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## **Still waiting for the ‘liberal revolution’? The Italian pro-competition law and the cases of taxi licences and beach concessions**

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**Abstract:** One of the main enabling reforms included in the Italian National Recovery and Resilience Plan is that of competition. In this regard, past pro-competitive attempts have usually disappointed expectations, above all due to the counter-mobilisation of very powerful interest groups, able to act as veto-players in the policy process. This article seeks to contribute to the literature on the influence of Italian interest groups by focusing precisely on the pro-competition reforms in two highly politically salient policy sectors: unscheduled public transport services and beach concessions. Specifically, we want to make a triple comparison: between policy sectors, between subsequent stages of the policy cycle and between governments, focusing on the lobbying strategies deployed by the interests affected by the measures being considered. We interpret empirical findings on the basis of a detailed reconstruction of the policy processes, drawing on several interviews with privileged observers.

**Keywords:** Interest groups; lobbying; Italy; pro-competition reform; unscheduled public transport services; beach concessions

## 1. Introduction

Italy has never been a country characterised by intense market competition in many areas (Pammolli *et al.* 2009). One of the criticisms often directed at the Italian economic system, in fact, concerns its excessive rigidity, with limited competition among socio-economic actors and rent-seeking positions that often hinder investment and disadvantage consumers (Capussela 2018).

In response to this well-known situation, national policymakers have attempted to intervene several times over the past twenty years. The main efforts at liberalisation came in 2006-2007 (the so-called ‘Bersani decrees’, during the second Prodi government) (Pritoni 2015a; 2015b), in 2012 (the ‘Grow Italy decree’, during the technocratic government led by Mario Monti) (Mattina 2013), and in 2015-2017 (the first annual competition law, during the Renzi and, later, Gentiloni governments) (Germano 2023). More recently, the drafting of the National Recovery and Resilience Plan (NRRP), in response to the Covid-19 pandemic crisis, represented a golden opportunity to increase the level of competition in the Italian economic system. Indeed, one of the key reforms included in the NRRP is precisely that of competition. Specifically, the ability of the Italian government to access the substantial funds provided by the European Union partly depends on the approval of legislative measures capable of creating competition in sectors still characterised by excessive market concentration (Domonerok and Guardiancich 2023).

Given the precedents – often resulting in limited success – the objective appeared challenging from the outset. The ability of the main Italian interest groups to act as formidable brakes (if not as actual veto players) on market liberalisation efforts is well documented: with some exceptions, this ability has been demonstrated in various policy sectors on multiple occasions (Germano 2023).

Was this also the case with the competition reform of 2021-2023? To answer this question, this article reconstructs the decision-making process characterising two specific policy sectors – unscheduled public transport services and beach concessions – from an interest-group perspective. This perspective is appropriate for at least two reasons: first, because of the considerable power of Italian interest groups in national policymaking (Pritoni 2017; Montalbano and Pritoni 2022); second, because the European Union encourages the involvement of the main socio-economic actors in design of the NRRP reforms (European Commission 2021).

Against this background, our aim is to explain interest groups’ policy success by making a triple comparison. That is, we compare policy sectors (i.e., unscheduled public transport services *vs.* beach concessions), subsequent stages of the policy cycle (agenda-setting, decision-making and first implementation) and governments (Draghi government *vs.* Meloni government), focusing on the lobbying strategies deployed by the interests affected by the measures being considered. To do so, we follow the many other empirical studies of lobbying and interest groups’ influence (Dür 2008;

Rasmussen 2015; Voltolini and Eising 2017) by adopting process-tracing methodology as the most suitable technique for identifying and reconstructing the causal paths linking interest groups' preferences and policy outcomes throughout the policy process (Beach 2020). More precisely, we reconstruct the two policy processes as they unfolded between February 2021 and October 2023, focusing on a total of 62 interest groups, identified thanks to the parliamentary hearings held on the respective pro-competition reform projects. The empirical sources on which we base our work are a combination of written documents (parliamentary hearings as well as newspapers articles) and 11 interviews with privileged observers, both representatives of the interest groups involved and political actors.

From a theoretical standpoint, the choice of the abovementioned two case studies is particularly intriguing. These are policy processes characterised by high political salience, involving extensive conflicts and significant engagement on the part of public opinion. Such conditions would appear to be especially challenging for interest groups, like taxi drivers and beach concession holders, who are rather unpopular among citizens (Dür and Mateo 2014). Nevertheless, in both cases, the interest groups examined managed to achieve significant policy successes. Consequently, carefully reconstructing these processes offers a remarkable opportunity to refine theoretical hypotheses that are often taken for granted in the literature, but evidently do not adequately explain policy outputs in all cases.

In short, this article makes a threefold contribution to the existing literature on the influence of Italian interest groups in relation to liberalisation policies. The first contribution is *theoretical*, as our empirical results underscore the importance – even in the case of regulatory measures of national relevance – of the territorial/local dimension in the interaction between political decision-makers and interest groups. *Analytically*, the aforementioned relationship is deconstructed throughout the policy cycle, thereby revealing the extent to which strategic choices depend on the characteristics of the policy stage being analysed and so confirming previous research on this topic (Lizzi and Pritoni 2019; Capano and Pritoni 2022). *Empirically*, reconstruction of the two processes presents highly interesting case studies that have not been explored scientifically to date.

The article proceeds as follows: in the next section (2), we briefly review the most important literature on Italian interest groups' policy influence/success, while in section 3 we present our research design and in section 4 we reconstruct the two policy processes that are the objects of our analysis (4.1: beach concessions; 4.2: unscheduled public transport services). Finally, in section 5 we discuss our empirical findings, offering an interpretation of the policy outcomes, and outline some potential directions for future research.

## 2. Literature review

This article aims to contribute to two strands of political science literature: that focusing on the influence of interest groups in the policy-making process, and that highlighting the relevance of organised interests in the Italian case.

Why some groups are more influential in policy-making than others is a question that has puzzled scholars for decades (Baumgartner and Leech 1998; Dür and de Bièvre 2007, 3; Leech 2010; Beyers 2022). At least three explanations have been suggested. One is based on the organisational resources available to groups (Dür *et al.* 2015; Kohler-Koch *et al.* 2017). A second is based on the characteristics of the policy-making process (Culpepper 2012; Dür and Mateo 2014). A third is based on the degree of ideological-programmatic proximity between political actors and the interest groups in question (Røed 2022; 2023).

The resources that have been identified as influential in determining the degree of influence a group can wield include: *i*) the size of membership, *ii*) the degree of representativeness, *iii*) the amount of economic and financial and *iv*) knowledge resources, *v*) public reputation. Concerning each of these, the hypothesised relationship is direct: as the quantity and variability of available resources increase, the likelihood that a specific group can influence the policy-making process also increases.

Scholars who have instead focussed on the characteristics of issues rather than group resources refer to political salience (Culpepper 2012) and/or technical complexity (Klüver 2011; Flöthe 2019), as well as the extent of political conflict (Gross 2017). From this perspective, it has been argued that there is an inversely proportional relationship between the level of political salience and conflict, on the one hand, and the influence of business groups (Woll 2013), on the other. Meanwhile, there appears to be a direct proportional relationship between business groups' influence and the degree of technical complexity of the issue in question (Pagliari and Young 2016). Cause groups, on the other hand, find themselves in the opposite situation: as salience and/or conflict increase, the likelihood of their policy demands finding some satisfaction also increases (Dür and Mateo 2014); the same happens as complexity decreases.

Lastly, it is important to add that – especially in recent years – a further determinant of interest groups' influence has been identified in the ideological proximity between interest groups and political decision-makers. In this case, as for organisational resources, the proportional relationship seems to be direct: as ideological proximity increases, the influence of organised interests also increases (Røed 2022; 2023).

This general framework, developed from the literature, is well suited to attempts to interpret the Italian case, especially with regard to liberalisation policies. The significance of political salience and technical complexity has been demonstrated in various empirical works (Pritoni 2015a; 2015b;

2017). Specifically, consumer associations were able to achieve significant results regarding the ‘Bersani decrees’ in 2006-2007, particularly in the credit and insurance sectors (Pritoni 2015a). Associations of banks and insurance companies, in that case, were penalised by the significant involvement of public opinion, which played a crucial role in shaping the preferences of policymakers. A similar pattern also applied to reform of the legal professions (Pritoni 2015b), although in that case, the professional associations involved were more successful in mitigating the extent of the policy change they had to undergo. This probably had to do with the high level of technical complexity of the issues at stake. Also interesting is the case of the first competition law, analysed by Germano (2023). In that case, the so-called ‘core insiders’, such as those in the pharmaceutical, transport, and insurance sectors, exerted notable influence during the pre-parliamentary phase, seeking to defend their interests, whereas policy outcomes turned out to be much more mixed during the parliamentary phase, thereby confirming the relevance of the involvement of public opinion for interest groups’ policy influence.

In sum, according to the literature reviewed, the capacity of the main interest groups to mobilise and influence the policy process – at least in the Italian case – largely depends on the degree of political salience and technical complexity characterising the policy process in question. The greater the involvement of public opinion, the less the ability of interest organisations to resist and mitigate liberalising efforts on the part of political decision-makers, and vice versa. Therefore, given the poor public image of both taxi drivers and holders of beach concessions, the considerable salience of the two policy processes in question should represent an insurmountable obstacle to their ability to be influential in policymaking. However, as we will demonstrate in the fourth section, it did not exactly turn out that way. It will be intriguing, therefore, to ascertain why.

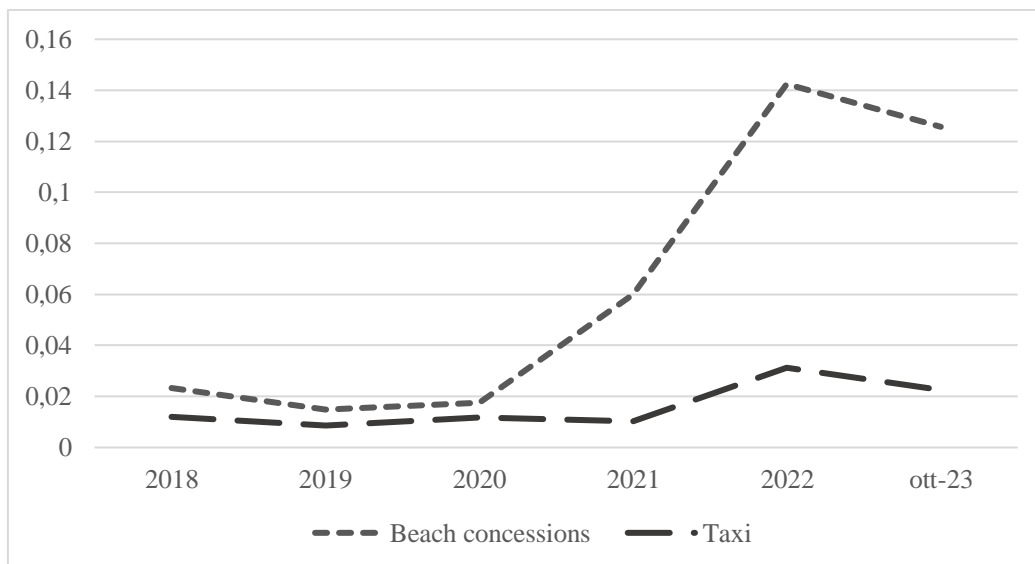
### **3. Research design**

The aim of this study is to explain interest groups’ influence in two pro-competition reform processes affecting unscheduled public transport services and beach concessions. The selected case studies enable an in-depth comparison of lobbying strategies and outcomes in two politically salient policy sectors, and across the different stages of a policy cycle that unfolds during the terms of office of the Draghi and the Meloni governments. Such triple comparison strategy, by policy sectors, policymaking stages and governmental majorities, ensures enough variation in actor types and contextual conditions to enable us to perform an *exploratory* investigation of the determinants and mechanisms of lobbying influence.

Our primary criterion for measuring influence in policymaking relies on preference attainment (Bunea 2013; Bernhagen *et al.* 2014; Vannoni and Dür 2017). The main limitation of this approach,

in terms of the *causal factors* and *processes* linking stakeholders’ preferences to policy outcomes, is that preference attainment hardly exhausts the question of influence. Although there are difficulties involved in observing and explaining *all* the meaningful channels of influence (Lowery 2013, 8), a viable approximation to such an endeavour involves taking preference attainment as part of a comprehensive process tracing analysis (Young 2012; Rasmussen 2015; Pritoni 2017; Voltolini and Eising 2017; Germano 2019; Montalbano 2021). Process tracing constitutes the most suitable technique for disentangling the factors and processes leading to lobbying success (or failure). In this study, we adopt a *theory-building* process tracing approach for *theory revisions* (Beach and Pedersen 2019, 274-275), aiming to identify the factors explaining deviations from a hypothesised process. In fact, our case selection is driven by a fundamental theoretical conundrum. The liberalisation of unscheduled public transport services and beach concessions represented salient issues in the national media, receiving significant coverage in the most widely read Italian newspapers at the time of the reforms (see Fig.1). Such public issue salience could be expected to limit specific interests’ capacities for influence (Culpepper 2011; Dür and Mateo 2014; Kastner 2018; Montalbano 2021). Yet, the interest groups here analysed achieved significant lobbying success in either blocking or delaying liberalisation reforms. Thus, our policy processes offer a challenging case for the salience hypothesis, which deserves in-depth investigation.

Figure 1. *Media coverage in the four most widely read Italian newspapers (2018- October 2023), as a share of all news*



Source: Factiva. Search terms: various combinations of ‘beach concessions’, ‘taxi’, ‘reform’, ‘liberalisation’ and ‘protest’. Newspapers: *la Repubblica*; *Corriere della Sera*; *La Stampa*; *Il Sole 24 Ore*.

The timeframe informing the analysis covers the period of office of the Draghi government (February 2021 – October 2022), and the first year of the Meloni government (until October 2023).

In this way, we are able to trace Draghi’s policy agenda-setting, the subsequent decision-making, and the (provisional) outcomes of the projects concerning liberalisation of unscheduled public transport services and the tendering of beach concessions.

We looked at the parliamentary hearings on the pro-competition reform projects to map out the relevant interest groups in each policy sector. Participation in the dedicated hearing is assumed to be evidence that lawmakers considered the group in question to be representative, and that this in turn enhanced the capacity of the group to exert influence (Eising and Spohr 2017; Chaqués-Bonafont and Muñoz Márquez 2016). We identified a two-month parliamentary hearing cycle held in the Senate’s Industry Committee (8, 15, 24, 25, 28 February; 1, 8, 10, 13 March 2022) and a shorter one in the Chamber of the Deputies’ Transport and Productive Activities Committees (21 and 22 June 2022). A look at the number of invitees, reveals that a larger number of actors intervened in the projected reform of unscheduled public transport services (n=42) than in the overhaul of beach concessions (n=27). Some national business associations – Confartigianato, Confederazione Nazionale dell’Artigianato, Confesercenti, Confcommercio – together with the Italian antitrust authority (AGCM), the liberal think tank, Istituto Bruno Leoni, and the Consumer organisation, Altroconsumo, intervened in consideration of both policy issues. The policy fields here analysed are thus mostly populated by sector-specific and small-business associations and unions, revealing a considerable level of fragmentation and plurality, in line with observed trends in interest groups’ access to the Italian Parliament (Pritoni 2019). Cause groups represent a clear minority, with two environmental organisations involved in the parliamentary hearing on beach concessions (Legambiente and Coordinamento Nazionale Mare Libero), and the main national consumer associations mostly engaged with the reform of unscheduled public transportation (n=6). Municipalities and regional authorities were represented by their national institutional associations (n=2). Table 1 summarises our mapping of the interest groups involved in the selected parliamentary hearings.

Table 1. *Mapping of interest groups involved in the two policy-making processes*

	Businesses	Unions	Consumers	Cause groups	Think tank	Institutional
<i>Unscheduled public transport services</i>	25	7	1	0	1	3
<i>Beach concessions</i>	20	0	6	2	1	3

We looked at the reports and video footage of the parliamentary hearings together with the interest groups’ press releases, interviews and comments, as well as the comments of policymakers and independent experts, published in national newspapers (n=900). Lastly, the documentary and video sources were triangulated with 11 semi-structured interviews, undertaken between April and

July 2023, with privileged observers and interest group representatives (see the list of interviewees in the Online Supplementary Materials).

#### **4. Empirical findings**

Competition is an enabling reform aimed at ensuring the NRRP's implementation by removing administrative and procedural obstacles hindering economic activities and the quality of services in Italy.<sup>1</sup> Its cornerstone is the Annual Competition Law (CL), provided for by Law 99/2009 but first adopted only in 2017 (Germano 2023). Law 99 obliges the government to respond to proposals from the National Competition and Markets Authority (AGCM) through draft legislation submitted to Parliament.

The Draghi government developed the draft CL while adhering faithfully to AGCM's recommendations of 2021. Although the provision addresses many sectors, the most problematic are undoubtedly non-scheduled public transport (taxis and car rentals with driver – RWD) and beach concessions, both resistant to the introduction of competitive criteria and traditionally able to mount actions aimed at maintaining the public-policy status quo (Lirosi and Cinotti 2009; Mattina 2013).

The policy cycle of the 2021 draft CL could be divided into a governmental formulation-decision phase (June-November 2021) and a parliamentary phase (December 2021-August 2022). Early implementation started in September 2022. The two phases unfolded during the period of office of the technocratic-led government headed by Mario Draghi, in office until October 2022, when it was replaced by the right-wing government led by Giorgia Meloni, who won the September general election, during which implementation was put on hold.

The slow progress of the reform (14 months) – considered the backbone of the NRRP, therefore to be implemented quickly – was due to the huge resistance of stakeholders within the two sectors concerned, and to their influence on both governments. Despite his international authority and the breadth of support for his government, Mario Draghi had to grapple with the difficulty that the reform plan impacted constituencies, regional presidents and local administrators of all political colours, and therefore effectively displeased all parties on issues of the greatest sensitivity in local politics.

In the formulation phase, Draghi's technocratic components were responsible for drafting the reform concerning the two sectors (Barbera 2021); neither stakeholders nor the political component of the majority were involved. Rather, while the stakeholders opposed the proposals, the political parties supporting the government tried to reconcile them with the demands of taxi drivers and beach

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<sup>1</sup> Part of Mission 1 (digitalisation, innovation, competitiveness, culture, and tourism), component C2 (digitalisation, innovation, and competitiveness in the productive sector), reform 2 (annual laws on competition), cfr. <https://www.italiadomani.gov.it/it/home.html>.

operators, with whom they have longstanding relationships. This is confirmed by both the interested parties (Interviews 3, 5, 7, 11) and by politicians (Interviews 9, 10). Nonetheless, the Government's technocratic components fought to keep the reform unchanged, giving rise to a 'tug of war' that resulted in a further exacerbation of the political tensions. The resulting draft initially failed to meet taxi drivers' expectations while apparently pleasing beach operators, but in reality it merely postponed the relevant decisions to a later parliamentary session when stakeholders in both sectors would engage in battle. In the following sections, each sector is analysed in depth.

#### *4.1. Beach concessions*

Beaches fall under the category of maritime public property and belong exclusively to the state. They can be subject to concession to third parties, who acquire special usage rights for a predetermined period, upon payment of a fee. The entry into force of Directive 2006/123/EC on services in the internal market (Bolkestein) mandated the removal of obstacles to the free movement of services within EU states and the application, in domestic legal systems, of principles of competition (Di Lascio 2023).

Therefore, insofar as maritime resources (including coasts) are limited, contracts for the provision of beach services must be allocated through competitive tendering procedures and must not be renewed automatically. Nonetheless, Italian governments of every political colour kept ensuring the automatic renewal of contracts, thereby limiting competition, and violating European regulations. This led the Commission to initiate infringement proceedings against Italy.

To reconcile domestic legislation with European law, Law 217/2011 was introduced, to abolish the preferential rights of existing contractors and to enable the government to reform the whole beach concession system pro-competitively. However, this never happened, and the procedure for automatic contract renewals was further extended. The European Court of Justice (ECJ) sanctioned Italy on 14 July 2016, while the AGCM repeatedly demanded the introduction of competitive tendering in the allocation of contracts. Similar positions were expressed by the Constitutional Court, the Court of Auditors, and Administrative Courts. Nonetheless, the inertia of Italian decision-makers led existing contracts to be renewed until 2033, which eventually led the Commission to initiate a new infringement procedure against Italy (2020/4118 C). In response to both European and AGCM pressures, the Draghi government decided to include reform in the draft CL. However, it faced considerable resistance from its right-wing faction, which was aligned with the associations representing bathing establishments<sup>2</sup> and which therefore opposed the proposal.

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<sup>2</sup> See online supplementary materials.

Although beach operators complained about not being consulted by the government (Interviews 3, 11), they managed to affect the draft bill through privileged connections with the League ministers for Tourism – who often attended public meetings organised by beach operators and openly supported their positions – and for Economic Development. However, they could rely on broad cross-party support, in that they represented a crucial reservoir of votes, especially at the local level, for many parties (Interviews 1, 3, 4, 8, 11). Indeed, ‘apart from the green left, the other parties on the left have never had a unified stance on the issue of beach concessions. Defence of the sector has, therefore, been a battle fought by many parties, only recently becoming an overtly right-wing banner’ (Interview 4). Cross-party support for the sector is evident both at the local level — as shown by the recent public interventions of the presidents of all of the coastal regions governed by the centre-left<sup>3</sup> — and at the national level. Here beach operators, in addition to the centre-right parties, ‘have found dialogue and attentive ears in all political parties, including the Movimento Cinque Stelle (Five-star Movement, M5s) and the Partito Democratico (Democratic Party, PD)’ (Interview 3). More generally, it is evident that ‘governments of all political persuasions have effectively led to the defence of the public policy status quo. So much so that a homogeneous cross-party agreement seems to have emerged to protect corporate interests, contrary to the public interest. This is even more apparent at the local level, where regions governed by the centre left are completely aligned with the interests of beach operators’ (Interview 1).

In addition, the Consiglio di Stato (Council of State, CDS) was about to rule on various AGCM appeals against these prorogations (Barbera, 2021), thus further increasing the pressure to open the sector to competitiveness. Against this background, Draghi opted to avoid further political conflict, aware that the reform would be pushed forward in any case. However, the Prime Minister at least managed to secure a compulsory mapping of available national beach resources. This allowed him to accommodate the political parties and beach operators in the short term, secure the Cabinet’s approval of the bill on 4 November 2021, and postpone the reform to a later date.

The draft CL began its passage through parliament on 3 December 2021, and immediately ran into difficulties: 1,072 amendments were proposed. To overcome the deadlock and speed up the process, the Government thus proposed to split the competition reform package in two, and to entrust

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<sup>3</sup> See the public statements by the presidents of Emilia Romagna (<https://www.regioni.it/dalleregioni/2022/02/28/concessioni-balneari-bonaccini-corsini-diversamente-da-quanto-sembrava-recepito-dal-governo-il-provvedimento-approvato-dal-consiglio-dei-ministri-e-insufficiente-e-pasticciato-vanno-tutel-646403/>), Toscana (<https://www.regioni.it/dalleregioni/2022/03/02/balneari-giani-ad-associazioni-va-introdotto-negli-indennizzi-il-valore-aziendale-646443/>), Puglia (<https://www.regioni.it/dalleregioni/2022/03/04/emiliano-e-piemontese-tutelare-il-valore-aziendale-delle-imprese-balneari-646509/>) and Campania (<https://www.napolitoday.it/politica/concessioni-balneari-campania-situazione-vertenza.html>).

each of the two parliamentary chambers with one of them. Beach concessions, among other sectors, were assigned to the Senate, while non-scheduled public transport was assigned to the Chamber of Deputies (see below). This also entailed that each package was discussed at different times, with beach concessions being debated long before non-scheduled public transport.

As regards the former, the Court's judgment of 9 November, declaring the extensions incompatible with European law, and establishing that as of 2024 they would be renewed through public tenders, created pressure for a rapid political solution while triggering action by stakeholders, concerned about a reintroduction of the reform, to counter it. Stakeholders therefore organised hearings, and national and local meetings with politicians and local administrators from all political parties, eventually meeting the ministers for tourism, for enterprise, and for regional affairs on 28 December 2021.<sup>4</sup>

Nevertheless, on 2 March 2022, in the Senate, the Government proposed an amendment, which, in line with the CDS ruling, provided that existing concessions would expire on 31 December 2023, and tasked the Government with a reorganisation of the sector. Among other provisions, it confirmed coastal mapping and set in place the procedures in accordance with which competitive tendering would be conducted.

As the hearings in the Senate revealed,<sup>5</sup> consumer and environmental associations, which would prove to be the main 'losers' of the policy-making process, favoured the Government's position, while beach operators demanded withdrawal of all of the provisions other than coastal mapping. They were supported by the Local Authorities Association, which was particularly concerned about the technical difficulties of conducting tenders by the envisaged deadline (hearing of 10 March 2022), and by the Conference of the Regions (hearing of 8 March 2022), which issued a document supporting the sector.<sup>6</sup> The support of the two main associations representing sub-national authorities is crucial here, because it clearly shows that, especially at local level, beach operators could claim political 'sympathy' from all parties.

The majority in Parliament was immediately stymied. The Government's amendment attracted 262 sub-amendments in Senate, mostly aiming to derogate from the December 2023 deadline, deemed too close. Seeking an agreement, Undersecretary of State, Roberto Garofoli, arranged a meeting with the majority parties on 19 May 2022, proposing a one-year extension in cases of proven difficulty in conducting the necessary tenders, along with partial compensations for investments already made by

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<sup>4</sup> <https://www.sindacatobalneari.it/sites/default/files/2021-12/Comunicato%20stampa%20unitario%2028%20dicembre%202021.pdf>.

<sup>5</sup> [https://www.senato.it/leg/18/BGT/Schede/Ddliter/comm/54618\\_comm.htm](https://www.senato.it/leg/18/BGT/Schede/Ddliter/comm/54618_comm.htm)

<sup>6</sup> See <https://www.mondobalneare.com/wp-content/uploads/2022/02/Lettera-Regioni-demanio-marittimo.pdf>.

existing contractors. Nonetheless, the League and Forza Italia (FI) insisted on postponing the tenders to 2025 and on full rather than partial compensation, causing the mediation to fail (Mattera 2022). To overcome the deadlock, Draghi called an emergency Cabinet meeting where he stressed the need to complete the reform and threatened to make passage of the draft CL a matter of confidence if no agreement was reached on beach concessions. Against this backdrop, all ministers, including those representing the League and FI, chose to side with Draghi, thus bringing about a fracture between these parties' ministerial and parliamentary delegations (Guerzoni, Verderami 2022). Yet, the pro-competitive provision was eventually approved, the only change being that the indemnity amounts would be established by subsequent secondary legislation.

Despite there being only a few days left before the general election called in the wake of Draghi's resignation, the Prime Minister attempted to secure approval of the secondary legislation before he left office, aware that completion of the remainder of the process would fall to the incoming government. On 16 September 2022, the Cabinet approved the first draft of the secondary legislation establishing a database (Siconbep) of all public assets entrusted to private operators. Only the League delegation voted against it. The provision, still to undergo scrutiny by the new Parliament, was opposed by the outgoing centre-right parties of the parliamentary majority, engaged as they were in an election campaign that saw them attempting to limit losses of votes to the right-wing Fratelli d'Italia (Brothers of Italy, FdI) – then at the opposition – on the part of disappointed beach operators (Interview 11).

The new government, led by FdI leader Giorgia Meloni, explicitly expressed its commitment to safeguarding the interests of beach operators.<sup>7</sup> In pursuit of this goal, it successfully halted the implementation of the reform. Responding to the demands of beach operators' associations,<sup>8</sup> the Government introduced two amendments to the Hundred Prorogations Decree (Law-decree 198/2022).<sup>9</sup> These amendments aimed to facilitate a new extension of the existing contracts, citing the need to conduct the coastal mapping required by the CL. Additionally, they sought to establish a forum involving relevant ministries, regions and stakeholder associations to reach agreement on key technical aspects of the beach concession reform. It is crucial to emphasize that the coastal mapping can be perceived as a form of obstructionism, hidden behind a seemingly neutral process of bureaucratic-administrative analysis, with the intent to impede the liberalization process.

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<sup>7</sup> [https://www.sindacatobalneari.it/sites/default/files/2022-11/Lettera%20di%20Giorgia%20Meloni%20al%20SIB%202022\\_11\\_03.pdf](https://www.sindacatobalneari.it/sites/default/files/2022-11/Lettera%20di%20Giorgia%20Meloni%20al%20SIB%202022_11_03.pdf)

<sup>8</sup> <https://www.mondobalneare.com/riforma-spiagge-laut-aut-del-governo-e-le-risposte-dei-sindacati/>

<sup>9</sup> <https://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=ListEmendc&leg=19&id=56387>

Even President Mattarella expressed concerns about the extensions, citing their incompatibility with European law and CDS judgments. He urged both the Government and Parliament to address the issue.<sup>10</sup> Almost simultaneously, judgments from the CDS and the EU Court of Justice arrived, declaring the illegitimacy of the new provisions allowing for further extensions and automatic renewals.<sup>11</sup> Following these rulings and under pressure from beach associations, the technical forum was established on 11 May 2023.<sup>12</sup> What stands out about the new government is its acceptance of the assumptions expressed by beach associations through the forum. They argue that beach resources in Italy are plentiful, and that, as there are still plenty of coastal areas available for concession, competition for new contracts would be ensured. This approach aims to protect existing interests and investments, eliminating the necessity for public tenders for incumbents, as it sees the Bolkestein Directive's fundamental prerequisite applying only to new concessions and not therefore relevant in their case.

The forum convened five times between June and October 2023. As anticipated, the mapping exercise, overseen by the Ministry of Infrastructure and coordinated by the League representative, Paolo Ripamonti, revealed that only 33% of Italy's coasts are currently under concession. With the remaining 67% available, the Government argues that there is no need to apply the Bolkestein Directive to existing concessions. However, the methodology employed for the mapping has generated legitimate criticism as it encompasses the entire Italian coast, not only bathing areas. Despite these concerns, beach associations have urged the use of these findings as evidence against the infringement procedures, aiming to dismiss them. Additionally, they advocate for a provision preventing coastal authorities from conducting public tenders for any of the current contracts.

At the time of writing, there had been further developments as the European Commission had launched a new infringement procedure against Italy.<sup>13</sup> The Government's deliberate delay in approving the implementing legislation envisaged by the competition law underscores the influence of beach interest groups and a persistent reluctance to address pro-competition pressures from both European and national institutions. Notably, the sole item of legislation implementing Article 2 of the CL was the Siconbep approved on 17 July.<sup>14</sup>

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<sup>10</sup> <https://www.quirinale.it/elementi/80322>

<sup>11</sup> See, respectively, <https://www.giustizia-amministrativa.it/web/guest/-/divieto-di-proroghe-automatiche-delle-concessioni-demaniali-marittime> and <https://curia.europa.eu/juris/showPdf.jsf?text=&docid=263424&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=3946774>

<sup>12</sup> <https://www.ansa.it/sito/notizie/politica/2023/05/12/concessioni-balneari-istituito-il-tavolo-tecnico-a-chigi-c7ede7f1-99a1-494b-8fe1-2b911bd7aa1b.html>

<sup>13</sup> <https://www.mondobalneare.com/wp-content/uploads/2023/11/lettera-parere-motivato-commissione-ue-balneari.pdf>

<sup>14</sup> <https://www.governo.it/it/articolo/comunicato-stampa-del-consiglio-dei-ministri-n-43/23174>

#### 4.2 *Unscheduled public transport services*

Unscheduled public transport, particularly taxis and RWD, were regulated in accordance with legislation that had been in force since 1992. Since then, the AGCM had called for revision to align the services provided by taxis and RWD, eliminate outdated restrictions on the latter, and introduce ICT platforms (such as Uber and MyTaxi) to facilitate supply-and-demand dynamics. Additionally, the authority had proposed compensatory measures for taxi drivers who might be adversely affected by the entry of new players.<sup>15</sup> Despite numerous appeals from the AGCM, decision-makers consistently overlooked these suggestions. It was only under Draghi that the issues came back onto the Government's agenda. Article 8 of the draft CL provided for the passage of implementing legislation (to be adopted within six months) containing sector reorganization measures in accordance with the AGCM recommendations.

Despite demands from centre-right parties to withdraw the provision, the Government stood firm. Upon its approval by the Cabinet, the affected interest groups reacted in contrasting ways. The RWD sector, lacking unified representation, unanimously supported the reform (Interview 6, RWD Unitary Document).<sup>16</sup> Similarly, consumers' associations, traditionally in favour of liberalization measures, also expressed unanimous support (Interview 8). In contrast, taxi drivers, despite traditionally having highly fragmented representation (Interview 5), managed to unite against what they perceived as an intransigent approach on the part of a government unwilling to engage in discussion. They argued that such an approach precluded shared decision-making (Interview 7), resulting in a text reflective of '*dirigisme*' (Interview 2). They deemed such an approach harmful as it would favour multinational companies at the expense of their traditional cooperative model.<sup>17</sup> The discontent led to a general strike on 24 November 2021, with the aim of securing withdrawal of Article 8.

Following the Government's decision, mentioned earlier, to divide the reform into two packages, discussions on Article 8 (now renamed Article 10) regarding unscheduled public transport only commenced in the Chamber of Deputies in late June 2022. Through various hearings and proposed amendments, it became evident that the taxi drivers enjoyed broad cross-party support.<sup>18</sup>

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<sup>15</sup>[https://www.agcm.it/dotcmsCustom/getDominoAttach?urlStr=192.168.14.10:8080/C12563290035806C/0/660D84237CA6C11AC125849400395348/\\$File/AS1620.pdf](https://www.agcm.it/dotcmsCustom/getDominoAttach?urlStr=192.168.14.10:8080/C12563290035806C/0/660D84237CA6C11AC125849400395348/$File/AS1620.pdf)

<sup>16</sup>[https://www.senato.it/application/xmanager/projects/leg18/attachments/documento\\_evento\\_procedura\\_commissione/files/000/422/979/2022\\_02\\_25\\_Settoe\\_NCC\\_Nota\\_scritta.pdf](https://www.senato.it/application/xmanager/projects/leg18/attachments/documento_evento_procedura_commissione/files/000/422/979/2022_02_25_Settoe_NCC_Nota_scritta.pdf)

<sup>17</sup>[https://www.senato.it/application/xmanager/projects/leg18/attachments/documento\\_evento\\_procedura\\_commissione/files/000/422/587/2022\\_02\\_15\\_Lettera\\_unitaria\\_associazioni\\_sindacali\\_Taxi.pdf](https://www.senato.it/application/xmanager/projects/leg18/attachments/documento_evento_procedura_commissione/files/000/422/587/2022_02_15_Lettera_unitaria_associazioni_sindacali_Taxi.pdf)

<sup>18</sup> See the amendments proposed by, among others, leading representatives of the PD calling for the provision to be completely withdrawn:

Amendments seeking to remove the provision were tabled by both centre-right and centre-left parties, both groups seeking to accommodate the taxi-drivers' demands.

Tensions within the majority mounted as taxi drivers organized a new general strike in response to the Government's refusal to withdraw Article 10. The deputy Minister for Infrastructure, Teresa Bellanova, was then assigned the task of seeking mediation (Interviews 5, 6, 7). This involved a substantial revision of the provision and aligning with AGCM proposals by clearly distinguishing between taxi and RWD services. Additionally, the proposal included the introduction of technological platforms directly managed by taxi drivers (Bisozzi 2022). While some stakeholders, including *Uil trasporti*, *Legacoop* production and services, and *Confartigianato taxi*, were open to dialogue, the mediation process faltered due to the intransigence of *Unica Filt Cgil* and *Usb taxi*. This faction was prepared to continue protesting in major cities by resorting to indefinite blockades and strikes. In Rome, these actions resulted in a siege of public buildings until their demands were eventually met (Fotina 2022). On the other hand, RWD and consumer associations were angered by what they perceived as the weakening of the Government's stance toward the parties supporting the taxi drivers, which they attributed to the events that eventually led to its fall, precipitated in early summer by the *M5s* and by the *League* and *FI* (Piccolillo 2022).

21 July 2022 marked a pivotal moment: Draghi resigned despite winning a vote of no-confidence. In order to get the CL passed, the (now former) majority reached an agreement to discard all pending amendments and approve a single amendment to remove Article 10. This decision was a direct result of the nationwide protests and strikes orchestrated by the taxi drivers, meaning that they successfully achieved their objectives (Interview 5). Despite the *League's* attempts to claim credit for getting the reform reversed, support for this outcome was widespread, both nationally and locally (Interview 7).

## 5. Discussion and conclusion

The results of our process tracing analyses highlight the significance of a small number of potential explanatory factors. Specifically, they show the importance of local relationships between policymakers and cohesive interest groups in the context of a prominent national-level reform. Also important in relation to interest groups' preference attainment, were EU pressures. Regarding the former, our empirical analysis uncovered bipartisan support, involving both centre-right and centre-left parties, for the demands made by beach concessionaires and taxi drivers that the pro-competition

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<http://documenti.camera.it/apps/emendamenti/getProposteEmendative.aspx?contenitorePortante=leg.18.eme.ac.3634&tipoSeduta=1&sedeEsame=referente&urnTestoRiferimento=urn:leg:18:3634:null:null:com:10:referente&tipoListaEmendamenti=1>

provisions of the CL be halted or at least diluted. This broad political backing at the national level stemmed from established exchange relations between policymakers and these special interests at the municipal and regional levels. Despite having modest national significance, economically and in terms of employment, beach concessionaires and taxi drivers can wield considerable influence locally.<sup>19</sup> They mobilise their members and strategically unite them as electoral constituencies, exerting pressure on parties in local government. In the case of taxi drivers, this electoral influence combines with the capacity to threaten disruption in major cities, with potentially significant adverse economic effects at both the local and national levels. Given the ongoing relevance of the territorial dimension in national and European elections, the focused and unified lobbying efforts by beach concessionaires and taxi drivers succeed in garnering broad support from a range of political forces.

From this perspective, the pro-competition reforms analysed here reveal a dynamic interplay between national and local collective actions involving sectional and cause groups. The potential losers in this scenario, namely beach concession holders and taxi drivers, have considerable capacity to penalise local policymakers electorally if they endorse the reform. Conversely, these policymakers cannot be certain of winning voter support, either at the local or the national levels, once the reform is implemented, given its sector-specific focus and diffuse benefits. In essence, in this particular case, efforts to liberalise do not necessarily contribute to success in national elections but carry the risk of losing support in regional and municipal contests. Our case illustrates that local political conditions are crucial in facilitating national-level reforms, particularly those aimed at promoting competition.

This is why the salience of the issue failed to curb rent-seeking by insiders or to amplify the influence of cause groups. Despite liberalisation issues receiving extensive media coverage at the national level, often portraying beach concessionaires and taxi drivers negatively (Interviews 2, 3, 11), the salience of the issues did not reach a ‘critical mass’ of sufficient size to alter the orientations of the most influential political parties in Parliament. Enduring local relationships between public and private actors were more influential than the temporary nationwide public attention the issue acquired, resulting in defeat for the environmental and consumer organisations.

Similarly, entrenched local dynamics were of greater significance than factors related to ideological proximity. The centre-right championed the protection of beach concessions and taxi drivers as a flagship issue during the election campaign that led to the advent of the Meloni

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<sup>19</sup> Most beach establishments are small and medium-sized businesses, generating average annual revenues of €260,000 (Nomisma, 2023). However, around the sector, there are approximately 30,000 Italian companies and about 600,000 operators, including those in the supply chain (European Parliament 2017, p. 10, note 3), all with strong local connections, with all the political implications this has (see, in particular, the hearing attended by representatives of the Conference of the Regions).

government, while key representatives of the centre-right parliamentary majority openly aligned themselves with these interests (Interview 10). However, closer examination of the parliamentary process and the testimony of our interviewees reveals the existence of broad, cross-party support for maintaining positive relationships with these special interests. This is especially apparent when considering the positioning of the centre-left parties during both the Draghi and Meloni governments. Despite having the opportunity openly to challenge the centre right's staunch defence of the bathing concessionaires and taxi drivers, far from opposing it they supported the blocking and delaying strategy. While the centre right publicly framed the protection of such rent-seeking positions as a matter of principle, the centre left chose to avoid an adversarial stance, instead supporting the interest groups in a more 'low-profile' manner.<sup>20</sup> On the other side, organisations representing beach concessionaires and taxi drivers maintained and leveraged cross-party support at the local level to advance their demands. Simultaneously, they strategically banked on the electoral success of the centre right and FdI at the national level, supporting them in exchange for FdI's commitment to defend their interests at EU level.

However, as mentioned earlier, top-down pressures from the EU also played a crucial role, particularly in creating the wiggle room and prospects of success for the lobbying of the groups we have considered. Specifically, the reform of unscheduled public transport did not fall under the Bolkestein Directive, and the taxi drivers' sector did not face pressure from the European Court of Justice. Consequently, withdrawal of the taxi liberalisation reform in the CL did not trigger negative EU reactions.<sup>21</sup> In contrast, beach concessions in Italy had been under scrutiny from the ECJ and the Italian High Court for an extended period, and attempts to dismiss EU pro-competition demands resulted in the rejection of further extensions. Consequently, the FdI-led government was compelled to stake everything on the coastal mapping solution in a final attempt to demonstrate an abundance of resources. This, it was hoped, would preclude mandatory competitive tendering in accordance with European legislation.

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<sup>20</sup> This alignment is probably related to the ability of local centre-left administrators to put pressure on their national leaders. This is demonstrated by the fact that, with the change of government, the positions of the centre-left parties did not substantially change. However, we cannot rule out, especially during the Draghi government, that the alignment was also due to other, more complex coalitional dynamics: strong stances on the issue, by the centre-left parties, might have put the Draghi government at risk of losing office.

<sup>21</sup> Yet in reference to a case raised by a NCC company against the municipality of Barcelona (ECJ 2023), a ruling of the ECJ in June 2023 established that restricting quotas on taxi licenses was illegal. The ruling might thus impact future discussions of the reform of unscheduled public transport in Italy. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=274412&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=19814403>

EU pressures establish the framework within which potential policy outcomes can realistically be achieved. However, the success of taxi drivers and beach concessionaires in, respectively, ‘winning the policy battle’ and further delaying the *redde rationem* with those pressures, relied ultimately on the depth and diversity of relationships these interests had established with local and national politicians and administrators across the party spectrum. The significance of local public-private relationships for special interest groups in their lobbying efforts at the national level, often overlooked in the interest-group literature, provides an analytically productive perspective. This perspective serves to qualify the salience hypothesis at the national (and EU) levels. It suggests that well-structured concentrated interests having longstanding exchange relations with local policymakers and substantial mobilisation capacity can influence even highly salient policy issues in the national arena. This is especially pertinent for policies that have inherently local dimensions, as is undoubtedly the case with the issues analysed here. Indeed, this argument should be scrutinised in relation to the subsequent development of the CL reforms on unscheduled public transport and beach concessions. Future research is necessary to assess its applicability in other policy sectors and processes with similar characteristics, involving different institutional venues at the local, national, and EU levels.

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