Lobbyists, Governments and Public Trust

IMPLEMENTING THE OECD PRINCIPLES FOR TRANSPARENCY AND INTEGRITY IN LOBBYING

VOLUME 3
**Table of contents**

Executive summary .................................................. 15

Part I
Lobbying practices, the public decision-making process and citizens’ trust in government

Chapter 1. Lobbying risks in the decision-making process .................. 21
- Trust in government is waning and the fairness 
  of decision making is being questioned ................... 22
- Addressing lobbying concerns is a key policy lever for restoring trust ... 33
  Notes ................................................................. 35
- Bibliography ......................................................... 36

Chapter 2. Balancing scope and feasibility of lobbying rules and guidelines .... 37
- Defining the scope of lobbying rules and guidelines ................. 38
- Self-regulation of lobbying ........................................ 45
  Notes ................................................................. 47
- Bibliography ......................................................... 47

Chapter 3. Transparency in lobbying activities ............................. 49
- Transparency in lobbying activities fosters trust .................. 50
- Striking a balance between the costs and benefits of regulating lobbying ... 55
  Note ................................................................. 57
- Bibliography ......................................................... 57

Chapter 4. Integrity in public decision making .................................. 59
- Governments are increasingly implementing integrity 
  frameworks for public decision making ...................... 60
- Revolving doors ................................................... 69
- Advisory and expert groups ..................................... 76
  Notes ................................................................. 80
- Bibliography ......................................................... 81

Chapter 5. Compliance and enforcement: Making transparency 
  and integrity in lobbying a reality .................................. 83
- Furthering compliance with lobbying rules and guidelines .......... 84
- Sanctions for breaches of lobbying rules and guidelines ............ 89
- Gaps identified and mechanisms to review the lobbying rules and guidelines ... 92
  Notes ................................................................. 95
- Bibliography ......................................................... 96
Part II
Country case studies

Chapter 6. Austria: The transparency act 2013 for lobbying and interest representation ........................................... 99
History of the Lobbying Act .................................................. 100
Objectives of the Lobbying Act ........................................... 100
Lobbying and representation of interests .............................. 101
The Lobbying Act covers action undertaken to influence the public authorities .................................................. 102
Lobbying activities that are exempted from the Lobbying Act. ................................................................. 103
The Lobbying Act applies to specialist lobbying companies, in-house lobbyists, self-governing bodies, and stakeholder associations ........... 103
The institutions that the Lobbying Act does not apply to ................................................................. 105
Discussions on exemptions to the Lobbying Act .................. 106
The Lobbying Act at work: Rules of conduct ......................... 106
How and where lobbyists should register .......................... 107
Sanctions ........................................................................ 108
Evaluation ....................................................................... 108
Note. .............................................................................. 108

Chapter 7. Brazil: Lobby regulation, transparency and democratic governance .................................................... 109
Introduction ..................................................................... 110
International lessons in lobbying regulation ......................... 111
Initiatives to regulate lobbying in Brazil ............................. 112
Transparency .................................................................... 113
Registration of lobbyists ..................................................... 113
Conflicts of interest ............................................................ 114
Access to information ......................................................... 114
Open policy-making ........................................................... 115
Political support from government and society for lobbying regulation ...................................................... 115
Legal Proposals for Regulating Lobbying ............................ 117
Reasons for the success and failure of lobbying regulation schemes ...................................................... 119
Prospects for the future regarding corruption and lobbying in Latin America .................................................. 119
Conclusion ........................................................................ 120
Notes ............................................................................... 122
Bibliography ..................................................................... 122

Chapter 8. Canada: How the federal lobbying act has matured ............................................................... 125
Introduction ..................................................................... 126
Purpose and description of the Lobbying Act ......................... 126
Lobbyists: Registration and disclosure .................................. 127
The Lobbyists’ Code of Conduct ........................................ 128
Education – outreach ........................................................ 129
Ensuring compliance with the Lobbying Act and the Lobbyists’ Code of Conduct ........................................ 132
Compliance and enforcement activities .............................. 133
# TABLE OF CONTENTS

The Lobbying Act – statutory review ........................................ 134  
Notes ............................................................................. 135

Chapter 9. Chile: Regulation of lobbying ................................. 137  
Lobby regulation in Chile .................................................... 138  
Objectives of lobbying bills ............................................... 138  
Bills in this field .............................................................. 139  
Notes ............................................................................. 143

Chapter 10. The EU Transparency Register: Increasing  
the transparency of interest representation in Brussels .......... 145  
General description of the Transparency Register system and its review ......................................................... 146  
Objectives and aims .......................................................... 147  
Design and structure .......................................................... 148  
The impact of the Transparency Register ............................ 151  
Review process .................................................................. 153  
Challenges faced by the Transparency Register ..................... 154  
Notes ............................................................................. 154  
Bibliography ..................................................................... 155

Chapter 11. Hungary: In quest of an appropriate legal  
framework for lobby regulation ........................................... 157  
The emerging legislative power and the birth of lobbying in Hungary ................................................................. 158  
Scope and objective of the law ............................................. 159  
Principles ........................................................................ 161  
Interpretative provisions ..................................................... 161  
Registration of lobbyists ...................................................... 162  
Fundamental rules of lobbying activities .............................. 163  
Reporting lobbying activities ............................................. 164  
Implementing the Act on Lobbying Activities ....................... 164  
Lessons learned ................................................................ 166  
Notes ............................................................................. 167  
Bibliography ..................................................................... 167

Chapter 12. Ireland: Proposals for registering lobbying activities ................................................................. 169  
Background and context ...................................................... 170  
Overview of the public consultation process and the main related issues ............................................................. 171  
Challenge of defining “lobbying”, “lobbyist” and “the lobbied”  .............................................................................. 171  
Issues raised in the consultation process on the scope of registration and disclosure requirements .................... 175  
Research into other legislative models .................................. 179  
Offences/sanctions ............................................................. 180  
Advisory group to aid implementation .................................. 180  
Overcoming the cultural barriers ......................................... 180  
Current position and next steps ......................................... 181  
Notes ............................................................................. 181  
Bibliography ..................................................................... 181
## TABLE OF CONTENTS

**Chapter 13.** Italy: The regulation of lobbying and the evolution of a cultural taboo  
Introduction ................................................................. 184  
Why lobbying as a crime? ................................................. 184  
Looking for a legal framework for lobbying: Is there a constitutional right to lobby? .................. 185  
The "Snake model": Rules and the failure of implementation ................................................. 186  
Regulating pressure groups: critical views and challenges .................................................. 186  
Regional laws on lobbying in Toscana, Abruzzo and Molise ............................................ 187  
Some change at last: The first public Register of Lobbyists of the Ministry of Agriculture ............ 189  
Conclusion ........................................................................ 190  
Notes ................................................................................ 190  
Bibliography ...................................................................... 191

**Chapter 14.** Mexico: The regulation of lobbying in the legislative branch  
Why regulate lobbying in Mexico ........................................................................ 194  
The regulation of lobbying in Mexico ........................................................................ 199  
Design of Mexico's lobbying regulation ....................................................................... 200  
Impact of the regulation of lobbying in Mexico ................................................................ 201  
Notes ................................................................................ 202

**Chapter 15.** Slovenia: The regulation of lobbying in place and the challenge of implementation  
History of Slovenian lobbying regulations at a glance ...................................................... 206  
The 2002 lobbying bill ................................................................... 206  
Integrity and Prevention of Corruption Act - 2010 and 2011 ........................................... 206  
Register of lobbyists ................................................................... 209  
The Commission for the Prevention of Corruption ....................................................... 210  
Problems with implementation and challenges for the future ......................................... 212  
Note .................................................................................. 214

**Chapter 16.** United Kingdom: Developing lobbying regulation in an open government context  
Introduction ................................................................. 216  
Open government in the UK ........................................................................ 216  
Lobbying in the UK ........................................................................ 217  
Origins and evolution of a statutory register ................................................................... 217  
Policy design ........................................................................... 218  
Summary of provisions ....................................................................... 220  
Parliamentary passage and enactment ...................................................................... 221  
Conclusion ........................................................................... 221  
Notes .................................................................................. 221

**Annex:** Survey methodologies ......................................................................................... 223  
The OECD 2013 Survey on Lobbying Rules and Guidelines ........................................... 223  
The OECD 2013 Survey on Lobbying for Lobbyists ....................................................... 223  
The OECD 2013 Survey on Lobbying for Legislators ....................................................... 223