



REPORT

Lobbying regulation in Europe: recent developments

(since 2014 up to now)

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PREAMBLE

Taking into account, that

- In 2005 the report Towards Responsible Lobbying was produced in collaboration with UN Global Compact, which aimed at understanding the way in which organizations influence the goals of sustainable development through their lobbying processes, and how governments in turn influence the lobbying “supply chain”¹.
- Starting from 2009 to 2014 the Organisation for Economic Co-operation and Development (OECD) published a series of reports on lobbying, which reviewed the experiences of Hungary, Poland, the United Kingdom and other countries in lobbying regulation and role of lobbyists in policy-making, with the last report concentrated on emerging consensus on the need for transparency to shed light on lobbying and new regulations in states².
- Launched in 2012 Fourth Evaluation Round³ and in 2017 Fifth Evaluation Round⁴ by the Group of States against Corruption (GRECO) of the Council of Europe contain recommendations to the evaluated countries in order to improve their level of compliance with the provisions under consideration, includes certain provisions on current state of lobbying regulation.
- In early 2014 the European Commission produced EU Anti-Corruption Report, which consisted of 28 reports on the EU member-state and included provisions on transparency of lobbying in order to establish both clarity and transparency in the relationship between public authorities and outside stakeholders⁵.
- In 2014 Transparency International (TI) through its country offices initiated a regional project involving the assessment of lobbying regulations and practices in 19 European countries, defining lobbying as an integral part of a healthy democracy, which allows various interest groups to present their views on public decisions that may come to affect them⁶.
- From 2015 to 2016 European Committee on Legal Co-operation (CDCJ) of the Council of Europe (CoE) worked on drafting recommendation on the legal regulation of lobbying activities in the context of public decision-making in CoE member-states⁷, which was adopted in 2017 and today CDCJ continues to work on support of its implementation in the mentioned states.

1 Towards Responsible Lobbying available at https://www.unglobalcompact.org/docs/news_events/8.1/rl_final.pdf

2 OECD reports Lobbyists, Government and Public Trust, Volume 1, 2, 3 available at <http://www.oecd.org/gov/ethics/lobbying.htm>

3 Fourth Evaluation Round GRECO available at <https://www.coe.int/en/web/greco/evaluations/round-4>

4 Fifth Evaluation Round GRECO available at <https://www.coe.int/en/web/greco/evaluations/round-5-new>

5 EU Anti-Corruption Report available at https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report_en

6 Lobbying in Europe: hidden influence, privileged access TI Europe

http://files.transparency.org/content/download/1909/12646/file/2015_LobbyingInEurope_EN.pdf

7 Recommendation CM/Rec(2017)2 available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680700a40

INTRODUCTION

Today, lobbyists became an integral part of decision-making processes in the modern Western democracies. From local to country level, from municipal to supranational and global, lobbying is an instrument, which is widely utilized by different stakeholder in the world, while not being broadly regulated or being non-regulated at all. Lobbying has numerous definitions and could be summed up in general as “an influence on decision-making process”.

The lobbying has also a number of contradictions, since while expert information obtained from lobbyists has a positive impact on quality of decision-making, there is also an excessive negative impact, which may be harmful to the public interest. The latter could be resolved via establishing of lobbying regulation on state and sub-state level, according to modern international standards.

Under these circumstances, lobbying has already become the subject of the study and recommendations by UN Global Compact, GRECO and CDCJ of the Council of Europe, European Commission and European Parliament. Negative impact was reported by TI’s country offices and TI Europe. Lobbying in the meaning of equality of access to the markets was subject to research by the United Nations Conference on Trade and Development (UNCTAD). The UN bodies also recognize and confirm connection of lobbying with Agenda 2030, notably SDG16 Peace, Justice and Strong Institutions.

According to the available data, the number of lobbyists in world continue to increase. As of the date of the present Report, the number of lobbyists acting on the supranational level in the EU comprises 11 772. The very first country in the world, where the lobbying regulation was established – USA – today has a quite similar number of lobbyists, which is estimated at 11 586⁸, with a more than two times raise in total spending from 1.45 bl USD in 1998 to 3.37 bl USD in 2017⁹ ¹⁰. Furthermore, according to Canada official stats, number of active lobbyists in Canada amounts at 5 957 as of April 2019¹¹.

The last attempts to analyze lobbying regulation were made back in 2014-2015 and since that time there were no attempts to review lobbying regulation by international community. This report has an intention to demonstrate these recent developments of lobbying regulation in European countries from 2014 up to now, taking into account previous researches and investigations by UN, Council of Europe bodies, EU institutions, TI, other international, governmental and non-governmental organizations.

8 Available at <https://www.statista.com/statistics/257340/number-of-lobbyists-in-the-us/>

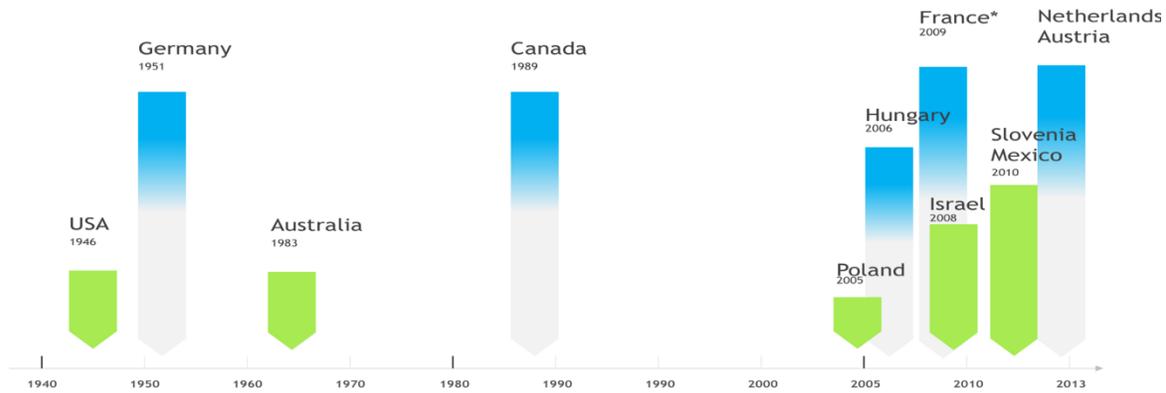
9 Available at <https://www.statista.com/statistics/257337/total-lobbying-spending-in-the-us/>

10 Calculations by the Center for Responsive Politics based on data from the Senate Office of Public Records available at <https://www.opensecrets.org/lobby/>

11 Available at https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/lbsRegs.jsessionid=C57WURaJF4a1g3UW_S2qeTlu.app-ocl-01

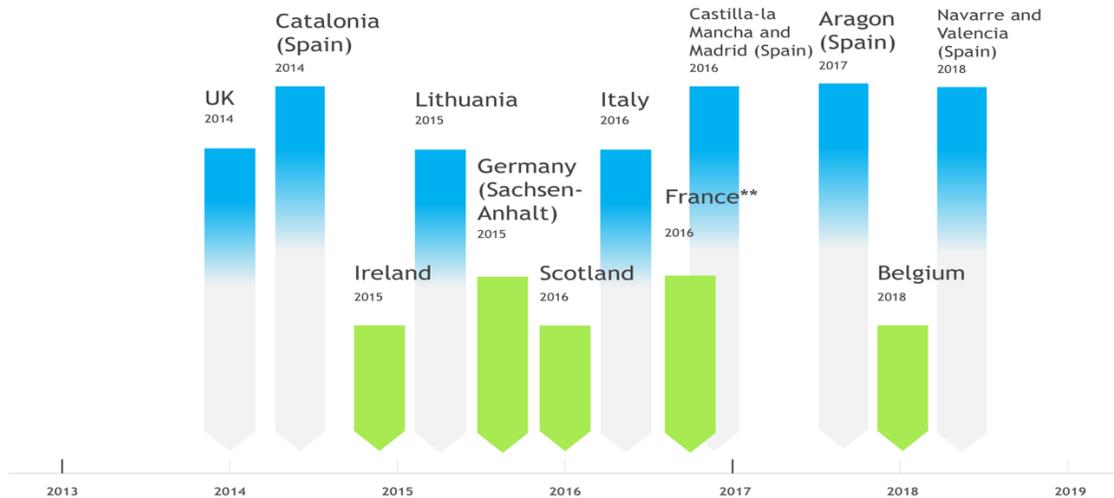
OVERVIEW OF RECENT DEVELOPMENTS IN LOBBYING REGULATION

According to the information provided by the OECD, 12 of its member-states from out of present 36 adopted legislation on lobbying from 1940 to 2014¹².



*Lobbying regulation under the Code of Conduct of the National Assembly and the Senate of France

At the same time, starting from 2014 up to April 2019 the number of European OECD member-states, which adopted legislation on lobbying increased for another 8 countries.



**Law adopted, which contains broader provisions on lobbying regulation in France

The growth of countries adopted lobbying regulation by European OECD member-states for the period of last 5 years constituted 67% of overall lobbying regulation by OECD member-states for the previous 75 years. These impressive figures are expected to increase in the following years and it is essential such lobbying regulation to be adopted in conformity with international standards of lobbying regulation.

¹² Regulations and Codes of Conduct on Lobbying in OECD countries available at <http://www.oecd.org/gov/ethics/Lobbying%20timeline.pdf>

STATE LEVEL

Belgium

In July 2018, members of the Chamber of Representatives of the Belgium Federal Parliament voted for changes in the Rules of Procedure and as a result the Lobbies Register was created¹³. In Belgium lobbying is defined as an activities that are carried out with the objective of directly or indirectly influencing the policy-making or the implementation of policies or the decision-making processes of the Chamber.

The following organizations are considered as lobbyists: specialized consultancies, law firms and self-employed consultants; “in-house lobbyists”, trade unions and professional associations; non-governmental associations; think tanks, and research and academic institutions; organisations representing churches and religious communities; organizations representing local, regional and municipal authorities, and other public or mixed entities. Moreover, all organisations and self-employed individuals, irrespective of their legal status, engaged in activities, whether on-going or under preparation, covered by the register are expected to be registered.

At the same time, a number of activities were not covered by the register concerning provision of legal and other professional advice, notably: advisory work and contacts with public bodies in order to better inform clients about a general legal situation or about their specific legal position, or to advise them whether a particular legal or administrative step is appropriate or admissible under the existing legal and regulatory environment; advice given to clients to help them ensure that their activities comply with the relevant law; analyses and studies prepared for clients on the potential impact of any legislative or regulatory changes with regard to their legal position or field of activity; representation in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body; or exercise of the fundamental right of a client to a fair trial, including the right of defense in administrative proceedings, such as activities carried out by lawyers or by any other professionals involved therein.

The Lobbies Register is public, published on the internet site of the Chamber and managed by a Chamber service. The Register contains such information as the personal identification details of the lobbyist, name, legal form, address of registered office, phone number, E-mail address, registration number of the company, objects of the company, names of the clients represented by the company, institution or organisation.

As of April 2019, 27 lobbying entities were registered as lobbyists, including representatives of different sectors, e.g. jewelry (Antwerp World Diamond Center), alcohol (Belgian Brewers) and tobacco (Etablissements L. Lacroix Fils NV), chemical industry (Essenscia), finance (Febelfin) and automotive (Febiac vzw-asbl), legal services (Institut des juristes d'entreprise) and others. In addition,

¹³ Rule 163ter The Rules of Procedure of the Belgian House of Representatives available at https://www.dekamer.be/kvvcr/pdf_sections/publications/reglement/reglement_UK.pdf

the Chamber also includes independent advisers whose goal is to promote the observance of human rights before, during and after the conflict, counseling on combating radicalism, promoting peace and security, and ensuring gender equality (Vrouwenraad).

France

In December 2016 the Law on Transparency, Fighting the Corruption and Modernization of Economics was adopted in France¹⁴ (with amendments in 2017¹⁵) and since May 2018, France's new legislation came into force, which also includes provisions for regulating lobbying and creation of a single public register of lobbyists with mandatory registration (Le répertoire des représentants d'intérêts). According to the law, the lobbyists could be natural or legal persons, public organizations, commercial groups and chambers of commerce, employees or members of which influence the public decision-making process.

It is also established that until June 2021 the lobbying targets are government members, ministry staff members, members of the National Assembly or the Senate, parliamentary groups, chairmen of the National Assembly or the Senate, staff of the French Presidential Secretariat, directors of the secretariats, authorized persons appointed by a separate government decision. Starting from July, 2021 a number of employees of executive power bodies at the local level, heads of departments and their deputies will also be included into the list of lobbying targets¹⁶. At the same time, other elected representatives, political groups and parties, unions representing employees of public bodies, unions of workers and employers (if necessary to perform social dialogue), religious organizations in the field of interaction with religious affairs, representatives of associations, which are selected in accordance with their charters could not be lobbying targets within the framework of the law.

Influence on decision-making is considered as lobbying if a person spends more than half of his working time on influencing the above-mentioned lobbying targets regarding one or more public decisions. Lobbying is a regular interaction of the lobbyists with lobbying target in relation to a particular issue, which is considered as at least 10 interactions in the last 12 months. At the same time, the actions of individuals or legal entities within the framework of existing procedural rules should not fall under the definition of lobbying. For example, if a person wants to get certain permission in order

14 LOI n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033558528&categorieLien=id>

15 Décret n° 2017-867 du 9 mai 2017 relatif au répertoire numérique des représentants d'intérêts <https://www.legifrance.gouv.fr/eli/decret/2017/5/9/ECFM1706418D/jo/texte>

16 Clause 2.1.1 of Explanations Répertoire des représentants d'intérêts : Lignes directrices <https://www.hatvp.fr/wordpress/wp-content/uploads/2018/10/Lignes-directrices-octobre-2018.pdf>

to receive benefits, then such actions are not considered as lobbying under the already existing rules of procedure.

In general, communication within the framework of lobbying legislation in France is a personal meeting, telephone conversation or video conference, e-mails or printed letters, personal interaction by means of any communication. Lobbies also have an opportunity to organize informal discussions with lobbying targets or any events and invite lobbying targets, conduct systematic interaction in the form of correspondence by mail or e-mail, send submissions, open letters, organize public debates, marches and pressure within the Internet, as well as arrange hearings, official legal advice or other open consultations, send their suggestions on public decisions, transmit expert opinions to authorized persons in order to persuade them and influence their decisions. There is a list of decisions that may be subject to lobbying, namely, the laws of France, orders, regulatory acts, government contracts, concession contracts, lease agreements, contracts for the transfer of immovable property owned by the state or government agencies, public discussions on the creation of mixed enterprises¹⁷.

As of April 2019, the lobbying register of France contains 1 860 lobbyists, who declared 13 714 lobbying activities, since the creation of the register. The register includes French corporation Sanofi, which while having legal problems with its subsidiary in Ukraine, lobbied the National Assembly and the Senate of France in order to receive support to resolve these problems in the late 2017¹⁸ (in the same period Antimonopoly Committee of Ukraine imposed a two million euro fine on Sanofi Ukraine). For this purpose, Sanofi organized informal discussions, meetings with members of the National Assembly and the Senate, governments and transmitted to them information and expert conclusions regarding the situation they have faced. Another example is French organization Secours catholique, which fights poverty and promotes social equality. In 2017 the said organization lobbied members of French government on the matters of their participation in the UN Climate Conference 2017. For this purpose Secours catholique organized meetings with members of the government, who are responsible for the environment, energy and sea.

Ireland

In 2015 the Lobbying Act of Ireland came into force, according to which lobbyists are required to be registered¹⁹. The register includes lobbyists, which aimed at representing interests for financial

17 Annexe Relative Aux Types De Décisions Publiques (10 de L'article 3) Décret n° 2017-867 du 9 mai 2017 relatif au répertoire numérique des représentants d'intérêts <https://www.legifrance.gouv.fr/eli/decret/2017/5/9/ECFM1706418D/jo/texte>

18 Demande d'appui des décideurs publics français dans le cadre de difficulté juridiques en Ukraine pour la filiale de Sanofi Date de publication 11.04.2018 available at <https://www.hatvp.fr/fiche-organisation/?organisation=403335938##>

19 Regulation of Lobbying Act 2015 (Ireland) available at <http://www.irishstatutebook.ie/eli/2015/act/5/enacted/en/html>

remuneration or managing the communications in the interests of a third party. Lobbyists could be business organizations, trade unions, non-governmental or charity organizations.

The targets of lobbying are Ministers of the Government and Ministers of State, members of the Lower House (Dáil Éireann) and the Upper Chamber (Seanad Éireann) of the Irish Parliament, Irish members of the European Parliament, members of local authorities, special advisers to the government, civil servants, and any other prescribed office holders or description of persons. At the same time, the above categories of officials include fewer than 300 employees out of 37,000 employees of public servants in Ireland, which gives lobbyists an excessive area of lobbying. In order to avoid confusion, Ireland has a list of non-lobbyists organizations, including public companies (Electricity Supply Board, An Post, Irish Aviation Authority, Railway Procurement Agency, Voluntary Health Insurance Board and others), any body corporate established by Act of Parliament before 6 December 1922 that, upon its establishment, was of a commercial character, the subsidiaries of these companies.

The following information shall be entered in the register: the person's name, the address (or principal address) at which the person carries on business or (if there is no such address) the address at which the person ordinarily resides, the person's business or main activities, registration number, registered office, contact details.

The register includes organizations based on matter of return, public policy area of return and main activities of the organization. Thus, UNICEF Ireland is included as a lobbying organisation and carries out lobbying in such areas as foreign affairs, EU affairs, refugee status obtainment assistance, justice and equality. In September 2015 UNICEF Ireland also participated in preparation for the UN General Assembly and lobbied the Irish government to implement children-oriented sustainable development goals of the United Nations in accordance with the UN Agenda 2030. To do this, UNICEF Ireland prepared a series of letters with the need for such an implementation, and in the annex provided a letter written by 18 children who were victims of violence. In May 2017, UNICEF Ireland lobbied the Irish Parliamentarians and Minister for Foreign Affairs and Trade for the UNICEF Report on the situation in Yemen and Libya to raise awareness of the situation on the ground for children and to encourage the Government of Ireland to respond. In October 2017 UNICEF Ireland lobbied Ministry of Foreign Affairs and Trade of Ireland regarding Child Alert Report on situation for Rohingya children fleeing Myanmar with request for humanitarian intervention²⁰.

Another example of lobbying is the activity of the Ecumenical Accompaniment Programme in Palestine and Israel, which is engaged in lobbying the interests of Palestine in Ireland. For example, in January 2016, the organization was lobbying for the Government of Ireland to recognize Palestine and general issues regarding the occupation of the Palestinian Territory. In January 2017, the organization lobbied the Irish MPs for measures to respond to Israel's destruction of infrastructure built with EU funds. As a result, up to 30 meetings were held and more than 100 e-mails sent to parliamentarians. In

20 The Register of Lobbying (Ireland) <https://www.lobbying.ie/>

general, since 2016, the organization has repeatedly lobbied the position of Palestine in the Irish Parliament and one of the results was the adoption of a law that banned Irish citizens from "importing or selling goods or services originating from the Occupied Territory" in December 2018²¹.

Non-governmental organizations also lobby interests in the government and parliament of Ireland. The Irish Association of Non-governmental Development Organisations lobbied government bodies regarding participation in the UN Summit on Sustainable Development in September 2015, via clarifying to the government of Ireland on the need for the participation of parliamentarians, government officials and the Prime Minister of Ireland in the meeting Council on Refugees and Migration at a high level in September 2016. In addition, the organization promoted the implementation implements OECD DAC recommendations on calculating refugee costs from the ODA budget from January to April 2018. Similarly lobbying for such organizations as Doctors Without Borders (Médecins Sans Frontières) and by France Ireland Chamber of Commerce²².

The Irish Standards in Public Office Commission is responsible for supervision over such registration. It also has the right to conduct an investigation if it considers that a lobbyist may violate the Act, to make inquiries regarding lobbying, receive all necessary documents to conduct investigations with the participation of a police representative (Garda Síochána) and receive any other necessary assistance to carry out their functions. The punishment for violation of the Act is a fine or exclusion from the register of lobbyists.

Italy

In April 2016 lobbying regulation was established in the Chamber of Deputies of the Italian Parliament²³. According to the provisions, the representation of interests in the Chamber is based on the principles of publicity and transparency. For this purpose, an online register of lobbyists was established²⁴.

Within the Chamber of Deputies, the representation of interests was defined as activity carried out in the premises of the Chamber by submitting proposals, requests, providing research results, analysis, or through any other written or oral communication aimed at achieving the legitimate interest of the subject of lobbying, or third person. Each person representing interests must report on December 31 of the relevant year and provide information on all representations of interests, the list

²¹ *Ibid*

²² *Ibid*

²³ XVII LEGISLATURA BOLLETTINO DELLE GIUNTE E DELLE COMMISSIONI PARLAMENTARI CAMERA DEI DEPUTATI 26 aprile 2016 №631 <http://www.camera.it/leg17/824?tipo=A&anno=2016&mese=04&giorno=26&view=&commissione=15#data.20160426.com15.allegati.all00050>

²⁴ Registro rappresentanti di interessi available at http://www.camera.it/rappresentantiinteressi/registro_rappresentanti.html



of persons subject to communication, subject matter and lobbying were carried out and in whose interests it was carried out. In case of a violation of the rules, the sanction is established in a form of exclusion from the register.

Functions of the supervisory body for data entry are performed by the Collegium of Questors (Collegio dei Questori) of the Chamber of Deputies, consisting of three members of the Parliament. Under the condition of inclusion in the register, the Collegium grants annual permissions to lobbyists for visiting Montecitorio. The lobbyists also have an opportunity to attend events related to the subject of lobbying. Regulation applies to private companies, trade unions and organizations for protection of the rights of employees, NGOs, business associations, trade associations, associations of consumers rights and former parliamentarians. This provision does not apply to government bodies or agencies.

The register includes various lobbyists, ranging from international non-governmental organizations and multinational companies to private individuals. For example, non-governmental organization World Medical Aid, which provides humanitarian charity mission in Italy and third countries aimed at improving the situation in health care, protection of civil and women's rights. Another example is the transnational corporation BASF, operating in Italy since 1946, which is the world's largest chemical industry company, represented in 80 countries of the world and has more than 300 industrial sites all over the world. The company identified as the lobbying targets the parliamentary commission on environmental protection, finance, and social affairs. Another organization called For Rome is lobbying parliamentarians, including parliamentarians in general and parliamentarians elected in the constituencies of Rome and Lazio with the aim to influence laws affecting Rome or its citizens. Organization of BTC Association - Blockchain Technology Cryptocurrency advocates the development of legislation on blockchain technology in Italy in order to ensure the leadership of Italy in this area. The Rotary International, known as the non-governmental organization, with a wide range of activities, ranging from health to cultural issues is also lobbying Italian Parliament. The registry includes private individuals, e.g. a lawyer and a representative of the Italian trade associations the in the UAE and aims to promote the interests of Italian companies in the UAE, the international relations between Italy and the Arab world.

Lithuania

In Lithuania law on lobbying was adopted in 2001 and lobbying was defined as an activity of a physical or legal person in an attempt to influence adoption, cancellation or amendment of the

legislation in the interests of the client²⁵. After the significant amendments in 2015, which aimed correspondence to OECD recommendations on lobbying, the term “lobbying” was defined as an activity carried out by an individual in an attempt to influence the authority in the interests of the client for the adoption or cancellation of legislative acts or administrative decisions²⁶. As a result, the above amendments restraint scope of lobbyists to natural persons, which means that only they can act as lobbyists in Lithuania.

At the same time, by amendments of 2015, it was specified who exactly can be lobbying target in Lithuania. Thus, lobbied persons in Lithuania are state politicians, state officials, civil servants and other persons who, according to the official functions assigned to them pursuant to the procedure laid down by legal acts, are involved in preparing, considering and adopting legal acts or administrative decisions.

Lobbyists in Lithuania have an opportunity to be involved in the process of preparation of legislative acts, to submit proposals and explanations regarding draft legislative acts. On its own initiative, lobbying entities are able to evaluate legislative acts, draft laws, and administrative decisions. They also have access to premises, possibility of organizing public events and receive information and documents from state and municipal authorities²⁷. Lobbying by state officials and persons involved in the adoption of legislative acts or administrative decisions is not recognized (since 2001). They are also prohibited by law to be clients of lobbyists, as well as state enterprises are subject to prohibition. At the same time, it is prohibited to finance lobbying activities from state and municipal budgets.

In the very first edition of the law on lobbying activity of Lithuania, a register lobbyists was introduced, to which individuals and legal entities were obliged to provide information. After amendments of 2015, this practice remained and lobbyists are still required to report on their clients, the subject of lobbying and desired goals. The country has a register of lobbyists, but the number of registered persons is insignificant and does not reflect the real picture.

As of April 2019, only 83 lobbyists were registered and the reporting is publicly available. It is also necessary to report on income and expenses from lobbying activities. Prior to the adoption of amendments to the legislation in 2015, the reports were to be published in an official publication entitled “Official Gazette”. Today, they are available at official web-page of the Main Ethics Commission of Lithuania (Vyriausioji tarnybinės etikos komisija). The deadlines for filing reports, which were previously submitted on an annual basis, were changed, and after the amendments they should be submitted within 7 calendar days after the lobbying event.

25 Article 2 LAW ON LOBBYING ACTIVITIES No. VIII-1749 of 27 June 2000 available at <https://www.aalep.eu/sites/default/files/documents/EU%20LOBBYING%20REGULATIONS-POLAND%2CHUNGARY%2C%20LITHUANIA.pdf>

26 Article 2 of Meierovica biedrības prioritāte– ētiskas un atklātas lobēšanas nostiprināšana Law on lobbying activities (Lithuania) available at https://www.vtek.lt/images/Duomenys/Republic_of_Lithuania_Law_on_Lobbying_Activities_20170620.pdf [lietussargs.lv/meierovica-biedribas-prioritate-2013/](https://www.lietussargs.lv/meierovica-biedribas-prioritate-2013/)

27 Article 4 *Ibid*

An example of lobbying in Lithuania is Meta, which provides lobbying services in Estonia, Latvia and Lithuania. In October 2018, the company lobbied the Lithuanian Ministry of Finance for the refund of value added tax to change the regulation for foreign tourists. The organization noted that the purpose of the changes is to make the situation in Lithuania more attractive in this regard than in the surrounding countries. The lobbying target was the Head of the Tax Department of the Ministry of Finance of Lithuania²⁸.

Another example of lobbying is the work of the American Chamber of Commerce Association, representing American companies in Lithuania. In October 2018, the organization lobbied for changes in the Lithuanian legislation on medical products and the introduction of a medical technology assessment system in order to improve the situation for Lithuanian patients who have not been represented in this process. The lobbying target was the Health Committee of the Lithuanian Sejm²⁹.

The UK

In 2013, consultations were launched in the UK, and in 2014 new legislation was introduced, which accelerated the institutionalization of lobbying in the country. Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act aims at restricting political parties in pre-election times and introducing a mandatory lobbyists register³⁰. Lobbying itself means the business of representing the interests of a client by communicating with senior Government decision-makers on the working or function of the Government³¹.

In the UK, organisations and individuals are considered to be carrying out lobbying if they have made direct oral, written or electronic communications personally to a Minister of the Crown, Permanent Secretary (or equivalents) currently in post, referred to as “Government Representatives” relating to: the development, adoption or modification of any proposal of the Government to make or amend primary or subordinate legislation; the development, adoption or modification of any other policy of the Government; the taking of any steps by the Government in relation to any contract, grant, financial assistance, licence or authorisation; or the exercise of any other function of Government. This

28 VYRIAUSIOJI TARNYBINĖS ETIKOS KOMISIJA available at <https://www.lobistai.lt/deklaracijos>

29 *Ibid*

30 Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 available at <https://www.legislation.gov.uk/ukpga/2014/4/contents>

31 Page 3 of Guidance on the requirement to join the Register of Consultant Lobbyists 30 January 2015 available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/399991/Guidance_on_the_requirement_to_join_the_Register_of_Consultant_Lobbyists_v.1.0.pdf

communication is made in the course of a business and in return for payment on behalf of a client, or payment is received with the expectation that the communication will be made at a later date³².

According to the law, the Registrar of Consultant Lobbyists was established³³, which is administrated by an independent statutory office called the Office of the Registrar of Consultant Lobbyists. Lobbyists should be registered and are responsible for making false or inaccurate data. Reports must be provided on a quarterly basis and should contain name of a person on behalf of which the lobbying is being made. As of April 2019, the Registrar of Consultant Lobbyists contain 154 entries. Among the lobbying consultancies there are such famous companies as Deloitte LLP, Ernst & Young LLP, Fleishman-Hillard Group Limited, Grayling Communications Limited, Hill+Knowlton Strategies and others. Each of them represent a number of client, but the register lacks detailed information on lobbying activities.

At the same time, as TI UK reported, a large number of lobbyists are not subject to the Act, including in-house lobbyists, legal service providers, trade and industry associations, non-governmental organizations. This makes only a small number of lobbyists entities accountable under the Act. Moreover, the Act leaves room for lobbying parliamentarians, government officials, members of local councils, thus not regulating a significant part of the activities of lobbying actors. In general, the Act regulates the lobbying of Her Majesty's Government in the UK, holder of office in the government, permanent secretaries in the ministries. Lobbyists do not necessarily have to address to high-level officials who have sufficient influence, but rather to ordinary employees who form the general concept of a decision at an early stage, therefore, the Act has significant gaps that can be used by lobbyists bypassing provisions of the Act³⁴.

32 Page 8 *Ibid*

33 The Registrar of Consultant Lobbyists available at https://registerofconsultantlobbyists.force.com/CLR_Search

34 Lifting the Lid on Lobbying TI UK available at <https://www.transparency.org.uk/wp-content/plugins/download-attachments/includes/download.php?id=1472>

SUB-STATE LEVEL

Spain

Aragon

In June 2017 the law on lobbying was adopted in the autonomous community of Aragon. Lobbying is considered as the direct or indirect communication with any public authority, related authorities, including employees of these authorities, which aimed at influencing the decision-making process, carried out independently or in the interests of the third party by an organized private or non-governmental group. At the same time, lobbyists are legal entities or individuals, which are lobbying in their own interests or in the interest of third parties, for example, as representatives of non-governmental organizations, private companies, corporations, industrial or professional associations, trade unions, law firms, media, religious organizations and international organizations³⁵. In order to influence decision-making, lobbyists must be registered in the lobbying register, which is expected to be created under the law³⁶.

Castilla-la Mancha

In December 2016, the law on transparency and good governance was adopted in Castilla-la Mancha. In the autonomous community, lobbyists are able to exercise a legitimate influence on the decision-making process. For this purpose, they must be registered in the register of interest groups, regardless of their legal status. If a group is not formalized and is simply a platform, network, or other form of association, it should be entered into the register as well³⁷. The registration of interest groups in the register gives lobbying entities access to government executives, including local government and other public sector entities. At the same time, inclusion into the register creates grounds for the lobbyists participation in the meetings or other events, according to the relevant minutes of the public authorities. The register is under development and as of March 2019 it contains 31 registered lobbyists³⁸.

35 Article 35 LEY 5/2017, de 1 de junio, de Integridad y Ética Públicas available at <http://www.boa.aragon.es/cgi-bin/EBOA/BRSCGI?CMD=VEROBJ&MLKOB=967173225353>

36 Article 36 *Ibid*

37 Article 44 Ley 4/2016, de 15 de diciembre, de Transparencia y Buen Gobierno de Castilla-La Mancha. [2016/14090] available at https://docm.castillalamancha.es/portaldocm/descargarArchivo.do?ruta=2016/12/30/pdf/2016_14090.pdf&tipo=rutaDocm

38 Lobbying register available at <http://transparencia.castillalamancha.es/grupos-de-interes/consulta/all/all/A>

Catalonia

In December 2014, Catalonia adopted Act 19/2014 on transparency, access to public information and effective governance. The law regulates the relationship between lobbyists and the Government of Catalonia, its parliament and local authorities, as well as any other related institutions. In particular, the law regulates relations with organizations, associations and institutions, which has grants or subsidies as a source for existence. For the purposes of the law, an open access web page was introduced in Catalonia, where all the basic information is provided on the tools available to citizens for interaction with the Catalan authorities.

In Catalonia a lobbyist is any legal person or individual who is actively involved in the elaboration of policies or in the decision-making process of Catalonia for the purpose of exercising influence in his own interests, interest of the third parties or public interest³⁹. At the same time, all information regarding organizational and administrative structure, economic, budgetary and accounting reporting, contracts, grants is publicly available upon separate request.

The register of interest groups was also introduced in Catalonia, according to which there is an obligation to register all individuals and groups of interests that may influence drafting of the laws and regulations or their implementation. The platforms, networks, or other forms of collective activity must be registered, including those, which are not formalized, but still are the source of organized influence. At the same time, all information on any type of activity aimed at direct or indirect influence on the preparation and implementation of decisions, policies should be registered, regardless of the channels that were used for contacting the authorities, parliamentarians, any other employees of the Catalan authorities⁴⁰.

It should be noted that the law intends to create appropriate registries in all relevant authorities of Catalonia, which caused technical difficulties, since in such a case, the number of lobbyists to be included in the registers at various levels is extremely high. As a result, the law was subject to amendments in 2017 and a unified registry of interest groups in Catalonia was created, which solely includes all interest groups that influence decision-making⁴¹.

Madrid

In July 2016, the municipality of Madrid also decided to join the above-mentioned communities and introduce lobbying framework for interaction of lobbyists with public authorities in Madrid. A register of lobbyists was established as well as control of legal persons or individuals acting directly on behalf of a third parties, a group of individuals, non-governmental organizations in order to

39 Article 2 (g) of the law 19/2014 of Catalonia available at http://governobert.gencat.cat/web/.content/01_Que_es/05_Normativa/Llei-19-2014-transparencia_CA_EN.pdf

40 Article 47 *Ibid*

41 Decreto-ley 1/2017, de 14 de febrero, por el que se crea y se regula el Registro de grupos de interés de Cataluña available at https://www.boe.es/diario_boe/txt.php?id=BOE-A-2017-3481

influence municipal regulations and participate in decision-making by public authorities in Madrid and its autonomous public bodies. Subsequently, in June 2017, the session of the municipality of Madrid detailed the procedure for regulating the activities of lobbyists and established the procedure for registration of the lobbyists. At the same time, the public organizations and public companies have no need to register if they do not represent private interests⁴². In addition to general information on lobbyists, information on received state or municipal subsidies must be submitted to the register⁴³.

Navarre

In May 2018 the autonomous community Navarre established regulation of lobbying. The definition of lobbyists in Navarre includes a wide range of persons, notwithstanding their legal status and whether they are a platform, network or any other collective form of exercising influence on the decision-making⁴⁴. In addition, lobbyists must be registered in the relevant register and make available information about lobbying targets and means of lobbying. They are also obliged to list authorities that are parties to this process and other relevant information. At the same time, information on actions of lobbyists, especially at meetings with representatives of the authorities, members of parliament must be submitted to the register and published in separate electronic form⁴⁵.

Valencia

The autonomous community of Valencia has a long history of lobbying dating back to 19th century and the first initiatives for establishment of lobbying regulations were made in the early 20th century. As a result, in December 2018, the law on lobbying in the autonomous community was finalized⁴⁶. Valencia also establishes a broad definition of lobbyist, and the process covers all direct or indirect communication between officials and lobbyists. At the same time, lobbying does not include meetings that are a ceremonial obligation, participation in collective advisory bodies advising authorities, arbitration functions and mediation⁴⁷. The register of lobbyists was created, which, in addition to general information, also includes data on the third persons represented by the lobbyist, as well as all actions taken in the process of lobbying of the relevant decisions⁴⁸.

42 Article 1 (3) Acuerdo de 28 de junio de 2017 del Pleno del Ayuntamiento de Madrid por el que se establecen las líneas básicas del Registro de lobbies regulado en la Ordenanza de Transparencia de la Ciudad de Madrid available at https://transparencia.madrid.es/FWProjects/transparencia/RelacionCiudadania/RegistroLobbies/Acuerdo_Pleno_28_06_2017.pdf

43 Article 4 (3) *Ibid*

44 Article 46 Ley Foral 5/2018, de 17 de mayo, de Transparencia, acceso a la información pública y buen gobierno available at http://noticias.juridicas.com/base_datos/CCAA/621531-l-foral-5-2018-de-17-may-cf-navarra-transparencia-acceso-a-la-informacion.html

45 Article 47 *Ibid*

46 Preamble LEY 25/2018, de 10 de diciembre, de la Generalitat, reguladora de la actividad de los grupos de interés de la Comunitat Valenciana available at <http://www.transparencia.gva.es/es/anteproyecto-de-ley-de-la-generalitat-reguladora-de-la-actividad-de-lobby-en-el-ambito-de-la-generalitat-y-de-su-sector-publico-instrumental>

47 Article 3 *Ibid*

48 Articles 6 and 7 *Ibid*

Germany

Sachsen-Anhalt

In Germany, along with regulation of lobbying in Bundestag established in 1979, the lobbying was recently regulated on the sub-state level. Starting from 1 of January 2015 a legislation came into force in the local parliament of the Land of Sachsen-Anhalt (Der Landtag von Sachsen-Anhalt), which formalized the relationship between parliamentarians and lobbyists⁴⁹. In accordance with the regulations a register of lobbyists was created and it was established that interaction of lobbyists with parliamentarians can only be carried out if lobbyists are included into the register. The Chairman of the Parliament maintains this register, regardless of whether lobbyists are legal or private persons, but are willing to lobby the Parliament or the Government of the land. Lobbyists are obliged to indicate their name, the composition of their governing bodies, the area of interests, affiliated organizations, the names of the representatives of the organization. At the same time, inclusion into the register does not mean that lobbyists have a legal right to be heard.

As of April 2019, 230 lobbyists are carrying out official lobbying activities in the Sachsen-Anhalt Land Parliament⁵⁰. These include non-governmental international organization Amnesty International (Amnesty International), which performs lobbying in Parliament and executive bodies of Land Sachsen-Anhalt in the field of domestic policy, federal and European affairs, rights and equality, and the media. Another lobbyist is the Council for Refugees in the Sachsen-Anhalt (Flüchtlingsrat Sachsen-Anhalt), which is lobbying the refugee decision-making process. Organization for More Democracy (Mehr Demokratie), which is one of the largest non-governmental organizations in the world that promotes direct democracy through campaigns, scientific analyzes, legislative proposals on democracy issues, comprising 14 regional associations, is lobbying domestic policy-making of the Land Sachsen-Anhalt, the federal and European affairs. Similarly, there are representatives of the IT field (Der Verband der IT- und Multimediaindustrie Sachsen-Anhalt) in the Parliament of the Land, which unite large and medium-sized IT companies in Germany, thus promoting the implementation of the blockchain technology, representing these companies in the parliament and the state authorities of the Land of Sachsen-Anhalt.

49 Geschäftsordnung des Landtages von Sachsen-Anhalt available at <https://www.landtag.sachsen-anhalt.de/fileadmin/files/drs/wp7/drs/d0036vun.pdf>

50 Lobbyregister Landtag von Sachse available at https://www.landtag.sachsen-anhalt.de/fileadmin/Downloads/Lobbyregister/Lobbyregister_Landtag_von_Sachsen_2019_01_21.pdf

The UK

Scotland

“Lobbying (Scotland) Act” was adopted in 2016, and its provisions came into force in March 2018⁵¹. The Act introduces a register of lobbyists and introduces criminal liability for non-providing information on lobbying. The act regulates any face-to-face communication with Members of the Scottish Parliament, Members of the Scottish Government (including the Scottish Law Officers), Junior Scottish Ministers, the Permanent Secretary of the Scottish Government Scottish Government Special Advisers. Communication is subject to the Act if its subject matter is related to government or parliamentary functions. When registering lobbying, lobbyists are obliged to specify the target of lobbying, the date of lobbying, the place, the description of the meeting or other event, the name of a person in whose interests the lobbying was made, the subject of lobbying.

Examples of lobbying include the activities of the United Nations Children's Fund (UNICEF) in UK, which during the year 2018 had several meetings with Scottish Ministers and members of the Scottish Parliament, with the purpose to inform ministers and parliamentarians about UNICEF activities in Scotland. Its activities were carried out at the expense of sponsors from members of the Scottish Parliament. The British Red Cross also lobbied the Special Adviser to the First Secretary of Scotland (the first minister is the highest office in the Scottish Government). The purpose of lobbying was to inform the Scottish Government of measures taken in relation to international humanitarian issues, health care, refugee status and asylum for certain persons. Other examples include lobbying of the Minister for Scotland's Economics and Labor by Scottish Chamber of Commerce. The meeting discussed the work of the Scottish Chamber of Commerce in Shandong Province (China), with the support of the Government of Scotland, namely the Chamber of Commerce in the region and trade programs⁵².

In accordance with the Scottish Ministerial Code, which regulates the performance of Scottish ministers in their functions, it is recognized that ministers are continuously receiving proposals for assistance in formulating certain policies from interest groups. In order to formalize such meetings, ministers must keep minutes of the meetings and indicate their purpose, the names of those who visited them, and the interested persons⁵³.

51 Lobbying (Scotland) Act available at https://www.legislation.gov.uk/asp/2016/16/pdfs/asp_20160016_en.pdf

52 The Lobbying Register (Scotland) available at www.lobbying.scot

53 The Scottish Ministerial Code available at <https://www2.gov.scot/resource/doc/276226/0082926.pdf>

CONCLUSION

The above clearly shows significant progress in the adoption of the lobbying regulation in European countries in the period of last 5 years. Eight European OECD-member-states from out of 36 OECD member-states overall adopted regulations of lobbying in order to make this area more transparent and publicly open. The pace of adoption of the legislation on lobbying in the world is high today as never before and this tendency is expected to continue.

As it could be seen from the above, lobbying regulation gives also a chance to simplify positive lobbying for such organizations as (UNICEF Ireland, UNICEF UK, Red Cross, Doctors Without Borders, World Medical Aid), to trace business lobbying (Deloitte LLP, Ernst & Young LLP, Fleishman-Hillard Group Limited, BTC Association - Blockchain Technology Cryptocurrency) and other kinds of lobbying (Ecumenical Accompaniment Programme in Palestine and Israel, the Rotary International, Secours catholique) existing in the countries concerned. There are also no doubts that such lobbying is taking place in countries, where lobbying is non-regulated and pursuant to the respective legislations such activities are not publicly available.

Lastly, some countries are at the final lap of establishing lobbying regulation, e.g. law of Serbia on lobbying will come into force in August 2019⁵⁴. Other countries, like Ukraine and Romania, are at the stage of discussion of draft laws in parliamentary committees^{55 56}. It is important to ensure that the expected legislations are in conformity with international standards of lobbying, developed by international community. Such regulation of lobbying gives a chance to avoid any negative impact of lobbying, thus, helping to achieve SDG16 under the UN Agenda 2030.

54 Lobbying Act adopted on 9 November 2018 by the National Assembly of the Republic of Serbia, published in the Official Gazette of the Republic of Serbia No. 87/18 from 13 November 2018

55 Draft Law on Transparency of Lobbying and Representation of Interests PL-x nr. 129/2019 available at http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=17735

56 Draft Law of Ukraine on Transparency and Legality of Communications with Authorities No. 7129 dd 20.09.2017 available at http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62573

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