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lobbying

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Abbreviations

CCEP	Coca-Cola European Partners (pre-2021); since May 2021: Coca-Cola Europacific Partners
CIAA	Confederation of Food and Drink Industries of the EU
COREPER	Committee of Permanent Representatives
DG	Directorate General (e.g. the DG of Environment: DG-ENV)
DRS	Deposit Return System
EP	European Parliament
EPR	Extended Producer Responsibility
EU	European Union
MEP	Member of the European Parliament
PET	Polyethylene terephthalate, a thermoplastic polymer resin in the polyester family
POPs	Persistent organic pollutants
PWC	PriceWaterhouseCoopers
SUP	Single-Use Plastics
SUP Directive	Directive 2019/904 on the reduction of certain plastic products on the environment, also referred to as the Single-Use Plastics Directive

1. Introduction

The proliferation of plastics across the world has earned this century the nickname “the Plastic Age.” While the myriad of uses for plastics have made many technological innovations possible, plastics have also become a pressing environmental problem. Plastics are less easily recycled than other materials such as paper or various metals; while some compositions can be turned into something new, many plastic products are designed with components such as multi-layer packaging or types of plastic that are not melted down easily. Of all the plastics ever produced, only 9% have been recycled (Mendenhall 2018, p. 291). 79% of plastic waste is deposited in landfills or in natural environments, with deleterious effects on nature and human health (ibid.). Plastic debris is widely recognized as a threat to biodiversity, through the risk of internal injury or disease for animals that consume or become entangled in plastic (Moore, 2014, p. 206); the damage to or destruction of natural habitats (Mendenhall, 2018, p. 293; Woods et al., 2018, p. 61); leaching of toxic chemicals into seawater (Boerger et al., 2010, p. 206), and as a means of transportation for non-native species (Avio et al., 2017, p. 6; Woods et al., 2018, p. 61; Zettler et al., 2013, p. 7141). Though less well understood, there are also potential consequences for humans, such as through eating seafood that has been contaminated with plastic (Mendenhall, 2018, p. 294).

Few global consumer brands categorically deny that there are global issues related to unsustainable resource use. Yet brands such as Coca-Cola, PepsiCo and Nestlé are among the top five global plastics polluters, with Coca-Cola surpassing the latter two companies by a significant margin (Greenpeace Philippines 2019, p. 22). Redesigning products and production methods to be “greener” can create high costs to global consumer brands. Therefore, it is in their rational business interests to oppose legislation that would force them to introduce such changes. Because the global plastic waste crisis has gained momentum in global discourse, however, companies risk tarnishing their brand image if they directly oppose legislation that is perceived as an attempt to combat this crisis. Companies therefore often engage in a delicate balancing act, positioning themselves as in favor of “green” and “sustainable” measures while attempting to maintain their business with as little disruption as possible. To fight such intrusive legislation, corporations may use a complex array of strategies to delay the introduction of regulations, distract from the necessity of specific measures, and derail the passage and implementation of legislation. Examples of these strategies include reshaping the narrative to shift responsibility for the problem from the producers of plastic products to the consumers and governments: a narrative that highlights individual responsibility, categorizes the

improper disposal of waste (i.e. littering) as the primary problem, and presents improved waste management and recycling as the way forward (Tangpuori et al., 2020).

This thesis will explore the concrete strategies that global brands, represented through a case study of Coca-Cola, use to resist major structural change by examining the actions undertaken by certain companies in response to legislative initiatives proposed by the European Union (EU). As a major governing institution with economic interests across the globe, EU decisions on policies and regulation have worldwide implications, especially on environmental policy, where the EU has in recent years made significant strides compared to its global peers. An example of such policies is the Directive 2019/904 on the reduction of certain plastic products on the environment, more commonly known as the Single-Use Plastics Directive (SUP Directive). Passed in 2019, this directive represents one of the largest pieces of legislation on plastics in the EU to date. It is a cross-cutting piece of legislation that affects many industries, which consequently have a vested interest in the scale of and measures included in the legislation. How various interest groups attempt to influence legislation has been the subject of prior academic study, but as a fairly new piece of legislation, the SUP Directive represents a significant case to study.

The EU comprises a complex set of institutional structures, types of legislation, and decision-making bodies. This thesis will explore how decision-making in the EU works and examine its inherent power structures in order to create a basis for understanding how outside interest groups can attempt to exert influence on legislation. In particular, the research here will focus on the European Commission because of its important role in shaping the direction and scope of EU legislation.

The use of Coca-Cola as a case study subject involves a degree of complexity, as the term can refer to the product, the Atlanta-based company, or the entire structure of the brand and its bottlers. This thesis will refer to “Coca-Cola” as the larger system, including:

- The Coca-Cola Company, which owns the brand
- The main bottlers who appear in documents relevant for this thesis, including Coca-Cola Europacific Partners (CCEP) and Coca-Cola Hellenic Bottling Company
- Trade associations such as UNESDA, EUROPEN, and FoodDrinkEurope who lobby on behalf of companies such as Coca-Cola

The thesis will refer to the multinational beverage corporation that owns the brand as “the Coca-Cola Company.” The beverage itself will be referred to as “Coke.” This thesis will focus primarily on data

from the Coca-Cola Company, CCEP, UNESDA, FoodDrinkEurope, and EUROPEN because the primary data surrounding the SUP Directive revealed these groups as having a significant amount of communication with the EU during the time that the SUP Directive was being debated.

My research question is as follows:

How do major global plastic producers like Coca-Cola attempt to shape EU plastics legislation such as the SUP Directive?

Using political ecology as a framework, which will be discussed further in the next chapter, this thesis also aims to examine the following questions:

- What is the scientific knowledge base that informed the creation of the SUP Directive?
- Who is affected by this legislation?
- Who has the power to make decisions about the direction and focus of the legislation?

What narratives are contained within the legislation about the root cause of environmental issues, who bears responsibility for resolving them, and what is the potential for the efficacy of specific measures in creating large-scale environmental change?

Not every aspect of these questions will be explored in detail, but the questions serve as a useful starting point for critically exploring the dynamics of power and influence within the multifaceted field of environmental legislation in the European Union.

This thesis reveals many possible paths for various interest groups to influence EU policymaking, from direct to indirect methods. The research demonstrates the importance of relationships between various interest representatives, with lobbyists taking care to make constructive arguments rather than acting aggressively or disruptively, carefully shaping arguments for the best possible timing and context, and choosing specific actors to deliver their message to the best possible effect. With the SUP Directive, Coca-Cola frequently used trade organizations to lobby for its interests, presenting a united front with other representatives of the food and beverage industry. Nevertheless, the research also revealed that beverage industry representatives were largely unsuccessful in their attempts to change the SUP Directive on a broad scale. Their main success was in shifting the timeline for the enforcement of the measure on tethered caps, a measure that the beverage industry attempted to remove entirely from the policy. Limitations on access to primary information from data and interviewees made it necessary to have a narrow focus primarily on lobbying efforts after the publication of the SUP

proposal, as there was little evidence available on lobbying prior to the publication of the SUP proposal. Nonetheless, the research here demonstrates the strategies of interest groups in influencing environmental legislation in the EU.

1.1 EU SUP Directive

The SUP Directive is a piece of legislation first proposed to the EU Commission on May 28th, 2018 and formally approved on June 5th, 2019 (Eur-Lex, 2019a). Directives are considered “indirectly binding” legislation, with guidelines and scope provided by the EU but implementation left up to national governments (Pedler and Van Schendelen, 1994, p. 10). Member states are responsible for implementing “laws, regulations, and administrative provisions” related to the SUP Directive and must immediately inform the European Commission (hereafter referred to as “the Commission”) of these actions (Directive 2019/904, p. 16).

EU member states were required to transpose the SUP Directive into national law by July 3rd, 2021 (ibid., p. 16), although the product design requirements for bottle requirements are not required to take effect until July 3rd, 2024 (ibid., p. 16). According to the EU’s official legal database, which is updated weekly, most EU member states currently have at least one national measure pertaining to the SUP Directive, with the exception of Estonia, Spain, Italy, Cyprus, Luxembourg, Malta, Austria, Poland, Slovenia, and Sweden (Eur-Lex, 2019b).

According to the final version, which was formally approved in May 2019 (De Souza, 2019, p. 3), its objectives are as follows:

“...to prevent and reduce the impact of certain plastic products on the environment, in particular the marine environment, and on human health, as well as to promote the transition to a circular economy with innovative and sustainable business models, products, and materials, thus also contributing to the efficient functioning of the internal market.” (Directive 2019/904, p. 16)

The Directive is thus aimed at a cross-section of environmental, economic, and global health issues, fundamentally based on the “European Strategy for Action in a Circular Economy” of January 2018 and the principles of the 2015 Circular Economy Action Plan. The SUP Directive includes market restrictions on specific plastic products, including cutlery, plates, straws, cotton bud sticks, drink stirrers, and expanded polystyrene food containers (among other items); a commitment to a quantitative reduction of consumption of single-use plastics for which there are readily available

alternatives, separate collection target of 90% for plastic bottles by 2029 (with an interim target of 77% by 2025), and a requirement that recyclable bottles contain at least 25% recycled plastic (for polyethylene terephthalate or PET—30% for all bottles).

The primary focus of the SUP Directive is on single-use plastic products found most frequently on beaches in the EU, mainly consumer plastic products, fishing gear containing plastic, and additional measures for oxo-degradable plastics (Directive 2019/904, p. 2). Because of the focus on consumer plastic products, much of the emphasis of the SUP Directive is on markets and market relationships.

The SUP Directive defines single-use plastic (SUP) products as products being used for a short period of time before being disposed of (ibid., p. 3). Notable exceptions to the scope of this directive include microplastics, plastic products designed for reuse, and certain types of food containers (ibid., p. 16), although some of the types of exempt food containers are SUP products.

This thesis will focus primarily on the period between the first official proposal for the SUP Directive by the European Commission on May 28th, 2018, and the publication of the guidelines on single-use plastics on June 7th, 2021 (see Chapter 7.1 for full timeline). However, because the stakeholder consultation report published in conjunction with the proposal describes stakeholder consultations prior to 2018, such as the Online Public Consultation on “Reducing marine litter: action on single-use plastics and fishing gear” from December 15, 2017, to February 12, 2018, some exceptions may be made for materials found prior to 2018.

1.2 Theoretical Framework

The SUP Directive is a product of many factors: the political attitudes of the member states of the EU, the opinions of the policymakers and advisory groups drafting and editing the legislation, the wishes of public and private stakeholders, and the scientific knowledge upon which the legislation is based. This legislation addresses environmental issues in large part by focusing on the economic circumstances that create them. As a critical research field that investigates how economic and political structures drive environmental change, political ecology provides a valuable lens through which to view this topic.

Political ecology started out as a broad collection of theories that emerged in the 1960s and 70s and challenged the environmentalism of the age, which had roots in Malthusian overpopulation theory and its fears about finite natural resources (Perrault et al., 2015, p. 4; Robbins, 2012, p. 14; Roberts, 2020, p. 1). This critical research field has also been influenced by Marxist political economy,

dependency theory and world systems theory (Perrault et al., 2015, p. 5; Roberts, 2020, p. 6). Political ecology historically found its voice through its searing criticism of dominant economic systems and the inequities, contradictions, and self-serving interests of capitalism (Blok, 2013, p. 499). This field of research is based on the idea that “any tug on strands of the global web of human-environment linkages reverberates through the system as a whole” (Robbins, 2012, p. 13). Political ecology is a transdisciplinary approach that seeks to answer questions about the relationship between humans and the environment we live in from a more holistic rather than purely anthropological, sociological, or economic perspective. It incorporates an exploration of the conflicting societal processes involved in ecological transitions, often calling into question whether incremental changes are sufficient to deal with problems such as climate change (Görg et al., 2017, pp. 1–2). The field explores the relationship between politics and ecology by examining who has control of scientific knowledge and under what circumstances, and how this knowledge is disseminated (Neumann, 2005, p. 2). The field also has a normative element, often seeking to enable social justice and positive structural change and illustrating the plights and perspectives of marginalized populations (Görg et al., 2017, p. 2; Perrault et al., 2015, p. 8; Robbins, 2012; Roberts, 2020, p. 5). It directly counters dominant ideas about how ecological problems are the result of inadequate economic efficiency or insufficient optimization of technology (Robbins, 2012), critically examining dominant ecological assumptions and exploring alternatives (Perrault et al., 2015, p. 5; Robbins, 2012, p. 20).

This thesis does not incorporate every aspect of political ecology theory. It does not, for example, explore in detail the perspectives of marginalized populations on this legislation. Rather, political ecology will be used here as a theoretical framework within which to analyze the conflicting narratives found in the EU perspective and the corporate perspective of this legislation. Political ecology will provide a means to critically examine the assumptions upon which the SUP Directive is based and will offer a lens through which the power relations discussed here can be more deeply understood. The political ecology framework makes it possible to critically examine the SUP Directive and the assumptions upon which it is based.

2. Ecological consequences of plastic waste

The SUP Directive specifically targets plastic waste that ends up in the world’s oceans as measured by the debris found on beaches. This literature review will focus on the pathways for plastics to enter

oceans, the potential effects for the environment and for humans, and known research limitations in this area. This chapter illustrates the scientific context for the SUP Directive and sets up the basis for a critical examination of narratives surrounding the root causes of plastics in the environment, which will be explored in later chapters.

There is a consensus that the production of plastic has been increasing in recent decades. A 2009 estimate showed an increase in annual plastic production from 0.5 million tons produced in 1950 to 260 million in 2009 (Thompson et al., 2009, p. 2154). The amount of plastic produced annually has a range of estimates as well, with some experts claiming an amount of 280 million tons (Kaposi et al., 2013, p. 1638), some noting 240 or 245 million (Andrady, 2011, p. 1596; Browne et al., 2011, p. 9175), or 200 million (Vannela, 2012, p. 7932) and others 300 million (Avio et al., 2017, p. 1), but as the consensus of these reports is that the amount of plastic increases every year, these numbers are likely to continue changing in years to come.

Of the total amount of plastics produced, a significant amount of plastic ends up in the natural environment, especially in oceans. The exact number is difficult to measure, in part due to the scale of the area under consideration—plastic debris has been found to be ubiquitous in the world's seas and oceans (Van Cauwenberghe and Janssen, 2014, p. 65). Some estimates place the amount of plastic in oceans at 270,000 tons of plastic (according to a 2007-2013 estimate) (Avio et al., 2017, p. 3), while other estimates have posited numbers such as over 150 million tons (Bishop et al., 2020, p. 1) or even as high as 28 million tons, or 10 percent of plastic produced annually (Kaposi et al., 2013, p. 1638). Plastic degrades slowly in oceans and can remain in an ocean indefinitely unless it is washed ashore (Moore et al., 2001, p. 1299); it can potentially remain in marine systems for hundreds or even thousands of years (Hopewell et al., 2009, p. 2116; Kaposi et al., 2013, p. 1638). Therefore, even if plastics production and disposal were to stop suddenly, the problems related to plastics in marine systems would continue for many decades (Avio et al., 2017, p. 8). Numerous studies dating back decades have been devoted to examining potential consequences for the natural environment and for humans.

In this chapter, I will examine the current scientific consensus on how plastics enter the oceans, differentiating between larger plastic particles and microplastics. Next, I will examine current literature on the effects of plastic pollution on marine species, as well as the potential consequences for humans. I will determine where the gaps are in the scientific research base and why certain aspects

of this issue are more difficult than others to research. Finally, I will explore the implications that plastic waste has for the SUP Directive.

2.1 Pathways for Plastics

Plastic enters the ocean in many ways. A significant proportion of marine plastic debris comes from the fishing and aquaculture industry through lost or discarded fishing gear (Andrady, 2011, p. 1597; Moore, 2014, p. 208), although the exact amount is uncertain. Some sources suggest that the fishing industry is responsible for half of all ocean-based plastic debris (Mendenhall, 2018, p. 292), while others estimate that it produces only 18% of plastic debris in oceans (Andrady, 2011, p. 1597). Additional sources of marine plastic waste include debris washed into oceans from wind, storm surges, wastewater discharges, rivers, beaches and coastal recreation (Avio et al., 2017, p. 2; Mendenhall, 2018, p. 292), accidental spills, and leaching from landfills (Jambeck et al., 2015, p. 768; Mendenhall, 2018, p. 292). Cruise tourism is responsible for a large amount of marine pollution, with one factor being inadequate waste disposal practices (including intentional dumping of plastic waste into the ocean) (Johnson, 2002, p. 263). Even plastic collected for recycling is at risk of ending up in the ocean: especially with plastic waste exported for recycling, waste can enter the oceans during transport to a foreign facility, through pathways described previously if the plastic is rejected for recycling and subsequently landfilled. One study estimated that ocean debris from rejected European polyethylene accounts for 0.3-3.8% of total debris entering the oceans, suggesting that recycling exports as a pathway for plastic debris into oceans should be researched further (Bishop et al., 2020). Virgin plastic pellets may also enter the oceans through incidental losses during ocean transport¹, or through runoff from facilities where these are manufactured or processed (Andrady, 2011, p. 1597). Plastic pellets, particularly polyethylene (PE) and polypropylene (PP) have been found in large quantities on beaches all over the world (Karapanagioti et al., 2011, p. 312). More specific information on pathways for microplastics will be described in the next subchapter.

The density of plastic particles determines how they will be distributed: polymers denser than seawater tend to sink, while polymers with a lower density are likely to float in the water column—

¹ In a recent example, a container ship carrying 78 metric tons of plastic pellets and other chemicals caught fire and sank off the coast of Sri Lanka, washing debris into the ocean and onto the coastline. The incident has been termed one of the worst environmental crises in Sri Lanka's history (Miller, 2021).

although vertical mixing is also possible (Avio et al., 2017, p. 2; Van Cauwenberghe and Janssen, 2014, p. 65). Degradation also reduces the average molecular weight of a polymer (Andrady, 2011, p. 1598). The particles are then dispersed by waves, currents, and biofouling, the latter being a process where microorganisms accumulate on the surface of plastics, which changes the buoyancy of the plastic debris and results in it descending to a lower trophic level (Avio et al., 2017, p. 3). Plastic debris has been reported more than 1000m below the ocean surface in quantities exceeding 10,000 ha⁻¹, including plastic bags (Thompson et al., 2009, p. 2155) and “ghost fishing” by abandoned fishing gear (Andrady, 2011, p. 1596). About 70% of plastic debris produced annually is estimated eventually to sink to the bottom of the ocean (Vannela, 2012, p. 1932). Plastic can be de-fouled in the water column through the foraging behavior of other organisms, removing the microorganisms that weighed down the piece of plastic and causing it to return to the surface (Andrady, 2011, p. 1599).

2.2 Microplastics

During the degradation process, plastic debris becomes brittle enough to fall apart into smaller fragments and even micro-sized particles that continue to circulate in oceans (Avio et al., 2017), (Andrady, 2011, p. 1). These fragments are known as microplastics, or at their smallest size nanoplastics. Studies suggest that the majority of microplastics in the oceans are secondary products that are created in the degradation process of larger fragments described above (Andrady, 2011, p. 1598; Avio et al., 2017, p. 2; Boerger et al., 2010, p. 225). One study found that UV radiation is a significant factor in the degradation process, but this process is hampered in seawater due to relatively lower temperatures and oxygen concentrations, making it highly likely that a majority of microparticles are generated on beaches (Andrady, 2011, p. 1601). Microplastics can also enter the ocean through runoff in the form of microbeads or other microscopic particles from cosmetics, cleaning products, medicines, and personal hygiene products (Mendenhall, 2018, p. 292; Thompson et al., 2009, p. 2156). A 2011 study indicated that microplastic fibers can enter oceans through the disposal of sewage containing fibers from washing clothes (Browne et al., 2011, p. 9177).

Microplastics and nanoplastics are the type of marine debris least understood by scientists, although in recent years more studies have been emerging on the topic, including on the potential consequences. Microplastics have a size that is similar to that of the small food sources of many primary consumers (i.e. zooplankton, small fish, and crustaceans), and may therefore be mistaken for food and ingested by a range of organisms (Bishop et al., 2020, p. 2; Kaposi et al., 2013, p. 1638). There

is evidence that microplastics ingested by animals can be taken up and stored by tissues and cells (Browne et al., 2011, p. 9175).

2.3 Effects on marine species

Over 660 marine species have so far demonstrated adverse effects from encounters with plastic (Avio et al., 2017, p. 5; Mendenhall, 2018, p. 293). The marine food web is being infiltrated at every trophic level by plastics that mimic natural food sources (Moore, 2014, p. 206). The ingestion of plastic waste by larger animals such as turtles, seabirds, fish, and marine mammals has been well documented for decades (Eriksson and Burton, 2003; Laist, 1987; Moser and Lee, 1992; Rothstein, 1973; Ryan et al., 1988). Birds, in particular, have been the subject of extensive study: 44% of marine bird species are known to ingest plastics, with proven negative consequences (Andrady, 2011, p. 1596). The potential consequences of plastic consumption by animals is well documented: animals can become physically entangled and lose mobility or suffocate (Derraik, 2002; Woods et al., 2018, p. 61); suffer from malnutrition or starvation if plastic pieces block intestinal paths (Derraik, 2002; Moore, 2014, p. 206; Van Cauwenberghe and Janssen, 2014, p. 65); suffer internal injury due to a lacerated stomach, or experience deterioration of liver function, including cancer (Moore, 2014, p. 206). At least 344 marine species have been recorded as having become entangled in marine debris (Woods et al., 2018, p. 61).

Plastic can also transport toxic chemicals, including those introduced during the manufacturing process and pollutants absorbed from seawater (Boerger et al., 2010, p. 206). Many of these chemicals may desorb into animals' acidic stomachs, resulting in an uptake of these chemicals to the animal (Choy and Drazen, 2013, p. 161). Additives that are widely used in plastics such as phthalates and bisphenol A (BPA) can disrupt endocrine activity and are known to have toxic impacts on wildlife and humans even at low concentrations (Avio et al., 2017, p. 6; Van Cauwenberghe and Janssen, 2014, p. 69). Marine plastic can also smother or wear away natural habitats such as coral reefs, which one study found are at between 4% and 89% greater risk of disease when plastic debris is present (Mendenhall, 2018, p. 293). Microplastics can transport non-native or pathogen species to foreign habitats (Avio et al., 2017, p. 6; Moore, 2014, p. 208; Zettler et al., 2013, p. 7141). All of these factors—destruction of habitat, disease or injury to species, and the introduction of invasive species—have the potential to contribute significantly to biodiversity loss by threatening existing populations (Woods et al., 2018, p. 61). There is growing concern that plastic pollution in one area extends into others through interconnected marine food webs (Choy and Drazen, 2013, p. 161), which will be described in further detail in the next section.

2.4 Effects of microplastics

Because of their small dimensions, microplastics are more available than other types of plastics for consumption to a diverse range of marine organisms (Van Cauwenberghe and Janssen, 2014). There is increasing scientific evidence that various marine invertebrate species consume microplastics, which indicates that these particles are entering the marine food chain if these invertebrates are by higher trophic level marine species (Avio et al., 2017, p. 7; Boerger et al., 2010, p. 2275; Van Cauwenberghe and Janssen, 2014, p. 65). One study on fish whose primary food source is plankton found that the colors of plastic debris are a factor, as these are similar to those of the area's plankton, and that the buoyancy of smaller pieces increases the likelihood that plastic will mix with surface food sources (Boerger et al., 2010, pp. 2275–2277). Concentrations of plastic particles may vary among species, with concentration factors tending to be higher for invertebrate species than for vertebrates (Thompson et al., 2009, p. 2156).

The high surface-area-to-volume ratio of microplastic makes it particularly susceptible to concentrating persistent organic pollutants (POPs) from the surrounding environment (Bishop et al., 2020, p. 2; Boerger et al., 2010, p. 2277; Mendenhall, 2018, p. 293). POPs in seawater typically include a host of chemical types such as insecticides, pesticides, and industrial chemicals that enter the ocean through runoff and wastewater (Thompson et al., 2009, p. 1601). Microparticles ingested by marine wildlife can enhance the potential for gut infections or immune-stimulatory aspects of biological agents they carry, and can potentially leach monomers, toxic additives, and associated POPs (Van Cauwenberghe and Janssen, 2014, p. 65). Ingesting microplastics has been shown to negatively affect the health of marine zooplankton, e.g. by decreasing their feeding rate (thus resulting in lower overall nutrition) and reproductive success (Avio et al., 2017, p. 7). There is clear evidence, therefore, that the potential for plastics to release harmful chemicals to marine species is an emerging concern for scientists, and that plastic has the potential to introduce toxic substances across trophic levels (Thompson et al., 2009, p. 2156), for example to planktivorous predators at higher levels of the food chain such as tuna, squid, toothed whales, etc. (Boerger et al., 2010).

Not all research agrees on the scope of the negative effects, nor on the inability of organisms to distinguish between plastic and normal food sources. A 2013 study of sea urchin larvae found that these animals could discriminate between food particles offering nutritional value and microplastic and excrete nonfood items, which mitigated some of the impacts of microplastic ingestion (Kaposi et al., 2013, p. 1642). This study suggested that only a small portion of marine invertebrate larvae

currently consume microplastics. There is therefore little evidence that microplastics currently threaten planktotrophic marine larvae, but this could change as the amount of plastic in oceans increases.

2.5 Consequences for humans

The presence of plastics in marine environments and beaches has clear economic ramifications, as plastic can enter fishing nets and damage propellers and other equipment, which can lead to higher costs for fishing and aquaculture (Avio et al., 2017, p. 6; Mendenhall, 2018, p. 294), and plastic washing up on beaches negatively affecting tourism (Latinopoulos et al., 2018, p. 152). One study estimates the lost tourism revenue in one part of Los Angeles, California at around \$68 million per year (Schuyler et al., 2018, p. 96). Cleaning beaches and other natural environments carries high costs, although the total impact is uncertain due to a lack of data about the total cleaning expenditure across localities and countries (Mendenhall, 2018, p. 294).

One area that has not yet received extensive study is the extent to which humans ingest plastics through the food chain. However, microplastics have been found in a number of species consumed by humans, thus indicating the first potential direct effect of plastic and microplastic pollution on humans (Van Cauwenberghe and Janssen, 2014). According to a 2014 study, microplastic particles exist in shellfish cultured for human consumption, with farmed mussels showing a significantly higher concentration than wild mussels for reasons that were not clear (ibid., p. 67).

The full extent of the effects on humans has not yet been the subject of much scientific study, but scientists are beginning to predict effects based on evidence from other parts of the plastic-consuming marine food chain. Seafood species such as tuna and squid feed on plankton that consume plastic contaminated with extremely high levels of POPs; therefore, there is a risk that these toxic substances are transferred to higher levels of the food chain (Thompson et al., 2009, p. 2277). Plastic particles leaching additives and POPs may cause a real human health risk, with the potential for microplastics in the digestive system increasing the risk of infection (Mendenhall, 2018, p. 294). One study found that human lung tissue has the capacity to take up microplastic fibers, and that these fibers have also been found inside of lung tumors (Pauly et al., 1998). Chemicals used in the manufacture of plastics have also been correlated with negative human health effects such as reproductive abnormalities (Swan, 2008; Thompson et al., 2009, p. 2157), or diabetes (Amadkhaniha et al., 2014).

There is also some concern that the negative effects of plastics on marine species may carry risks for food security if the marine food ecosystem is disrupted on a large scale. If processes necessary to the existence of primary producers are threatened, such as the disruption of photosynthesis by nanoplastics, this may carry implications for higher levels of the food chain that depend on primary producers for survival (Mendenhall, 2018, p. 294).

2.6 Research Limitations

While much is already known about plastics distribution in oceans and its effects on worldwide ecosystems, there are many limitations to current research. Establishing the total amount of plastics in their various forms is an ongoing area of research hampered by factors of scale and where plastic is distributed. Data on collection and disposal is not always available, especially outside of urban centers, and methodologies may be inconsistent and may not include illegal or ad-hoc waste collection or dumping activities—or international export and import of waste (Jambeck et al., 2015). The amount of waste generated has different statistical estimates based on how waste is measured: some estimate plastic by weight, a measure by which plastic represents only a small portion of total waste due to its light size, whereas it is a significantly higher proportion if measured by volume (Thompson et al., 2009, p. 2159). And while there have been reports of plastic litter in the oceans since at least the early 1970s, some researchers suggest that it received minimal attention from the scientific community at the time (Andrady, 2011, p. 1596)—at least until the topic started gaining traction in the 1980s.

While some effects of plastics on marine species are known, there is no scientific consensus on the full extent of the effects on marine species or on ecosystems as a whole. Some scientists note that the full effects of plastics ingestion on the health of fish may not be possible to understand without further study (Choy and Drazen, 2013, p. 161). For example, it is currently unclear whether fish are able to pass some amount of plastic through their gut or whether some plastic remains for the entire life span of the fish (Boerger et al., 2010, p. 2277).

The focus of research is also a factor: one study notes that few reports currently exist on plastic ingestion by large marine fishes that would make such conclusions possible (Choy and Drazen, 2013, p. 159). Research on the impacts of plastics on marine species has primarily focused on direct negative impacts from large plastic items on over 260 species, generally through ingestion and entanglement (Kaposi et al., 2013, p. 1638). One study claims that there is currently insufficient evidence to prove that marine plastic debris disrupts and rearranges local ecosystems or impacts entire, larger ecosystems: due to lack of baseline data on species populations or limitations imposed by only

studying one species, it is not possible to predict effects on other species or ecosystems as a whole (Mendenhall, 2018, p. 294). A further limitation is that many studies focus on sub-organism effects on tissues or organs, but mechanisms that connect these sub-organism effects to ecological impacts on populations and communities have not been sufficiently studied.

As previously stated, the least understood area of marine plastics research is how plastics can affect human populations—Van Cauwenberghe et al., for example, describe their study as the first to report on possible consequences of marine plastics for humanity (Van Cauwenberghe and Janssen, 2014). Mendenhall notes that it is difficult to estimate the total exposure of humans to seafood infused with plastic due to a lack of studies on different commercial species (Mendenhall, 2018, p. 294). Furthermore, current methods of studying the negative effects of toxicity and the potential for endocrine disruption are considered by some to be inadequate to conclusively reveal the effects on humans (Thompson et al., 2009, p. 2157). The same study added that the full extent to which chemicals are transported to human populations by plastics remains unconfirmed (ibid.).

The effects of microplastics and nanoplastics are the least understood among scientists. Most studies focus on larger pieces of plastics (Van Cauwenberghe and Janssen, 2014, p. 69), while microplastics have only begun to emerge in recent years as a potential area of further study. Current data is considered too limited to determine a realistic estimate of natural concentration of microplastics in seawater (ibid., p. 66). In particular, the extent and consequences of ingestion of microplastics by animal populations are not definitive (Thompson et al., 2009, p. 2156). There are significant technical difficulties involved with isolating and identifying microscopic particles from tissues that hinder efforts to understand the effects of plastics in small fish and invertebrates (Avio et al., 2017, p. 5; Cole et al., 2014).

Because it is unclear how much microplastic ingestion actually occurs, there are limitations to estimating the overall effect on populations and food chains—and nanoplastics ingestion is even less understood (Mendenhall, 2018, p. 293). Despite some evidence of microplastic transfer into the environment and the implied entry into the food chain through ingestion, some researchers note that more research needs to be done on the potential for plastic to accumulate in food webs (Browne et al., 2011, p. 9177). By extension, the exact impacts on humanity from ingesting microplastics from seafood are inconclusive as little is known about the transfer of toxin-containing microplastics in humans, or what level of toxicity they have inside the human body (Mendenhall, 2018, p. 294; Van Cauwenberghe and Janssen, 2014).

2.7 Implications for the SUP Directive

The regulations featured in the SUP Directive are based on current available scientific knowledge. It is worth noting, therefore, that the SUP Directive specifically does not address microplastics despite clear evidence—albeit with gaps in scientific knowledge—that microplastics are a significant component of marine plastic pollution. The SUP Directive states that microplastics do not fall “directly” within the scope of the Directive, but that they contribute to marine litter, for which reason the Union should “encourage all producers to strictly limit microplastics in their formulations,” (*SUP Directive*, 2019, p. 3). As has been established in this review of scientific knowledge, limiting microplastics in consumer products does not address all aspects of microplastics pollution. The 2018 European Strategy for Plastics in a Circular Economy, which was the basis for the Directive (*ibid.*, p. 1), acknowledges this fact while noting that more research is needed to fully understand the sources and impacts of microplastics and their effects (*European Strategy for Plastics in a Circular Economy*, 2020, p. 13).

3. Decision-making in the EU

For a critical examination of lobbying in the EU, it is necessary to understand what kind of legislation the EU can create and how it reaches its decisions. This chapter will explore the types of legislation available to the EU (including their scope and level of applicability to EU countries), the decision-making process, and the EU’s decision-making institutions and the power structures of which they are a part.

3.1 Types of legislation

The EU has a wide range of types of legal acts available, including treaties, decisions, recommendations, opinions, and delegated acts, all of which vary widely in scope, parties involved, and enforceability. Among the types of legal acts that the EU can pass, regulations and directives are some of the strongest instruments the EU can use. A regulation is defined by the EU as a binding legislative act that must be applied in its entirety in all EU member states (“Types of EU law,” n.d.). The Commission implements directly binding legislation such as regulations and decisions, the latter of which is legislation that is binding only for specific parties. Regulations are more direct and inflexible than other types of legislation because they “apply automatically and uniformly to all EU countries”

without the added step of national transposition, which can result in different laws applying in different countries (“Types of EU law,” n.d.).

A directive, in contrast, is an indirectly binding piece of legislation that sets out objectives that all EU countries must meet, but that leaves countries free to choose how to do so. This type of legal act allows EU member states to adapt complex laws to their individual legal systems, processes, and terminology. EU countries must adopt measures to incorporate the EU directive into national law and communicate these measures to the Commission (“Types of EU law,” n.d.). All of these laws must be implemented by national governments (Pedler and Van Schendelen, 1994, p. 10). If a country fails to transpose the legislation into national law by the appointed deadline, the Commission may initiate “infringement proceedings,” a series of formal notices that may result in the matter being referred to by the Court of Justice to impose financial penalties (European Commission, n.d.). Due to their distinct roles in the legislative process, all three legislative bodies discussed here are frequently the target of lobbying and are therefore critical to understanding how various interest groups attempt to influence legislation in the EU.

3.2. Decision-making processes

EU legislation carries great significance for member states, as well as for organizations and civil society groups that may be affected by it. There is a great deal at stake through EU political interventions: regulation that supersedes national laws, money to help support an organization, and institutional positions that can help some organizations thrive while others struggle. The process of decision-making, therefore, is instrumental for any party that might be affected by the outcome.

The three bodies most commonly involved in the decision-making process are the European Commission, whose members are nominated by individual EU states; the European Parliament (EP), which is the only EU body to be directly elected by EU citizens, and the Council of the European Union (not to be confused with the EU Council), which is made up of members of governments of the 27 member states, including ministers from different member countries according to their areas of expertise.

The EU Commission proposes legislation and has the power to draft the proposal document, shaping what elements are prioritized, what type of phrasing is used, and how it develops. Much legislation is drafted by advisory committees, which comprise various public and private sector groups that may be instrumental in drafting the initial text of these documents (Pedler and Van Schendelen, 1994, p. 10).

Drafted legislation is then sent to the EP, where it is either subject to a codecision process with the Council of the European Union (hereafter referred to as “the Council”), or to a consultation process (ibid.). Informal “trilogues” may be set up to reach a compromise between the EP, the Council, and the Commission (Moessing, 2014, p. 35). The EP also amends legislation. The Council adopts EU legislation. Finally, the adopted legislation is sent back to the European Commission, which oversees the implementation of the legislation.

3.3 Deciding institutions

3.3.1 European Commission

The Commission is a crucial actor in the EU’s decision-making process as both the executive branch of the EU and one of three main legislative branches. The Commission is responsible for proposing legislation and implementing regulations (Balanya, 2003; Laurens, 2018, p. 5; Moessing, 2014, p. 33; Pedler, 2002, p. 315). The Commission is also the only EU body with the power to propose legislation: the “sole right of legislative initiative” (Klüver, 2013, p. 31), meaning that every piece of legislation that passes through the EU must begin with the Commission.

The members of the Commission are nominated by EU states and represent the “general interest” of the EU, acting independently of the member states’ governments (Moessing, 2014, p. 33). The Commission is divided into departments called Directorates-General (DGs) that are headed by specialist commissioners (Laurens, 2018, p. 5). Although Commissioners are nominated by their member state, they are not meant to represent the interests of their state, but rather serve as an “impartial representation of the general interest” (Balanya, 2003). Each DG covers a specific policy area, for example Agriculture and Rural Development (AGRI), Budget (BUDG), Climate Action, and Environment (ENV). One or more of the DGs can draft legislation with input from advisory or consultative committees, which can include national public officials and private representatives (Pedler and Van Schendelen, 1994, p. 10). Public and private consultations provide the Commission with valuable technical expertise needed to support the formulation of a piece of legislation, as well as insights into the demands of important stakeholders (Klüver, 2013, p. 33). Because of the Commission’s important role in shaping EU legislation and setting the course of action that other EU bodies will debate, this thesis focuses mainly on the role of the Commission in plastics legislation.

3.3.2 European Parliament

The EP is one of the main EU branches that has a role in shaping EU legislation. The EP is the only body of the EU whose members are directly elected by the citizens of the EU rather than being appointed by a country's government (Laurens, 2018, p. 5). Each member state holds direct national elections every five years in which a fixed number of Members of the European Parliament (MEPs) based on the size of the national population (Balanya, 2003, pp. 189–90). The EP takes part in the final drafting process of legislation, and its function varies depending on whether the legislation being considered is subject to codecision with the Council or to a consultation process (Laurens, 2018, p. 5). Unlike the Commission, this branch of the EU does not have the power to draft legislation, but can only revise or amend it or, in some cases, block legislation—for example as part of the codecision procedure, where the EP can veto decisions made by the Council (Balanya, 2003, pp. 189–90). Under codecision, both the EP and the European Council must approve a legislative proposal before it can be implemented (Klüver, 2013, p. 35). Since the Treaty of Lisbon was signed in 2007, this procedure has been renamed the “ordinary legislative procedure” and become more standard in EU decision-making (ibid., p. 34). Draft legislation is typically amended in a parliamentary committee (Laurens, 2018, p. 5).

3.3.3 Council of the European Union

The Council, also known as the Council of Ministers, comprises government ministers from each EU member country to discuss, amend, and adopt legislation (“Council of the European Union: Overview,” n.d.). The Council is known as the “voice of EU member governments,” with the authority to commit their governments to actions agreed upon in official EU meetings (ibid.). Officially, the Council has three different procedures for adopting legislation: consultation, wherein the Council can decide autonomously about a legislative proposal after consulting the EP; cooperation, where Council can only override objections made by the EP; and codecision, which requires the consent of the EP (Klüver, 2013, p. 38). Legislation is increasingly adopted in codecision with the EP (Laurens, 2018, p. 5) shifting the balance of decision making in EU institutions. The Commission has a final veto on whether or not proposals by the Commission will be approved (Balanya, 2003, p. 188), meaning that no piece of legislation can enter into force without permission from the Council. The Council also adopts the annual EU budget together with the European Parliament (“Council of the European Union: Overview,” n.d.).

There are no fixed members of the Council—government ministers rotate according to the policy area to be discussed (Melchior, 2017, p. 95). The work of the ministers is prepared by representatives of

the member states in the Committee of Permanent Representatives (COREPER) or through working groups (Laurens, 2018, p. 5). COREPER is made up of ambassadors from each member country who are granted decision-making power by their national ministers (Balanya, 2003, pp. 188–89).

3.4 Power structures in decision-making

Which EU institution truly has the greatest power in the EU legislative process is the subject of some debate among researchers, and in some ways depends on how power is defined. The various divisions of legislative functions between the EU institutions means that no one institution can push through legislation independently. The Commission has a powerful role in the beginning of the legislative process as the body crafting a legislative proposal—a crucial function in legislation, as the Commission can shape the scope of the law, its focus, and the scale of measures to be taken. However, the Commission's power diminishes over time as the roles of the EP and Council come to the forefront. The EP can approve or disapprove the choice of members of the Commission selected by the President of the Commission; furthermore, power in the Council is diluted by the division of work, as the work of the ministers is prepared by permanent representatives of COREPER or through 139 working groups.

The roles of these three major EU institutions have historically been the subject of scrutiny in debates on the level of democracy of the EU: the so-called “democratic deficit” (Klüver, 2013, p. 47). The EU is not as a direct democracy, but a “complex set of social and political structures and procedures” (Bieber and Kopp, 1993, p. 47). As an example, because the Council comprises representatives of member states' governments rather than being directly elected, the Council is primarily accountable to the member states' governments, not to the people of the states ” (ibid.). The Treaty of Maastricht, adopted in 1992, was generally perceived as empowering the EP, the EU's only directly elected institutional body (Tsebelis and Moser, 2000, p. 16), thus representing a step towards decreasing the EU's democratic deficit. Since the adoption of the Treaty, some researchers theorize that there has been a shift in the balance of power towards member states and the EP with the introduction of co-decision procedures, which require both the Council *and* the EP to approve legislation to proceed (Coen and Richardson, 2009, p. 9; Taminiau and Wilts, 2006, p. 126). As legislative procedure is increasingly moving towards co-decisions (Laurens, 2018, p. 5), this is a reasonable indicator for the increasing capabilities of the EP. Critics of the Maastricht Treaty, however, argue that the ability of the EP to influence policy decisions through conditional agenda setting in the cooperation procedure has been reduced (Tsebelis and Moser, 2000, p. 16). Furthermore, political scientist Heike Klüver argues

that the criticism of the EU's democratic deficit itself strengthened the EU's resolve to use consultations on a number of private interests in broad constituencies to enhance its own procedural legitimacy (Klüver, 2013, p. 47).

The Council is the authority that decides whether a piece of legislation passes, but the focus of the legislation, the wording, the scope, and the definitions are defined by the Commission before legislation reaches this stage. Some researchers argue that because most of the Commission's proposals are accepted largely as written (Pedler and Van Schendelen, 1994, p. 12; Taminiau and Wilts, 2006, p. 126), this means that the Commission casts the die of decision-making. However, they also state that it is likely to be advisory committees, including private sector groups, who draft the actual legislation (Pedler and Van Schendelen, 1994, p. 12), implying a significant degree of influence by private interest groups. Because the Commission does not have sufficient resources to craft proposals on every policy issue, it relies heavily on external expertise to obtain the necessary information (Bouwen, 2009, p. 20). This makes the Commission an attractive target for lobbyists: before formal documents are produced during the policy formulation stage, changes to legislative proposals can be made more easily than at later parts of the process (*ibid.*).

As a consequence, the private sector may have an influence on EU legislation if a group can put its own people inside relevant advisory committees (Pedler and Van Schendelen, 1994, p. 12). These types of groups exist as advisory committees, working groups, project groups, etc. (Melchior, 2017, p. 131). These groups exist within a formalized structure of advisory committees, either as expert committees with national officials and specialists, or as consultative committees made up of representatives of sectional interests (Coen and Richardson, 2009, p. 214).

There is little academic research so far on how far the influence of such expert groups extends into the final product of Commission legislation, but the power of advisory groups rests in their ability to dictate how the problem is framed and how far the scope should reach (Melchior, 2017, p. 132). Currently there are over 1000 expert groups, many of which are dominated by industry representatives who have the ability to hire law firms to craft policy proposal drafts and concrete policy inputs (Lundy, 2017, p. 16). The Commission publishes a register for expert groups that are empowered to provide input on preparing legislative proposals and policy initiatives, implementing EU legislation, and sometimes the early preparations of implementing acts. The register provides information on expert groups' members, mission, and tasks, as these may vary greatly. There are both

formal expert groups, which are set up by Commission decision, and informal expert groups that are set up by an individual Commission (European Commission, n.d).

4. Lobbying in the European Union

To analyze the lobbying activities of various interest groups on the SUP Directive, it is necessary to understand how lobbying functions in the EU. This chapter will define the terms “lobbying” and “influence” and then examine lobbying processes and methods of influence in the EU.

4.1 Lobbying

Lobbying is the term for political activities carried out with the goal of influencing legislative bodies, regulatory agencies, or other levels of government. It is a common method used by firms around the world to influence policies that would directly or indirectly affect them. Lobbying can be conducted by an individual firm, directly expressing its interests to policymakers, or through collective participation in trade associations (Bernhagen and Mitchell, 2009, p. 157).

The EU’s “Agreement between the European Parliament and the European Commission” on the introduction of the transparency register defines lobbying as:

“all activities (...) carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of where they are undertaken and of the channel or medium of communication used, for example via outsourcing, media, contracts with professional intermediaries, think tanks, platforms, forums, campaigns and grassroots initiatives.” (Eur-Lex, 2014).

This is a fairly broad definition that in addition to direct lobbying (“direct contact or communication with the EU institutions...”) allows for indirect lobbying, a far larger and more ambiguous concept that this document defines as “influencing through the use of intermediate vectors such as media, public opinion, conferences or social events...” (Eur-Lex, 2014).

Researchers such as Sylvain Laurens point out that the interests of lobbyists are not necessarily to reduce the power exerted by government officials, but rather to steer institutions such as the European Commission in a direction that provides organizations with a commercial advantage, for

example by advocating for manufacturing standards that most closely reflect a firm's current production processes (Laurens, 2018, p. 8). Therefore, it can be argued that lobbying in the EU, rather than an overt battle for dominance, is a matter of exerting *influence* in specific, targeted ways.

4.2 Influence

The word “influence” means the capacity to have an effect on someone or something. But as some researchers of lobbying in the EU observe, influence is not always the same thing as official power, especially when it comes to the EU (Pedler and Van Schendelen, 1994, p. 12). Political economist Andreas Dür defines influence as the ability of an actor to shape a political decision in line with their preferences, following the concept of lobbying as an exchange relationship through which EU institutions trade influence for information, citizen support, and economic power (Dür, 2008, p. 561). This thesis follows a similar logic, examining influence as the ability of actors to shape specific pieces of legislation according to their wishes.

This approach does have certain limitations: as Klüver notes, an outcome does not prove a causal link, and merely looking at the goals of one actor and the outcome can exclude other factors that might be at play (Klüver, 2013, p. 7). Klüver posits that there must be a direct systematic link between actors and the policies that are passed, e.g. through bargaining power, information provided by interest groups, or public pressure—which still does not exclude the possibility of luck (ibid., p. 8). This thesis will attempt to establish to some degree evidence of these systematic associations.

4.3 Lobbying processes in the European Union

Some scholars conceptualize lobbying in the EU as an “exchange relationship in which the European institutions trade influence for information, citizen support and economic power,” (Klüver, 2013, p. 3). By this logic, so-called interest groups supply information in return for the ability to shape policy in Europe. Interest groups are a broad term for associations of actors who try to influence policy; according to Beyers et al., interest groups must be organized, have a specific political interest, and act in an informal capacity, i.e. in most cases not seek public office or be official public institutions (Beyers et al., 2009, p. 1106). Klüver notes that not all interest groups have equal access to influence, positing that the ability to influence political decisions varies with the ability of a group to satisfy certain needs of European institutions (Klüver, 2013, pp. 10–11). One of these needs is legitimacy: because of the structural insufficiency of human resources and knowledge of all the topics the EU deals with, the information provided by interest groups provides legitimacy to the basic functioning of the

Commission (Klüver, 2013, p. 47; Taminiau and Wilts, 2006, p. 125). Because of the horizontal and vertical complexity of the EU, which has a decentralized system with various legislative authorities at different levels, interest groups may choose multiple access points to attempt to influence the EU policy process (Moessing, 2014, p. 31).

Attempts at influence may be conducted by all manner of groups, from private citizens to companies to trade associations. Some researchers argue that because EU decision-making is determined largely by intangible resources such as knowledge, information and expertise, effective lobbying requires building trust between private and public actors in order to facilitate an exchange of “reliable” information (Taminiau and Wilts, 2006, p. 122). According to the Hillman and Hitt model, three basic decisions are part of any lobbying strategy: whether to engage with a public entity in the long term or on a short-term, “transactional” basis; whether to act individually as a business or collectively as a trade association; and what communication tactic to use when interacting with public authorities, from offering information to providing financial support (Hillman and Hitt, 1999, p. 837; Taminiau and Wilts, 2006, p. 123). Political scientist Daniel Naurin states that successful lobbying by companies and trade associations is based on the idea of “constructive dialogue:” listening to officials’ concerns, proposing arguments rather than making threats, and offering alternative solutions to problems—in other words, adding value (Naurin, 2007). Economists Yvette Taminiau and Arnold Wilts support this idea, arguing that the European Commission encourages private interest groups to adopt a long-term approach, pursuing a relationship that will provide these groups with privileged or preferential access to decision-making over time (Taminiau and Wilts, 2006, p. 124). Transnational corporations from outside the EU in particular have an incentive to participate in direct lobbying activities as they do not have national government patrons who can advance their interests in EU policymaking institutions (Bernhagen and Mitchell, 2009, p. 158).

Lobbying strategies may vary greatly and achieve different levels of success. Although it is possible for a firm to participate financially in elections by contributing to favored candidates, this method of influence is comparatively indirect, as only MEPs are directly elected to the EU while the Commission and Council have more steps separating public opinion and positions in the EU. Political scientists Patrick Bernhagen and Neil J. Mitchell state that direct firm lobbying is the strategy most narrowly targeted to achieving the goals of an individual firm (Bernhagen and Mitchell, 2009, p. 157). This strategy is most commonly used by larger firms, as the size of a firm has been found to be directly proportional to its likelihood to lobby directly with EU policymakers (*ibid.*, p. 171). Another strategy is to lobby through a coalition, defined here as a set of actors sharing the same policy goal (Klüver, 2013,

p. 12). A study of lobbying strategies in the EU noted that forming alliances makes it possible to distribute arguments among coalition partners (Naurin, 2007, p. 95). There is some disagreement over whether more diffuse interests within a coalition make it easier or more difficult to exert influence than concentrated interests. One hypothesis is that diffuse interests are able to exert considerable influence on EU decision-making (Klüver, 2013, p. 13); others contend that if many different voices echo each other, policy decisions are more likely to go in that direction (Naurin, 2007, p. 119). Lobbying strategies may vary greatly for the type of organization using them, what issue they are attempting to influence, and at what point they decide to engage. This thesis will use a case study of Coca-Cola's lobbying efforts on the SUP Directive to best demonstrate the breadth of strategies used by one group of actors to attempt to accomplish their lobbying goals.

5. Methodology

To answer the research question *How do major global plastic producers like Coca-Cola attempt to shape EU plastics legislation such as the SUP Directive*, I relied on three methods: literature analysis, expert interviews, and document analysis. The methodological approach of this thesis follows logic of political ecology's transdisciplinary approach to scientific research, using a combination of "intensive, open-ended qualitative methods," including document analysis (Perrault et al., 2015, p. 8), to answer the main research question. Because the concept of "influence" is difficult to measure through quantitative means, qualitative methods provided a means to explore the relationships between the various actors and understand the arguments they used, which can be compared to information from other sources.

5.1 Literature analysis

Literature analysis is useful for mapping specific research problems, evaluating the current state of knowledge on a particular topic, and identifying gaps in research (Snyder, 2019, p. 334). This method can be used to critically examine existing knowledge and create a context within which primary data is analyzed (O'Leary, 2017, p. 192). To support my primary research and gain a thorough understanding of the components of my research topic, therefore, I conducted literature-based research and analysis.

Few sources have directly tied together the subjects of Coca-Cola, plastics, EU legislation, and lobbying, so I drew from several sources where one or two of these topics interacted.

First, I determined which piece of EU legislation would make a good subject for further study, choosing it because of its pioneering role in EU environmental legislation. I researched the SUP Directive by studying the original EU law, the original proposal of the law, and the impact assessment conducted prior to the publication of the proposal, using primary documents sourced directly from European Union databases. In addition to these primary sources, I found several secondary sources, mainly from NGOs and think tanks, and some academic sources as well; because the legislation is relatively new, it has not yet been the subject of intense academic scrutiny.

I conducted extensive research on lobbying strategies, practices, and traditions in the EU, as well as the process of EU decision-making and legislation. I relied upon sources from the EU itself (current legislative policy, definitions, etc.) published by its branches, academic sources analyzing lobbying practices and their implications for legislation and influence, and critical examinations by watchdog groups such as Corporate Europe Observatory of recent events and tactics in EU lobbying.

To better understand the scientific basis upon which the SUP Directive was drafted, I conducted research on the effects of plastic waste in oceans and on land, drawing mainly upon scientific research journals and books, with additional information from some nonprofit organizations on the proliferation of certain plastic products.

The subject for my case study, Coca-Cola, emerged through research on the largest global plastic polluters in the world. As yet, there is no academic research specifically on what brands produce the largest amount of plastic, but it has been the focus of major volunteer-based research campaigns by environmental groups such as Break Free From Plastic. Many of my other sources drew upon the Break Free From Plastic study to support their research. I chose Coca-Cola based on its status as the largest global plastic polluter and its extraordinary global market power that has only grown since the company was founded in 1886. I relied on information from investigative research books, academic journals, reports published by nonprofit organizations and think tanks, and primary sources published by Coca-Cola in order to examine the company's background, history of success and environmental lobbying in the U.S., and its lobbying activities and strategies in the European Union.

5.2 Expert Interviews

The literature research conducted for this thesis provided a solid background for my further research efforts. In order to develop a better understanding of the processes of lobbying and the differing

perspectives of the EU and industry representatives, I decided to conduct qualitative expert interviews with parties involved in the drafting of or lobbying on the SUP Directive.

Expert interviews are different from other types of qualitative interviews because they are characterized not by a particular method, such as a narrative interview or semi-structured interview, but rather by the type of person being interviewed. They can be exploratory in nature, offering researchers insights early on into the research process, or they can be used later in the research process to provide additional information on specific areas of the research. Various authors note the constructed nature of so-called “experts,” as this term does not describe a personal trait or skill but rather is a quality attributed to a person, often based on societal norms (Bogner et al., 2014, p. 11). In expert interviews, the experts are in the foreground not as individuals, but as bearers of specific knowledge (Misosch, 2015, p. 121). For the purposes of this paper, experts were selected because of their institutional knowledge of the EU legislative process and their specialized knowledge of or role in shaping the SUP Directive. Most expert interviews are conducted with the help of a “guideline” or template because they are thematically structured to focus on specific areas matching an expert’s knowledge, with biographical or individual content left out of the conversation (ibid., p. 124). I researched and prepared questions beforehand and then conducted semi-structured interviews, asking questions mainly in the order they were written, but with the possibility of following up on questions or adding questions that took on new relevance in the moment.

The use of audio recordings has become standard practice for generating transcripts of qualitative interviews and conducting in-depth analysis. However, when an interviewee does not consent to being recorded, researchers must find other ways to document their interviews, for example by taking notes while writing. While some academics criticize this approach because information may be lost (Dunn, 2010, p. 119; Simons, 2009, p. 52), others say that while audio recordings may produce more “accurate” data, these approaches tend to neglect the influence that a recording device can have on a conversation (Rutakumwa et al., 2020, p. 578). Rutakumwa argues that audio recording has a “demonstrable political effect” on what is said, impeding the free flow of conversation, which may push the most revealing aspects to parts of the conversation when the device is turned off, or things may not be said at all (ibid.). The risk that the recording may be used against them may influence participants to edit their narrative and provide a partial explanation of their experience (ibid., p. 579). While risk of life and livelihood is unlikely to result from the expert interviews described here, the fact that this conversation was conducted with a member of a political institution means that a recording could be perceived as a risk factor to someone’s political career. In this case, the essential notes were

taken in the moment, revised immediately after the meeting, and any questions were followed up on. Misosch adds that for expert interviews, audio recordings are typically not transcribed fully, but rather only the passages most thematically relevant for the research question (Misosch, 2015, p. 124).

The process of finding interviews presented difficulties. Early in the research process, I conducted an exploratory interview with one of the authors of *Talking Trash: the corporate playbook of false solutions to the plastic crisis*, who gave me advice on how to reach out to industry representatives and ask for interviews. Unfortunately, neither the EU Commission nor the industry representatives proved particularly responsive to my requests.

I reached out to the direct email addresses of representatives of the EU whose names were mentioned in the collection of documents related to lobbying on the SUP Directive. One representative of the Commission granted my request for an interview and provided the names of other EU contacts who were familiar with the legislation. Of these, one person agreed to be interviewed, but others did not respond despite multiple follow-up outreach attempts (in one case, seven emails were sent over the course of six months after the representative said she would consider my request). Others directly stated that they did not have time to answer my questions. Emails to other branches of the Commission and phone calls to the EU through multiple channels resulted in the answer that because I had been granted two interviews with EU representatives on the topic, I had received the best possible information already and would not be granted more interviews with anyone. I also contacted representatives of the Austrian Parliament who had contacts within the EU, who initially responded favorably but did not respond to my attempts to follow up upon my requests.

Outreach attempts to industry representatives had similar results. Contact requests through multiple official channels with Coca-Cola either received no response, redirected me to publicly available information, or were denied because Coca-Cola receives “a large number of requests and cannot answer every request individually” (translated from a response by the Austrian branch of Coca-Cola in June 2021). Contact attempts through direct emails to representatives of Coca-Cola, UNESDA, and FoodDrinkEurope did not receive any responses except one, a representative from CCEP who agreed to be interviewed. He also gave his permission to use his name to contact consulting firm Eammon Bates, who he stated did some work on the SUP Directive, but despite multiple calls and emails to this organization, I received no response, nor did the CCEP representative respond to my follow-up requests for assistance. Similar efforts to contact consulting firm FleishmanHillard went unanswered. In total, I was able to conduct three qualitative interviews. Having exhausted all other options, it

became necessary to rely on the results from cross-referencing these three interviews with the results of the document and literature analyses.

The goal of the interview process was to examine how legislative lobbying takes place, especially in the context of the SUP Directive, and how Coca-Cola and the related trade associations and other lobbying entities tried to exert influence on particular aspects. Two perspectives are offered: interviews with two of the members of the Commission who were responsible for initiating and drafting the SUP Directive, and a representative for CCEP, the largest bottler of Coca-Cola in the region.² These interviews were analyzed and compared with the results of the document analysis in order to form a more comprehensive picture of lobbying on the SUP Directive.

5.2.3 Interviewee Breakdown

- **Participant 1 (P1):** This interviewee was found through mentions in various documents in the EU Transparency Register as having previously met with representatives from The Coca-Cola Company on the subject of the SUP Directive and other plastics topics. She is an official working at the Commission whose office requested that her identity not be disclosed. Certain details surrounding her exact role in the Commission would reveal too much about her identity and are therefore being withheld. She was directly involved with the EU's 2015 plastics strategy and in the initiation of the SUP Directive.
- **Participant 2 (P2):** Werner Bosmans, a member of the DG-Environment of the Commission, a Policy Officer at the Commission and self-described "coordinator of plastics in the environment" for the Commission. He describes his role in the SUP Directive as the "lead coordinator" on the SUP Directive and notes that he and his team conducted research and analysis for the SUP Directive and drafted the policy. He was contacted on the recommendation of P1.

² Until May 2021, CCEP was called Coca-Cola European Partners. Since the acquisition of Coca-Cola Amatil, the company has been renamed Coca-Cola Europacific Partners. (Source: Coca-Cola Europacific Partners, April 20, 2021, "New company name revealed as Coca-Cola European Partners' proposed acquisition of Coca-Cola Amatil nears completion," accessed December 2, 2021. <https://www.cocacolaep.com/media/news/2021/new-name-ccep-amatil/>) All lobbying letters from CCEP predate May 2021, and therefore only represent the views of Coca-Cola European Partners.

- **Participant 3 (P3):** Hans van Bochove, Vice President of Public Affairs at CCEP and chairman of EUROOPEN.

The interviewees will be referred to as P1, P2, and P3 in the results section of this thesis.

5.3 Document analysis

“Documents” are defined for the purposes of this thesis as primary sources that are either publicly available or can be requested from an institution, and may include policy statements, meeting minutes, reports, and archived correspondence. Document analysis can fulfill multiple functions within a research project. Documents can add to the knowledge base, suggest questions that need to be asked to further the research (including interview questions), track change and development, and verify findings or corroborate evidence from other sources (Bowen, 2009, p. 30). There are distinct advantages to using documents as part of the evidence base: if available in the public domain, documents present an easily accessible form of primary sources. They are “neutral” in the sense that they do not change as a result of the research process or the presence of an interviewer; and they can provide detail about exact names, dates, and facts related to specific events (Bowen, 2009, p. 31). Practitioners of political ecology often use document analysis as part of their methodologically plural research techniques in order to achieve in-depth examination of their research focus (Perrault et al., 2015, p. 8). Conversely, one of the main disadvantages of relying on documents is that there may be barriers to entry: some documents require permission and approval for access and use, or they may not be retrievable because of outdated technology or archives (Gillham, 2000, p. 44). In addition, there may be issues related to biased selectivity: if some documents are more easily accessible than others, or if the organization maintaining the files releases some information but not others, the results of the analysis may be skewed by the narrowed availability of data (Bowen, 2009, p. 31). However, these limitations can be mitigated by comparing the results to other sources of data.

Documents retrieved from the archives of the Commission proved to be a valuable evidence base for this thesis. Apart from the documents related directly to the SUP Directive (the directive itself, the proposal, the impact assessment, and the results of stakeholder consultations), many documents were retrieved with the goal of illustrating lobbying efforts between industry representatives and the Commission. These documents include letters and emails between industry representatives and the EU, as well as any attachments or position papers included therein, and reports about meetings when available. In total, there are 46 documents. All documents are from the period between 2018 and

2021. Not every document explicitly mentions the SUP Directive by name, but their inclusion was decided upon based on the following criteria:

- 1) The document is from the period in question (2018-2021),
- 2) The correspondence is between an industry representative from Coca-Cola, UNESDA, FoodDrinkEurope, or EUROOPEN and a member of the Commission either known to be working directly on the SUP Directive or connected through their corresponding DG, the DG-Environment, and
- 3) The subject matter of the document relates to the SUP Directive, SUP policy in general, packaging, or circular economy.

This selection allows for the inclusion of documents that do not explicitly address the SUP Directive. The reason for this decision is that one significant lobbying tactic involves companies discussing their own voluntary initiatives, the implication being that regulation may be unnecessary because industry leaders are already complying (Tangpuori et al., 2020, p. 33). While these documents do not explicitly prove industry lobbying to influence the SUP Directive, they do support evidence of a larger pattern of industry lobbying in the EU.

There are many advantages to using document analysis. This method provides an insight, in organizations' own words, into their priorities with regards to the SUP Directive. It is possible to count the frequency with which certain documents were raised, what arguments were used to support request, and to prove fundamentally that there was at least an attempt to influence legislation. The overall conclusions overlap with the results of the interviews. The EU is required to log this correspondence as part of its efforts towards transparency, so it is relatively easy, if time-consuming, to access this correspondence.

The documents in question were retrieved from multiple sources. All of the legislative documents and stakeholder consultation reports, etc., were retrieved directly from official EU sites. The emails and letters, along with many of the annexes and meeting reports, were retrieved from AskTheEU.org, an organization that acts as a middleman between the person requesting information and the EU entity in charge of handling it. One of the advantages is that users have access to the documents requested by others, so they are not dependent on the EU entity to provide all necessary documents from one request. Different EU staff members may handle requests over the years and may provide different documents in response to every request, which are collected through this third-party site. Having a

middleman is also an additional recourse in case the EU fails to respond, as the organization may intercede on the requester's behalf. The one limitation is that the available documents are based on what other users of the site have requested and may not represent the full scope of a researcher's focus. The EU archivists' system of censorship also appears to be somewhat arbitrary, which can be seen when the same document appears in the result of multiple requests, with names or other elements visible in some documents and redacted in others.

In addition to analytical insights, the documents themselves revealed the main possible candidates for interviews, as I reached out to several individuals mentioned in the letters (or to the authors of the letters).

Individual documents will be referred to by a specific code beginning with "LL," such as "LL1," "LL.1.1," "LL2," etc. The full list of documents, including the dates when they were written, the subject of the document, and EU or industry representatives who may appear are described in more detail in the annex. Of the total number of documents that were available, I chose 46 based on their relevance using the criteria described in the previous section and their potential analytic value. Six documents proved to be duplicates of correspondence or attachments already present (or were verbatim a letter copy of what was present in an email) and were therefore excluded.

6. Case study: Coca-Cola

There are many companies for whom the SUP Directive was a highly relevant piece of legislation. With bans on SUP products such as cotton buds, straws, plates, beverage stirrers, and balloon sticks, not to mention a series of restrictions and regulations on other SUP items, this directive touches on many industries. I chose Coca-Cola because of its status as the number one producer of plastic among global consumer brands (Greenpeace Philippines, 2019, p. 22) and its demonstrable presence both as a global market force and as a pervasive brand image. Coca-Cola has long been a symbol of the so-called "American Dream," a product so culturally entwined with American cultural history that it popularized the white-bearded, red-suited version of Santa Claus preferred in the U.S. and many other countries to this day (Crawford et al., 2021, p. 35). Today, Coca-Cola's economic and cultural power touches every corner of the world. There are many other companies responsible for creating products that generate vast amounts of plastic waste, but none have reached the status of global icon in the same way as Coca-Cola. Since its inception, this corporation has used the power of its brand image as a

political lever in the U.S. and across the globe, making it a compelling subject for a case study. This chapter, therefore, will provide background information on the Coca-Cola Company and related organizations relevant to its lobbying power before analyzing primary data collected from EU documents and interviews with EU and industry representatives.

The following sections will provide background information on the Coca-Cola Company and related organizations relevant to its lobbying activities. This chapter will also explore Coca-Cola's history of lobbying, both in the U.S. and in Europe.

6.1 Research Limitations

Little has been written in academic circles about Coca-Cola's history of lobbying in the European Union compared to the company's history of lobbying and attempting to influence policy in the United States (U.S.). It is more common for articles to discuss "the beverage industry" or "the food industry," where Coca-Cola is sometimes listed as one among many participants in government lobby tactics (Balanya, 2003, p. 200; Eichstädt et al., 1999; Tselengidis and Östergren, 2019, p. 573). There is a dearth of literature on Coca-Cola's environmental lobbying in the U.S., but even more so in the EU. Some sources do exist on the history of Coca-Cola's opposition to U.S. bottle bills and other environmental measures. Environmental lobbying in both the U.S. and in Europe has been less visible than lobbying in other areas; companies like Coca-Cola have tended to focus their efforts on pitching voluntary initiatives and demonstrating the lack of necessity for regulations. In recent years there have been more dissertations and theses dealing with the influence of Coke than other sources, with some dealing with subjects similar to this research question, for example: Bartow J. Elmore's doctoral dissertation "Citizen Coke: An Environmental and Political History of the Coca-Cola Company" for the University of Virginia, later adapted as a book; Emily Christine Cowan's 2020 master's thesis "The Price of Plastic" for the Norwegian University of Science and Technology (which briefly linked Coca-Cola to oil and gas business lobbyists); and Christina J. Hostetter's 2004 master's thesis "Sugar Allies: How Hershey and Coca-Cola used Government Contracts and Sugar Exemptions to Elude Sugar Rationing Regulations" for the University of Maryland. The fact that Coca-Cola's environmental lobbying has received little attention in academia means that this thesis has the potential to contribute to the scientific research base.

Possible answers to the question of why environmental and other lobbying efforts by Coca-Cola have been less prominent will be discussed in upcoming chapters. Coca-Cola's role in EU politics has not been the subject of much academic or media scrutiny until recently, with more research devoted to

Coca-Cola's actions in individual countries. Extensive research has been conducted on Coca-Cola's actions in countries outside of the EU, including India, Mexico, and multiple countries in South America, on topics ranging from water scarcity to the murder of trade union leaders. These cases are outside of the scope of this thesis and will not be examined further here.

To support this case study, therefore, the following sections examine Coca-Cola's history of environmental lobbying in the U.S., but also its history of lobbying tactics in other, more visible areas such as public health.

6.2 Background: The Coca-Cola Company

The Coca-Cola Company is a multinational beverage association best known for producing major global products such as Coca-Cola, Dasani, Minute Maid, Sprite, and Fanta. Additionally, the company owns well over 200 brands (The Coca-Cola Company, 2021, p. 12). In past years, the company had held over 500 brands, but in the wake of the Covid-19 pandemic decided to restructure its business by cutting more than half its master brands to approximately 200 (BBC News, 2020; Wiener-Bronner, 2020). The company's business model relies on manufacturing and selling concentrates and syrups to authorized bottling partners, many of whom are fully or partially owned bottling companies (The Coca-Cola Company, 2021, p. 13). Some of these large bottlers include CCEP and Coca-Cola Hellenic, which are discussed in this thesis. Coca-Cola has a net average operating revenue of over 33 billion USD and markets in over 200 countries and territories, 28 percent of which are in Europe, the Middle East, and Africa (The Coca-Cola Company, 2021, p. 12). Recognized as one of the three largest beverage companies in the world, Coca-Cola wields considerable market power (Reiff, 2020). Coca-Cola has made use of this power in its lobbying activities in the U.S. and Europe, as well as in other parts of the world that are not explored in this thesis.

6.3 Coca-Cola in the U.S.

From the Coca-Cola Company's inception in 1886, the company's primary value has been its brand. First created during the golden age of patent medicines, the Coca-Cola Company managed to carve out a niche for itself in the health industry before making the transition to a widespread and popular refreshing drink (Crawford et al., 2021, p. 128). Since the very beginning, Coca-Cola's success was based on its brand image, first as a soothing nerve tonic, and later as a refreshment that, in the decades to come, became a prominent symbol of the American Dream. Its early successes in

advertising the product and distributing it across the entire country had made the beverage a fixture in the American consciousness. The Coca-Cola Company was able to thrive because it carved out a space for itself through government-funded infrastructure, as its independently franchised bottlers were able to access publicly available networks of clean water at low prices (Elmore, 2015, p. 51). The Coca-Cola Company successfully lobbied the U.S. government to eliminate tariffs on sugar, all but ensuring that the corporation could continue to sell its beverage at low prices, which helped it not only weather the Great Depression, but flourish (*ibid.*, p. 99).

Similar strategies became relevant in the face of public objections to Coca-Cola's transition to aluminum cans and later plastic bottles. Beverage companies such as the Coca-Cola Company used independent bottlers to sell their products locally; beverages were mixed in bottling plants and distributed locally, after which the bottlers would collect and reuse the bottles to sell again (Friedel, 2014, p. 513). This system was in place for decades before the technology for nonreturnable containers such as aluminum—let alone plastic—were even invented. According to a 1979 United States Resource Conservation Committee study, soft drink bottles were returned at a rate of approximately 96 percent in 1948, when 100 percent of bottles were still produced as refillable bottles (Resource Conservation Committee, 1979, p. 76). The transition was gradual, as the cost-effectiveness of selling only nonreturnable containers was not certain: bottlers were not certain that shipping and handling costs would decrease enough to make the transition to nonreturnable packaging worthwhile (Friedel, 2014, p. 519). While beverage retailers could cut costs by reducing floor space and labor costs required for storing and handling returnable bottles (Moore, 1976), the costs related to discarding used bottles and cans were higher than the costs of reusing them because of the large amount of manufacturing that was necessary. These costs were shifted to consumers, as a 1972 survey of grocery stores conducted by the University of Michigan shows: in 1972, the cost per ounce of beverage for nonreturnable bottles was \$0.014, compared to \$0.009 for a returnable bottle (or \$1.01 for a 72-oz. nonreturnable bottle and \$0.65 for a returnable bottle) (Kelley and Monahan, 1972, p. 6). No information was available about the costs of production of nonreturnable bottles in the 1950s. However, a regulation published in the 1952 Federal Register of the National Archives on price ceilings for malt beverages allowed a 34-cent price increase on a 24-bottle case of 12-ounce returnable bottles while permitting a 92-cent price increase on a same-sized case of nonreturnable bottles (National Archives and Records Administration, 1952, p. 436) an indicator that the higher costs of production of nonreturnable bottles were factored into the permitted selling price.

In 1963, 82 percent of all soft drinks purchased were sold in reusable bottles (Friedel, 2014, pp. 519–520). While the rate of returns for bottles was still at 90% even in 1975, the percent of refillable soft drink bottles put on the market experienced a significant drop in the 1960s; by 1975, only 38 percent of soft drink bottles sold were refillable (Resource Conservation Committee, 1979, p. 76). By the end of the 1970s, plastic bottles made up a significant portion of beverage packaging and refillable soft drink bottles made up less than a third of total sales (Friedel, 2014, p. 522).

The garbage created by single-use packaging materials, which had previously been made of glass, recycled, and reused, quickly became a national problem. Attempts were made to legislate the reuse of bottles or force the beverage companies or bottlers to pay for the disposal of the waste created by its products, resulting in a decades-long battle between the public, politicians, and the Coca-Cola Company and other beverage companies. As early as 1953—before soft drink companies had adopted nonreturnable bottles on a large scale—states tried to regulate the use of nonreturnable distribution systems: Maryland legislators proposed a bill requiring a deposit on all single-use beer containers, while the Vermont General Assembly banned such containers within state borders, a law that lasted until 1957 (Elmore, 2012, p. 487). In the 1970s, ten states passed mandatory deposit laws requiring all nonreturnable cans and bottles to carry five- to ten-cent deposits (ibid., p. 496). The Coca-Cola Company and other beverage industry associates have lobbied heavily against bottle bills despite their demonstrable success. Currently, ten U.S. states³ and Guam have bottle bills in place, with deposit amounts ranging from 5 to 15 cents (NCSL, 2020). Recycling rates in states average 70% for bottles in states that had or have such bills, including in Michigan, where the ten-cent refund led to a 95% recycling rate (Blanding, 2010, p. 139).

Rather than investing substantial amounts of money into adapting its production or disposal practices, Coca-Cola and many other corporations decided to change the narrative, focusing attention away from the corporations that produce the waste to the consumers through various advertising campaigns. One of the most well-known of such campaigns was conducted by Keep America Beautiful, Inc., an anti-litter association that partnered with the beverage industry on messaging that emphasized individual responsibility, introducing the term “litterbug”—someone who carelessly drops litter in public places—into the American consciousness (Melosi, 2005). The *American Soft Drink*

³ California, Connecticut, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont

Journal published editorials such as “Guns Don’t Commit Murder,” placing the responsibility for packaging waste firmly on people who litter and arguing against restrictions on containers (Friedel, 2014, p. 521). A number of television commercials featuring a “crying Indian” (“Iron Eyes Cody”) lamented the destruction of the natural environment at the hands of people who litter: “People start pollution. People can stop it,” (Anderson, 2013, p. 405). The message played on the American trope of “Indian as a conservationist,” (Melosi, 2005, p. 226), framing major structural problems of waste accumulation and pollution as a simple problem that could be solved through individual responsibility. Described as “the most successful greenwashing campaign,” this targeted advertisement became a catalyst for a successful anti-regulatory movement in the US (Anderson, 2013, p. 407). Not the production and accumulation of waste, but improper disposal, was framed as the problem. The ads specifically targeted the parts of the issue that the general public could see: polluted parks, highways littered with packaging waste, and lawns covered in cans—but not thinking about what would happen with the waste once it was no longer in plain sight. This campaign and others were so successful that they eventually paved the way for government-funded recycling and waste collection programs. Returnable packaging was no longer the most profitable model available to businesses, so these businesses naturally gravitated toward more cost-effective methods. What had previously been an area that largely regulated itself had become a problem, placing new responsibilities in the hands of citizens and governments. Today, nonreturnable packaging is so ubiquitous that the idea of placing responsibility in the hands of producers is the subject of much debate in discussions about environmental sustainability.

In 1970, the House of Representatives considered an amendment to the 1965 Waste Disposal Act prohibiting the distribution of nonreturnable beverage containers in the U.S. due to rising waste disposal costs (Elmore, 2015, p. 242). Representatives from the beverage container industry attacked the ban, arguing that the amendment would cause sales to plummet and jobs to disappear at bottle and can manufacturing plants, ignore the “greater public convenience” of nonreturnable cans, and constitute an unwarranted restriction of individual freedom (Moore, 1976, p. 744). As a consequence, Congress eventually rejected the ban; similar arguments were used successfully by industrial lobbyists against a single-use packaging ban in 1972 (Elmore, 2015, p. 242).

The Coca-Cola Company has a well-established record of lobbying on non-environmental topics as well. A 2018 study published in *Public Health in Nutrition* found that the Coca-Cola Company funded the global network of scientists Global Energy Balance Network (GEBN), minimizing the public recognition of its role as a donor and supporting a network of academics who promoted favorable

messaging (Serodio et al., 2020). The study also documented efforts of the Coca-Cola partnership with academia to facilitate relationships with policymakers, industry and community groups, opinion leaders, and health organizations (Serodio et al., 2020, p. 2650). A 2019 study analyzing correspondence between the Centers for Disease Control (CDC) and the Coca-Cola Company found that the latter had made attempts to influence the CDC by building relationships in order to reframe the debate on the role of soft drinks in obesity and to lobby decision makers (Hessari et al., 2019). When Coca-Cola faced the prospect of federal taxes on sugary soft drinks, Coca-Cola reportedly raised its budget for federal lobbying from \$3 million in 2008 to over \$12 million in 2009 (Crawford et al., 2021, p. 30).

Coca-Cola has a history of advocating through trade associations in the U.S. In March 2000, about 125 bottlers and members of the National Soft Drink Association (NSDA)'s "Fly-In" lobbying event to the U.S. capital in order to lobby their state representatives on upcoming legislation on sugar consumption and labeling regulations (Bruss, 2000). The NSDA, of which the Coca-Cola Company was a member, claimed that the arguments about increased obesity rates being related to increased consumption of soft drinks were "myths" and "not based on science," arguing that there was insufficient data available (Bruss, 2000). In January 2017, an advocacy group called The Praxis Project filed legal charges based on similar claims, alleging that Coca-Cola's claims that soft drinks do not promote obesity rates, and their placing blame for these problems on personal responsibility and lack of exercise represented "false and misleading marketing," (Huehnergath, 2017). In addition, the lawsuit accuses Coca-Cola of violating its pledge not to advertise to children under the age of twelve, comparing the company to the tobacco industry's dismissal of scientific proof of connections between tobacco consumption and lung cancer (Dönisch, 2017).

When the administration of former president Obama was considering placing taxes on sugary soft drinks in 2009, the beverage industry lobbied heavily against sugar taxes, forming a coalition that argued that higher food and drink taxes would unfairly burden the poor (Hamburger and Geiger, 2010). The coalition recruited multiple Latino groups such as the League of United Latin American Citizens and the National Hispanic Medical Association to advocate for their cause, providing large donations to various advocacy groups and launching a ten-million-dollar television ad campaign (Hamburger and Geiger, 2010). Eventually, a key congressional committee that had initially been receptive to the tax idea refused to consider it (Hamburger and Geiger, 2010). The American Beverage Association has lobbied against proposed sugar taxes, such as an attempt by Mayor Michael Nutter of Philadelphia to introduce a 2-cents-per-ounce soda tax in 2011 in order to raise money for local

schools, and lobbyists swarmed City Hall to protest it (Otterbein, 2015). Even after Nutter publicly stated that he would not revive the tax, the American Beverage Association spent nearly \$240,000 to lobby against it (ibid.). In 2013, the American Beverage Association defeated yet another proposed soda tax in Philadelphia after spending millions of dollars on lobbying, simultaneously providing a \$10 million grant to the city's children's hospital (Gertner and Rifkin, 2017, p. 163). Nevertheless, a soda tax was finally passed in Philadelphia in 2016 despite \$5 million of lobbying and advertising efforts by the beverage industry to quash the proposal (Gertner and Rifkin, 2017, p. 169). Other attempts to introduce taxes have been unsuccessful, and the American Beverage Association has argued that soda taxes kill jobs, hurt small business, and are legally questionable in order to defeat proposed soda taxes in Vermont, New York, Illinois, Kansas, and Washington, D.C. (Otterbein, 2015).

6.4 Coca-Cola in Europe and the EU

Many of the strategies that Coca-Cola used to succeed in the United States eventually helped the brand spread to the rest of the world. During World War I, when the U.S. government forced rationing of food ingredients such as sugar, Coke lobbied for an exemption to this policy while simultaneously touting its forced cutbacks as a patriotic sacrifice, producing advertising campaigns such as "Making a Soldier Out of Sugar," with the message that Coca-Cola had selflessly cut its soda production rather than water down its beverage (Blanding, 2010, p. 43). This would later help Coca-Cola during World War II, when lobbying efforts portrayed Coke as a drink that increased morale and productivity among soldiers and could therefore help in the fight against national socialism (ibid., p. 49). The U.S. government granted Coca-Cola an exemption on sugar rationing when all other sugar users were limited to 80 percent production (ibid., p. 49). The company decided to sell its limited sugar supply back to the U.S. government at what was supposedly a below-market price, fixing itself in the American consciousness as a "patriotic" corporation (Ciafone, 2019, p. 49). The move worked so well that Coca-Cola not only managed to receive a lesser sugar restriction than other soft drink companies, but arranged an exclusive contract with the U.S. military to bring Coke syrup—and later bottling supplies!—into Europe during the war (Ciafone, 2019, p. 51). The U.S. government allowed Coca-Cola to build factories near the front lines and provided warplanes to transport soft drinks to soldiers (Oldenziel, 2007; Tucker, 2017). Coca-Cola used mass advertising and the circumstances of the war to spread its brand awareness abroad (Crawford et al., 2021, p. 161). By the end of the war, Coca-Cola had bottling plants on every continent, 63 across the globe, and steadily rising profits (Oldenziel, 2007, p. 103). Coca-Cola was thus poised to build bottling infrastructure immediately after the war, when the entire European continent was a wreckage. The publicity that Coca-Cola received through U.S.

soldiers drinking Cokes in Europe, where Coca-Cola was an as yet unknown brand, paved the way for the company's global expansion.

In some respects, Coca-Cola's interactions with national governments have received more attention. For example, Coca-Cola was repeatedly met with resistance when attempting to break into the French market since the early 20th century. After initial disappointments in marketing the product to French consumers in prior decades, Coca-Cola, in 1947, launched an investment project to establish a concentrate production and bottling factory. This, too, was rejected by the French government (Crawford et al., 2021, p. 158). Coca-Cola made every effort through diplomatic channels and extensive lobbying to fight against a series of legislative obstructions by different branches of the French government (Crawford et al., 2021, p. 159). A study of corporate actors in the food industry in France found that companies like Coca-Cola and Nestle used third parties such as consultancies or "public relations agencies" to lobby for their causes (Mialon and Mialon, 2018, p. 8). By the early 1950s, Coca-Cola was winning legal victories. In 1951, the French Ministry of Agriculture concluded that the soft drink conformed to French law, and in 1953 won an appeal in the same case that terminated legal action (Kuisel, 1991, p. 114). Even before the legal battles had been completely settled, Coca-Cola was quick to establish its operations in France, making its beverages available first in cafes and later in offices and factories (Kuisel, 1991, p. 115). Today, the Coca-Cola Company spends approximately 1 million to 1.2 million euros annually on lobbying activities in the EU, according to the 2020 estimate Coca-Cola provided to the EU's transparency register—including around 600,000 euros in consultancy fees (European Union, 2021a).

Coca-Cola has touted the nutritional labeling system it developed in France, before any such labeling was compulsory (Mialon and Mialon, 2018, p. 38). The UK's mandatory sugar tax, adopted in 2018, prompted criticism from Coca-Cola, which reportedly considered legal action to challenge the tax (Ainger and Klein, 2016, p. 8). In Serbia, Coca-Cola collaborated with schools to offer internship and research opportunities, although the company did not directly fund educational programs (Stankovic, 2013, p. 151). In 2019, Romania faced criticism from the non-profit organization Foodwatch because Coca-Cola was allowed to sponsor the Romanian EU Council Presidency, a move that the group claimed would allow Coca-Cola to influence policy on sugar taxes, the General Food Law, and nutritional labeling (Kaleta and Heath, 2019; Romania Insider, 2019). Coca-Cola is also a member of corporate lobby group the International Life Science Institute (ILSI) Europe, which funded a study that alleged that drinking diet soft drinks is better than water for weight loss (Ainger and Klein, 2016, p. 25). In 2016, the European Hydration Institute, which receives approximately 6.6 million euros in

funding from Coca-Cola, funded research that concluded that caffeinated drinks (including sodas) could be equally effective for rehydration as water (ibid., p. 86). In France, companies like Coca-Cola and McDonald's used informational campaigns to frame diet- and public-health-related-issues such as obesity through the lens of helping individuals make healthier choices, emphasizing the importance of physical activity (Mialon and Mialon, 2018, p. 15).

Coca-Cola is better known for its voluntary programs and pledges, both in Europe and globally. In 2015 alone, Coca-Cola spent over 76 million euros globally on projects through its charitable foundation, with projects including water, sanitation, sustainability, and sports and health projects (Ainger and Klein, 2016, p. 23). The company made a pledge to be "water neutral" in 2010 (Crawford et al., 2021, p. 144). Coca-Cola has collaborated with the United States Agency for International Development (USAID) to install or upgrade solar-powered water systems in Tanzania (USAID, 2018a). The company has also worked on water projects with USAID in more 30 countries in South America, Asia and Africa (USAID, 2014), while Coca-Cola Hellenic has assisted USAID on water stewardship projects in Armenia (USAID, 2018b). However, these programs have been criticized for leaving control of the water in these regions with the corporation rather than with the local population (Crawford et al., 2021, p. 143). Coca-Cola's widely publicized "World Without Waste" campaign features promises to make 100% of the company's packaging recyclable by 2025, to collect and recycle "a bottle or can for each one we sell" (i.e. the equivalent of its packaging volume rather than a pledge to recover all of its packaging) by 2030, and collaborate with governments, suppliers, consumers, and NGOs on circular economy solutions (The Coca-Cola Company, 2021). The company and its bottling partners plan to make key investments into packaging design and recycling in order to accomplish these goals (The Coca-Cola Company, 2018).

6.4.1 Coca-Cola & Interest Representation Groups

Large multinational corporations like Coca-Cola have developed many avenues to attempt to exert influence, from think tanks promoting position papers, to consultancies that can help the company launch successful PR campaigns, to "astroturfing" grassroots organizations. Trade associations and "umbrella groups" representing multiple corporations or smaller members are also a frequent part of the lobbying picture of the EU. Many corporations chose to make requests on behalf of a larger group of EU-wide interest groups rather than their own self-interest. Coca-Cola, for example, appears relatively infrequently in the collection of documents from the Commission archives gathered for this thesis (see Annex for details). However, several trade associations and umbrella groups of which it is a member appear frequently in the communications collected from the EU. Of the documents made

available by the EU through the requests for documents submitted for this research, the organizations Coca-Cola was demonstrably part of that communicated with EU representatives were UNESDA, EUROOPEN, and FoodDrinkEurope. There is a reasonable case for the selection of these three trade organizations because they represent three different tiers of Coca-Cola's representation in EU Affairs—on behalf of the food and drink industry, on behalf of the (soft) beverage industry, and on behalf of the packaging and production elements of the Coca-Cola supply chain, as this is a major issue for bottlers if not the parent brand. For the purposes of this thesis, therefore, these trade associations and interest groups will appear as a kind of proxy for Coca-Cola, representing the corporation's interests even when Coca-Cola itself did not appear, on the surface, to be directly involved.

According to the EU Transparency Register, the Coca-Cola Company and/or CCEP are members of the following think tanks and interest groups (Coca-Cola Hellenic has not created an entry for itself on the EU's Transparency Register):

AECA	American European Community Association
AIJN	European Fruit Juice Association
AIM	European Brands Association
AmCham EU	American Chamber of Commerce to the EU
BIER	Beverage Industry Environmental Roundtable
Bonsucro	Better Sugarcane Initiative
CIUS	Committee of Industrial Users of Sugar
CLG	Climate Leaders Group
CSR Europe	The European business network for CSR
EFLA	European Food Law Association
EU Pledge	
European Food and Drinks Council	
EUROOPEN	European Organization for Packaging and the Environment
EUTECA	European Technical Caramel Association
EWP	European Water Partnership
FoodDrinkEurope	

Friends of Europe	
FFA	Forum for the Future of Agriculture
GPAC	Global Public Affairs Council
ISA	International Sweeteners Association
PET user alliance	
RefNat	Refrigerants, Naturally!
SAI	Sustainable Agriculture Initiative
Sustainability Consortium	
Tea and Herbal Association	
TPN	Transatlantic Policy Network
UNESDA	Union of European Beverages Associations
WFA	World Federation of Advertisers

*Table 1: Membership of any associations/(con)federations/networks or other bodies.
(European Union, 2021a, 2021b)*

The list provided here is not comprehensive, as the source is based purely on what Coca-Cola voluntarily reported to the EU transparency register. For example, the Coca-Cola Company's membership in ILSI Europe, discussed in the previous section, is not listed. As previously stated, the focus of this thesis is on the lobbying efforts of the Coca-Cola Company, CCEP, UNESDA, FoodDrinkEurope, and EUROPEN because of the evidence that these groups communicated with the EU during the SUP Directive's legislative process.

6.4.2 Union of European Beverages Association (UNESDA)

UNESDA is a trade association comprising national beverage associations and beverage corporations within Europe, notably the Coca-Cola Company, CCEP (still listed on their site as Coca-Cola European Partners), Coca-Cola Hellenic Bottling Company, PepsiCo, Danone, and Nestle Waters (UNESDA, n.d.). UNESDA has a history of connection with Coca-Cola, for example when Dominique Reiniche, President of CCEP at the time, was elected president of UNESDA in 2012 (Flausch, 2019). According to the EU Transparency Register, the estimated annual lobbying costs of the association are between 400,000

and 499,000 euros annually as of 2020 (European Union, 2021c). However, an estimate by Corporate Europe Observatory placed the figure at around 600,000-700,000 euros as of 2015 (Lundy, 2017, p. 91). Between 200,000 and 299,999 euros of this budget allegedly fund activities by public relations lobbying consultants FleishmanHillard (Ainger and Klein, 2016, p. 33). Corporate Europe Observatory's report on lobbying in Brussels describes lobbying successes of UNESDA such as their work in helping to overturn a Danish soft drink tax in 2014 that had existed for 80 years (Lundy, 2017, p. 91).

A 2019 study on lobbying against sugar taxation in the EU identified UNESDA and FoodDrinkEurope as prominent actors involved with lobbying against sugar taxation in the EU (Tselengidis and Östergren, 2019, p. 567). One of the actors identified by the study was EUFIC, a nonprofit organization whose board of directors is funded and elected by major beverage corporations such as Coca-Cola, Nestle, and PepsiCo, (ibid., p. 573). The study found that the food and drink companies participating in lobbying against sugar taxation used strategies such as direct lobbying of policymakers (reframing the debate, threatening to withdraw investments, and shifting blame away from industry), as well as promoting public-private interactions, proposing alternatives to policies, and establishing front groups (ibid., p. 568). UNESDA previously hired consulting firm FleishmanHillard to create an anti-sugar-tax website on their behalf (Lundy, 2017, p. 91)—evidently, this association still existed at the time of lobbying efforts with the SUP Directive, as several emails feature FleishmanHillard as one of the addressees, and meetings were scheduled at FleishmanHillard offices (LL9). A master's thesis from Luiss Guido Carli University found that a beverage company the researcher interviewed, which is unnamed in this thesis, mainly conducted its lobbying efforts on the SUP Directive through business associations such as FoodDrinkEurope and UNESDA (Chioggia, 2020, pp. 80–83). While there is little other academic research on the organization's lobbying efforts within the EU, UNESDA's website features a blog that posts opinions about various EU legislative initiatives and publishes fact sheets and position papers on various topics related to packaging, circular economy, and deposit return systems (DRS). Coca-Cola funded research on public health through UNESDA's Scientific and Regulatory Affairs Committee totaling approximately 242,000 euros between 2013 and 2015 (Ainger and Klein, 2016, p. 33).

6.4.3 FoodDrinkEurope

FoodDrinkEurope is a trade association of food industry representatives comprising dozens of national, sectoral, and corporate members, the latter of which includes the Coca-Cola Company, PepsiCo, Nestle, Danone, Mondelez, and Unilever—companies that are among the top global brands producing plastic in the world (Greenpeace Philippines, 2019). Described by some sources as “the

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voice of the food and drink industry in Europe,” (Melchior, 2017, p. 188), as of 2014, FoodDrinkEurope represented 287,000 individual companies through its various sub-groups and EU-wide umbrella organizations, representing the largest industry branch in Europe (Kraus, 2014, p. 163). UNESDA is also a member of FoodDrinkEurope. Its 17 board members are mainly made up of multinational company representatives; one seat is held by the Coca-Cola Company, and several others by companies such as PepsiCo, Nestle, Unilever, and Mondelez (Ainger and Klein, 2016, p. 31). Formerly known as the Confederation of Food and Drink Industries of the EU (CIAA), FoodDrinkEurope’s estimated annual budget for lobbying activities is between 200,000 and 300,000 euros per year (European Union, 2021d); however, the Corporate Europe Observatory estimates the lobbying expenses of its members as at least 5.2 million euros (Lundy, 2017, p. 45). Almost 1 million euros are reportedly spent on lobbying consultancies alone (Ainger and Klein, 2016, p. 31). FoodDrinkEurope, as CIAA, opposed an EU legislative initiative on “traffic light” nutrition labeling in food, reportedly paying consulting firm FleishmanHillard up to 671,000 euros to promote a rival “Guideline Daily Amount” (GDA) scheme (Hickman, 2011). Although the association has acknowledged spending 1 billion euros on the GDA plan, it did not disclose what percentage of this sum funded lobbying expenditures (ibid.). CIAA criticized the food labeling plan because of the availability and progress of the GDAs as a voluntary alternative, the weakening of the EU’s competitiveness as a single market because of the complications created by multiple regulatory approaches, and the perceived overcomplication of information on the front of food labels (“Mixed reactions to EC food labeling proposal from BEUC and CIAA,” 2008). Similarly, in 2011, CIAA objected to components of another EU proposal on food labeling, objecting to the listing of trans fats (Halliday, 2011). EU watchdog group Corporate Europe Observatory described it as “the most powerful food industry lobby group on the Brussels scene” (Lundy, 2017, p. 45). Officially, FoodDrinkEurope is a member of several expert groups on health related to diet, exercise, and also on social dialogue (Ainger and Klein, 2016, p. 31).

6.4.4 EUROPEN

The European Organisation for Packaging and the Environment (EUROPEN) is a cross-sectoral trade association representing the packaging supply chain in Europe on issues related to packaging, packaging waste, and environmental concerns. The organization has strong ties to Coca-Cola, both through its membership (CCEP and Coca-Cola Hellenic are both members of EUROPEN) and through its board, as Hans van Bochove, Vice President of Public Affairs at CCEP, is currently the Chairman of EUROPEN. The remaining chairpersons and committee members are representatives from Nestle, Danone, PepsiCo, Unilever, and other major global brands (EUROPEN, n.d.). It is worth noting,

however, that a brief LinkedIn search revealed that no member of the permanent staff at EUROPEN has been present at the association for longer than two years. EUROPEN has opposed various initiatives related to packaging waste, most notably a German deposit return system program for non-refillable drink containers (Carpenter, 2005). EUROPEN is listed among several other trade organizations representing packaging issues in Germany, including a push for increased acceptance of thermal recycling as being equal to other recycling techniques and persistent opposition to new refill schemes and “green” taxes on packaging (Eichstädt et al., 1999). EUROPEN regularly posts its opinions on EU policies through press releases, news updates, and position papers on its website.

7. Coca-Cola’s Lobbying Efforts in the EU: Results

This chapter will evaluate the results of the interviews, documents and other primary sources, literature research on lobbying, and a lecture held at the University of Vienna by an interest representative for a public service provider in Brussels.

The documents were retrieved from Commission archives and represent correspondence between the EU and industry representatives between the period of 2018 and 2021 (for full details, see *Methodology*). The interviewees will be cited according to the pseudonyms assigned by this thesis, as described in the Methodology section. P1 and P2 are the interviewees from the Commission, and P3 is the representative from CCEP and EUROPEN. Documents will be referred to according to codes beginning with “LL,” as described in the Methodology section. The full list of documents and descriptive information can be found in the annex to this thesis.

7.1 Timeline of the SUP Directive

The following table represents relevant milestones for the introduction, amendments to and passage of the SUP Directive, including some of the major strategic initiatives made by the EU that led to its development. It is included here to illustrate at what phases of the legislative process various lobbying actions took place and to provide context for the lobbying tactics described in the next sections of this thesis.

December 2, 2015	Publication of the Circular Economy Action Plan
December 15, 2017 - January 12, 2018	Feedback period of Commission Initiative "Reducing marine litter: action on single use plastics and fishing gear"
January 16, 2018	Publication of the EU plastics strategy "A European Strategy for Plastics in a Circular Economy"
May 28, 2018	Adoption by the European Commission of the SUP Proposal
May 29, 2018 - May 10, 2019	Discussions with the Council and its preparatory parties
October 10, 2018	Publication of the European Committee of the Regions' opinion on the SUP Directive Proposal
October 17, 2018	Publication of the European Economic and Social Committee's opinion on the SUP Proposal
October 24, 2018	EP proposes amendments on the SUP Proposal
March 27, 2019	EP publishes opinion at first reading
May 21, 2019	Council of the EU approves EP position at first reading
June 5, 2019	President of the EP and of the Council sign the SUP proposal—the SUP Directive passes into law

*Table 2: SUP Directive Timeline
(European Union, 2019), Eurj-Lex Database*

7.2 Soft drink industry priorities

Every company's primary interest is its commercial success. This includes generating enough profits to survive or, based on the type of company, maximizing the profits and growing the business. Businesses have an improved chance of survival if government policies do not interfere with their ability to maximize profits and if they can apply the production methods that work best for their company. With this in mind, businesses that lobby the EU have tried to shape this policy in a direction that suits their interests. These businesses choose different tactics in order to most effectively influence political decision making (Taminiau and Wilts, 2006, p. 123). The following section demonstrates the priorities expressed by industry representatives that emerged from the research. From the interviews, it became clear that various industry factions had strong opinions on the SUP Directive, some of which were expressed in the interviews. P3 called the SUP Directive a "very poor directive," noting that "industry at large...is extremely, extremely frustrated by how that Single-Use

Plastics Directive came together,” (P3, 2021). However, it fits the logic of lobbying and negotiation tactics that no industry representative would use such a direct, negative tone in addressing their concerns to the EU. Instead, lobbyists presented their opinions in the form of “constructive suggestions,” “concerns,” and proposed amendments, depending on what stage of the proposal the correspondence is from. While the documents were guarded in their explicit opinion of the SUP Directive, certain priorities became evident in the analysis of these documents, as did many of the arguments used to support the defense of these priorities.

In aggregate, the most common industry critiques of the SUP Directive and related EU measures were as follows:

1. Definitions: One of the most frequently criticized aspects of the SUP Directive in the documents, especially after the publication of the implementation guidelines on May 31st, 2021, was the definitions laid out in the SUP Directive. Criticisms of the definitions included:
 - a) Complaints that the definitions made it difficult to understand how the soft drink or beverage industry would be impacted;
 - b) Requests to redefine words such as “single-use,” “multi-use,” “resealable,” “refillable;”
 - c) Design specifications such as how the volume or size of a container factors into its definition as a banned item.

In the interviews, P3 criticized the fact that the definitions (in this case meaning the implementation guidelines) were published online “years” after the SUP Directive was passed (P3, 2021).

2. Tethered caps: The SUP Directive mandates that certain plastic products that have caps and lids made of plastic “may be placed on the market only if the caps and lids remain attached to the containers during the products’ intended use stage” (European Union, 2019), which would require these products to be redesigned with an extra feature that keeps the lid attached to the bottle after the initial seal is broken. This would force companies to incur potentially significant costs such as redesign and production machinery costs. In the letters and documents, the provisions for tethered caps were mentioned frequently both in the documents and by the interviewees. All three interviewees stressed that the tethered cap measure was one of the most important issues for industry representatives, who questioned the proportionality of the measure and its impact on industry. Interviewee P3 stated that the

measure for tethered caps was not present in earlier drafts of the SUP proposal, which is why there were no objections to this measure before this draft was leaked (P3, 2021). Two out of three interviewees, P2 and P3, noted that tethered caps were introduced relatively late into the legislative process and therefore could not be the target of much effective lobbying. Concerns over the tethered caps noted by industry leaders in the documents were quite diverse, from technical concerns over being able to design caps for carbonated beverages that would be able to withstand the pressure of the carbonation (LL10.1) to questioning whether tethered caps are an effective way to achieve the environmental goals set out by the SUP Directive (LL10.1). Questions also emerged over whether the tethered cap measure will in fact have a negative impact on the environment due to the supposed increased use of plastic as a consequence of redesign requirements. P3 also argued that this measure would be ineffective because the loss of plastic caps was not a major issue in marine plastic waste because the majority of consumers return their bottles with the caps attached (P3, 2021). The potential fallout for industry was also heavily emphasized in the documents. CCEP and later other industry partners mention the results of a study conducted by PWC, which estimated costs to bottlers in billions of euros in lost production and capital investment as a result of this measure (LL25.1). This report also estimated the unintended environmental consequences of the measure as an additional 58 to 381 million kilograms of CO₂ (LL25.1). Several documents specifically mention the potential consequences for SMEs. For example, FoodDrinkEurope argues in one document that SMEs would have greater difficulty adapting to the redesign requirements for tethered caps than larger firms (LL16). These points were echoed in the interview with P3, who argued that small firms would not be able to cope with the redesign requirement, and that the EU had grossly miscalculated the impact on industry (P3, 2021).

3. Timeline: Time is a recurring theme in the documents and the interviews. Both the legislative process itself and the expected date by which certain measures were meant to be implemented were heavily criticized by industry individuals. Part of the issue regarding the tethered cap measure, for example, was the timeline for its implementation, as producers argued that it would be impossible to meet the complex design requirements in the time they were given (LL6.2, LL 10.2). This eventually resulted in the extension of the deadline for this measure until July 3rd, 2024 (European Union, 2019, p. 16). P3, in particular, expressed four times during the interview that the decision-making process was rushed, while P2 confirmed the brevity of the decision-making process without coming to the same conclusion about its

hastiness (P2, 2021; P3, 2021). In this context, P3 six times cited political pressure as the main reason for the undue haste of the legislative process, and the reasons for problems within the document (P3, 2021).

One measure that did not emerge as a significant concern for industry was the question of targets set by the EU on the separate collection of waste for recycling. EUROOPEN's position paper on the SUP proposal indirectly criticizes this idea by listing it in the context of other EPR measures for which the EU has not yet sufficiently calculated the impact on industry (LL10.1). Nonetheless, the documents indicate that industry broadly supports separate collection targets and voluntary commitments to fulfill them (LL10.1, 10.2, 19.1, LL21, LL29). The interviews echo this point: P3 stated that Coca-Cola supports the high separate collection target, given that Coca-Cola's own collection target (the equivalent of 100% of its packaging waste) is actually higher than the EU's target of 90% (P3, 2021). P1 mentioned that companies would be likely to support separate collection because of its potential as a source of secondary raw materials that could be used for producing items requiring a percentage of recycled materials (P1, 2021).

A point that was raised in the interviews, but that does not stand out as much in the documents, is the idea that there was not enough stakeholder consultation. P3 heavily emphasized his and the soft drink industry's frustration over how little stakeholder consultation occurred during the SUP Directive process compared to previous legislative processes, especially in the context of the tethered cap measure (P3, 2021). P2 confirmed that there was little stakeholder consultation during the SUP Directive's legislative process, but provided the perspective that the need for stakeholder consultation was met through several opportunities prior to the publication of the proposal, e.g. through the "Road map on marine litter" (P2, 2021). P3, however, claimed (four times throughout the interview) that the lobbying efforts with regard to the SUP Directive actually failed—that no arguments the industry made apart from the requested extension on the implementation of the tethered cap design requirements resonated, and that "it was a game the industry never could have won" (P3, 2021). P2 did not make a statement directly confirming this, but acknowledged that because the measure on tethered caps was introduced late in the process, industry stood little chance to influence it (P2, 2021).

7.3 Delaying legislation

A relatively simple method that allows companies to continue "business as usual" is ensuring that the implementation of legislation is delayed. This can be accomplished through tactics such as burying undesirable measures in legal procedures, for example by claiming that more data or evidence is

necessary or a special task force is required to evaluate the evidence (Lundy, 2017, p. 17). As was evident from the results of the interviews and documents, the timeline of the SUP Directive was a major priority for the soft drink industry. The following section features an example of a lobbying tactic that was used to achieve a delay in the implementation of the SUP Directive: advocating for a better impact assessment.

Both in relation to and unrelated to the tethered cap requirement of the SUP Directive, a common assertion in the documents was that the impact assessment was insufficient to capture the full consequences of some of the measures in the SUP Directive, including economic consequences for industry and environmental consequences. Economic consequences ranged from concerns over the costs to industry due to redesign requirements and collection targets to concerns over barriers to trade (LL10.2) or the risk of fragmentation of the Internal Market of the EU (LL10.1, LL19.1). Criticism is delivered either in the form of urging the EU to conduct a comprehensive impact assessment, or in the form of critiques to the existing impact assessment for failing to capture the potential fallout of certain measures. It is worth noting, however, that even the documents asking for an impact assessment without directly criticizing the existing assessment represent a form of criticism, as many requests were sent after the EU's impact assessment was published along with the SUP proposal on May 28th, 2018, e.g. LL10.2, a joint statement by 68 industry representatives (including EUROOPEN, FoodDrinkEurope, and UNESDA) that is dated August 2018. In one document, a EUROOPEN representative argues that the impact of measures set out in existing legislation such as the Waste Framework Directive and the Packaging and Packaging Waste Directive should be fully assessed at the EU member state level before any additional legislation can even be considered (LL10.1)—representing one of the most direct critiques of the SUP proposal in this collection of documents. P3, too, criticized the impact assessment as “sloppy,” (P3, 2021). P2, however, emphasized the research that went into the process and the modeling that was conducted to decide whether one instrument was better than another (P2, 2021).

7.4 Distracting from the issue

A possible tactic for lobbyists wishing to influence EU legislation is to distract from the discussion at hand, for example by focusing the debate on a side issue (Lundy, 2017, p. 17) or placing the blame for plastic-related issues away from themselves (Tangpuori et al., 2020, p. 36), a tactic referred to by some researchers as “issue manipulation” (Pedler and Van Schendelen, 1994, p. 15). Similar strategies can be seen in Coca-Cola's dealings with the EU. Many of the documents emphasize the SUP Directive's

failure to address the supposed “root cause” of the problems this piece of legislation is meant to address. Importantly, the problem is frequently defined in the documents as “marine litter” rather than a plastic waste problem. An email from EUROPEN from May 8th, 2018 (before the official publication of the SUP proposal, but after a draft was leaked) lists the root causes as “mismanagement of certain other actors,” e.g. through poorly managed sewage systems, and lack of awareness by consumers (LL6). The letter emphasizes that most marine litter originates outside of Europe, (LL6). (China and Hong Kong have collectively imported 72.4% of all plastic waste exported around the world, and 46% of all post-consumer plastic waste from Europe is exported within and outside of Europe (Bishop et al., 2020, p. 2). After reaching a record high of 33 million tons of waste exportation in 2020, the EU proposed legislation in November 2021 to tighten the rules on the exportation of waste to poorer countries that may have less stringent waste management policies (Abnett, 2021). P3 made a similar claim in his interview, arguing that plastic itself is not an EU issue, but a global issue, and that plastic is found mainly in the Pacific Ocean (P3, 2021). The roles of infrastructure and public awareness were also stressed in EUROPEN’s position paper dated June 22nd, 2018, and a joint statement by 68 organizations in August of the same year (LL10.1, 10.2).

Another tactic along the lines of distracting from the plastic policy measures was focusing on the supposed shortcomings of the legislation itself. Many of the documents questioned the SUP Directive’s coherence as a policy in several respects. One concern related to potential confusion over how measures were meant to be coordinated within the EU’s “fragmented policy processes,” including other legislation such as the Waste Framework Directive and the Packaging and Packaging Waste Directive (LL10.1), or how legislation would be interpreted at the national vs. the international level (LL10.2). Several of the documents mention the EU’s “Better Regulation agenda,” either to express concerns over whether the SUP Directive follows these principles or calling in general for EU policies to follow them (LL10, LL6.2, LL19.1). A few documents point out redundancies between the SUP Directive and other legislation, e.g. that many of the measures are already covered by the Waste Framework Directive or the Packaging and Packaging Waste Directive (LL6, LL10, LL10.1, LL10.2).

In some documents, questions are raised about whether certain measures are “proportional” in what they ask producers to do relative to what they can accomplish. In this context, the question of responsibility—i.e., who should be held responsible for the problem and for implementing solutions to the problem—was raised repeatedly. Several letters stressed the idea of “shared responsibility” between producers and other actors such as consumers or municipalities in charge of infrastructure, e.g. EUROPEN’s statement that the plastic waste problem should be handled as a “shared effort

between competent authorities, producers and consumers” because waste (noted as “litter”) is beyond a producer’s sole responsibility (LL10.1). A similar point is made in UNESDA’s much later position paper (LL29.1). Three documents object to the targeting of one sector with regard to the clean-up costs (LL6, LL10.1, LL29.1). Several documents share concerns over the regulatory and cost burdens of industry having to bear the costs of cleanup (LL6, LL10.1, LL10.2). Some of the documents also emphasize the responsibility of “consumers” or “citizens” (e.g. LL6, LL10.1, LL10.2). A specific issue that is the focus of the proportionality argument is the question of EPR and its implementation in the SUP Directive. While two out of three interviewees stated that EPR was not a high priority issue for the bottling industry (P1, 2021; P2, 2021)—P2 claims that producers already had EPR responsibilities under other packaging legislation, so the SUP Directive did not necessarily introduce something new—it is an idea that appears repeatedly in the documents with varying degrees of criticism. In LL6.2, EUROOPEN questions the application of EPR as proposed by the SUP Directive, citing its concerns that producers would be subject to the “mercy/good will [*sic*] of national and regional governments...only bound by an undefined ‘necessary cost.’” LL10.2 explicitly criticizes the requirement for producers to cover the costs of waste clean-up. In contrast, correspondence from UNESDA in 2021 calls for “strong minimum EPR requirements.”

7.5 Providing expertise through advisory groups

One of the strategies that may be used by lobbyists influence legislation is to “be an expert,” i.e. participate in one of the EU’s more than 1000 advisory groups, some of which have the power to put forward first draft proposals for new EU laws (Lundy, 2017, p. 16). The mandate of such an advisory group may vary: some groups can draft legislative proposals or amendments, while others merely provide advice or make recommendations (Melchior, 2017, p. 132). The Commission asks for industry input through advisory committees because it frequently lacks expert knowledge on the wide range of topics the institution is responsible for (Taminiau and Wilts, 2006, p. 126). There has been little research so far on the influence of expert groups on Commission policy, for example how much content from expert group recommendations remains in proposals that the Commission actually presents (Melchior, 2017, p. 132). However, there is great potential for influence, and the philosophy of the expert or advisory group providing input on a piece of legislation can shine through in the final bill, e.g. through the scope of the bill and how the issue is framed (Melchior, 2017, p. 132). Because later efforts to influence a bill involve changing a text that has already been written, early efforts to influence the scope or direction of legislation through an advisory group can potentially have a higher impact than later lobbying efforts.

The Commission publishes a register of these advisory activities, listing the members, mission, and tasks of the expert groups as well as relevant documents. The transparency register entries for the Coca-Cola Company and CCEP do not list membership in any expert groups working with the Commission. I cross-referenced the policy and legislative areas CCEP and the Coca-Cola Company list on the transparency register as targets for lobbying activities with expert groups whose activities related to the SUP Directive, but I was unable to find a direct link between Coca-Cola and expert groups that consulted on the SUP Directive. Attempts to find a connection between UNESDA, FoodDrinkEurope, or EUROPEN and expert groups with the ability to consult on the SUP Directive were also unsuccessful. This does not prove that Coca-Cola was not represented in advisory groups that influenced the SUP Directive, merely that no conclusive evidence was discovered.

7.6 Timing the arguments

Naurin's study on lobbying tactics in the EU showed that different phases of policy making require different arguments: the earlier a piece of legislation is within the legislative process, the more important broader policy arguments are (Naurin, 2007, p. 85). Conversely, by the time a draft proposal exists, a specific target has already been chosen, so "comprehensive" arguments can be less effective (*ibid.*). Evidence from the documents and interviews supports the idea that when an argument is made can be almost as important as what the argument actually is. P1, for example, talked about pre-SUP Directive meetings that took place after the European Strategy for Plastics in a Circular Economy was adopted (P1, 2021), noting that it was of great interest to industry because of its implications beyond SUP. P2 confirmed that the level of stakeholder-EU interaction was very high when the EU's plastics strategy was introduced, noting that there was less time during the development of the SUP Directive for stakeholder consultation, but that lobbying picked up again during the ordinary legislative procedure phase (P2, 2021). It is logical that industry representatives would be interested in speaking with the EU at that time because they would increase their influence before the direction of binding legislation is chosen—meaning that industry could potentially have a hand in deciding the focus and scope of legislation. P3 mentioned timing at least six times in the interview, going into greater detail about when industry representatives might try to engage with the EU, depending on whether an initiative is at the proposal stage or somewhere in the ordinary legislative procedure: "...even the messaging can differ...from stage to stage, depending on what you've already kind of taken in as a fact, or where you believe, you know, there's still room for influencing" (P3, 2021). He contradicted P1 and P2 somewhat by saying that, although there was a great deal of engagement within the wider context of legislation leading up to the SUP Directive and the Waste Framework Directive, the industry

did not yet engage strongly at the stage of the EU’s plastics strategy because the scope of the SUP Directive had not yet been determined (P3, 2021).

It is evident that when attempting to influence legislation, an interest group’s decision about when to engage is important. P3 also mentioned the drafting process of EU legislation, claiming that the EU leaks drafts at various stages of the process as a way of testing potential stakeholder responses to certain ideas—and that, while the industry might see some “wobble room” in a draft vs. the final proposal, this leaked draft included the addition of the measure on tethered caps (P3, 2021). The sudden introduction of the tethered caps measure, according to P3, was also the catalyst for Coca-Cola to engage directly rather than only at the level of the beverage industry (P3, 2021).

Supporting Daniel Naurin’s idea that, once an issue has moved towards policy formulation, EU representatives respond best to “technical” arguments, the PriceWaterhouseCoopers (PWC) impact assessment was delivered after the publication of the SUP proposal. According to P3, the results of the impact assessment were, from his perspective, one of the few arguments that resonated with the EU during the legislative process (P3, 2021).

The evidence from the documents suggests that the most detailed or numerous arguments/amendments were delivered in the earlier stages of the legislative process, either after the SUP Directive’s initial proposal was leaked or within the first few months of its publication. Some of the most specific and detailed letters and documents were sent to the EU between May 8th, 2018—according to the documents, this was shortly after a draft of the SUP proposal was leaked—and December 2018. This is further supported by the list of meetings between Coca-Cola’s interest groups and the Commission, the majority of which took place in 2018:

Number of Meetings	Year
5	2017
7	2018
2	2019
5	2020
4	2021

*Table 3: Number of meetings between Coca-Cola and the EU between 2017 and 2021
(European Union 2018, a-d)*

According to the list above, the largest number of meetings were held in 2018, during the period when the SUP Directive was in its early legislative stages. This is an indicator that considerable time was

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invested during this period and may indicate that this was a significant period for accomplishing lobbying goals.

Letters and documents after this period primarily deal with voluntary industry commitments or commentary on the draft SUP guidelines. With this small a sample size, and without evidence that the documents represent all of the correspondence between the EU and industry representatives during the period relevant for this discussion, it would be difficult to point in more specific terms to patterns of argumentation within the EU legislative process, but this analysis provides an idea of general trends.

7.7 Adding Value

Naurin's study found that an essential factor in successful lobbying is "adding value" to the proceedings by bringing constructive arguments (Naurin, 2007, p. 88). Rather than being seen as obstructing the legislative process by opposing legislation outright, lobbyists tend to offer constructive feedback and alternative solutions (*ibid.*). In a lecture on June 2nd, 2021, a Brussels interest representative made similar points on the effectiveness of certain lobbying techniques. He argued that lobbyists want to be seen as "part of the solution:" no interest representative wants to be seen as opposing a popular trend in the EU political sphere, as this would cause policymakers to take their position less seriously (Interest Representative for a public service provider in Brussels, 2021). He emphasized the importance of a positive "frame" or "narrative" for lobbyists, who strive to be seen as helpful to policymakers. He stated that lobbyists first agree with the larger message or general principles of EU policies, then offer "constructive" suggestions to steer the policy in the direction that they want (*ibid.*). Such suggestions can include drafts for amendments—perhaps composed by a law firm, which can lend such a draft an additional sense of legitimacy (Lundy, 2017, p. 16).

The interviews provide evidence in support of the idea that "adding value" is a tactic used by lobbyists. All three interviewees agreed that as a rule, groups displayed an effort to sound constructive in their approach. P2 emphasized that Coca-Cola, in particular, had changed its public relations from "burying their solutions" to "looking now to find solutions for their problems," (P2, 2021). P1 mentioned that everyone approached EU representatives with a view towards being "supportive," further noting, like the Interest Representative, that it would have been odd for industry representatives to place themselves in opposition to legislation that had gained strong public attention (P1, 2021). P2 and P3 talked about companies working to predict where the public attention is likely to go with regard to potential legislative initiatives, P3 in terms of what impact it could have and P2 from the point of view that no company is going to position itself against popular legislation (P2, 2021; P3, 2021). Like IR, P3

argued that the days when lobbyists could actively lobby *against* something are over, and that “if it’s already there, it comes from societal pressure” (P3, 2021). Attempting to completely block a piece of legislation that has widespread societal support could risk tarnishing the image of companies that have positioned themselves as “green,” and would consequently be a risky move for businesses. Instead, P3 says, legislation can be turned “a little bit to the left or a little bit right”—a technique of steering legislation in a preferred direction rather than opposing it outright.

The majority of the documents analyzed here follow a similar pattern of positive reinforcement followed by delicately worded suggestions, constructive criticism or outright suggested amendments to legislative proposals. “Positive reinforcement” tactics include acknowledging at least some part of the environmental problem for which the EU is currently working on solutions, for example “The 68 co-signatories acknowledge the problem of plastic pollution,” (LL10) or “We agree with the identified challenges listed in the Roadmap,” (LL29.1). Documents may also express overall support for the SUP Directive and related environmental principles, e.g. “FoodDrinkEurope...is supportive of the ambition of the EU Commission to reduce the impact on the environment of plastic packaging...” or praise certain measures, such as FoodDrinkEurope’s comments on the first draft of the SUP Directive guidelines in March 2020, which repeatedly listed a definition or method they felt was positive by saying “We welcome [this provision],” (LL14.1). Once this basis has been established, the document (whether a letter, email, or position paper) frequently moves on to its criticisms. One example position paper by EUROOPEN combines this tactic in one sentence: “EUROOPEN supports the overarching objectives of promoting a transition to a Circular Economy and tackling marine litter, while ensuring the efficient functioning of the Internal Market,” (LL10.1). This argument can be seen as serving a dual purpose: emphasizing EUROOPEN’s commitments to the dual EU priorities of ensuring environmental and economic sustainability as set out in the EU’s Sustainable Development Goals, and positioning EUROOPEN as a constructive partner while also defending its own interests as an industry organization. FoodDrinkEurope carefully acknowledges the problem the Commission’s proposal seeks to address before launching into its concerns: “Whilst FoodDrinkEurope and its members share the objectives of the proposal and acknowledge the importance of fighting litter, we see certain provisions raising specific concerns...” (LL25).

Although several of the lobbying letters were critical of the SUPD Directive, no document opposed the SUP Directive outright, and few lobbyists shared a negative opinion without first engaging in the positive reinforcement strategy described above. The exceptions to this tactic were rare, but a few documents did share critical views on the SUP Directive without a longer preamble. A correspondence

chain between EUROPEN and a Commission representative between May 8th and June 26th, 2018, after the SUP proposal was leaked by EU media before its official publication on May 28th, demonstrated blunt criticism of the SUP proposal without the typical assurances of partnership and supporting principles at the beginning of the letter or email. The first email from EUROPEN on May 8th, 2018 (LL6) begins by questioning the coherence of the policy, as the proposed measures are supposedly already covered by existing legislation, some of which had not yet been implemented at the time the letter was written. Next, the letter criticizes the lack of proportionality or fairness of specific Extended Producer Responsibility (EPR) measures, arguing that producers already finance end-of-life packaging measures “in line with their role and responsibility,” and therefore further EPR measures would be “disproportionate” to producers’ responsibility for the problem (LL6). Next, the letter argues that this proposal does not follow the principles of Better Regulation because of the “excessive” regulatory and cost burdens on industry (LL6).

After the EU sent a response, EUROPEN sent a follow up email stating that “From where we stand, we are unfortunately less reassured” (LL6.2). EUROPEN’s email does follow up by saying that the organization is not a “defensive industry group” and acknowledges “our fair part of the polluter pays principle” under EPR, offering a few more conciliatory statements, but overall, this correspondence is more direct than the average document featured in this collection.

7.8 Maintaining positive relationships

As explained in the previous section, lobbyists tend to approach EU representatives with the intention of being “constructive.” As Naurin explains, lobbyists try to portray themselves as committed partners in a mutually beneficial relationship, seeking solutions that are acceptable to all parties (Naurin, 2007, p. 104). Part of this strategy, according to the Interest Representative, is to create a positive “frame” or narrative in which the lobbyist is trying to help the policymaker (Interest Representative, 2021)—a way to ensure a mutually beneficial relationship. This is not to say that lobbying depends exclusively on “friendship” in the traditional sense. In his lecture, the Interest Representative talked about the increasing professionalization of lobbying, with greater formalization of lobbying processes, restrictions on giving gifts to policymakers, and a larger number of increasingly specialized lobbyists rather than the traditional image of a few lobbyists with privileged access to policymakers trading favors over dinner (Interest Representative, 2021).

The interviews reflect the nuances of this kind of relationship: P2 talked about how lobbyists are interested in building long-term relationships, but with an agenda “driven by the political outcomes,”

(P2, 2021). P1, who is an official in the Commission, had difficulty in some circumstances differentiating between the details of conversations between the bottling or beverage industry and other industries lobbying the EU on the SUP Directive because of the sheer volume of stakeholder input. P2 and P3 discuss maintaining relationships, particularly long-term relationships, between industry representatives and members of the EU. P2, however, mentions the circumstances under which a relationship could be “burned”—an outright lie from industry representatives would permanently destroy the relationship (P2, 2021). During his interview, P3 had a forceful reaction to the discussion of the Commission’s successfully passing the SUP Directive with what he considered too little industry input. He called the legislative process “that idiotic political process,” repeatedly described the industry’s sentiments about the matter as “frustration,” and emphasized that the Commission did not ask industry about the tethered cap measure or “have a conversation on how to move forward”—indicating a sense of betrayal and disappointment with something that in other political processes might have been expected (P3, 2021).

The documents demonstrate how these tactics of maintaining relationships can manifest themselves, albeit with the exceptions described here. The overall tone of the letters was conciliatory, emphasizing points that industry and EU agree upon and using phrases along the lines of being committed to finding solutions or supporting the EU: “The Coca-Cola system look forward to understanding how we can further contribute to the Commission’s ambitious agenda for sustainable growth,” (LL1.1), “I look forward to working together on this important societal challenge” (LL4). Some expression of support for the EU and its principles was present in almost every letter or email from the industry to the EU. From the information in the documents and the interviews, there is no evidence to support the idea that any representatives of the soft drink industry found it necessary to abandon the overall cooperative tone when interacting with EU officials.

7.9 Making voluntary commitments

One strategy that appeared to a significant degree in both the interviews and the documents was the concept of voluntary commitments by industry. Focusing on voluntary commitments can serve a dual purpose: displaying a company’s commitment to realizing the goals of the EU to demonstrate that they are “part of the solution” or supporting the argument that regulation is unnecessary because voluntary actions are already accomplishing environmental goals (Tangpuori et al., 2020, p. 36).

P1 and P3 both expressed the relevance of voluntary commitments to the SUP Directive lobbying process: P1 noted that when the Commission starts regulating business activities, businesses insist

that they have already committed to certain voluntary actions (P1, 2021)—the implication being that additional regulation would not be necessary. She also noted that Coca-Cola, in particular, has made substantial voluntary commitments (P1, 2021). P3 used the interview to express how ambitious Coca-Cola’s commitments are, and how the company’s environmental strategy is geared towards staying ahead of larger societal trends on which it would be unwise to fall behind (P3, 2021). He noted that some of Coca-Cola’s environmental commitments, such as their recycled content commitment (50% recycled content by 2025), and their collection target (100% of the equivalent of all plastic produced) are actually higher than the targets set by the EU (P3, 2021). He also posited the idea that Coca-Cola would benefit from the EU’s measures because its competition would have to take on the extra costs of adapting to sustainability measures as well (P3, 2021). P1 addressed this point by stating that companies tried to align voluntary commitments with the SUP Directive (P1, 2021); while a definitive conclusion cannot be drawn here, the lasting impression from her interview was that she may have viewed the commitments as more reactive than an independent phenomenon.

The importance of voluntary commitments and pledges and the general expression of interest in contributing to causes important to the EU are recurring themes in the documents—e.g. Coca-Cola’s claim that they “do business the right way, not just the easy way” (LL4). Coca-Cola’s “World Without Waste” program, an environmental initiative launched in 2018 that aims to “create systemic change by driving a circular economy” for its packaging (The Coca-Cola Company, 2021, p. 2), features in many of the documents analyzed here. LL4, for example, a letter from Coca-Cola Western Europe that was sent to the EU on February 12th, 2018—before the official publication of the SUP proposal but after the closure of the “Reducing marine litter: action on single use plastics and fishing gear” public opinion consultation—does not make any direct requests of the EU, either for funding or a policy change. Rather, voluntary commitments and pledges fit into the idea of relationship-building discussed in the previous section: highlighting Coca-Cola’s role as a committed partner in achieving goals rather than an adversary against whom the passage of legislation would be a battle. If Coca-Cola sensed that a legislative initiative was working its way through the EU pipeline, it would also make sense for the company to secure its lobbying position by shoring up its image before a potential tone shift if unfavorable legislative measures were to be introduced. The World Without Waste program is also mentioned in letters LL1.1, LL22, LL26, and in LL26.2, which is actually a flyer for the World Without Waste program.

Other examples of industry representatives touting voluntary commitments include the joint statement from 68 packaging value chain organizations on the SUP proposal, which claims that

producers are already doing their share to solve the plastic problem by financing EPR recycling and waste recovery schemes as well as “litter awareness-raising campaigns,” (LL10.2). This claim is supported by the statement “However, producers do not have the levers to solve the problem alone” (LL10.2)—managing to simultaneously imply that additional legislation is unnecessary because industry is already self-regulating, and diverting responsibility to other actors. UNESDA talks about the soft drinks sector’s efforts to develop packaging collection initiatives within the EU, as well as its own voluntary initiative to improve recycling by evaluating PET-related technology, production, and design (LL19). A March 2020 briefing for the Commission mentions UNESDA’s interest in “enhanced recycling” and the EU’s potential to create a “framework” to support these efforts (LL31). Coca-Cola, in an otherwise short email, pitches its paper bottle prototype to the EU while requesting a meeting with members of the Commission (LL22). Interestingly, some organizations also include voluntary commitments that are unrelated to the issue that is most immediate in the document, e.g. Coca-Cola’s inclusion of its 5by20 and Gira Mujeres initiatives, targeted towards women’s empowerment (LL26, LL26.1, LL26.3). Similarly, UNESDA’s “Aspirations” for 2019-2024 document, ostensibly about its many contributions to sustainability, also makes numerous references to nutrition and health goals (LL19). Although not explicitly stated here, it is possible that the inclusion of these otherwise incongruent topics speaks to the idea of relationship-building beyond a specific, short-term goal.

Organizations also make a point of sharing their progress in some of these voluntary commitments, including:

- Coca-Cola’s progress in reducing the weight and amount of packaging materials by 27% over the last ten years (LL4)
- UNESDA’s update on its members having similarly made reductions in the amount of raw materials used in packaging, thus requiring less fuel to transport and generating fewer CO2 emissions; in addition, claims about the progress of increasing the recyclability of its products (LL19, LL19.1)
- UNESDA’s progress update on waste collection schemes (LL19.1, LL21)
- Coca-Cola’s successful development of 100% recycled PET bottles in some markets (LL22)
- Coca-Cola’s progress on its non-environmental 5by20 and World Without Waste programs (LL26, LL26.1, LL26.2)

The presence of these types of statements in so many of the documents indicates the likelihood that this is an important tactic for lobbyists, at the very least in the area of environmental legislation, and

that it likely represents a gesture of goodwill with the intended effect of demonstrating a commitment to partnership and working towards shared goals.

7.10 Choosing the right messenger

In lobbying, the persuasiveness of a given argument has the potential to be influenced by who the sender is (Naurin, 2007, p. 94). According to the Hillman and Hitt model introduced in a previous chapter of this thesis, one of the basic decisions of any lobbying strategy is whether to act individually, in this case as a business, or collectively, here as a trade association or other type of lobbying coalition (Hillman and Hitt, 1999, p. 837). Acting as an individual business has the advantage that the lobbyist is only responsible for advocating for policies that affect its own business, perhaps gaining an advantage over its competitors. The lobbyists in Naurin's study stated that trade associations are sometimes perceived among EU officials as obstructive or otherwise unfavorable (Naurin, 2007, p. 97). A major advantage of lobbying coalitions or trade associations, however, is the ability to pool resources and to "speak with one voice" (Klüver, 2013, p. 28). Forming alliances with industry partners also makes it possible to distribute the arguments between coalition partners (Naurin, 2007, p. 95)—so while multiple interest groups are making the same overall point about what is important in a specific policy, EU officials may be hearing different arguments to support this idea.

The question of choosing the right "messenger" came up several times in the course of all three interviews. P3, for example, discussed the process of deciding how and on what topic to engage, noting that the key question is what level of industry would be interested in a particular topic (P3, 2021). For example, even different subsections of Coca-Cola might have different interests, as the bottlers and the main brand do not all handle the same topics: according to P3, the Coca-Cola Company deals mainly with what goes into their product, while the bottlers deal with "virtually everything else," from environmental issues to product quality issues to societal impact and labor (P3, 2021). The consensus from the interviews is that companies will act to protect their own interests. This could be at the level of the packaging supply chain, in which case EUROOPEN would be an appropriate representative able to bundle the interests of multiple organizations (P2, 2021; P3, 2021). Alternatively, as P3 states, it could be at a level where it would make sense for only Coca-Cola to approach the EU, or even at a level beyond the beverage industry necessitating a higher level of industry coalition (P3, 2021). P3 also presented it as a matter of scale: Again, a more in-depth analysis of the strategic decision behind choosing certain groups to deliver certain messages cannot be fully explored here without knowing whether any document correspondence is missing, or comparing the

use of trade associations as a messenger in this setting vs. another topic handled by the EU. It is noteworthy that despite Naurin’s insistence that trade associations are considered “obstructive” and “the lowest common denominator” by lobbying strategists in Brussels (Naurin, 2007, p. 97), trade associations were frequently the method by which information was delivered to the EU in this case—including some of the more critical takes on the SUP proposal. The documents, which were retrieved from Commission archives, represent lobbying efforts primarily in the late stages of drafting the SUP proposal and after its publication, with some extending past the passage of the SUP Directive. Consequently, they may only represent a partial picture of lobbying on the SUP Directive, as no documentation was found about lobbying efforts from the early drafting period of the SUP proposal.

As previously noted, the document breakdown by organization was as follows:

The Coca-Cola Company	9
Coca-Cola European Partners (CCEP)	2
UNESDA	12
UNESDA	12
FoodDrinkEurope	8
Larger industry alliance	3

Table 4: Document breakdown by organization

These numbers indicate that not only were trade associations used frequently as the messenger for industry positions on plastics legislation in the EU, but that they were used more frequently than companies themselves, at least in the case of Coca-Cola. This is further supported by the results from the meetings between Coca-Cola’s interest groups and the EU, which revealed that meetings between trade associations and the Commission far exceeded those between the Coca-Cola Company or its bottlers and the EU.

Between 2017 and 2021, entities representing Coca-Cola had 27 meetings with members of the Commission on the subject of the SUP Directive that were captured in the voluntary disclosures made on the transparency register. Data for Coca-Cola Hellenic is not available because this company does not have an entry in the transparency register.

Organization	Number of meetings
EUROPEN	6

UNESDA	11
The Coca-Cola Company	4
CCEP	1
FoodDrinkEurope	5

*Table 5: Meetings between Coca-Cola and the EU
(European Union 2018, a-d)*

As is evident from the chart above, the majority of these meetings were between trade associations and the EU rather than with the Coca-Cola Company or its bottlers. This may point to a pattern of using trade associations in negotiations with the EU.

No conclusions can be drawn from the documents alone about why trade associations were such a significant presence in the SUP Directive’s lobbying process, but it would appear that the industry saw some practical use for this decision. Given that, at the time most of these documents were written, the chairman of the board at EUROPEN was Hans van Bochove, a senior representative of CCEP, and that—at least according to a meeting report from April 2020—Tim Brett, CEO of Coca-Cola Western Europe and Zoran Bogdanovic, CEO of Coca-Cola Hellenic were both members of UNESDA’s Executive Committee (LL18.1), it seems reasonable to assume that Coca-Cola nevertheless had a voice in the proceedings. (How much influence Coca-Cola had or has at these trade associations cannot be concluded from these statements alone, nor does the fact that they are members of these trade associations mean that they have a specific level of influence).

7.10.1 Third-party data

While trade associations can play a significant role in lobbying, another effective tactic can be to present information or evidence from an alternative source. As Naurin’s study points out, technical arguments are more effective when delivered by actors with technical competencies, preferably independent experts (Naurin, 2007, p. 95). Similarly, think tanks provide a seemingly independent source that corporations can draw upon, offering a “veneer of objectivity and openness to debate” while potentially still supporting corporate interests, especially if the think tank is being sponsored by a specific corporation (Lundy, 2017, p. 11).

Data supplied by “independent” third parties was used by Coca-Cola representatives during the SUP Directive’s lobbying process. The most significant source of third-party data found in the documents

was the study conducted by PWC (LL3.2), which is also mentioned in LL3, LL3.1, LL16, and LL25.1. According to the report, the study was prepared on behalf of UNESDA. However, its appearance in the documents cited above means that it was also used by Coca-Cola European Partners and FoodDrinkEurope repeatedly throughout the SUP Directive's legislative process and after its official passage into law. This in itself points to a kind of industry collaboration, as the document would have to be made available to multiple parties in order for it to be used as a source by these different groups. The study's repeated use also supports the point made by P3 that the conclusions drawn in this report were effective at least to some degree, or else it would not be logical for industry representatives to use this information repeatedly. The primary focus of the report was the impact on industry as a result of the tethered caps measure of the SUP Directive, although the report also drew conclusions about the effectiveness of certain other measures, stating that a 90% collection target would be the most effective way of reducing marine litter, while the tethered cap measure could add significant environmental costs (LL3.2).

All three interviewees discussed the use of third-party data as a strategy, although from vastly different perspectives. P1 and P2 emphasized that information provided by lobbyists may not always be completely accurate. P2 explained that while certain aspects of the information may be true, this information might only apply in a specific context and might not be relevant to what is being discussed (P2, 2021). It is worth noting that P2 emphasizes NGOs here, stating that while NGOs typically have a better reputation as pro-environmentalists vs. pro-business entities, information that they provide will also be driven by a mission and may face similar issues with only being true in specific contexts (P2, 2021). P1 questioned whether data supplied by an industry representative—such as the data from the PWC study—would have the best information on whether one measure is more environmentally sound than another (P1, 2021). One example where the interviewees clashed was on the validity of the PWC study results. P3 argued that PWC's assessment of the impact of the measure on tethered caps was one of the few arguments by industry representatives that actually resonated with the EU, and that it dispelled mistaken conclusions from the EU's original impact assessment that the tethered cap measure would not have a negative effect on industry (P3, 2021). P2 countered that the calculations held some degree of truth, but were "exaggerated," and that the EU's response was to mitigate the potential impact by providing a time extension on the tethered cap measure (P2, 2021). It should be noted that while the original impact assessment did not discuss the potential impact on industry from the tethered cap measure, it also did not explicitly state that there was *no* impact whatsoever.

The study makes estimates about the potential financial and environmental costs of the measure based on certain factors such as the additional use of plastic resin due to the change in design requirements. While it would be difficult to judge the validity of the conclusions drawn in this report based on the data and methodology in the report alone, at face value the arguments seem to be sound. The report does not, however calculate the efficacy of the tethered caps themselves—e.g. whether tethering the caps will have a positive environmental impact by ensuring that more plastic is recycled because it is not lost in the waste collection process. It also operates from the perspective that additional costs to industry are negative in and of themselves. Whether or not the actual claims of the report are accurate is, in this context, irrelevant: the point is, as P1 and P2 argued in their interviews, that third-party data brought by lobbyists is inherently skewed towards an agenda and may not tell the full story (P1, 2021; P2, 2021).

Another source of information appearing in two documents was the Ellen MacArthur Foundation. UNESDA used a graphic on “the four models of reuse” created by the foundation to support their arguments about clarifying the definitions of reusing and refilling in the guidelines of the SUP Directive (LL20). In contrast to the PWC study, the data supplied by the Ellen MacArthur Foundation was not commissioned explicitly to support a corporation or trade association’s lobbying efforts on the SUP Directive. This could potentially have lent UNESDA’s arguments additional legitimacy as a “neutral” source of information whether the data was free of corporate bias or not.

7.11 EU Results

To a limited degree, some observations can be made on the EU’s acceptance or rejection of certain arguments made by industry representatives. It was evident from the interviews that, at the very least, the Commission representatives approached information provided by industry with some degree of skepticism, with both interviewees, as previously discussed, mentioning that they take care not to accept all of this information at face value. P2 directly admitted that the Commission had made at least one concession to industry requests, i.e. the timeline extension for the implementation of the tethered cap measure (P2, 2021).

In the documents, responses from the EU were only rarely included, so their reaction cannot be gauged in most cases. However, in some ways the EU responses that were included seem to parallel the methods used by lobbyists: an overall positive, friendly tone; a willingness to meet and exchange information; and occasionally a more detailed response to arguments made by the industry that emphasizes a desire to maintain a “constructive dialogue” with the industry (LL6.1, LL8.1). Although

not all of the 19 instances where industry representatives requested a meeting have responses here in this document collection, three received a positive response, and although 4 were turned down by the EU due to time constraints, in three instances the EU mentioned an alternative member of the EU with whom the industry representative could speak.

8. Discussion

In this thesis, I have searched for answers to the question of how businesses influence legislation—in particular, environmental legislation on the use of plastics by the companies that have a vested interest in how this legislation is drafted and implemented. The answer, however, is far from simple. The research conducted for this thesis revealed various strategies that organizations may use in order to attempt to exert influence, with varying degrees of effectiveness.

The results of the document analysis and interviews brought up several points that were consistent: the core of lobbying activities is to develop a relationship between the person attempting to exert influence, and the institutional representative whose influence is necessary. A trend in the research, echoed in the lecture presented by the Interest Representative (Interest Representative for a public service provider in Brussels, 2021), is that this relationship is vitally necessary in order to achieve any success at all in lobbying, and that combative approaches tend to be far less effective. Ideally, the actors would work together, taking into account other stakeholder perspectives and finding a mutually agreeable solution. Overall, this approach is consistent with the lobbying efforts seen in the context of the SUP Directive. Effective lobbying tactics include knowing what to say, when to say it, and who should deliver the message, with the goal of adding value to a legislative approach.

It is evident from the document analysis and the interview results that lobbyists on this issue made arguments based on three criteria: 1) the predicted fallout for industry of certain measures, 2) the efficacy of measures based on the perceived “root cause” of the issues the legislation attempts to address, and 3) the perceived “fairness” or proportionality of measures in relation to the industry’s contribution to the issue and its ability to address the issue. Arguments were then packaged under the narrative of “constructive suggestions” and the stated goal of adding value to and improving upon EU legislative measures. The arguments address areas of interest specific to DG-Environment, such as the ability of the legislation to accomplish its environmental goals, as well as to wider EU priorities of balancing environmental commitments with social and economic responsibility. Furthermore,

correspondence was (as far as can be discerned given the EU Archives' selective redaction of some names in this correspondence) addressed to parties with whom correspondence or meetings had previously taken place, suggesting that lobbyists were trying to communicate a specific message to certain parties. However, without a detailed analysis of lobbying correspondence between industry representatives and other branches of the EU, little can be concluded about how industry representatives tailored their arguments to DG-Environment vs. other Commission departments, or other EU branches such as the Parliament or Council. Similarly, few conclusions can be drawn about whether the emphasis on voluntary commitments was a choice unique to this lobbying effort or whether it is a tactic used in other lobbying engagements by these industry groups.

Despite the evidence of lobbying strategies revealed in the documents and interviews, there are certain gaps in the discussion about lobbying in the EU. As previously stated, this thesis does not represent the full spectrum of lobbying options available, from direct influence through participation in advisory groups to attempts to change public opinion through the media. The lobbying activities discussed here represent a small but significant portion of these activities.

It is difficult to prove a direct link between a specific lobbying tactic and the wording that appears in a legislative initiative. As an Interest Representative pointed out in a lecture at the University of Vienna on June 2nd, 2021, lobbyists might be able to recognize wording they drafted in a piece of legislation, but it is difficult to prove conclusively that this wording came from a lobbyist as opposed to from a policymaker (unless, for example, an entire paragraph can be traced back to a draft proposal or amendment written by a lobbyist). In a hypothetical scenario, the bottling industry might be lobbying against a specific aspect of a piece of legislation, but decisions to change it might have been based entirely on arguments raised by another industry group who are not in communication with the bottling industry but who have parallel interests—yet there is no certainty. Though there are limitations on what can be concluded about the degree of influence exerted by various industries over the EU, patterns can be traced in the interactions between industry and EU representatives that point to the existence of certain power structures.

The EU system is built with many mechanisms to solicit opinions. Online public consultations present a relatively low barrier for access, in addition to which the public can contact members of the EU with questions or opinions, either through the central phone line or through publicly available online channels. If the EU sees an issue that is not adequately being represented through interest groups such as think tanks or charitable organization, the EU will provide funding. In theory, this means that

stakeholder opinions should be collected democratically, in direct proportion to the citizens of the EU. In practice, however, representation is rarely equal. For one thing, trade organizations such as UNESDA, EUROOPEN, and FoodDrinkEurope provide a cross-cutting forum for discussion where the voices of many interests can be heard through a united front—a feat that is not easily possible for the average citizen, even with the advent of social media. Trade organizations give the industry a voice, and the shared priorities of the industry representatives that make them up are easier to hear when amplified by a large group of individuals. Corporations and trade organizations are also able to fund research that is favorable to their position, pay consultancies to design advertising campaigns and lobbying strategies, and have easy access to large-scale media with which they can influence public opinion. Entire departments within an organization may be devoted to such activities. Even with the many channels available to the general public for contacting the EU, access may not be equal; marginalized populations with neither the time nor the resources to ask questions of the EU may not be able to have their voices heard to the same extent.

Lobbying has changed over time: the Interest Representative talked about the increased professionalization of lobbying, as well as restrictions by the EU on giving gifts to policymakers. Regulations on accepting gifts and hospitality from lobbyists in the EU are somewhat ambiguous—a 2016 informational document from the EP lists only voluntary measures implemented by individual member states (Grosek and Claros, 2016), while the EU’s European Ombudsman provides recommendations for ethical interactions between the Commission and interest representatives aimed at disclosure, transparency, and avoiding compromising situations (European Ombudsman, 2017). A 1962 regulation (updated in 2021) forbids EU entities such as the European Economic and Social Committee, the Committee of the Regions, and others from accepting gifts of any kind, but does not apply these rules to the Commission, the EP, or the Council to these rules (Official Journal of the European Communities, 1962). Such policies are aimed at eliminating corruption and bribery, which would benefit deep-pocketed corporations, but companies may still use workarounds such as inviting EU officials to lunch or dinner or events hosted by the corporation. While this regulation may mitigate some direct or obvious channels to corruption by wealthy lobbyists, it does not mean that such avenues are completely closed off.

Political ecology offers an additional perspective to this discussion. As political ecologist Roderick P. Neumann points out, “environment and how we acquire, disseminate, and legitimate knowledge about it are highly politicized”—they are a reflection of power relations in a system (Neumann, 2005, p. 1). If the Commission drafts legislation on the basis that Europe’s economic system has inherent

value, and environmental legislation should seek to make it possible for businesses to continue to operate, then it inherently supports the existing power structures in the EU. Likewise, the EU's willingness as an institution to speak with representatives of various industries about potential or ongoing legislative initiatives is a pragmatic recognition that stakeholders must be consulted in order to maintain existing economic and political structures. As a supranational government institution, the EU attempts to balance the interests of a variety both stakeholders on different levels, from national interests to business interests to those of various minority, civil society, or other groups. If the EU solicited opinions only from civil society and environmental groups, it would be ignoring the business perspective and, by extension, take a position against the prevailing economic structures of its own society. With political ecology as a means to examine social, economic, and ecological dimensions within a society, it seems logical to conclude that tensions between economy and ecology are unavoidable: "green" measures do not exist in a vacuum, and they have the potential to hurt marginalized populations in their very attempt to solve problems, for example by cutting off certain jobs or hurting businesses that were creating livelihoods in underserved areas. Thus, creating regulations involves a complex array of compromises among various interests, some of which may be more prominently represented in some regulations versus others.

At the present time, there are obstacles to creating regulations to cut down significantly on problems related to plastic waste. Plastic is a popular packaging material because of its light weight, making it cheap to transport relative to heavier material such as glass, which would also require higher fuel emissions to transport. Single-use paper bags, suggested in some circles as an alternative to lightweight plastic bags, which do not decompose quickly and may be carried by winds into marine or other natural environments, may require more energy to produce than single-use plastic bags (White and Lockyer, n.d., p. 43). According to one study, reusable grocery bags have the potential to contribute up to 60% less impact than a single-use paper bag (Gómez and Escobar, 2022, p. 115). However, this does not take into account the energy costs required to create the bags, the materials used to create such bags, or the method of disposal once such bags have reached the end of their lives. As with other types of plastic packaging, plastic beverage bottles are lighter than other packaging materials, and can therefore be transported with a lower fuel output than other beverage packaging.

As of January 1st, 2022, Germany is enacting legislation on a deposit return system (DRS) for all single-use beverage packaging up to three liters, with plans to extend rules to other types of packaging such as takeout containers (Grimmer, 2022). These regulations are an expansion of a DRS originally introduced in 2003. Germany's plan has several advantages: as discussed in previous chapters,

introducing deposits for bottle returns can significantly increase the percentage of bottles that are collected, cutting down on the number of bottles that end up in natural environments or landfills. In addition, the provision to only allow reusable containers for food delivery and catering services (Grimmer, 2022) could potentially take a large amount of plastic out of circulation. With a relatively high deposit fee of 25 cents, there is likely to be a high rate of return for bottles (Cwienk and Ruiz, 2021). With major retailers in Austria reversing their previous opposition to DRS, there is a potential for such systems to spread across Europe. Nevertheless, the DRS is not the answer to all questions with regards to plastic. In years past, Germany's DRS has been criticized for failing to incentivize reusable bottles; in fact, since the introduction of the scheme, the percentage of reusable bottles has reportedly sunk from 80% to below 50%, and several retailers such as Aldi and Lidl have converted to collecting only single-use PET bottles in order to cut processing costs (Oltermann, 2018). This is a problem because of plastics' limited recyclability, the energy necessary to recycle plastics, and the failure to cut down on virgin plastics entering the market. Germany's DRS represents an important step in the right direction, but its solution works in particular because of Germany's strong infrastructure and relatively small geographic span. While such systems have the potential to be successful in densely populated Europe, this solution may not be viable in more expansive regions in other countries due to high transportation and energy costs.

9. Conclusion

The proliferation of plastics in modern society has both made countless scientific innovations possible and created a number of new problems on a global scale. With variations in chemical compounds and the existence of multi-layer packaging complicating large-scale recycling efforts, the accumulation of plastics in the environment has made the question of waste disposal one that many governments have sought to address.

In this thesis, I aimed to answer the question of how businesses influence environmental legislation in the EU, using the SUP Directive and Coca-Cola as an example. Drawing from research on EU decision-making processes, literature on lobbying practices, and primary sources such as legislative documents, archived correspondence, and qualitative interviews, this thesis has revealed many possible paths that interest groups can use to exert influence. There were several obstacles to the research, including the limited willingness of industry representatives and EU officials to answer any questions and the level of access of certain resources vs. others. Nevertheless, several things can be concluded from this research.

First, the attempts by various interest groups to influence EU policymaking work across a broad range of strategies, from direct to indirect methods. Writing letters to and requesting meetings with policymakers represents only a small part of the strategies interest groups might use. This thesis examined a small subsection of this type of lobbying, focusing to a large extent on lobbying efforts after the official publication of a legislative proposal. Other lobbying strategies, including participation in advisory groups, media advertising campaigns, and the use of “astroturfing” through corporate-funded “grassroots” organization are touched upon here, but not explored in detail.

Second, the importance of relationships—between corporations and the EU, between individual representatives of corporations and specific EU officials, between trade organizations and various branches of the EU—cannot be overstated. The research showed that maintaining these relationships, knowing how and when to make arguments, what arguments to use, and who should deliver the message were key strategic points used by organizations.

Third, the research demonstrated that Coca-Cola has historically relied upon lobbying and relationships with government officials in various countries (in the EU and in the U.S., for example) to influence policy in a way that favored its business interests. In the case of the SUP Directive, Coca-Cola relied heavily on trade organizations to promote its message, attempting to lean on the common interests of other food and beverage industry groups to amplify its arguments.

Finally, it became clear that despite concerted effort by companies such as Coca-Cola, the comparison of the original proposal to the final version of the SUP Directive, coupled with evidence found in the documents and interviews, indicates that beverage industry representatives such as Coca-Cola were largely disappointed in their lobbying efforts related to the SUP Directive. While some concessions were made, such as the expansion of the timeline to implement tethered caps, the industry’s vocal opposition to tethered caps did not succeed in removing the measure entirely. However, this conclusion does not take into account lobbying efforts made in the drafting of the initial text, which may have been influenced by advisory groups whose members were affiliated with Coca-Cola.

The full extent of the ability of interest groups to influence environmental legislation in the EU, and the degree to which they are successful, require further research. In particular, there is currently no way to definitively determine whether one act of lobbying led to an amendment or specific wording within legislation. Nevertheless, this thesis was able to answer several questions about the ability of interest groups to influence environmental legislation in the EU, and the strategies they may use to accomplish their goals.

The lack of clear consensus on the effects of plastic ingestion on humans has the potential to make regulations to prevent this issue more complex, as the root causes and best ways to address the problem may not be sufficiently clear without a better understanding of the full life cycles of plastic and other materials. The uncertainty also offers lobbyists an avenue to argue that more research needs to be conducted before any action can be taken. Therefore, further research on the root causes of plastic waste, and strong evidence of the connection to human activities, will be necessary to create a stronger basis for legislation.

10. References

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11. Annex

11.1 EU document list

This represents the full list of lobbying letters and related documents analyzed for this thesis. The reference numbers were created by the author to make individual documents easier to keep track of. Reference numbers with decimal points represent documents connected by subject, recipient, and/or topic. The names of EU officials and corporate representatives who were the authors or recipients of these letters were included when not redacted by the EU Commission's archives.

These documents were divided into 31 different "content threads" that group together correspondence across multiple documents that references the same meeting or topic as in the chronologically first piece of correspondence. If the first piece of correspondence is referred to as LL1, for example, any related correspondence will be listed as 1.1, 1.2, etc. These threads were created for the purpose of following a particular conversation to whatever conclusion is available here.

All of these documents originate from document requests to the Commission made either by me or by other users of AskTheEU.org.

#	Organization	Date ⁴	Subject	EU official	Corporate representative
LL1	Coca-Cola	6.1.2020	EU Green Deal/meeting request	Frans Timmermans	
LL1.1	Coca-Cola	7.1.2021	EU Green Deal/meeting request	Frans Timmermans	
LL3	CCEP	2.12.2018	SUP proposal	Sarah Nelen	Hans Van Bochove
LL3.1	CCEP	2.12.2018	Impact assessment		
LL3.2	UNESDA, EFBW, PWC	30.11.2018	PWC impact assessment conducted for UNESDA and EFBW: "Understanding the economic and environmental impact of tethered caps"		
LL4	Coca-Cola Western Europe	12.2.2018	World Without Waste strategy	Frans Timmermans	Tim Brett

⁴ Dates are written according to DD.MM.YYYY format.

LL4.1	Coca-Cola/Coca-Cola Services	8.3.2018	Follow-up to request for meeting: World Without Waste	Timmermans	Tim Brett
LL5	EC to Coca-Cola	12.4.2018	Response to World Without Waste letter	Helena Braun, Frans Timmermans	Tim Brett
LL6	EUROPEN	8.5.2018	SUP proposal	Daniel Calleja Crespo, [redacted]	[Redacted] Managing Director
LL6.1	EC to EUROPEN	20.6.2018	SUP proposal	Daniel Calleja Crespo, [redacted]	Virginia Janssens
LL6.2	EUROPEN	8.5.2018-26.6.2018	SUP proposal--original email, EU response, and follow-up	Daniel Calleja Crespo, [redacted]	Virginia Janssens
LL6.3	EUROPEN	22.6.2018	SUP Proposal - position paper		
LL7	EC to EUROPEN		SUP cross-industry joint statement	Head of Unit	
LL8	FoodDrink Europe	30.4.2018	Views on SUP Proposal	Ben Smulders	Tove Larsson
LL8.1	EC to FoodDrink Europe	15.6.2018	SUP proposal	Ben Smulders	Tove Larsson
LL9	EUROPEN	31.1.2018	Invitation		
LL10	EUROPEN	22.8.2018	SUP cross-industry joint statement	Helena Braun, Grzegorz Radziejewski, Aurore Maillet, Carsten Bermig	Virginia Janssens, Managing Director
LL10.1	EUROPEN	22.6.2018	SUP Proposal - position paper		
LL10.2	EUROPEN	8.2018	SUP cross-industry joint statement		Other signatories include, FoodDrink Europe, UNESDA
LL12	FoodDrink Europe	30.1.2018	Invite		[Redacted] Manager Environmental Affairs
LL13	FoodDrink Europe	29.10.2018	SUP proposal	Hugo-Maria Schally, [redacted]	[Redacted] Interim Environment Manager
LL14	FoodDrink Europe	17.4.2020	SUP Directive--guidelines		

LL14.1	FoodDrink Europe	17.4.2020	SUP Directive--guidelines		
LL15	FoodDrink Europe	21.2.2018	Circular Economy Action Plan		
LL16	FoodDrink Europe (also PWC, Nestle, CC, PepsiCo, and Spadel)	10.12.2018	Meeting of CEOS - SUP Directive	Jurgen Mueller, Timmermans, VP Katainen	
LL17	UNESDA	9.4.2018-24.5.2018	Plastics strategy--speaking at UNESDA event	[Redacted]	
LL18	UNESDA	18.12.2019-13.1.2020	Meeting request	Cabinet of Commissioner Virginijus Sinkevicius; Mario Vascega	Nicholac Hodac
LL18.1	UNESDA	4.3.2020	Report of meeting—sustainability strategy	Marius Vascega	Tim Brett (Coca-Cola), Zoran Bogdanovic (Coca-Cola Hellenic), Nicholas Hodac et al
LL19	UNESDA	12.12.2019	Meeting request	Virginijus Sinkevicius	Tim Brett
LL19.1	UNESDA	12.12.2019	UNESDA sustainability aspirations		
LL20	UNESDA	16.4.2020	SUP Directive guidelines		
LL21	UNESDA, EFBW, AIJN	23.1.2020	Meeting request	Virginijus Sinkevicius	Patricia Fosselard, Nicholas Hodac, Wouter Lox
LL22	Coca-Cola	16.2.2021	Request for follow-up meeting	Helena Braun, Rozalina Petrova	
LL23	UNESDA	29.1.2021-2.2.2021	Request for meeting about Circular Packaging Vision 2030	Helena Braun	
LL24	EUROPEN	19.2.2018	Working out dates to meet	Helena Braun	
LL25	FoodDrink Europe	6.11.2018	Email version of request for meeting on SUPs	Timmermans	
LL25.1	FoodDrink Europe	6.11.2018	Request for meeting on SUPs	Timmermans	

LL26	Coca-Cola/Coca-Cola Services	25.4.2018	Follow-up after 17.4.2018 meeting	Helena Braun	
LL26.1	Coca-Cola/Coca-Cola Services	25.4.2018	Follow-up after 17.4.2018 meeting	Helena Braun	
LL26.2	Coca-Cola/Coca-Cola Services	25.4.2018	Follow-up after 17.4.2018 meeting	Helena Braun	
LL26.3	Coca-Cola	25.4.2018	Follow-up after 17.4.2018 meeting	Helena Braun	
LL26.4	EC to FoodDrink Europe	15.11.2018	Single Use Plastics request for meeting	Timmermans	
LL27	DG-ENV	9.2.2021	Briefing note on "introductory" meeting with UNESDA	Florika Fink-Hooijer, Director-General DG ENV	
LL28	DG-ENV		Briefing note on meeting with UNESDA—plastics strategy and Waste Framework Directive	VP Kaitanen	
LL29	DG ENV		Briefing note on meeting with UNESDA—Circular Economy Action Plan	Daniel Calleja Crespo	
LL29.1	UNESDA		UNESDA position paper on Roadmap for New Circular Economy Action Plan		
LL30	ENV on FoodDrink Europe		Meeting between FDE and DG-ENV on European Green Deal		
LL31	ENV on UNESDA		Briefing for meeting with UNESDA	Marius Vascega	

Not included in the analysis of Coca-Cola, but referenced in this document, is a letter from Pro-Pac from May 12th, 2018, nicknamed **LLX**. This was one of the documents found on AskTheEu.org in a collection that also contained some of the letters in the table above.

11.2 Abstract

The proliferation of plastics and the environmental problems they cause have led to the creation of international plastics legislation, which is a major focus for lobbyists. Global producers of plastic products have a vested interest in ensuring that regulations do not require major product redesign or investment. The European Union's Directive on the reduction of the impact of certain plastic products on the environment (also known as the Single-Use Plastics Directive) is a piece of legislation that has been the target of lobbying from various industry groups seeking to shape this directive in their favor. This thesis examines the issue using a case study of Coca-Cola's lobbying tactics on the Single-Use Plastics Directive. Using data from primary sources such as qualitative interviews and correspondence between industry representatives and EU officials, this thesis examines the tactics that companies such as Coca-Cola use to influence legislation. This thesis demonstrates that Coca-Cola used a strategy of cooperation, communication through trade associations, and third-party data to present its arguments to shape the legislation, and that some changes made to the Single-Use Plastics Directive benefit the economic interests of Coca-Cola. However, the degree to which influence on legislation can be proved, which has been an issue that other researchers on lobbying in the EU have not yet been able to solve, remains uncertain.

Die Verbreitung von Plastik und die von Plastik verursachten Umweltprobleme haben zu mehreren internationalen Gesetzen über Plastik geführt, die ein wichtiges Ziel für Lobbyisten darstellen. Die weltweiten Hersteller von Plastikprodukten haben großes Interesse daran, dass die Vorschriften keine wesentlichen Produktumgestaltungen oder Investitionen erforderlich machen. Die Richtlinie der Europäischen Union über die Verringerung der Auswirkungen bestimmter Kunststoffprodukte auf die Umwelt (auch bekannt als die „Single-Use Plastics Directive“) ist ein Rechtsakt, der von verschiedenen Industriegruppen zum Lobbying-Ziel gewählt wurde, um diese Richtlinie zu ihren Gunsten zu gestalten. In dieser Arbeit wird das Thema anhand einer Fallstudie über die Lobbying-Taktiken von Coca-Cola im Zusammenhang mit der Single-Use Plastics Directive untersucht. Anhand von Daten aus Primärquellen wie qualitativen Interviews und Korrespondenz zwischen Branchenvertretern und EU-Beamten wird in dieser Arbeit untersucht, welche Taktiken Unternehmen wie Coca-Cola anwenden, um die Gesetzgebung zu beeinflussen. Diese Arbeit zeigt, dass Coca-Cola eine Strategie der Zusammenarbeit, der Kommunikation durch Wirtschaftsverbände und durch Daten von Dritten eingesetzt hat, um ihre Argumente bei der Gestaltung der Gesetzgebung vorzubringen, und dass einige Veränderungen an der Richtlinie über die Verwendung von Plastik vorgenommen wurden, die den wirtschaftlichen Interessen von Coca-Cola entsprechen. Inwieweit der Einfluss auf die Gesetzgebung nachgewiesen

werden kann—ein Problem, welches andere Forscher zum Thema Lobbying in der EU noch nicht lösen konnten—bleibt ungewiss.