



Transparency of lobbying in Member States

Comparative analysis

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Transparency Unit

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Introduction

This comparative analysis was compiled by the Parliament's Transparency Unit following several requests for information on the various systems of regulation of lobbying in Member States. There has been considerable evolution in this area of regulation over the past few years as Member States respond to increasing public concerns for the transparency of interest representation, the most recent laws being passed in the UK (2014) and in Ireland (2015). This research was compiled in 2015 using public sources of information and consulting the European Centre for Parliamentary Research and Documentation (ECPRD); it was updated in the beginning of 2016.

There are currently six Member States with statutory rules on lobbying (mandatory regulation) and there are four Member States with voluntary systems of registration for lobbyists (soft regulation). Of the remaining Member States where there are no lobbying rules, six have self-regulation mechanisms, set up by the public affairs community to promote the transparency of lobbying. Since there are some useful examples of regulation at regional level, we have also included them in this overview.



Mandatory regulation

Specific legislation on lobbying

The Austrian Bundesrat passed "Transparenzpaket" (Transparency package) on 28.06.2012, which took effect on 1 January 2013. This package comprises a series of transparency-related laws, among them the so called "LobbyG" regulating lobbying and interest representation and introducing a register.

Code of conduct for lobbyists

Both lobbying companies and companies that employ lobbyists must have a code of conduct. They have to inform about it on their website and provide it to everyone who asks.

A register for lobbyists

Before starting lobbying activities, lobbyists are required to register in the "Lobbying and Special Interest Group Register" which is operated by the Ministry of Justice. This register is public, the organisations have to pay a registration fee from 105- 630EUR; on 7th February 2016, 264 organisations were registered.

Mandatory/ Voluntary

Mandatory

Scope of coverage

Different categories in the register require different levels of disclosure. It covers lobbying firms (3rd party representation) essentially. Law firms, lawyers, political parties, officially recognised churches and social security institutions are excluded, but law firms only excluded inasmuch as they provide legal counsel. As soon as they act on behalf of a third party trying to influence legislation they do need to register.

Access to Parliament buildings and other incentives

Lobbyists have access to those parts of the buildings which are open to the public, for example the Parliamentary Library. They can watch debates under the same conditions as other visitors. They can move freely in the building but cannot attend any sessions or committee meetings and may only enter members' offices upon prior appointment.

Body responsible

Ministry of Justice of Justice (BMJ)

Sanctions & Enforcement

There can be administrative penalties up to 60.000 EUR. Furthermore someone can be removed from the list by the Federal Minister of Justice if there was a serious and sustainable breach of the behaviour and registration rules. In this case, a new registration is only possible after three years .

References

In July 2012 several laws called "Transparency Package" passed the Austrian Parliament.

The main reasons for the reform were a critical GRECO-report on political party funding in Austria and a series of political scandals and criminal proceedings regarding party funding. One element of the Transparency Package was the Lobbying and Special Interest Group Transparency Law.

Ongoing discussions

The transparency package was drafted under high political and public pressure and there was little time for expert debates. While the transparency package received general appreciation by the public and by academic experts, the pace of drafting and the lack of clarity of many provisions have been criticised since. The law has not yet been revised since its implementation in 2013.

Official links

www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007924

www.lobbyreg.justiz.gv.at/edikte/ir/iredi18.nsf/liste!OpenForm&subf=a

BELGIUM



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

Access to Parliament buildings and other incentives

Interest representatives contact the secretariat of a senator or member of parliament directly for an invitation to enter Parliament buildings. Members of the House of Representatives may invite third persons to Parliament buildings.

Ongoing discussions

Recommendation n° 2 of the Compliance Report of GRECO of 28 March 2014 under the 4th Evaluation Round: "GRECO recommends that rules should be introduced for Members of Parliament on how to engage in relations with lobbyists and other third parties seeking to influence the parliamentary process."

Related rules

The House of Representatives and the Senate have since 25 May 2014 a Code of Deontology appended to their Rules of Procedure. The Codes deal, among other things, with conflicts of interests.

National references

www.senate.be/www/?Mlval=/publications/viewPubDoc&TID=33622223&LANG=fr

www.dekamer.be/kvvcr/pdf_sections/publications/reglement/Déontologie%20-%20x%20code%20des%20membres%20NTC.pdf

BULGARIA



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

References

Transparency of lobbying in Bulgaria - 13% according to the Transparency International Survey of 2015

Ongoing discussions

Continued debates on possible introduction of a register. Four bills were introduced in 2008 alone.*** MPs from the competent parliamentary committees of the National Assembly are discussing the eventual preparation of a bill to regulate lobbying.

National references

www.transparency.bg/media/publications/Bulgaria%20National%20Summary%20LLL_4.pdf

CROATIA



Self-regulation

Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

The members of the Croatian Society of Lobbyists sign the Code of Conduct upon registration. Registration requires an annual fee of 200 Euro.

A register for lobbyists

Self- regulation Croatian Society of Lobbyists (CSL) established in June 2008, provides a voluntary register for professionals in the public affairs/ consultancy sector (67 individual members, and one legal person as a member).

Ongoing discussions

HDL is pushing for introduction of lobby regulation. In the Fall of 2015, a formal partnership was formed between Transparency International Croatia and The Croatian Society of Lobbyists, to use mutual efforts in promoting lobbying transparency in Croatia.

Official links

<http://hdl.com.hr/odrzana-prva-tematska-sjednica-donesena-odluka-o-strateskom-partnerstvu-hdl-a-i-tih-a/>

National references

<http://hdl.com.hr/vijesti>

CYPRUS



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

Access to Parliament buildings and other incentives

Yes with a visitors badge

Related rules

Lobby groups may be invited to express opinions on particular issues in committee meetings, although it remains to the discretion of the chairman and the members of parliamentary committees to adopt or reject opinions expressed by interest groups.

National references

http://transparencycyprus.org/lobbying/wp-content/uploads/2015/01/Policy_Position_Lobbying_en.pdf

CZECH REPUBLIC



Self-regulation

Specific legislation on lobbying

The Government stopped preparation of Act on Lobbying 15.01.2013, due to inability to find a compromise on scope and coverage of the Act. Internal rules of procedure may be adopted instead of a legislative act.

Code of conduct for lobbyists

Self-regulation Czech Lobbying Association, 2012, has adopted a Code of Conduct

A register for lobbyists

No

Mandatory/ Voluntary

Voluntary code of ethics to help elected officials in their relationship with interest groups, introduced in 2005

Ongoing discussions

Discussion of lobby regulation appeared in programme of the coalition government in 2006. Submission of a bill by the Socialist MPs Bohuslav Sobotka and Jeroným Tejc in May 2009 was rejected. Three failed attempts to regulate lobbying since 2004. Considerable pressure from NGOs on anti-corruption measures generally.

National references

www.transparency.cz/wp-content/uploads/V-%C4%8D%C3%ADm-z%C3%A1jmu-a-jak-funguje-lobbing.pdf

DENMARK



Self-regulation

Specific legislation on lobbying

Although introduction of a lobby register is often discussed in the public arena, there are no plans to do so currently.

Code of conduct for lobbyists

Self-regulation. Danish PR association (Public Relations Foreningen) has established an ethical code.

A register for lobbyists

In Oct 2012 MPs were given possibility to register contacts with lobbyists, organisations, businesses etc. under a specific category in the voluntary register of financial interests. Several MPs found it excessively burdensome to record such contacts and difficult to determine which were significant. The system was abandoned shortly afterwards. Instead, MPs now have a link on the parliamentary website to personal or party websites where they describe contacts with lobbyists on a voluntary basis.

Mandatory/ Voluntary

Voluntary

Access to Parliament buildings and other incentives

Parliament committees are often in contact with citizens, interest groups, researchers, experts etc. Interest groups and others may attend committee meetings and express opinions about issues or Bills on the agenda. Committees also receive written opinions and inquiries, which are distributed to all committee members and registered as committee documents (deputations from individuals, organisations, associations, etc. on specific legislation). A deputation may also be granted an audience to discuss a subject of a more general nature within a committee's remit.

Body responsible

None

Sanctions & Enforcement

None

Ongoing discussions

For the time being, there are no such discussions.

Related rules

The names of interest groups or persons who are granted an audience with Standing Committees of Folketing are recorded in minutes of meetings and working documents, which are submitted to the committee and registered, as well as being made available on the Parliament website. Requests for audiences with the committees are also published on the website (LEGISLATIVE FOOTPRINT)

ESTONIA



Specific legislation on lobbying

No statutory rules although open-ended promise (2013) by the Ministry of Justice to work on finding the most appropriate system of regulation of lobbying in Estonia.

Code of conduct for lobbyists

No

A register for lobbyists

No

Ongoing discussions

Discussions in 2012 on how to regulate lobbying . On 10.10.12 Justice Minister Kristen Michal presented the 'good practice of lobbying rules' and proposed regulation on lobbying with no follow up. Prime Minister Andrus Ansip, in May 2013, expressed support for lobby regulation on the basis of the US example in order to make the policy process more transparent.

Related rules

1. Rules on the drafting of legislation provide certain transparency conditions: Cabinet Rules of the normative technique of drafts of legislative acts, Parliament Rules for draft legislation in the legislative proceedings.
2. Parliamentary work is ongoing to address GRECO's recommendation to develop and enforce a code of conduct for Members of Parliament, including restrictions on their activities after leaving office.

National references

http://transparency.ee/cm/files/lisad/lobbying_in_estonia.pdf

FINLAND



Self-regulation

Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

Self regulation most public affairs organisations and PR agencies have their own codes. Also the Finnish Association of Marketing Communication Agencies, Procom, the Finnish Association of Communication Professionals as well as the professional lobbyist a

A register for lobbyists

No

Access to Parliament buildings and other incentives

Lobbyists are given daily access badges and are not allowed to be in Parliament buildings unaccompanied; however they can be invited to the Members' offices.

Ongoing discussions

The Standing Advisory Committee on matters pertaining to civil servant's ethics has given recommendations on cooling off periods for senior politicians in post-government employment. Introducing legislation to regulate lobbying and a register for lobbyists has been discussed, but so far rejected (for instance by the Government Committee on Ethics of State Civil Servants in 2014). Voluntary registers are upheld e.g. by ProCom and at the moment some 40 MPs are, in cooperation with the Finnish Broadcasting Company, keeping a "diary" on lobbyists they have met.

Related rules

Rule 37 of the Rules of Procedure of Eduskunta, representatives of public and private interests (e.g. trade unions and employers' organisations) or experts may be heard by parliamentary committees in the preparatory stages of drafting legislation.

The names of experts heard in parliamentary committees and the organizations they represent is public. After the submission of a committee report or statement, written statements submitted to committees are also public. LEGISLATIVE FOOTPRINT

FRANCE



Soft regulation

Specific legislation on lobbying

Strengthening and update of Rules of Procedure of the National Assembly relative to interest representatives, implemented on 1 Jan 2014. The Senate adopted internal rules relative to interest representatives' activities on 7.10.2009

Code of conduct for lobbyists

Code of Conduct containing detailed rules for lobbyists and their ethical behaviour adopted by Bureau of National Assembly on 26/06/13, and in Senate, adopted in 2009. Improved code of ethics/conduct to be adopted with the mandatory system.

A register for lobbyists

Yes, in both houses of parliament. organisations are encouraged to sign up to the Register, which is public on the websites of the National Assembly (180 registrant organisations on 1/11/14) and the Senate (114 registrant organisations on 23/12/14). Public announcement of a possible future mandatory system (Loi Sapin).

Mandatory/ Voluntary

Voluntary in both Houses of Parliament; registration facilitates application procedures to access buildings. Mandatory system proposed in 2016 (Loi Sapin).

Scope of coverage

In the National Assembly, consultancies will be obliged to have client present at all meetings with elected representatives/ public officials. In the Senate, rules apply to all organisations, public, semi-public or private. The newly proposed mandatory system would state that every lobbyist must register if he claims to communicate with the president or his staff, ministers or cabinet, heads of independent administrative authorities or certain officials. Religious organisations exempt, as well as social partners.

Access to Parliament buildings and other incentives

Registered entities receive a "registered interest representative" card to prove they are registered. This facilitates access to the building, but is not sufficient to enter. It is publicly announced in committee meetings whether interest representatives invited to speak are registered or not. Registrants receive alerts about upcoming legislation and can publish contributions on the Parliament's website.

Body responsible

Bureau of the National Assembly: Délégation chargée des représentants d'intérêts, (formerly presided over by MP Christophe Sirugue). Bureau of the Senate and application by Conseil de Questure.

Sanctions & Enforcement

If code not respected, representatives can be withdrawn from the list. In the Senate graduated sanctions from removal from the register to temporary suspension of access rights to permanent withdrawal of access rights. Mandatory register proposal - fines up to 30.000 Euro for breaching ethical rules.

References

The information to be provided by registrants is similar to the European TR.

Ongoing discussions

New obligation to publish list of organisations heard in conjunction with a legislative report (LEGISLATIVE FOOTPRINT) applicable as of 1 Jan 2014. On 28 November 2014 a resolution was passed in the Assemblée to update the RoP, to provide a role for the "deontologue" to intervene in terms of content of the register. In January 2016, the Finance Minister of France announced the creation of mandatory national register of lobbyists.

Related rules

"La haute Autorité pour la transparence de la vie publique" created end 2013 to oversee new financial declaration requirements made on ministers and members of the French Assembly + Senate. New stricter rules on access for "collaborateurs" of elected representatives.

Official links

www2.assemblee-nationale.fr/representant/representant_interet_liste

www.senat.fr/role/groupes_interet.html

National references

www.hatvp.fr

Other references

www.mediapart.fr/journal/france/310116/le-plan-de-bercy-pour-controler-les-lobbyistes

GERMANY



Soft regulation

Specific legislation on lobbying

German Bundestag was the first Parliament in EU to adopt specific rules for the registration of interest representatives in 1972 (Annex 2 to its Rules of Procedure).

Code of conduct for lobbyists

No code of conduct stricto sensu prescribing an ethical behaviour of lobbyists

A register for lobbyists

The Bundestag has a public register for associations of trade and industry representing interests vis-à-vis the Bundestag and the Federal government. The German Bundesrat does not dispose of a similar register. According to Annex 2 of the rules of procedure of the Bundestag, an annual public list of all groups wishing to express or defend interests before the Bundestag or the Federal Government is drawn up and published. The list of entities is publicly available; in Nov 2014, 2.219 associations were registered.

Mandatory/ Voluntary

Voluntary. In principle lobbyists cannot be heard by a Parliamentary committee if they are not on the register, but Committees and the Bundestag may still invite associations and experts not on the list to present information.

Scope of coverage

Individual lobbyists, lobbying offices, companies or lawyers and law firms are not expected to register. Public entities are not registered, nor are regional authorities.

Access to Parliament buildings and other incentives

Representatives of pressure groups must be entered on the register before they can be issued with a pass admitting them to parliament buildings.

The following information must be provided: name and seat of the group; composition of board of directors and board of management; area of interest; number of members; names of appointed representatives; office address. Five persons from a single organisation can be present inside the Parliament at the same time. MPs often invite lobbyists to the Parliament and give them access cards 'under the table'.

Body responsible

President of the German Bundestag

Sanctions & Enforcement

None, except loss of opportunity to be heard in the Bundestag committees. The public list does not have any legal force.

Ongoing discussions

There have been several proposals to strengthen the rules, but no follow up, so far. During the 17th legislature of the Bundestag (2009-2013), there were several parliamentary initiatives towards improved transparency of interaction of politicians with stakeholders. In specific bills the groups of the SPD (Social Democrats), DIE LINKE. (The Left) and Bündnis 90/DIE GRÜNEN (Alliance 90/The Greens) called for a mandatory public lobby register. The bills were rejected in 2013.

In November 2014 press reported preparation of a comparable bill to be tabled at the Bundestag by group of DIE LINKE. (The Left). In October 2015, an article was published demanding an explanation about a lot more current access cards in use than actual employees in the Bundestag. The article triggered a reaction from the Bundestag: it stopped issuing access cards to lobbyists.

Related rules

Joint Rules of Procedure of the Federal Ministries (GGO) in preparation of legislation and draft regulations outlining arrangements for the participation of organisations and professionals (see in particular § 41, § 44, paragraph 3 and 5, § § 47 paragraph 3 and 74 paragraph 5).

National references

www.btg-bestellservice.de/pdf/80060000.pdf

www.bundestag.de/blob/189476/974d929ec5ba60e52d557fb218fbbfe4/lobbylisteaktuell-data.pdf

www.abgeordnetenwatch.de

Other references

<http://parliament.watch/how-abgeordnetenwatch-took-the-german-parliament-to-court>

GREECE



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

Access to Parliament buildings and other incentives

There is no specific obligation for the registration of lobbyists or the reporting of contacts between public officials and lobbyists.

Related rules

Statute Law 3126/2003 on Criminal responsibility of ministers. Members of Parliament are subject to self-regulation under the principals set out by the Constitution and the Standing Orders of the Hellenic Parliament.

The Civil Service Code sets out the basic values and principles which civil servants should follow in performing their duties.

HUNGARY



Specific legislation on lobbying

No statutory rules. Lobbying regulation was abandoned by the government and replaced by Act CXXXI of 2010 On Public Participation in Developing Legislation, which came into force in January 2011.

Code of conduct for lobbyists

No

A register for lobbyists

According to the Central Office of Justice, as the guiding body of the register of the lobbyists and lobbying organizations, the procedure laid down in the Act XLIX of 2006 on Lobbying Activities could not continue, eliminating the possibility of registering. The register was closed in 2011, and the data contained erased in 2014.

Scope of coverage

Former register had narrow application, i.e. professional lobbyists

Access to Parliament buildings and other incentives

There is no official entry option to the Parliament building. Lobbyists and lobbying organizations have lost their privileges and obligations. They had to give back their lobby licenses. Professional chambers and associations can keep in touch with the decision-makers under the new Act. Strategic partners conclude a strategic cooperation agreement with the adequate ministry. The government informs the partners about the new drafts and amendments. The strategic partner is obliged to pass on the opinion of the sector.

Body responsible

Central Office of Justice

References

US disclosure act of 1995

Ongoing discussions

Government pleaded that the system did not contain dissuasive sanctions and had little impact in practice -internet consultations on draft bills is a more effective method; details regarding whom the government consulted once draft is complete are then posted on the internet.

Related rules

The Government decree on the system of integrity management within public administration issued in 2013 obliges public servants to ask prior permission from their hierarchy to meet lobbyists and to also report back on the contacts or outcome of meetings. There is no mechanism in place targeting the monitoring of the implementation of these obligations.

National references

www.complex.hu/kzldat/t0600049.htm/t0600049.htm

IRELAND



Mandatory regulation

Specific legislation on lobbying

The Registration of Lobbying Bill 2014 was published on Friday 20 June 2014. The passage of the Bill through the Houses took place in October 2014. Lobbying register implemented and launched on May 1st 2015 - trial period. Mandatory registrations began on September 1st 2015.

Code of conduct for lobbyists

Statutory code, with variations depending on category of lobbyist

A register for lobbyists

The register will be available to the public online. Lobbyists will provide details of all contacts with office holders or public officials, regarding preparation of legislation, development or modification of policies and awards of grants and contracts, 3 times a year (at the end of April, August and December). Communications solely about implementation or technical issues will be excluded. The name of persons contacted the subject matter, name of person responsible and the clients concerned. On February 8th 2016, over 2779 organisations registered.

Mandatory/ Voluntary

Pending mandatory registration requirements, regardless of where lobbying takes place

Scope of coverage

Lobbyists are defined as employer or their staff and 3rd party lobbyists, as well as anyone lobbying about land development. An individual's communication in relation to his or her private affairs are excluded from registration with the exception of matters relating to planning and re-zoning. Communications by employers with 10 employees or less (i.e. micro enterprises) also excluded. In Ireland, every group that engages in lobbying, third-party or otherwise, must disclose its activities on a quarterly basis, including the aim it was trying to achieve.

Access to Parliament buildings and other incentives

Communications made to senior civil servants, or elected politicians relating to “the initiation, development or modification of any public policy or of any public programme, the preparation of an enactment, or the award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds” will have to be registered. However access to Leinster House is not connected to the register. Currently to gain access to attend committee hearings requires signing in by a member of the Oireachtas. No obligation on public officials or Members to only deal with those registered.

Body responsible

The Standards in Public Office Commission will be the Registrar. They will oversee the implementation of the register, monitor compliance, provide guidance and assistance and where necessary investigate and pursue breaches of legal requirements in due course.

Sanctions & Enforcement

Various sanctions foreseen from naming and shaming to contraventions and fines (administrative penalties), and in serious cases, court proceedings (which could lead to imprisonment). Lobbying registrar has the power of investigation.

References

OECD principles and Canadian model essentially.

Ongoing discussions

Bill initially introduced in Spring 2012. Public consultation made in 2013. A review of the legislation is foreseen one year after its commencement (i.e 2016).

Related rules

Bill also provides for applications to the Registrar to approve lobbying during a 1 year cooling off period for

all former public officials seeking to lobby in areas which they previously worked in. Under the Ethics in Public Office Act, 1995 TDs, Senators and civil and other public servants

are expected to declare financial and other interests including any remunerated position as lobbyist, consultant and so on. Similar provisions apply under Part 15 of the Local Government Act, 2001 to local government employees and councillors.

Official links

www.per.gov.ie/regulation-of-lobbying

Other references

www.lobbying.ie

www.lobbying.ie/help-resources/information-for-lobbyists/guidelines-in-relation-to-development-and-zoning-of-land

www.rte.ie/news/2016/0121/761878-lobbying-legislation-deadline



Soft regulation

Specific legislation on lobbying

No national statutory rules, only diverse systems at regional level

Code of conduct for lobbyists

Some self regulation by public affairs associations with their own codes of conduct for members, "Il Chiostro" and "Ferpi"

A register for lobbyists

Tuscany has been the pioneer since 2002. Tuscan registry only applies to organisations where the internal structure is based on democratic principles. This results in the exclusion of most companies and consulting agencies. In August 2014, there were 129 registered entities.

Scope of coverage

The regional regulation does not provide a specific definition of lobbyists.

Access to Parliament buildings and other incentives

Article 144 of the Rules of the Chamber and Article 48 of the Rules of the Senate provide that all parliamentary committees may hold hearings with local representatives, private sector representatives, trade associations and other sector experts. The hearings are to acquire information and documents relevant to parliamentary activity.

Body responsible

A Transparency Unit was set up to run the register for the Agriculture Ministry, but was then dissolved

References

European Transparency Register

Ongoing discussions

More than 50 bills having been introduced to parliament since 1945 on regulating lobbying. On 30 July 2014 the standing committee on Constitutional Affairs of the Senate started examination of draft regulation on lobbying. The Italian Ministry for Agriculture (under Minister Cantana) introduced an embryonic lobbying regulation in February 2012, but no implementation so far.

Related rules

Tuscany (Regional Law n. 5/2002), Molise (R. L. 24/2004) and Abruzzo (R. L. 61/2010).

National references

www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/6249

www.formiche.net/2013/11/12/lobby-addio-trasparenza-al-ministero-dellagricoltura

LATVIA



Self-regulation

Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

Self-regulation Latvian lobbying companies founded an association in 2012 as well as adopted an ethical code (Latvian Lobbying Association, 2012).

A register for lobbyists

No

Access to Parliament buildings and other incentives

The Ministry of Environment Protection and Regional Development and several other agencies publish online basic information on contacts with lobbyists, based on internal codes of ethics

Ongoing discussions

Latvia rejected a draft Law on Transparency of Lobbying submitted to the Government for approval in December 2013. The bill was drafted by the Corruption Prevention and Combating Bureau (KNAB) including a very wide scope. A draft law has been under discussion since 2012.

Related rules

Annotations accompanying draft legislation provide information about consultations held (LEGISLATIVE FOOTPRINT)

Official links

www.knab.gov.lv/en/knab

[/www.varam.gov.lv/lat/lidzd/informacija_par_lobijiem](http://www.varam.gov.lv/lat/lidzd/informacija_par_lobijiem)

LITHUANIA



Mandatory regulation

Specific legislation on lobbying

Regulation came into force 2001 - Law on Lobbying Activity (LLA), amended in 2003*. Covers legislative acts irrespective of branch or level of government.

Code of conduct for lobbyists

Lobbyists' Code of Ethics

A register for lobbyists

Yes, the law requires all lobbyists to register in a publicly available list on-line. In November 2014, the list contained only 36 registered lobbyists. Once registered, a person may perform lobbying activities permanently. Although particular actions of the lobbyist are not subject to registration, lobbyists are obliged to submit annual reports indicating income and expenditures for lobbying activities, and the title of a legal act targeted.

Mandatory/ Voluntary

Mandatory

Scope of coverage

"lobbying activities" means actions taken in an attempt to exert influence to have legal acts modified or repealed, or new legal acts adopted or rejected. The law does not cover foundations and associations. Actions taken by interested persons in defending their own interests are not considered as lobbying.

Access to Parliament buildings and other incentives

Registered lobbyists have the right to participate in drafting of legislation, amendments and consultations. Certificate of lobbying also gives access to authority buildings and to organise meetings.

Body responsible

Chief Institutional Ethics Commission (COEC) is charged with supervising adherence to institutional ethics standards, regulating public and private interests in civil service, and controlling certain lobbying activities.

Sanctions & Enforcement

Suspension of lobbyist, possible legal action and/or fines, related to "illegal lobbying activities" as defined under Article 6 of the law (by a non registered person, in the name of a non-existent client etc.)

References

US system

Ongoing discussions

In the development of Lithuanian lobbying regulation, an indirect but notable role was played by EU accession negotiations.

Related rules

Cooling off period of one year included for politicians leaving office. The following shall be prohibited from being a client of lobbying activities:

1. a state politician;
2. a state official, civil servant or judge;
3. state and municipal institutions or establishments;
4. state or municipal enterprises

National references

<http://www.vtek.lt/#lobistams>

LUXEMBOURG



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

Related rules

Loi du 1er avril 1979 sur le statut de la fonction publique — refers to the principles of neutrality and impartiality of public officials.

MALTA



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

Related rules

A code of ethics requires Members of the House of Representatives to declare connections with persons that have a direct interest in legislation before the House

Official links

www.parlament.mt/codeofethics-mp?!=1

NETHERLANDS



Soft regulation

Specific legislation on lobbying

There (still) is no specific legislation on lobbying. A lobby registry was introduced however on July 1, 2012 (as part of rules of procedure) applicable to the Dutch House of Representatives only. The Senate has no regulations in the rules of procedure nor a code of conduct for lobbyists.

Code of conduct for lobbyists

No related code

A register for lobbyists

Publicly accessible list of entities requesting access to Parliament (by month). The Dutch Senate does not have a register, but lobbyists that are registered with the House (and have a security pass provided by the House) have access to the building of the Senate as well.

Mandatory/ Voluntary

Mandatory registration for entry into the "secure zone" of Parliament i.e. to access MPs or staff

Scope of coverage

There are three groups of lobbyists:

1. employees of public affairs and public relations agencies;
2. representatives of civil society organizations / associations
3. representatives of municipalities and provinces

Access to Parliament buildings and other incentives

Mandatory registration for entry into the "secure zone" of Parliament i.e. to access MPs or staff

Body responsible

The General Secretariat - requests are made to the Secretariat to enter building and are accepted depending on the organisation and request

Sanctions & Enforcement

Informal sanction for unacceptable behaviour, blocking access to enter building

References

Transparency Register

Ongoing discussions

Internal (staff) discussions on drafting an update to rules, in order to introduce a similar system to TR. Final draft to be presented to Tweedekamer's Presidium (no deadline).

Official links

www.tweedekamer.nl/over_de_tweede_kamer/lobbyistenregister

POLAND



Mandatory regulation

Specific legislation on lobbying

Act on Legislative and Regulatory Lobbying passed by Sejm in July 2005, which came into force on 7 March 2006 (after very topical corruption cases + parliamentary investigative committees). The Act promotes transparency in the law-making process and was amended in 2011.

Code of conduct for lobbyists

No stricto sensu code of conduct concerning ethical behaviour of lobbyists.

A register for lobbyists

All entities performing professional lobbying activities must be entered into a public register, maintained in the form of a database which is publicly accessible. Entry into the register has a fee (25 EUR). Those parties that declare interest in specific legislation can participate in public hearings. Register included nearly 300 entries at the beginning of 2014.

Mandatory/ Voluntary

Mandatory

Scope of coverage

Quite broad definition of activity covered, professional

lobbying shall include lobbying activities pursued for a fee on behalf of third parties. NGOs are not covered by the provisions.

Access to Parliament buildings and other incentives

Registered lobbyists are issued with special red badge to access the Sejm premises. Passes must be visible at all times. Lobbyists have to declare what legislation they are lobbying on. They are forbidden to enter the subcommittees meetings without an invitation. However almost everyone interested in works of any subcommittee can

obtain an invitation of the chairman and freely participate in all sessions.

Body responsible

Ministry of Internal Affairs & Administration (MSWiA) is tasked with maintaining the register & producing an annual report.

Sanctions & Enforcement

An entity which performs professional lobbying activities without entering activity in the register shall be subject to a fine ranging from penalty from 3,000 up to 50,000 PLN (around 700 – 12,000 EURO). Monitoring is handled by officials of the same institutions where lobbying activities take place.

References

The Association of Professional Lobbyist in Poland (Stowarzyszenie Profesjonalnych

Lobbystów w Polsce, SPLP).

Ongoing discussions

Extensive discussions on the need to amend the regulation, notably to reduce the ways in which it may be circumvented. In 2010, the Prime Minister's Chancellery published a detailed analysis recommending improvements in the process of drafting legislation.

Related rules

Public authorities (but not individual parliamentarians) have to publish in the Public Information Bulletin, all current information on professional lobbying activities aimed at them (LEGISLATIVE FOOTPRINT).

National references

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051691414>

<http://mac.bip.gov.pl/prawo-i-prace-legislacyjne/dzialalnosc-lobbingowa> 11 11 11 11 11 11 11 11 11 11 11 11 11.html

PORTUGAL



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No - and it is also legal for Members of the Parliament to work part-time as MPs and part time as lobbyists, which they do, according to estimations, about 75 of them. The constitutions allows it. This is what has to be addressed first if any kind of lobb

A register for lobbyists

No

Access to Parliament buildings and other incentives

Lobbyists are subject to the general house rules governing access to, circulation and presence in the buildings of the Assembly

Ongoing discussions

The Committee for Ethics, Citizenship and Communication organised a public debate on lobbying in July 2013. No bills have been presented in connection with this issue. The Government (a coalition of Social Democrats and Christian Democrats), with the next October 2015 elections in mind, decided to prepare a new legal framework on transparency, to be presented in June and aiming to fight corruption. And, of course, under the “umbrella” of transparency, the regulation of lobbying/public affairs is going to be one of its main cornerstones.

National references

<http://canelapr.com/public-affairs-regulation-experiences-boost-in-portugal/>

ROMANIA



Self-regulation

Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

Self Regulation Romanian Lobbying Association (RLRA) set up a voluntary system of registration in 2010 with an ethics code for all members of the association

A register for lobbyists

RLRA has setup a Romanian Transparency Register for its members, which is accessible to the public

Access to Parliament buildings and other incentives

Chamber of Deputies puts at the disposal of the non-profit civil society organizations legally established and interested in the legislative activity of the standing committees of the Chamber of Deputies a procedure for their online registration in a public database give to the interested organizations the chance to participate directly in the consultation process and to be able to offer their expertise in different domains. The Bureau of each Committee may invite representatives of civil society, owners' associations, vocational associations or trade unions to participate to the sittings of the relevant Committee.

References

EU Transparency Register

Ongoing discussions

Two bills debated in 2011 on possible regulation, and a draft law also discussed in 2014.

Related rules

Rules on conflicts of interest and incompatibilities applicable to public officials.

National references

www.cdep.ro/pls/dic/site.page?id=572&idl=2

SLOVAKIA



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

No

A register for lobbyists

No

Ongoing discussions

During current election term (2012-2016) two draft bills on lobbying were submitted, although neither of them were approved.

Related rules

Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials No. 357/2004, as amended by Constitutional Act No. 545/2005

SLOVENIA



Mandatory regulation

Specific legislation on lobbying

Lobbying activities are regulated in the Integrity and Prevention of Corruption Act

Code of conduct for lobbyists

Pursuant to the Act, lobbyists may form lobbyist associations which adopt a code of professional ethics.

A register for lobbyists

A register of lobbyists is accessible to the public. In Jan 2016, 63 individuals were registered. They must provide contact details and fields of interest. Only individuals (natural persons) can register, but they must provide information about the company or organisation they lobby for.

Mandatory/ Voluntary

The precondition to start lobbying activities is the entry in the register of lobbyists and is mandatory by law. An administrative tax has to be paid when applying to join the register. Lobbyists must report to the CPC by latest 31 January for the previ

Scope of coverage

Covers non-public contacts by lobbyists who seek to influence the policy-making process. Lobbying directly related to issues of rule of law, democracy and protection of human rights and fundamental freedoms is not defined as lobbying activity.

Access to Parliament buildings and other incentives

The registered lobbyist has the right to be invited to all public presentations and all forms of public consultations; information thereon must be provided by state bodies and local communities. The lobbyist may forward to the lobbied persons written and oral information and materials relating to cases in which he/she is lobbying. The lobbyist may meet with the lobbied persons who are obliged to draw a record of any contact with the lobbyist and send it within three days to their Head and to the Commission.

Body responsible

The Commission for the Prevention of Corruption of the Republic of Slovenia is an independent state body with a mandate in the field of preventing and investigating corruption, breaches of ethics and integrity of public office. Their tasks among others, i

Sanctions & Enforcement

The Commission may impose (depending on the gravity of the violation, on the consequences that ensue, and on whether the violation is a first time or repeat violation) the following sanctions which are entered in the register of lobbyists:

- written reprimand,
- prohibition of lobbying in specific cases,
- prohibition of lobbying for a specific period of time, no shorter than 3 - 24 months,
- removal from register.
- fines of EUR 400-100,000.

Ongoing discussions

Legislative changes in 2010 and 2011 focused on integrity and prevention of corrupt practices, conflicts of interest, transparency of lobbying, whistleblower protection, public procurement, criminal law provisions and criminal procedure. Implementation of rules on lobbying is still insufficient and more needs to be done to raise awareness. The CPC has noted that its resources are too limited to be able to carry out a thorough and systematic check of all lobbying activities.

Related rules

The Commission has prepared as for the civil servants and officials a procedural guide - instructions on how to proceed when they meet a lobbyist. Contacts with lobbyists are listed on the website, on an annual basis according to state body.

Official links

www.kpk-rs.si/en/lobbying/register-of-lobbyists

SPAIN



Self-regulation

Specific legislation on lobbying

Lobbying is not regulated in Spain, but a parliamentary majority in February 2014 made a commitment to introduce lobbying regulation.

Code of conduct for lobbyists

Self regulation APRI (Asociacion de profesionales de las relacio institucional) has adopted a code of conduct for its members in the sector, and is pushing for regulation.

A register for lobbyists

No, although in June 2013 the government announced plans to introduce a voluntary register for Parliament, with no follow up action because of lack of majority agreement on scope of coverage.

Mandatory/ Voluntary

The proposal of the government is a voluntary register, similar to the one of the EU

Scope of coverage

The parliamentary debate about the scope of coverage is still open.

References

EU Transparency Register

Ongoing discussions

In February 2014, Parliament adopted a resolution on a wide range of anti-corruption measures, referring to needed improvements to the bill on transparency and good governance; measures for regulating lobbying; improvements in the asset disclosure system for elected officials etc.

Related rules

Ley de Transparencia, Acceso a la Información y Buen Gobierno Ley 19/2013, de 9 de Diciembre 2013, expands and strengthens transparency of public activities, recognises the right to access to information, and provides good governance obligations for public officials, including corresponding sanctions.

Official links

www.congreso.es/backoffice_doc/prensa/notas_prensa/18520_1361968355833.pdf

National references

www.forotransparencia.com

<http://relacionesinstitucionales.es>

Other references

<http://transparencia.org.es/en/transparency-regulation-and-self-regulation-of-lobbying-in-spain>

CATALONIA



Mandatory regulation

Specific legislation on lobbying

This is a pioneering initiative in Spain, which is part of the "Catalan Transparency Act" passed in December 2014 in the Parliament, which seeks besides being a more citizen participation mechanism to provide the public administration with a tool to provide more transparency.

Code of conduct for lobbyists

Lobbyists must sign a code of conduct "subject to administrative sanctions, and every six months update their meetings and contacts (including telephone) to senior positions." Being part of that record will soon be a sine qua non for negotiations with the

A register for lobbyists

Registro de Lobbies de la Generalitat de Catalunya

Mandatory/ Voluntary

Mandatory register

Scope of coverage

Any organization, foundation, professional office, company or private person wishing to contact a public official in the Catalan administration in order to "engage, review or influence" any initiatives or public decision.

Body responsible

The Department of Justice of Catalonia

References

EU Transparency Register

Official links

www.europapress.es/catalunya/noticia-registro-lobbies-generalitat-funcionamiento-20151001133339.html

Other references

<http://transparencia.org.es/transparencia-y-autorregulacion-del-lobby-en-espana>

http://ccaa.elpais.com/ccaa/2015/07/28/catalunya/1438086286_976734.html

www.lavanguardia.com/politica/20150401/54428606044/govern-controlar-lobbies-registro-obligatorio.html

www.europapress.es/catalunya/noticia-registro-lobbies-generalitat-funcionamiento-20151001133339.html

<http://elboenuestrodecadadia.com/2015/12/01/solo-dos-entidades-forman-el-registro-de-lobbies-de-catalunya>

SWEDEN



Self-regulation

Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

Self regulation - many public affairs organisations produce their own codes. Since 2005, the Swedish Association of Communication Professionals operates under a self-regulatory ethical code called 'Professional Standards of the

Swedish Public Relations As

A register for lobbyists

No

Sanctions & Enforcement

No

Ongoing discussions

The issue of introducing legislation to regulate lobbying has been discussed in a couple of Swedish Governmental Official Reports (SGOR). The issue discussed most has been whether to set up a register of all lobbyists. SGOR recommended against adopting legislation because it might

create an "exclusive" group, access to Members should not be limited for reasons of free speech and the principle of democracy. Also questions about the practical aspects of implementation. Swedish Parliament (in April 2013) rejected a motion with a proposal to set up a register of lobbyists, referring to the conclusions in the above mentioned SGOR.

UNITED KINGDOM



Mandatory regulation

Specific legislation on lobbying

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, 30 January 2014

Code of conduct for lobbyists

No CoC foreseen

A register for lobbyists

On 25 March 2015, the UK Government launched the Register for Consultant Lobbyists: a statutory register of consultant lobbyists has been created in order that all "direct communications" to Ministers or permanent secretaries relating to legislation or government functions are registered. An annual subscription fee has been introduced for registrants. Client information to be updated, quarterly.

Mandatory/ Voluntary

Prohibition on consultant lobbying unless registered. Due to the narrow scope of the legislation, those required to register constitute a very small proportion of the UK's lobbying industry.

Scope of coverage

Consultant lobbyists are the only actors concerned by the register, and will have to disclose clients and whether or not they subscribe to a relevant code.

Access to Parliament buildings and other incentives

Various physical lobbies exist where MPs can meet their constituents.

Body responsible

Independent statutory office of Registrar, who will have a duty to monitor compliance with the requirement to register and a power to undertake enforcement action in instances of non-compliance and gives guidance to registrants. The Registrar was appointed

Sanctions & Enforcement

The Registrar serves information notices to persons needing to update, or persons not registered, with deadline. A person on whom an information notice has been served may appeal to the Tribunal against the notice. The Registrar may impose a civil penalty on a person if satisfied that the person's conduct amounts to an offence under any of subsections. Penalty notices may not exceed £7,500.

References

OECD

Ongoing discussions

A consultation was held (Sep-Oct 2014) on technical aspects of the register (i.e. costs and administration related to registration) . - In July 2015, following the closure of the UK Public Affairs Council (UKPAC), the CIPR launched the UK Lobbying Register (UKLR), a new universal voluntary lobbying register available to all professionals engaged in lobbying within the UK.

Related rules

The register aims to complement the Government's transparency initiatives – which include the quarterly publication of details of ministers and permanent secretaries' meetings with organisations – and the industry's existing self-regulatory regime. The bill in part 2 covers party financing for elections, and part 3 trade unions.

Official links

<http://www.legislation.gov.uk/ukpga/2014/4/contents/enacted/data.htm>

www.gov.uk/government/organisations/office-of-the-registrar-of-consultant-lobbyists

SCOTLAND



Mandatory regulation

Specific legislation on lobbying

Lobbying

Transparency Bill announced (2015)

Code of conduct for lobbyists

Code of Conduct for lobbyists as a part of the Bill

A register for lobbyists

A register of lobbyists (i.e. those

whose work involves lobbying) who directly engage with Members of the Scottish

Parliament (MSPs) and Scottish Ministers.

Mandatory/ Voluntary

Mandatory for: face-to-face communication, communications with SpAds and Civil Servants, and campaign expenditure

Scope of coverage

A question is still present will the register be focused on organisations or individuals. The committee, which in principle endorsed the government's plans, contained in the Lobbying Bill, also recommended the Scottish government consider broadening the definition of regulated lobbying to include communications with public officials other than ministers and MSPs. Scottish

Alliance for Lobbying Transparency (SALT) however, wants to see a register of lobbying of all public officials, not just MSPs and ministers; the definition of lobbying to be expanded to all communication; and full financial disclosure of lobbying budgets.

Body responsible

Minister for Parliamentary Business

Sanctions & Enforcement

If the Code of Conduct is not respected, an educative compliance regime which will be adopted should guarantee the effectiveness of the law. Sanctions will be used as a last resort.

References

Standards, Procedures and Public Appointments Committee (SPAAC) - 1st report (February 2015); A Consultation on proposals for a Lobbying Transparency Bill (May 2015); REID-HOWIE ASSOCIATES LTD. - Consultation on proposals for a lobbying bill - analysis of written responses (Oct 2015).

Ongoing discussions

A review of the law will be made two years after implementation.

Official links

www.lobbyingtransparency.org/blog



Soft regulation

Specific legislation on lobbying

Inter Institutional Agreement on the Transparency Register between EC and EP 2011, revised in April 2014.

Code of conduct for lobbyists

Yes

A register for lobbyists

Online joint register Transparency Register (for Parliament and Commission) formerly two separate registers)

Mandatory/ Voluntary

Voluntary, but obligatory registration requirement for access authorisation to EP and new incentives introduced

Scope of coverage

Very wide scope: Consultancies; law firms; trade associations; in-house lobbyists; NGOs (even platforms or ad hoc coalitions), think tanks, religious organisations and public authorities (local/ municipal). Clear separation in the register between commercial and non-commercial.

Access to Parliament buildings and other incentives

§ 22 of the Agreement: The issue and control of badges affording long-term access to the EP a process operated by EP. One year access given to individuals representing, or working for, organisations who have registered. Request online via Transparency Register. New incentives include registration requirement before meeting with Commissioners and their cabinets or with Director Generals. Registration is also a requirement for organisations wishing to be represented on Commission expert groups etc.

Body responsible

The Joint Transparency Register Secretariat (JTRS), is made up of EP-EC officials, coordination by Commission Head of Unit. Secretaries General of the Parliament and Commission are responsible for the implementation of the Agreement.

Sanctions & Enforcement

Removal from the register following complaint procedure, or for non co-operation, making access to the institutions more difficult. Publication of the sanction is foreseen for the worst case offenders.

References

OECD

Ongoing discussions

Review took place in 2013-2014. New review foreseen in 2017. Ongoing discussions regarding the introduction of a possible mandatory system.

Related rules

Code of Conduct for MEPs, Code of Conduct for Commissioners, regarding conflicts of interest.

Official links

http://europa.eu/transparency-register/index_en.htm

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.277.01.0011.01.ENG

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[http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2013\)011-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)011-e)

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<http://www.oecd.org/gov/lobbyists-governments-and-public-trust-volume-3-9789264214224-en.htm>

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http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf

