

# Chief Official Ethics Commission of the Republic of Lithuania

Presentation to OECD Symposium  
on Lobbying:  
Enhancing Transparency and  
Accountability



Chief Official Ethics Commission

# Chief Official Ethics Commission

- Control institution accountable to the National Parliament, comprised of 5 members of Commission and 14 civil servants.
- Main function – to control the application of the Law on the adjustment of public and private interests in the public service.
- Controls application of the Law on lobbying activities:
  - Registers persons as lobbyists
  - Inspects reports on lobbying activities
  - Have the right to conduct an investigation
  - Have the right to obtain any information, explanations, orders, decisions and other documents necessary for investigation from any persons

# Legislation in Lithuania

- In 2001 National Parliament adopted the Law on lobbying activities.
- Several amendments passed in 2003.
- In 2006 a new Draft Law on lobbying activities registered in National Parliament.

# Legislation in Lithuania

- Interpretation of terms “lobbyist” and “lobbying” in Lithuanian society and mass media is negative.
- The aim of the Lithuanian legislator was to regulate only **one type of business activity – providing lobbying services** in the interests of the client of lobbying activities.
- This would convince the society and media that lobbying activity, if registered, is legal and acceptable.
- New Draft Law, if adopted, will regulate not only one type of business activity, but lobbying in general.

# Definition of Lobbying activity

2001 Law on lobbying activities -

**"Lobbying activities"** means lobbyists' activities, subject to compensation, in an attempt to influence the amendment, supplement of legal acts or declaring them invalid, the passage or defeat of new legal acts.

- The definition covers only **legislative branch**.
- **Any action** subject to compensation in an attempt to influence legislation (except few exceptions) is to be considered lobbying activity.

# Definition of Lobbying activity

2003 Law on lobbying activities -

**"Lobbying activities"** means actions taken by a natural or legal person for **or without a compensation** in an attempt to exert influence to have legal acts amended, supplemented or repelled or new legal acts adopted or rejected, **in the interests of the client** of lobbying activities.

- **"or without compensation"** is added.
- **"in the interests of client"** is added.
- Thus, the definition do not cover the lobbying that a person or an organization is doing in its own interests (in-house lobbyists).

# Exceptions

- The following activities are not considered as lobbying because interests groups influenced National Parliament to make these exceptions in the Law.
- These interest groups engage in lobbying activity on a regular basis.
- Because of the negative meaning of terms “lobbying” and “lobbyist”, representatives of these interests groups don’t want to register themselves as lobbyists.

# Activities not considered lobbying:

## 1) Activities of non-profit organisations aimed at exerting influence to have legal acts amended, supplemented, repelled, adopted or rejected, in the common interests of their members.

Experience shows that most of the lobbying is done by associations (non-profit organisations), for example by:

- Lithuanian Builders Association
- Lithuanian District Heating Association
- Lithuanian Real Estate Development Association
- Lithuanian Business Employers' Confederation
- Association of Lithuanian trade enterprises, etc

## Activities not considered lobbying:

- 2) When persons participate, upon invitation of state and municipal institutions or agencies, in the preparation, consideration or explanation of draft legal acts as experts or specialist for or without a compensation.

Experience shows that lobbyists often influence decision makers to include them in workgroups as experts or specialists, so they don't have to register as lobbyists.

## Activities not considered lobbying:

### 3) Activities or work of mass media owners, publishers or their employees, related to information about effective and draft legal acts: publication of their texts in full or in part, their review, comments.

This provision shall not apply when mass media owners, publishers or their employees receive compensation for lobbying activities.

- In Lithuania it is a common practice to use mass media to influence legislation.
- Most of TV, radio stations and newspapers are owned by companies which have interests in real estate, transportation, tobacco, alcohol etc.

# Draft Law on lobbying activities (2006)

- New definition of lobbying activity
- Covers in-house lobbyists:
  - Corporate
  - Organizations
- Simplifies registration