation on many occasions during the preparatory meetings on writing the draft. However, he was clear that not only consumer activists should be invited, “he [Carpentier] was anxious that it [the CCC] would become a consumer ghetto” and instead hoped “that there would be scope for a dialogue with representatives from commerce and industry once the Committee had settled won the work.”<sup>188</sup> Even so, the program’s wording highlights how the Commission espoused the goal of legitimizing European integration to the broader public of consumers through new policies and embedding consumer representatives in the EC governance structure.<sup>189</sup> It is an example of how the Commission attempted to steer and expand European integration during the 1970s within the space granted by the Treaty of Rome, the member states and other EC institutions.

### *Competing perspectives on consumer representation beyond the member state*

The Commission’s initial program draft of 5 December 1973 would only be adopted officially by the Council on 25 April 1975 after protracted and heated negotiations. Before the actual Council of Ministers would discuss the program, first the special COREPER working group on consumer affairs and subsequently the deputy representatives of COREPER I of technical and social affairs would have a look at it. In short, the program was forced back to the drawing table on multiple occasions. It would be wrong, however, to see the initiative as an *Alleingang* by the Commission, or the lengthy negotiation phase as the result of opposing member state and Commission interests.<sup>190</sup> In fact, all the working group’s members applauded the efforts in their first global discussion. The Danish and Belgian delegates hoped that this would strengthen consumer interest representation on the Community level more sufficiently than in the past, but demanded more concrete information on specific initiatives. Going even further, the German representative strongly emphasized the program’s symbolic value in its contribution to giving the Community a different image than the much-maligned “Europe des banques et des trusts”. On the other hand, the Luxembourgish and British delegates did pay lip service to bolstering the EC’s *visage humain*, they stressed that negative integration and free competition would eventually serve consumers best.<sup>191</sup>

After these initial laudatory remarks, discussing consumer protection’s technical details from cosmetics packages to consumer credit consumed most of 1974. The program’s last few paragraphs concerning consumer representation were discussed just before the consumer working group would forward the program to COREPER I. Here, the source

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<sup>188</sup> Notes from meeting with government experts on consumer matters, 1-2 October 1973, HAEC, BAC 153/1990/76, 9.

<sup>189</sup> For environmental protection, see: Jan-Henrik Meyer, “Greening Europe? Environmental Interest Groups and the Europeanization of a New Policy Field,” *Comparativ. Zeitschrift für Globalgeschichte und vergleichende Gesellschaftsforschung* 20, no. 3 (2010).

<sup>190</sup> Kaiser, “Political Dynamics in an Emerging Polity,” 65.

<sup>191</sup> COREPER, Groupe “Consommateurs”, Projet de programme préminaire des Communautés européennes pour l’information et la protection des consommateurs – observations générales, 8 February 1974, HAEC, BAC 48/1984/1174/1, 2-4

material limits the extent to which the exact disagreements can be studied. There are no verbatim notes, but short remarks next to the program text with objections. It mentions that the French and Italian delegates had objections to the entire principal of consultation, representation, and participation as outlined in the draft at the time, which stated that consumers had to be consulted and represented in preparing decisions, legislation and policy. The Irish delegate furthermore demanded that consumer representation in research and policy formulation should only be obtained when absolutely necessary instead of being encouraged.<sup>192</sup> These proposals would negate earlier ideas by the Economic and Social Committee's to enhance the draft program. Instead, the EESC had proposed that the CCC gain the right of initiative in proposing policies and action. However, the EESC was an advisory organ and – despite their noted regret of not being included in (re)drafting the program – their ideas were not incorporated in the program's next draft.<sup>193</sup>

One level higher, COREPER I's discussion of the program uncovers the deep split between northwest European countries with a strong consumer movement and member states without one, which were much more reluctant in allowing consumer activists to bypass their sovereignty in Europe. During the first discussion, the Dutch delegation asserted that the CCC and consumer organizations should regain the right to present proposals to improve existing procedures or policies which had been scrapped during the latest redrafting.<sup>194</sup> Taking one step further, the Belgian and Danish representatives demanded that not only the Commission but also both the ESC and the Council of Ministers would incorporate adequate representation of consumer interests and representatives.<sup>195</sup> Contrary to his northern colleagues, the Italian delegate vehemently opposed measures to increase consumer representatives' influence on the Community as well as national level.

On paper, the Italian delegate feared that certain consumer organizations would only defend their own interests. The Commission representative conceded: member states would define the criteria for deciding which organizations were 'representative.' Sensing this would effectively achieve little, the Italian delegate brought forward his next objection. Giving consumer organizations a say in public services like communication or health care or other national affairs would be dangerous due to consumer organizations' supposed lack of representativeness. Although the notes of the meeting are not verbatim, the implicit message that the Commission's proposal would undermine national sovereignty can be read through the lines and found a "general favorable echo with other Committee members."<sup>196</sup> A second meeting was required to settle the differences of opinion. Right at the start the Italian delegate explained his government's

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<sup>192</sup> COREPER, Groupe "Consommateurs, Programme préliminaire des Communautés européennes pour une politique de la protection et de l'information des consommateurs – résultat des travaux du Groupe "Consommateurs", 24 October 1974, HAEC, BAC 48/1984/1174/2, 14.

<sup>193</sup> Comité Economique et Social, Projet d'avis de la section de l'environnement de la santé publique et de la consommation sur un 'Programme préliminaire de la Communauté pour l'information et la protection du consommateur,' HAEC, BAC 48/1984/1174/1, 4-5.

<sup>194</sup> COREPER, Résultats de la 754<sup>ème</sup> réunion du Comité des Représentants Permanents, 8 January 1975, HAEC, BAC 48/1984/1174/3, 24.

<sup>195</sup> COREPER, Résultats de la 754<sup>ème</sup> réunion, 28.

<sup>196</sup> Secrétariat général de la Commission, Note à l'attention de mm. les membres de la Commission – 754<sup>ème</sup> réunion du Comité des Représentants Permanents du 8 janvier 1975, 15 January 1975, HAEC, BAC 48/1984/1174/4, 2-3.

severe mistrust of consumer organizations. From a different perspective, the British delegate expressed several areas where harmonization of national legislation was “most undesirable.” Again, the Danish delegate heavily criticized the Italian opposition to reassessing public services from the angle of consumer protection and put forward a unilateral declaration that this had to be done. At the end of the discussion, the Italian delegate sighed that although the Council would approve of the principle of consumer protection, his Minister would never condone the program in this shape.<sup>197</sup>

### *Establishing the Consumers’ Consultative Committee*

The final consumer protection and information program accepted by the Council of Ministers retained the right of representation and to be heard as one of the fundamental rights of European citizens. The principle that consumers “*should* [added emphasis] be consulted and allowed to express their views” through organizations was upheld – not the requirement that they must be consulted. Heeding Italian protests, the Commission would compare different consumer representation procedures and critically assess how representative consumer organizations are – *and* whether they were recognized by state authorities. In addition, organizations representing consumers were encouraged to express their views by the Commission, but neither the CCC nor other formal venues for doing so were mentioned.<sup>198</sup>

From the perspective of metagovernance, there was consensus on a dearth of institutional receptiveness to new societal groups and concerns amid decreasing public support for the Community. However, member states among each other as well as the Commission and the ESC disagreed on how to institutionalize representation: in the form of non-binding consultation, with a right of initiative, or even a seat at the table of policy-making?<sup>199</sup> Essentially, the issue was whether consumer representation would be window-dressing for the sake of a humane image or a more profound transformation of practices of citizen participation in EC policy-making. The program’s ambiguous institutional blueprint in which the CCC was not mentioned at all left this open to interpretation in political practice. The Commission played an important role in seizing the opportunity offered by the Paris Summit to pursue this effort, which furthermore highlights that by the 1970s, the EC encompassed much more than intergovernmental bargaining.<sup>200</sup> Crucially, the political dynamics of consumer policy were neither set in stone by the action program nor by the institutional framework of the Consumers’ Consultative Committee. For although the 1973

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<sup>197</sup> Secrétariat général de la Commission, Note à l’attention de mm. les membres de la Commission – 760<sup>e</sup> réunion du Comité des Représentants Permanents, 19 février 1975, 20 February 1975, HAEC, BAC 48/1984/1174/4, 1-3.

<sup>198</sup> Commission Decision of 25 September 1973 relating to the setting up of a Consumers’ Consultative Committee (73/306/EEC), *Official Journal of the European Communities* No L 283/18 (1973), <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31973D0306&from=EN>>.

<sup>199</sup> Kooiman and Sveinsoft, “Meta-Governance,” 826.

<sup>200</sup> Wolfram Kaiser, Brigitte Leucht, and Morten Rasmussen, “Origins of a European Polity: A New Research Agenda for European Union History,” in *The History of the European Union: Origins of a Trans- and Supranational Polity 1950-72*, eds. Wolfram Kaiser, Brigitte Leucht, and Morten Rasmussen (London: Routledge, 2009): 4-5.

Commission Decision on the CCC stated that the Commission would be responsible for providing organizational aid, the Commission soon went beyond the rules and tasks granted to it on paper.<sup>201</sup>

### 5.2.3 No representation without donation?

During the 1970s, the Commission started to actively encourage the ‘Europeanization’ of new social movements and societal groups such as consumer associations. It did so by creating institutional venues to embed them in transnational EC governance and by providing them with financial and other support to set up umbrella organizations and representation on the EC level. This had long been established practice for industrial groups and trade unions, but this shift indicates an awareness by the Commission to respond to new societal actors and their demands for influence and a more participatory style of politics.<sup>202</sup> Jan-Henrik Meyer has researched how the Commission very actively supported the 1974 establishment of a European Environmental Bureau (EEB) for environmentalists, which was highly dependent on the Commission’s financial and organizational support. One key argument for doing so was enhancing the Commission’s claim – via the EEB – on the representation of environmentalists vis-à-vis other European institutions.<sup>203</sup>

In contrast to environmentalist NGOs, consumer organizations had become well-established political actors since the 1950s representing millions of members and had also become embedded in national governance structures before moving to the European stage.<sup>204</sup> The entrance of consumer organizations does not strictly follow the neo-functionalist logic of interest groups moving after policy competency. It denies agency, as not every consumer organization “scaled up”, but also the dynamics between consumer organizations about which association is included and who claims to represent whom.<sup>205</sup> Crucially, the Commission continuously made efforts to encourage an active role for consumers on the European stage. This paragraph analyzes how and why the Commission provided consumer representatives with financial support in order to do so.

One of the first things the Commission did in 1973-1974 was granting funds to the CCC’s constituent organizations to conduct research on consumer questions.<sup>206</sup> Due to the limited size and resources of the ECPS, it turned to consumer organizations to provide much-needed information and expertise in a new policy area. Moreover, research by political

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<sup>201</sup> Commission Decision relating to the setting up of a Consumers’ Consultative Committee.

<sup>202</sup> Kaiser, “Political Dynamics in an Emerging Polity,” 58-59.

<sup>203</sup> Jan Henrik-Meyer, “Challenging the Atomic Community: The European Environmental Bureau and the Europeanization of Anti-Nuclear Protest,” in *Societal Actors in European Integration. Polity-Building and Policy-Making 1958-1972*, eds. Wolfram Kaiser and Jan-Henrik Meyer (Basingstoke: Palgrave Macmillan, 2013): 205-08.

<sup>204</sup> Poelmans, *L’Europe et les consommateurs*, 1-19.

<sup>205</sup> Nath, “Giving Consumers a Political Voice.”

<sup>206</sup> Commission of the European Communities, *Consumer Protection and Information Policy. First Report* (Brussels and Luxembourg: Publication Office of the European Communities, 1977), 98.

scientists on how EU institutions perceive interest representation by civil society groups suggest that their information is often most valued.<sup>207</sup> In addition, the ECPS funded research seminars in Brussels and co-funded seminars in member states. By doing so, the ECPS explicitly aimed to bring together experts, consumer associations and politicians to create a transnational network and cross-fertilization on the national and EC level.<sup>208</sup> Consumer organizations could suggest and apply for research funding on their own initiative, but usually the ECPS asked and paid them to study issues of interest to EC policy-making and legislation. For example, the Commission granted 2,750,000 Belgian Francs (BF)<sup>209</sup> to each of the four CCC member organizations in 1978, and 2,500,000 BF in 1977. All topics were related to contemporary plans and issues in consumer policy: consumers and life insurances; family tariffs for public transit; toxic substances in food products; and European consumers vis-à-vis the power of multinationals.<sup>210</sup>

Strangely, despite the gradual expansion of the scope of consumer policy, the research budget for each respective organization dropped to 76,995 BF in 1979. Richard Burke, the Irish commissioner responsible for the ECPS, had to defend even this minimal funding to the Commission. He firstly emphasized that this information was vital for his service to understand and study complex problems. Secondly, it enabled organizations which were “particularly representative of consumers” to express their opinions and participate in drafting directives.<sup>211</sup> Even though Burke strategically stressed both the need to include consumers and to provide them with sound policies, he had not entirely convinced the cabinet of Commission President Roy Jenkins – who had called for an ambitious consumer protection policy. In fact, within the President’s Cabinet, there was much skepticism towards the current functioning of the CCC. In an internal communique deputy head Graham Avery noted that

*“Frankly, the main reason that some (the majority!) of organisations [...] attend the CCC is in order to receive very welcome funds. It’s a chicken + egg situation: the CCC’s opinions are generally given very low regard, + in consequence little effort [is] made to improve the generally patchy standard of their work, which is why the Commission feels it unnecessary to forward their views to the parliament or take their views seriously. It might really be better for the Commission to save everyone’s time + to simply give out the money without CCC strings attached.”<sup>212</sup>*

These words were a direct reaction to Burke’s plea for more funding. Avery furthermore called for a “radical review” of the CCC’s structure and to pressure Burke to do so. It remains implicit just how the cabinet would envisage this radical review, but it is clear that Avery and others within the cabinet desired a stronger and more efficient consumer representation.

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<sup>207</sup> Carlo Ruzza, “Organised Civil Society and Political Representation in the EU Arena,” in *Civil Society and International Governance. The Role of Non-State Actors in Global and Regional Regulatory Frameworks*, ed. David Armstrong et al. (London and New York: Routledge, 2011), 50.

<sup>208</sup> Richard Burke, Conférence a haut niveau sur les consommateurs septembre 1978, n/a, HAEC, BAC 21/1984/92.

<sup>209</sup> Equivalent to around €70,000 today.

<sup>210</sup> Richard Burke, Contribution financière aux organisations des consommateurs, 7 July 1978, HAEC, BAC 21/1984/92.

<sup>211</sup> Richard Burke, Apportionment of credits between consumer organizations, 18 July 1979, HAEC, BAC 39/1986/524.

<sup>212</sup> Avery to Graham, Commission financing of consumer representatives, July 1979, BAC 39/1986 no 524 HAEC.

The Commission itself was also well aware of the CCC's functional issues and the difficulties it had in speaking with one voice. Although it had been mentioned in the 1973 resolution on the CCC, this is why ECPS sought to revamp a specialized secretariat for the CCC in 1976, funded as well as staffed by the ECPS.<sup>213</sup> Many functional problems stemmed from the fact that very different umbrella organizations seated in the CCC – representing trade unions, consumer co-operatives, consumer organizations, and family organizations. Moreover, there was often discontent between the constituent national members of these umbrella organizations. By extending its services to coordinating the CCC, the ECPS hoped to improve the consultative body's functioning.

The ECPS and the later DG XI aimed at more than running the CCC more smoothly by funding European consumer organizations. They hoped that strengthening the ties between the Commission and consumer organizations, particularly through embedding them in governance and research activities, would contribute to a more positive view by the consumer movement of Europe. In other words: consumer organizations would provide good PR for the EC and mobilize their members for Europe. A rather self-congratulatory 1986 Commission monograph on the development of consumer policy is surprisingly open about this improvement of "the flow of information" to ensure that citizens will be "more aware in our daily lives of consumer problems and what the community is doing about them."<sup>214</sup>

Ultimately, financing the Europeanization of consumerism through the CCC was a very conscious act of metagovernance to achieve a more structured representation and participation of consumer organizations on the European level. In the 1980s, DG XI again lobbied to increase funding for the CCC in order to facilitate an institutionalize dialogue between consumers' and producers' representatives, especially in countries with a weaker consumer movement like Italy or Greece. This extra financial space would moreover enable consumer representatives to be able to afford taking seat in additional advisory bodies in other directorates.<sup>215</sup> Last but not least, funding research provided Commission policy-makers with very valuable information on consumers opinions as well as national legislation. In sum, Burgess is not entirely wrong in arguing that the EU props up consumer representation to legitimize itself.<sup>216</sup> However, such a top-down, functionalist perspective disregards that members of the Commission were genuinely concerned about incorporating consumers' perspectives in policy-making or the accountability of the Commission more broadly. More importantly, it ignores the disagreements between the Commission and the CCC or amongst the members of the CCC about funding and the role of consumer representatives in EC politics.

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<sup>213</sup> Carpentier, *Mémoire*: Situation et structure du Service, 9.

<sup>214</sup> Commission, *Ten Years of Community Consumer Policy*, 67.

<sup>215</sup> Commission, *Ten Years of Community Consumer Policy*, 63-67.

<sup>216</sup> Burgess, *Flattering Consumerism*, 109.

### 5.3 Practices of consumer representation

The following paragraphs analyze how consumer representation and participation was renegotiated in political practice after the main institutional framework's establishment in 1975. Actors within the CCC as well as the Commission's ECPS, European Parliament and the Economic and Social Committee continuously sought to expand the role of consumers in European governance. However, what consumer activists and ECPS administrators perceived as proper representation often collided. Especially representatives from the European Consumer Organization BEUC<sup>217</sup>, which included most of the Community's consumer associations, had a more activist understanding of representation. They politicized consumer protection, criticized trade unions and cooperatives within the CCC, and frequently disagreed with the Commission over transparency towards the press. It was a style of politics other interest groups, but particularly the consensus-seeking governance style of the Commission, was not used to. Who precisely spoke in name of "the" European consumer and his or her interests became increasingly contested. In response, the ECPS attempted to create a more 'constructive' dialogue between consumer and producer representatives via the CCC against the background of a worsening economic situation of the late 1979s. Notwithstanding disagreements over policy direction and political style, the CCC gradually enabled consumer representatives to play a larger role in the EC system of governance. The next paragraph provides a concise overview of in which ways the CCC intervened in EC politics and which roles it performed.

#### 5.3.1 General overview of the CCC's tasks

In order to understand how the CCC operated, it is useful to outline the committee's main tasks and powers as set out by the Commission. Article 2 of the Commission's decision on setting up the CCC designates its main task to be to "advise the Commission on the formulation and implementation of policies and actions regarding consumer protection and information".<sup>218</sup> Usually, the Commission would request the CCC to advise on a certain matter, but the CCC was free to provide advice on its own initiative. After three years of political practice, the Commission's first official report on consumer protection is more explicit about when and how this advice is solicited. It furthermore delineates the three principles shaping the work of the CCC: 1) representation of consumer views to the Commission 2) cooperation between consumer organizations 3) creation of a dialogue with other institutions and bodies representing the public and trade interests at Community level.

The report's elaboration on these principles betrays the CCC's limited role in the process of policy- and decision-making within the EC, as the consultation organ is consulted

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<sup>217</sup> *Le Bureau Européen des Unions de Consommateurs* (BEUC).

<sup>218</sup> Commission Decision to the setting up of a Consumers' Consultative Committee.



“at an early stage” when “measures [are] being prepared”.<sup>219</sup> Subsequently, these recommendations and opinions are to be forwarded to the Commission, which ultimately decides whether it will act upon these or forward them to other EC institutions. Over time, the committee became very proficient in providing this advice and experienced in influencing policy-making as well as the policy agenda via resolutions and statements, submitting over twenty per year by 1979.<sup>220</sup> Additional to this formal consultation process of the ECPS, the report stresses the importance of providing a platform for European consumer organizations. It would enable the actual advocacy and incorporation of consumer policy and a dialogue with committees and interest groups in other policy areas such as agriculture.<sup>221</sup>

Operating within this institutional structure, the CCC intervened in European politics in a number of ways. Often, this caused conflict with ECPS functionaries who were shrewd enough to claim the backing of the consumer organizations – and thus a representative claim on the consumer interest – in advancing their policy agenda vis-à-vis the Council and other Directorates, but reluctant in granting the CCC more influence on their own. Firstly, the CCC’s member organizations – acting independently or together with ECPS personnel – sought to increase the number of consumer representatives in advisory organs beyond the consumer protection service. The CCC had the right to propose candidates for these committees and made extensive use of it. By 1982, consumer representatives were part of 24 advisory committees. 19 of those were agricultural advisory committees, but the CCC had also succeeded in securing representatives in committees on customs matters or commerce and distribution.<sup>222</sup> A lobby to appoint consumer representatives to the Advisory Committee on Transport even succeeded in securing a meeting with president Jenkins. Despite his lukewarm support for the consumer cause – “I think it might not be a bad idea politically” – the member states refused to give up their prerogative of appointing experts and members themselves. More often, commercial interest groups or other Directorate Generals would reject consumer representatives.<sup>223</sup> After all, the ECPS was but a small service amid more powerful directorate generals on competition or agriculture with an often much larger influence on consumer related policies.

Secondly, the CCC’s constituent organizations coordinated campaigns of letter-writing and lobbying to national as well as European political institutions in order to advance their agenda beyond the opinions solicited by the ECPS. Thirdly, the CCC continuously attempted to advocate their views as a committee in the press or otherwise influence public opinion on important issues – a politicization of ongoing negotiations rarely appreciated by the Commission. On the other hand, the DG X for information and ECPS functionaries very much welcomed efforts by the CCC and its members to participate in the information campaigns of the EC. More in coordination with the ECPS and later DG XI, the CCC conducted research on behalf of the Commission. Increasingly, the CCC asserted its role as a body of expert

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<sup>219</sup> Commission, *Consumer Protection. First Report*, 52

<sup>220</sup> Commission of the European Communities, *Consumer Protection and Information Policy. Third Report* (Brussels and Luxembourg: Publication Office of the European Communities, 1980), 62-63.

<sup>221</sup> Commission, *Consumer Protection. Third Report*, 53-55.

<sup>222</sup> Commission of the European Communities, *Consumer Representation in the European Communities* (Luxembourg: Office for Official Publications of the European Communities, 1983), 14-15.

<sup>223</sup> Jenkins to Burke, Transport Policy and Consumers, 18 July 1977, HAEC, BAC 39/1986/884.

knowledge on consumer affairs in co-organizing seminars and policy-making beyond voicing opinions in the early stages of drafting. The networks and expertise of individual CCC members played a large role in fulfilling these roles. Over time, the Commission consciously sought to embed the CCC in a more formalized dialogue with other interest groups and DGs. However, the issue of who could lay claim to the best interest of consumers remained a hotly contested issue.

### 5.3.2 Who speaks for the consumer?

Essentially, the Commission preselected which organizations would gain privileged institutional access as well as which can successfully claim to represent consumer interests. This selection is a form of metagovernance and moreover uncovers notions of both governance and who legitimately represents consumers in the eyes of the Commission. The ECPS aimed to keep tight control of the institutionalization of consumer representation. In its arrangement of seats at the table, there was a remarkable continuity in representatives selected for the Comité de Contact in 1962 and the Consumers' Consultative Committee in 1973 as only one new trade union was added and one trade union dropped.<sup>224</sup> The 25 seats were distributed as follows:

- 3 to the European Office of Consumer Unions (BEUC)
- 3 to the Committee of Family Organizations for the European Communities (COFACE; le Comité des Organisations familiales auprès de la C.E.E.)
- Three to the European Community of Consumer Cooperatives (EURO-COOP ; la Communauté européenne des Coopératives de Consommation
- 6 to the European Confederation of Trade Unions (CES(L) ; Confédération Européenne des Syndicats Libres); the European Organization of the World Confederation of Labour (OECMT, l'Organisation Européenne de la Confédération Mondiale du Travail OECMT ; and to the newcomers of the Confédération générale du travail – Confederazione generale del Lavoro (CGT-CGIL).
- 10 to experts (preselected by the constituent members, but selected by the Commission)<sup>225</sup>

The Commission redistributed all trade union seats to the CES following the dissolution of OECMT and CGT-CGIL in 1976 and expanded the overall number of the CCC in anticipation of further EC enlargement in 1980.<sup>226</sup> The national organizations defending consumer rights

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<sup>224</sup> This being the European Secretariat of the International Confederation of Christian Trade Unions

<sup>225</sup> Commission Decision to the setting up of a Consumers' Consultative Committee.

<sup>226</sup> See Commission Decision of 3 December 1976 amending Decision 73/306/EEC relating to the setting up of a Consumers' Consultative Committee (76/906/EEC), *Official Journal of the European Communities* No L 341/42 (1976), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31976D0906&from=ES>; Commission Decision of 16 October 1980 amending the Decision of 25 September 1973 relating to the setting up of a Consumer Consultative

established during the 1950s and 1960s did not have a monopoly on the consumer. The inclusion of trade and labor unions as well as older commercial consumer cooperatives was a very conscious decision by ECPS director Michel Carpentier. It provided a counterbalance to consumer activism and an attempt to embed consumer representatives in a more consensus-based and policy-making structure of governance.<sup>227</sup>

Although this settlement included the four principal European consumer organizations, it was not uncontested. Member states without a strong consumer movement were very critical of the European recognition of consumer organizations and was wary of implications for national politics. This is why the Italian government representatives were adamant in demanding additional checks and balances as to which national associations counted as representative when negotiating the consumer protection action program. During these negotiation processes, European Parliament advocated a broader right to represent. Already in 1973, an MEP asked twice why the Commission continuously excluded business and trade representatives from the CCC even though consumer cooperatives did have a vote.<sup>228</sup> The Commission answered that the CCC “was not conceived as a body charged with consumer issues in the manner of the institutions which include representatives of consumers, trade, and industry” but agreed there was a need for a dialogue with such bodies.<sup>229</sup> While negotiations by the Council and COREPER were reaching the last phases, a group of MEPs questioned whether the current composition of the CCC defended consumer interests optimally. They asked the Council to reconsider including retail and business representatives as voting members.<sup>230</sup> However, during the debate the present Council representative evaded answering and referred to it as a Commission issue.<sup>231</sup> Membership of the CCC imposed limits on who could speak for the consumer and thus effectively influence consumer protection. Even though the ECPS aimed to balance consumer cooperations with more activist groups, it did not perceive commercial interest groups as really representing consumers at this time.

It should not be forgotten, however, that the CCC members were European umbrella organizations representing a range of vastly different organizations and interests. Apart from issues to internal unity and consensus, this crucially meant that the umbrella organizations were the ultimate gatekeepers of which national actors could join the European stage. For example, when unionist organizations formed the new overarching organization EURO C in 1983, members of the other trade union conglomerate ETUC were split on whether they should welcome it within their ranks or those of the CCC. Fearing competition, ETUC decided to bar EURO C from enjoying the same privileged position.<sup>232</sup> As gatekeepers, the umbrella

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Committee (80/1087/EEC), *Official Journal of the European Communities* No L 320/33 (1980), <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31980D1087&from=DE>>.

<sup>227</sup> Notes from meeting with government experts on consumer matters, 9.

<sup>228</sup> QE 644/73 de M. Jahn, Objet: représentation du commerce au comité consultatif des consommateurs, HAEC, BAC 131/1983/142; and QE 683/73 de M. Jahn, Objet: Comité consultatif des consommateurs, HAEC, BAC 131/1983/142.

<sup>229</sup> Réponse à QE 644/73 de M. Jahn

<sup>230</sup> Question orale (QO) 0-2/75 de MM. Jahn, Aigner, Burgbacher, Früh, Klepsch, Mursch et Schulz, Objet: composition du comité consultatif des consommateurs, HAEC, BAC 131/1983/142.

<sup>231</sup> Réponse à QO 0-2/75 de MM. Jahn, Aigner, Burgbacher, Früh, Klepsch, Mursch et Schulz.

<sup>232</sup> Lothar Maier, “Institutional Consumer Representation in the European Community,” *Journal of Consumer Policy* 16, no 3/4 (1993): 372.

organizations moreover decided which specific interests were voiced. Particularly the BEUC, consisting of strong national consumer organizations, often tended to defend the interests of the well-organized northern European members. Partly caused by this internal diversity, the constituent members of the CCC had problems in presenting the Commission with a single, let alone useful, opinion or point of view. It is why law scholars and political scientists have often portrayed the CCC as an unprofessional, divided and ineffective body with little actual policy impact.<sup>233</sup> From a different perspective, however, the advisory committee enabled consumer organizations to play a role in European politics and pursue their own agenda in their own style from within EC institutions.

### 5.3.3 Interest representation in action: a clash of styles?

Rather than asking why consumer representatives failed convince industrial lobby groups in a period of economic malaise, it is much more interesting to explore how the consumers brought a new style of activist politics and interest representation to European politics. The members of the CCC were highly aware of the vested interests of member states, industries, and other EC institutions they had to compete with. In fact, their interaction with Commission functionaries shows how consumer representatives were well-informed about the ins and outs of European policy-making. Over time, consumer interest groups became remarkably skilled in laying claim to representing citizens and their interests in an socio-economic context and governance setting which tended to favor producers, rather than consumers. Although this changed the rules of the political game of consumer policy, the Commission did make efforts to channel the CCC's efforts into a more depoliticized, consensus-oriented model of producer-consumer dialogue around 1980. But first, the following paragraph zooms in on how the BEUC perceived a window of opportunity during the presidency of Roy Jenkins (1977-81) to step up consumer policy and a case study of consumer interest representation in the case of product liability.

#### *Gaining the Commission's ear*

In his inaugural address to European Parliament, Jenkins had declared environmental and consumer protection as priority areas to bring Europe closer to its citizens. He was a Labour politician himself and had been active in the consumer movement in the 1950s. The BEUC leadership seized this opportunity and carefully used their British connections to start making suggestions to the fresh president and his new cabinet. The letters by BEUC president Eirlys Roberts and h BEUC vice-president and CCC chairman Anthony Dumont are carefully

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<sup>233</sup> E.g. Ludwig Krämer, *EWG-Verbraucherrecht* (Baden-Baden: Nomos, 1985), 50.

couched in the new discourse of the human face. Furthermore, they show the experience and knowledge the BEUC had gained of European politics the past years.

Already a few days after Jenkins had taken office, Dumont provided a memo to his cabinet on how to improve consumer protection institutionally. After applauding Jenkins' speech, Dumont was quick to point out that German consumer organizations had already forwarded their views on organizational problems to the EP, Commission and EESC to stress the level of European consumer engagement the BEUC represented. His main argument reflected the BEUC's experiences in Brussels: in order to have a stronger impact, the ECPS needed to become a very Directorate General as "the Commission is a very hierarchical body" and it "has been proved time and again that without an officer of adequate rank the work of getting the programme through becomes impossible [...] the result is frustration and in the end bitterness amongst all members of the consumer organizations." At the very least, he demanded a director of consumer affairs to represent consumer interests at inter-staff meetings and play a larger role within the Commission hierarchy.<sup>234</sup>

Meanwhile, Eirlys Roberts sent a personal letter listing eleven BEUC requests to Roy Jenkins, whom she knew well from the early days of the British Consumers' Association (CA).<sup>235</sup> She reiterated that the consumer service should become at least a DG, but also wished for the Commission to become more transparent and open to the press and to push for consumer education and representation as well as reforming the Common Agricultural Policy to serve consumers and producers equally.<sup>236</sup> In his response, Jenkins agreed on virtually all points – although he would rather see the Commission than the CCC lead a European research center on incidents – and reaffirmed "it is the Commission's firm intention to give a new emphasis to the role of consumers [...] to advance the interests of all the citizens of Europe" as well as his gratitude to the support of BEUC.<sup>237</sup>

In preparing a subsequent meeting between Roberts and Jenkins', the president's staff instructed him to ask for "pressure from the Consumer lobby" on the ECPS' staff to favor consumer policy and to gain more British personnel.<sup>238</sup> Roberts offered Jenkins help in obtaining British in key positions. She stressed that consumer affairs were vital "in demonstrating that the Community had a human face" and in turn asked Jenkins to support the CCC in appointing more consumer representatives on advisory committees.<sup>239</sup> Although the consumer organizations enjoyed privileged access to the president and his cabinet, they had more difficulty in persuading others.

The BEUC's organized letter and lobby campaign on all EC levels succeed in securing a meeting with the Commission's vice-president in February 1977 and meetings between the CCC's organizations and Commissioner Burke, BEUC being first. Eirlys Roberts began the meeting by offering BEUC's help in improving the Commission's image to the "generality of

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<sup>234</sup> Dumont to Marquand, 31 January 1977, HAEC, BAC 39/1986/524.

<sup>235</sup> Matthew Hilton, "Consumer Politics in Post-war Britain," in *The Politics of Consumption: Material Culture and Citizenship in Europe and America*, ed. Martin Daunt and Matthew Hilton (Oxford: Berg, 2001), 248.

<sup>236</sup> Roberts to Jenkins, 14 February 1977, HAEC, BAC 39/1986/524.

<sup>237</sup> Jenkins to Roberts, 30 March 1977, HAEC, BAC 39/1986/524.

<sup>238</sup> Phillips to Jenkins, Your meeting with Miss Eirlys Roberts 4 July, 4 July 1977, HAEC, BAC 39/1986/524.

<sup>239</sup> Notes of the meeting between the President and the Director of Bureau Européen des Consommateurs (Miss Eirlys Roberts), 4 July 1977, HAEC, BAC 39/1986/524.

ordinary people". Burke agreed that especially rising prices of agricultural products were an issue there and agreed that this "largely escaped the comprehension of the Community public at large, and, perhaps, in particular of the British public." However, Burke was rather reluctant to agree wholeheartedly on Roberts' offer to "go on a crusade" and spread "propaganda" for the Common Market in the UK. For one, he did not want to favor the BEUC and rather stressed that the CCC should act as one. More fundamentally, Burke was critical of who exactly she claimed to represent: was this not largely limited to cities, was her tone not too confrontational to farmers and producers? The meeting brings to light fundamental tensions between consumer activists and the ECPS. Whereas the BEUC perceived itself as genuinely representing the interests of consumers against "vested interests", Commission functionaries were hesitant to directly oppose economic interests or the strong agricultural lobby through militant media campaigns and confrontational politics.<sup>240</sup> Although the BEUC's access to high-ranking Commission official did not equal influence, their campaign to improve consumers' on product liability is a good case of how their style of politics put pressure and also forced economic interest groups to appropriate citizen-centered rhetoric.

### *Defending consumer interests: the case of product liability*

In the globalizing European consumers societies of the 1970s, consumers increasingly bought products produced or partly assembled abroad, a development stimulated by European economic integration. However, food safety scandals and a rising number of accidents with unsafe products raised concerns over consumer protection. In several member states, consumer organizations had already pushed for better protection and regulation, including the right to compensation on product liability. The ECPS was particularly responsive to CCC advocacy on this issue because it could be framed as a necessary step towards the Common Market. Each country had developed its own corpus of regulations, whereas the internationalization of production chains complicated ascertaining who exactly was responsible. Although a rather technical and legal issue on paper, business as well as agricultural interest groups, backed by member states, vehemently opposed far-reaching measures on compensation and liability amid economic malaise. Next to intricate legal issues, this was the key reason why it took a decade for the Council to compromise on a directive. The contestation on product liability constitutes an interesting case in which the CCC and particularly the BEUC played an important role in agenda-setting and legislation-making.

How the CCC prepared its opinions is illustrates to what extent the BEUC used it as a platform to act in Europe. The BEUC wrote the first internal think piece for the committee and stressed that many practical concerns needed further attention: it remained unclear at which moment and how a product would be deemed unsafe and should be retracted from European markets, or who exactly is responsible and where the consumer should prosecute. More fundamentally, the BEUC demanded that the burden of proof should be shifted to producers;

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<sup>240</sup> Report of meeting between Mr. Burke and BEUC, 23 May 1977, HAEC, BAC 39/1986/524.

that there be no limit to compensations; that there should be no time limit to legal liability; and that both supplier and producer should be held liable.<sup>241</sup> By that summer, the British CA, the Danish *Forbrugerrådet* (FB) and the Dutch *Consumentenbond* (CB) each wrote extensive reports on their national legal systems and opinions on the draft directive in 1975.<sup>242</sup>

Apart from constituting the CCC's bedrock for further official comments, they reflect how the BEUC – and CCC by extensions – were dominated by professionalized Northern European consumer associations. Their comments were critical of the current draft which in the BEUC's eyes already constituted a compromise with the industrial lobby. In addition, they uttered criticism on the unclear procedure of how exactly victims were to be compensated Europe-wide and argued for a public fund to ensure consumers were compensated fully. Disagreeing with low maxima for financial compensation, the CCC asserted that stricter guidelines would be an incentive for more cost-efficient production which would furthermore benefit consumers.<sup>243</sup> Three months later, the CCC issued another commentary on the Commission's final draft directive. In particular, the CCC criticized the notion that agricultural products had no liability or that liability would have a time or financial limitation.<sup>244</sup> After the directive had been submitted to the Council, the CCC and BEUC would continue their lobby with all means at their disposal.

First of all, they continuously sent letters, research pieces and memoranda *en masse* to the ECPS, other Commissioners, and the Commission Presidency. Briton Tony Venables had succeeded Eirlys Roberts as BEUC director and frequently addressed the Commission personally, bypassing formal CCC communication. Moreover, Venables coordinated his letter sending campaigns with other British consumer organizations. For example, Peter Goldman, chairman of the British CA, pleaded Jenkins not to give in to "the influence of a very busy commercial lobby" and instead defend consumers, if only for PR reasons: "if consumers look to the current Commission for one major legal advance in their interest, this is it!"<sup>245</sup> In July 1979, Venables once again called upon President Jenkins not to surrender to the Council and agricultural member states. He attached two letters: one to Commissioner Burke and one to Commissioner Davignon who was responsible for the internal market and industrial affairs. In these letters, Venables made claim to represent all "Consumers in Europe [who] have consistently opposed the limitations to the proposal." He urged the Commission to actually acknowledge the CCC's opinions to ensure proper consumer protection which meant abolishing a financial ceiling for liability and including all products, i.e. agricultural goods.<sup>246</sup> To conclude, Venables stated he would inform the press about how the EC once again favored

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<sup>241</sup> BEUC, *Commentaire du BEUC sur le premier avant-projet de directive sur la responsabilité des législations en matière de responsabilité du fait des produits*, February 1975, HAEC, BDT 12/1984/245.

<sup>242</sup> CA, *Draft directive concerning product liability*, n/a; FB, *comments on draft directive*; 30 June 1975, CB, *comments on draft directive*, n/a/ HAEC, BDT 12/1984/245.

<sup>243</sup> CCC, *Comments to draft directive concerning the approximation of the laws of Member States relating to product liability XI/355/75-E*, 25 September 1975, HAEC, BDT 12/1984/245.

<sup>244</sup> CCC, *Comments to second draft directive concerning the approximation of the laws of member states relating to product liability XI/355/75-E*, 1 December 1975, HAEC, BDT 12/1984/245.

<sup>245</sup> Goldman to Jenkins, *Proposal for a directive concerning liability for defective products*, 22 August 1979; Joss to Jenkins, *Proposal for a Council Directive relating to liability for defective products*, 31 August 1979, HAEC, BAC 39/1984/524.

<sup>246</sup> Venables to Burke and Davignon, 1 June 1979, HAEC, BAC 39/1984/524.



farmers above consumers in times of crisis.<sup>247</sup>

How did the Commission deal with this intensive consumer lobby? In one internal memo, the president's cabinet head Graham Avery urged the president to indeed support Burke in defending strict liability to the Council, stressing that "the consumer organizations feel quite strongly on the subject."<sup>248</sup> After having received yet another letter by consumer activists, Avery suggested to continue supporting the ECPS because "the consumer organizations will raise a stink if DGIII completely stages the directive."<sup>249</sup> Whereas consumer representatives focused on the Commission as the most receptive forum of their message, industrial lobbyists pointed their arrows at both the Council and the Commission's economy-oriented DGs. A letter by the director-general of the European Council of Chemical Manufacturers Federations to the Italian president of the Council of Ministers summarized the industrial lobby's claims on both economic and consumer interests. In a time of economic turmoil, strict product liability would not only be devastating to industries, but also to developing innovative products as they could be sued for risks – this would eventually target both the consumer's wallet and his quality of choice.<sup>250</sup> A letter by a British industrialist to Jenkins denounced the Commission's current draft of 1980 as "causing much dismay in board-rooms throughout the country" and a "monstrous proposal." Stringent liability would devastate the smaller companies on which the economy depended and make unemployment skyrocket.<sup>251</sup>

Assuming the Commission aimed to act in the consumer's best interest, it would be hard to decide which lobby voiced this interest best. Moreover, the Commission was no monolithic actor: Directorates for Industrial Affairs or Agriculture pursued very different policy-goals than the ECPS. In addition, each DG provided a different platform via its advisory committees and personnel for interest groups. To further complicate matters, the EESC and EP independently advocated strict liability for producers regardless of fault. Under pressure by member states and agricultural interest groups, the Commission eventually amended parts of the original proposal of 1976 – notably excluding agricultural products.<sup>252</sup> Another setback was that consumers would have to prove the relationship between defect and damage.<sup>253</sup> However, many of the principals incorporated in the 1976 draft under BEUC advocacy were maintained in the final directive adopted in 1985. Examples are liability irrespective of consumers' actions, that producers are also liable for defects unforeseen at the time of production and a high limit of compensation of 70 million ECU.<sup>254</sup> In that sense, the activist style of interest representation by the BEUC and CCC had certainly paid off. The consumer

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<sup>247</sup> Venables, Product liability: BEUC calls on Commission to promote the consumer interest, 7 June 1979, HAEC, BAC 39/1984/524.

<sup>248</sup> Avery to President, Directive on liability for defective products, 7 September 1979, HAEC, BAC 39/1984/524.

<sup>249</sup> Avery to Duckham, proposal directive on faulty (or defective) products/product liability, 23 July 1979, HAEC, BAC 39/1984/524.

<sup>250</sup> Bunge to Ruffini, Directive product liability, 5 February 1980, HAEC, BAC 39/1984/524.

<sup>251</sup> Taylor to Jenkins, New directive legal product liability, 21 March 1980, HAEC, BAC 39/1984/524.

<sup>252</sup> See e.g. Leigh to the Council and the Commission, Liability for defective products, 28 August 1979, HAEC, BAC 39/1984/524.

<sup>253</sup> Commission, *Consumer Protection. Third report*, 29-30.

<sup>254</sup> Council Directive of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the member states concerning liability for defective products (85/374/EEC), *Official Journal of the European Communities*, No L 210/29 (1985), <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31985L0374>>.

movement's relative success was moreover enabled by a broader structural shift in how the Commission envisaged embedding consumer representatives in policy-making by the late 1970s.

*A clash of styles: consumer activism vs. constructive dialogue?*

The CCC's practices of consumer interest representation were more polarizing and activist than was usual in the more corporatist, consensus-seeking institutional framework of the Commission. In a way, the influx of consumer activists to Brussels reflected a wider development in European politics towards conflict and a more combative political style during the 1970s. Van de Grift notes the same uneasiness with this different mode of politics and lack of focus on constructive dialogue within the EESC.<sup>255</sup> The ECPS often had difficulty in extracting a single opinion from the CCC, where co-operatives and consumer associations defended their own interests in a less than constructive way. Consequently, the Commission sought to channel this activism in a way that would suit consumer protection. In 1977, Commissioner Burke lamented how the CCC's infighting resulted in "creating an artificial polarization of interest between 'consumers' and 'producers.'"<sup>256</sup> Burke noted that consumer organizations were not always as professional as other interest groups and acted selfishly. Instead, he proposed a framework in which the CCC's members would participate constructively in dialogue with other parties: consumer protection needed to become an integral part of Commission policy.<sup>257</sup>

This desire became central to the second action program of 1981. It is telling that there is almost no difference between different program drafts concerning this dialogue. Apparently, this was a widely shared desire within both Commission and Council. However, that does not mean that a new political style was forced upon the CCC entirely. In fact, when the CCC invited Roy Jenkins for a meeting, it likewise stressed the need for a more horizontal approach within the entire EC rather than solely the ECPS on consumer policy. Naturally, this involved "the promotion of closer dialogue between consumer and producer interests," in which the Commission would function "as a third party to the dialogue, giving technical and secretarial support service."<sup>258</sup> The CCC's idea that this would enable consumers to launch their own initiatives was less-welcomed by the Commission, however. The second action program reiterated that the Commission retained the sole right of initiative.

Whereas the first program emphasized the right of representation, the second rephrased this as the right to "appropriate consultation with and representation of consumers in the framing of decisions affecting them." Much more than in the early 1970s, the policy plan

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<sup>255</sup> Van de Grift, "Representing European Society," 275.

<sup>256</sup> Burke, Communication de M. Burke sur la politique de promotion des intérêts des consommateurs, 28 March 1977, HAEC, BAC 48/1984/1175/1, 3.

<sup>257</sup> Burke, Communication sur la politique, 6-7.

<sup>258</sup> Meeting of President Jenkins with representatives of the Consumers' Consultative Committee, February 19 1979, BAC 39/1986/524, 3.

for consumer protection was shaped by deepening economic recession. Rather than exercising their fundamental rights, the consumer movement had to “progressively take into account the economic and social implications” of their plans, i.e. what their plans would cost.<sup>259</sup> Concretely, the Commission set out to expand consumer representatives’ roles in advisory organs to facilitate dialogues between consumers and manufacturers as well as retailers on both the Community and national level. The EESC additionally wrote a report on how such a dialogue could be achieved in practice, although it asserted that consumers should gain a broader mandate for initiative.<sup>260</sup>

On the whole, this corporatist notion of dialogue remained an ideal. Hilton has pointed out how social-welfare oriented aims and modes of negotiation lost attraction by the mid-1980s as a more neoliberal model of consumer protection impelled by market liberalization gained ground across Europe.<sup>261</sup> The unofficial third action program on consumer policy of 1985 treated consumers and consumer protection from the perspective of market integration. More choice and cheaper products, rather than additional rights and participation dominated the agenda.<sup>262</sup> In fact, the establishment of a Council of Ministers for Consumer Affairs in 1983 diminished the political space for consumer representatives. Although the CCC was restructured and a separate DG for consumer affairs established in the 1990s, different practices and discourses of civil society participation had emerged. Efforts to communicate what the EC did for consumers and citizens, however, were much valued by the Delors Commission of the late 1980s.

## 5.4 Selling Consumer Policy to Consumers

Consumer information was an integral part of EC consumer policy in two ways. Firstly, there was a functional necessity to inform and educate consumers on the price, security and quality of products and services as well as their legal rights. Secondly, European consumers had to be informed that the European Community provided these tangible benefits to their lives. This went beyond comparative testing of products on the European level. It was a conscious effort to legitimate EC action in consumer policy and European integration more broadly to all citizens – after all, who in the EC was not a consumer? Additionally, it would provide the Commission with a human face in a time of rising concerns over product safety and a time of price uncertainty. Both aspects are part of the first consumer protection *and information*

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<sup>259</sup> Council Resolution of 19 May 1981, Annex: Second programme of the European Economic Community for a consumer protection and information policy, *Official Journal of the European Communities* No C 133/2 (1981), <<https://publications.europa.eu/en/publication-detail/-/publication/df7dfa0f-913f-4685-b0a0-69ba1f25db04/language-en>>.

<sup>260</sup> EESC, *Producer Consumer Dialogue: Opinion* (Brussels: Economic and Social Committee Press, Information and Publications Division, 1984).

<sup>261</sup> Hilton, *Consumer activism*, 70.

<sup>262</sup> Commission of the European Communities, A new impetus for consumer protection policy (communication from the Commission to the Council) COM (85) 314 final, 27 June 1985, <[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2008.162.01.0001.01.ENG&toc=OJ:C:2008:162:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2008.162.01.0001.01.ENG&toc=OJ:C:2008:162:TOC)>.

program of 1975: the right to information and education was one of European consumers' fundamental rights.

The means to provide consumers with better information were appropriated from the repertoire of national consumer associations: comparative testing, lobbying for accurate labels; protection against malicious consumer credit or misleading advertisements. Moreover, with the advent of the Common Market, any consumer in a modern (i.e. capitalist and democratic society) society needed to be informed in "simple terms" of EC policy in order to "make a rational choice between competing products and services."<sup>263</sup> The manner in which consumers would be informed remained rather vague – no doubt as not to upset member states with encroachment on national prerogatives – and still needed to be fleshed out in practice.

Consequently, the Commission decided to usher in a cooperation between DG X and the consumer service to sell consumer policy to European citizens. The first activities carried out in 1975 were tellingly conceived as "information du grand public et des consommateurs." Compared to the public action program, this internal overview of activities was outspoken about the underlying aim:

*"[...] To lead public opinion to discuss Europe, to teach [it] about its realities and its perspectives, and to play an active role in its construction. In other words, it is a matter of provoking an interest, to incite a debate for the purpose of driving participation."*<sup>264</sup>

Actually engaging with the mass public and mobilizing it for "Europe" required a different approach than primarily disseminating factual information folders. On the discursive level, the ECPS and DG X focused on telling citizens what profound impact the new consumer policies had on their daily lives. They approach consumers as active citizens engaged with broader socio-economic issues. The Commission was self-consciously aware that "the man in the street is little interested in European integration" because it so far from his daily interests. Precisely consumer policy, which touched upon so many important day-to-day concerns, would "reconcile the Community with its citizens" and moreover affirm that "the Community was so much more than a body without a soul" as one high-ranking DG X functionary explained to President Jenkins.<sup>265</sup> Although these citizens were perceived as rather ignorant or passive creatures, the Commission appeared to be convinced that a concerted public legitimization effort would enlighten the broader public about the need for further European integration.

Practically, the ECPS and DG X initiated a number of campaigns to ensure public less enthusiastic or informed about European integration would be reached in their daily lives. Whereas consumer policies remained very technical in their wording, the information campaigns actively conceptualized the broader public as consumer-citizen. The best way to reach this mass public was via mass media. Firstly, the consumer information group

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<sup>263</sup> Council Resolution of 14 April 1975, Preliminary programme of the European Economic Community for a consumer protection and information policy.

<sup>264</sup> A. Sidet, Programme d'information – information centralisée du grand public et des consommateurs, 29 September 1976, HAEC, BAC 39/1986/523, 1.

<sup>265</sup> Sidet to Jenkins, Objet: réconcilier la Communauté avec ses citoyens, 26 July 1977, HAEC, BAC 39/1986/523.

collaborate with national broadcasters to coproduce or appear in television and radio programs for consume— “a particularly attractive information channel for the public” – even though this meant simplifying the message.<sup>266</sup> Secondly, it disseminated background articles to consumer magazines and more general newspapers to reach out to a more educated public. The fact that the Spokesman’s Group filed Eurobarometer results with consumer policy reports further underlines how tightly public legitimacy and the new policy areas of the 1970s were interconnected.<sup>267</sup>

# euroforum

weekly

reproduction authorized

## europe day by day

Brussels, 21 December 1976

No. 46/76

Figure 5 Cover of a Euroforum issue discussing social, consumer and environmental policy. Source: HAEC, BAC 39/186 no 523.



Nativity for a recession : gifts with a difference for the  
Child of an out-of-work carpenter

Figure 5 Cover of a Euroforum issue discussing social, consumer and environmental policy. Source: HAEC, BAC 39/186 no 523.

<sup>266</sup> Information du Grand Public et des consommateurs, 28 January 1977, HAEC, BAC 39/1986/523, 1.

<sup>267</sup> Porte-Parole, Notes d'information, April-July 1975, HAEC, BAC 36/1984/128.

Together with DG X and professional journalists, the consumer protection service produced *Euroforum*, an informally written account of EC activities written for journalists across the Community with a circulation of 30,000 issues. It was conceived as a means of more indirect communication with consumer organizations and ministries.<sup>268</sup> The journal consisted of very concise articles with titles as “pedestrians can now breathe more freely,” “There’s wine and wine” and “consumers seeking redress.” They focused on concrete anecdotal examples of how EC policy benefited citizens backed up by more information-dense appendices for expert readers.<sup>269</sup> The Commission carefully monitored which *Euroforum* articles or information made their way to other media outlets. Nevertheless, Commission functionaries were well aware of the limitations of reaching out the broader public via indirect opinion leaders and media.

The ECPS experimented with taking information policies to the man in the street.<sup>270</sup> It aimed to confront citizens with the rewards of European integration when they were actually reaping those. A Community wide campaign was launched to put up posters and information meetings at border crossings. The idea behind this was to raise awareness among “average Europeans” of Community efforts to improve their travelling experience. Local information offices in Dublin and Copenhagen carried out the campaign and invited the press: 40 newspapers articles were written on the topic in Denmark while the Irish television made three reports.<sup>271</sup> DG X and the ECPS pushed for more mobile and local information meetings on EC-driven food safety and consumer rights. PR stunts to gain consumers’ attention were also part of this plan, from amateur football tournaments to sail contests. A senior DG X official even approached the European Toy Producer Federation to run a positive PR campaign for the upcoming European elections of 1979 to stress how the EC has improved toy and children’s safety.<sup>272</sup>

Since both DG X and the ECPS lacked the manpower and finances to embark on large public legitimization campaigns on the local or national level, they frequently turned to the CCC and their local constituent organizations for aid. In addition, the CCC was informed about new press releases and consulted on information campaigns. The European consumer organizations served as welcome communication channels for official EC information via their magazines and TV programs.<sup>273</sup> They also functioned as a liaison in engaging national politicians with European consumer policy. The Danish consumer association informed the ECPS on ongoing parliamentary debates and provided contact information of approachable MPs.<sup>274</sup> Consumer activists were eager to support these efforts and time and again pushed for

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<sup>268</sup> Sidet, Activités du service de l’information des consommateurs et du grand public, 18 April 1977, HAEC, BAC 39/1986/884, 2.

<sup>269</sup> Examples from *Euroforum* no 46 (1976).

<sup>270</sup> See also: Laloux, “At the Service of the European Citizen,” 449-51, 458.

<sup>271</sup> Proposition de communication orale du vice président Scarascia-Mugnozza à la Commission: Bilan de l’opération ‘distribution d’un dépliant aux postes frontières intracommunautaires, 1 October 1976, HAEC, BAC 39/1986/523.

<sup>272</sup> Sidet to President of the Fédération européenne des Syndicats de fabricants de jouets, 22 November 1976, HAEC, BAC 39/1986/523.

<sup>273</sup> Phillips to Roberts, 15 December 1977, HAEC, BAC 39/1986/524.

<sup>274</sup> Henriksen to Sidet, I marts måned vedrørende forbrugerspørgsmål i de nationale parlamenter, 4 June 1976, HAEC, BAC 39/1986/523.



a more active consumer information strategy. However, consumer organizations' activism was not always appreciated: Commissioner Burke declined BEUC president Roberts' offer to "go on a crusade" for the Commission.<sup>275</sup> Preferably, the Commission controlled information policy. Tensions frequently arose on whether the CCC was allowed to issue its own press reports. Moreover, the BEUC exerted pressure on the ECPS, DG X and the President's Cabinet to demand that DG X instated a specific consumer information section. The tendency of DG X to focus on opinion leaders rather than the wider public of consumers was another bone of contention.<sup>276</sup>

Perhaps the most useful function the CCC fulfilled for the Commission was its role in public opinion and other survey research. Although the Commission intended to use the Eurobarometer to construct a notion of a European public sphere since the 1970s, it mainly remained a tool for governance rather than one for shaping public opinion.<sup>277</sup> However, in consumer policy, the Eurobarometer and similar European economic surveys became tools for the ECPS to carefully gauge what consumers themselves indicated as issues or to monitor consumer trust in the different member states without the meddling opinions of consumer activists. The ECPS carefully monitored consumer trust or which issues consumers themselves indicated.<sup>278</sup>

Akin to DG X, the ECPS published its data on consumer approval of EC consumer policy and forwarded it to European press offices and consumer organizations.<sup>279</sup> A claim on public approval moreover became a discursive tool for the consumer protection service to advance its agenda vis-à-vis the Council or economic lobby groups. On a more abstract level, this survey-based scientization of politics reflects the emerging notion in European politics that what citizen-consumers thought mattered and that it improved policies overall. From the 1970s onwards, the ECPS as well as the Commission would expand the input of citizens' opinions in their policy-making processes. In turn, this begs the question how this increased scientization of public opinion relates to the overall question of how the Commission sought to bridge the gap with citizens.

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<sup>275</sup> Report of meeting between Mr. Burke and BEUC.

<sup>276</sup> Noël to Ruggiero, Note à l'attention de M. Ruggiero, 12 July 1977; Ruggiero to Noël, 13 July 1977, HAEC, BAC 39/1986/524.

<sup>277</sup> Anja Kruke, "Aufmerksamkeit für Europa. Eurobarometer, empirische Sozialforschung und die Europäische Kommission, 1958-1979," *Comparativ. Zeitschrift für Globalgeschichte und vergleichende Gesellschaftsforschung* 21, no. 4 (2011).

<sup>278</sup> Risultati della 17<sup>a</sup> inchiesta di congiuntura armonizzata presso i consumatori europei, January 1978, HAEC, BAC 48/1984/1175/2.

<sup>279</sup> Note d'information: Résultats de la 16<sup>ème</sup> Enquête de conjoncture harmonisée auprès des consommateurs européens juli 1977, HAEC, BAC 48/1984/1175/2.



## 6. Conclusion

Perhaps it is ironic that in this analysis of how the European Commission perceived the 'democratic deficit' in the 1970s and 1980s, none of those involved in either information or consumer policy appears to have uttered this very word. This demonstrates the difficulties with projecting backwards contemporary concepts on historical issues. The growing gap with society was very much on the mind of European policy-makers, but they did not see this as an issue of lacking *democratic* legitimacy. Rather, a concerted effort was required to convince European citizens of the need to actively support further European integration. Although the Commission aimed to make itself both more responsive to and representative of a plural society of citizen-consumers, it conceived this in top-down manner. This thesis has put forward a historical approach encompassing a range of actors, discourses, political practices, and institutional changes to shed light on how the multi-faceted relation between the Community and citizens was renegotiated during the long 1970s. Although DG X and the ECPS/DG XI were small units within the EC's institutional framework, they stood at the heart of how the Commission sought to legitimate itself to public opinion.

Information as well as consumer policies were consciously designed to reframe the Community as a responsive, humane organization looking after citizens' needs rather than an apathetic bureaucracy. More concretely, this thesis has identified three ways in which the Commission acted upon bridging this gap: 1) intensifying and developing legitimization strategies towards the general public 2) advocating policies which respond to citizens' desires 3) establishing new venues for citizen representatives or civil society actors to participate and be represented in European governance.

The Commission's newly found urgency to respond to public opinion and reimagine itself as a transparent, *bürgerlich* institution indicates a wider shift in dominant notions of political representation. A discourse of states, industries, and elites – sometimes paired with idealist conceptions of an ever closer Europe – gave way to a focus on citizens and their concrete needs. The Commission was well aware of the decreasing legitimacy of its modus operandi and lacking collaboration with citizen representations beyond trade unions. As the case of consumer politics illustrates, the Commission consciously aimed to readjust its institutional framework to become responsive to civil society as well as to accommodate calls for democratization and direct participation. In addition, it provided financial and organizational aid to support the Europeanization of consumer interest groups. That does not mean that the CCC's constituent organizations were 'co-opted' by the Commission for PR reasons or as democratic window-dressing. In fact, the consumer interest groups perceived themselves as a bridge between society and Brussels, frequently offered to conduct PR campaigns, and were very well aware of the opportunities European lobbying offered.

However, the EC-level consumer interest groups – particularly the BEUC – did not conform to functioning as yet another set of representatives voicing their sector's interests in a preconceived policy-discussion setting. The Commission had never intended the CCC to function as a body for democratic accountability or act independently, but rather as a means to tie new societal groups and concerns to itself. Although the ECPS welcomed the BEUC's

pressure on important issues, it frequently tried to channel their efforts in a less-politicizing mode of operation without seeking media attention. ECPS functionaries criticized the CCC's inability to speak with one voice or their refusal to take other interests into account. These attempts have had little effect on how the CCC's member organizations used it as a staging ground for their European activities. On the contrary: they continuously claimed to represent *the* consumers' interest and refused to compromise quickly, as the decade of lobbying for far-reaching consumer protection in product liability shows. Moreover, they contested the representative claims of trade unions and introduced a new, more polarizing practice of interest representation of activist media strategies and mass-letter writing campaigns in response to ongoing social issues or safety scandals.

The Commission's DG X was similarly reluctant to be held directly accountable by public opinion. Proposals for an ombudsman or even a formal procedure to answer petitions were unambiguously rejected – although the Commission knew equally well that the Council would object to this. Instead, DG X preferred its own network of local information offices and Eurobarometer surveys to analyze public opinion in a more controlled manner. In this sense the information service listened very well to its citizens and prioritized issues – economic policy, social rights, consumer protection – which would hopefully win their 'hearts and minds.' The Eurobarometer results were perceived as an accurate reflection of the public's mood and informed a vision of public opinion as something which needed to be steered and overcome. Over time, as the economic recession continued and European election results disappointed, the discourse of dialogue and listening to the 'man in the street' faded. The Commission sought new ways to engage citizens by initiating cultural policies and information campaigns and events focused on the prospect of the Common Market. Public support had become an important prerequisite for deepening European integration, yet an open-ended consultation was out of the picture.

The period between the early 1970s and the late 1980s marked a shift in how the Commission conceived of its relation with European society. From a critical perspective, this reorientation towards citizens was not so much spurred by a genuine desire for democratic accountability, but by the need to legitimate European integration in the face politicization and criticism. However, new spaces were created for civil society actors within EC's framework of governance informed by changing conceptions of citizen participation and the desire to be responsive to a changing society. The Commission's advocacy of environmental and consumer protection was much more entangled with giving Europe a human face than it has often been giving credit for.

At the same time, it very much remains the question whether the Commission's efforts resulted in more engagement by the general public with the European Community. Did interest representation by consumer organization ultimately served European consumers better than before? Although relevant questions, these are hard to answer soundly with empirical evidence. And if they were to be answered, what would they tell us about how European governance has evolved into what it is today? For future research, this thesis concludes by calling for more research into how the interactions between the ECPS/DG XI and the CCC influenced conceptions and practices for civil society involvement within European governance more broadly as well as over time.

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## 8. Abstract

This European Union's longer history of interaction with public opinion as well as civil society actors is largely ignored in scholarly debates on its democratic legitimacy. Although historians are increasingly studying the important role of non-state actors in European integration, civil society engagement and citizen participation remain neglected. This thesis has explored how the European Commission sought to legitimate European integration towards citizens and conceived their participation and representation in European politics between circa 1972 and 1986. This thesis identifies three ways in which the Commission pursued giving Europe a human face towards its citizens: 1) intensifying public legitimization activities 2) establishing new venues for citizen participation and representation in governance 3) initiating new policies in response to citizens' perceived needs and desires. The first case study analyzes how the Commission radically reoriented its information policies from informing opinion leaders and sectoral interest groups towards convincing as many citizens as possible of the need for further European integration. The information directorate espoused a new organic discourse of looking after citizens' well-being to reframe the Community as a humane organization responsive, rather than distant, from the needs of 'the man in the street.' Therefore, it increasingly employed television, poster campaigns and public events to 'sell' Community action to its citizens, while decentralizing many tasks to act upon local and national public opinion. The Eurobarometer's establishment underlines the new importance attached to public opinion, but also the top-down manner in which the Commission attempted to steer it. The second case study argues how the Commission's consumer service established a consultative body for consumer interest groups to embed new conceptions of citizen participation in its system of governance and profit from their expertise and collaborate in research and information campaigns for the broader public. However, consumer associations quickly appropriated the body to pursue their own agenda on the European political stage, thereby transforming practices of interest representation in Europe. Overall, the dominant understanding of political representation shifted from corporatist notions of sectoral interest-based representation to a repertoire of more individual.