

Regulating Lobbying – a Comparative Perspective

I. Overview: DE, HU, LT, PL (only EC-Members with regulations), EC, CA, U.S.

	DE	EC	U.S.	CA	HU	LT	PL
Regulation							
• Year of introduction	1972	2008	1995	1989	2006	2001	2006
• Law			X	X	X	X	X
• Rules of procedure	X						
• Voluntary code of conduct		X					
• Extent (pages)	1	8	15	25	10	8	10
Scope							
• Parliament	X		X	X	X	X	X
• Executive branch		X	X	X	X	X	X
• Judiciary							
Definition of lobbyists							
• general	X	X					
• detailed			X	X	X	X	X
Public register	X	X	X	X	X	X	X
Registering body							
• Parliament	X		X				
• Registrar's Office / Commissioner		X		X	X	X	X
Registered information							
• Interests	X	X	X	X	X	X	
• Board of management	X	X	X	X	X	X	X
• Clients			X	X		X	
• Names of all lobbying employees			X	X	X	X	
• Financial disclosure		X	X	X		X	
• Foreign influence			X	X			
Privileges for registered groups							
• E-mail alert, invitation to hearings		X					
• Admission to committee hearings	X				X	X	X
Special data protection		X		X		X	
Prohibition of contingency fees				X			
Sanctions / reservations							
• fine			X	X	X		X
• suspension of admission						X	X
• removal from register		X					



II. Various suggestions to amend current *German* regulations

- a. Federal law instead of rules of procedure of the Parliament
- b. Broad definition of lobbying on any level – federal or local, in any field – Parliament or Government and in any way – consultant or inhouse-lobbyists
- c. Sanctions
 - i. fine
 - ii. suspension of admission to committee hearings in Parliament
- d. Ombudsman / commissioner
 - i. managing the register
 - ii. promoting awareness and education on lobbying regulations
 - iii. deciding on sanctions
- e. Public officials
 - i. post-employment prohibition on lobbying
 - ii. disclosure of former employees of ministries working for interest groups
- f. Financial disclosure
 - i. income/expenses on lobbying
 - ii. total income/expenses (tax declaration)
 - iii. data protection for private donors (initials or total amount of private donations without publication of names)
 - iv. disclosure of subdivisions, suborganizations
 - v. exception for petty donations (< 100 €)
 - vi. optional opportunity to make further statements on financial situation
- g. Disclosure of lobbying methods
- h. Internet
 - i. publication of register
 - ii. publication of expertise given by lobbying groups
 - iii. on-line registration

III. Lobbying the executive branch in *Germany*

1. Lobbying ministries

- *German* ministries do hearings on drafted laws, where interest groups participate.
- Until now, there is no register in the executive branch for interest groups.

2. Lobbyism through temporary employees of the Government

- External experts paid by interest groups or firms advise ministries as temporary staff. In *Germany* roughly 100 persons per year. Examples:

- Employee of bank helps to draft a bill on financial regulation.
- Lawyer of big law firm helps to draft a bill on public-private-partnership.
- *German* solution: new internal regulation of government (to be enacted soon)
 - Biannual report to the Budget Committee of the Parliament on external staff in ministries: who, where, what, how long, on which payroll.
 - No names of the employees given to protect private data.
 - No public register or report.
 - No external experts where conflict of interests could arise.
- Further suggestions
 - Marking bills, when external experts influenced the draft.
 - Time limit for external staff: six months.
 - Obligation to disclose lobbying function at any internal or external contact.

IV. Annex: Regulations

Germany: Rules of Procedure of the German Bundestag,
http://www.bundestag.de/htdocs_e/parliament/function/legal/rules.pdf.

Rule 70 Public hearings

(1) For the purpose of obtaining information on a subject under debate, a **committee** may hold **public hearings** of experts, representatives of **interest groups** and other persons who can furnish information. [...]

Annex 2 Registration of associations and their representatives

(1) The President of the Bundestag shall keep a **public list** in which all associations of trade and industry representing interests vis-à-vis the Bundestag or the Federal Government shall be entered.

(2) Their representatives **shall be heard only** if they have entered themselves in this list, furnishing the following information:

- name and seat of the association;
- composition of the board of management and the board of directors;
- sphere of interest of the association;
- number of members;
- names of the associations' representatives; and
- address of its office at the seat of the Bundestag and of the Federal Government.

(3) Passes admitting representatives of such associations to the Bundestag buildings shall be issued only if the information to be furnished under paragraph (2) above has been provided.

(4) Entry in the list shall **not entitle** an association to obtain a **hearing** or a pass.

(5) The President shall arrange for the list to be published each year in the Federal Gazette (*Bundesanzeiger*).

Europe: Code of Conduct for Interest Representatives (2008), <http://ec.europa.eu/transparency/>

Canada: Lobbying Act, R.S.C. 1985, c. 44 (4th supp.),
<http://www.orl-bdl.gc.ca/epic/site/lobbyist-lobbyiste.nsf/en/Home>

USA: Lobbying Disclosure Act of 1995 of 19 December 1995, 109 United States Statutes at Large 691, <http://www.senate.gov/reference/resources/pdf/contacting10465.pdf>

Hungary: Act of 2006 on Lobbying Activities, **Lithuania:** Law on Lobbying Activities of 27 June 2000, **Poland:** Act of 7 July 2005 on legislative and regulatory lobbying,
www.oecd.org/dataoecd/18/15/38944200.pdf