

Is transparency the key to citizens' trust?

Trust in political institutions is a key element of representative democracies. Trust in the rule of law is also the basis for democratic participation of citizens. According to the spring 2018 Eurobarometer survey of public awareness of the EU institutions, 50 % of respondents indicated they trust the European Parliament, which represents a 34 % increase since the beginning of the 2014-2019 legislative term. A transparent political decision-making processes has become a common objective to help strengthen citizens' trust in policy-makers and enhance the accountability of public administrations. In this regard, regulation of lobbying (the exchange between policy makers and stakeholders), and bolstering the integrity of this process, is often considered a vital ingredient. Public expectations for increased transparency of the exchange between policy-makers and interest representatives varies from one political system to the next, but it has increasingly become a topic of debate for parliaments across Europe, and a regular demand during election campaigns.

Background: Lobby transparency at EU level

Since June 2011, the [Transparency Register](#) (TR), jointly managed by the European Parliament and the European Commission, shows which organisations are seeking to directly or indirectly influence the EU decision-making processes. Interest representatives register voluntarily, but are encouraged to do so in return for certain practical advantages. Indeed, only registered interest representatives can enjoy regular access to the premises of the European Parliament, or meetings with Commissioners, members of their cabinets or directors-general of the European Commission. The public database has grown to almost 12 000 registered organisations in spring 2019, who provide contact information, the organisations' goals, their activities and resources dedicated to lobbying, as well as information on their membership and clients.

Interinstitutional negotiations: Towards a mandatory register?

After a [public consultation launched in 2016](#), which saw broad stakeholder support¹ for a mandatory scheme, the Commission proposed a [new Interinstitutional Agreement](#) (IIA) for all three institutions.² So far, the Council has only been an observer of the joint scheme shared by the European Parliament and Commission. In its proposal for a 'mandatory register', the Commission wants to make registration a condition for interacting directly with the decision-makers of the three institutions. As a consequence, this *principle of conditionality* would make registration a de facto pre-condition for carrying out traditional interest representation activities (i.e. meetings). Indeed, the Commission proposed that the highest management levels and political decision-makers in the Parliament and Council also apply its 'no registration – no meeting' rule.³ Unlike Commissioners, Members of the European Parliament are directly elected representatives of European citizens and consider that they must therefore be able to carry out their mandate as freely as possible, and without imposing a condition on whom they may meet. Indeed, Members are in favour of increased transparency of their meetings with interest representatives, and introduced a [new provision](#) whereby key actors in the legislative process – rapporteurs, shadow rapporteurs and committee chairs – will have to publish online all scheduled meetings with interest representatives for each legislative or non-legislative report. The same option is open to all Members. Moreover, the Parliament has clear rules, which make it impossible for unregistered interest representatives to speak at public hearings or participate in intergroups or other unofficial groupings. As concerns Council, a large majority of the 28 Member States have agreed to make meetings with their ambassadors in the six months leading up to and during their EU presidency conditional upon registration.⁴ Indeed, the Finnish Presidency (1 July 2019 – 31 December 2019) is publishing information on meetings with interest representatives,⁵ even before the conclusion of a new interinstitutional agreement.

Recent developments in Europe

The European Transparency Register has become the [largest of its kind](#) in terms of the number of active lobbyists registered. Eleven of the 28 EU Member States have [lobbying regulation in their countries](#), varying from harder to softer models. Throughout Europe, national parliaments are increasingly discussing the handling of interest representation and the need for more transparency in the decision-making process.⁶

The following most recent developments illustrate this trend.

In **Lithuania**, in 2018, 75 of the 141 Seimas' members voluntarily [declared a total of 676 meetings with interest representatives](#). Lithuania has had a mandatory lobby register since 2001, obliging interest representatives to register. At the end of 2018 a number of amendments were proposed, which would introduce a [new requirement for parliamentarians](#) to report on meetings with lobbyists, and on meetings at which a draft law is discussed.

Ireland, having established a lobby register in 2015, recently published a corresponding [Code of Conduct for interest representatives](#) effective from 1 January 2019. The [mandatory register](#) features a detailed description of the lobbying activities performed and information on the designated public official who was lobbied. Lobbyists have to make returns three times a year, including information on each instance of lobbying activity carried out in the preceding four-month period.

In **Belgium**, the Parliament adopted a proposal to establish a [mandatory lobby register](#) in July 2018. Persons representing certain organisations and engaged in activities aimed at directly or indirectly influencing the development or implementation of policies or the Chamber's decision-making processes are required to [sign up](#). At the end of 2018, [another proposal](#), still pending, suggested further amending the Chamber's rules of procedure, to ensure that any draft law mentions all persons who have participated in the preparation of the bill, including employees, civil servants, persons who have provided legal and other professional advice and persons representing organisations or the interests of organisations.

In **Finland**, Parliament's Speaker, Paula Risikko, in autumn 2018 announced that the Riksdag had [plans to establish a lobby register](#). Municipal and Reform Minister, Anu Vehviläinen, also spoke in favour of this intention. Studies comparing different lobby registers were undertaken in order for the government to design a system that would work well for Finland.

Towards public trust and participation: Benefits of lobby transparency

Transparency of lobbying gives EU citizens the opportunity to access information on which actors are trying to sway political decisions and influence law-making. It is often argued that lobbying itself is beneficial to the democratic process; after all, it means sharing expertise and positions with politicians deciding on people's behalf. With lobbying acknowledged as an essential part of the decision-making process, it is also argued that being transparent about this exchange, and making such information publicly accessible, can strengthen the democratic process even further, by promoting public involvement in checks and balances.⁷

Trust and accountability go hand in hand. Transparency of lobbying is part of a wider trend favouring direct democracy tools,⁸ used with a view to bringing people and politicians – which are sometimes seen as distant elites⁹ – closer together. Indeed, the oft-lamented communication-gap between EU citizens and the 'distant' EU institutions is better bridged when citizens know more about how Europe and the EU functions, to develop a degree of ownership of decisions affecting them. One-on-one meetings and public marches are part of the toolbox, and so is lobbying transparency. It adds value to political communication and can foster participation, but also help in countering misinformation and prejudice. On the topic of trust and transparency, although there is no 'one size fits all solution' to (re-)gaining trust with transparency, establishing lobby registers has become part of the trend.

¹ <https://ec.europa.eu/info/sites/info/files/summary-report-public-consultation-transparency-register.pdf>

² <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52016PC0627>

³ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.343.01.0022.01.ENG

⁴ The presidency of the Council rotates among the EU Member States every six months.

⁵ <https://finlandabroad.fi/web/eu/transparency-register>

⁶ <https://epthinktank.eu/2017/05/30/lobbying-parliament-public-trust-eu-transparency-register-workshop-of-10-may-2017/>

⁷ Sgueo, Gianluca (2015): 'How Lobbying Transparency Benefits Institutional Accountability - The European Union Case', in Osservatorio AIR Paper series.

⁸ <https://carnegieeurope.eu/2018/11/15/getting-europe-s-direct-democracy-right-pub-77750>

⁹ See <https://www.sueddeutsche.de/kultur/politik-und-teilhabe-die-eliten-haben-sich-immer-mehr-von-der-bevoelkerung-entfernt-1.4089256>

