



Transparency of lobbying in Member States

Comparative analysis

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ABSTRACT

This comparative analysis tracks the growing number of EU Member States that are introducing or considering the introduction of lobbying regulations with the aim of making public decision-making more accountable and transparent. Formats vary from statutory rules on lobbying (mandatory regulation) to voluntary systems of registration for lobbyists (soft regulation) to self-regulation by the public affairs sector. This analysis was first compiled in 2015 and has now been updated in October 2019.

At the European Union level, the Transparency Register, a public database, was set up by the European Parliament and the European Commission in 2011, in order to record activities of interest representatives trying to influence EU decision-making. The public register includes almost 12 000 organisations to date and is jointly administered by the Parliament and the Commission. The public register's 'Joint Secretariat' is made up of officials from both institutions.

<http://europa.eu/transparency-register>

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Introduction

This comparative analysis has been compiled in order to track the growing number of EU Member States that are introducing or considering the introduction of lobbying regulations. Lobbying regulations can be understood as rules with regard to lobbying activities, which aim to influence the public authorities' decision-making. Such rules come in many different forms, from **mandatory requirements** set out in an act of law, to softer variants introducing **incentives** to increase transparency. In some countries, the push for transparency comes from the public affairs sector itself, which chooses to **self-regulate** its activities in order to improve the reputation of both lobbying and the sector.

While scope of coverage and format vary – for example, a public register of lobbyists is not always created – the aim remains the same: to increase accountability of public decision-making and promote transparent and ethical lobbying. All forms of lobbying regulation try to respond to growing public concern about the way that policy is decided and implemented. This study does not aim to assess models based on how successful they are, but only to describe them.

The European Parliament's Transparency Unit started compiling this information after receiving several requests about the various lobbying regulation systems in the Member States. There has been considerable movement in this domain over the past few years; the most recent laws having been passed in Belgium (2018), France (2016), and Ireland (2015). This research was first compiled in 2015 and then updated in 2016 and again in 2019, through the use of public sources of information, consultations with the European Centre for Parliamentary Research and Documentation (ECPRD) and help from the European Parliamentary Research Service (EPRS).

As described in the following chapters, **seven Member States** as well as **two regions** (cf. Chapter I) have introduced statutory rules on lobbying (**mandatory regulation**). **Five Member States** have introduced voluntary systems of registration for lobbyists (**soft regulation**) (cf. Chapter II). Of the Member States with no lobbying rules, at least **seven** have **self-regulation** mechanisms, set up by the public affairs community to promote the transparency of their lobbying activities; discussions are ongoing in several other Member States on whether to introduce regulations (cf. Chapter III).

I - Member States with lobbying regulations (mandatory requirements)

AUSTRIA

2013



Specific legislation on lobbying

The Austrian Bundesrat, the Federal Council, passed the 'Transparenzpaket' (transparency package) on 28 June 2012, which took effect on 1 January 2013. This package comprises a series of transparency-related laws, among them the 'LobbyG' regulating lobbying activities and introducing a register for lobbyists.

Code of conduct for lobbyists

All organisations that lobby or that employ lobbyists must have a code of conduct. They have to provide information about the code both on their website and to anyone who asks.

A register for lobbyists

Before starting lobbying activities, lobbyists are required to register in the 'Lobbying and Special Interest Group Register' operated by the Ministry of Justice. This register is public, and organisations have to pay a one-time registration fee of €105-630; on 1 October 2019, 322 entries were registered.

Mandatory / voluntary

Mandatory

Scope of coverage

Different categories in the register require different levels of disclosure, but the majority of requirements are addressed at essentially specialised lobbying firms (third-party representation). Political parties, officially recognised churches and social security institutions are excluded. Law firms are 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 parliamentary buildings and other incentives

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

Body responsible

Ministry of Justice (BMJ)

Sanctions and enforcement

Violations of the code entail administrative penalties of up to €60 000. Furthermore, entities can be removed from the list by the federal justice minister if they have committed serious and sustainable breaches of the rules on conduct and registration. In this case, a new registration is only possible after three years.

References

In July 2012, the Austrian Parliament voted upon the transparency package reform. The main impulse for this reform was a GRECO-report on political party funding in Austria and a series of political scandals and criminal proceedings related to party funding. One element of the transparency package was the Lobbying and Special Interest Group Transparency Law (Bundesgesetz zur Sicherung der Transparenz bei der Wahrnehmung politischer und wirtschaftlicher Interessen BGBl. I 2012/64).

Ongoing discussions

The transparency package was drafted under high political and public pressure and there was little time for expert debates. While the package received general public and academic recognition, its pace of drafting and the lack of clarity of many provisions have been criticised since. An initiative for revision was introduced in 2017 in order to abolish the exception provided for lawyers and notaries, and to include a cooling-off period for former government officials by barring them from taking up lobby activities for two years after the end of their government appointment. The initiative was transmitted to the justice committee, with no effect so far.

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

FRANCE

2017



Specific legislation on lobbying

Part of the law of 9 December 2016, the 'Loi Sapin II' or 'loi relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique' establishes a regulatory framework for interest representation activities and a mandatory national register, the 'répertoire', for interest representatives in contact with designated public officials. After this law entered into force on 1 July 2017, the 'répertoire' has been gradually set up to give interest representatives time to register. As of 1 May 2018, the Loi Sapin II has been fully implemented. The aim is to further improve the transparency of relations between interest representatives and the public authorities.

Code of conduct for lobbyists

Both houses of the National Assembly have codes of conduct containing detailed rules for lobbyists and their ethical behaviour. The Bureau of the National Assembly adopted its code of conduct [on 13 July 2016](#), and the Senate [adopted its own on 1 July 2017](#). Both codes of conduct were amended to include the provisions of the December 2016 'loi relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique'.

A register for lobbyists

The 'répertoire' was created by the Loi Sapin II replacing the registers previously held by both the National Assembly and the Senate. This new register is managed by the High Authority for the Transparency of the Public Sector (HATVP). On 1 October 2019, the register had 1 936 registrants.

Mandatory / voluntary

Mandatory

Scope of coverage

The Loi Sapin II requires all organisations engaged in industrial or commercial activity, as well as all chambers of commerce, chambers of industry and chambers of trades and crafts ('chambres de métiers et de l'artisanat') to register, if the principal or regular activity of at least one executive, employee, or member is to influence the decisions of government bodies, especially with regard to the content of laws or regulatory acts, through their communication with legislators, cabinet members, legislative or cabinet staff and advisors, or other government officials. The law provides an exception for certain parties from the lobbying registration requirements, notably elected officials acting within their official capacity, political parties acting within their constitutional roles, labour unions, religious organisations and chambers of agriculture.

Access to parliamentary buildings and other incentives

Registered entities receive a 'registered interest representative' card facilitating their access to the parliamentary buildings. 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

The HATVP is an independent public authority created in October 2013, to oversee the publication and transparency of financial declarations of government members and other high-ranking officials.

Since the setting up of the 'repertoire', this body is also responsible for the register itself and the declarations of lobbyists.

Sanctions and enforcement

If the HATVP becomes aware (through its own initiative or through a third party) of any breach of the codes, the registrant concerned will receive formal notice and be asked to respond to the allegations. The formal notice can be made public. Any repeat of a breach during a three-year period can lead to up to a year's imprisonment and a €15 000 fine.

Both in the National Assembly and in the Senate, non-compliance with the codes by registered lobbyists or their representatives may lead the two houses' Bureaus, after instruction, to suspend or remove these from the register; this decision may be published on the two houses' websites.

References

The information to be provided by registrants is similar to that of the European Irish models, and is triggered by a 'contact' with an elected member, a public official or a government representative. Since 1 May 2018, registrants need to declare lobbying activities for the previous year, with a reference to the type of file lobbied on and the level of public official or government representative contacted.

Related rules

The HATVP also oversees the financial declaration requirements for ministers and members of the French National Assembly and Senate. Stricter rules on access for 'collaborateurs' of elected representatives were introduced in 2016.

Ongoing discussions

A draft resolution (No 1882) to reform the National Assembly's Rules of Procedure was submitted on 29 April 2019. The new rules include a section on ethics that is the final step in the implementation of the law on the moral standards of public life and the Loi Sapin II. Indeed, interest representatives are mentioned in Articles 17 and 20. The draft resolution has been reviewed by the relevant committee since 15 May 2019 and public session debates on the reform have been going on since 27 May.

The reform would introduce the following changes:

First, this draft resolution would formalise voluntary mechanisms for the prevention of conflicts of interest. When MPs consider themselves in such a situation, they can either submit an oral declaration of interest or choose to opt out of discussions. The reform introduces a public register where these procedures would be recorded.

The reform project also strengthens the role of the Assembly's ethics officer, responsible for monitoring compliance with the code of conduct for lobbyists set out by the Loi Sapin II.

Finally, in 2019 members of the Assembly discussed whether to declare all their meetings with interest representatives in a public agenda and how to source possible influence on amendments tabled.

Official links

<https://www.hatvp.fr/le-repertoire/liste-des-entites-enregistrees/>

<http://www.assemblee-nationale.fr/dyn/15/dossiers/reforme-reglement?etape=15-ANLUNI>

IRELAND

2015



Specific legislation on lobbying

The Regulation of Lobbying Act 2015, enacted in March 2015, came into effect on 1 September 2015 after a trial period. A review of the act takes place every three years.

Code of conduct for lobbyists

Section 16(1) of the Regulation of Lobbying Act 2015 provides that 'The Commission may produce, and from time to time revise, a code of conduct for persons carrying on lobbying activities with a view to promoting high professional standards and good practice'.

The preparation work to implement this code started in early 2018 and a single and principles-based code was introduced on 28 November 2018.

The code applies to anyone communicating with designated public officials, with no distinction made between different lobbyists. Anyone lobbying shall have regard to the code but since it is not mandatory, there are no sanctions for failure to comply.

The code seeks to provide guidance to those lobbying, to do so in an ethical and transparent way and to ensure that lobbying is conducted with honesty, integrity and respect for the institutions and people being lobbied.

A register for lobbyists

The register is a public online database, with 1 905 organisations or individuals registered by 1 October 2019. The information contained in the register is updated three times a year. The return must indicate who was lobbied, the subject matter of the lobbying activity and the results the person was seeking to obtain, the type and extent of activity, the name of any person in the lobbying organisation who is or was a designated public official and carried out lobbying activity, and, if relevant, information about any client on whose behalf they are lobbying.

Mandatory / voluntary

Registration became a legal requirement on 1 September 2015. The enforcement provisions took effect on 1 January 2017.

Scope of coverage

The following can be lobbyists: employers, staff and third-party lobbyists, as well as anyone lobbying about land development. An individual's communication concerning his or her private affairs is excluded from registration with the exception of matters relating to planning and re-zoning of land. Communication by employers with 10 employees or less (i.e. small businesses) is also excluded. In Ireland, every group that engages in lobbying, third-party or otherwise, must disclose its activities on a quarterly basis, including the results it was seeking to obtain, which is an unusual element compared with other models of registers.

Access to parliamentary buildings and other incentives

Communication 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' has to be registered. However access to the parliament, Leinster House, is not linked to the register. Currently, for anyone to obtain access to parliamentary committee hearings, they need a member of the Oireachtas to sign in for them. Currently, there is no requirement placed on public officials or members to only interact with registered entities or individuals.

Body responsible

The Standards in Public Office Commission is the Registrar. It oversees the implementation of the register, monitors compliance, provides guidance and assistance and where necessary investigates and pursues breaches of legal requirements.

Sanctions and enforcement

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

References

The OECD principles and the Canadian model have essentially been used.

Ongoing discussions

Following a public consultation, the Department of Public Expenditure and Reform published its first review of the operation of the Regulation of Lobbying Act in April 2017. The main concerns raised in the public consultation were the need for greater awareness of the registration requirements and for reviewing the list of exempted entities. Subsequent reviews will be required every three years.

Related rules

The act also requires that applications are to be made to the Registrar to approve lobbying activities during a one-year cooling off period for all former public officials seeking to lobby in areas in which they have previously worked. 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

www.lobbying.ie

[Directory of registrants](#)

LITHUANIA

2001



Specific legislation on lobbying

The Law on Lobbying Activities (LLA) came into force 2001 and was amended in 2017. It covers legislative acts irrespective of branch or level of government.

Code of conduct for lobbyists

Lobbyists' Code of Ethics.

A register for lobbyists

The law requires all individual lobbyists to register in a publicly available list online. On 1 October 2019, the list contained 102 registered lobbyists. Once registered, a person may perform lobbying activities permanently.

Also, a lobbyist must present a lobbying report electronically for every legal act or draft legal act targeted within seven days of the commencement of their lobbying activities. This report must indicate the lobbyist's name and surname and the number of their certificate; the name of the client and their registration number. If lobbying is carried out on behalf of third-party interests, lobbyists must disclose the relevant natural or legal person; a title of a legal act or a draft of a legal act with respect to which the lobbyist is acting; a brief description of the specific subject matter; the names of departments or agencies contacted; and the name, surname and occupation of the lobbied person. These reports are public.

Mandatory / voluntary

Mandatory. Lobbying activities can be conducted only by persons registered in the Register of Lobbyists. If such activities are conducted by a natural person as a participant, member of the administrative establishment or co-worker, instructed or assigned by a legal person, the application to register should be submitted by the legal person.

Scope of coverage

Lithuania's registration system only includes contract lobbyists who attempt to influence the legislative branch of government, specifically excluding in-house lobbyists and non-profit lobbying organisations. However, there are ongoing discussions about possible changes. Indeed, in July 2018, the Ministry of Justice proposed to expand the list of the country's lobbyists to include, among others, non-governmental organisations (NGOs) and legal persons. Some amendments to the Law on Lobbying Activities (LLA) have been drafted; based on these amendments, a new version of the LLA characterised by wider coverage, has been voted upon. This new version defines lobbying activities as actions taken by a natural person, who, on behalf of the client of such lobbying activities, seeks to influence lobbied persons for the purpose of modifying or repealing legal acts or administrative decisions, or adopting or rejecting new legal acts or administrative decisions. The LLA also defines a lobbyist as a natural person who conducts lobbying activities, and the client of lobbying activities as a natural or legal person or other organisation having concluded a written contract with a lobbyist or a legal person.

According to the LLA, the following activities are not considered lobbying: activities of publishers and employees of the mass media or of journalists, related to collecting, preparing, publishing and disseminating information in accordance to the Law on Provision of Information to the Public;

activities of the persons who, at the invitation and under the initiative of state and municipal institutions, participate as experts or specialists for or without a compensation in meetings, conferences, consultations on the issues related to the drafting of legal acts; activities carried out by state politicians, state officials or civil servants with the aim of initiating, preparing, considering, adopting and explaining draft laws and other legal acts, when such activities are carried out in accordance with their official powers granted to them by legal acts; suggestions and evaluations achieved by consultations with the public; an opinion expressed by a natural person regarding to legislation.

Access to parliamentary buildings and other incentives

Registered lobbyists can participate in the drafting of legislation, amendments and consultations. Having a lobbying certificate also gives its holder access to buildings of public authorities and entitles them to attending meetings.

Body responsible

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

Sanctions and enforcement

Suspension of lobbyists, 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.)

Ongoing discussions

Inter-institutional discussions have been taking place with respect to proposals on how to further improve the LLA. In addition to COEC representatives, representatives of the Lithuanian Government, Prosecutor General's Office, Special Investigation Service, the Ministries of the Interior and Justice, as well as Transparency International Lithuania have taken part in these discussions. This working group submitted proposals on amending the LLA. According to these amendments, it would be possible to include legal persons on the list of lobbyists (currently only natural persons enjoy this privilege), and persons occupying certain positions will be obliged to declare lobbying activities exercised in their respect. Such mutual disclosure would ensure cross-checking, while also enabling the COEC to initiate more preventive actions regarding disclosure. The amendments are currently being discussed in the Lithuanian Seimas (Parliament).

Related rules

A one-year cooling off period included for politicians leaving office. The following are prohibited from being clients of lobbying activities:

- 1 state politicians;
- 2 state officials, civil servants or judges;
- 3 state and municipal institutions or establishments;
- 4 state or municipal enterprises.

National references

<http://www.vtek.lt/#lobistams> - <https://www.vtek.lt/index.php/en>
<https://www.lobistai.lt/lobistai>

POLAND

2006



Specific legislation on lobbying

The Act on Legislative and Regulatory Lobbying passed by the Polish Sejm in July 2005 came into force on 7 March 2006 (in the aftermath of several very topical corruption cases that triggered the setting up of parliamentary investigative committees). The act promotes transparency in the law-making process and was amended in 2011 and 2015.

Code of conduct for lobbyists

There is no *stricto sensu* code of conduct concerning the ethical behaviour of lobbyists. A code is provided by the Association of Professional Lobbyists in Poland as a standard.

A register for lobbyists

All entities performing professional lobbying activities must be entered into a public register. The Ministry of Internal Affairs and Administration makes the register accessible on its website, in the form of a pdf file that is updated annually. Entry into the register entails a €25 fee. Entities that declare interest in specific legislation can participate in public hearings. The register included 473 entries on 1 October 2019. The upper and lower houses of Parliament operate their own registers.

Mandatory / voluntary

Mandatory

Scope of coverage

Broad definition of activity covered, professional lobbying defined as lobbying activities pursued for a fee on behalf of third parties. NGOs are not covered by the provisions.

Access to parliamentary buildings and other incentives

Registered lobbyists are issued a special red badge to access the Sejm premises. Passes must be visible at all times. Lobbyists have to declare what legislation they are lobbying for. They cannot attend subcommittee meetings without an invitation. However, almost anyone interested in the work of a subcommittee can, upon receiving an invitation from the chairman, freely participate in all sessions.

Body responsible

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

Sanctions and enforcement

Entities performing professional lobbying activities without recording them in the register are subject to a fine ranging from PLN3 000 to PLN 50 000 (€700-12 000). Complaints about lobbying by non-registered entities are submitted by officials in the lobbied ministries.

References

The Association of Professional Lobbyist in Poland (Stowarzyszenie Profesjonalnych Lobbystów w Polsce, SPLP).

Ongoing discussions

There are extensive discussions on the need to amend the regulation, notably with regard to limiting the possibilities of circumventing it. One of the key problems concerns the way lobbying is defined in the act, namely as any activity carried out with legal means that aims to exert influence on a state institution during the law-making process. Some specialists consider this definition to be too broad. Under Polish law, industry experts, representatives of chambers of commerce or NGOs are not required to register their activity, even if their main activity is to influence the law-making process.

Related rules

Public authorities (except members of Parliament) have to publish all of the information related to the professional lobbying activities of which they are the subject (legislative footprint) in the Public Information Bulletin.

National references

<https://bip.mswia.gov.pl/bip/rejestr-podmiotow-wykon/23846,Rejestr-podmiotow-wykonujacych-zawodowa-dzialalnosc-lobbingowa.html>

<https://www.gov.pl/web/mswia/dzialalnosc-lobbingowa>

SLOVENIA

2011



Specific legislation on lobbying

Lobbying activities are regulated in the Integrity and Prevention of Corruption Act (2010), which was amended in 2011.

Code of conduct for lobbyists

Pursuant to the act, the Association of Professional Lobbyists (20 Members) has established a code of ethics.

A register of lobbyists is accessible to the public and 77 individuals were registered on 1 October 2019. The registrants must provide contact details and indicate their fields of interest. Only individuals (natural persons) can register, but they must provide information about the company or organisation they lobby for.

Mandatory / voluntary

Anyone wishing to undertake lobbying activities needs to first register in the register of lobbyists, a step that is required by law. An administrative tax has to be paid when applying to join the register. Lobbyists must report to the Commission for the Prevention of Corruption of the Republic of Slovenia (CPC) at the latest by 31 January of the current year for the previous year.

Scope of coverage

Covers non-public contacts made by consultant lobbyists with lobbied persons, with the aim to influence the policy-making process. Legislative and executive lobbying are covered, whereas issues of rule of law, democracy and protection of human rights and fundamental freedoms are not defined as lobbying under the act.

Access to parliamentary 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 communicate to the lobbied person written and oral information and materials relating to cases that he/she is lobbying on. Lobbyists may meet with the persons they are lobbying, and the latter are obliged to draw up a record of any such contact and send a copy of it within three days to their Head of Department 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. Its tasks include conducting administrative investigations into allegations of corruption, conflicts of interest and illegal lobbying; protection of whistle-blowers; monitoring the financial status of high-level public officials in the executive, legislature and judiciary through an assets declaration and monitoring system; maintaining the central register of lobbyists.

Sanctions and enforcement

The Commission may (depending on the gravity of the violation, on the consequences that ensue, and on whether the violation is a first-time or a repeat violation) apply the following sanctions:

- written reprimand,
- prohibition of lobbying in specific cases,
- prohibition of lobbying for a specific period of time, no shorter than three and no longer than 24 months,
- removal from register,
- fines of €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, whistle-blower protection, public procurement, criminal law provisions and criminal procedure. Implementation of rules on lobbying is still considered insufficient and there have been calls for more to be done to raise awareness. The CPC has noted that its resources are too limited to enable it to carry out a thorough and systematic check of all lobbying activities.

Related rules

The Commission has published a guide for civil servants and officials, with instructions on how to proceed when they hold meetings with lobbyists.

Official links

<https://www.kpk-rs.si/nadzor-in-preiskave-2/nasprotje-interesov/obdobna-porocila/>

<https://www.kpk-rs.si/nadzor-in-preiskave-2/lobiranje-2/register-lobistov/>

UNITED KINGDOM 2014



Specific legislation on lobbying

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

Code of conduct for lobbyists

When joining the register, registrants should declare whether they subscribe to a code. It may be the case that an organisation subscribes to multiple codes of conduct. In this case, declaring one code of conduct is sufficient and the registrant can choose which one they feel is most relevant. The Registrar provides guidance.

A register for lobbyists

On 25 March 2015, the UK Government established the Office of the **Registrar of Consultant Lobbyists** to address the issue of transparency in lobbying: an organisation is required to join the statutory register if they engage in lobbying activities as defined by the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014. In other words, this statutory register has been created in order to register all 'direct communications' to ministers or permanent secretaries relating to legislation or government functions by consultant lobbyists. An annual subscription fee has been introduced for registrants. The current amount payable for a full 12-month renewal is £1 000 (a £950 registration fee plus £12.50 for each of the four quarterly information returns). Renewal fees are payable at the start of each calendar year. If a new registrant joins mid-year, the amount payable for the first year will be pro-rata in respect of the period from the effective date of joining the register up to the following 31 December. Client information is to be updated on a quarterly basis. On 1 October 2019, there were 160 registrants representing 2 385 clients.

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 entities concerned by the register, and will have to disclose clients and whether or not they subscribe to a relevant code.

Access to Parliamentary buildings and other incentives

Various physical lobbies exist where MPs can meet their constituents; lobbyists can also access these areas independently of whether they are registered.

Body responsible

Independent statutory office of the registrar (office of the registrar of consultant lobbyists) who has a duty to monitor compliance with the requirement to register and the power to undertake enforcement action in instances of non-compliance; gives guidance to registrants.

Sanctions and enforcement

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

Related rules

The Register of Consultant Lobbyists 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. Part 2 of the 2014 act covers party financing for elections, and part 3 trade unions.

In addition to this register, and in order to deliver greater transparency and raise professional standards of practice, in July 2015 the sector itself, represented by the Chartered Institute of Public Relations (CIPR), launched a new universal voluntary register: the UK Lobbying Register (UKLR), available to all professionals engaged in lobbying within the UK. The UKLR, which is free of charge to search and register, is intended to create a publicly available resource on lobbying that provides a broader range of information than any other current statutory or voluntary register and provides a channel to complain about the conduct of a registered lobbyist. On 1 October 2019, there were 2 002 registrants.

Individuals and organisations registered with the UKLR are bound by a code of conduct. The CIPR code of conduct requires members to operate with due regard to transparency, which the authors of the present study interpret in the context of lobbying as disclosure of clients (for agencies and freelancers) and the names of all staff who lobby (for all corporate entities engaged in lobbying activity, including in-house). Failure to register as a lobbyist may be considered a disciplinary matter under the code of conduct.

Official links

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

<http://registrarofconsultantlobbyists.org.uk/>

<https://www.lobbying-register.uk/>

<https://www.cipr.co.uk/sites/default/files/UKLR%20FAQs.pdf>

Regions with lobbying regulation (mandatory requirements)

CATALONIA

2017



Specific legislation on lobbying

This is a pioneering initiative in Spain, which is part of the Catalan Transparency Act passed in December 2014 by the Parliament with the aim to provide the public administration with a tool for more transparency on lobbying activities. In February 2017, a decree-law was passed, transforming a voluntary register of interest groups into a mandatory register covering contacts with the Generalitat's Administration, local entities and other institutions and entities in the public sector in Catalonia.

Code of conduct for lobbyists

Lobbyists must sign a code of conduct subject to administrative sanctions, and update their meetings and contacts every six months.

A register for lobbyists

Registro de Lobbies de la Generalitat de Catalunya. On 1 October 2019, the total number of interest groups registered was 3 460, with an additional 79 registration requests being processed (still pending).

Mandatory / voluntary

Mandatory register

Scope of coverage

Any organisation, foundation, professional office, company or private person wishing to contact a public official in the Catalan administration or in the public sector, or a Member of Congress in order to 'engage, review or influence' any initiatives or public decision.

An interest group is defined as 'any person, company, organisation or private entity that interacts with the public sector to influence public policies or decision-making processes in defence of its interests'.

Body responsible

The Department of Justice of Catalonia.

Related rules

On 21 June 2016, a new code of conduct was introduced for high-ranking officials and managing staff of the Generalitat's Administration and public sector entities, and other measures regarding transparency, interest groups and public ethics (ACUERDO GOV/82/2016).

The Area Metropolitana de Barcelona (AMB) is using the register of the Generalitat's Administration for its own transparency rules. In Barcelona, a Transparency Agency was set up in July 2015. Indeed, transparency became a priority of the new metropolitan government spearheaded by Ada Colau, the mayor of Barcelona. The Transparency Agency established a code of ethics and uses the

Generalitat's Administration register for all the interests groups carrying out interest representation activities in its jurisdiction.

Moreover, a computer tool (SERGI) has been set up to help register meetings of any senior officials and executives with organisations that may be considered as interest groups. When a group of interest requests a meeting with senior official of the AMB or one of its linked entities, this request must be registered in the SERGI application. Through its application, the Transparency Agency reviews and validates the information entered and manages its publication in the Transparency Portal. The Government of Catalonia (Generalitat) has to organise and manage the register. All other functions, monitoring, inspection, management and sanctions may correspond to the Transparency Agency of the AMB using this tool.

Official links

<http://www.transparenciacatalunya.cat/es/Portals-de-transparencia/grups-dinteres-/>

https://portaljuridic.gencat.cat/ca/pjur_ocults/pjur_resultats_fitxa/?action=fitxa&mode=single&documentId=776905&language=ca_ES

[http://justicia.gencat.cat/ca/ambits/grups_interes/consulta_grups_interes/index.html#googtrans\(ca|en\)](http://justicia.gencat.cat/ca/ambits/grups_interes/consulta_grups_interes/index.html#googtrans(ca|en))

SCOTLAND

2018



Specific legislation on lobbying

Now the Lobbying (Scotland) Act 2016, this was a bill of the Scottish Parliament to make provision for lobbying, including provision for establishing and maintaining a lobbying register and the publication of a code of conduct. The bill was passed on 10 March 2016 and received Royal Assent on 14 April 2016. The Lobbying (Scotland) Act 2016 was brought into full force on 12 March 2018. From that date on, all instances of regulated lobbying have to be entered in the Lobbying Register by law.

Code of conduct for lobbyists

The Lobbying (Scotland) Act 2016 requires the Scottish Parliament to publish a code of conduct for persons lobbying members of the Scottish Parliament. Such a code of conduct has been produced to meet this statutory obligation. It covers communication of any kind with Scottish MPs in relation to their functions. It does not relate solely to 'regulated lobbying' as defined in Section 1 of the act.

When entities register an account in the Lobbying Register, they are also required to provide information about any other code of conduct that governs regulated lobbying (whether or not it also governs other activities), to which they subscribe.

A register for lobbyists

The Lobbying Register was launched on 12 March 2018. On 1 October 2019, the register had 1 252 entries. The broad objective of the bill was to increase public transparency of contacts between organisations and elected Members (MSPs), by establishing a register relating to lobbying by paid consultant and in-house lobbyists who engage directly (orally and in person) with MSPs and Scottish ministers. The register lists active, non-active and voluntary registrants in three sections. Content: a) the name of the person lobbied, b) the date on which the person was lobbied, c) the location at which the person was lobbied, d) a description of the meeting, event or other circumstances in which the lobbying occurred, e) the name of the individual who made the communication, f) statement of lobbying on own behalf or the name of the person on whose behalf the lobbying was undertaken, and g) the purpose of the lobbying.

Mandatory / voluntary

Mandatory for face-to-face communication with MSPs, special advisers and civil servants, and for campaign expenditure.

Scope of coverage

Defines 'regulated lobbying' as oral, face to face engagement with MSPs and ministers in relation to their government or parliamentary functions. This would include 'in person' meetings, events and other hospitality but exclude all other forms of communication such as letters, emails, telephone calls and video conferences. Exemptions for meetings initiated by MSPs (on request), for trade unions, constituency-based engagement (local) and communication by individuals to MSPs (i.e. 1 person or SMEs with under 10 employees).

Body responsible

The Clerk of the Parliament (the Clerk) to establish and maintain a register containing information about active registrants; inactive registrants and voluntary registrants. Duty to monitor compliance; has powers to require information (by serving an 'information notice') relating to compliance.

Sanctions and enforcement

Establishes an enforcement regime, with the Clerk overseeing registration and monitoring compliance. Creates a criminal offence of failing to provide the required information on or before the date specified for those served with an information notice. Appeal against information notices to be made to the sheriff appeal court. Complaint procedure for breaches to the code of conduct.

Related rules

Section 39 of the Scotland Act 1998 requires that provision is made for the registration and declaration of members' interests and to prohibit members from advocating any matter on behalf of a person by specified means or urging other members to do so in return for any remuneration. Accordingly, section 14 of the Act prohibits paid advocacy. Failure to observe the requirements of the act may constitute a breach of the act or a criminal offence. Thus the act already provides a mechanism for the Parliament to regulate the way members relate to others, including all lobbyists.

Ongoing discussions

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

Official links

<http://www.parliament.scot/msps/register-of-interests.aspx>

<https://lobbying.scot>

[https://www.parliament.scot/LobbyingRegister/20171107Code of Conduct for persons lobbying MSPs.pdf](https://www.parliament.scot/LobbyingRegister/20171107Code_of_Conduct_for_persons_lobbying_MSPs.pdf)

II - Member States with soft regulation of lobbying (incentives)

BELGIUM



Specific legislation on lobbying

On 19 July 2018, the Belgian Chamber of Representatives voted in favour of introducing a lobby register in its Rules of Procedure. This new chapter III ter, Art. 163ter, is named 'Le registre des lobbies'.

Since 1 January 2019, interest representatives can register in this lobby register.

Code of conduct for lobbyists

By registering, companies, institutions, organisations and natural persons concerned agree to act in accordance with Article 163ter of the Chamber's Rules of Procedure and the annexed code of conduct. Thus, in their relations with the Chamber, registered organisations must comply with the following rules: ensure that the information provided at the time of registration and afterwards is complete, correct and not misleading, accept that it may be examined for reliability, respond to requests from the competent department for additional information and updates, not attempt to obtain information in a dishonest manner or by using improper pressure or inappropriate behaviour, etc. However, there is currently no sanction for non-compliance with the obligations defined in this code of conduct.

A register for lobbyists

The register lists organisations and their representatives engaged in activities designed to directly or indirectly influence the development or the implementation of policies or the Chamber's decision-making process.

The lobby register is public and voluntary, and a regularly updated list is published on the Chamber's website. In addition to the organisation name, names of representatives and (personal) contact information, legal status, business information and subject matter or the names of the clients represented is also listed.

On 1 October 2019, 94 entries were registered.

Mandatory / voluntary

Voluntary

Scope of coverage

The register covers all activities (already underway or in preparation) carried out with the aim of influencing directly or indirectly the Chamber's legislative development, policy implementation or decision-making processes. Direct influence refers to any direct communication with the Chamber, its members and components. Indirect influence refers, for example, to influences exerted through the media or public opinion.

The entities targeted are: specialised consulting firms, law firms, consultants acting as self-employed, internal representatives, professional groups, trade union and professional associations, non-governmental organisations, think tanks, research bodies and academic institutions,

organisations representing churches and religious communities, and organisations representing local, regional and municipal authorities and other public or mixed entities.

Some exceptions exist: contacts between interest representatives and Members of the Chamber concerning the provision of legal and other professional advice are not covered by the register. In addition, any entity to which the law assigns an institutional role is not covered by Rule 163ter. Finally, activities responding to a direct request from the Chamber or a Member (requests for information, data or expertise) are not covered by the register.

Access to Parliamentary buildings and other incentives

So far, registered lobbyists do not benefit from any privileges; however, the Chamber authorities are discussing the possibility of giving registered bodies simplified access to the Chamber's premises.

Body responsible

The lobby register is managed by a designated secretariat of the Chamber administration.

National references

<http://www.lachambre.be/FLWB/PDF/54/2803/54K2803003.pdf>

<https://www.lachambre.be/kvvcr/showpage.cfm?section=/lobby&language=fr&story=general.xml>

GERMANY



Specific legislation on lobbying

The German Bundestag was the first parliament in EU to adopt internal rules requiring 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 exists.

A register for lobbyists

The Bundestag has a public register (or list) for trade and industry associations representing interests vis-à-vis the Bundestag (parliament) and the Federal Government. The German Bundesrat (Federal Council) 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 voluntary record of lobby associations kept by the President of the Parliament used to be published annually in the Federal Gazette. Since 2012, the register is kept and published solely online where it is updated on a more frequent basis. The list of entities is publicly available and 2 335 organisations were registered on 1 October 2019.

At the state (*Bundesländer*) level, in 2014, the State Parliament of Saxony-Anhalt amended its Rules of Procedure to require all lobbyists from associations that lobby the state parliament to register. Representatives from associations that are not included in the mandatory lobby register will not be heard in the Saxony-Anhalt State Parliament.

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. Members of the parliament are not obliged to disclose their communications with lobbyists, and there is no such obligation for lobbyists.

Access to parliamentary buildings and other incentives

Representatives of pressure groups must be entered in the register before they can be issued a non-transferable pass admitting them to parliamentary buildings. The following information must be provided: name and seat of the group; composition of the board of directors and the board of management; area of interest; number of members; names of appointed representatives; office address. No more than five persons from a single organisation can be present inside the Parliament at the same time.

Body responsible

The President of the German Bundestag.

Sanctions and 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 over the years. During the 17th legislature of the Bundestag (2009-2013), there were several parliamentary initiatives towards improving the transparency of politicians' interaction with stakeholders, but the bills were rejected. In 2016 a Bundestag majority once again rejected the proposals by the opposition (Linksfraktion: 18/3842, Bündnis 90/Die Grünen: 18/3920) to introduce a mandatory lobby register. The introduction of a lobby register also featured in a draft coalition treaty between the CDU/CSU (Christian democrats), FDP (liberal democrats) and Bündnis 90/Die Grünen following the federal elections in 2017. However, the idea was no longer taken up when the CDU and SPD formed a coalition government in 2018.

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 paragraphs 3 and 5, § 47 paragraph 3, and §74 paragraph 5).

National references

<http://www.bundestag.de/parlament/lobbyliste>

ITALY



Specific legislation on lobbying

None at the national level; there are some internal regulations for one branch of the Parliament, five regions and three ministries. These regulations in general are not mandatory, at least for lobbyists, while they can create some obligation for the members of the administration that adopted the regulation (e.g., they cannot meet someone who is not on the register, or they have the obligation to report on whom they met with, etc.).

However, these regulations differ in scope and instruments and have been very unevenly implemented. The Chamber of Deputies (but not the Senate), for example, approved an internal regulation in April 2016, which, together with a code of conduct of the members regulates the activity of lobbying in this chamber; so far, however, these provisions are not included in the Rules of Procedure. It provides for the institution of a public registry, the obligation of registration and the obligation of the registered subjects to present an annual report of the contacts they have had in the year and the objectives pursued and attained. On 14 May 2018 the registry featured 142 registrants.

Code of conduct for lobbyists

Some self-regulation by public affairs associations with their own codes of conduct for members, 'Il Chiostrò' and 'Ferpi'.

A register for lobbyists

At the level of the central administration, some ministries have established some sort of register:

Ministero dello Sviluppo Economico established a non-mandatory transparency register in September 2016. On 1 July 2019, the number of registered organisations was 1 613.

Ministero delle politiche agricole had established in 2012, removed and then re-established in May 2015, three public lists of companies, customers associations and subjects active or interested in the agricultural and food sector. On 1 July 2019, a total of 282 entities were registered in these three lists.

On 24 September 2018, the Ministry of Labour and Social Policies (Ministero del Lavoro e delle Politiche sociali) set up a register of its own. Through the dedicated website, all citizens are able to consult the agenda of meetings and the public register of organisations allowed to meet the minister and the top bodies of the ministry. On 1 July 2019, the number of registered organisations was 54.

Scope of coverage

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

Access to parliamentary buildings and other incentives

Access to the buildings of the Chamber of Deputies and the Senate is still regulated by Article 144 and Article 48 of the respective Rules of Procedure. The adopted regulation regarding lobbyists does not seem to bring any changes, as it excludes in any case lobbying activities in the context of parliamentary committee hearings.

In 2016, the vice-minister of transports and infrastructures introduced an initiative in the spirit of transparency. All meetings between the vice-minister (or head of staff) with lobbyists and interest representatives were to be disclosed online.

Body responsible

No specific body responsible for the enforcement of the regulations.

References

Regional laws: Toscana (L.R. 18 gennaio 2002, n. 5), Molise (L.R. 22 ottobre 2004, n.24), Abruzzo (L.R. 22 dicembre 2010, n. 61), Calabria (L.R. 12 febbraio 2016, n. 4). and Lombardia (L.R. n. 280).

Ongoing discussions

More than 50 lobbying regulation bills have been introduced to the Parliament since 1945. On 30 July 2014, the Senate Standing Committee on Constitutional Affairs started internal consultation work on a draft regulation on lobbying.

National references

Chamber of Deputies: <https://www.camera.it/leg18/1306>

Ministero dello Sviluppo Economico: <http://registrotrasparenza.mise.gov.it/>

Ministero delle politiche agricole alimentari, forestali e del turismo (lists of companies, customers associations and subjects active or interested in the agricultural and food sector): <https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/8702>

Ministero del Lavoro e delle Politiche sociali: <https://registrotrasparenza.lavoro.gov.it/index.php>

THE NETHERLANDS



Specific legislation on lobbying

There is no specific legislation on lobbying. That said, a lobby registry was introduced on 1 July 2012 (as part of the Rules of Procedure), applicable to individual interest representatives entering the Dutch Parliament. Since December 2019, Members of the Lower House in the Netherlands have revised their integrity rules, to now include a mention of lobbying, reminding MPs to maintain their independence.

Code of conduct for lobbyists

No related code built within a law. The Dutch organisation for people employed in public affairs organisations does however have a lobbying code of conduct for its members, but it is not endorsed by the government authorities.

A register for lobbyists

Publicly accessible list of persons and entities represented requesting access to Parliament (per month). The Dutch Senate does not have a register, but lobbyists who 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 in the Lobby Register for entry into the 'secure zone' of Parliament i.e. to access MPs or staff, since 2018 by appointment only.

Scope of coverage

There are three groups of lobbyists:

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

The internal rules state that the term 'lobbyist' must be interpreted broadly. Not only people who work for lobby offices, but also others who request an MP to stand up for certain interests can be considered as lobbyists.

Access to parliamentary 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 and enforcement

Informal sanction for unacceptable behaviour, taking away access to enter building.

References

Openbaar register van belangenbehartigers/lobbyisten, Tweede Kamer

Ongoing discussions

Launching discussions on regulating lobbying was suggested in a legislative proposal made by Dutch MPs Lea Bouwmeester and Astrid Oosenbrug (both PvdA, Labour) in December 2015. The proposal included publishing ministers' diaries, making internet-consultations public and adding a standard lobby paragraph in all legislation. The MPs also suggested setting up a mandatory register for lobbyists (2015–2016, 34 376, nr. 2, 24/12/2015). The legislative proposal was passed by the House in April 2016 and is awaiting discussion at the Senate. However, the proposals concerning a lobbyist register are not included.

Official links

www.tweedekamer.nl/over_de_tweede_kamer/lobbyistenregister

<https://zoek.officielebekendmakingen.nl/kst-34376-2.html>

Update of the rules:

<https://www.tweedekamer.nl/kamerstukken/detail?id=2019Z23593&did=2019D48830>

ROMANIA



Specific legislation on lobbying

No statutory rules, but the government introduced a Single Register of Interest Transparency (RUTI) in September 2016 – a public register that lists meetings of (government) decision-makers with interest representatives, and also serves as a voluntary register for interest groups. High-ranking decision-makers publish meetings with interest groups and state whether they are registered or not in the voluntary register for lobbyists.

Code of conduct for lobbyists

The 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

The government's public register introduced in September 2016 lists meetings between interest representatives (or special interests) and decision-makers (prime minister, cabinet, ministers and high officials). On 1 October 2019, there were 210 registered specialised groups and 208 registered decision-makers.

Mandatory / voluntary

Voluntary

Scope of coverage

Specialised groups cover any legally constituted group: company with legal personality; association, foundation and federation; religious organisation / or cult; trade union organisation; employers' organisation; chambers of commerce; associative structures of local government. The following are also included: authorised individuals; individual or family enterprises; individual law offices, associated law offices, professional lawyers' societies.

Access to parliamentary buildings and other incentives

The Bureau of each parliamentary committee may invite representatives of civil society, owners' associations, vocational associations or trade unions to participate to the sittings of the relevant committee.

Body responsible

Ministry for Public Consultation and Civic Dialogue (MCPDC)

Ongoing discussions

Romania is currently discussing a draft lobbying regulation based on the Austrian model, with a draft bill already approved by the Senate, but yet to be approved by the Parliament.

References

<http://ruti.gov.ro/>

III - Member States with no lobby regulation

A - Member States with self-regulation (self-imposed rules from within the sector)

CROATIA



Specific legislation on lobbying

No statutory rules

Code of conduct for lobbyists

The members of the Self-regulation Croatian Society of Lobbyists sign a code of ethics upon registration. Registration requires an annual fee of €200 for a natural person and around €550 for legal persons.

A register for lobbyists

Established in June 2008, the Self-regulation Croatian Society of Lobbyists (CSL) provides a voluntary register for professionals in the public affairs/ consultancy sector (64 members on 1 October 2019).

Ongoing discussions

The CSL are pushing for regulating lobbying. They have drafted a proposal for a law on interest representation in 2015 and have held a series of meetings in the Croatian Parliament. In the autumn of 2015, a formal partnership was formed between Transparency International Croatia and the Croatian Society of Lobbyists, to promote lobbying transparency in Croatia.

At the European level, the trio of the Romanian, Finnish and Croatian Presidencies is committed to making meetings between interest groups and their respective Permanent Representative and Deputy Permanent Representative to the EU conditional on the registration of such interest groups in the EU Transparency Register. This commitment covers their term of office as Presidency of the Council and the six months preceding this term.

Official links

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

National references

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

<http://hdl.com.hr/en/projects/law-on-lobbying/>

CZECHIA



Specific legislation on lobbying

The government stopped working on a draft law on lobbying in January 2013, due to its inability to find a compromise on the draft law's scope and coverage. Internal rules of procedure may be adopted instead of a legislative act. In 2017, a new legislative proposal for a mandatory register was filed.

Code of conduct for lobbyists

The Czech Lobbying Association adopted a code of conduct in 2012.

A register for lobbyists

No

Mandatory / voluntary

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

Ongoing discussions

At the end of 2017, the Czech Government Anti-corruption Committee filed a legislative proposal for a mandatory lobbyist register based on the model of the EU Transparency Register. After months of preparation, in September 2018 the draft proposal on regulating lobbying was completed and is still being discussed. The Ministry of Justice carried out the consultation procedure and requested an opinion of the ECB on the draft proposal.

This proposal defines lobbying as '(i) a communication made to influence legislative process and/or public decision-making and/or a strategic document, (ii) an activity, which is perpetual, organized and systematic, (iii) done for remuneration and that (iv) is done to represent interests of third parties'. For example, a one-sided contact in the form of an e-mail may be considered as lobbying. However, lobbying does not include: communication through the media, interdepartmental cooperation or communication within one office and communication within a political party.

In order to give the public greater control over who influences the drafting process for a legislation, the proposal envisages setting up a transparency register. Not only the lobbyists but also MPs, senators and certain categories of government officials who could influence the law-making process would be required to enroll. Indeed, the scope with regard to non-elected officials and their obligations is very broad. For instance, here are some examples of who would need to sign up: MPs and senators, government members and their deputies, assistants of deputies and senators, heads of sections / departments at all ministries, in the offices of government, and directors and vice-directors of central government offices, members of the Energy Regulatory Office Council, the president, the vice president and the members of the Supreme Audit Office, members of the Czech National Bank, etc.

Registered lobbyists would have to declare what legislative initiatives they are trying to influence and who they are trying to convince. The mandatory registration of lobbyists will include a list with information on who is lobbying the Czech government, and also information on meetings held.

Furthermore, this law would increase restrictions regarding gifts and income disclosure requirements for government officials. In attempting to make registration more appealing to lobbyists, granting access passes to parliament premises would be made conditional upon registration.

The Working Group of the Legislative Council has recently published an opinion on the accompanying laws or amendments to the existing laws that Parliament and the Senate must approve in connection to the proposed law on lobbying. One such example is amending the law on the publication of laws and international treaties. The proposed law on lobbying assumes that along with each new law its legislative footprint will be published in the Official Journal. The proposed law should amend a number of other laws, in particular Law No 222/2016 on the Official Journal and publication of international agreements, in order to specify how the legislative footprint should appear in the OJ and how it should be updated.

In their compulsory quarterly reports, lobbyists and those on behalf of whom it was lobbied would have to provide: name and surname of the person that was lobbied and the person on behalf of whom it was lobbied, name of a public body or state entity in which the person that is being lobbied works, name of the intermediary by whom it is lobbied, determining what issues contained within the regulation or draft document the lobbying concerned, as well as the date of lobbying, in the latest version of the bill.

The draft bill does not specify who will manage the transparency register. Nevertheless, as the explanatory statement indicates, this task is to be entrusted to the 'Office for the supervision of the financial management of the political parties and political movements'. The draft bill foresees its entry into force as of 1 January 2021.

National references

Procedure file with the draft law, explanatory statement, outcome of the consultation:
<https://apps.odok.cz/veklep-detail?pid=KORNB4B9CNQE>
www.transparency.cz/wp-content/uploads/V-%C4%8D%C3%ADm-z%C3%A1jmu-a-jak-funguje-lobbying.pdf

Other sources

<https://www.ceska-justice.cz/2018/09/nova-pravidla-lobbingu-registrovat-se-budou-muset-asistenti-poslancu-nebo-poradci/>
<https://www.ceska-justice.cz/2019/04/lobbisticka-stop-a-zahlti-novy-zakon-soudy/>

DENMARK



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. There is also strong self-regulation from the sector itself.

Code of conduct for lobbyists

Danish PR association (Public Relations Foreningen) has established an ethics code.

A register for lobbyists

In October 2012, MPs were given the 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 ones 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 parliamentary buildings and other incentives

Interest groups and others may attend parliamentary 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.

Ongoing discussions

There was a legislative proposal from the Left Party to regulate lobbying of ministers, but the term used is 'external actors'. The proposal was discussed in the Parliament in April 2016 and sent back to the committee, which did not take it up again.

Related rules

The code of conduct concerning registration of Members of Parliament; work and economic interests contain rules about economic support, presents, shareholding, etc., but does not specifically mention lobbying.

The names of interest groups or persons who are granted an audience with the Folketing standing committees are recorded in minutes of meetings and working documents, which are submitted to the respective 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).

National references

<https://www.ft.dk/da/medlemmer>

FINLAND



Specific legislation on lobbying

No statutory rule: for the time being, there is no legislation governing lobbying in Finland.

Code of conduct for lobbyists

Most public affairs organisations and PR agencies have their own codes. The Finnish Association of Marketing Communication Agencies, Procom, the Finnish Association of Communication Professionals as well as the professional lobbyist association, Edunvalvontafoorumi, have all adopted their own ethics codes.

A register for lobbyists

No

Voluntary registers are upheld e.g. by ProCom, a Finnish organisation for professionals in the field of communication: at the moment, some 49 MPs are, in cooperation with the Finnish Broadcasting Company, keeping a 'diary' on lobbyists they meet.

Access to parliamentary buildings and other incentives

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

Ongoing discussions

The possibility of regulating lobbying activities is being discussed. The Standing Advisory Committee on matters pertaining to civil servants' ethics has given recommendations on cooling off periods for senior politicians in post-government employment. Moreover, in 2018, a government analysis, assessment and research project studied international models for a register of lobbyists. This report on practices of other countries (entitled 'Registers for Lobbyists: International Examples') provides information on the different types of registers of lobbyists for regulating lobbying activities and a recommendation on what kind of regulation would best work in Finland.

On 4 September 2018, Finnish politician, Paula Risikko (National Coalition Party), said that 'promoting citizens' trust in political decision-making is an extremely important objective' and that 'establishing an openness register would be a vital step'. However, introducing legislation to regulate lobbying and a register for lobbyists has so far been rejected (for instance, by the Government Committee on Ethics of State Civil Servants in 2014). The parties are unanimous about the need for such a register, but in the House of Estates (Säätytalo), discussions are ongoing. A lobby register was included in the government programme published in June 2019. In late September, the government announced that it would begin work on a new democracy programme under the leadership of the Ministry of Justice. The programme includes inviting all parliamentary parties to prepare a new transparency register.

At the EU level and since early 2019, ahead of its rotating July-December 2019 EU presidency, the Finnish Permanent Representation to the EU started proactively publishing online details of meetings its senior diplomats have with lobbyists. For instance, the meetings and appointments of Finland's EU Ambassador, Marja Rislakki, and the ambassador's deputy, Minna Kivimäki, were published, and that included 'the name of each organisation or group, the names of the persons

met and the date of the meeting/appointment.' Finland also publishes the direct phone numbers of its senior officials.

The trio of the Romanian, Finnish and Croatian Presidencies has committed to making meetings between interest groups and their respective Permanent Representative and Deputy Permanent Representative to the EU conditional on the registration of such interest groups in the EU Transparency Register. This commitment covers their term of office as Presidency of the Council and the six months preceding this term.

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 organisations they represent are made public. After the submission of a committee report or statement, written statements submitted to committees are also made public.

National references

<https://www.eduskunta.fi/EN/lakiensaataminen/Pages/default.aspx>

https://www.eduskunta.fi/EN/tietoeduskunnasta/Documents/RulesofProcedure_20150416.pdf

<https://procom.fi/procom/lobbarirekisteri/selaa-rekisterin-tietoja/>

<https://finlandabroad.fi/web/eu/meetings>

<https://eu2019.fi/en/presidency/openness-and-transparency/meetings>

Report 'Registers for Lobbyists: International Examples' (in Finnish) by Associate Professor Emilia Korkea-aho (from the University of Eastern Finland) and researcher Paul Tiensuu
<http://julkaisut.valtioneuvosto.fi/handle/10024/161047>

LATVIA



Specific legislation on lobbying

No statutory rules but strong self-regulation from the sector itself.

Code of conduct for lobbyists

Self-regulation: Latvian lobbying companies founded an association in 2012 and adopted an ethics code (Latvian Lobbying Association).

A register for lobbyists

No

Access to parliamentary buildings and other incentives

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

Ongoing discussions

Despite attempts to regulate lobbying since 2008, there are still several uncertainties in how lobbying is defined and how lobbyists operate in Latvia.

Latvia rejected a draft law on transparency of lobbying that was submitted to the government for approval in December 2013. The bill was drafted by the Corruption Prevention and Combating Bureau (KNAB) and had a very wide scope. A draft law has been under discussion since 2012.

In 2016, the President of Latvia also set up an expert group on the issue and presented its recommendations to the Parliament. Yet, despite these efforts and promises, few improvements have been made.

A code of ethics, which had been under discussion for several years, was adopted by the Cabinet of Ministers on 21 November 2018. However, the draft does not cover politically appointed persons. Discussions on a law regulating lobbying have been dragging on for several years.

On 10 December 2018, Transparency International Latvia (Delna) organised an event for MPs [to discuss the implementation of a balanced regulation on lobbying](#). In cooperation with Parliament's Defence, Internal Affairs and Corruption Prevention Committee and two other experts on constitutional law, the need for Parliament to take action in 2019 and pass legislation in line with international standards and best practices was discussed. However, no decision has been taken so far.

Related rules

Annotations accompanying draft legislation provide information about consultations held.

Official links

www.knab.gov.lv/en/knab

www.varam.gov.lv/lat/lidzd/informacija_par_lobijiem

SPAIN



Specific legislation on lobbying

Lobbying is not regulated in Spain, but discussions about the possible introduction of regulation are ongoing.

In addition, the Spanish National Commission for Markets and Competition (CNMC) introduced in 2016 a voluntary register where organisations and interest groups that met with the national authority could sign up and adhere to an ethics code issued by the regulator. Whilst 52 organisations had signed up in the first two weeks since the registry was created, in 2019 the count had reached over 700 members.

Code of conduct for lobbyists

APRI (Asociación de profesionales de las relaciones institucionales) has adopted a code of conduct for its members in the sector, and is pushing for regulation.

A register for lobbyists

The total number of interest groups in the CNMC register on 16 January 2019 was 450, taking into account overlapping between different categories.

Mandatory / voluntary

The CNMC register is voluntary.

Scope of coverage

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

References

Great similarity to the EU Transparency Register

Ongoing discussions

In the past legislature (2011-2015), some initiatives were proposed to regulate lobbying in Spain; the government mentioned an intention to create an obligatory register of lobbyists – to cover only the upper and lower houses of Parliament, and several proposals were presented to the Parliament by different parties.

A proposal for reforming the Spanish Congress Rules of Procedure (410/000001) was presented by the Partido Popular in March 2017 and has been approved by Congress. The proposal is currently in the phase of amendment tabling. The proposal creates a mandatory register for all interest groups in contact with Members of Parliament or staff involved in the legislative process, with reference to definitions provided for the EU Transparency Register.

No concrete regulatory proposals have been adopted as yet.

Related rules

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

At the local level, the Madrid City Council approved in July 2016 a Transparency Ordinance that meets with civil society demands in areas such as proactive publication obligations, the right of access to information, and a lobby regulation that requires the registration of lobbyists before they meet with public officials. For instance, elected deputies publish their diaries and tax information. All gifts of over €50 must be declared. Madrid is the first city in Spain to have a lobby register. On 1 October 2019, there were 372 registered lobbyists.

Official links

<https://rgi.cnmc.es/>

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

http://www.congreso.es/public_oficiales/L12/CONG/BOCG/B/BOCG-12-B-96-1.PDF

https://tomadedecisiones.madrid.es/registration_lobbies/index

SWEDEN



Specific legislation on lobbying

No statutory rules but strong self-regulation from the sector itself.

Code of conduct for lobbyists

Most public affairs organisations produce their own codes. Since 2005, the Swedish Association of Communication Professionals (Sveriges Kommunikatörer) operates under a self-regulatory ethics code called 'Professional Standards of Swedish Public Relations'.

A register for lobbyists

No

Sanctions and enforcement

No

Ongoing discussions

The issue of introducing legislation to regulate lobbying has been discussed for many years in several Swedish government committee reports (published as SOU) as well as in the Parliament's Constitutional Committee (following up on MPs' proposals). The introduction of a compulsory or voluntary register in Sweden is, however, in view of the SOU Committee (Committee for a strengthened civil society) neither appropriate from a democratic perspective nor realistic from a legal perspective. Some of the problems of a compulsory or voluntary register mentioned are difficulties in determining what should be defined as lobbying, ensuring consistency with constitutional laws, and the possibility that organisations who choose to register would gain an advantage thus increasing political inequality. Contact between decision-makers and interest organisations should not be regulated. Currently, lobbying – in the form of informal contacts between decision-makers and organisations and interest groups – does not pose a direct threat to democracy. Therefore, the Commission does not propose any rules or regulations that change the conditions for contact between decision-makers and organisations and interest groups, such as registering lobbyists. It is difficult to design these types of rules in an appropriate manner that does not entail negative consequences for democracy.

B - Lobby regulation is being discussed

BULGARIA



Ongoing discussions

Since the late 1990s, there have been many attempts to pass and implement a law on lobbying. The first bill, drafted in 1999 by a group of Union of Democratic Forces (SDS) MPs, was not even presented for parliamentary review. Later, MPs from the 'Novoto Vreme' parliamentary group introduced in 2002 a bill on publicity and registration of lobbyists and lobbying. Then, between 2006 and 2008, other disclosure bills were introduced by MPs from the George's Day Movement, the Movement for Rights and Freedoms (DPS), as well as by a working group coordinated by the Ombudsman of the Republic of Bulgaria.

However, these bills faced criticism: while they all proposed the creation of a transparency register for lobbyists, the fact that the said register was to be a part of the public authority instead of an independent body was seen as a weak point. These bills also faced criticisms for not defining clearly enough who is a lobbyist and how control over the functioning of the register would be administered. As a consequence, none of these bills became law.

A fifth bill on the publicity of lobbying was introduced in March/April 2015. It had been discussed by Parliament, but was not yet adopted as of 2019. A register of lobbyists was proposed as part of the bill but remains on the drawing board.

ESTONIA



Ongoing discussions

The Ministry of Justice is making preparations for regulating lobbying in Estonia and aims to have guidelines available by summer 2020. The ministry will propose disclosing officials' contacts with interest groups and their representatives (lobbyists). For this purpose, information including the lobbyist's name and contacts, the interest groups they represent and topics discussed, as well as a summary of proceedings, would be published on a website after the meeting.

In March 2016, the Parliament's (Riigikogu) special anti-corruption committee proposed to add rules on lobbying in Riigikogu in the Good Practice of Members of the Riigikogu. On 10 October 2012, Justice Minister, Kristen Michal, presented the 'good practice of lobbying rules' and proposed regulation of lobbying with no follow-up at the time.

MALTA



Ongoing discussions

When speaking on the standards in public life bill, at its second reading in the plenary (House of Representatives), the deputy-prime minister piloting the bill declared that it must also tackle lobbying. The Commissioner to be created under the act would have to assess the situation and come up with a set of definitions as to what can and cannot be considered as a lobbyist. There should also be a register that identifies all lobbyists, in order to avoid any future conflict of interests emerging.

The Standards in Public Life Act came into force on 30 October 2018. This act provides for the appointment of a commissioner for standards in public life by the country's president. Among their functions, this commissioner has to identify which activities are considered as lobbying activities, to issue guidelines for those activities and to make such recommendations as he deems appropriate in respect of the regulation of such activities.

In a report of April 2019, the Group of States Against Corruption (Greco) recommended that contact between top government officials and lobbyists should be disclosed along with the subject matters of such meetings. Hence, new rules on lobbying, gifts, the misuse of public resources and insider information are being considered by the Commissioner for Standards in Public Life. Standards Commissioner George Hyzler already started looking into these aspects, for instance to improve the code of ethics for ministers, MPs and persons of trust within ministerial secretariats. Discussions are ongoing.

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12650&l=1>

PORTUGAL



Previous discussions

An ad hoc Committee for Enhancing Transparency in the Exercise of Public Functions was set up to discuss matters of transparency. In September 2016, this Committee organised a public debate on regulating lobbyist activities to discuss legislative proposals: projetos de Lei No 225/XIII, No 734/XIII and No 735/XIII, and No 1053/XIII.

Based on these discussions, in January 2019 the Socialist Party finally presented draft laws to regulate lobbying in the Parliament (Assembleia da República). In March of the same year, the Transparency Committee approved the new regime to regulate lobbying. The 'lei do lóbi' would have entered into force on 1 January 2020, had it not been vetoed by the President of the Republic. The draft law then expired with the formal end of the legislature in October 2019.

This draft law would have established the rules on transparency applicable to private entities with the aim of ensuring the legitimate representation of interests towards public institutions, and created a Transparency Register of the Representation of Interests (RTRI) at the Parliament, very similar to the European model.

Since the law fell with the previous parliament (at the time of going to press), the issue will need to be reopened by the next parliament.

<https://www.sabado.pt/portugal/detalhe/comissao-da-transparencia-mantem-o-lobbying-uma-actividade-opaca>

Anteprojeto de texto de substituição - Projetos de Lei n.º 225/XIII (CDS), n.º 734/XIII e n.º 735/XIII (PS) e n.º 1053/XIII (PSD): Aprova as regras de transparência aplicáveis a entidades privadas que realizam representação legítima de interesses junto de entidades públicas e procede à criação de um Registo de Transparência da Representação de Interesses junto da Assembleia da República.

SLOVAKIA



Ongoing discussions

There have been several attempts to pass lobbying legislation: a public consultation in 2001 to bring more transparency in the legislative process, the 2005 bill on lobbying, and the 2013 proposal of the Christian-Democratic Movement. All these bills have been rejected.

On 27 October 2016, the plenary session of the National Parliament of the Slovak Republic voted against the proposal on the act on lobbying, tabled by a group of MPs on 23 September 2016. The register of lobbyists, rights and obligations of lobbyists, obligations of public officials and other persons, sanctions etc. were parts of the proposal.

REFERENCES

(VENICE COMMISSION) REPORT ON THE LEGAL FRAMEWORK FOR THE REGULATION OF LOBBYING IN THE COUNCIL OF EUROPE MEMBER STATES, 2011 - Updated in 2012
[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)

LOBBYISTS, GOVERNMENTS AND PUBLIC TRUST, VOLUME 3 IMPLEMENTING THE OECD PRINCIPLES FOR TRANSPARENCY AND INTEGRITY IN LOBBYING
<http://www.oecd.org/gov/lobbyists-governments-and-public-trust-volume-3-9789264214224-en.htm>

EU ANTI-CORRUPTION REPORTS, COUNTRY CHAPTERS, EC HOME AFFAIRS
http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf

LOBBYING IN EUROPE - PUBLIC AFFAIRS AND THE LOBBYING INDUSTRY IN 28 EU COUNTRIES, BITONTI AND HARRIS

REGULATING LOBBYING, 2nd EDITION, A GLOBAL COMPARISON, RAJ CHARI, JOHN HOGAN

This comparative analysis tracks the growing number of EU Member States that are introducing or considering the introduction of lobbying regulations with the aim of making public decision-making more accountable and transparent. Formats vary from statutory rules on lobbying (mandatory regulation) to voluntary systems of registration for lobbyists (soft regulation) to self-regulation by the public affairs sector. This analysis was first compiled in 2015 and has now been updated as of October 2019.

At the European Union level, the Transparency Register, a public database, was set up by the European Parliament and the European Commission in 2011, in order to record activities of interest representatives trying to influence EU decision-making. The public register includes almost 12 000 organisations to date and is jointly administered by the Parliament and the Commission. The public register's 'Joint Secretariat' is made up of officials from both institutions.

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