Lobbying in the 21st Century

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Foreword

Lobbying is a natural part of the democratic process. By sharing expertise, legitimate needs and evidence about policy problems and how to address them, different interest groups can provide governments with valuable insights and data on which to base public policies. Information from a variety of interests and stakeholders helps policy makers understand options and trade-offs, and can lead, ultimately, to better policies. Nevertheless, sometimes public policies may be influenced only by specific interest groups or through covert and deceptive evidence, resulting in sub-optimal outcomes and undermining citizens' trust in democratic processes.

In 2010, the OECD adopted the Recommendation on Principles for Transparency and Integrity in Lobbying – the first international instrument to address undue influence and inequities in the power of influence. Since then, the Principles have guided many countries that have since adopted regulations or standards on lobbying. In 2020, the OECD carried out a survey on the implementation of the Recommendation by all OECD and other selected countries, spanning a range of topics relevant to the 10 principles of the Recommendation. New data were also collected through two separate OECD surveys addressed to legislators, lobbying associations and lobbyists.

Based on the survey results, and at the request of the OECD Council, this report takes stock of progress in implementing the Principles. It shows that countries have made strides in providing transparency, integrity and access, but at different speeds and in a continuously evolving landscape.

However, in the majority of countries, there is limited transparency on the targets of lobbying across branches and levels of government and on the actors conducting lobbying activities, with a restricted view of lobbying activities in most countries. Little attention has been paid to emerging risks such as foreign influence. When such transparency exists, the information disclosed is usually not sufficient to allow for public scrutiny. For example, there is limited information on the objectives of most lobbying activity. In addition, public officials, lobbyists and companies need integrity standards tailored to the specific risks of lobbying and this is lacking in most countries. As a result, risks of undue influence and monopoly of influence are high, and increase in a crisis situation such as the COVID-19 pandemic.

Moreover, the lobbying landscape has evolved. The advent of digital technologies and social media has made lobbying and influence more complex than the way it has been traditionally defined in regulations. The report suggests that a more comprehensive approach to defining lobbying is necessary to cover the influence of policy-making and electoral processes in all its forms.

As a result, in the next two years the OECD will review and prepare an update of the Principles to reflect the evolving lobbying and influence landscape, and to guide efforts by all actors across government, business and civil society to reinforce the frameworks for engagement between governments and all stakeholders for better lobbying for better policies for better lives.

This publication reproduces in part the Report on the Implementation of the OECD Recommendation on Principles for Transparency and Integrity in Lobbying [OECD/LEGAL/0379], which was approved by the OECD Public Governance Committee via written procedure on 16 April 2021 [GOV/PGC/INT(2020)9/FINAL], declassified by the OECD Council at its 1423rd Session on 6 May 2021 [C(2021)74 and C/M(2021)10].

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Abbreviations and acronyms

ANAO	Australian National Audit Office
BEUC	The European Consumer Organisation
BP	British Petroleum
CARES Act	Coronavirus Aid, Relief and Economic Security Act
CGTN	China Global Television Network
COVID-19	Coronavirus Disease 2019
EC	European Commission
ESG	Environmental, social and governance
EU	European Union
FARA	US Foreign Agents Registration Act
GAO	Government Accountability Office, United States
HATVP	France's High Authority for Transparency in Public Life (*Haute Autorité de la Vie Publique*)
HM	Her Majesty's (UK)
IDEA	Institute for Democracy and Electoral Assistance
LDA	Lobbying Disclosure Act
MEP	Member of the European Parliament
MP	Member of Parliament
OECD	Organisation for Economic Co-operation and Development
OURdata	OECD Open Useful and Re-usable Data
PAC	Political Action Committee, United States
PMR	Product Market Regulation (Indicators)
RIA	Regulatory impact assessment
RSS	Really Simple Syndication feed
SAI	Supreme audit institution
SDG	Sustainable Development Goals
SEAP	Society of European Affairs Professionals
SPIO	OECD Working Party of Senior Public Integrity Officials

Definitions of terms

Adherents: This refers to OECD Members and non-Members that have agreed to adhere to an OECD Recommendation. The expectation is that Adherents will do their utmost to implement a Recommendation fully. In this report, the term Adherents refers to all OECD Members and to Peru, with respect to the OECD Recommendation on Principles for Transparency and Integrity in Lobbying.

Advisory or expert groups: This refers to any committee, board, commission, council, conference, panel, task force or similar group, or any subcommittee or other subgroup thereof, that provides governments with advice, expertise or recommendations. These may be made up of public and/or private-sector members and/or representatives from civil society and may be put in place by the executive, legislative or judicial branches of government or government subdivisions, either on an *ad hoc* or standing basis.

Conflict of interest: A "conflict of interest" involves a conflict between a public official's public duty and private interests, where the public official has interests in a private capacity that could improperly influence the performance of the official's duties and responsibilities.

Cooling-off period: This refers to a time limit imposed on officials previously employed by public sector organisations in order to prevent any offences that they might commit by engaging with their former contacts after they leave public employment.

Countries: For the purpose of this report, the term "countries" refers to all Adherents to the OECD Recommendation on Principles for Transparency and Integrity in Lobbying (i.e. all OECD Members and Peru), as well as Brazil and Romania. Unless otherwise specified, in the case of federal countries, all information provided concerns only the federal level of those countries.

Legislative/regulatory footprint: This refers to a comprehensive public record of private parties' influence on a piece of regulation.

Lobbying: This refers to the act of lawfully attempting to influence the design, implementation, execution and evaluation of public policies and regulations administered by executive, legislative or judicial public officials at the local, regional or national level.

Open government: This refers to a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation, in support of democracy and inclusive growth.

Policy capture: This is a broad term encompassing any situation where the decisions taken in a policy cycle mainly reflect the interests of a narrow interest group.

Public integrity: This refers to consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector.

Public official: This refers to an elected or non-elected individual carrying out duties in the public sector, at the central and subnational levels of government, whether appointed or elected, paid or unpaid, or in a permanent or temporary position.

Public sector: This term includes legislative, executive, administrative and judicial bodies and their public officials, whether appointed or elected, paid or unpaid, in a permanent or temporary position, at the central and subnational levels of government. It can include public corporations, state-owned enterprises and public-private partnerships and their officials, as well as officials and entities that deliver public services (e.g. in health, education and public transport), which can be contracted out or privately funded in some countries.

Recommendations: These OECD legal instruments are not legally binding. However, practice accords them great moral force, as representing the political will of the countries that have agreed to adhere to them.

Special interest groups: These are groups, usually limited in number relative to the population, that are well-organised and have significant financial resources to focus on influencing public policies and regulations on a specific issue. The term has a negative connotation and denotes actions by these groups that primarily benefit the groups themselves, at the expense of society as a whole.

Stakeholder participation: This refers to all the various ways in which stakeholders can be involved in the policy cycle and in service design and delivery, and includes information, consultation and engagement.

Undue influence: This is the act of attempting to influence the design, implementation, execution and evaluation of public policies and regulations administered by public officials, whether by providing covert, deceptive or misleading evidence or data, by manipulating public opinion or by using other practices intended to manipulate the decisions of public officials.

Executive summary

Lobbying can have a profound impact on the outcome of public policies and, in turn, on well-being and living standards in societies. By sharing expertise, legitimate needs and evidence, interest groups can provide governments with valuable insights and data on which to base public policies. This can help policy makers understand options and trade-offs, and can lead, ultimately, to better policies. Lobbying to strengthen environmental standards, improve road safety or increase childcare services, for example, can benefit society as a whole. Nonetheless, the abuse of lobbying practices – such as the monopoly of influence by special interest groups, undue influence through covert or deceptive evidence, or the manipulation of public opinion – can result in suboptimal policies and outcomes. An analysis of 300 academic studies showed that such abuse has led, for example, to negative health outcomes, inaction on climate policies, excessive regulation to protect incumbents, or insufficient regulation to correct market failures or distortions. In addition, the abuse of lobbying practices undermines citizens' trust in democratic processes.

The 2010 Recommendation on Principles for Transparency and Integrity in Lobbying provides countries with guidance on fostering transparency and integrity in lobbying. This report takes stock of the progress made in implementing those principles and reflects on the increasing complexity of lobbying activities that involve new tools for influencing government, such as social media, and a wide range of actors, including NGOs, think tanks and foreign governments.

Key findings

With the rise of digital technologies and social media, lobbying has become more complex. The definition usually used in regulations – an oral or written communication between a lobbyist and a public official to influence legislation, policy or administrative decisions – is no longer sufficient. Mechanisms and channels of influence have become more diverse, which can lead to abuse. Increasingly, government policies can be influenced by and through non-governmental organisations (NGOs), research centres and think tanks, and the use of social media strategies to inform, misinform or change public perceptions. This can damage trust in both governments and those influencing the policy-making process, particularly companies.

Only a minority of countries globally have addressed lobbying risks in their governance arrangements through transparency and integrity frameworks. For example, in 2020, 23 of the 41 countries analysed provided some level of transparency over lobbying activities, either through a public registry with information on lobbying activities, and/or by requiring certain public officials to disclose information on their meetings with lobbyists through open agendas, and/or by mandating ex-post disclosures of how lobbyists' contributions were taken into account in public decision-making processes ("legislative footprint"). The COVID-19 crisis has demonstrated that countries with a regulatory framework to enhance the transparency of lobbying activities, and policy making generally, ensured a greater degree of accountability in policy decisions during the crisis. Improving the transparency and integrity of the public decision-making process remains high on many governments' agendas. For instance, at least 7 of the

countries surveyed are currently designing or considering new lobbying regulations, or revising existing ones.

Transparency in lobbying activities has increased in those countries with transparency and integrity frameworks. However, levels of transparency vary across countries, and some of the measures in place provide only limited transparency on the influence process. In the majority of countries, transparency is limited on both who is conducting lobbying activities and who is targeted. Certain actors that are *de facto* lobbyists, such as some NGOs and think tanks, are not always covered by transparency requirements. Despite the risks to democratic processes and national security, only Australia, Canada, the United States and the EU provide some transparency on the influence of foreign governments through lobbying activities. Finally, few countries provide some transparency on lobbying activities in all branches of government, and transparency remains the exception at subnational levels.

More transparency is needed on who funds research, think tanks and grassroots organisations, as well as on the use of social media as a lobbying tool. The Canadian Register of Lobbyists and the EU Transparency Register are the only frameworks requiring lobbyists to disclose information on the use of social media and other public relations campaigns as a lobbying tool. While transparency of political finance is high, some grey areas remain, such as the funding of digital advertisements for political parties and candidates. Transparency over the composition and functioning of advisory and expert groups remains limited.

Beyond transparency, the strength and effectiveness of the policy-making process also depends on the integrity of both public officials and those who try to influence them. While legislation, policies and guidelines on public integrity have been established, they have usually not been tailored to the specific risks of lobbying and other influence practices. While rules on gifts, invitations and hospitality are robust, few countries have standards, guidance and training that specifically address lobbying activities and other influence practices. The “revolving door” between private and public office also remains a major concern, despite strict standards for managing conflict of interests. For example, only a few countries provide cooling-off periods for members of the legislative branch.

Lobbyists and companies are under increasing scrutiny and need a clearer integrity framework for engaging with the policy-making process. While codes of conduct remain the main tool for supporting integrity for lobbyists, they can lack coherence or leave too much room for interpretation. It is essential to improve standards and guidance across the range of measures that are available to influence public policy, to help lobbyists and companies engage in a way that does not raise concerns over integrity and inclusiveness. In particular, it may be necessary to specify the due diligence companies should undertake to ensure that their lobbying activities are aligned with their sustainability commitments.

OECD countries have strengthened stakeholder engagement in regulatory processes to provide a more level playing field among actors in the world of influence, but opportunities for participation – and awareness among stakeholders –could be increased. In addition, stakeholders are often involved too late in the process or given too little information to allow them to effectively influence regulations or policies.

The OECD Principles for Transparency and Integrity in Lobbying should be updated to reflect the evolving lobbying and influence landscape, and to help actors in government, business and civil society strengthen the frameworks for transparency and integrity in policy making.

1 Lobbying in the 21st Century

This chapter outlines the current context in which implementation of the Recommendation on Principles for Transparency and Integrity in Lobbying is being assessed. It highlights how an inclusive and transparent policy-making process, conducted with integrity, leads to better policies, and how undue influence and the monopoly of influence can block progress in all policy areas. The chapter also shows that lobbying is broader and more complex than the direct communication between a lobbyist and a public official. It describes how the importance of lobbying is still underestimated, and how the COVID-19 crisis revealed that risks of undue influence persist.

Introduction

Lobbying in all its forms, including advocacy and other ways of influencing public policies, is a legitimate act of political participation. It gives stakeholders access to the development and implementation of public policies. Lobbyists, as well as advocates and all those influencing governments, represent valid interests, and they bring to policy makers' attention much-needed insights and data on policy issues. A wide variety of interests and stakeholders can help policy makers learn about options and trade-offs. An inclusive policy-making process provides opportunities for better informed and ultimately better policies.

However, the evidence is that policy making is not always inclusive. At times, a monopoly of influence may be exerted by the financially and politically powerful, at the expense of those with fewer resources. Inequity in power and lobbying budgets exacerbates the disadvantages of groups lacking in the capacity and capability to engage in formulating policy. Policies may be unduly influenced by evidence or data that is biased or intentionally misrepresented, as well as by manipulating public opinion. Public policies that are misinformed and respond only to the needs of a special interest group result in suboptimal outcomes. Moreover, attempts to influence public policies to interfere with competitors' businesses or to secure economic advantages may even be found to be anticompetitive, and therefore illegal.

On 18 February 2010, the OECD Council adopted the Recommendation on Principles for Transparency and Integrity in Lobbying [OECD/LEGAL/0379 and C/M(2010)3/PROV] (OECD, 2010[1]) (hereafter "Lobbying Principles"). The Lobbying Principles were the first set of international guidelines for governments to address risks of undue influence, as well as inequity in the power of influence. They were part of a broad set of OECD initiatives set in motion by the 2008 financial crisis, to set standards and principles for a stronger, cleaner and fairer economy, and to avoid making policy choices in the interests of the financially and politically powerful.

The Lobbying Principles provide decision makers in OECD members and non-members who have adhered to the Recommendation (hereafter "Adherents"), with directions and guidance on how to promote equal access to policy discussions for all parties concerned, how to enhance transparency, and how to encourage a culture of integrity (Box 1.1).

Box 1.1. OECD Principles for Transparency and Integrity in Lobbying (extract)

I. Building an effective and fair framework for openness and access

1. Countries should provide a level playing field by granting all stakeholders fair and equitable access to the development and implementation of public policies.
2. Rules and guidelines on lobbying should address the governance concerns related to lobbying practices, and respect the socio-political and administrative contexts.
3. Rules and guidelines on lobbying should be consistent with the wider policy and regulatory frameworks.
4. Countries should clearly define the terms 'lobbying' and 'lobbyist' when they consider or develop rules and guidelines on lobbying.

II. Enhancing transparency

5. Countries should provide an adequate degree of transparency to ensure that public officials, citizens and businesses can obtain sufficient information on lobbying activities.
6. Countries should enable stakeholders – including civil society organisations, businesses, the media and the general public – to scrutinise lobbying activities.

III. Fostering a culture of integrity

7. Countries should foster a culture of integrity in public organisations and decision making by providing clear rules and guidelines of conduct for public officials.
8. Lobbyists should comply with standards of professionalism and transparency; they share responsibility for fostering a culture of transparency and integrity in lobbying.

IV. Mechanisms for effective implementation, compliance and review

9. Countries should involve key actors in implementing a coherent spectrum of strategies and practices to achieve compliance.
10. Countries should review the functioning of their rules and guidelines related to lobbying on a periodic basis and make necessary adjustments in light of experience.

Source: For the full text, see OECD/LEGAL/0379 and C/M(2010)3/PROV.

In 2014, the OECD issued a first report on the Implementation of the Recommendation of the Council on Principles for Transparency and Integrity in Lobbying [C(2014)7] (hereafter "2014 Report"), also published as "Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying" (OECD, 2014[2]). The report concluded that the issue of lobbying was receiving increased attention, and that some Adherents were adopting relevant regulations or policies. However, while these efforts had resulted in more awareness of the risks of lobbying practices, and more openness about them, this had often been driven by the pressure of public and political scandals, which left room for loopholes and weak transparency mechanisms. It had at times also resulted in overshooting, where countries responded by going above and beyond what was needed to address the concerns. The report also showed that compliance with regulations and policies was uneven. Meanwhile, opening up access to the decision-making process not simply to specific interests, but to stakeholders from the private sector and the public at large, remained a challenge.

The present report takes further stock of the progress that countries have made in implementing the Lobbying Principles. The importance of recognising lobbying as a legitimate tool for influencing public policies on the one hand, and the governance risks associated with it on the other, remain as high as ever.

This report therefore discusses lobbying in the light of three key pillars of the Lobbying Principles: transparency (Chapter 2), integrity (Chapter 3) and access (Chapter 4). However, an assessment of the context in which this analysis takes place has revealed that:

- Lobbying is a broad and complex activity.
- Major global challenges are strongly influenced by lobbying practices.
- COVID-19 highlighted governance frameworks' susceptibility to undue influence.

Lobbying is a broad and complex activity

Lobbying, as a way to influence and inform governments, has been part of democracy for at least two centuries. The term "lobbying" has traditionally been defined as the "oral or written communication with a public official to influence legislation, policy or administrative decisions" (OECD, 2010[1]). The avenues by which interest groups have influenced governments extend beyond this definition, however, and have evolved in recent years, not only in terms of the actors and practices involved, but also in terms of the context in which they operate (Benamouzig and Cortinas, 2019[3]; Mialon, Swinburn and Sacks, 2015[4]). These actors, practices, and context include:

- **lobbying activities through contracting with professional lobbying or public relations firms, law firms and self-employed lobbyists mandated to represent an organisation's interests**. These firms or individuals, usually established in key decision-making hubs, have an in-depth knowledge of policy-making processes in a given country and are able to better navigate institutional complexities. In countries with lobbying regulations, these actors are often referred to as "consultant lobbyists". Such agents represent what is traditionally understood as lobbying;
- **lobbying directly by companies**, usually through their government affairs or public affairs departments and in-house lobbyists;
- **lobbying indirectly through industry associations or trade associations**;
- **contributions to political parties, candidates and electoral campaigns**, including through trade associations and third-party organisations;
- **increased use of traditional and social media** to shape policy debates, inform, misinform or persuade members of the public to put pressure on policy makers and indirectly influence the government decision-making process;
- the use of **gifts and honoraria** to influence scientists, practitioners and policy makers indirectly;
- movement of public officials, business executives and experts between the public and private sectors (the so called "**revolving door**" phenomenon);
- the influence of special interests through participation in established institutional arrangements such as government **advisory and expert groups**, or **parliamentary inter-groups**;
- the **influence of foreign commercial and political interests** – including foreign governments and their affiliated organisations, such as state-owned companies, state-sponsored NGOs and media groups, and cultural associations – through lobbying and other practices mentioned above;
- the influence of government policies by and through **non-governmental organisations.** Non-governmental organisations (NGOs) are one of the largest and most diverse groups of non-state actors influencing policy-making processes. Their lobbying practices are similar to those of other stakeholders when they seek to increase focus on a policy issue, notably through research and advocacy. Whether grassroots, business-led or government-sponsored, these organisations receive funds, often from companies, governments or individuals, and represent specific interests and policy positions (Colli and Adriaensen, 2018[5]).

- influence through **academic institutions** (universities and university research centres) **or well-known experts and practitioners** that can shape major discussions on key policies and/or produce results favourable to some interests;
- **influence through think tanks and other policy institutes** to provide knowledge on specific policy issues and propose policy solutions.

A key factor to consider is the 21st-century context of information overload, at times contradictory, and in which millions of people, often ill-informed, are trying to influence public perceptions and governments on avenues such as social media. This has made the issue of lobbying and influence more complex and critical than ever before. It has created a challenging environment for all public policy in general, resulting in polarisation, reduced trust in institutions and in extreme cases, the rise of populism (Klein and Robison, 2019[6]). In an era of increased availability of information and use of social media, public officials today are subject to a high level of constant public scrutiny, which puts their reputations at risk of misperceptions or misrepresentations. This new context can therefore often restrict governments' scope of action and policy choices. Companies are similarly confronted with an amplified level of scrutiny, not only from the public but also from shareholders and investors, who increasingly see the lack of transparency over companies' lobbying and political engagements, and inconsistencies in their positioning on societal issues, as an investment risk, potentially jeopardising their commercial reputation (PRI, 2018[7]).

In addition to the complex issues and risks associated with lobbying, a perception of increasing policy capture is also at play (Edelman, 2020[8]; Blažek, forthcoming[9]). In this process, public decisions over laws, regulations or policies are consistently or repeatedly directed away from the public interest and towards the interests of a narrow interest group (OECD, 2017[10]). This is already resulting in calls by certain interest groups, usually non-governmental organisations, to exclude entirely from public policy discussions other interest groups, such as business. It may even mean, for instance, attempting to exclude the relevant industry from discussions of a given policy issue, something that goes against the basic tenets of democratic participation.

This complexity thus calls for effective inclusion, transparency and integrity in the policy-making process. To this end, lobbying needs to be understood and addressed in a broader sense, to avoid all current loopholes, opaque practices and most importantly, to change public perceptions and increase trust in the policy-making process. Addressing not only the type of policies we need, but also how these policies are informed, designed and shaped by various views, is essential to overcome increased scrutiny and mitigate reputational risks to which both governments and businesses are subject. It will also play a key role in designing and implementing the necessary policies to address major global challenges. Enhancing the understanding of lobbying in all its forms, as well as its transparency and integrity, is thus in the shared interest of lobbyists, businesses, policy makers and governments.

Major global challenges are strongly influenced by lobbying practices

Widespread concern is evident at all levels of society on numerous major global issues, such as widening inequality, the impact of climate change, unequal taxation systems, and challenges posed by social media and new technological developments. The central role that lobbying and other influence practices play in shaping how these challenges are addressed remains largely unacknowledged. Depending on how they are conducted, lobbying activities can greatly advance or block progress on these global challenges.

Lobbyists can facilitate access for stakeholders to complex government decision-making processes. Their objective is to make sure that the perspectives of companies and other organisations are heard and can influence decisions in parliaments, regulatory agencies and government entities. Lobbying for green cars, for strengthening legislation against online child sexual abuse, or for increasing competition in key economic sectors, are only a few of the examples in which lobbying can benefit not only those with a

specific interest but also policy makers, by providing them additional information, and ultimately, benefiting society as a whole.

Nonetheless, situations of undue influence and inequity in influence power or monopoly of influence can also have negative consequences. New evidence regularly emerges showing that the abuse of lobbying and other influence practices is blocking progress in many public policy areas. Studies increasingly show that lobbying and other influence practices conducted without transparency and integrity, and without the involvement of a broad group of stakeholders, has led to the misallocation of public resources, reduced productivity and perpetuated social inequalities (OECD, 2017[10]). One of the most widely documented cases is that of the tobacco industry which, through deceitful lobbying practices, weakened the scientific consensus against smoking and succeeded in delaying more restrictive regulations by decades (Oreskes and Conway, 2010[11]). Deceitful, misleading and non-transparent lobbying, as well as revolving-door practices that led to deregulation of high-risk activities, were also partly at the origin of the 2008 financial crisis (Igan and Lambert, 2019[12]; Igan and Mishra, 2014[13]).

It has also been shown that lobbying has had a profound impact on the progress (or lack thereof) of climate policies to reduce greenhouse gas emissions. A similar situation has arisen in the health and obesity policy area, as well as food and agricultural policies (Box 1.2).

Box 1.2. Lobbying has a profound impact on the outcome of public policies

Lobbying against regulations designed to combat climate change

An analysis of a major oil and gas company's internal documents and communications between 1977 and 2014 found that, while its own research had established that climate change was caused by human activity, the company engaged in several practices, notably publishing opinion pieces in newspapers, to raise doubt, influence public opinion and reduce regulatory pressures.

Research has shown that lobbying by companies in the fossil fuel value chain, including coal, automotive, heavy industry and utilities, has been a key contributing factor in blocking action by governments globally to implement regulations on climate change, in line with the 2015 Paris Agreement (Influence Map, 2020[14]). In particular, lobbying has hindered the flagship Emissions Trading Scheme of the European Union (EU) since its introduction in 2005 (Influence Map, 2017[15]). Climate rules on vehicles have been undermined by industry lobbying (Influence Map, 2018[16]), and lawsuits from industry groups in 2015-2016 halted the US Clean Power Plan (Influence Map, 2019[17]).

Lobbying to create doubt on obesity and health

A review of strategies to oppose a tax on sugar-sweetened beverages shows that industry actors funded multiple studies refuting the link between the consumption of their products and negative health outcomes (Du et al., 2018[18]).

In another case, publications resulting from industry-sponsored research, conducted with university-based researchers, appeared to skew the evidence towards solutions that favoured the industry's interests. The research diverted public and policy attention towards sedentary behaviour and a lack of physical activity as the main cause of obesity, rather than presenting a more balanced view taking fully into account the consumption of highly processed food or sugar-sweetened beverages (Fabbri, Holland and Bero, 2018[19]). Similarly, a think tank that received undisclosed voluntary donations from organisations linked to the tobacco and food and beverage industries published a report arguing that a lack of physical activity was driving the obesity epidemic, rather than arguing a balanced view including excess calories (Malhotra, Schofield and Lu, 2018[20]).

The Chinese branch of an international science organisation funded by major beverage and food companies, and chaired by a local nutritionist reputed to have powerful connections in the central government, became the leading sponsor in China of obesity research and policy making. From 1999 to 2015, China's obesity science and policy shifted markedly toward physical activity, as the organisation's influence in China increased (Greenhalgh, 2019[21]).

Lobbying for policies benefiting farm interests

A literature review on the political economy of agricultural public policies found that policies affecting the incomes of agricultural producers in both the developing and the developed world show a number of systematic patterns that are difficult to explain as a socially optimal response to market failures. Instead, the outcome of these policies are best understood as the result of pressures exerted by various interest groups, including food processing and farm interests, on agricultural policies (Anderson, Rausser and Swinnen, 2013[22]; OECD, 2021[23]).

Source: Climate change: (Supran and Oreskes, 2017[24]) and (Influence Map, 2017[15]; 2018[16]; 2019[17]; 2020[14]); health and obesity: (Du et al., 2018[18]; Fabbri, Holland and Bero, 2018[19]; Malhotra, Schofield and Lu, 2018[20]); agriculture: (Anderson, Rausser and Swinnen, 2013[22]; OECD, 2021[23]).

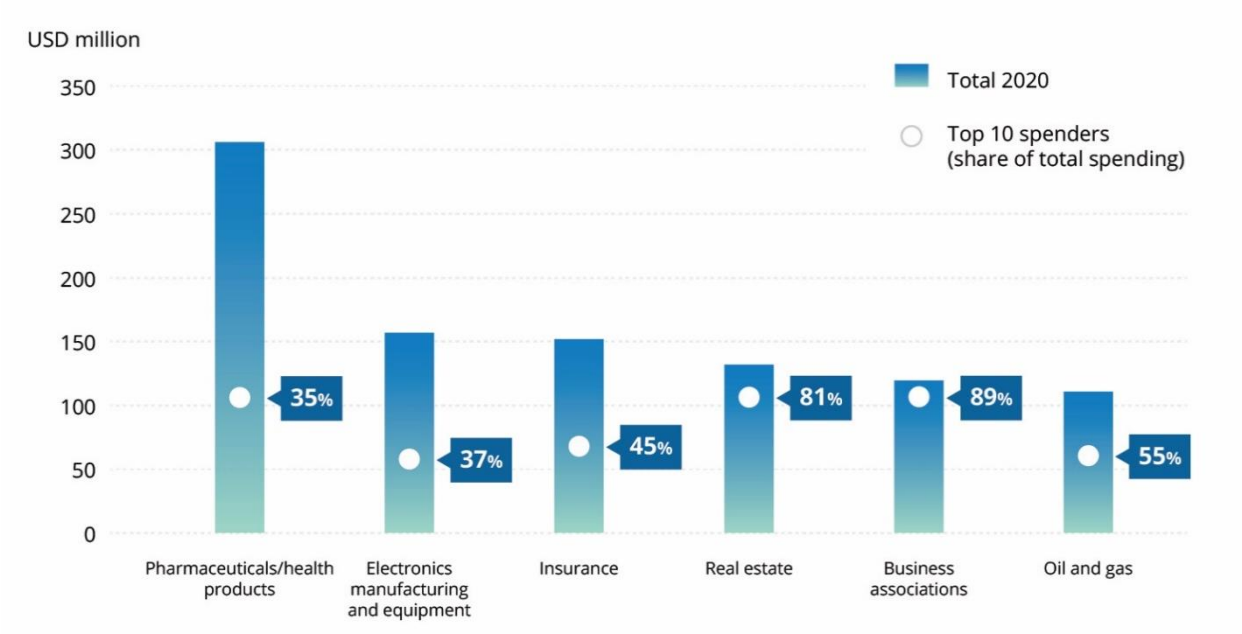
The abuse of lobbying practices also has a widespread impact on an economy as a whole. Influencing the policy-making process by promoting only special interests runs the risk that regulations needed to correct market failures or distortions are abandoned. It may also lead to excessive regulation to protect incumbents, and thus to reduced competition and less economic growth and job creation. Evidence from cross-country and firm-level research suggests that companies from more regulated sectors tend to engage in lobbying more heavily than companies from export-oriented or more competitive markets. This could indicate that incumbent companies in these more regulated markets may lobby government policies to maintain these regulations. This, in turn, distorts markets, and reduces policy initiatives that seek to increase competition, promote inclusiveness and which could therefore reduce the incumbents' excess rents (Dellis and Sondermann, 2017[25]; Laboutková and Staňková, 2016[26]). One analysis of lobbying in Europe, for example, showed that international institutions such as the European Commission (EC) or the European Central Bank had found that product market reforms in countries under economic adjustment programmes were thwarted by resistance from vested interests (Dellis and Sondermann, 2017[25]).

Lobbyists may also attempt to encourage standardisation and certification bodies to adopt standards that businesses competing with them cannot meet, thereby unlawfully delaying or preventing competitors from entering specific markets. Lobbying has an impact on competition and hence on productivity, innovation and growth. Rules for engaging stakeholders in the design of new regulations and for ensuring transparency of lobbying activities have become key indicators for measuring the quality of regulations in terms of their ability to encourage competition. For example, the OECD Product Market Regulation indicators acknowledge that the lack of rules in these areas may favour lobbying activities by incumbents and firms with greater resources, which can distort the regulatory design process at the expense of new entrants and smaller firms (Vitale et al., 2020[27]).

It should also be noted that lobbying is more significant in some sectors than others. For example, well over one-quarter (28%) of total corporate lobbying spending at the federal level in the United States in 2020 was shared among corporate interests in the pharmaceutical, electronics, insurance, real estate, and oil and gas industries, as well as business associations. Among these industries, the top ten spenders account for up to 90% of the total expenditure on lobbying (Figure 1.1).

Figure 1.1. Lobbying spending is highly concentrated among key sectors

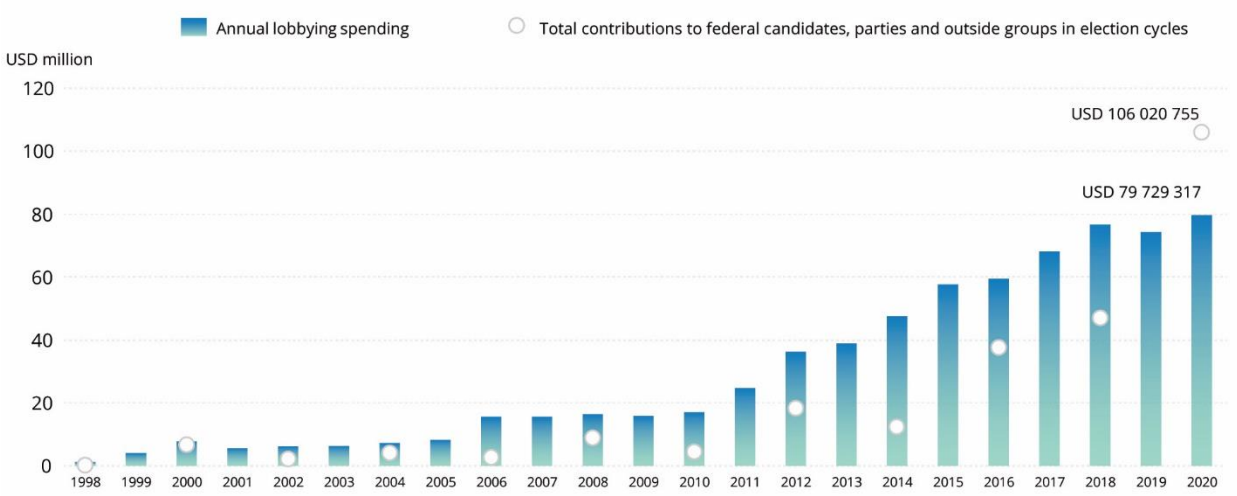
Top six industries in total lobbying spending, and top ten spenders (share of total spending)



Note: Data shows lobbying spending by client/parent companies (i.e. the ultimate beneficiaries of lobbying activities). The pharmaceutical and health products industry includes drug manufacturers, dealers in medical products and nutritional and dietary supplements; the electronics manufacturing and equipment industry develops software and hardware computer technologies; the insurance industry includes health, life, property and car insurance companies; the business associations grouping includes small business, pro-business and international trade associations, as well as chambers of commerce.
Source: Calculations by the Center for Responsive Politics, based on data from the US Senate Office of Public Records.

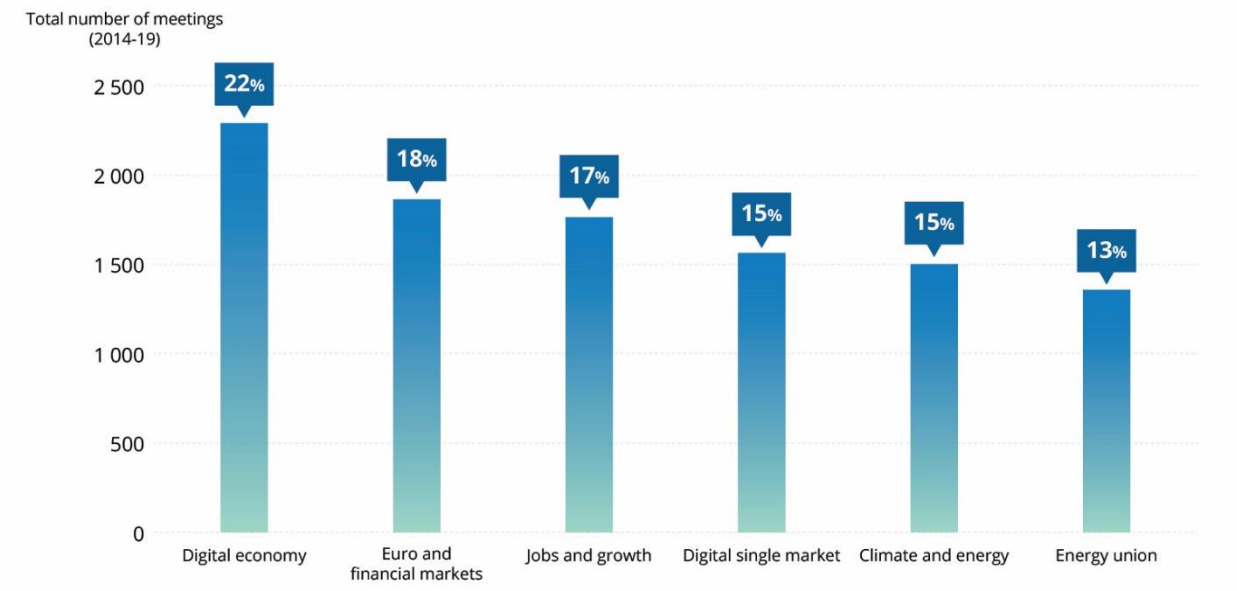
Similarly, evidence from lobbying registers and the publication of public officials' agendas shows that lobbying on digital issues is the policy issue involving the least diversity of stakeholders, concentrated in a handful of companies (Transparency International, 2018[28]). Big-tech companies have significantly increased their lobbying spending in recent years, becoming major lobbying spenders in such key hubs as Washington and Brussels, in order to influence policy debates on for example, taxation, net neutrality, consumer privacy, data protection and competition (Hart, 2011[29]; Minjeong, Joo Chung and Hyun Kim, 2011[30]; Tzur, 2019[31]). In the United States, lobbying spending in the technology sector increased by 412% between 2010 and 2020. The top five spenders represented nearly three-quarters (73%) of total spending in the sector in 2020 (Figure 1.2). In the EU, digital issues were also among the most targeted portfolios of EU Commissioners from 2014 to 2019 (Figure 1.3). While this is a legitimate and expected development, since it will lead to better informed policies in this field, it also involves the risks noted earlier.

Figure 1.2 Lobbying and campaign spending of actors in the US technology sector (1998-2020)



Note: Calculations were made by the Center for Responsive Politics, based on data from the US Senate Office of Public Records (for lobbying) and the Federal Election Commission (for campaign spending). Data comes from the "Internet" category of the database of the Center for Responsive Politics' OpenSecrets.
Source: Center for Responsive Politics, OpenSecrets.org.

Figure 1.3. Most targeted portfolios in EC meetings with lobbyists (2014-19)



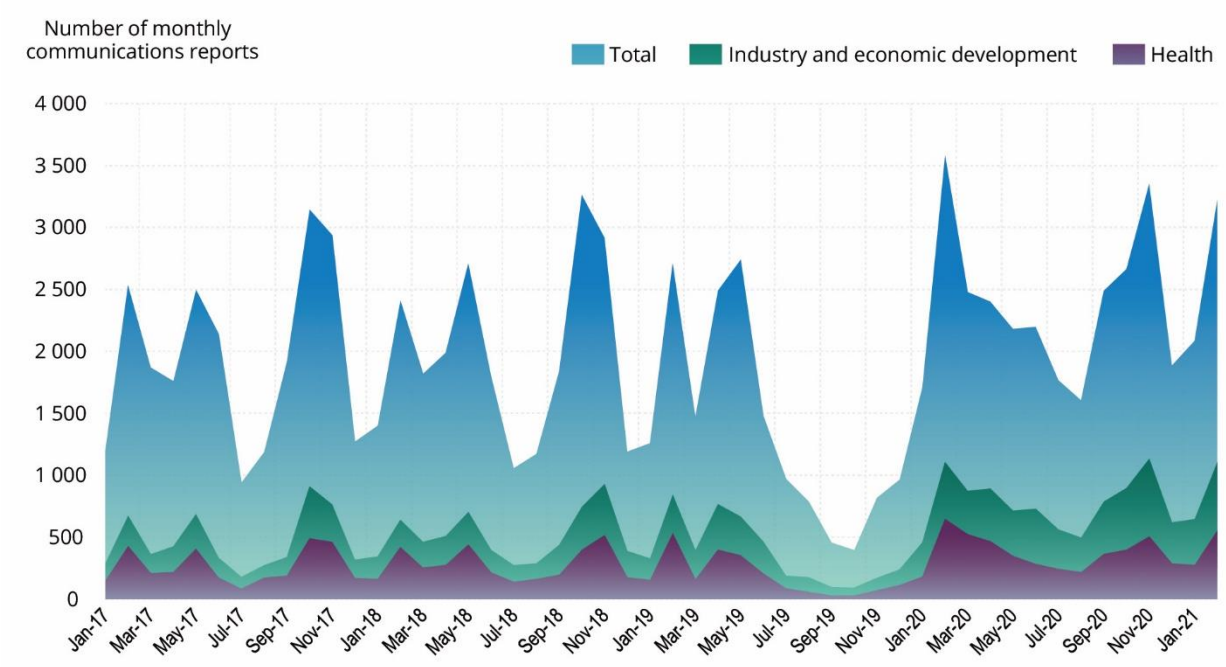
Note: Data represents the top six portfolios of European Commissioners by the number of lobby contacts they have had.
Source: Transparency International, Integrity Watch, https://www.integritywatch.eu/.

Despite the general understanding of the overall risks that lobbying poses to the economy and to policy areas of every kind, these risks appear to be underestimated. They are rarely considered in the context of reforms in different policy areas. Similarly, only a minority of countries globally have taken action to address such risks in their governance arrangements. Given the deep and widespread impact of lobbying, delivering on the United Nations' Sustainable Development Goals (SDGs) by 2030 will require governance frameworks that ensure that lobbying activities are made more transparent, with increased access for stakeholders to influence the design and implementation of public policies. This will also be vital for ensuring an evidence-informed approach that maintains trust in policy-making processes, for the design, implementation and evaluation of public intervention and policies (OECD, 2020[32]).

COVID-19 highlighted governance frameworks' susceptibility to undue influence

Information from lobbying registers and media reports shows that influence and lobbying activities related to COVID-19 increased considerably in the early months of the crisis (Olson et al., 2020[33]). For example, lobbying activities in Canada showed a marked increase at the outset of the crisis in February and March 2020 compared to the same period in 2019. Communications reports, which lobbyists are required to disclose on a monthly basis to provide information on their activities, totalled 3 534 in February 2020, the highest number recorded in 2020 (an increase of 30% compared to February 2019). March 2020 also saw a significant increase compared to March 2019 (an increase of 75%), and with an increase of 227% of registered activities related to health issues compared to March 2019 (Figure 1.4).

Figure 1.4. Monthly communications reports from lobbyists in Canada rose markedly in the early months of the COVID-19 crisis



Note: Data refers to the number of communication reports that lobbyists are required to file on a monthly basis. The monthly communications reports include the objectives of the lobbying activities, as well as the public officials and policies targeted.
Source: Data retrieved from the Canadian Registry of Lobbyists (https://lobbycanada.gc.ca/en/) and (Office of the Commissioner of Lobbying of Canada, 2020[34]).

This is understandable. The participation of businesses and other stakeholders most affected by the crisis in developing policies on emergency measures, economic relief packages and reopening plans is to be expected and gives policy makers valuable information. However, during the COVID-19 crisis, not all interested stakeholders and affected organisations had the opportunity to influence government action. With limited consultations and nearly all face-to-face meetings postponed for several months, the early phase of the pandemic created an advantageous environment for stakeholders who could rely on experienced and connected lobbyists with ready access to key decision makers, and who were able to pursue these long-established relationships in phone calls, webinars, e-mails and instant messages (Gonzalez, 2020[35]). Early evidence suggests that stimulus packages, in some settings, may have created advantages for businesses with existing relationships with lenders and the resources to navigate institutional and administrative complexities (Warmbrodt, 2020[36]; Tankersley, Cochrane and Flitter, 2020[37]). Other activities focused on advancing positions that some interest groups had been pushing before the crisis, indicating that previous progress in certain areas could be reversed during the recovery (Vogel, 2020[38]).

In turn, stakeholders with fewer financial resources may not have been able to balance the input of those who were better financed or politically connected. Unbalanced influence may lead to the risk of inefficient programmes, or unbalanced stimulus packages that undermine effective economic recovery in the longer term. Experience from recovery processes after crises suggests that lobbying by powerful interests with closer connections to policy makers and regulators can lead to important biases in policy responses and hamper effective public policy making. Examples from previous crises that were followed by economic stimulus packages show that businesses engaged heavily in lobbying were not only more likely to receive support in times of economic distress, but received a greater amount of support in shorter timeframes than those that were not politically involved (Blau, Brough and Thomas, 2013[39]). In some countries, political connections tended to influence the allocation of financial assistance, and after a bailout, politically connected companies underperformed relative to non-connected ones (Faccio, Masulis and McConnell, 2007[40]; Igan and Lambert, 2019[12]). Biased stimulus packages and policy decisions have been shown to have a negative impact on the resilience of societies and economies after a crisis (Hansen, 2012[41]).

Moreover, in dealing with the complexities of the pandemic, many governments have established *ad hoc* institutional arrangements to provide scientific advice and technical expertise to guide their immediate responses and recovery plans (OECD, 2020[42]). In urgent crises, appointed experts and advisors may exert significant influence over policy-making processes (OECD, 2015[43]). Their expertise can lend legitimacy and credibility to advisory processes, but they also pose integrity risks. These may include potential conflicts of interest, pressure from private interests on experts or advisors involved in these *ad hoc* institutional arrangements, and direct participation of private sector representatives in these groups, as well as the under- or over-representation of certain interests. Such risks can be exacerbated by reduced transparency, since governments do not always disclose publicly how decisions were made.

The COVID-19 crisis created tension between the need for rapid decision making to deliver urgent solutions, and the need for an inclusive approach to policy decisions. The crisis has revealed weaknesses in governance frameworks to lobbying interests, including inequity of influence and undue influence. As shown in the following sections, early observations confirm that countries with a regulatory framework to enhance the transparency of lobbying activities, and policy making generally, ensured a greater degree of accountability in policy decisions during the crisis.

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2 Transparency

This chapter assesses the level of implementation in countries of the transparency principles of the Recommendation on Principles for Transparency and Integrity in Lobbying. The findings show that in a majority of countries, there is limited transparency on the targets of lobbying activities and on the actors conducting lobbying activities, and that the information disclosed is not enough to allow for public scrutiny. The chapter also shows that further light needs to be shed on all the different ways it is now possible to influence the policy-making process, and notes how compliance can be promoted through engagement with lobbyists and the use of digital tools. It also finds that audit and review of the rules and guidelines on lobbying is limited.

Introduction

Transparency is the disclosure and subsequent accessibility of relevant government data and information (OECD, 2017[1]). The OECD Recommendation of the Council on Principles for Transparency and Integrity in Lobbying [OECD/LEGAL/0379] (hereafter "Lobbying Principles") states that Adherents "should provide an adequate degree of transparency to ensure that public officials, citizens and businesses can obtain sufficient information on lobbying activities" (Principle 5) (OECD, 2010[2]). Transparency is thus a tool that allows for public scrutiny of the public decision-making process. As such, Adherents are encouraged to "enable stakeholders – including civil society organisations, businesses, the media and the general public – to scrutinise lobbying activities" (Principle 6) (OECD, 2010[2]). When designing rules or guidelines on lobbying, notably to provide transparency and permit public scrutiny, Adherents are asked to "clearly define the terms 'lobbying' and 'lobbyist' when they consider or develop rules and guidelines on lobbying" (Principle 4).

In addition, transparency requirements cannot achieve their objective unless the regulated actors comply with them and oversight entities effectively enforce them. The Lobbying Principles therefore encourage Adherents to implement a "coherent spectrum of strategies and mechanisms" to ensure compliance with transparency measures (Principle 9). The Lobbying Principles also call on Adherents to review the functioning of their rules and guidelines related to lobbying on a periodic basis and make necessary adjustments in light of experience (Principle 10).

The 2014 report monitoring the implementation of the Lobbying Principles acknowledged that transparency measures were needed to encourage trust in public decision making, reduce actual or perceived problems of influence peddling by lobbyists, and restore the integrity of lobbying professions. Governments regulating lobbying had commonly chosen public registers as key components of transparency schemes, but varying amounts and types of information were disclosed and made public. Although financial disclosure was seen as crucial by lobbyists and legislators, filing contributions to political campaigns, along with other lobbying information, was required by only two lobbying registers, and only one register made the information publicly available. In general, Adherents struggled to operate efficient disclosure tools and mechanisms that ensured informed decision making and transparent lobbying. Most of the lobbyists surveyed said that government sanctions were either non-existent or non-deterrent, leaving little or no incentive to comply with regulations (OECD, 2014[3]).

Since then, transparency in lobbying activities by disclosure of and access to lobbying information has increased. In 2020, 18 countries had public registries with information on lobbyists and/or lobbying activities. Some countries have placed the onus on public officials, by requiring them to disclose information on their meetings through so-called "open agendas". Nine of the 18 countries indicated they require certain public officials to make their agendas public or disclose their meetings with lobbyists. However, levels of transparency vary across countries, and some of the measures in place provide only limited transparency on the influence process. The following findings suggest where more attention is needed:

- Transparency on the targets of lobbying activities is limited.
- Transparency on who is conducting lobbying activities is limited.
- More transparency is needed on all forms of influence.
- Information disclosed is usually incomplete and does not allow for public scrutiny.
- Engagement with lobbyists and digital tools are used to promote compliance.
- Audit and review of the rules and guidelines on lobbying is limited.

Transparency on the targets of lobbying activities is limited

Policy making takes place in a variety of public entities in all branches and levels of government. Transparency on policy makers or decision makers is thus vital, regardless where the policy maker sits. It is not easy to implement this principle in practice, given the different governance arrangements in countries, and the varying levels of independence or autonomy between branches and levels of government. As a result, information on the officials subject to lobbying activities is limited, more specifically:

- Few countries are transparent about lobbying activities targeting all branches of government.
- Transparency is still the exception at the subnational level.

Few countries are transparent about lobbying that targets all branches of government

The Lobbying Principles specify that disclosure requirements should point to public offices that are the target of lobbying activities. It is now widely accepted that while lobbying often focuses on the legislative branch, it also takes place in the executive branch, for example, to influence the adoption of regulations or the design of programmes and contracts. However, only a few countries provide some transparency in both branches (Figure 2.1).

In addition, over the past decade, courts and judicial means have been increasingly relied upon to address core public policy issues (Hirschl, 2011[4]). Through their jurisprudence or in their role as arbiters of conflict, courts are frequently asked to determine public policy outcomes in policy areas such as constitutional rights protections, trade and commerce, national security, labour or environmental protection. As such, the judiciary branch – including both judges and prosecutors – can also be subject to lobbying strategies concerning decisions with major societal impact. Similarly, influence strategies can also try to target the appointment of judges to secure specific judicial outcomes that advantage the interests represented. However, only four countries provide some level of transparency on lobbying activities targeting the judiciary (Figure 2.1).

Figure 2.1. Transparency of lobbying activities in the three branches of government

	National executive branch	Lower house of Parliament	Upper house of Parliament	National judiciary branch
Australia	✓	✗	✗	✗
Austria	✓	✓	✓	✓
Belgium	✗	✓	✗	✗
Brazil	✗	✗	✗	✗
Canada	✓	✓	✓	✗
Chile	✓	✓	✓	✗
Colombia	✗	✗	✗	✗
Costa Rica	✗	✗		✗
Czech Republic	✗	✗	✗	✗
Denmark	✗	✗		✗
Estonia	✗	✗		✗
Finland	✗	✗		✗
France	✓	✓	✓	✗
Germany	✓	✓	✓	✓
Greece	✗	✗		✗
Hungary	✓	✗		✗
Ireland	✓	✓	✓	✗
Iceland	✓	✗	✗	✗
Israel	✗	✓		✗
Italy	✗	✓	✗	✗
Japan	✗	✗	✗	✗
Korea	✗	✗		✗
Latvia	✓	✗		✗
Lithuania	✓	✓		✓
Luxembourg	✗	✓		✗
Mexico	✗	✓	✓	✗
Netherlands	✗	✓	✗	✗
New Zealand	✗	✗		✗
Norway	✗	✗		✗
Peru	✓	✓		✓
Poland	✓	✓	✓	✗
Portugal	✗	✗		✗
Romania	✓	✗	✗	✗
Slovak Republic	✓	✓		✗
Slovenia	✓	✓	✓	✓
Spain	✓	✓	✓	✗
Sweden	✗	✗		✗
Switzerland	✗	✗	✗	✗
Turkey	✗	✗		✗
United Kingdom	✓	✗	✗	✗
United States	✗	✗	✗	✓
✓ Yes	18	18	14	4
✗ No	23	23	27	37

Source: OECD 2020 Survey on Lobbying, and additional research by the OECD Secretariat.

Transparency measures usually place the burden of disclosure on lobbyists, who must declare themselves on a lobbying registry. An alternative, and sometimes additional approach taken is to place the onus on the public officials who are being targeted by lobbying activities, by requiring them to disclose information on their meetings with lobbyists, either through a registry (Chile, Peru, Lithuania and Slovenia), "open agendas" (Lithuania, Spain, United Kingdom and the EU) and/or by requiring public officials to disclose their meetings with lobbyists to their superiors (Hungary, Latvia, Lithuania, Slovenia).

An open agenda can include information about a public official's meetings, and their dates and times, the stakeholders they met with and the purpose of the meeting. In countries that combine lobbying registers and open agendas (e.g. the United Kingdom and Romania), cross-checking agendas and lobbying registers may provide an opportunity to analyse who tried to influence public officials and how (Box 2.1). In other countries, agendas are made available upon request or under specific circumstances. In Norway, the Ombudsman stated that the right of inspection includes access to ministers' personal agendas (Sivilombudsmannen, 2017[5]).

Box 2.1. Open agendas of officials targeted by lobbying increase government transparency

Diaries available in the United Kingdom

In the UK, the Ministerial Code requires cabinet ministers to make their ministerial diaries available to the public. The relevant Department publishes them on a quarterly basis. The information details ministers' external meetings and any meeting with newspaper and other media proprietors, editors and senior executives, regardless of the purpose of the meeting. The Code of Conduct for Special Advisors also requires special advisors to disclose meetings with newspaper and other media proprietors, editors and senior executives, on a quarterly basis.

The Office of the Registrar of Consultant Lobbyists cross-checks lobbyists registered with ministerial open agendas, to monitor and enforce compliance with the requirements set out by the Transparency of Lobbying Act.

Open agendas initiatives in Spain

In Spain, the agendas of elected members of the government have been published online since 2012, on the government website. The agenda lists daily the visits and meetings in which members of the government participate. Each item discloses at least:

- the minister in charge, and other minister(s) assisting
- the time of the meeting
- the organisation met or visited.

In October 2020, the Boards of both Houses of the Spanish Parliament adopted a Code of Conduct for members of the Congress and the Senate, which requires the publication of the senators' and deputies' agendas, including their meetings with lobbyists. An agenda section is available on the webpage dedicated to each deputy.

Open agendas in Romania

In Romania, decision makers targeted by lobbying activities must publish their daily agenda and meetings with legal entities, highlighting those registered in the Unique Interest Groups' Transparency Register.

Source: OECD 2020 Survey on Lobbying; information shared by HM Government (United Kingdom) in the framework of the OECD PMR, 2018.

At the level of the EU, transparency of lobbying activities is provided through both a voluntary register of lobbyists and the publication of agendas of key EU public officials. The Interinstitutional Agreement between the European Parliament and EC on the Transparency Register established a register to provide information on lobbying activities targeting the EC and Parliament. While registration is voluntary, in practice, each institution applies its own rules defining conditionalities related to registration. For example, the EC's transparency policy requires commissioners and those directly responsible for advising them (cabinet members, directors-general and heads of service) to publish information on meetings held with lobbyists, and must refuse to meet with lobbyists that are not registered in the Transparency Register. Since 31 January 2019, the Rules of Procedure of the European Parliament require Members of the European Parliament (MEPs) who play a leading role in drafting and negotiating legislation to publish, for each repot, their scheduled meetings with lobbyists publicly. They are urged not to meet with unregistered lobbyists. This rule affects rapporteurs, shadow rapporteurs and committee chairs of the European Parliament. Other MEPs are also encouraged to "adopt a systemic practice" to meet only with lobbyists registered in the Transparency Register, and are required to publish information on such meetings online. Lobbyists must be registered if they want to access Parliament premises and to participate in parliamentary committees and intergroups.

More recently, on 15 December 2020, the European Parliament, the Council of the EU and the EC reached an agreement to reinforce the transparency register. Meetings of lobbyists with the secretary-general and directors-general of the General Secretariat of the Council will be conditional on being registered on the Transparency Register. In addition, several member states will apply this principle to meetings with their permanent representations when exercising the presidency of the Council of the EU (once every 13 years) and the six months preceding it (Table 2.1). The Transparency Register will be open to the voluntary participation of other EU institutions, bodies, offices and agencies, as well as of the member countries' permanent representations to the Union. The official signature of the agreement and entry into force was anticipated for the spring of 2021, following formal adoption by the three institutions.

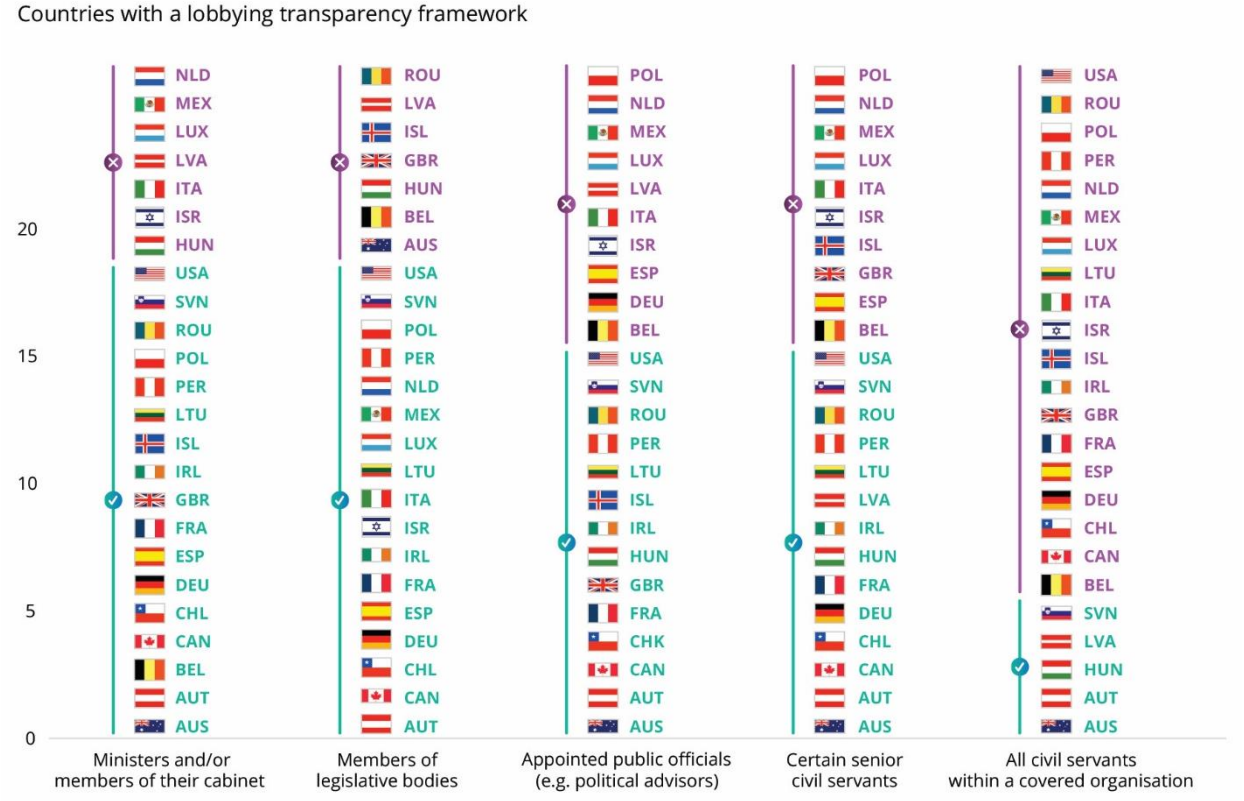
Table 2.1. A new EU Inter-Institutional Agreement requires public officials to disclose meetings with lobbyists

	European Parliament		EC		Council of the EU	
Head of Institution	President of the European Parliament	Voluntary transparency	President of the EC	Mandatory transparency	President of the Council of the EU	No transparency
Heads of administration	Secretary-General, secretary generals of political groups	No transparency	Secretary-general, directors-general	Mandatory transparency	Secretary-general, directors-general	Mandatory transparency
Negotiators on EU legislation	MEPs who are rapporteurs or committee chairs	Mandatory transparency	Commissioners, directors-general	Mandatory transparency	Acting presidency	Voluntary transparency
Negotiators for positions for legislative negotiations	MEPs who are shadow rapporteurs	Mandatory transparency	Directors-general and commissioners' cabinets	Mandatory transparency	Staff of permanent representatives participating in Council working groups	No transparency
Assistants to draft internal negotiations	Accredited parliamentary assistants, group advisors	Voluntary transparency	Heads of unit, and below	No transparency	Staff of national ministries preparing EU positions	No transparency

Note: "Mandatory transparency" means that lobbying activities targeting officials in this category triggers a mandatory transparency requirement (i.e. the lobbyist must register to meet the targeted public official and/or the official must publish his/her meetings with lobbyists). "Voluntary transparency" means transparency is encouraged and voluntary. "No transparency" means there is no transparency requirement.
Source: Information provided by Daniel Freund, MEP; *OECD 2020 Survey on Lobbying*, (Joint Transparency Register Secretariat, 2020[6]; European Parliament, 2019[7]).

Even if transparency measures related to lobbying are applicable to one or more branches of government, all members of that branch are not necessarily bound by transparency obligations. Disclosure requirements may differ depending on the level of seniority of the public official or the type of decisions targeted (Annex Table A A.1). In countries with transparency frameworks, ministers and members of parliament are usually covered by transparency measures (Figure 2.2). The design, amendment and/or enforcement of legislation (whether discussed at the executive or legislative level) are also commonly considered a target of lobbying activities, followed by government decisions or programmes, and the awarding of public contracts, funding or any other benefit. In France and the United States, the appointment of certain public officials is also considered to be the kind of decision targeted by lobbying activities and thus covered by transparency requirements.

Figure 2.2. Ministers and members of parliament are usually covered by lobbying regulations



Source: Additional research by the OECD Secretariat.

Transparency measures have also been introduced at the organisational level to address the risks organisations face in interacting with specific interests. Regulatory agencies, ministries and institutions in certain countries have adopted their own transparency tools (Box 2.2).

Box 2.2. Lobbying transparency measures at the organisational level

Spain's National Markets and Competition Commission has set up its own Register of Lobbyists

In Spain, the National Markets and Competition Commission has adopted its own "Resolution to create the Register of Interest Groups", considering that its relationship with special interests must be transparent, supported by control mechanisms, and allow citizens to know how far interest groups have influenced the commission's decisions. Registration is on a voluntary basis and accompanied by rules of conduct for interest groups. The register is complemented by the publication of meetings that its directors and members of the commission's Council have with interest groups.

France's Health Transparency Database

In 2011, France introduced new transparency requirements for health professionals and pharmaceutical companies, which are required to disclose their ties in a dedicated registry. The information is aggregated and made publicly available on an online database, *Transparence Santé*, on which doctors, medical students and scientific societies must disclose any gifts or benefits (meals, transport and accommodation, equipment) that they receive from pharmaceutical companies. Pharmaceutical companies must disclose remunerations to any health actor (professional or legal entity) for a work or service.

Latvia's line ministries publish their meetings with lobbyists

The Latvian Ministry of Environmental Protection and Regional Development and several other agencies publish basic information on contacts with lobbyists online, based on an internal code of ethics, which includes a dedicated section on "rules of ethical conduct in communication with lobbyists".

Italy's line ministries have set up their own Register of Lobbyists

In Italy, the Directive of 24 September 2018 established a lobbying register for the Ministry of Economic Development and the Ministry of Labour and Social Policies.

Italy's Anti-Corruption Authority publishes its meeting with external stakeholders

In Italy, the Anti-Corruption Authority publishes weekly agendas of meetings between key decision makers of the authority (the president, members of the authority's Council, secretary-general and senior managers) with external stakeholders. Agendas are published online and contain information on the purpose of the meetings, the date and time, the names of persons present at the meeting, the topics of discussion, as well as any document transmitted. Agendas are published on the authority's website under a "Transparent Administration" section.

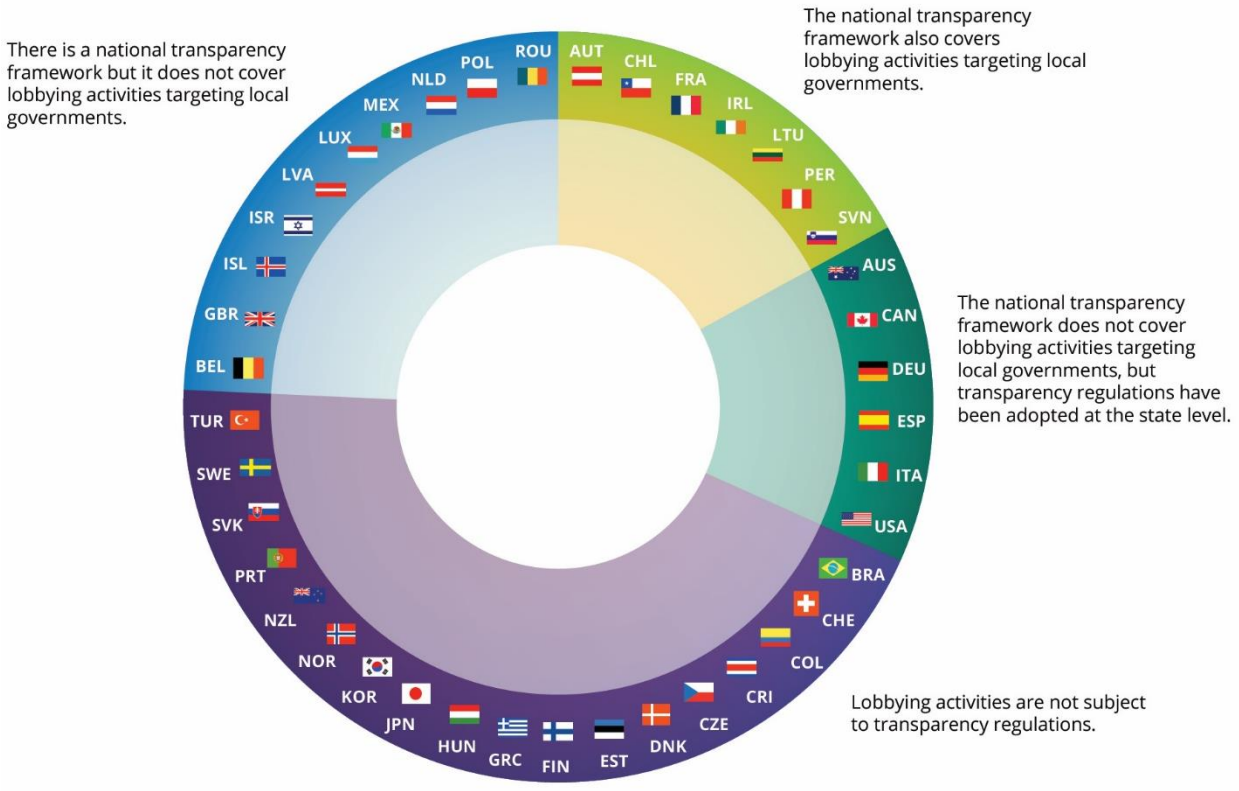
Source: OECD 2020 Survey on Lobbying, France : (Conseil Constitutionnel, 2019[8]) ; Latvia : List of lobbyists (https://www.varam.gov.lv/sites/varam/files/content/files/etikas_kodekss_2020_final.pdf) and Code of Ethics (https://www.varam.gov.lv/lv/par-lobetaju-sniedzamie-dati).

Transparency is still the exception at the subnational level

Many significant public decisions on public services, such as social services, health care and education, the welfare system, as well as land use, housing, planning and infrastructure issues and environmental protection, are made at the subnational level. All known risks related to influence on government decision making are thus applicable to subnational governments, particularly in federal countries where significant decision-making powers reside in state or provincial governments. Although the Lobbying Principles were designed to provide guidance to decision makers at both national and subnational levels,

transparency in lobbying is still the exception at the subnational level of government (Figure 2.3). As a result, many significant policies formulated by regional or local governments are informed and influenced with little transparency and public scrutiny.

Figure 2.3. At subnational levels of government, transparency on lobbying is still the exception



Source: Additional research by the OECD Secretariat.

Seven countries provide transparency measures for public officials at every government level, including the regional and/or municipal levels of government (Austria, Chile, France, Ireland, Lithuania, Peru, Slovenia). In France, coverage of the local level will take effect on 1 July 2022. Federal countries are not able to provide transparency measures throughout the country, given the autonomy of subnational governments, although in some federal countries, some level of transparency exists in all or some of the subnational governments (Box 2.3). However, even if transparency requirements are in force at different levels of government, differences in their scope and depth may result in unequal levels of transparency that can be exploited by those seeking to conceal their lobbying activities. Given the importance of decisions and policies decided at the subnational level, a coherent approach to transparency at all levels of government is vital, to ensure that actors cannot choose the least transparent place for lobbying to conceal their activities.

Box 2.3.Transparency of lobbying at the regional and municipal level: selected frameworks

Australia

All Australian jurisdictions but one, the Northern Territory, have introduced lobbying regulatory regimes, with similar registration requirements for third-party lobbyists.

- **Western Australia** was the first Australian state government to introduce a code of conduct (Contact with Lobbyists Code) and a Register of Lobbyists.
- **New South Wales** introduced a Lobbyist Code of Conduct and a Register of Third-Party Lobbyists in 2018. The framework is also supplemented by the publication of ministerial diaries, which took effect in 2014.
- **Queensland, South Australia, Tasmania and Victoria** introduced a Code of Conduct for lobbyists and a Register of Lobbyists in 2009.
- In 2015, the Legislative Assembly of the **Australian Capital Territory** introduced a Lobbying Code of Conduct as well as Lobbyist Regulation Guidelines, both published in the Assembly's standing orders. The framework includes a Register of Lobbyists.

Canada

Except for the Northwest Territories and Nunavut, all Canada's provinces and territories have adopted a framework regulating the interactions between public officials and lobbyists. These regulations usually include similar definitions and transparency requirements as the regulation at the federal level.

In particular, the lobbying regime in Québec regulates lobbying activities at governmental, parliamentary and municipal levels, ensuring consistency in the application of the regime throughout the Québec jurisdiction and its public institutions. In Newfoundland and Labrador, the regulation also applies to the City of St. John's Municipal Council and its controlled entities.

In other Canadian jurisdictions, lobbying activities have also been regulated at the municipal level. The City of Ottawa introduced a 2012 Lobbyist Code of Conduct and a Lobbyist Registry. The City's Integrity Commissioner oversees the implementation of the Lobbyist Registry and the enforcement of the Code of Conduct. Similarly, the Lobbyist Registrar of the City of Toronto maintains an online municipal registry of lobbyists and lobbying activities, established in 2018 by a lobbying by-law modifying the Toronto Municipal Code. The Lobbyist Registrar is one of the City's four Accountability Officers and oversees compliance with the Code of Conduct for lobbyists independently.

Spain

In Spain, several autonomous communities and regions have introduced lobbying registers. These include:

- **Aragon** (*Registro de lobistas y lobbies* introduced by the Law 5/2017 on Public Integrity and Ethics);
- **Castilla-La Mancha** (*Registro de los grupos de interés* introduced by the Law 4/2016 on Transparency and Good Governance);
- **Catalonia** (*Registro de grupos de interés de Cataluña* introduced by the Law 19/2014 on Transparency and Access to Information and Good Governance),
- **Valencia** (*Registro de grupos de interés* introduced by the Law 25/2018 regulating the activity of stakeholders in the Valencian Community);

- **Navarra** (*Registro público de los grupos de interés* introduced by the Law 5/2018 on Transparency, Access to Public Information and Good Governance).

The City of Madrid also adopted a lobbying regulation in 2017, introducing a lobbying register (*Registro de lobbies*). The register is a key tool of the City of Madrid's transparency policy. On registration, lobbyists must comply with a Code of Conduct.

Source: Additional research by the OECD Secretariat, information provided by the Québec Commissioner of Lobbying and (HATVP, 2020[9]), (Ciudad de Madrid, 2017[10]; Lobbyist Registrar of Toronto, 2015[11]).

Transparency on who is conducting lobbying activities is limited

An adequate degree of transparency of lobbying activities requires information on the actors who are influencing government policies or engaging in lobbying. This means clearly identifying the actors in the decision-making process who are considered to be lobbyists. According to the Lobbying Principles, definitions of who should be considered lobbyists should be robust, comprehensive and sufficiently explicit to avoid misinterpretation and to prevent loopholes. However, even in countries that provide transparency in lobbying, loopholes do emerge. The following points require further consideration:

- Certain actors who are *de facto* lobbyists are not always covered by transparency requirements.
- Further transparency is needed to determine the beneficial owners of companies influencing the policy-making process.
- In most countries there is no transparency on the influence of foreign governments.

Certain actors who are de facto lobbyists are not always covered by transparency requirements

Influence on public policy-making processes can be exerted by a wide range of actors and interests, such as:

- lobbying firms and law firms who represent the interests of third parties, such as companies or other organisations (these are often referred to as "consultant lobbyists");
- businesses and their representatives through in-house lobbyists or trade and business associations representing their interests – including industry associations or general associations such as chambers of commerce – as well as trade unions and professional associations representing employees or professions;
- non-governmental organisations (NGOs), charities, foundations and religious organisations;
- research centres, think tanks and policy institutes that provide information on specific policy issues and can propose policy solutions.

To provide transparency and allow for public scrutiny, countries are encouraged by the Lobbying Principles to "clearly define the term 'lobbyist' when they consider developing rules and guidelines on lobbying". While the Lobbying Principles call on Adherents primarily to target paid lobbyists, governments are encouraged to consider a broader and more inclusive scope of transparency measures, to enhance public scrutiny over public decision-making processes (OECD, 2010[2]).

Countries where some level of transparency in lobbying exists usually adopt a definition of who counts as a lobbyist, though the definitions are not always sufficiently clear (Annex Table A A.2). In some countries, actors such as NGOs, charities and foundations, think tanks, research centres and religious organisations are excluded from the definition of "lobbyist" or are exempt from disclosure requirements (Figure 2.4), but this also depends on the nature of the activity. For example, in the United Kingdom, if any of these

organisations are communicating with ministers or permanent secretaries on behalf of paying clients, the activity needs to be declared. On the other hand, if they communicate on their own behalf, the activity does not need to be disclosed. Australia and Austria also exclude service providers such as lawyers when their activity is related to legal advice but requires them to register when the services offered involve lobbying activities on behalf of clients. The nature of the activity also includes whether or not the lobbying activity is paid. Unpaid lobbying activities may be just as effective as paid activities, especially if the lobbyist is a former public official who still has an active network (Office of the Registrar of Consultant Lobbyists, 2021[12]). Yet, four Adherents (Canada, Poland, the United Kingdom and the United States) have explicitly excluded unpaid lobbying activities from their requirements on disclosing lobbying.

Industry associations are an additional actor for which more transparency seems to be called for. Many companies are members of or form cross-sector groups or industry associations that lobby on behalf of these companies. In countries that already have some level of transparency, an industry association acting as a lobbyist must be disclosed, but it is not always clear which specific interests or for which of its members the association is lobbying for. The understanding is that the association is lobbying on behalf of all its members, yet in practice, an unwritten rule among members appears to allow companies to push their chosen positions when their sector's key regulatory issues arise. This often results in the adoption of a position held by members who are most active and vocal, but in the minority. This gives a distorted impression of exactly who is promoting a certain lobbying position. Industry associations have considerable influence, because they represent a wide group of businesses, so it would seem vital that they disclose the particular beneficiaries of a lobbying position, which may only represent a minority of interests in the group. Potential misalignment between a company and the industry association it belongs to is clear in some cases, as evidenced by some companies that are withdrawing from various associations (Chapter 3). Further disclosure rules designed specifically for industry associations may be necessary, so minority interests are not presented as speaking for all the members. Public disclosure of different positions in an association may also prevent companies from withdrawing from an association.

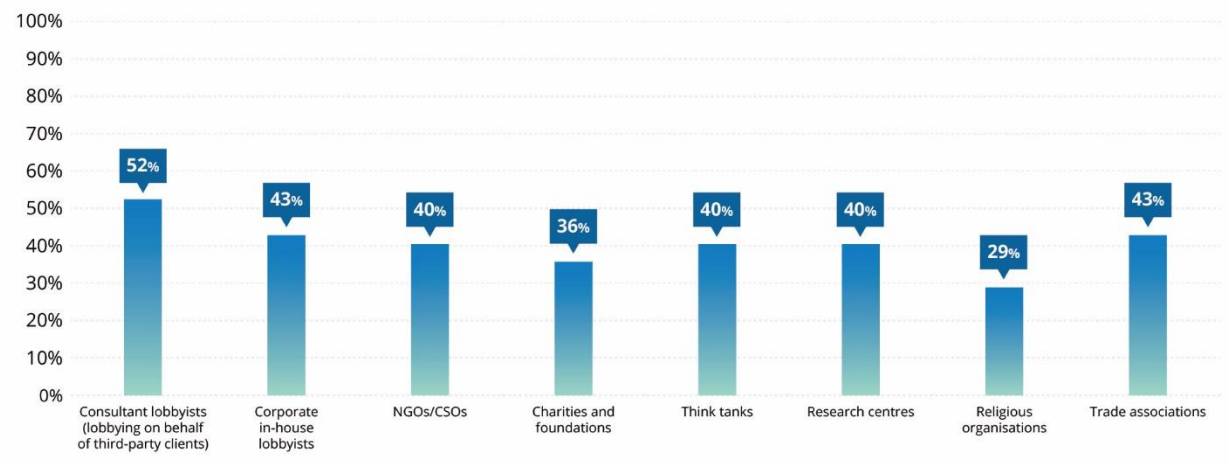
Figure 2.4. Not all actors are bound by transparency requirements in their lobbying activities

	Consultant lobbyists (lobbying on behalf of third-party clients)	**Companies**	**NGOs/ CSOs**	**Charities and foundations**	**Think tanks**	**Research centres**	**Religious organisations**	**Trade associations**
Australia	✓	✗	✗	✗	✗	✗	✗	✗
Austria	✓	✓	✓	✓	✓	✓	✗	✓
Belgium	✓	✓	✓	✓	✓	✓	✓	✓
Brazil	✗	✗	✗	✗	✗	✗	✗	✗
Canada	✓	✓	✓	✓	✓	✓	✓	✓
Chile	✓	✓	✓	✗	✓	✓	✓	✓
Colombia	✗	✗	✗	✗	✗	✗	✗	✗
Costa Rica	✗	✗	✗	✗	✗	✗	✗	✗
Czech Republic	✗	✗	✗	✗	✗	✗	✗	✗
Denmark	✗	✗	✗	✗	✗	✗	✗	✗
Estonia	✗	✗	✗	✗	✗	✗	✗	✗
Finland	✗	✗	✗	✗	✗	✗	✗	✗
France	✓	✓	✓	✓	✓	✓	✗	✓
Germany	✓	✓	✓	✗	✓	✓	✗	✓
Greece	✗	✗	✗	✗	✗	✗	✗	✗
Hungary	✗	✗	✗	✗	✗	✗	✗	✗
Ireland	✓	✓	✓	✓	✓	✓	✓	✓
Iceland	✓	✓	✓	✓	✓	✓	✓	✓
Israel	✓	✗	✗	✗	✗	✗	✗	✗
Italy	✓	✓	✓	✓	✓	✓	✗	✓
Japan	✗	✗	✗	✗	✗	✗	✗	✗
Korea	✗	✗	✗	✗	✗	✗	✗	✗
Latvia	✗	✗	✗	✗	✗	✗	✗	✗
Lithuania	✓	✓	✗	✗	✗	✗	✗	✓
Luxembourg	✗	✗	✗	✗	✗	✗	✗	✗
Mexico	✓	✓	✓	✓	✓	✓	✓	✓
Netherlands	✓	✓	✓	✓	✓	✓	✓	✓
New Zealand	✗	✗	✗	✗	✗	✗	✗	✗
Norway	✗	✗	✗	✗	✗	✗	✗	✗
Peru	✓	✓	✓	✓	✓	✓	✓	✓
Poland	✓	✗	✗	✗	✗	✗	✗	✗
Portugal	✗	✗	✗	✗	✗	✗	✗	✗
Romania	✓	✓	✓	✓	✓	✓	✓	✓
Slovak Republic	✗	✗	✗	✗	✗	✗	✗	✗
Slovenia	✓	✓	✓	✓	✓	✓	✓	✓
Spain	✓	✓	✓	✓	✓	✓	✓	✓
Sweden	✗	✗	✗	✗	✗	✗	✗	✗
Switzerland	✗	✗	✗	✗	✗	✗	✗	✗
Turkey	✗	✗	✗	✗	✗	✗	✗	✗
United Kingdom	✓	✗	✗	✗	✗	✗	✗	✗
United States	✓	✓	✓	✓	✓	✓	✗	✓
EU	✓	✓	✓	✓	✓	✓	✓	✓
✓ Yes	22	18	17	15	17	17	12	18
✗ No	20	24	25	27	25	25	30	24

Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

In sum, less than half of countries have transparency requirements covering most of the actors that regularly engage in lobbying (Figure 2.5).

Figure 2.5. Percentage of countries covering different actors through their transparency requirements

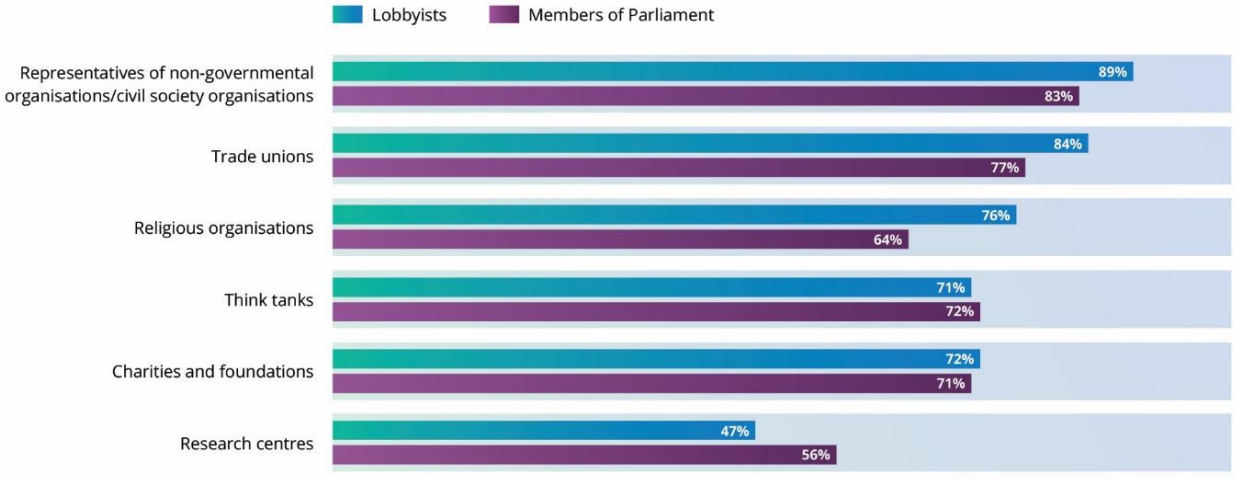


Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Imposing transparency measures equally on all the actors who aim to influence decision-making processes is one practical solution for increasing scrutiny of public decisions. It can also enhance consistent scrutiny of lobbying activities and the legitimacy and trustworthiness of activities in which different interests are represented (Lyon et al., 2018[13]). A report from the Québec Commissioner of Lobbying noted that since unpaid lobbyists and civil society organisations are not required to register in its lobbying registry, this creates unfair treatment, reinforcing negative perceptions of lobbyists, who are covered by transparency requirements (Québec Commissioner of Lobbying, 2019[14]). In particular, the uneven scope of the Act has generated ambiguity and confusion, opposing lobbying to other activities supposedly conducted in the public interest, which compromise the understanding and application of the Act. The commissioner, in line with the OECD Lobbying Principles, considers that the status of an entity benefiting from lobbying (whether for-profit or not-for profit) should not be the main factor exempting an entity from registration requirements. Rather, the main factors justifying transparency requirements should be the objective of the activity (that is, to influence the public decision making of an entity or the members of this entity), regardless of whom it benefits, and the relevance of making this activity transparent to the public (to shed light on all influence activities targeting a particular decision-making process).

Furthermore, a broader understanding of who is conducting lobbying activities as envisioned by the Lobbying Principles aligns with the views of members of parliament. A majority of lobbyists and members of parliament surveyed report that they consider actors such as NGO representatives, trade unions, religious organisations, think tanks, and charities as lobbyists (Figure 2.6).

Figure 2.6. Percentage of lobbyists and members of parliament that consider certain actors should be covered by lobbying rules or guidelines



Source: OECD 2020 Survey on Lobbying.

Further transparency is needed to determine the beneficial owners of companies influencing the policy-making process

The term "beneficial owner" refers to the natural person(s) who ultimately owns or controls a customer and/or the natural person on whose behalf a transaction is being conducted. It also includes those persons who exercise ultimate control over a legal person or arrangement. Even where a fair level of transparency exists as to who is influencing the policy-making process, the name of a legal entity may not reveal who is the beneficial owner, or who is ultimately benefiting from the lobbying activity. Transparency and scrutiny would necessitate public disclosure of the beneficial owner of companies influencing the policy-making process. For example, at the EU level, the fifth Directive on Anti-Money Laundering (Directive EU 2019/843) established in Article 1.15.c that beneficial ownership registries should be accessible by any member of the general public. The directive states that "Member States should therefore allow access to beneficial ownership information on corporate and other legal entities in a sufficiently coherent and coordinated way, through the central registers in which beneficial ownership information is set out, by establishing a clear rule of public access, so that third parties are able to ascertain, throughout the Union, who are the beneficial owners of corporate and other legal entities". As of early 2020, 13 out of the 27 EU members were still not compliant (Van der Merwe, 2020[15]).

In most countries there is no transparency on the influence of foreign governments

The increasing complexity of domestic policy-making processes and negotiations at the international level is blurring the lines between lobbying and diplomacy. Instead of relying on traditional and formal diplomatic channels and processes, foreign governments increasingly rely on lobbyists and other forms of influence to promote their policy objectives at national and multilateral levels (Curran and Eckhardt, 2017[16]; Rönnbäck, 2015[17]; De Bièvre et al., 2016[18]). Although these practices are not new, they have expanded in recent years (Thurber, Campbell and Dulio, 2018[19]). For example, a significant portion of influence efforts in the United States are undertaken on behalf of foreign actors, whether they represent foreign corporations or foreign government entities – potentially around 22% of the total lobbying spending (Courtney and Lee, 2020[20]). Recent evidence also shows that these activities continued during the COVID-19 pandemic (Lehren and De Luce, 2020[21]).

Such activities usually have three main objectives: *i)* to influence key democratic processes in the country; *ii)* to influence a country's foreign policy positions, including their positions on international negotiations (such as climate, tax, trade, data protection); *iii)* to influence perceptions of a country by the government, media and nationals of another country. Like lobbying, foreign influence – whether exercised through traditional diplomatic channels or through lobbyists – is a legitimate activity and, if conducted in an open and transparent manner, can be a positive force in public policy making. Countries around the world seek to influence domestic policies and foreign policy choices of other governments, as well as international negotiations and agreements, in a way that benefits their interests.

The actors and influence practices of many lobbying firms or individual lobbyists working on behalf of foreign governments are similar to other forms of influence. As for the actors involved, foreign governments – including their embassies and permanent representations – may engage lobbying, law and public relations firms, or former public officials of the country, to conduct lobbying on their behalf. They may also fund grassroots organisations, foundations, academic institutions and think tanks to produce evidence supporting their goals, as well as to provide gifts and other benefits (such as sponsored trips) to journalists and decision makers (Rescan, 2019[22]). Foreign governments may also use affiliations to state-sponsored media services or state-owned corporations as channels of influence (O'Keeffe and Viswanatha, 2019[23]).

While the Lobbying Principles do not explicitly mention foreign governments as lobbying actors, they do mention that lobbying should also be considered broadly to provide a level playing field for interest groups whose aim is to influence public decisions. Influence and lobbying by foreign interests can have a transformative impact on the political life of a country, not only on domestic policies but also on its foreign policy, its election system, economic interests and its ability to protect its national interests and national security. One compilation of the impact of activities of foreign entities registered under the US Foreign Agents Registration Act (FARA) on public opinion and decision-making processes shows that public relations campaigns conducted on behalf of a foreign government have been able to influence both US public opinion and also US media coverage of foreign countries. Meanwhile, non-democratic countries pay a higher fee for lobbying than their democratic counterparts (Courtney and Lee, 2020[20]).

The challenges seem to increase when foreign commercial and government interests are intertwined. For example, rising concern over Chinese and Russian-led influence and the risks that such influence represent to liberal democracies has emerged both in Europe and the United States (Box 2.4 and Box 2.5). It is for this reason that the 2018 Australian Foreign Influence Transparency Scheme Act makes an important distinction between "foreign influence", which is considered a legitimate activity, and "foreign interference", which is taken to mean "covert, deceptive and coercive activities undertaken by (or on behalf of) foreign actors to advance their interests or objectives", with the risk of "corrupting the integrity of established systems" (Australian Government Attorney General's Department, 2019[24]).

Box 2.4. Alleged lobbying by Huawei and TikTok on behalf of the Chinese government

The significant lobbying and influence activities of the companies Huawei and TikTok to advance their commercial interests have raised concerns about the close ties between these companies and the Chinese government, and the national security implications that they may entail.

Similarly, think tanks financed by foreign governments are increasingly influencing public opinion in domestic markets, and foreign media outlets are ever more active in forming domestic public opinion. In 2018, the US Department of Justice ordered Xinhua and CGTN, two Chinese-run media outlets, to register as foreign agents (as part of the US Foreign Agents Registration Act).

Source: (Allen-Ebrahimian, 2018[25]; Allen-Ebrahimian and Dorfman, 2019[26]; The Economist, 2018[27]; Buck, 2019[28]; Charlish and Goclowski, 2019[29]; Wagner, 2019[30]).

Box 2.5. Russian influence in the United Kingdom

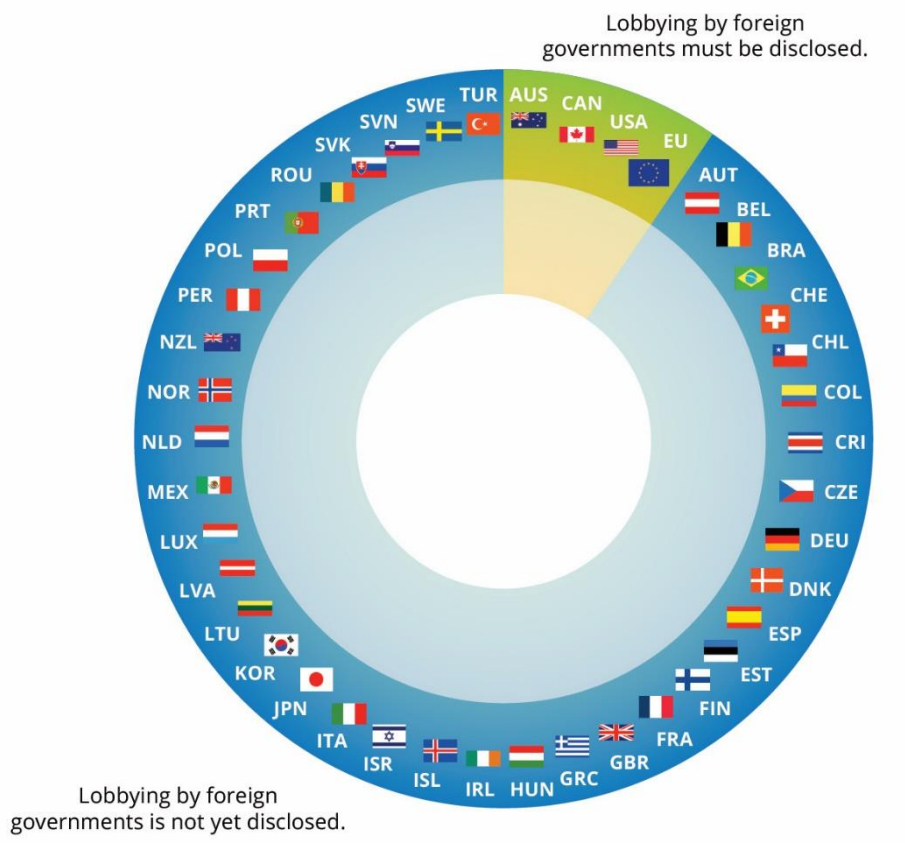
A recent report by the UK Intelligence and Security Committee of Parliament and the subsequent government response agree on the reality and risks of Russia's attempt to influence UK politics and market. The reports noted that Russia seems to be abusing legitimate means of influence and lobbying practices. This includes high-profile Russian officials or businesses involved in charitable and/or political organisations in the UK, and Russian interests providing funding to political parties and spreading misinformation through social media. The report recommends establishing a system of transparency in the UK similar to those in Australia, Canada and the United States.

Source: https://isc.independent.gov.uk/wp-content/uploads/2021/01/20200721_Russia_Press_Notice.pdf.

Foreign lobbying or influence can also take advantage of gaps and loopholes in lobbying or political finance regulations. In many Adherents, direct foreign contributions to political campaigns are illegal, but lobbying firms that are used as intermediaries are permitted to make direct payments to political parties and/or candidates on behalf of foreign governments.

The risks involved in lobbying and influence activities of foreign interests are therefore high for all countries, and, it appears, higher than the risks posed by purely domestic lobbying and influence activities. It should follow that transparency and public scrutiny are also high, but this is rarely the case (Figure 2.7). In countries where there is some level of transparency on lobbying activities, there is no transparency when a foreign government engages in lobbying in another country through a hired/consultant lobbyist, as activities involving foreign governments are usually exempt from transparency requirements. Three Adherents are the exception. In Canada, consultant lobbyists representing the interests of foreign governments are bound by the same disclosure requirements as other actors specified in the Lobbying Act. Specific frameworks allowing for transparency for foreign government influence are in place in the United States (FARA) and most recently in Australia (Foreign Influence Transparency Scheme Act of 2018), which has dedicated registries (Box 2.6 and Box 2.7). Under the Australian and US regulations, the scope of activities and information that must be registered is much wider than in both countries' traditional lobbying frameworks. Under the new EU Inter-Institutional Agreement, due to enter into force in Spring 2021, activities by third countries will also be covered, when they are carried out by entities without diplomatic status or through intermediaries (European Commission, 2020[31]).

Figure 2.7. Transparency on lobbying by foreign governments is limited



Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Box 2.6. The US Foreign Agents Registration Act

The US Foreign Agents Registration Act (FARA) was the first lobbying law passed in an OECD country. It was enacted in 1938 to counter rising Nazi influence in the country, in response to concerns over German-American organisations that were sponsoring clubs, demonstrations and rallies in support of the Nazi government. It has since been amended several times. The Act covers lobbying undertaken on behalf of “foreign principals”.

Under the act, a “foreign principal” is taken to mean a foreign government, a foreign political party, any person outside the United States, and any entity organised under the laws of a foreign country. The act exempts foreign commercial entities, since these must register under the Lobbying Disclosure Act of 1995.

An “agent of a foreign principal” is any person who acts as an agent, representative or employee of a “foreign principal” and engages within the United States in political activities intending to influence any US government official or the American public; or in soliciting, collecting, or disbursing loans, money or other things of value within the United States.

FARA requires detailed disclosure requirements of an agent’s activities, in more detail than is required by the Lobbying Disclosure Act from its registrants. This includes for example, details about the agent; on the foreign principal, a description of the activities the agent of a foreign principal has or will

undertake; financial information on any money received from the foreign principal, any money disbursed on behalf of the foreign principal, and any political contributions made by employees of the agent.

Agents must file a Supplemental Statement every six months, detailing and updating all the items and activities from the Registration Statement, including every press or government official contacted on behalf of a foreign principal.

The Department of Justice monitors implementation of the FARA through the dedicated FARA Registration Unit. The FARA Unit prepares a biannual report to the US Congress. Registration statements and other forms required under the FARA are publicly available on the website of the Department of Justice.

Source: United States Department of Justice, Foreign Agents Registration Act (FARA), http://www.fara.gov/; (Courtney and Lee, 2020[20]).

Box 2.7. The Australian Foreign Influence Transparency Scheme

The Australian Foreign Influence Transparency Scheme was introduced in 2018 "to provide the public with visibility of the nature, level and extent of foreign influence on Australia's government and politics." It provides a public register of certain activities, including lobbying, undertaken by a third party on behalf of a foreign principal; and acknowledges that foreign influence is a mutually beneficial and useful element of international relations that can make a welcome contribution to democratic debate.

The scheme defines a "foreign principal" as a foreign government, a foreign political organisation (e.g. political parties), a foreign government-related entity, including companies in which the foreign principal exercises total or substantial control over the company, or an individual with ties to a foreign-government.

"Registrable activities" are lobbying activities directed towards the Parliament, Commonwealth public officials, departments, agencies or authorities of the Commonwealth, registered political parties or candidates in federal elections. Also covered by the scheme are communications activities, covering information or material made available to the public, as well as any disbursement activities, which include the distribution of money or items of value on behalf of a foreign principal.

The scheme requires detailed disclosure of registrable activities, in more detail than what is required of registrants under the Australian Lobbying Code of Conduct. Information disclosed includes the name of the individual or organisation representing a foreign principal, the occupation of the individual, the name and foreign country/jurisdiction of the foreign principal, any type of arrangement with the foreign principal, the types of activities conducted, and the start and end date of these activities.

More stringent obligations apply to those who have previously held prominent roles in the Australian government, including former cabinet ministers, who must register any activity to which they contribute their experience, knowledge, skills or contacts gained in their former position.

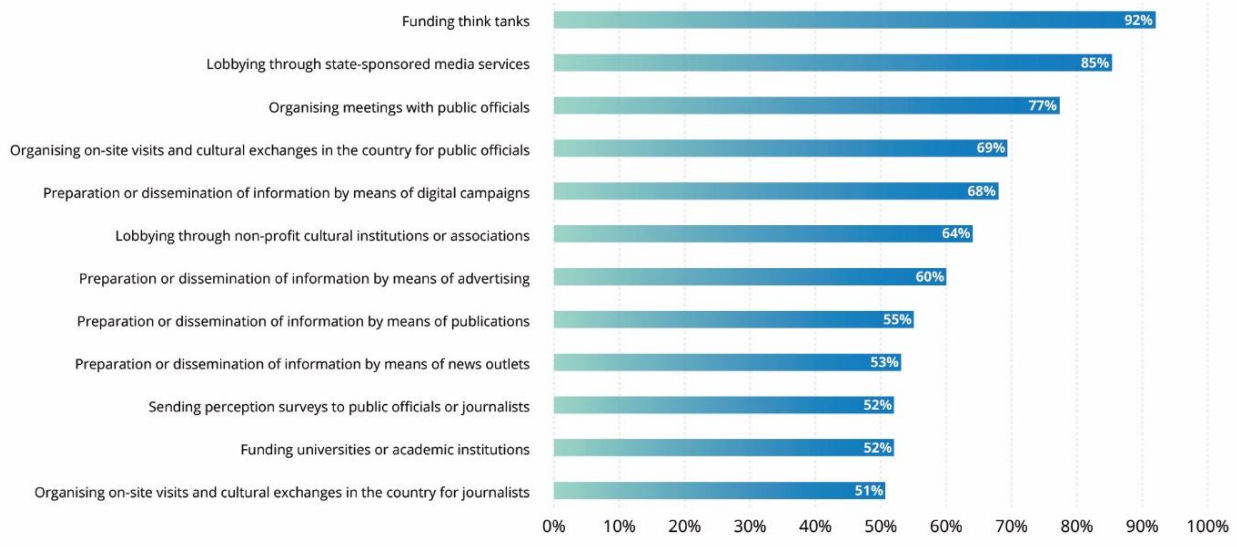
In addition, people and entities who must register under the scheme have specific obligations during voting periods, including: reviewing registration information and confirming or updating it; and reporting any registrable activities undertaken during the voting periods (relating to the relevant vote or election).

The Australian government's Attorney-General's Department administers the scheme. Detailed factsheets and guidelines in 12 different languages are available on the department's website.

Source: https://www.ag.gov.au/integrity/foreign-influence-transparency-scheme/fits-resources; Australian Government Attorney General's Department.

Transparency on foreign influence was identified as desirable by members of parliament (Figure 2.8). Foreign influence was also identified by lobbyists as one of the most challenging influence practices, while more than nine out of ten (94%) agree that information on individuals or public relations firms representing the interests of foreign governments should be made public.

Figure 2.8. Activities on behalf of foreign governments that members of parliament think transparency rules should cover



Source: OECD 2020 Survey on Lobbying.

The frameworks developed in Australia, Canada and the United States have proven their value in increasing transparency. For example, the public can learn that several foreign governments hired Washington, DC, lobbying firms and lobbyists to see how the US media portrayed their country during the COVID-19 crisis. Filings also show that a major Saudi state-owned company employed a public relations and marketing consultancy in the United States to promote an international conference organised in Riyadh, which included discussions on how to best respond to COVID-19 [filings available on https://www.justice.gov/nsd-fara (The United States Department of Justice, n.d.[32]) and (Lehren and De Luce, 2020[21])]. Given the significant risks involved when foreign governments influence domestic politics and markets, it may be useful to increase transparency concerning these activities.

More transparency is needed on all forms of influence

To provide transparency and allow for public scrutiny, Adherents to the Lobbying Principles are asked to clearly define the term “lobbying” with a robust, comprehensive and sufficiently explicit definition to avoid misinterpretation and to prevent loopholes. The Lobbying Principles also mention that core disclosure requirements should identify the beneficiaries of lobbying, and that supplementary disclosure requirements should shed light on where lobbying pressures and funding come from. This comprehensive approach to defining lobbying is necessary to cover the influence of the policy-making process in all its forms. However, the following points show that more transparency is needed on all forms of influence:

- Transparency on core lobbying activities is limited.
- Transparency on political finance is greater than on lobbying, although loopholes remain.

- More transparency is needed on the sources of funds for research, think tanks and grassroots organisations.
- More transparency is needed on the use of media and social media as a lobbying tool.
- Transparency on interests advising government *ad hoc* bodies is limited.

Transparency on core lobbying activities is limited

Lobbying activities are usually defined as oral, written and electronic communications between public officials and lobbyists (Annex Table A A.3). The specific types of communications covered are not always clearly defined, and what constitutes "direct" and "indirect" influence is also not explicitly defined. In certain countries, technical guidance documents further clarify the scope of lobbying. For example, the website of the Irish lobbying register indicates that "relevant communications" can include informal communications such as casual encounters, social gatherings, social media messages directed to public officials, or "grassroots" communication, defined as an activity where an organisation instructs its members or supporters to contact public officials on a particular matter. Similarly, the UK Office of the Registrar of Consultant Lobbyists indicates that social media messages directed to an official or personal account fits the criteria for consultant lobbying and requires registration.

Many activities, however, are still exempt from transparency requirements (Table 2.2). For example, communications made in response to a request by a public official are commonly exempt from lobbying definitions. In Australia, Peru and the United States, statements made in public are not considered lobbying. Other countries, such as France, exclude grassroots campaigns and public awareness campaigns from registrable activities. Advisory activities are also excluded from lobbying in Chile, Germany, Lithuania and the United States (Box 2.8).

Box 2.8. Activities in an advisory or expert capacity are often excluded from lobbying definitions

In Chile, consultants hired by public and parliamentary bodies (e.g. professionals and researchers from non-profit associations, corporations, foundations, universities, research centres and any other similar entity) are not considered to be lobbying activities. Invitations from state officials and parliamentarians to participate in meetings of a technical nature for these professionals are also not registrable activities.

The US Lobbying Disclosure Act also excludes communications made in the course of participation in an advisory committee from lobbying activities.

Lithuania also excludes activities of those who are invited or requested on the initiative of state and municipal institutions to participate as experts or specialists in meetings and consultations on the drafting of legal acts.

Ireland has a Transparency Code for policy working groups

In Ireland, interactions between members of policy working groups are exempt from lobbying transparency requirements only if the working group adheres to the Transparency Code (published on the website of the Standards in Public Office Commission), which requires the group to publish the membership, terms of reference, agendas and minutes of meetings. If the requirements of the Code are not adhered to, interactions within the group are considered a lobbying activity under the Law. The ministry or public body that set up the working group is expected to ensure the Code is implemented.

Source: Additional research by the OECD Secretariat.

Table 2.2. Common exemptions from transparency requirements in lobbying activities

	Countries that explicitly exempt the activity from the definition of "lobbying" covered by transparency requirements	Total
Communications made in response to a request by a public official	Austria, Belgium, Chile, United States, EU	5
Communications made in response to a public official strictly requesting factual information	Australia, Austria, Belgium, Canada, Chile, France, Germany, Ireland, Peru, United Kingdom, United States, EU	12
Communication in which all elements of the consultative process are made public (e.g. parliamentary committee hearings)	Australia, Canada, Chile, Germany, Ireland, Italy, Latvia, Lithuania, Peru, Slovenia, United States	11
Grassroots campaigns, awareness-raising or social media campaigns	Australia, Austria, France, Peru, United States	5
Lobbying activities below certain thresholds (e.g. time or money spent on lobbying)	Canada, France, Ireland, United States	4
Trade union negotiations	Belgium, Germany, Ireland, United Kingdom, EU	5
Communications taking place outside buildings where public decisions are made	Italy, Mexico, Luxembourg	3
Lobbying activities that are not remunerated	Canada, Poland, United Kingdom, United States	4
Participation in advisory bodies	Chile, Germany, Lithuania, Peru	4

Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

These exemptions may create significant loopholes and exclude many actions aimed at influencing the legislative process.

Transparency on political finance is greater than on lobbying, although loopholes remain

Financing political parties and election campaigns is a legitimate right and a way for citizens to contribute to the finances of candidates who will advance the citizens' interests. It is a way to support a party or candidate of their choice, as well as specific policies. As such, the Lobbying Principles state that "[e]ffective rules and guidelines for transparency and integrity in lobbying should be an integral part of the wider policy and regulatory framework that sets the standards for good public governance. Countries should take into account how the regulatory and policy framework already in place can support a culture of transparency and integrity in lobbying. This includes […] rules on political parties and election campaign financing." The OECD Recommendation on Public Integrity [OECD/LEGAL/0435] also states that Adherents should "encourage transparency and stakeholders' engagement at all stages of the political process and policy cycle to promote accountability and the public interest, in particular through instilling transparency in lobbying activities and in the financing of political parties and election campaigns."

One way to promote transparency in political finance is to disclose information on the sources of funding of political parties or candidates. A majority of countries (Brazil and Romania) require political parties to report on their sources of financing, including finances of political campaigns (Figure 2.9). In 97% of cases, countries make public information in the financial reports of political parties and/or candidates. In nearly half of these countries, the identity of the donors is reported on a regular basis in reports from political parties and/or websites. The identity is disclosed only upon fulfilling certain conditions in 15 OECD countries. In others, the donors' identities are only disclosed when their contributions rise above a certain threshold. Such provisions seek a balance between transparency and protecting the privacy of those making smaller donations.

Figure 2.9. Transparency in political finance

	Political parties report on their finances	Political parties report on their finances in relation to election campaigns	Candidates must report on their campaign finances	Information in reports from political parties and/or candidates is made public	Reports from political parties and/or candidates reveal the identity of donors	Reports from political parties and candidates include itemised income	Reports from political parties and candidates include information on itemised spending
Australia	✓	✓	✓	✓	◐	✓	✓
Austria	✓	✗	✓	✓	◐	✗	✗
Belgium	✓	✓	✓	✓	✓	✓	✓
Brazil	✓	✗	✓	✓	✓	✓	✓
Canada	✓	✓	✓	✓	✓	✓	✓
Chile	✓	✓	✓	✓	◐	✓	✓
Colombia	✓	✓	✓	✓	✓	✓	✓
Costa Rica	✓	✓	✓	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓	✓	✓	✓
Denmark	✓	✗	✓	✓	◐	✗	✗
Estonia	✓	✓	✓	✓	✓	✓	✓
Finland	✓	✓	✓	✓	◐	✓	✓
France	✓	✗	✓	✓	✓	✓	✓
Germany	✓	✓	✓	✓	◐	✓	✓
Greece	✓	✓	✓	✓	✓	✓	✓
Hungary	✓	✓	✓	✓	✓	◐	◐
Iceland	✓	✓	✓	✓	◐	✓	✓
Ireland	✓	✓	✓	✓	◐	✗	✗
Israel	✓	✓	✓	◐	✓	✓	✓
Italy	✓	✓	✓	✓	◐	◐	◐
Japan	✓	✓	✓	✓	◐	✓	✓
Korea	✓	✓	✓	✓	✗	✓	◐
Latvia	✓	✓	✓	✓	✓	✓	✓
Lithuania	✓	✓	✓	✓	✓	✓	✓
Luxembourg	✓	✓	✓	✓	✓	✓	✓
Mexico	✓	✓	✓	✓	✓	✓	✓
Netherlands	✓	✗	✗	✓	◐	✓	✗
New Zealand	✓	✓	✓	✓	◐	◐	✓
Norway	✓	✓	✗	✓	◐	✓	✓
Peru	✓	✓	✓	✓	✓	✓	✓
Poland	✓	✓	✓	✓	✓	✓	◐
Portugal	✓	✓	✓	✓	✓	No data	No data
Romania	✓	✓	✓	✓	◐	✓	✓
Slovak Republic	✓	✓	✓	✓	◐	◐	✓
Slovenia	✓	✓	✓	✓	✓	✓	✗
Spain	✓	✓	✓	✓	✓	✓	✓
Sweden	✓	✗	✓	✓	◐	✓	✗
Switzerland	✗	✗	✗	N/A	N/A	N/A	N/A
Turkey	✓	✗	✓	✗	✓	✓	✓
United Kingdom	✓	✓	✓	✓	✓	✓	✓
United States	✓	✓	✓	✓	◐	✓	✓
✓ Total Yes	40	32	38	38	22	31	29
✗ Total No	1	9	3	1	1	4	6
◐ Sometimes	0	0	0	1	17	4	4

Source: Adapted from IDEA (n.d.), Political Finance Database, https://www.idea.int/data-tools/data/political-finance-database and additional information provided by delegates of the Working Party of Senior Public Integrity Officials (accessed on 9 May 2021).

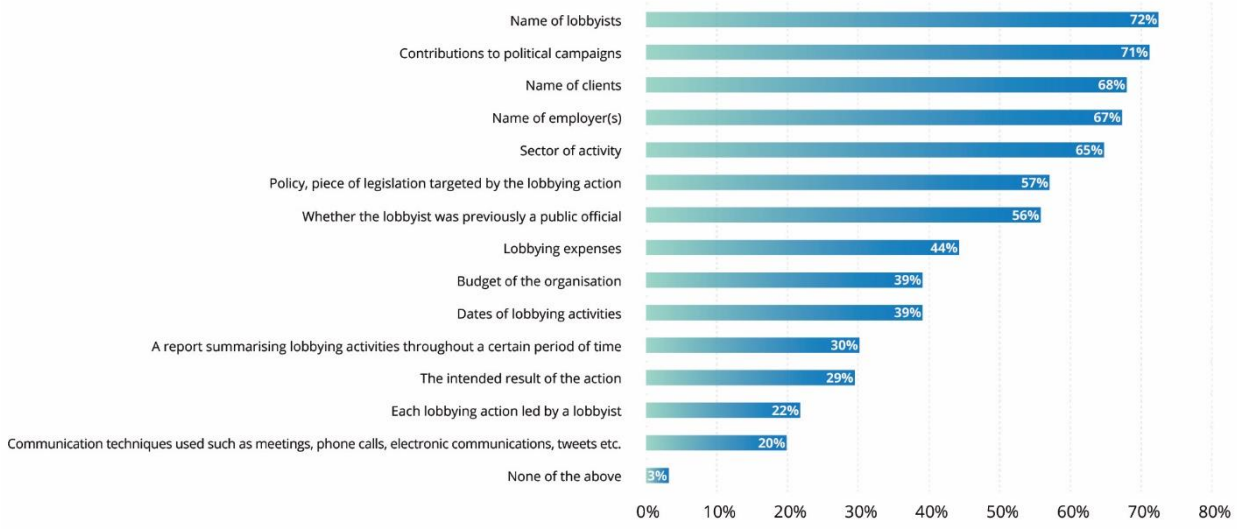
Despite this higher level of transparency, as compared with lobbying, some loopholes remain that prevent full transparency and public scrutiny of political finance. Funding election campaigns through third parties, such as trade associations, "social welfare" organisations and Political Action Committees (PACs) in the United States, may be a way of reducing transparency when influencing the public decision-making process. It is also a challenge to ensure transparency on online campaigning and related expenditures by political parties, as well as crowdfunding and other online fundraising tools (Hamada and Agrawal, 2020[33]).

Unlike lobbyists, persons or organisations who contribute to the funding of political parties and election campaigns are rarely required to disclose their contributions. It is only required from the political parties and candidates that receive such contributions, and yet, an increasing number of private sector leaders and companies in Adhering countries are voluntarily disclosing their political contributions, or have implemented policies for general board oversight of political spending (Center for Political Accountability, 2020[34]). Such disclosure is increasingly promoted by international principles, such as the G20/OECD Principles of Corporate Governance, which state that "company disclosures should include, but not be limited to, material information on […] company objectives and non-financial information" and that "this may include disclosure of donations for political purposes, particularly where such information is not easily available through other disclosure channels" (OECD, 2015[35]).

This trend is in part driven by shareholder and investor pressures for greater transparency of corporate political spending, and to better take into account corporate lobbying and political financing as a risk to the environmental, social and governance (ESG) performance of companies. Making such disclosures more widespread would enhance public scrutiny of corporate engagement in the public policy-making process. More disclosure on lobbying and political contributions – with better transparency on ESG goals and results – would allow investors and other stakeholders to evaluate how, for example, lobbying activities and ESG initiatives might have conflicting goals.

Slovenia and the United States are the only countries that require lobbyists to report their financial contributions to political parties and election campaigns. In Slovenia, however, the information is not made public. Of lobbyists surveyed, 71% are of the opinion that lobbyists' contributions to political finance should be transparent (Figure 2.10).

Figure 2.10. Lobbyists favour disclosure of political campaign contributions in registering lobbying activities



Source: OECD 2020 Survey on Lobbying.

Note: Respondents answered the following question: In your opinion, if the objective is to increase transparency in government decision-making, which of the following information should be public, for example through a registry?

More transparency is needed on the sources of funds for research, think tanks and grassroots organisations

One way in which different interests influence government policies is through financing third-party organisations, such as think tanks, research institutions or research more generally, and grassroots organisations. The aim is to contribute expert opinions, evidence and data, and public mobilisation to the policy-making process. As with any other form of lobbying, however, there is a risk of undue influence. Transparency around these practices is of paramount importance to allow public scrutiny, as set out in the Lobbying Principles. For decades, these practices have been used to influence public policies, with little transparency on who is behind certain think tanks and academic research. This increases the risk of providing biased or false information, with the aim of misleading or confusing public opinion or public officials (Benamouzig and Cortinas, 2019[36]; Bruckner, n.d.[37]).

More transparency on the funding of grassroots organisations would also make it possible to distinguish genuine advocacy networks from so-called "astroturfing", the practice of creating and funding citizens' associations/organisations, to create an impression of widespread grassroots support for a policy or agenda. This practice is ranked by a quarter of lobbyists as one of the three most challenging influence practices. By creating or contributing to "fake" or manufactured civil society campaigns, astroturfing misleads individuals and public officials, threatening the perceived legitimacy of genuine advocacy networks while serving economically powerful interests (Dan, 2018[38]; Henrie and Gilde, 2019[39]; Walker, 2014[40]).

Think tanks, research institutions and grassroots organisations have some transparency when they are acting as lobbyists themselves and when they interact and communicate with public officials. However, this is reduced when they produce research findings and recommendations, evidence and data.

The EU Transparency Register is the only transparency scheme requiring think tanks, research centres and academic institutions to disclose the source of their funding. In the absence of any other regulations, the organisations themselves can promote the establishment of solid and transparent governance structures and provide information about their funding on their websites, annual reports or even in documents related to specific research findings, evidence or data. For example, the American Economic Association requires that the funding of scholarly work be disclosed before it can be published in its journals (American Economic Association, 2021[41]). The Transparify initiative promotes transparency in think tanks' research and advocacy, by rating the quality of their disclosure and reporting measures. It maintains that a highly transparent organisation should list all donors and clearly identify funding sources and associated amounts for specific projects. In 2018, 67 think tanks were assessed as highly transparent, compared with 41 in 2016 and 12 in 2013 (Transparify, 2018[42]).

Donors can also voluntarily disclose which organisations they fund. Confronted with transparency demands from their shareholders and the public, an increasing number of private sector leaders and their companies have started to become more transparent in their engagement with governments (see Chapter 3). This includes disclosures on lobbying activities. A few third-party initiatives and indexes measure lobbying and political financing transparency (Box 2.9). While these initiatives remain voluntary, an eventual mandatory requirement would go a long way toward adding transparency to the evidence and data used by policy makers.

Box 2.9. ESG rating agencies encourage transparency on lobbying

Existing indexes of corporate conduct, including those published by ratings agencies such as Vigeo Eiris (which was recently acquired and rebranded as V.E, an affiliate of Moody's), measure and help investors to direct financing to socially responsible companies. In 2010, in partnership with Transparency International France, Vigeo included "the transparency and integrity of influence strategies and practices" in its corporate social responsibility rating. This builds on the Lobbying Principles and covers in-house lobbying and externalised lobbying (e.g. through think tanks, other lobbyists and trade associations) targeting legislative and regulatory processes.

Source: (Lyon et al., 2018[13]).

More transparency is needed on the use of media and social media as a lobbying tool

Using media, journalism or other public platforms is also a way to shape perceptions of the public and policy makers and ultimately influence the policy-making process. Just as with funding research, think tanks and other organisations, the so-called "journo-lobbying" is often referred to as an indirect lobbying strategy used to influence the narrative of a given policy issue. An emerging concern in recent years has the abuse of social media by special interest groups to manipulate information, misinform the public and communicate biased opinions. For example, some companies are using social media advertisements to influence the climate narrative, with positive messaging through targeted Facebook and Instagram ads promoting the benefits of increased fossil fuel production (Influence Map, 2019[43]). Other companies may also invest in social media campaigns intended to influence elections with targeted messages, for example by stressing the impact of an "unfair tax" (Graham, Daub and Carroll, 2017[44]). Those with interests that own media outlets, and a country's lack of media pluralism can have a significant impact on the inclusiveness of the public decision-making process.

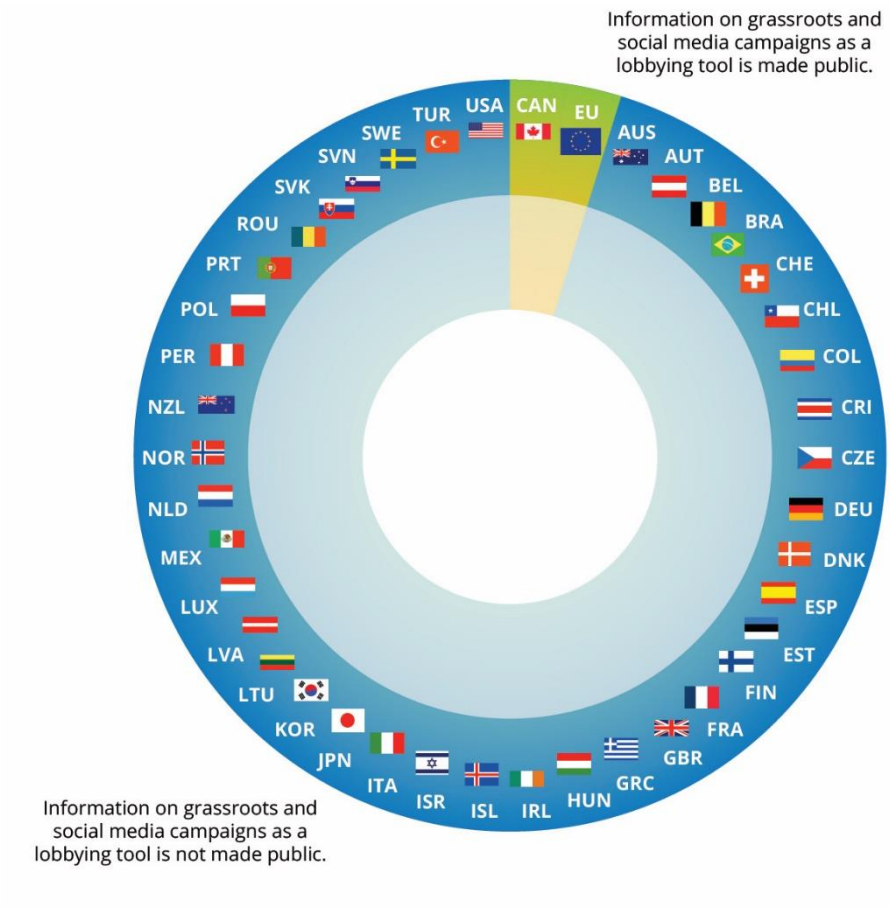
These risks call for increased transparency and public scrutiny of media ownership and the use of social media by special interests. Some countries have strong frameworks for transparency of media ownership that may be of inspiration to others. The EU Report on the Rule of Law has highlighted the importance of increasing transparency of media ownership as an essential precondition for media pluralism, but also to enable the public to evaluate the information and opinions that are disseminated by the media (European Commission, 2020[45]; Council of Europe, 2018[46]). The report shows that in a few EU member countries, there are obstacles to an effective public disclosure of ownership, or there is no effective disclosure system in place. It also highlights well-developed systems to ensure transparency of media ownership in EU Member States. For example:

- In France, media companies are required to disclose their three largest owners to the public, and must notify the media authority, the Superior Audiovisual Council (*Conseil Supérieur de l'Audiovisuel*) when the ownership or control reaches a threshold of 10% or more. Information on the capital structure of publishers is available on the council's website.
- In Germany, there are specific obligations to disclose ownership applying to the news media sector, commercial broadcasters, online media and the press. Political parties must disclose their involvement in media entities.
- In Portugal, the obligation to disclose ownership and financing of the media is set out in the Constitution, and monitoring it is the responsibility of the media authority.

As for social media, and among countries with transparency regulations on lobbying, the Canadian Register of Lobbyists and the EU Transparency Register are the only frameworks requiring lobbyists to

disclose information on the use of media as a lobbying tool (Figure 2.11). In Canada, lobbyists are required to disclose any communication techniques used, which includes any appeals to members of the public through mass media, or by direct communication, aiming to persuade the public to communicate directly with public office holders, in order to pressure them to endorse a particular opinion. The Lobbying Act categorises this type of lobbying as "grassroots communication." Similarly, the EU Transparency Register covers activities aimed at "indirectly influencing" EU institutions, including through the use of intermediate vectors such as media, public opinion, conferences or social events.

Figure 2.11. Grassroots and social media campaigns are often not covered by lobbying regulations



Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Transparency on interests advising government ad hoc bodies is limited

Transparency about the composition of advisory or expert groups emerged as a challenge in the first report monitoring the implementation of the Lobbying Principles (OECD, 2014[3]). An advisory or expert group (hereafter "advisory group") refers to any committee, board, commission, council, conference, panel, task force or similar group, or any subcommittee or other subgroup thereof, that provides governments advice, expertise or recommendations. Such groups are composed of public and private sector members and/or representatives from civil society and may be set up by the executive, legislative or judicial branches of government. Governments across the OECD make wide use of these groups to inform the design and implementation of public policy.

Advisory groups can help strengthen evidence-based decision making. However, without sufficient transparency and safeguards against conflict of interest, they may risk undermining the legitimacy of their advice. Private sector representatives participating in these groups have direct access to policy-making processes without being considered external lobbyists, and may, whether unconsciously or not, favour the interests of their company or industry, which may also increase the potential for conflicts of interest. The COVID-19 crisis has underscored these risks (Box 2.10).

Box 2.10. COVID-19 advisory bodies did not show full transparency

During the COVID-19 crisis, many governments have established *ad hoc* institutional arrangements to provide scientific advice and technical expertise to guide their immediate responses and recovery plans. In addition to government-wide emergency task forces or coordination committees, line ministries, agencies and local governments also set up their own task forces. They included scientific committees advising on healthcare policies (e.g. the Scientific Committee in France) or committees coordinating economic relief packages (the National COVID-19 Coordination Commission in Australia, and the Expert Committee on Economic and Social Matters in Italy). In the United Kingdom, the Scientific Advisory Group for Emergencies was asked to advise the government's response to the pandemic.

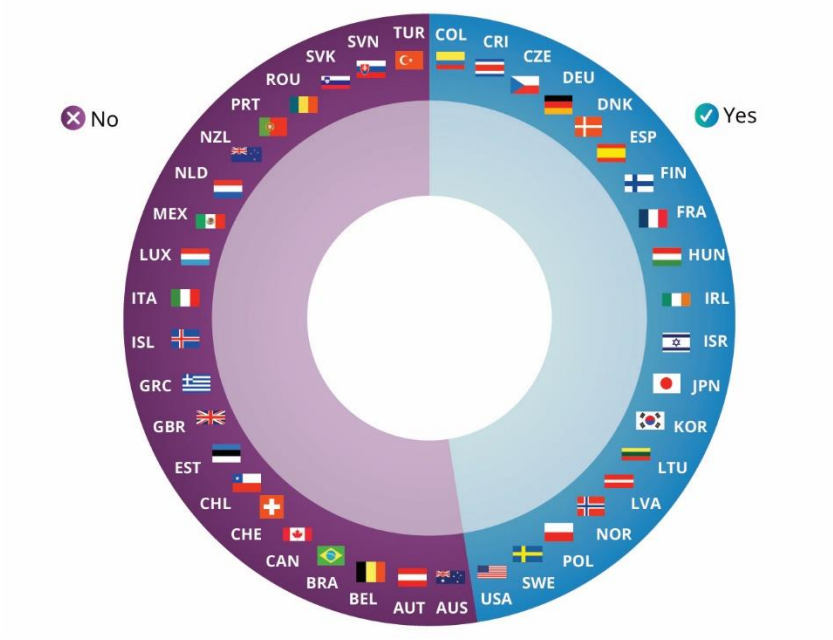
In several instances, the members, terms of reference and/or mandate of these groups were published several weeks *after* being set up, which raised concerns. Little information was usually available on how the members of these emergency taskforces were appointed, and few had conflict-of-interest disclosure policies and oversight mechanisms in place. Previous research has shown that experts advising governments on healthcare policies may have financial ties with pharmaceutical companies producing potential treatments, which constitutes a risk that would require high levels of transparency.

Source: (Vihelmsson and Mulinari, 2018[47]), (Public Interest Advocacy Centre, 2020[48]), (OECD, 2020[49]).

As of 2019, only 47% of countries provided transparency on participants in advisory groups (Figure 2.12), leaving considerable room to increase transparency. To allow for public scrutiny, information on a group's structure, mandate, composition and criteria for selection must be made available online. In addition, and provided that confidential information is protected and without delaying the work of these groups, the agendas, records of decisions and evidence gathered should also be made transparent. For example, the EC Advisory Panel on COVID-19 published the group's agenda and meeting reports online (European Commission, 2020[50]). Ireland requires working groups involving members from the private sector to comply with a Transparency Code if they are to be exempt from lobbying disclosure requirements (Box 2.11).

Figure 2.12. A limited number of countries publicly disclose the composition of advisory groups

In regulatory processes at the national level, is it mandatory to disclose the names of the members of permanent advisory bodies?



Source: OECD Product Market Regulation Indicators (PMR), 2019.

Box 2.11. Transparency Code for working groups in Ireland

In Ireland, any working group set up by a minister or public service body that includes at least one designated public official and at least one person from outside the public service, and which reviews, assesses or analyses any issue of public policy with a view to reporting on it to the Minister of the Government or the public service body, must comply with a Transparency Code.

The following information must be published on the website of the public body on its establishment:

- names of chairperson and members, with details of their employing organisation (if they are representing a group of stakeholders, this should be stated);
- whether any members who are not public servants were formerly public officials;
- terms of reference of the group;
- expected timeframe for the group to conclude its work;
- reporting arrangements.

In addition, the agenda and minutes of each meeting must be published and updated at least every four months.

The chairperson must include with the final or annual report of the group a statement confirming its compliance with the Transparency Code.

If the requirements of the Code are not adhered to, interactions within the group are considered to be a lobbying activity under the Regulation of Lobbying Act 2015.

Source: Department of Public Expenditure and Reform, Transparency Code prepared in accordance with Section 5 (7) of the Regulation of Lobbying Act 2015, https://www.lobbying.ie/media/5986/2015-08-06-transparency-code-eng.pdf.

Moreover, although this does not directly concern transparency, a balanced representation of interests in terms of private sector and civil society representatives (when relevant), as well as expertise from a variety of backgrounds, helps ensure equity and diversity in the advice of the advisory group. For example, the Ministry of Local Government and Modernisation in Norway published guidelines on the use of independent advisory committees, which specify that the composition of such groups should reflect different interests, experiences and perspectives (Ministry of Local Government and Modernisation of Norway, 2019[51]).

It is also necessary to adopt rules of procedures for such groups, including terms of appointment, standards of conduct, and most importantly, procedures for preventing and managing conflicts of interest. Such measures would provide reasonable safeguards against special interest groups capturing or imparting biased advice to government. In the case of scientific advisory bodies in particular, additional measures would help to strengthen the effectiveness and trustworthiness of these groups (Box 2.12).

Box 2.12. OECD recommendations for strengthening scientific advice

Governments and responsible institutions should define clear and transparent frameworks and rules of procedure for their advisory processes and mechanisms.

Governments should establish effective mechanisms for ensuring appropriate and timely scientific advice in crisis situations. They should in particular define:

- institutional and individual roles and responsibilities for crisis preparedness and response at the national level, including procedures that can provide coherent and trustworthy information to the public;
- mechanisms to facilitate international co-operation between advisory structures and relevant individuals with responsibility for providing science advice in crisis situations. This includes the exchange of data, information and expertise to improve preparedness, as well as co-ordination during actual crises.

Governments should work with international organisations to ensure coherence between national and international scientific advisory mechanisms on complex global societal challenges. They should in particular:

- facilitate exchange of information, data and good practices between national scientific advisory bodies and relevant international bodies;
- establish mechanisms, where these do not already exist, to ensure the translation and verification of international advice on global societal challenges into the national and local policy context and vice versa.

Governments and responsible institutions should implement measures that build trust in science advice for policy making. They should in particular:

- ensure that advisory processes are as open and inclusive as necessary.
- ensure that science advice is considered, communicated and used in a transparent and accountable manner (including training for scientists and policy makers in the practice and use of science advice).

Source: (OECD, 2015[52]).

Information disclosed is usually incomplete and does not allow public scrutiny

The Lobbying Principles state that "[c]ountries should provide an adequate degree of transparency to ensure that public officials, citizens and businesses can obtain sufficient information on lobbying activities". They add that "[d]isclosure of lobbying activities should provide sufficient, pertinent information on key aspects of lobbying activities to enable public scrutiny. It should be carefully balanced with considerations of legitimate exemptions, in particular the need to preserve confidential information in the public interest or to protect market-sensitive information when necessary." Yet, where countries do provide some level of transparency on lobbying activities, the information disclosed is sometimes insufficient to understand the breadth and depth of those activities. Access to information or freedom of information laws and frameworks are also a useful mechanism to ensure transparency and scrutiny, yet in practice, their implementation is still incomplete (Access Info Europe, Centre for Law and Democracy, n.d.[53]). As for the information disclosed on lobbying activities, two issues seem to be an obstacle to enhancing transparency and public scrutiny:

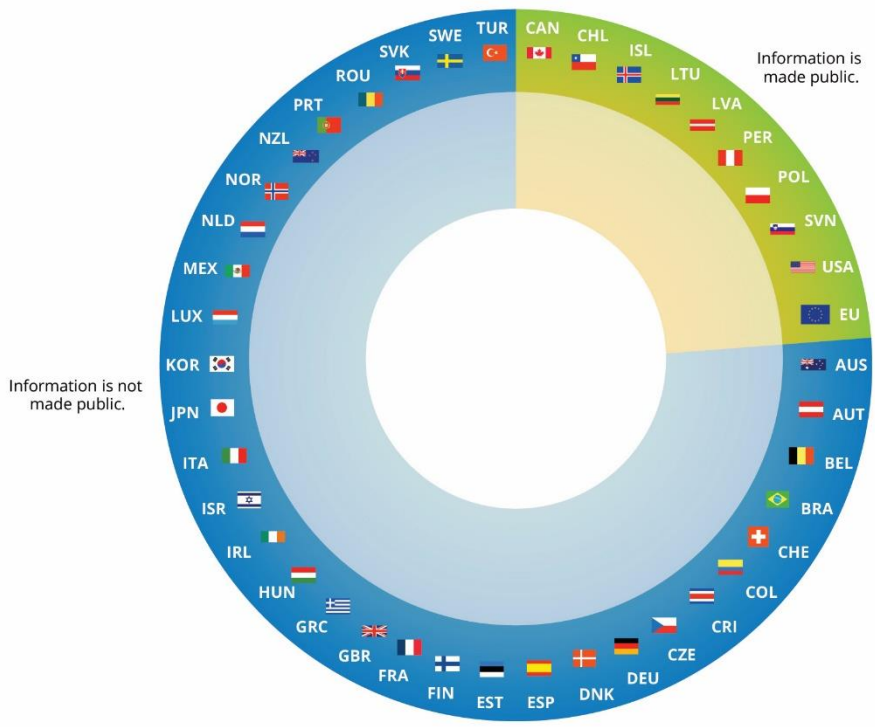
- Information on the objective of the lobbying activity is limited.
- The timing of disclosures does not allow for public scrutiny.

Information on the objective of the lobbying activity is limited

The Lobbying Principles explicitly state that disclosure should capture the objective of the lobbying activity. However, in practice, information that helps illuminate the basis of the lobbying activities and enables public scrutiny is often missing. Countries that publish information through lobbying registries and open agendas disclose some information identifying who is behind lobbying activities, but not as much on which decisions and public organisations are specifically targeted (Figure 2.13), as well as how lobbying is being conducted (Figure 2.14 and Annex Table A A.4).

Figure 2.13. Transparency on the specifics of the objectives of lobbying is limited

Disclosure of the specific legislation, proposals, regulations or decisions targeted by lobbying activities



Source: OECD 2020 Survey on Lobbying, and additional research by the OECD Secretariat.

The information disclosed by lobbyists and/or public officials may not all be made public. Annual reports on lobbying activities disclosed by lobbyists to the Commission for the Prevention of Corruption in Slovenia, for example, are not published on the register. The commission only publishes an analysis of the annual reports. The public can obtain individual reports through the Public Information Access Act.

Disclosure requirements may also differ depending on the public institution or official targeted, and may need to respect different timing. In Canada, for example, registrations are filed as soon as lobbyists communicate with public office holders and describe the objective of lobbying activities in detail. In addition, “monthly communication reports” are filed if registered lobbyists communicate with senior federal officials (referred to as “designated public office holders”). The monthly communication report, filed no later than the 15th of the month after the communication took place, includes the names of those contacted, the date the communication took place, and the general subject matter of the communication (for example, “Health”, “Tourism”, etc.).

Lastly, in addition to lobbying registers and open agendas, other countries provide transparency on lobbying by mandating *ex post* disclosures of how decisions were made. The information disclosed can be a table or a document listing the identity of lobbyists met, public officials involved, the object and outcome of their meetings, as well as an assessment of how the input received was factored into the final decision (Igan and Lambert, 2019[54]). Poland and Latvia have such requirements (Box 2.13).

Box 2.13. *Ex post* disclosures of how decisions were made in Poland and Latvia

Publication of a legislative footprint in Poland

Poland provides transparency on lobbying activities through a register of entities performing professional lobbying, as well as lists of registered persons administered by the chambers of parliament (the Sejm and the Senate). Managers of public authorities must publish, once a year and by the end of February, information on the actions taken against them by lobbyists.

In addition, the Standing Orders of the Sejm (Article 201c) provides for the publication of proposals, expert opinions and legal opinions submitted by lobbyists to Committees working on a specific bill. The documents are made available on the Sejm's Information System. The Senate Regulations (Article 63) also specify that the rapporteur of a committee reporting on legislation must indicate when activities are performed by professional lobbyists in the course of committee work. They must also present the committee's position on the proposals presented by lobbyists.

Latvia

In Latvia, employees covered by transparency requirements are required to inform the direct manager or the head of the institution of any anticipated meeting with lobbyists, and disclose the information received from lobbyists, including what interests they represent, what proposals were expressed, and in what way they have been considered.

If the proposal expressed by lobbyists is considered in drafting or making a decision, this must be indicated in the document related to such a decision (e.g. in the summary, statement, cover letter) and, where possible, made publicly available.

Source: Additional research by the OECD Secretariat.

Figure 2.14. Who is conducting lobbying activities, on what and how?

	Who: Information on lobbyists and beneficiaries						What: Objectives decisions and officials targeted					How: Details on communications or meetings with public officials				
	Names of lobbyists	Whether the lobbyist was a public official	Name of the lobbyist's employer	Name of clients, if applicable	Parent company or subsidiary company benefiting	Sector of activity or business activities	Types of decisions targeted	Specific legislation, proposals, regulations, or decision targeted	Types of public institutions and/or officials targeted	Identity of public institutions and/or officials targeted	Objectives and/or intended results	Lobbying expenses	Communications and lobbying techniques used	Each lobbying action initiated	Date and/or location of communications	Overview of lobbying actions initiated
Australia	✓	✓	✓	✓	✓	○	○	○	○	○	○	○	○	○	○	○
Austria	✓	○	✓	✓	○	✓	○	○	○	○	○	✓	○	○	○	○
Belgium	✓	○	✓	✓	○	✓	○	○	○	○	○	○	○	○	○	○
Brazil	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Canada	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	○	✓	✓	✓	○
Chile	✓	○	✓	✓	○	○	✓	✓	✓	✓	✓	○	✓	○	✓	○
Colombia	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Costa Rica	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Czech Republic	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Denmark	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Estonia	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Finland	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
France	✓	○	✓	✓	○	✓	✓	○	✓	○	✓	✓	✓	○	○	✓
Germany	✓	○	✓	✓	○	✓	○	○	○	○	○	✓	○	○	○	○
Greece	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Hungary	✗	○	✗	✗	○	○	✗	✗	○	○	✗	○	○	○	✗	○
Ireland	✓	✓	✓	✓	○	✓	✓	○	✓	✓	✓	○	✓	○	○	✓
Iceland	✓	○	✓	✓	○	✓	○	✓	○	○	○	○	○	○	○	○
Israel	✓	○	✓	✓	○	○	○	○	○	○	○	○	○	○	○	○
Italy	✓	○	✓	✓	○	○	✓	○	✓	✓	✓	○	✓	○	○	✓
Japan	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Korea	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Latvia	✓	○	✓	✓	○	○	✓	✓	○	○	✓	○	✗	○	✗	○
Lithuania	✓	○	✓	✓	○	✓	✓	✓	✓	✓	✓	○	○	○	○	○
Luxembourg	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mexico	✓	○	✓	○	○	○	✓	○	✓	✓	○	○	○	○	○	○
Netherlands	✓	○	✓	✓	○	○	○	○	○	○	○	○	○	○	○	○
New Zealand	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Norway	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Peru	✓	○	✓	✓	○	○	✓	✓	✓	✓	✓	○	✓	✓	✓	○
Poland	✓	○	✓	✓	○	○	✓	✓	✓	✓	✓	○	✓	✓	✓	✓
Portugal	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Romania	✓	○	✓	✓	○	✓	○	○	✓	✓	✓	✓	✓	○	✓	○
Slovak Republic	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Slovenia	✓	○	✓	✓	○	✓	✓	✓	✓	✓	✓	✗	✓	○	✓	○
Sweden	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Switzerland	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Turkey	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Spain	✓	○	✓	✓	○	○	○	○	✓	✓	○	○	○	○	✓	○
United Kingdom	✓	○	✓	✓	○	○	○	○	✗	✗	○	○	○	○	✗	○
United States	✓	○	✓	✓	○	✓	✓	✓	✓	✓	○	✓	○	○	○	✓
EU	✓	○	✓	✓	○	✓	✓	✓	✓	○	○	✓	○	○	○	○
✓ Public	23	3	23	22	2	12	13	10	14	11	11	6	9	3	7	5
✗ Not public	1	0	1	1	0	0	1	1	1	1	1	1	1	0	3	0
○ Not collected	18	39	18	19	40	30	28	31	27	30	30	35	32	39	32	37

Source: Additional research by the OECD Secretariat.

The timing of disclosures does not allow for public scrutiny

In countries where transparency on lobbying activities is required, different disclosure schedules may be enforced, with, for example, monthly disclosures required in Canada and yearly disclosures required in France (Table 2.3). Evidently, this affects the possibility of public scrutiny, as sporadic information may not allow stakeholders to properly scrutinise lobbying activities. Extended schedules may lead to disclosures of lobbying activities after the decisions targeted by the activities have already been made, which directly compromises the relevance of transparency. In Canada, on the other hand, the requirement that lobbyists publish monthly communication reports allowed publication of timely information on COVID-19-related lobbying activities, which indicated the objectives of the lobbying activities as well as the public officials and policies targeted. Recognising that “Canadians have the right to know who was communicating with our decision makers and about what subjects during these unprecedented times”, Canada’s Office of the Commissioner of Lobbying provided regular reminders on registration deadlines, including through social media.

In May 2020, the Office also introduced a new feature to the online Registry of Lobbyists, enabling users to view lobbying registrations related to COVID-19. The tool uses as research criteria all the registrations in which the terms "COVID-19", "COVID", "Coronavirus", and "pandemic" are included in the lobbying subject matter details. Users can then filter information per activity type, topic and government institutions targeted, and access the related monthly communication reports. The Office also issued guidelines on COVID-19 emergency funding and registration requirements, to guide lobbyists on whether applying for a federal government funding program linked to COVID-19 should be disclosed, and when to update the information (Office of the Commissioner of Lobbying of Canada, 2020[55]).

Table 2.3. Frequency of disclosures on lobbying activities in selected countries

	Initial registration	Updates and subsequent registration of information on lobbying activities
Australia	Lobbyists' registration is **mandatory** to conduct lobbying activities.	Lobbyists must provide, within 10 business days of 31 January and 30 June each year, confirmation that the lobbyist's details are up to date. During the June update, this includes submitting a statutory declaration for all lobbyists regarding prior actions of integrity. Lobbyists must update their details in the register in the event of any change to the lobbyist's details, within 10 business days after the change occurs.
Austria	Lobbyists' registration is **mandatory** to conduct lobbying activities.	Additional information on lobbying activities (e.g. lobbying expenses) must be disclosed within **nine months** of the end of the previous financial year
Belgium	Lobbyists' registration is **mandatory** to conduct lobbying activities.	No updates or subsequent registrations are necessary.
Canada	Lobbyists' registration is **mandatory** to conduct lobbying activities: • **Consultant lobbyists** must register within 10 days of entering an agreement to lobby; • **In-house lobbyists** must register when they meet a threshold ("significant part of duties") and have 60 days to register.	Information must be updated every six months. When registered lobbyists meet with a designated public office holder, they must file a "monthly communication report".
Chile	To meet a public official, lobbyists must request the meeting on a **mandatory** basis using an online form. Public organisations publish their register of meetings with lobbyists on a **monthly basis**.	Public organisations must update their registers on the first working day of each month.
France	Lobbyists' registration is **mandatory** for lobbying activities, **within two months** of the start of lobbying activities.	When lobbying activities are carried out on behalf of a new client, the client's identity must be registered **within one month**. Lobbyists must file "**annual activity reports**", submitted within three months of the end of the lobbyist's financial year.
Germany	Lobbyists' registration is **mandatory** to conduct lobbying activities. Registration is required without delay as soon as one of the following conditions is fulfilled: *i)* lobbying activities are carried out **on a regular basis**; *ii)* the representation of interests is intended to be **permanent**; *iii)* the representation of interests is **part of a company's activities or on behalf of third parties**; *iv)* more than **50 lobbying contacts have been made within the last three months**. Participation in public hearings of the committees of the German Bundestag and certain procedures of Federal Ministries requires prior registration.	Lobbyists must update the information at least **once a year.** Any changes to the information registered must be disclosed at the latest by the end of the quarter following the occurrence of the change. Changes in the identity of clients must be registered without delay. Financial information must be no later than six months after the end of the financial year for the past financial year.
Iceland	Lobbyists' registration is **mandatory** to conduct lobbying activities.	No updates or subsequent registrations are necessary.
Ireland	Lobbyists' registration is **mandatory** to conduct lobbying activities. Lobbyists can register after beginning lobbying,	"Returns" of lobbying activities are made at the end of each "relevant period", **every four months**. They are

	Initial registration	Updates and subsequent registration of information on lobbying activities
	provided that they register and submit a return of lobbying activity **within 21 days of the end of the first "relevant period"** in which they begin lobbying (The relevant period is the four months ending on the last day of April, August and December each year).	published as soon as they are submitted.
Italy	Registration is **mandatory** to conduct lobbying activities.	By 31 December of **each year**, those entered in the register must present the Chamber of Deputies a report on the activity of lobbying.
Israel	Lobbyists must submit a **mandatory** application to be granted a permit to operate in the Knesset premises.	Changes to applicant's details must be notified to the Knesset in writing immediately after the change.
Lithuania	Lobbyists' registration is **mandatory** to conduct lobbying activities (lobbying activities conducted by unregistered lobbyists and undisclosed lobbying activities are considered illegal). Lobbyists must send an application (the application for entry is examined within 5 working days) and produce a document confirming the payment of the registration fee (whithin one month of their registration confirmation).	A lobbying report must be submitted for every draft legal act on which lobbying activities were conducted, no later than within **seven days** from the commencement of lobbying activities. Public officials must report on lobbying activities targeting them within **seven days** from the commencement of lobbying activities for a specific draft legal act. For senior civil servants who participate in the preparation and adoption of draft legal act, disclosures are made to the managers of the institutions in which they are employed.
Mexico	Lobbyists must submit a **mandatory** application to be granted access to the premises of the Chamber of Deputies and the Senate.	Registration must be done **at the beginning of each legislature** and is valid for the duration of the legislature. The lists are published every six months in the Official Gazette.
Netherlands	Lobbyists' registration is **voluntary** but is necessary to obtain a pass giving access to certain areas of the premises of the House of Representatives.	No updates or subsequent registrations are necessary.
Peru	To meet a public official, lobbyists must request the meeting on a **mandatory** basis. Public organisations publish their Register of Visits on a daily basis.	The information contained in each public entity's Register of Visits must be updated on a daily basis.
Poland	Lobbyists' registration is **mandatory** to conduct lobbying activities. Lobbyists' registration is **mandatory** to access parliamentary premises and hearings.	Lobbyists must notify the authority responsible for maintaining the registers of any modification made to the data recorded in the Register **within seven days** of the modification. Managers of public entities prepare **once a year**, by the end of February, information on the meetings they had with lobbyists. The information is published in the Information Bulletin.
Romania	Lobbyists' registration is **voluntary.**	No updates or subsequent registrations are necessary
Slovenia	Lobbyists' registration is **mandatory** to conduct lobbying activities.	Reports from lobbyists detailing lobbying activities must be submitted **once a year** by 31 January for the previous year. Reports from lobbied persons (public officials) must be submitted to the Commission for the Prevention of Corruption (as well as the lobbied person's superior) within **eight days of the meeting**.
Spain	The agendas of Ministers of Government are updated on a daily basis.	N/A
United Kingdom	Registration is **mandatory** to conduct activities of consultant lobbying.	Information on clients must filed by consultant lobbyists every **three months**.
	Ministerial diaries are published on a quarterly basis.	N/A
United States	Registration is **mandatory** to conduct lobbying activities. Registration is required within 45 days: *i)* of the date lobbyist is employed or retained to make a lobbying contact on behalf of a client; *ii)* of the date an in-house lobbyist makes a second lobbying contact.	Lobbyists must file **quarterly reports** on lobbying activities and **semi-annual** reports on political contributions.

	Initial registration	Updates and subsequent registration of information on lobbying activities
EU	Lobbyists' registration on the Transparency Register is **voluntary**, but each institution (commission, Parliament) applies its own rules on the type of activities that registered lobbyists are allowed to conduct.	Once a year, lobbyists must provide financial figures and update the information registered.
	Meetings of the EU Commission are published within two weeks of the meeting.	N/A

Source: Additional research by the OECD Secretariat.

Engagement with lobbyists and digital tools are used to promote compliance

The Lobbying Principles indicate that transparency requirements cannot achieve their objective unless regulated actors comply with them and they are properly enforced by oversight entities. Adherents are encouraged to employ a "coherent spectrum of strategies and mechanisms" to ensure compliance with transparency measures. Compliance and enforcement of transparency measures usually rest on a combination of monitoring actions by oversight bodies, the provision and application of sanctions, and facilitating channels for reporting non-compliance.

To promote compliance with transparency requirements, countries use several measures through their oversight institutions. These include providing a convenient online registration and report-filing system, raising awareness of the regulations, verifying disclosures on lobbying, and applying visible and proportional sanctions. In countries that require transparency on lobbying activities, both tools and institutions are used to monitor compliance. The main findings can be summarised as follows:

- Engagement with lobbyists and public officials encourages compliance with transparency requirements.
- Digital tools and automatic verifications are useful for increasing public scrutiny.

Engagement with lobbyists and public officials encourages compliance with transparency requirements

All countries with a transparency register on lobbying activities have an institution or function responsible for monitoring compliance (Table 2.4). Similarly, to provide oversight of the financing of political parties and election campaigns, countries also have an oversight body or a combination of bodies, parliaments, constitutional courts, supreme audit institutions, ministries or judiciary bodies (OECD, 2016[56]). However, there is usually no compliance or verification activities related to the obligation for public officials to publish meeting with lobbyists through so-called "open agendas".

Table 2.4. All the countries that require transparency in lobbying activities have an oversight body

	Authority	Main missions and enforcement powers
Australia	Attorney-General's Department	• Administer the Australian Government Lobbying Code of Conduct and the Register of Lobbyists • Ensure that registered lobbyists provide confirmation that their details are accurate • Receive and assess reports of breaches • Remove lobbyists from the Register
Austria	Ministry of Justice and regional administration offices	• Enforce administrative sanctions and monetary penalties
Belgium	Specialised unit in the Chamber of Deputies	• Administer the Register of Lobbyists
Canada	Office of the Commissioner of Lobbying	• Administer the Registry of Lobbyists • Develop and maintain educational programs to encourage public awareness of the requirements of the Act • Conduct reviews and investigations to ensure compliance with the Act and the Lobbyists' Code of Conduct
Chile	Transparency Council	• Make available to the public on a website the agendas, Registers and the list of lobbyists and managers of interests
	Comptroller-General	• Propose sanctions
France	High Authority for Transparency in Public Life (HATVP)	• Administer the public register of lobbyists • Detect and investigate possible breaches of lobbying rules
Germany	President of the Bundestag	• Maintain and administer the Lobby Register (the German Bundestag and the Federal Government have concluded an administrative agreement on the details for maintaining it)
Iceland	Prime Minister's Office	• Maintain a log of registrations and publish them on the website of the Government Offices of Iceland • Provides guidance and monitoring on the registration of lobbyists • Examine suspected violations
Ireland	Standards in Public Office Commission	• Administer the Regulation of Lobbying Act • Investigate possible breaches of the Act • Prosecute offences • Administer fixed payment notices for late filing of lobbying returns
Israel	Committee chaired by the President of the Knesset	• Take decisions on whether to grant a permit to operate in the Knesset to lobbyists • Revoke a lobbyist's permit to operate in the Knesset or prohibit lobbyists from entering the Knesset building in case of violations of the provisions of the law.
Italy	Bureau of the Chamber of Deputies College of Quaestors of the Chamber of Deputies	• Manage and publish the Register • Verify information included in the Register • Enforce sanctions
Lithuania	Chief Official Ethics Commission	• Administer the Law on Lobbying Activities and the Transparent Legislative Processes Information System • Investigate potential breaches to the Law • Provide lobbyists and public officials with methodological support and recommendations
Mexico	Directive Board of the Senate Directive Board of the Chamber of Deputies	• Publish the Register • Provide rules and guidelines
Peru	Secretariat for Public Integrity	• Verify information included in the Register
	Comptroller-General	• External audit of the information contained in the Register
Poland	Ministry of Interior and Administration	• Administer the register of professional lobbyists • Enforce sanctions (fines or ban from lobbying activities)
Romania	General Secretariat of the Government	• Administer Voluntary Interest Groups Transparency Register • Receive and assess reports of infractions
Slovenia	Commission for the Prevention of Corruption	• Administer the Register of Lobbyists • Enforce sanctions (fines or bans on lobbying)
United Kingdom	Office of the Registrar of Consultant Lobbyists	• Administer the statutory Register of Consultant Lobbyists

	Authority	Main missions and enforcement powers
		• Monitor compliance with the provisions of the Act • Investigate information from third parties on alleged non-compliance • Initiate enquiries if the consistency or accuracy of information is in question • Issue formal Information Notices to registrants or non-registrants • Impose civil penalties of up to GPB 7 500, or refer the latter to the Director of Public Prosecutions for potential criminal prosecution • Impose civil and criminal penalties for non-compliance
United States	Office of the Clerk of the House of Representatives	• Make available to the public online all documents filed under the Lobbying Disclosure Act • Review, verify and request corrections in writing to ensure the accuracy, completeness and timeliness of registrations and reports • Refer potential non-compliant registrants to the US Attorney, following failure to remedy a violation after notification from Congress
	Secretary of the Senate	
	Government Accountability Office	• Conduct annual reviews of lobbyists' compliance with disclosure requirements
	United States Attorney for the District of Columbia	• Secure compliance through informal outreach and follow-up efforts • Impose civil or criminal penalties for noncompliance
EU	Transparency Register Joint Secretariat	• Administer the transparency register • Monitor compliance with disclosure and ethical requirements • Detect and investigate possible infractions

Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Some oversight bodies have indicated that the resources they have to exercise their functions are inadequate. In Lithuania, the Chief Official of the Ethics Commission concluded that it did not have the resources to monitor compliance and enforce sanctions (Chief Official Ethics Commission, 2019[57]). In Canada, the Office of the Commissioner of Lobbying concluded in its Annual Report 2018-19 that "to ensure ongoing sustainability of the office and to invest in the technological improvements required for the Registry, there is a need for increased funding" (Office of the Commissioner of Lobbying of Canada, 2019[58]).

Most of these bodies or functions monitor compliance with disclosure obligations and whether the information submitted is accurate, presented in a timely fashion and complete. Chile, by contrast, relies solely on the public availability of lobbying disclosures and reports of potential misconduct to detect breaches and promote compliance with lobbying rules and guidelines.

Targeted verifications are also conducted in sectors considered to be at higher risk or during particular periods. In Canada in 2018-19, the Office of the Commissioner of Lobbying conducted parallel investigations involving 19 corporations and organisations that had provided sponsored travel to members of the House of Commons and the Senate between 2009 and 2016. It also sent six advisory letters after a targeted compliance analysis of the cannabis industry, which involved a verification of 200 corporations and organisations (Office of the Commissioner of Lobbying of Canada, 2019[58]). In Australia, the Attorney-General's Department, which oversees both the Lobbying Code of Conduct and the Foreign Influence Transparency Scheme, put additional safeguards in place during election periods. The department also supported the whole-of-government, multi-agency Electoral Integrity Assurance Taskforce by providing assessments of the applicability of the scheme to particular activities and their impact on the integrity of the election (Attorney-General's Department, 2019[59]).

Enforcement actions and sanctions for non-compliance, along with the disclosure obligations, are a necessary complement of monitoring and verification of activities. Sanctions usually cover the following types of breaches related to lobbying-related disclosures:

- not registering and/or conducting activities without registering
- not disclosing the information required or disclosing inaccurate or misleading information
- failure to update the information or file activity reports on time.

Countries that have established lobbying rules and guidelines provide for a range of graduated disciplinary or administrative sanctions, such as warnings or reprimands, fines, debarment and temporary or permanent suspension from the registry and prohibition to exercise lobbying activities. A few countries have criminal provisions leading to imprisonment (Figure 2.15). Similarly, the legal framework may provide for a variety of sanctions for breaches of political finance laws such as failing to submit accurate financial reports, receiving funds from prohibited sources, exceeding spending limits, abusing state resources or buying votes. These sanctions may include fines, imprisonment, loss of public funding, forfeiture, deregistration of a party, loss of nomination of a candidate, or loss of elected office or loss of political rights (Hamada and Agrawal, 2020[33]; OECD, 2016[56]).

Figure 2.15. Sanctions for lobbyists and public officials who breach standards and disclosure requirements related to lobbying activities

	Disciplinary and administrative sanctions	Civil sanctions (e.g.fines)	Criminal sanctions (e.g.fines or imprisonment)
Australia	✓	✗	✗
Austria	✓	✓	✗
Belgium	✗	✗	✗
Canada	✗	✗	✓
Chile	✓	✓	✗
France	✗	✓	✓
Germany	✓	✗	✗
Iceland	✗	✗	✗
Ireland	✓	✓	✓
Israel	✓	✗	✗
Italy	✓	✗	✗
Lithuania	✓	✗	✗
Mexico	✓	✗	✗
Peru	✓	✓	✓
Poland	✓	✗	✗
Romania	✓	✗	✗
Slovenia	✓	✓	✗
United Kingdom	✓	✓	✓
United States	✓	✓	✓
EU	✓	✗	✗
✓ Yes	16	10	5
✗ No	4	10	15

Source: Additional research by the OECD Secretariat.

While sanctions can have a deterrent effect, compliance activities of oversight bodies tend to favour communication and engagement with lobbyists and public officials. Regular communication with them on potential breaches appears to encourage compliance without the need to resort to enforcement. For example, sending reminders to lobbyists and public officials about mandatory reporting obligations can mitigate the risk of non-compliance (Box 2.14). In the context of the COVID-19 crisis, oversight entities have continued to raise awareness of reporting obligations and deadlines. If crisis-related circumstances prevent lobbyists from filing reports on time, some entities have provided guidance or ensure that a contact point is available to provide advice on what is acceptable in specific circumstances. For example, the California Fair Political Practices Commission published a statement offering guidance on lobbying filing

deadlines in the wake of COVID-19 (FPPC, 2020[60]). In Canada, the Office of the Commissioner of Lobbying continued to communicate registration deadlines during the pandemic, including through social media (Office of the Commissioner of Lobbying of Canada, 2020[55]).

Box 2.14. Automatic alerts to raise awareness of disclosure deadlines produce results

Australia

Registered organisations and lobbyists receive reminders about mandatory reporting obligations in biannual e-mails. Registered lobbyists are reminded that they must advise of any changes to their registration details within 10 business days of the change, and confirm their details within 10 business days of 31 January and 30 June each year.

France

Lobbyists receive an e-mail 15 days before the deadline for submitting annual activity reports.

Germany

If no updates are received for more than a year, lobbyists receive an electronic notification requesting them to update the entry. If the information is not updated in three weeks, their file is marked “not updated”.

Ireland

Registered lobbyists receive automatic alerts at the end of each of the three relevant periods, as well as deadline reminder e-mails. Return deadlines are also displayed on the main webpage of the Register of Lobbying.

United States

The Office of the Clerk of the House of Representatives provides an electronic notification service for all registered lobbyists. The service gives e-mail notice of future filing deadlines or relevant information on disclosure filing procedures. Reminders on filing deadlines are also displayed on the Lobbying Disclosure website of the House of Representatives.

Source: Australia: (ANAO, 2018[61]); France: (HATVP, 2019[62]); Ireland: https://www.lobbying.ie/help-resources/information-for-lobbyists/best-practices-for-lobbying/; United States: https://lobbyingdisclosure.house.gov/subscribe.asp.

In addition to formal notices, fines also have the potential to incentivise compliance and resolve cases of late returns or registrations. Since the entry into force of the Lobbying Act in Ireland, the Standards in Public Office Commission has focused on encouraging compliance with the legislation by engaging with registrants to resolve any non-compliance, including by issuing fixed payment notices for late return filings, before initiating prosecution proceedings (Standards in Public Office Commission, 2019[63]). The commission concluded that increased communication and outreach activities with registered lobbyists at an early stage of the process reduced the number of files referred for prosecution in 2018. Most lobbyists complied with their obligations, once contacted by the investigations unit (Box 2.15).

Box 2.15. Ireland's Standards in Public Office Commission has the authority to pursue breaches

The Irish Regulation of Lobbying Act 2015 on enforcement provisions (Part 4) gives the Standards in Public Office Commission the authority to conduct investigations into possible contraventions of the Act, to prosecute offences and to issue fixed-payment notices of EUR 200 for late filing of lobbying returns.

The commission reviews all registrations to make sure that all who are required to register have done so and that they have registered correctly. It can also, by providing notice to a given registrant, request further or corrected information if it considers an application is incomplete, inaccurate or misleading.

The commission established a separate Complaints and Investigations Unit to manage investigations and prosecutions. The unit also sets up procedures to investigate non-compliance in relation to unreported lobbying by both registered and non-registered persons, as well as failure to comply with the requirement to post returns, or a failure to post lobbying activity in a timely fashion:

- Unregistered lobbying activity is monitored through open-source intelligence such as media articles, the Register itself, or complaints or other information received by the commission;
- Late returns by registered persons are monitored on the basis of the information available on the lobbying register relating to the number of late returns and non-returns after each return deadline. The online register is designed to issue fixed payment notices automatically to anyone submitting a late return on lobbying activities. If the payment is not paid by the specified date, the commission prosecutes the offence of submitting a late return.

As noted in the commission's annual reports, in most cases, receipt of the notice was enough to secure compliance. In 2017, the year the enforcement provisions went into force, no convictions nor investigations were concluded. In 2018, 26 investigations were launched to gather evidence on possible unreported or unregistered lobbying activity, of which 13 were discontinued (in part because the person subsequently came into compliance with the Act) and 13 were ongoing at year's end.

The commission noted that the 270 notices issued for the three relevant periods in 2018 were significantly fewer than the 619 issued in 2017, a marked improvement in compliance with the deadlines.

Source: (Standards in Public Office Commission, 2019[63]); (Standards in Public Office Commission, 2018[64]).

For serious cases, strict enforcement and sanctions may be the only way to ensure compliance. In France, the deterrent effect of non-graduated criminal sanctions was apparently limited and ineffective (Box 2.16).

Box 2.16. A graduated system of administrative sanctions appears to be preferable

The early attempts by France's High Authority for Transparency in Public Life (HATVP) to ensure compliance with the requirements have raised questions about the relevance of the sanctions established under the law. Lobbyists who do not comply with their reporting obligations face a criminal penalty of up to one year of imprisonment and a fine of EUR 15 000. The sanction is similar in the event of non-compliance with ethical obligations. The maximum amount of these fines is higher for legal persons.

The HATVP concluded that the choice of criminal sanctions was not necessarily the most appropriate way to punish breaches, due to the long and cumbersome procedures, potentially leading to a sentence that was likely to be perceived as light by the person concerned. It also concluded that the maximum amount for fines incurred for legal persons (EUR 75 000) is negligible for large companies. The scope of the regime is further weakened by the difficulty of establishing intention in committing the offence. The HATVP recommended introducing a graduated system of administrative sanctions, allowing it to provide a rapid, proportionate response through direct financial penalties.

Source: (HATVP, 2019[62]).

Lastly, a few countries collect statistical data on the application of sanctions (Box 2.17). The data collection activity on enforcement is either non-existent or scarce and fragmented. As a result, most parliamentarians and lobbyists surveyed reported that they knew of no sanctions being applied. Only 10% of parliamentarians surveyed reported that they knew of sanctions that had been applied in the previous 12 months for non-disclosure of information required by lobbying-related regulations. More than half (58%) of the lobbyists surveyed are aware of the existence of penalties or sanctions for failing to comply with lobbying codes of conduct, but only 11% reported that they knew of any lobbyists who had been sanctioned in the previous 12 months for breaching lobbying-related regulations.

Box 2.17. Annual publication of compliance and enforcement statistics in the United States

The US Attorney's Office for the District of Columbia creates summary records from its database on the number of pending referrals, which are notifications that it receives from the Secretary of the Senate and the Clerk of the House of Representatives about possible non-compliance of a lobbyist or lobbying firm with the Lobbying Disclosure Act. Referrals remain in the pending category until they are resolved, and become compliant if the lobbyists comply with the obligation after receiving an e-mail, phone call or a non-compliance notification letter.

This information is published in the US Government Accountability Office's annual report on compliance with disclosure requirements. For activity reports, about 40% of the total referrals received for filing years 2009 through 2018 are now compliant, since lobbying firms either filed their reports or terminated their registrations.

Source: (GAO, 2019[65]).

Digital tools and automatic verifications are useful for increasing public scrutiny

In countries where there is some level of transparency on lobbying activities, the use of digital technology to disclose information and make it available to the public facilitates public scrutiny. In most cases, there are single databases (lobbying registries) that are searchable, and to a lesser extent, the data is in an open format (Table 2.5). This facilitates the reusability and cross-checking of data. However, the information is not always available in a readable format. Some lobbying registers take the form of a list in PDF format (e.g. Lithuania, Mexico). Disclosure of information needs to be organised in an intelligible and user-friendly way if it is to be useful. Ideally, all reports should be submitted and published in a standardised, machine-readable format through a data download, an Application Program Interface or in an RSS (Really Simple Syndication) feed. This would ensure comparability, clarity and intelligibility. In Canada, France and Ireland, for example, information in lobbying registers is available in an open data format.

Table 2.5. Online availability of lobbying registries

	Online availability of the register	Searchable	Data is provided in an open data format
Australia	Yes	Yes	Yes
Austria	Yes	Yes	No
Belgium	Yes	No (information available in PDF format)	N/A
Canada	Yes	Yes	Yes
Chile	Yes	Yes	Yes
France	Yes	Yes	Yes
Germany	Yes	Yes	No
Hungary	No	N/A	N/A
Iceland	Yes	No	No
Ireland	Yes	Yes	Yes
Israel	Yes	Yes	No
Italy	Yes	No	No
Latvia	No	N/A	N/A
Lithuania	Yes	Yes	No
Mexico	Yes	No (information available in PDF format)	No
Netherlands	Yes	No (information available in PDF format)	No
Peru	Yes	Yes	No
Poland	Yes	No	No
Romania	Yes	Yes	No
Slovenia	Yes	Yes	No
United Kingdom	Yes	Yes	No
United States	Yes	Yes (but files are available in a PDF format)	No
EU	Yes	Yes	Yes

Source: Additional research by the OECD Secretariat.

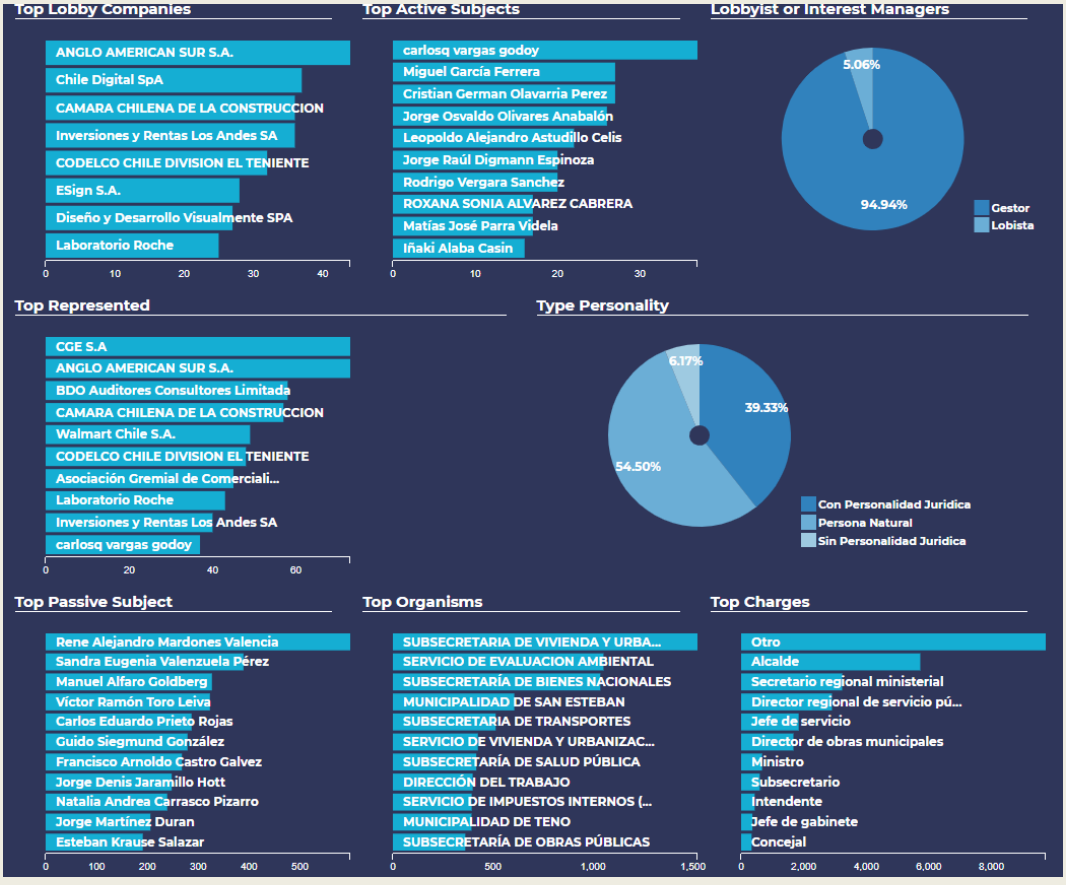
A key challenge is to design tools to collect and manage information on lobbying practices, so that it can be published in an open, re-usable format and used to analyse trends in large volumes of data. Improvements in the way data is collected and presented could also include streamlining how lobbyists and other entities are identified in registries. Entities should be designated with a unique ID number or reference so their information is easily searchable. This would eliminate confusion resulting from single entities (e.g. corporate subsidiaries) being associated with multiple entries in a register. Increasing the interoperability of databases and the use of “one-stop-shops” for transparency (i.e. aggregating data on a single website, to allow cross-checking of data sources) could also optimise the potential for transparency.

While it may take various forms, public institutions' data visualisations and dashboards ease access to and understanding of large volumes of data collected through registries, open agendas and databases. In April 2020, the Canadian Office of the Commissioner of Lobbying launched a new Registry with improved user experience which includes an easy-access search function, dashboards and graphics. The office plans to monitor usage and address user feedback to improve the interface. Similarly, a platform developed by Chile's Council for Transparency presents data in a comprehensible format (Box 2.18).

Box 2.18. Chile's innovative platform presents data on influence on national public decisions

In Chile, the Council for Transparency has developed a platform to present data on public officials' hearings and meetings, travels and gifts. The example below shows data visualisation in the section on hearings and meetings, which allows individuals and organisations to filter information and view infographics and trends on companies, including meetings between different types of interests.

The datasets can be downloaded to review or reuse further data collected by the Council.



Source: https://www.infolobby.cl/.

Using data analytics and artificial intelligence can facilitate the verification and analysis of data. In Estonia, the electoral management body is now using technology to monitor campaign activities for wrongdoing (Box 2.19). France requires the electronic submission of registration and activity reports with features that facilitate disclosures. Its HATVP has now set up an automatic verification mechanism using an algorithm based on artificial intelligence, to detect potential flaws upon validation of annual lobbying activity reports (Box 2.20).

Box 2.19. Estonia's use of technology in electoral management

The Estonian Party Funding Supervision Committee oversees the public funding system, financial reporting, investigation, audit and compliance. It is also responsible for sanctioning campaign finance violations. The committee has a staff of only nine committee members, a legal advisor and an office manager, thanks in part to its use of technology. The committee requires all financial reports to be completed in an online spreadsheet, which allows the staff to easily organise, access and review financial documents in a consistent form. In addition, the financial information can be published quickly in a searchable online database for access by the public and the media.

Source: (OECD, 2020[66]).

Box 2.20. France is using artificial intelligence to enhance the quality of annual lobbying reports

In France, registered lobbyists must submit an annual activity report to the High Authority for Transparency in Public Life (HATVP) within three months of the lobbyist's financial year. In analysing the activity reports for the period 1 July 2017 to 31 December 2017, the HATVP noted the poor quality of some of the activity reports, due to a lack of understanding of what should be disclosed. Over half of the 6 000 activity reports analysed did not meet any of the expected criteria. Often, the section describing the issues covered by lobbying activities – identified by their purpose and area of intervention – was used to report on general events, activities or dates of specific meetings.

In January 2019, the HATVP set up various mechanisms to enhance the quality of information declared in activity reports. Practical guidance was provided explaining how the section on lobbying activities should be completed, with a pop-up window presenting two good examples. An algorithm based on artificial intelligence was established to detect potential defects on validation of the activity report, and detect incomplete or misleading declarations.

Source: OECD 2020 Survey on Lobbying.

Ensuring the collection and disclosure of data in an open format, and automating some of the cross-checking are other options for increasing scrutiny. This may involve further interoperability of the various databases, opening their access (to other administrations or to the public) and ensuring real-time updates. Cross-checking available information makes it possible to assess the consistency between data provided from various sources. For example, information within lobbying registries can be cross-checked with political finance contributions or open agendas. Digital tools and alert systems used to monitor movements between the public and the private sector can be based on available open information (e.g. news media, civil society and watchdog reports, interest and asset disclosure and trade registries). Few countries, however, have set up such mechanisms. In Slovenia, for example, public officials, civil servants and lobbyists are required to report each occurrence of lobbying, including gifts received or offered, to the Commission for the Prevention of Corruption. The commission publishes the reports and gifts disclosure in the public sector transactions record, in an open online database named ERAR. This allows for the processing and cross-checking of available public financial data. In the United States, the Supreme Audit Institution (SAI), the Government Accountability Office, relies on the accessibility of databases as well as on the informal exchange of information between entities to cross-check lobbying disclosure requirements and political contributions (Box 2.21).

Box 2.21. Cross-checking lobbying disclosures and political contributions in the United States

In the United States, the Lobbying Disclosure Act requires disclosures on both lobbying activity and political contributions. To determine whether lobbyists reported their federal political contributions, as required by the Act, the Government Accountability Office (GAO) analysed stratified random samples of year-end 2017 and mid-year 2018 semi-annual political contributions reports. The samples contained 80 reports listing contributions and 80 that listed no contributions. Contributions listed on lobbyists' and lobbying firms' political contributions reports were compared against political contributions reported in the Federal Election Commission database, to identify whether the reports omitted any contributions.

The GAO estimated that in 2018, lobbyists failed to disclose one or more reportable contributions on 33 percent of reports. Eight political contributions reports were amended in response to its review.

Source: (GAO, 2019[65]).

Audit and review of the rules and guidelines on lobbying is limited

The Lobbying Principles state that "[c]ountries should review the functioning of their rules and guidelines related to lobbying on a periodic basis and make necessary adjustments in light of experience." This makes it possible to identify strengths, loopholes and implementation gaps to meet evolving public expectations for transparency in decision-making processes, and to ensure that regulations account for the many ways in which interests can influence the policy-making process. The following trends were noted:

- A limited number of countries have carried out audits and reviews.
- External oversight has proven valuable in identifying gaps in implementation.

A limited number of countries have carried out audits and reviews

The regular review of established lobbying rules and guidelines, and how they are implemented and enforced, helps to strengthen the overall framework on lobbying and to improve compliance. Ireland has incorporated provisions for a review mechanism in its lobbying legal framework (Box 2.22); but few other countries have set up such mechanisms in their rules and guidelines.

Box 2.22. Review of the Lobbying Act in Ireland

The Lobbying Act provides (in Section 2) for regular reviews of the operations of the Act. The first review of the Act took place in 2016. The report takes into account input received by key stakeholders, including those carrying out lobbying activities and the bodies representing them. No recommendations were made by the government for amendments of the Lobbying Act. Subsequent reviews must be conducted every three years.

The first report found a high level of compliance with legislative requirements. Lobbyists highlighted the need for further education, guidance and assistance, which prompted the commission to review its communication activities and guidance to lobbyists.

In its submission to the first review of the operation of the Act, the commission recommended that any breaches of the cooling-off statutory provisions should be made an offence under the Act. It also noted the lack of power to enforce the Act's post-employment provisions or to impose sanctions for persons who fail to comply with these provisions.

The Code of Conduct for persons carrying out lobbying activities, which came into effect on 1 January 2019, will also be reviewed every three years.

Source: (Standards in Public Office Commission, 2019[63]).

To understand the factors that influence compliance, other countries may conduct reviews on an *ad hoc* basis, for example by publishing information and analyses of their monitoring and enforcement activities in their annual reports, or by organising workshops with stakeholders. Most countries that undertake internal reviews of their lobbying framework include the feedback of those who are covered by lobbying-related regulations. In Canada, for example, the Office of the Commissioner of Lobbying updated its guidance documents in 2018-2019 on how to mitigate conflicts of interest related to preferential access, political activities and gifts. This change was made to reflect feedback received from lobbyists who contacted the Office directly for advice and to make the guidance easier to apply. The Office also consulted with stakeholders, including counterparts and associations representing lobbyists (Office of the Commissioner of Lobbying of Canada, 2019[58]).

In 2018, France's HATVP organised two working sessions with 19 lobbyists from various sectors to gather their feedback and expectations of support, to reflect on any difficulties they had encountered and to discuss tools that would facilitate disclosures of lobbying activities (HATVP, 2019[62]). In Lithuania, both the Special Investigation Service and the Chief Official Ethics Commission have stated that the Law should be improved. As a result, the Government instructed the Ministry of Justice to organise consultations between relevant institutions, businesses and civil society organisations to prepare amendments to the Law, to increase the effectiveness of supervision (Chief Official Ethics Commission, 2019[57]).

External oversight has proven valuable in identifying gaps in implementation

External reviews have the potential to assess whether lobbying frameworks have achieved their intended objectives, as well as to assess their continued relevance. This can take the form of external audits performed by supreme audit institutions or reports by a parliamentary commission. In the United States, for example, the compliance monitoring approach includes annual reviews of lobbyists' compliance with disclosure requirements conducted by the GAO, which is also an opportunity to assess the adequacy of resources to enforce compliance and the effectiveness of compliance activities. In its latest report, it stated that the Attorney's Office for the District of Columbia had sufficient resources to enforce the Lobbying Disclosure Act, which includes imposing civil or criminal penalties for non-compliance (GAO, 2019[65]).

In other countries, external reviews are not systematic and take place on an *ad hoc* basis. In 2020, the Australian National Audit Office (ANAO) released an audit report to examine how effectively the Attorney-General's Department's had implemented the recommendations of an audit report published in 2018. Members of the public had the opportunity to contribute to the audit by submitting their input on an online portal (ANAO, 2018[61]; ANAO, 2020[67]). In Ireland, at the request of the Audit and Risk Committee of the Office of the Ombudsman, the external auditors to the committee were asked to carry out an audit review of the administrative procedures of the Standards in Public Life Commission's operational and statutory activities on lobbying. In Canada in September 2020, the House of Commons Standing Committee on Access to Information, Privacy and Ethics began a study on "Questions of conflict of interest and lobbying in relation to pandemic spending". The committee also requested preliminary recommendations from the commissioner of lobbying to improve the Lobbying Act (Office of the Commissioner of Lobbying of Canada, 2021[68]).

In some cases, the reviews noted how the lobbying provisions had failed to live up to the initial objectives of the lobbying framework (Box 2.23) and made proposals to improve the transparency framework for lobbying activities (Box 2.24 and Box 2.25). Given the potential of external reviews to identify gaps in implementation, regular exercises by SAIs and other oversight bodies could help increase transparency in policy making.

Box 2.23. Parliamentary review sheds light on the limitations of France's legal framework

The preliminary conclusions of a parliamentary review of the lobbying legislative framework, currently under way, concurred with the HATVP's own assessments that progress still needs to be made to enable a legislative footprint, the initial objective of the lobbying framework. The report concludes that the "promising legislative framework has, in fact, been implemented in a limited way, and has not been able to achieve the objectives of the legislator".

The findings revealed that many actors and actions aiming to influence the legislative process were not accounted for in the legislative framework. For example, hearings made at the request of a member of Parliament are not included in the definition of lobbying, even if the practice is frequent. These communications may take the form of briefing notes or proposed amendments sent by a company or organisation at the request of a parliamentarian or a hearing one might organise as part of legislative work. They might also include a phone call at the initiative of an employee of a public official covered by the lobbying legislative framework, asking for clarification after a meeting with the representative of a company or organisation. In the event of a potential breach, this exclusion makes it difficult to trace who initiated a meeting or phone exchange, especially when relations between a parliamentarian and an interest representative are well established. It also creates distortions between lobbyists. Those who have built close, regular contacts with decision makers may have fewer reporting obligations than interest groups with more limited contacts, who are almost always the initiators of such exchanges.

Source: (HATVP, 2019[62]; Waserman, 2020[69]).

Box 2.24. The Parliament Working Group on Lobbying Transparency Regulation in Latvia

In September 2019, the parliament of Latvia created a Working Group on Lobbying Transparency Regulation. This followed earlier attempts to regulate lobbying, including several concept papers published by the Corruption Prevention and Combating Bureau, and a draft "Lobbying Transparency Law" submitted in 2014 to the Government Cabinet, which failed to obtain sufficient political support.

The 2019 Working Group includes representatives of all parliamentary groups, state institutions such as the State Chancellery, the Corruption Preventing and Combating Bureau, the Ministry of Justice and constitutional experts and representatives of Transparency International Latvia.

Up to January 2021, nine meetings of the Working Group were held, including three meetings organised online due to the COVID-19 crisis. Several consultation meetings were organised in February 2021 with non-governmental organisations and business associations, including a meeting organised by the NGO Civic Alliance Latvia. After this series of public consultations, work on the draft law resumed, and a draft "Interest Representation Transparency Law" is expected to be finalised in 2021.

The parliament's Analytical Service also produced a study on "Lobbying regulation and trends in Latvia and Europe", which aims to help set up a new framework on lobbying in Latvia.

Source: Information provided by Latvia in the OECD 2020 Survey on Lobbying; Analytical Service's report: https://www.saeima.lv/petijumi/Lobesana_Latvija_un_Eiropa_2019.pdf; Working Groups webpage: https://aizsardziba.saeima.lv/darba-grupa-lob%C4%93%C5%A1anas-atkl%C4%81t%C4%ABbas-likuma-izstr%C4%81dei .

Box 2.25. Netherlands proposal to improve equity and transparency in policy making

In 2015, two members of Parliament published a consultation document – "Lobby in daylight: Listen and show" – with a set of proposals to increase transparency in lobbying activities, including:

- For each major policy topic and bill (or amendment thereof), include in the explanatory notes a "lobbying section" indicating which interests have contributed and how their proposals were considered.
- Publish the agendas of ministers.
- Publish members of Parliament's meetings with lobbyists.

The proposals had three main goals, with the objective to "listen to different interests and show how the interests have been weighed":

- Give all interests equal opportunity to influence legislation and decision making, not just powerful interest groups and large organisations.
- Gather input from a broad set of interests, to increase the quality of the proposals.
- Better inform the House of Representatives in its role of assessing the proposals and positions of different interests.

Source: Netherlands Parliamentary Monitor, https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vk04eb7xyfwj

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3 Integrity

This chapter assesses the level of implementation in countries of the integrity principles of the Recommendation on Principles for Transparency and Integrity in Lobbying. It highlights the current challenges faced by governments to ensure that public officials interact with lobbyists with impartiality and in the public interest. The findings show that public officials need an integrity framework adapted to the specific risks of lobbying and other influence activities. The chapter also examines how lobbyists and companies have complied with their obligation to influence the public decision-making process with integrity and identifies the need for a more comprehensive, clearer integrity framework to guide their interactions with public officials.

Introduction

Apart from enhancing the transparency of the policy-making process, the strength and effectiveness of the process also rests on the integrity of both public officials and those who try to influence them. The OECD Recommendation on Principles for Transparency and Integrity in Lobbying [OECD/LEGAL/0379] (hereafter "Lobbying Principles") asks Adherents to "foster a culture of integrity in public organisations and decision-making", by providing principles, rules, standards and procedures that give public officials clear directions on how they are permitted to engage with lobbyists (Principle 7). Similarly, the Lobbying Principles also call on lobbyists to "comply with standards of professionalism and transparency; [as] they share responsibility for fostering a culture of transparency and integrity in lobbying" (Principle 8). To achieve compliance with rules and standards of conduct, the Lobbying Principles also call on Adherents to: "implement a coherent spectrum of strategies and practices" (Principle 9), which include "properly resourced monitoring and enforcement"; raising "awareness of expected rules and standards"; enhancing "skills and understanding of how to apply them"; and encouraging "organisational leadership to foster a culture of integrity and openness in public organisations".

The OECD Recommendation on Public Integrity [OECD/LEGAL/0435] also provides measures for cultivating a culture of integrity across government and the whole of society (OECD, 2017[1]). The measures include setting clear integrity standards and procedures, investing in integrity leadership, promoting a professional public sector dedicated to the public interest, and communicating and raising awareness of the standards and values. As for lobbyists and companies, the Recommendation on Public Integrity calls on Adherents to promote a whole-of-society culture of integrity, by encouraging the private sector to uphold public integrity values in their interactions with the public sector.

The 2014 report monitoring the implementation of the Lobbying Principles found that there was insufficient emphasis on establishing standards for public officials in their interactions with lobbyists. The report concluded that if the framework for openness and access employed too narrow a focus, for example examining only transparency and lobbying registers, it risked overlooking the role of integrity standards in ensuring that public decision-making processes promote inclusiveness and accountability. Another case of concern regarding the fairness and impartiality of decision making was the practice of "revolving doors" – the movement of public officials between the public and private sectors (OECD, 2014[2]). As for lobbyists, the 2014 report also found that the codes of conduct both of the association to which lobbyists belonged and the company that employed them were the primary sources for lobbyists of formal integrity guidance. The report noted that lobbyists felt these codes offered somewhat meaningful guidance on how to conduct day-to-day lobbying activities. While the guidance seemed to be clear, its application was voluntary and not stringent enough to change the behaviour of those who abuse legitimate means of influence.

Since then, the lobbying landscape has evolved and more actors are trying to influence policy makers, using practices beyond the traditional definitions of "lobbyists" and "lobbying". While legislation, policies and guidelines on public integrity have been established, less is available on the interaction between public officials and lobbyists. Undue influence persists in many countries, undermining the public's trust in the policy decision-making process. As a result, both governments and lobbyists need not only to face the limitations of their integrity frameworks in the policy-making context but also to strengthen them, to ensure the integrity and inclusiveness of public policies, notably:

- Public officials need an integrity framework adapted to the risks of lobbying and other influence activities.
- Companies and lobbyists need a full integrity framework to engage in policy making.

Public officials need an integrity framework adapted to the risks of lobbying and other influence activities

The Lobbying Principles call on public officials to "conduct their communication with lobbyists in line with relevant rules, standards and guidelines in a way that bears the closest scrutiny". Public officials should "cast no doubt on their impartiality to promote the public interest, share only authorised information and not misuse 'confidential information', disclose relevant private interests and avoid conflict of interest". They should also "set an example by their personal conduct in their relationship with lobbyists." While the great majority of public officials follow these principles, in some cases, public officials do not abide by them, casting doubt on the impartiality and overall integrity of the public decision-making process.

In addition, the Lobbying Principles call on countries to establish restrictions on revolving-door practices. Such restrictions may include a "cooling-off" period that temporarily restricts former public officials from lobbying their past organisations, as well as a similar temporary cooling-off period on appointing or hiring a lobbyist to fill a regulatory or advisory post. Many countries have established such rules and procedures; but revolving door practices still exist.

Countries can continue efforts to strengthen the integrity of public decision-making process frameworks by addressing the following challenges:

- Few countries have specific integrity standards for public officials on lobbying activities.
- Public officials require additional guidance to assess the reliability of information.
- Rules on gifts, invitations and hospitalities are robust, but need continuous attention.
- The revolving door is still a concern, despite strict standards for managing conflicts of interest.
- Guidance, capacity building and awareness raising can be increased.

Few countries have specific integrity standards for public officials on lobbying activities

All countries have developed standards of conduct and values for their public service and public officials, in which integrity and impartiality are usually promoted. Such standards indicate the expectation that all public officials' actions, related primarily to decision making, should be impartial and made in the public interest. This is in line with the OECD Recommendation on Public Integrity [OECD/LEGAL/0435], which requires Adherents to set standards of conduct, to clarify expectations and to serve as a basis for disciplinary, administrative, civil and/or criminal investigations. These standards and values are usually defined in legal and/or administrative systems, such as statutes and general acts on public service, as well as in the constitution, labour laws, special service or public service regulations, administrative procedure laws and codes of conduct/ethics (OECD, 2020[3]). General integrity standards and values for public officials can inform and set the boundaries of acceptable behaviour when interacting with representatives of special interest groups.

Standards can also be adapted to sectors or functions in the executive and legislative branches, and to higher and more politically exposed positions. For example, elected or appointed political officials (e.g. members of Government, members of Parliament, political advisors) are central to public decision making, set the political agenda and have access to confidential information. The OECD Recommendation on Public Integrity [OECD/LEGAL/0435] asks its Adherents to "[d]emonstrate commitment at the highest political and management levels within the public sector to enhance public integrity and reduce corruption, in particular through: establishing clear expectations for the highest political and management levels that will support the public integrity system through exemplary personal behaviour, including its demonstration of a high standard of propriety in the discharge of official duties". Therefore, higher expectations to serve the public interest are invested in the highest political levels, which may call for higher standards specifically tailored to the positions they occupy. Such standards exist in several countries (Table 3.1 and Box 3.1).

Table 3.1. Countries with standards of conduct for the highest political positions

	Executive branch	Legislative branch
Australia	Statement of Ministerial Standards Statement of Standards for Ministerial Staff	No specific standard
Austria	No specific standard	No specific standard
Brazil	Code of Conduct for the Senior Federal Administration	No specific standard
Belgium	No specific standard	Deontology Code for Members of the House of Representatives
Canada	Prime Minister Guide on Open and Accountable Government (for Ministers and Ministers of State)	Conflict of Interest Code for Members of the House of Commons Ethics and Conflict of Interest Code for Senators
Chile	No specific standard	No specific standard
Colombia	No specific standard	No specific standard
Costa Rica	No specific standard	No specific standard
Czech Republic	No specific standard	No specific standard
Denmark	No specific standard	No specific standard
Estonia	No specific standard	No specific standard
Finland	No specific standard	No specific standard
France	Deontology charter for members of the government	Deontology Code for Deputies (*Code de déontologie des députés*)
Germany	Guidelines for Supervisors and Heads of Public Authorities/Agencies	Code of Conduct of the German Bundestag and the relevant rules for implementing it
Greece	No specific standard	Code of Conduct for Members of the Parliament
Hungary	Code of Conduct for Government Officials	No specific standard
Ireland	Code of Conduct for Councilors Code of Conduct for Office Holders	Code of Conduct for Members of Dáil Eireann other than Office Holders Code of Conduct for Members of Seanad Éireann
Iceland	Code of Conduct for Ministers	Code of Conduct for Members of the Althingi
Israel	No specific standard	No specific standard
Italy	No specific standard	No specific standard
Japan	No specific standard	No specific standard
Korea	No specific standard	No specific standard
Latvia	No specific standard	No specific standard
Lithuania	Code of Conduct for State Politicians	No specific standard
Luxembourg	No specific standard	Code of Conduct for Members of Parliament relating to financial interests and conflicts of interest
Mexico	No specific standard	No specific standard
Netherlands	No specific standard	No specific standard
New Zealand	Code of Conduct for Ministerial Staff	No specific standard
Norway	No specific standard	No specific standard
Peru	No specific standard	Parliamentary Code of Ethics (*Código de Ética Parlamentaria*)
Poland	No specific standard	No specific standard
Portugal	Government Code of Conduct	No specific standard
Romania	Memorandum on adopting the Code of Conduct for the members of the Romanian Government (2019)	Decision No. 77/2017 regarding the Code of Conduct of the members of the Romanian Parliament
Slovak Republic	No specific standard	No specific standard
Slovenia	Code of Ethics of the Holders of Public Office in the Government of the Republic of Slovenia and the Ministries	Ethical Code for the Members of the National Assembly of the Republic of Slovenia
Spain	No specific standard	Code of Conduct for Members of the Congress and the Senate
Sweden	No specific standard	No specific standard
Switzerland	No specific standard	No specific standard
Turkey	No specific standard	No specific standard
United Kingdom	Ministerial Code	Code of Conduct for Members of Parliament

	Executive branch	Legislative branch
	Code of Conduct for Special Advisors	Code of Conduct for Members of the House of Lords
United States	No specific standard	House of Representatives Ethics Manual Senate Rules and Standards of Conduct
EU	Code of Conduct for Members of the EC	Code of Conduct for Members of the European Parliament on financial interests and conflicts of interest

Source: Additional research by the OECD Secretariat.

Box 3.1. Specific codes set high standards of conduct for exposed political positions

The Australian Statement of Ministerial Standards

Considering that ministers are "entrusted with considerable privilege and wide discretionary power", the Australian Statement of Ministerial Standards includes ethical principles such as acting with integrity, observing fairness, accepting accountability and responsibility, and advancing the public interest.

The Code of Conduct for Members of Government in Portugal

The Code of Conduct for Members of Government in Portugal also applies to senior managers of the public administration under the responsibility of the Government, as well as directors and managers of public institutes and state-owned companies.

The UK Ministerial Code

In the United Kingdom, new prime ministers issue their own Ministerial Code, setting out the rules and standards that are expected from all ministers. "The Seven Principles of Public Life," which apply to anyone who works as a public office holder, whether elected or appointed, nationally and locally, are annexed to the Code.

The Brazilian Code of Conduct for the Senior Federal Administration

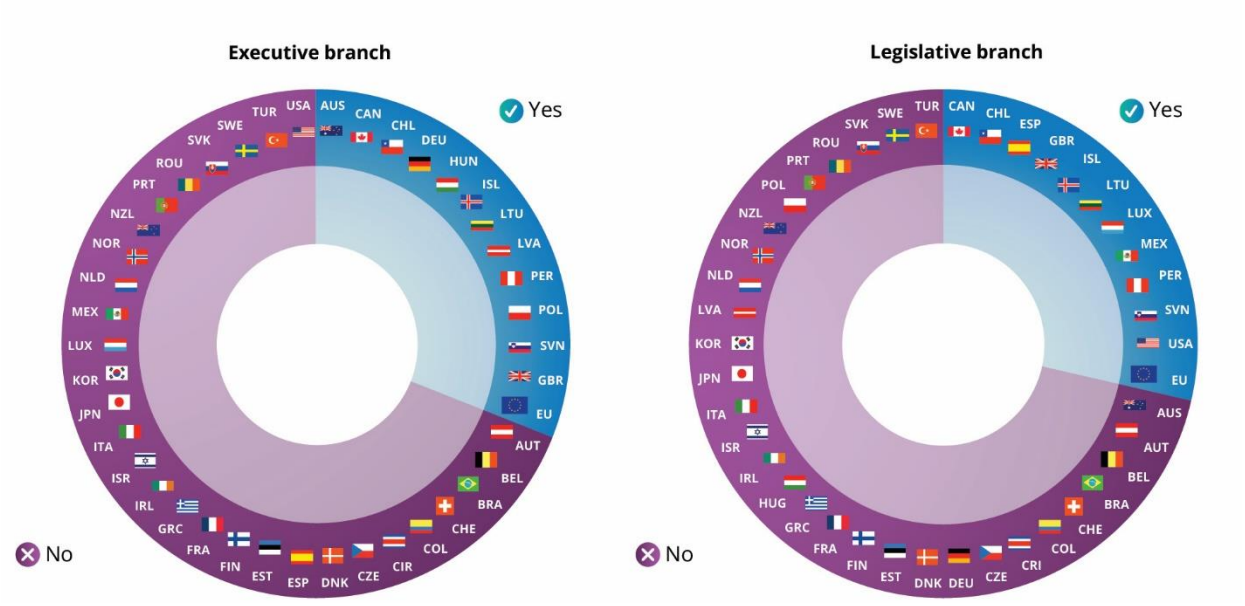
In Brazil, the Code of Conduct for the Senior Federal Administration sets explicit standards of conduct to ensure "the integrity and fairness of the governmental decision-making process". The Code applies to ministers and secretaries of state, executive secretaries, presidents and directors of national agencies, as well as state-owned companies.

Source: (Government of the United Kingdom, 2018[4]); OECD 2020 Survey on Lobbying.

Specific standards, in the form of principles, rules or procedures, are needed to regulate lobbying activities. The Lobbying Principles indicate that Adherents should provide such standards to give public officials clear directions on how they are permitted to engage with lobbyists. Integrity standards and ethical obligations on lobbying may be included in a specific lobbying law or lobbying code of conduct, or included in the general standards for public officials, such as laws or codes of conduct for public officials. Only a few countries have developed such specific standards (Figure 3.1 and Table 3.2).

Figure 3.1. More standards are needed for public officials on their interactions with lobbyists

Specific duties and standards of conduct related to lobbying activities for public officials



Source: Additional research by the OECD Secretariat.

Table 3.2. Specific standards for public officials on their interactions with lobbyists

	Executive branch	Legislative branch
Australia	Australian Government Lobbying Code of Conduct	No specific standard
Austria	No specific standard	No specific standard
Belgium	No specific standard	No specific standard
Brazil	No specific standard	No specific standard
Canada	Prime Minister's Guide on Open and Accountable Government (for ministers and ministers of state)	Conflict of Interest Code for members of the House of Commons Ethics and Conflict of Interest Code for Senators
Chile	Law regulating lobbying and the representation of private interests before authorities and civil servants.	Law regulating lobbying and the representation of private interests before authorities and civil servants.
Colombia	No specific standard	No specific standard
Costa Rica	No specific standard	No specific standard
Czech Republic	No specific standard	No specific standard
Denmark	No specific standard	No specific standard
Estonia	No specific standard	No specific standard
Finland	No specific standard	No specific standard
France	No specific standard	No specific standard
Germany	Anti-Corruption Code of Conduct (Annex 1 to the Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration)	No specific standard
Greece	No specific standard	No specific standard
Hungary	Governmental Decree (50N/A2013 (II.25)) on the system for management of integrity in administrative bodies and rules of procedure for reception of lobbyists	No specific standard
Ireland	No specific standard	No specific standard
Iceland	Code of Conduct for Staff in the Government Offices of Iceland	Code of Conduct for Members of the Althingi
Israel	No specific standard	No specific standard
Italy	No specific standard	No specific standard

	Executive branch	Legislative branch
Japan	No specific standard	No specific standard
Korea	No specific standard	No specific standard
Latvia	Cabinet Regulations No. 1 "Values of State Administration and Fundamental Principles of Ethics"	No specific standard
Lithuania	Law on Lobbying Activities	Law on Lobbying Activities
Luxembourg	No specific standard	Code of conduct for Luxembourg MPs on financial interests and conflicts of interest
Mexico	No specific standard	Rules of Procedure of the Senate and the House of Representatives, and related Agreements on Lobbying
Netherlands	No specific standard	No specific standard
New Zealand	No specific standard	No specific standard
Norway	No specific standard	No specific standard
Peru	Law regulating the management of interests in public administration	Law regulating the management of interests in public administration
Poland	Act on Legislative and Regulatory Lobbying	No specific standard
Portugal	No specific standard	No specific standard
Romania	No specific standard	No specific standard
Slovak Republic	No specific standard	No specific standard
Slovenia	Integrity and Prevention of Corruption Act	Integrity and Prevention of Corruption Act
Spain	No specific standard	Code of Conduct for members of the Congress and the Senate
Sweden	No specific standard	No specific standard
Switzerland	No specific standard	No specific standard
Turkey	No specific standard	No specific standard
United Kingdom	Seven Principles of Public Life Civil Service Code	Code of Conduct of the House of Commons Code of Conduct for Members of the House of Lords
United States	No specific standard	House of Representatives Ethics Manual Senate Rules and Standards of Conduct
EU	EC Transparency Rules	Rules of procedure of the European Parliament (Rule 11 Members' financial interests and Transparency register)

Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Depending on the type of document in which they are included, standards for public officials and their interactions with lobbyists may include:

- the duty to treat lobbyists equally by granting them fair and equitable access
- the obligation to refuse meetings with unregistered lobbyists
- the obligation to report violations to competent authorities
- the duty to register their meetings with lobbyists (through a lobbying registry or open agendas) (Annex Table A A.5).

Public officials require additional guidance to assess the reliability of information

In their interactions with public officials, lobbyists share their expertise, legitimate needs and evidence about policy problems and how to address them. This provides public officials valuable information on which to base their decisions. At times, they may abuse this legitimate process to provide unreliable or inaccurate information. For example, lobbyists may highlight selective findings of scientific studies, dismissing any doubts or criticisms in these studies. They may also support and promote studies that challenge scientific arguments unfavourable to their interests, or highlight the results of studies financed by their own centres and institutes and other organisations, such as think tanks. Findings of studies funded

by a related industry have been shown to be more likely to be favourable to that industry (Vartanian, Schwartz and Brownell, 2007[5]), with a benefit/risk balance up to four times higher than studies conducted independently (Lexchin et al., 2003[6]). Public officials may not be aware that the external analysis they consider useful guidance may be biased by private actors, or they may simply not have the time to assess the credibility of sources, and as a result base their decision on biased or false evidence.

When asked about the main risks involved when stakeholders influence policy making, more than a quarter of Parliamentarians cited biased evidence and data (26%), narrowly behind privileged access to policy makers (30%) and lack of transparency (29%). A study conducted in Canada found that 60% of Canadian Parliamentarians consider the challenge of navigating information that may be biased or spun to influence their thinking one of the main barriers to effective, evidence-based decision making (Box 3.2).

Box 3.2. How Canadian Members of Parliament use information

In Canada, an NGO promoting the transparent use of evidence by governments conducted a research project exploring how Canadian Members of Parliament (MPs) find and use information in their work. Based on one-on-one interviews, the study found that while MPs display a commitment to using strong evidence, nearly 60% noted the challenge of evaluating information that may be biased or spun to influence their thinking as a major barrier to effective evidence-based decision making in practice. Credibility was cited by MPs as the most valuable factor in evaluating a source, while managing time constraints and information overload in using science and evidence in their work were also cited as issues.

Among other recommendations, the study suggests that training for policy experts on how to evaluate information could be helpful, especially for policy makers with no background in scientific research.

Source: (Girling and Gibbs, 2019[7]).

Many governments lack the necessary infrastructure to build connections between the supply and demand for evidence in the policy-making process (OECD, 2020[8]). Moreover, few governments provide concrete standards for public officials in assessing evidence provided by third parties. In the Netherlands, the Code of Conduct on Integrity in Central Government reminds public officials to consider indirect ways they may be influenced by special interest groups, for example, by financing research (Box 3.3).

Box 3.3. The Dutch Code of Conduct reminds public officials to consider indirect influence

Dealing with lobbyists

"You may have to deal with lobbyists in your work. These are advocates who try to influence decision making to their advantage. That is allowed. But are you always aware of that? And how do you deal with it?

Make sure you can do your work transparently and independently. Be aware of the interests of lobbyists and of the different possibilities of influence. This can be done very directly (for example by a visit or invitation), but also more indirectly (for example by co-financing research that influences policy).

Consult with your colleagues or supervisor where these situations may be present in your work.

Sometimes it is in the public interest to avoid contacts with lobbyists."

Source: Extracts from the Dutch Code of Conduct on Integrity in Central Government, https://zoek.officielebekendmakingen.nl/stcrt-2019-71141.html.

Similarly, in November 2019, Australia published specific guidelines to counter foreign interference in the Australian university sector, in order to, among other objectives, "deter and detect deception, undue influence, unauthorised disclosure or disruption" to research in Australian universities (Box 3.4).

Box 3.4. Australia's guidelines to counter foreign interference in the universities

In August 2019, the Australian Government set up a taskforce to provide guidelines for universities against foreign interference, including representatives of universities, national security organisations and the Department of Education. In a context where "foreign actors are pursuing opportunities to interfere with Australian decision makers across a range of sectors in Australian society – including the university and research sectors", the guidelines published in November 2019 aim to support universities and decision makers in assessing and providing adequate responses to the risks of foreign interference. They focus on four main areas:

- cybersecurity
- research and intellectual property
- foreign collaboration
- culture and communication.

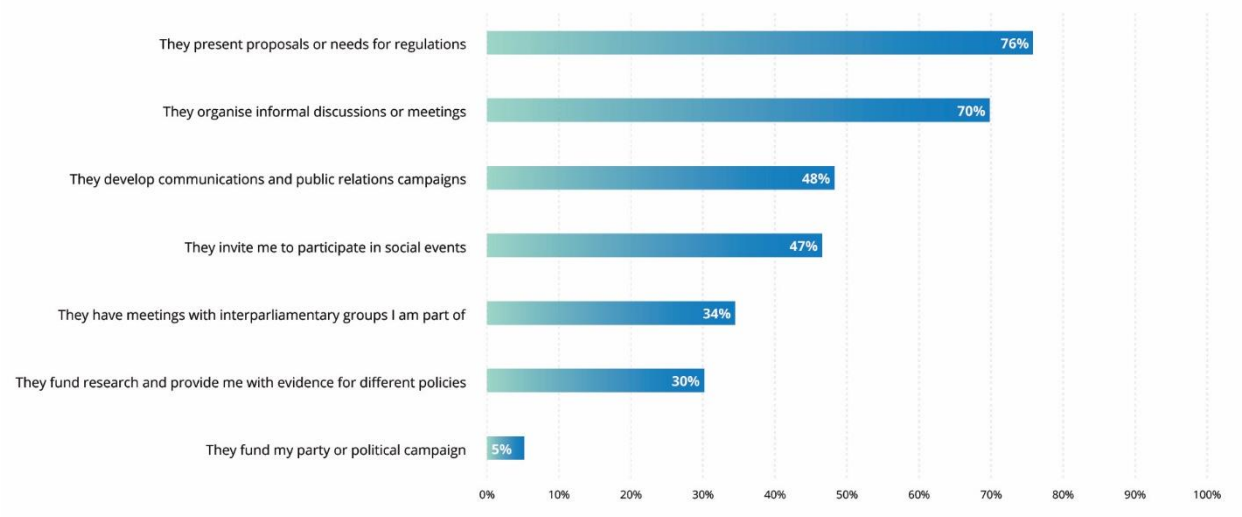
Source: Australian Government Department of Education, Skills and Employment, The University Foreign Interference Taskforce, https://www.education.gov.au/ufit.

During the COVID-19 crisis, some countries developed detailed guidelines, at the government or the organisational level, for policy makers and health authorities on decision making in times of crisis. For example, Ireland's Department of Health published an "Ethical framework for decision making in a pandemic", which includes ethical principles and procedural values to be applied in decision-making processes during a pandemic (Government of Ireland Department of Health, 2020[9]).

Rules on gifts, invitations and hospitalities are robust, but need continued attention

Beyond direct engagement with public officials, an additional strategy for influencing public officials is to offer incentives such as gifts and benefits. This strategy also involves creating opportunities for public officials and lobbyists to engage with each other, for example by inviting decision makers to participate in seminars and conferences. Members of Parliament surveyed noted that issuing invitations to participate in social events was a common practice used to influence their decisions (Figure 3.2).

Figure 3.2. Common practices used to influence Members of Parliament's decisions



Note: Members of Parliament were asked to answer the following question (three answers possible): "It is common for parliamentarians to be approached by lobbyists and other actors with the aim of influencing their decisions. What are the three most common practices that actors use to influence your decisions?"
Source: OECD 2020 Survey on Lobbying.

In most countries, a gift and benefit policy is set out in specific civil service laws or codes of conduct (Box 3.5). These provisions usually include the following aspects:

- a prohibition on accepting gifts, or on accepting gifts beyond a certain value;
- a duty to report gifts received and/or a threshold under which gifts can be accepted without being reported;
- specific provisions and conditions on invitations to participate in public events and associated social events.

Box 3.5. The Dutch Code of Conduct on Integrity has guidelines on accepting gifts and benefits

In relation to specific gifts, the Netherlands' Code of Conduct on Integrity in the Central Public Administration notes that public officials may receive invitations (excursions, trips, dinners and invitations to events) from third parties and encourages government officials to discuss these invitations in advance with their manager. As an example, the Code cites "attending a sports event in the VIP lounge at the invitation of an external business relation" as a sensitive issue.

The Code of Conduct also recognises that it may be useful and desirable for civil servants to be invited for their expertise as a speaker or member of an expert panel, in commercially organised conferences and symposiums, for example, if the activity is important for developing, explaining or disseminating policies. However, the Code also includes principles for accepting requests for speaking at conferences. Public officials must discuss this in advance with their manager, who then determines whether the invitation can be accepted. The public official should not receive any financial compensation.

The final decision lies with management; here too, transparency and openness are necessary to make a detailed assessment.

Source: Netherlands Code of Conduct for Integrity in the Central Public Administration, https://www.government.nl/documents/decrees/2017/02/10/code-of-conduct-for-integrity-in-the-central-public-administration-2016.

Countries with a specific framework on lobbying and rules on the acceptance of gifts, benefits and other advantages may impose specific conditions and/or restrictions on such activities by lobbyists. This is the case, for example, in the United States. The ethical rules of the U.S House of Representatives impose stricter rules on gifts and travel offered by a registered lobbyist or an agent of a foreign principal (Box 3.6).

Box 3.6. US House of Representatives' rules prohibiting gifts and travel from lobbyists

The US House of Representatives Ethics Manual explicitly prohibits gifts offered by lobbyists. A Member, officer or employee of the House of Representatives may not accept any gift from a registered lobbyist, agent or a foreign principal, or a private entity that retains or employs such individuals. Other gifts that are expressly prohibited include:

- anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer or employee of the House;
- charitable contributions made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation or other specification of a Member, officer or employee of the House;
- a contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer or employee;
- a financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat or similar event, sponsored by or affiliated with an official congressional organisation, for or on behalf of Members, officers or employees of the House.

Members, officers and employees may accept virtually any gift below USD 50 from other sources, with a limitation of less than USD 100 in gifts from any single source in a calendar year.

Invitations to travel, both in their official and personal capacities, are considered as gifts to Members, officers and employees, and are thus subject to the same prohibitions as other gifts.

Source: US House of Representatives Gift Rule.

The revolving door is still a concern, despite strict standards for managing conflicts of interest.

A “conflict of interest” involves a conflict between the public duty and private interests of a public official, in which public officials have private-capacity interests that could improperly influence the performance of their official duties and responsibilities (OECD, 2004[10]). In this case, the influence is not exercised by another party or lobbyist, but by the private and conflicting interests of the public official. The Lobbying Principles state that public officials should disclose relevant private interests and avoid conflicts of interest. All countries have standards, rules and procedures to deal with conflicts of interest (OECD, 2015[11]). Given their discretionary powers, elected officials and senior civil servants are at greater risk of facing conflicts of interest. In general, a majority of countries have set up regulations specifically dealing with conflicts of interest for members of cabinet, senior civil servants, appointed public officials, and members of parliament (Figure 3.3). At the EU level, rules dealing with conflicts of interest also apply to Members of the European Commission (EC), Members of the European Parliament, as well as all EU civil servants.

During the COVID-19 crisis, some countries have included conflict-of-interest provisions in the stimulus packages that prohibit funds from being allocated to businesses controlled or owned by senior public officials and certain immediate family members. For example, the Coronavirus Aid, Relief and Economic Security (CARES) Act in the United States includes conflict-of-interest rules to ensure that companies in which high-level public officials have an equity interest may not be eligible for emergency relief.

Figure 3.3. Regulations dealing with conflicts of interest for certain categories of public officials

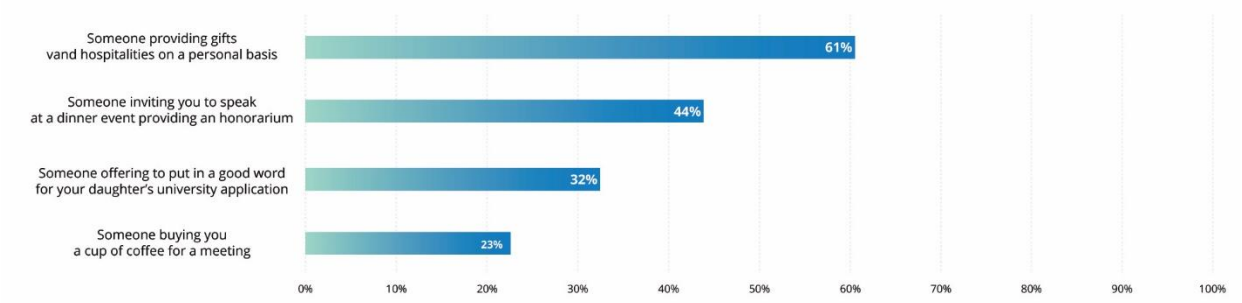
	A specific conflict of interest regulation applies to members of legislative bodies	A specific conflict of interest regulation applies to ministers or members of the cabinet	A specific conflict of interest regulation applies to appointed public officials (e.g. political advisors and appointees)	A specific conflict of interest regulation applies to senior civil servants (not elected)
Australia	✓	✓	✓	✓
Austria	✓	✓	✗	✗
Belgium	✗	✓	✓	✓
Brazil	✗	✓	✓	✓
Canada	✓	✓	✓	✓
Chile	✓	✓	✓	✓
Colombia	✓	✓	✓	✓
Costa Rica	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓
Denmark	✗	✓	✓	✓
Estonia	✓	✓	✓	✓
Finland	✗	✓	✓	✓
France	✓	✓	✓	✓
Germany	✗	✓	✗	✗
Greece	✓	✓	✓	✓
Hungary	✓	✓	✓	✓
Iceland	✗	✓	✓	✓
Ireland	✓	✓	✓	✓
Israel	✓	✓	✓	✓
Italy	✗	✓	✓	✓
Japan	✗	✓	✗	✓
Korea	✓	✓	✓	✓
Latvia	✓	✓	✓	✓
Lithuania	✓	✓	✓	✓
Luxembourg	✓	✓	✓	✓
Mexico	✗	✓	✓	✓
Netherlands	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓
Norway	✗	✓	✓	✓
Poland	✗	✗	✗	✓
Peru	✓	✓	✓	✓
Portugal	✓	✓	✓	✓
Romania	✓	✓	✓	✓
Slovak Republic	✓	✓	✓	✓
Slovenia	✓	✓	✓	✓
Spain	✓	✓	✓	✓
Sweden	✓	✓	✓	✓
Switzerland	✓	✓	✓	✓
Turkey	✗	✗	✗	✗
United Kingdom	✓	✓	✓	✓
United States	✓	✓	✓	✓
✓ Yes	29	39	36	38
✗ No	12	2	5	3

Source: OECD Product Market Regulation Indicators, 2018, and additional information provided by delegates of the Working Party of Senior Public Integrity Officials (SPIO).

Conflict of interest standards normally require that a public official identifies the conflict and reports it, usually in the first instance to their manager, so the conflict can be managed or resolved (either through removal, recusal, transfer or resignation). Standards, rules and procedures require public officials to disclose their private interests to ensure transparency and allow scrutiny. Such disclosure systems are widespread throughout OECD governments. Public disclosure of interests before or upon entry into and at the end of public functions can help determine whether a public official's decision has been compromised by a private interest, such as former or outside employment, board memberships or financial investments. This helps inform the public about the public officials' interests, links and potential biases in policy making, thereby providing an additional mechanism for accountability and scrutiny. The information made public can then be reused for investigative purposes by political opponents and journalists, for research by academia and think tanks, or for accountability reasons by civil society organisations.

Even if rules and procedures have been established, public officials may still face difficulties with ethical dilemmas and unanswered questions on how to behave in specific circumstances, and to avoid putting themselves in a conflict of interest. For example, 39% of legislators surveyed declared that they have no concrete guidelines on how to behave when they are offered gifts and benefits, and 56% when being invited to speak at an event with an honorarium (Figure 3.4).

Figure 3.4. Legislators note a lack of guidelines on dealing with specific integrity dilemmas



Note: Legislators were asked the following question: "Are there any guidelines on how to react (for example: Accept offer/ Accept and include in public agenda/ Do not accept / Do not accept and report the person who offered) in everyday situations."
Source: OECD 2020 Survey on Lobbying.

One of the main risks and concerns related to conflicts of interest is the revolving-door phenomenon. The Lobbying Principles state that "[c]ountries should consider establishing restrictions for public officials leaving office in the following situations: to prevent conflict of interest when seeking a new position, to inhibit the misuse of 'confidential information', and to avoid post-public service 'switching sides' in specific processes in which the former officials were substantially involved. It may be necessary to impose a 'cooling-off' period that temporarily restricts former public officials from lobbying their past organisations. Conversely, countries may consider a similar temporary cooling-off period restriction on appointing or hiring a lobbyist to fill a regulatory or an advisory post." Movement between the private and public sectors results in many positive outcomes, notably the transfer of knowledge and experience. However, it can also provide an undue or unfair advantage to influence government policies if not properly regulated.

Ensuring integrity in the policy-making process and lobbying activities also involves establishing both rules of procedure for joining the public sector from the private sector and vice versa, as well as cooling-off periods tailored to the level of seniority.

Post-public employment

Post-employment restrictions and prohibitions can help prevent use of insider information to disadvantage a former employer or competitors, to discourage influence peddling, and to avoid the suspicion of rewarding past decisions that may benefit a prospective employer. They can take several forms:

- prohibition from conducting any lobbying activity or prohibition from influencing or defending the cause of their new company, client, business associate or employer with members of the government and staff of a public organisation with which the public official was connected;
- prohibition from using information not available to the public and obtained during their time in office;
- prohibition from giving advice using information not available to the public and obtained during their time in office, or on entities in which they were employed or had a substantial relationship;
- restrictions on certain private activities, such as accepting board membership or employment in entities with which they had significant official dealings, or engaging in consultant activities.

One of the challenges in setting-up post-employment provisions lies in finding an adequate balance between codifying rules and restrictions to safeguard the integrity of public decisions, without unduly affecting individuals' careers or public service efficiency.

In Germany, the Civil Service Act stipulates cooling-off periods for civil servants after they have left public service or have reached retirement age. For members of the government and parliamentary state secretaries, the federal government may prohibit, either wholly or in part, taking up gainful or other employment for the first 18 months after leaving office, where there is a concern that such employment will interfere with the public interest. Decisions on a prohibition are taken after a recommendation from a three-member advisory body.

In Spain, the legal framework is used to encourage companies to comply with post-public employment legislation. Law 9/2017 on public sector contracts reinforces the obligation to post the employment activities of high-ranking officials, to minimise conflicts of interest. In particular, companies that have hired anyone who is under the two-year cooling-off period and violates the prohibition on providing services in private companies directly related to the competencies of the position formerly held are prohibited from contracting with any public administration, if the violation has been published in the Official State Gazette. The prohibition on contracting will remain for as long as the person is hired, with the maximum limit of two years from their termination as a high-ranking official.

Most countries have established cooling-off measures for public officials in the executive branch, but fewer have adopted provisions for members of legislative bodies (Figure 3.5). Similarly, revolving-door measures at the EU level are provided for members of the EC, although there is no cooling-off period for Members of Parliament (Box 3.7). In the Netherlands, a circular adopted in October 2020 – "Lobbying ban on former ministries" – prohibits ministers and any officials employed in ministries to take up employment as lobbyists, mediators or intermediaries in business contacts with a ministry representing a policy area for which they previously had public responsibilities. The length of the lobbying ban is two years. The objective of the ban is to prevent retiring or resigning ministers from using their position, and the knowledge and network they acquired in public office, to benefit an organisation employing them after their resignation. The secretary-general of the relevant ministry has the option of granting a reasoned request to former ministers who request an exception to the lobbying ban (Overheid.nl, 2020[12]).

Figure 3.5. Provisions on cooling-off periods

	Members of legislative bodies	Ministers and members of Cabinet	Appointed public officials	Senior civil servants
Australia	✗	✓	✓	✓
Austria	✗	✗	✗	✓
Brazil	✗	✓	✓	✓
Belgium	✗	✗	✗	✗
Canada	✓	✓	✓	✓
Chile	✗	✗	✗	✗
Colombia	✗	✓	✓	✓
Costa Rica	✗	✗	✗	✗
Czech Republic	✗	✓	✓	✓
Denmark	✗	✗	✗	✗
Estonia	✗	✗	✗	✗
Finland	✗	✗	✗	✗
France	✗	✓	✓	✓
Germany	✗	✓	✓	✓
Greece	✗	✗	✗	✓
Hungary	✗	✓	✓	✓
Iceland	✗	✓	✓	✗
Ireland	✗	✓	✓	✓
Israel	✓	✓	✓	✓
Italy	✗	✗	✓	✓
Japan	✗	✓	✗	✓
Korea	✓	✓	✓	✓
Latvia	✓	✓	✓	✓
Lithuania	✓	✓	✓	✓
Luxembourg	✗	✓	✗	✗
Mexico	✗	✓	✓	✓
Netherlands	✗	✓	✗	✗
New Zealand	✗	✗	✗	✗
Norway	✗	✓	✓	✓
Poland	✗	✓	✗	✗
Portugal	✓	✓	✓	✓
Romania	✗	✗	✗	✓
Slovak Republic	✓	✓	✗	✗
Slovenia	✓	✓	✗	✗
Spain	✗	✓	✓	✗
Sweden	✗	✗	✗	✗
Switzerland	✗	✗	✗	✗
Turkey	✗	✗	✗	✗
United Kingdom	✗	✓	✗	✓
United States	✓	✓	✓	✓
✓ Yes	11	26	20	25
✗ No	30	19	21	16

Notes:
Countries were asked the following question: "Is there a national regulation establishing a cooling-off period after leaving office that applies to the following public officials?"
The data was extracted from the OECD Product Market Regulation Indicators (2018).
Source: OECD PMR 2018.

Box 3.7. Post-employment rules at the EU

Members of the EC

The Code of Conduct for Members of the EC observes a two-year "scrutiny period" (three years for the former Commission President) during which commissioners must notify the EC of the professional activities in which they intend to engage during this period. If the intended activity is linked to the commissioner's former portfolio, the Commission must first consult an Independent Ethical Committee before approving the activities.

Members of the European Parliament

The Code of Conduct for Members of the European Parliament (MEPs), Article 6, requires former MEPs who engage in professional lobbying activities directly linked to the EU decision-making process to inform the Parliament. During the period they are engaging in those activities, they may not benefit from the facilities and privileges granted to former MEPs. These include, for example, access to Parliament premises and use of Parliament documentation.

European civil service

Members of the European civil service leaving their position and beginning a new job within two years must obtain authorisation from the relevant institution. If the activity is related to work carried out during their last three years in service and might conflict with the legitimate interests of the institution, the institution may forbid it or approve it, subject to conditions.

Senior officials (directors-general and directors) are prohibited, in the 12 months after leaving service, from engaging in lobbying activities targeting their former institutions on matters for which they were responsible in their last three years in service.

Source: Code of Conduct for Members of the EU; Code of Conduct for Members of the European Parliament; Staff regulations for Members of the European civil service.

In cases where public officials who choose to seek private employment face a period of inactivity, it is also the practice in some countries to provide proportionate arrangements, such as indemnities, allowances or compensations involving all or part of the former salary. In France, members of the government receive an allowance for three months after termination of their public functions; the allowance is equivalent to their former monthly salary if they filed their end-of-function asset declaration to the relevant authority. However, these arrangements usually do not cover the whole cooling-off period, nor do they apply to the whole scope of functions covered by revolving-door regulations (OECD, 2020[3]). In Norway, senior public officials can be given a "temporary disqualification" for up to six months from taking a new role outside the public sector. In such cases, the official receives remuneration for this period.

Not all countries apply sanctions for violating cooling-off periods. For example, a breach of cooling-off statutory provisions is not considered an offence under the Lobbying Act in Ireland, and the Standards in Public Office Commission cannot impose sanctions on those who fail to comply with these provisions.

In countries with post-employment restrictions and established responsible functions in charge of monitoring, only 20% of governments reported that most detected breaches are in fact sanctioned. Practical challenges arise in checking all notifications of future employment or remunerated activity, and the ability of the responsible institutions to issue an informed approval, or disapproval, and sanction former officials in cases of violations. In addition, the absence of a notification, where public officials are bound by legal requirements to notify of any new private employment, and in situations that the legal framework does not cover (e.g. the former public officials are no longer within the legal period covered by the requirement

but still have useful "insider information" or the networks they have established as a public servant) pose additional challenges in enforcing revolving-door provisions.

Pre-public employment

Private sector representatives joining the public sector can also pose significant risks of conflict of interest. In some countries, revolving-door regulations also cover lobbyists joining the public sector. Provisions covering them take the form of a pre-public employment cooling-off period. Most pre-public employment measures take effect during the recruitment processes (OECD, 2015[11]). They can take various forms, such as bans and restrictions for a limited period, interest disclosure prior to or upon entry into functions, ethical guidance, pre-screening integrity checks or reference checks (Box 3.8).

Box 3.8. Restrictions on private-sector employees being hired to fill a government post

France

In France, Article 432 of the Penal Code places restrictions on private-sector employees appointed to fill a post in the public administration. For a period of three years after the termination of their functions in their previous employment, they may not be entrusted with the supervision or control of a private undertaking, with concluding contracts of any kind with a private undertaking or with giving an opinion on such contracts. They are also not permitted to propose decisions on the operations of a private undertaking or to formulate opinions on such decisions. They must not receive advice from or acquire any capital in such an enterprise. Any breach of this provision is punished by two years' imprisonment and a fine of EUR 30 000.

In 2020, the High Authority for Transparency in Public Life (HATVP) was tasked with a new "pre-nomination" control for certain high-ranking positions. A preventive control is carried out before an appointment to one of the following positions, if an individual has held positions in the private sector in the three years prior to the appointment:

- director of a central administration and head of a public entity whose appointment is subject to a decree by the Council of Ministers.
- director-general of services of regions, departments or municipalities of more than 40 000 inhabitants and public establishments of inter-municipal co-operation with their own tax system with more than 40 000 inhabitants.
- director of a public hospital with a budget of more than EUR 200 million.
- member of a ministerial cabinet.
- collaborator of the President of the Republic.

United States

Once they have taken office, former private-sector employees and lobbyists are subject to a one-year cooling-off period in situations where their former employer is a party or represents a party in a particular government matter. This restriction applies not only to former private-sector employees and lobbyists, but also to any executive branch employee who has, in the past year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee of an individual, organisation or other entity.

In the case of an employee who has received an extraordinary payment exceeding USD 10 000 from their former employer before entering government service, the employee is subject to a two-year cooling-off period with respect to that employer.

Israel

The restrictions imposed on private sector employees hired to fill a post in government vary according to the circumstances of each case. A candidate who was a partner in a law firm or an accounting firm before being appointed to public office is required to retire from the partnership and to refrain from dealings involving that business, its other partners and its employees for two years. In addition, the candidate must undertake to forgoing professional relations with the business, its partners and its employees, and not to view the accounting records, documents or any other information relating to the business. A candidate who, prior to appointment, was part of the management of a private corporation, will be required to resign from this position and to refrain from dealing with issues related to the organisation and the holders of controlling interests in the corporation for two years. These restrictions are defined in an internal document prepared (and updated) by the Ministry of Justice and are used by all government ministries and their subsidiary units.

Source: Additional research by the OECD Secretariat.

Tailored guidance and support for future public officials is also essential and may take various forms. For example, pre-public employment screening can yield tailored recommendations for portfolio or personal arrangements, to avoid potential conflicts between officials former and prospective functions. However, the effectiveness of such mechanisms depends on the human, technical and financial resources devoted to them.

Guidance, capacity building and awareness raising can be increased

The Lobbying Principles call on Adherents to raise awareness of expected rules and standards, and enhance skills and understanding of how to apply them. Guidance and training material, as well as advice and counselling, serve to provide clarity and practical examples, facilitate compliance and help avoid the risk of misinterpreting standards and policies. They give public officials the knowledge and skills necessary to manage integrity issues appropriately, and seek out advice when needed.

Most countries do provide guidance, build capacity and raise awareness of integrity standards and values for public officials. This may include induction or on-the-job training, disseminating the code of conduct, and issuing posters, computer screen-savers, employee boards, banners, bookmarks and printed calendars. Training opportunities offered to public officials and members of parliament commonly include guidelines on values and standards, expected behaviour, and concrete examples of good practices, ethical dilemmas and descriptions of potentially problematic situations. The content and regularity of training on integrity for public officials varies, and depends on the overall size of the public service, the human and financial resources dedicated to capacity-building, and whether integrity training is mandatory or voluntary, or intended for categories of public officials exposed to specific risks (OECD, 2020[3]).

Guidance and consultation are also provided by dedicated integrity bodies, units or personnel. The integrity advisory function can take different forms: within a central government body, through an independent or semi-independent specialised body; or through integrity units or advisors within line ministries. Their role is usually to provide advice on solving ethical dilemmas and to help public officials understand the rules and ethical principles of the civil service (OECD, 2020[3]).

These approaches generally cover the standards of conduct and values of the public service, but they could further enhance understanding and knowledge on the risks associated with lobbying and the behaviour expected of public officials. In countries that have developed specific integrity standards on lobbying, the majority also provide guidance on how to apply regulations and guidelines. Assistance may be available online, or by calling a specific hotline or e-mailing a dedicated contact (Figure 3.6).

Figure 3.6. Guidance for officials, lobbyists and citizens on interactions with lobbyists, in selected countries

	On a website/dedicated webpage	Calling a hotline or e-mailing an identified contact	Training opportunities offered by public authorities
Australia	✓	✓	✗
Austria	✓	✓	✗
Canada	✓	✓	✓
Chile	✓	✗	✗
France	✓	✓	✓
Germany	✓	✓	✗
Hungary	✓	✗	✓
Iceland	✗	✗	✗
Ireland	✓	✓	✓
Latvia	✗	✗	✗
Lithuania	✓	✓	✓
Luxembourg	✗	✓	✗
Mexico	✓	✗	✗
Peru	✗	✗	✗
Poland	✓	✓	✗
Romania	✓	✗	✗
Slovenia	✓	✓	✓
Spain	✗	✗	✗
United Kingdom	✓	✓	✓
United States	✓	✓	✗
EU	✓	✗	✓

Source: OECD 2020 Survey on Lobbying.

As for legislators, the majority have declared they can rely on an integrity function within their organisation or a specialised institution to guide their interactions with lobbyists. In France, for example, the HATVP provides individual confidential advice upon request to the highest-ranking elected and non-elected public officials falling within its scope, and provides guidance and support to their institution when one of these public officials requests it, within 30 days of receiving the request (HATVP, 2016[13]). In Ireland, the issue of guidance to promote awareness and understanding is embedded in the Lobbying Act, and the Standards in Public Office Commission provides tailored guidance to various categories of public officials (Box 3.9).

Box 3.9. Tailored guidance for public officials in Ireland

In Ireland, Article 17 of the Lobbying Act specifies that "the Commission may issue guidance about the operation of this Act and may from time to time revise or re-issue it", and "may make available specific information to promote awareness and understanding of this Act".

The website www.lobbying.ie contains specific guidance for public officials covered by the provisions of the Law ("designated public officials"), including:

- general guidance for public officials to ensure that they understand how the system works, how they fit into it and how they can assist in supporting implementation of the legislation
- guidance for Members of the Dáil, Members of the Seanad and Members of the European Parliament representing the Irish government
- guidance for Local Authority Members
- guidance on the cooling-off period.

Source: https://www.lobbying.ie/help-resources/information-for-dpos/.

Integrity trainings specifically addressing interactions with lobbyists are rare. Of legislators surveyed, 64% reported that they had not received training or information on how to engage with lobbyists. Most countries surveyed provide training and awareness-raising activities on specific issues, such as integrity in interactions with third parties on an *ad hoc* basis. In Slovenia, lobbying rules are reviewed twice a year at a seminar organised by the Administrative Academy (Box 3.10).

Box 3.10. Slovenia's Commission for the Prevention of Corruption training for public officials

In its mission to prevent corruption, the Commission for the Prevention of Corruption offers free education and training opportunities for all public sector organisations in Slovenia.

Once a public institution has identified specific needs, such as conflict-of-interest rules, whistle-blower protection, lobbying regulation or any other area in the scope of the commission, the entity may issue a request to the commission. The request should also highlight the specific ethical dilemmas or concerns of the institution, as well as issues that public officials have encountered in their work.

After careful examination of the needs, issues and concerns, the commission presents training options and programs to the requesting institution.

The commission regularly invites all public officials to attend a seminar organised twice a year by the Administrative Academy. All areas of the Integrity and Prevention of Corruption Act are reviewed, as well as safeguards for integrity in interactions between public officials and lobbyists. The commission is also available at any point to provide ongoing guidance and answer questions.

Source: (Commission for the Prevention of Corruption, 2020[14]).

Companies and lobbyists need a full integrity framework to engage in policy making

Companies and lobbyists are critical actors in the policy-making process, providing government with insights, evidence and data to help them make informed decisions. However, they can also at times undermine the policy-making process by abusing legitimate means of influence, such as lobbying, political financing and other activities. The Lobbying Principles call on lobbyists, and their clients, as the ordering party, not to abuse legitimate means of influence. To that end, in-house and consultant lobbyists "should conduct their contact with public officials with integrity and honesty, provide reliable and accurate information, and avoid conflict of interest in relation to both public officials and the clients they represent, for example by not representing conflicting or competing interests."

Companies and lobbyists are under an increasingly high degree of scrutiny from all stakeholders, notably their own employees, investors and the public. This has significantly increased the expectations regarding their level of and their commitment to integrity in engaging with the policy-making process. Their business culture and long-established lobbying practices face the following challenges:

- Companies and lobbyists need comprehensive, detailed integrity standards.
- Misalignment between companies' public commitments and lobbying practices reduce trust in public decision making.

Companies and lobbyists need comprehensive, detailed integrity standards

Lobbyists (whether in-house or as part of a lobbying association) require clear standards and guidelines that clarify the expected rules and behaviour for engaging with public officials. This ensures integrity in the policy-making process. As in the 2014 report, codes of conduct are the chief support of integrity in the lobbying process. Of the 144 lobbyists surveyed, 80% stated that they follow a code of conduct. This code of conduct might be issued by their employer, the lobbying association (Box 3.11), whereas or the government (Table 3.3). In some cases, lobbyists stated that they followed all three.

Box 3.11. Code of Conduct of the Society of European Affairs Professionals (SEAP)

In 1997, SEAP adopted a Code of Conduct, (since revised), that includes seven articles: integrity, transparency, accuracy, confidentiality, conflicts of interest, former EU personnel, and compliance. All SEAP members are bound by the Code.

Under the article on integrity, SEAP members are required:

- to act with honesty and integrity at all times, conducting their business in a fair and professional manner across all channels, including social media;
- to treat all others, including colleagues, competitors, and staff, officials or members of the EU institutions, with respect and civility at all times;
- not to exert improper influence on, nor offer to give, either directly or indirectly, any financial inducement to staff, officials or members of the EU institutions.

Under the article on transparency, SEAP members are required to:

- maintain the highest standards of professionalism in conducting their work with the EU institutions;
- be open and transparent in declaring their name, organisation or company, and the interest they represent;
- neither intentionally misrepresent their status nor the nature of their inquiries to the EU institutions nor create any false impression in relation thereto;
- strongly consider registering on the EU Transparency Register.

Under the article on accuracy, SEAP members are required:

- to take all reasonable steps to ensure the truth and accuracy of all statements made or information provided by them to the EU institutions;
- not to disseminate false or misleading information, either knowingly or recklessly; exercise proper care to avoid doing so inadvertently and to correct any such act promptly;
- not to obtain any information from the EU institutions by illicit or dishonest means.

Source: SEAP, https://seap.be/about-seap/our-code-of-conduct/.

Table 3.3. Standards for lobbyists developed by countries

	Lobbyists
Australia	Australian Government Lobbying Code of Conduct
Austria	Lobbying and Advocacy Transparency Law
Belgium	Code of Conduct appended to the Chamber of Representatives' Rules of Procedure
Canada	Lobbying Act Lobbyists' Code of Conduct
Chile	Law regulating lobbying and the representation of private interests before authorities and civil servants (*Ley que regula el lobby y las gestiones que representen intereses particulares ante la autoridades y funcionarios*) Code of practice for lobbyists (*Código de buenas prácticas para lobbistas*)
Colombia	No standard
Czech Republic	No standard
Denmark	No standard
Finland	No standard
France	Ethical obligations listed in Law No. 2013-907, Law on transparency, the fight against corruption and the modernisation of the economy Senate Code of Conduct for interest representatives National Assembly Code of Conduct for Interest representatives
Germany	Principles of honest representation of interests and Code of Conduct
Greece	No standard
Hungary	No standard
Ireland	Regulation of Lobbying Act Code of Conduct for persons carrying on lobbying activities under the Regulation of Lobbying Act
Iceland	No standard
Israel	Knesset Law, 57-541994, Chapter 12
Italy	Regulation of interest representation activities in the offices of the Chamber of Deputies, and associated guidelines
Japan	No standard
Korea	No standard
Latvia	No standard
Lithuania	Law on Lobbying Activities (Article 4, "Rights and duties of lobbyists"); Code of Ethics for Lobbyists
Luxembourg	No standard
Mexico	Rules of Procedure of the Senate and the House of Representatives, and related agreements on lobbying
Netherlands	No standard
New Zealand	No standard
Norway	No standard
Peru	Regulation of Law No. 28 024 regulating the Management of Interests in the Public Administration (*Reglamento de la Ley Nº 28 024 que regula la Gestión de Intereses en la Administración Pública*)
Poland	No standard
Portugal	No standard
Slovak Republic	No standard
Slovenia	Integrity and Prevention of Corruption Act
Spain	No standard
Sweden	No standard
Switzerland	No standard
Turkey	No standard
United Kingdom	Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act
United States	Lobbying Disclosure Act
EU	Code of Conduct for lobbyists

Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

As for the standards governments adhere to, the ethical obligations and integrity standards for lobbyists usually include:

- Ethical obligations related to registration, for example the duty to certify that the information disclosed is correct.
- Standards of conduct on how they interact with public officials, for example the obligation to inform public officials that they are conducting lobbying activities and the interests they represent, a duty to present accurate information or not to make misleading claims (Annex Table A A.6).

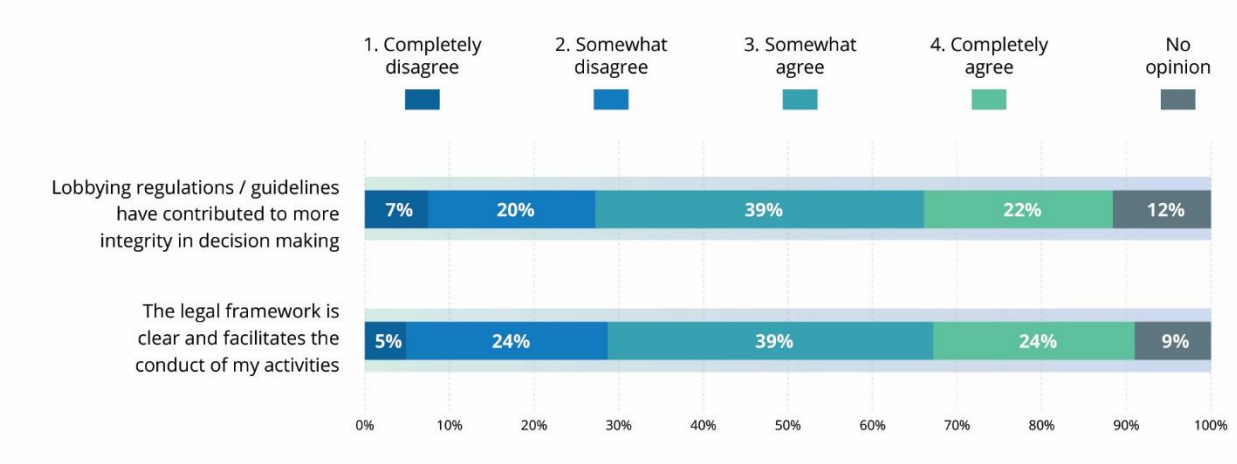
While the specific content of the standards varies depending on the organisation, there have several characteristics in common, including transparency about who the lobbyist is representing, compliance with the organisation or association's ethical principles, providing truthful and evidence-based information, and where applicable, registering in the applicable jurisdiction's lobbying register. However, in instances where lobbyists are covered by more than one code of conduct, issues of coherence and interpretation may arise. Some lobbyists noted variations in terms and definitions, as well as expectations for conduct.

Moreover, multinational companies vary widely in the lobbying policies that detail the standards they expect, depending on the industry and the region where a company is headquartered. Companies in the oil and gas, pharmaceuticals, agriculture and tobacco sectors tend to have detailed policies, while companies in the banking and finance and renewable energy sectors tend not to establish policies on lobbying. Likewise, companies that have headquarters in regions with established regulations on lobbying tend to have more detailed policies, whereas companies whose headquarters lie outside such jurisdictions often have less robust or even no policies at all to guide lobbying practices.

The divergences in these standards, coupled with inconsistent coverage, raise concerns about the quality of the standards in place for lobbyists, and suggest a need to improve standards to help lobbyists engage with integrity in their interactions with policy makers. To some degree, governments are providing guidance to lobbyists to support compliance with lobbying regulations and policies. However, the lobbyists surveyed indicated that this guidance is limited to providing instructions on how to register on the relevant portal or webpage. Only a few governments provide training on compliance, and this guidance is only forthcoming when the government itself has lobbying regulations and policies in place.

These findings suggest that additional guidance on integrity in lobbying could be of benefit to lobbyists. Only a minority of lobbyists surveyed felt that the existing regulations and guidelines were adequate to ensure integrity in decision making (Figure 3.7). Some noted difficulties in engaging with public officials and legislators, since such officials felt uncomfortable talking to lobbyists. Others noted that the regulations were not clear, failing to specify who was a lobbyist and what lobbying entailed. To address such concerns, governments must set standards to clarify what lobbying is, which rules apply, and to whom.

Figure 3.7. Lobbyists' opinion on how far lobbying regulation and policies have helped promote integrity in decision making



Source: OECD 2020 Survey on Lobbying.

While lobbying has been a core tool for engaging with governments, it is not the only method companies use to influence the policy-making process. For example, they can channel their influence by financing political parties or election campaigns, or by funding research or think tanks to generate knowledge and insights on particular policy issues. Just as with lobbying, using such measures to engage in policy making is legitimate and helps inform the policy-making process. However, financing of political parties or election campaigns that exploits legal loopholes, or funding of think tanks or research to manipulate data or evidence, is a clear violation of integrity principles. In companies with inadequate governance standards, unconstrained activities to influence policy-making processes, carried out directly or indirectly, can have serious repercussions and raise concerns for shareholders, investors and consumers. Governments could thus consider establishing standards that clarify how to ensure integrity, with a range of measures companies can use to influence public policy. Standards could cover issues such as ensuring the accuracy and plurality of views, promoting transparency in the funding of research bodies and think tanks, and managing and preventing conflicts of interest in the research process (Box 3.12). One option would be to address issues concerning the use of evidence and data, since impartial and reliable evidence is critical for designing, implementing and assessing public policy decisions (OECD, 2017[15]). The legislators surveyed noted that academic papers (78%) and think tanks' contributions (42%) are important or very important sources for formulating public policy. However, 27% of respondents also saw biased evidence and data as a major risk emerging from stakeholders who seek to influence policy making. Setting clear standards for companies on providing data and evidence could help ensure integrity in decision making.

Box 3.12. Using evidence to shape policy making: The UK's Royal Society and Academy of Medical Sciences

"Evidence synthesis" refers to the process of gathering information from a range of sources and disciplines to inform debates and decisions on various issues. Recognising the challenge of providing quality evidence synthesis to inform policy making, the Royal Society and the Academy of Medical Sciences in the United Kingdom developed a set of principles outlining the core features of good evidence synthesis to inform policy making. The aim is to ensure that those who provide research and advice to policy makers do so in an inclusive, rigorous, accessible and transparent manner.

Inclusive:

- Policy makers are involved and the information is relevant and useful to them.
- Many types and sources of evidence are considered.
- A range of skills and people are used.

Rigorous:

- The most comprehensive, feasible body of evidence is used.
- Biases are recognised and minimised.
- Evidence is independently reviewed as part of a quality assurance process.

Accessible:

- The synthesis is written in plain language, is available in a suitable timeframe and is freely available online.

Transparent:

- The research question, methods, sources of evidence and quality assurance process are clearly described.
- Complexities and areas of contention are communicated.
- Assumptions, limitations and uncertainties, including any gaps in the evidence, are acknowledged.
- Personal, political and organisational interests are declared and managed.

Applying these principles makes evidence "likely to be more credible, replicable and useful".

Source: The Royal Society and the Academy of Medical Sciences, 2018, https://royalsociety.org/topics-policy/projects/evidence-synthesis/.

Companies and trade associations can also influence policy making by recruiting former public officials on the basis of their expertise in an area, or because of their connections. Their connections, however, represent a grey area that can give rise to conflicts of interest. While many countries have established policies to address this issue, only a minority of companies have such policies. Companies and lobbyists could strengthen their recruitment policies to ensure that integrity values are applied. For example, Nestlé has clarified the expectations for recruiting former public officials in its lobbying policy, noting that "If employing former public officials, measures should be taken to fully understand and comply with the rules and regulations laid down by the government, the relevant institution and with established best practices, in particular with regards to confidentiality and potential conflict of interest" (Nestlé, 2017[16]).

Companies are under significant public scrutiny for a variety of reasons. Reviewing a company's lobbying activities is becoming standard practice. For example, some shareholders of publicly listed companies have become particularly active in recent years by putting resolutions to vote and demanding increased transparency in lobbying activities (Australasian Centre for Corporate Responsibility, 2020[17]; Bloomberg, 2020[18]). Investors have similarly started to consider lobbying activities when assessing a company's sustainability profile, as well as the use of tools to improve transparency and to challenge questionable behaviour. Investors such as the Climate Action 100+, a group of 545 investors responsible for nearly USD 52 trillion in combined assets under management, have similarly started to consider lobbying activities in assessing a company's sustainability and risk profile (InfluenceMap, 2020[19]).

This higher level of scrutiny needs to be accompanied by better standards and accountability mechanisms to ensure that lobbying activities do not conflict with companies' broader societal engagements. While numerous benchmarks are used to measure companies, if applied inconsistently, they can prevent forming a coherent and comprehensive approach, leaving too companies with too many risks and uncertainties. The Lobbying Principles' further standards, which are comprehensive, detailed and realistic, may be needed to guide lobbyists and companies' progress in this area.

Misalignment between companies' public commitments and lobbying practices reduce trust in public decision making

The Lobbying Principles state that lobbyists and companies also have an obligation to encourage a culture of integrity in lobbying, and maintain trust in public decision making in their relations with public officials, with other lobbyists and companies, and with the public. However, a company that publicly commits itself to an issue, then simultaneously lobbies against it, can compromise its relationship with the public. Trust in the public decision-making process also suffers. This misalignment can raise serious credibility issues for companies, and have an impact on investor and consumer decisions. The main cause of such misalignment is often due to a lack of co-ordination between the company's government affairs branch and the corporate social responsibility branch (Favotto and Kollman, 2019[20]).

Misalignment is not a new concern (Favotto and Kollman, 2019[20]; Lyon et al., 2018[21]; UN Global Compact, 2013[22]; UN Global Compact, 2005[23]; WWF, 2005[24]) and has prompted initiatives on responsible lobbying, calling for better and more consistent alignment within a company (Box 3.13). Yet, such misalignments remain and are now more evident than before, given the increased demand for transparency and scrutiny of companies' conduct.

Box 3.13. The United Nations Global Compact: How to align a company's broader vision and its government affairs agenda

In 2005, the UN Global Compact introduced a framework on responsible lobbying with a six-step lobbying "health check":

1. Alignment: are the lobbying positions of the company in line with their strategy and actions, and universal principles and values?
2. Materiality: is the company lobbying on issues that affect its organisation and stakeholders?
3. Stakeholder engagement: is the company open and responsive to stakeholders in developing and debating their lobbying positions?
4. Reporting: is the company transparent about its lobbying positions and practices?
5. People: does the company know who is conducting lobbying activities on its behalf and where its spheres of influence are?
6. Processes: are management systems and guidelines in place to ensure that a company's practices are effective and align with their core strategies and policies?

Source: (UN Global Compact, 2005[23]).

In addition to in-house misalignment, misalignments may also occur between a company and the industry associations to which it belongs. This is probably more relevant to the integrity of lobbying activities, given that it is often industry associations that are doing most of the lobbying, rather than individual companies. Such misalignment can also occur due to the diversity of interests represented in such associations. Where an association's membership is divided on an issue, the position lobbied may risk becoming the "lowest common denominator," since oppositional voices are often the loudest. This trend appears to be particularly salient in the context of climate change lobbying, where an industry association can adopt a position that directly contradicts a member company's broader sustainability agenda and undermines stakeholder trust. The "lowest common denominator" trend also runs the risk of distorting policy development, as it presents policy makers with a position that appears to represent the full membership of an industry association, but only represents a small minority of interests. As a result, certain companies have started reviewing their alignment with industry associations. For example, Shell reviewed its relationship with 19 industry associations (of the more than 100 to which it belongs) to assess whether its participation in industry associations was undermining the goals of the Paris Agreement. The review showed that Shell's position was aligned with nine industry associations and had "some misalignment" with nine others. As a result, the company decided not to renew its membership with one industry association (Shell, 2019[25]). Total and BP have also withdrawn from some industry associations.

In addition to reviewing the membership, it may be necessary to go further and introduce disclosure requirements, so that industry associations make policy makers aware of positions that represent only some of their members. More-detailed integrity standards on lobbying for lobbyists and companies may be needed, to specify the due diligence requirements companies should undertake to make sure that their government affairs and sustainability agendas, as well as those of the lobbying and industry associations they participate in, are in line with one another.

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4 Access

This chapter assesses the level of implementation of the requirements on access for all stakeholders in the policy-making process, as provided for in the Principles embedded in the Recommendation. It finds that stakeholder participation in the policy-making process has increased overall, but that more meaningful engagement, greater transparency and better communication are needed to ensure that citizens and businesses feel included in the policy-making process. The chapter also shows that further consideration should be given to stakeholders' capacity if they are to effectively inform the policy-making process.

Introduction

Ensuring that all stakeholders from the private sector and the public at large have equal opportunities to inform and shape public policies is a key to achieving better policies. It implies that policy makers will be better informed to legislate and that most interests will be included and represented in policy outcomes. The OECD Recommendation on Principles for Transparency and Integrity in Lobbying (hereafter the "Lobbying Principles") states that Adherents should provide a level playing field by granting all stakeholders fair and equitable access to the development and implementation of public policies (Principle 1). In addition, it encourages countries to consider the governance concerns related to lobbying practices (Principle 2), which continue to evolve, as well as how existing public governance frameworks can support this objective (Principle 3).

Following the adoption of the Lobbying Principles, other OECD instruments and policy guidance have also raised the need to promote the access of all stakeholders to the policy-making process (OECD, 2019[1]; OECD, 2015[2]; OECD, 2017[3]). In particular, the 2012 OECD Recommendation on Regulatory Policy and Governance [OECD/LEGAL/0390] recommends ensuring that regulation serves the public interest and is informed by the legitimate needs of those interested in and affected by regulation. This includes providing meaningful opportunities (including online opportunities, as well as in person or by written procedures) for the public to contribute to the preparation of draft regulatory proposals and to the quality of the supporting analysis (OECD, 2012[4]).[1] The 2015 OECD Recommendation on Budgetary Governance [OECD/LEGAL/0410] calls for facilitating the engagement of parliaments, citizens and civil society organisations in a realistic debate about key priorities, trade-offs, opportunity costs and value for money (OECD, 2015[5]). Most recently, the 2017 OECD Recommendation on Public Integrity has stated that governments should encourage transparency and stakeholder engagement at all stages of the political process and policy cycle, to promote accountability and the public interest, in particular granting all stakeholders – including the private sector, civil society and individuals – access in developing public policies and putting them into effect. Lastly, the 2017 OECD Recommendation on Open Government [OECD/LEGAL/0438] states that governments should grant all stakeholders equal and fair opportunities to be informed and consulted, actively engage them in all phases of the policy cycle and service design and delivery, and promote innovative ways to effectively engage with stakeholders in order to source ideas and co-create solutions (OECD, 2017[6]). The guide on "Communicating Open Government: A How-to Guide" offers governments further guidance on enhancing communication about open government initiatives, and using communication as a strategic tool to strengthen participation and support implementation of policies, as well as service design and delivery (OECD/OGP, n.d.[7]).

The 2014 report on the Lobbying Principles showed that most Adherents had developed regulations to increase openness and improve accessibility of stakeholders to the policy-making process. It reported, however, that such regulations and practices, had not managed to counterbalance the lobbying power of special interest groups. Many legislators and lobbyists surveyed believed that inappropriate influence-peddling was still a frequent problem (OECD, 2014[8]).

Since then, many OECD countries have strengthened their stakeholder engagement practices in regulatory processes. Reforms were related mainly to enhancing the transparency of the system, such as making public information about planned consultations, or publishing the comments received from stakeholders during such consultations (OECD, 2018[9]). Several countries have also broadened their consultation practices and made them more accessible to the wider public. However, even if formal requirements for engagement with all stakeholders usually exist, most countries still lack the institutional structure to ensure that this functions well in practice (OECD, 2019[10]; OECD, 2018[9]; OECD, 2015[11]). This has led to the analysis that:

- Opportunities for participation need to be increased.
- Stakeholders' capacity needs to be carefully evaluated.

Opportunities for participation need to be increased

There are several ways to allow for stakeholders' participation (OECD, 2017[6]), such as:

- **Information**: an initial level of participation characterised by a one-way relationship in which the government produces and disseminates information to stakeholders. It covers both on-demand provision of information and "proactive" measures by a government to disseminate information. Examples include access to public records, official gazettes and government websites.
- **Consultation**: a more advanced level of participation that entails a two-way relationship, in which stakeholders provide feedback to the government and vice versa. Examples include public hearings, the right to petition government, comments on draft legislation, and public opinion surveys.
- **Engagement**: when stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy-cycle and in service design and delivery. These include models of representative deliberative processes such as informed citizen recommendation on policy questions, citizen opinion on policy questions, informed citizen evaluation of ballot measures and permanent deliberative models.

However, more needs to be done to ensure an effective, fair and balanced participation of interest. Three key challenges remain:

- Stakeholders may not always be aware of opportunities for participation.
- Stakeholders are introduced into the policy-making process at too late a stage.
- Limited information is available to stakeholders.

Stakeholders may not always be aware of opportunities to participate

Procedures and processes that allow for participation may not be well enough known to all stakeholders, and this lack of communication reduces the effectiveness of the processes. This may be due to a government's own lack of awareness of the relevance of communicating to citizens and stakeholders, or to a lack of human and financial resources to support a dedicated communication strategy. Findings from the upcoming OECD International Report on Public Communication (OECD, 2021, forthcoming) note that close to half of the centres of government surveyed identify human and financial resources as a key reason why they consider a variety of communication competencies challenging. This lack of communication could be an effective tool that is excluding certain stakeholders from participation, thus providing information about the engagement process only to a selected set of interests.

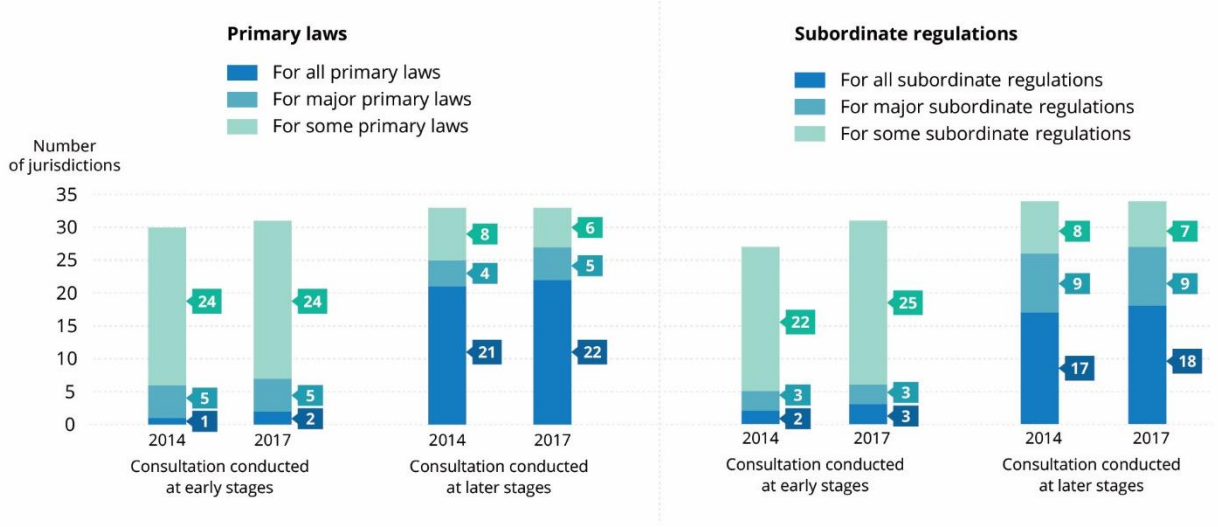
Evidence shows that most countries do not systematically inform the public in advance about upcoming consultations on the development of regulation (OECD, 2019[10]). Only nine OECD member countries inform the public for all forthcoming public consultations related to primary laws that are to be prepared, changed or repealed in the next six months (OECD, 2018[9]). Information about opportunities to participate can be provided, on the lines of Finland's "Demokratia" website (http://demokratia.fi/en/home/), or Scotland's government's consultation webpage (https://consult.gov.scot/), which includes information on consultations that have taken place and others that are open to participation.

The COVID-19 crisis has prompted some governments to take steps to allow for participation. Scotland's Government published a "COVID-19 Framework for Decision-Making", reviewed every three weeks, which details the government's response and offers information for interested stakeholders on opportunities to participate in policy making, through a list of contact points across the government (Scottish Government, 2020[12]).

Stakeholders are introduced into the policy-making process at too late a stage

Most OECD countries conduct consultation for all primary laws at a late stage of the legislative drafting process, although a few do introduce it in the early stages (Figure 4.1). This reduced window of opportunity often comes too late in the process to allow stakeholders effectively to influence the regulation or policy, and it may indicate that stakeholder engagement as a tool has been used as a mere formality (OECD, 2018[9]). As a consequence, stakeholders are likely to feel excluded from the decision-making process and may abstain from participating in future.

Figure 4.1. Stakeholder consultation at different stages of policy making



Note: Data is based on 34 OECD member countries and the EU.
Source: Indicators of Regulatory Policy and Governance Surveys 2014 and 2017, oe.cd/ireg.

Limited information is available to stakeholders

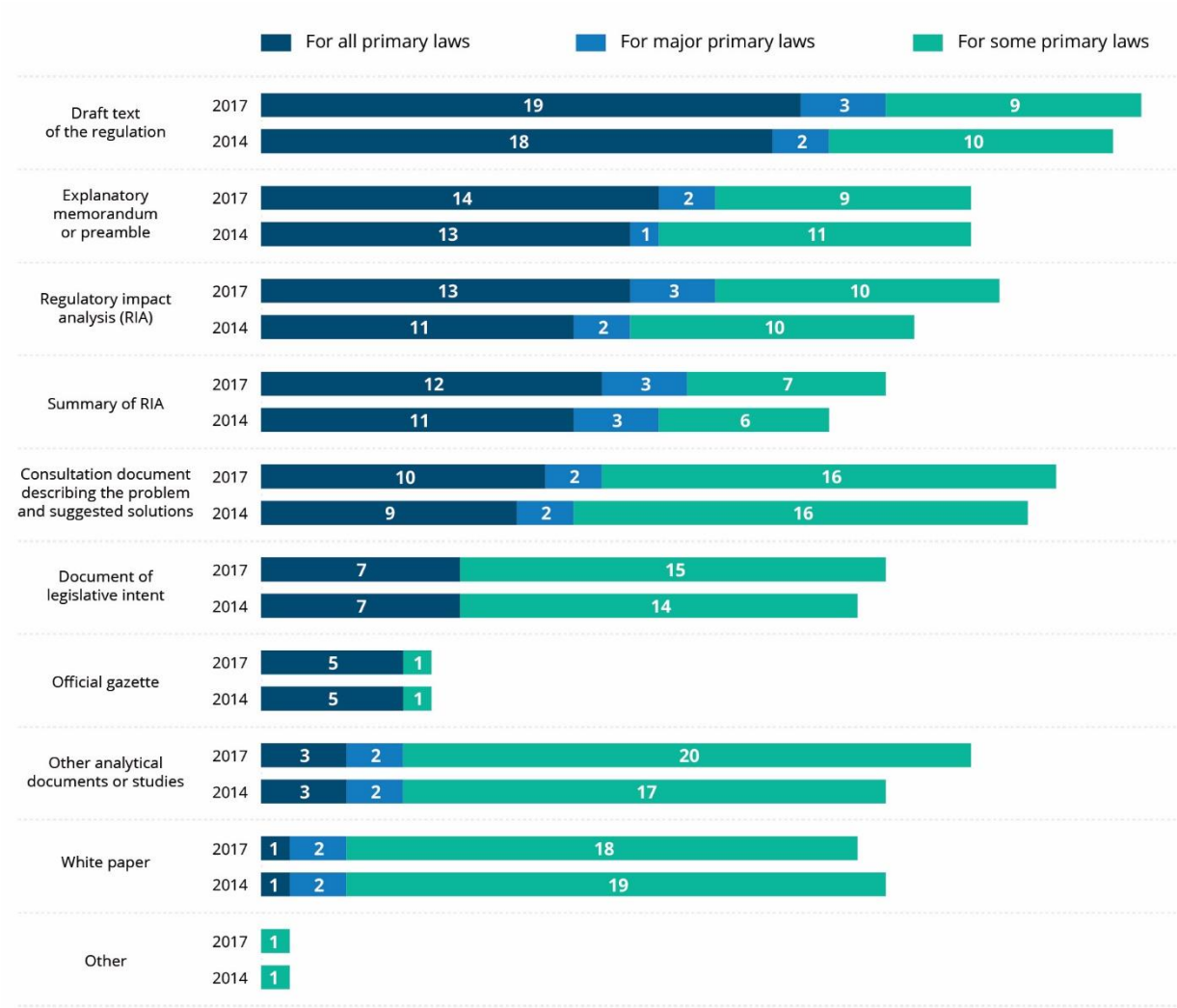
Stakeholders have a basic right to obtain relevant information as well as the opportunity to access or request any information they consider relevant for preparing their participation. In OECD member countries, the right to access information held by public authorities is granted, but the strength of the legal framework to exercise this right varies significantly. To allow informed policy making, countries should continue to improve public access to the legal framework surrounding participation (chiefly access to information laws) and ensure that citizens and any other interested parties can obtain the information they need.

Governments usually also provide information to support stakeholders. Such information may be of a general nature, such as statistical data, reports or specific background information for a given stakeholder participation process. As indicated in the OECD Recommendation on Open Government [OECD/LEGAL/0438], the information should be easily accessible and reusable, to level the playing field for everyone interested. The OECD Open Useful and Re-usable data (OURdata) Index, based on the availability, accessibility and government support for the reuse of open government data, indicates that the general trend in performance across the OECD is positive, but that a need remains for more sustainable approaches to open government data policies (OECD, 2020[13]).

As for information concerning a given engagement process, countries tend to make a number of different documents available to support stakeholder engagement on developing regulation. They tend to provide these at the later phase of the rule-making process, when a preferred solution has already been identified and/or a draft regulation has been prepared (Figure 4.2). Of OECD countries, 57% provide stakeholders

with the draft text of the regulation to support their engagement for all primary laws. However, only 28% of OECD member countries provide the public with consultation documents describing the problem and suggested solutions for all primary laws (OECD, 2018[9]). The UK Government's website, for example, includes a “Related Documents” section for open and closed consultation processes. In this section, drafts of the projects or initiatives on which people are consulted can be found, as well as related analytical documents, different reports on impact assessment, a complete survey for the consultation and a report on the consultation process if it has already closed.

Figure 4.2. Documents available for stakeholders at a later phase of policy making



Source: (OECD, 2018[9]).

Stakeholders’ capacity needs to be carefully evaluated

In addition to developing mechanisms for participation and increasing the opportunities, timing and information available to stakeholders, other challenges need to be considered:

- Stakeholders’ capacities and capabilities need to be taken into account.
- Stakeholders face marginal benefits and high costs for participation.
- Stakeholders need feedback and follow-up.

Stakeholders' capacities and capabilities need to be taken into account

While promoting information is key, a protected civic space with clear legal frameworks, effective oversight and complaint mechanisms, as well as a respect for the rule of law, can help to protect people's ability to participate on an equal basis with others. Protection of civic freedoms and rights (freedom of expression, association and assembly) and from discrimination, in addition to access to information and an environment in which journalists and activists can perform a watchdog role, are particularly important.

Successful stakeholder engagement also requires that stakeholders have the capacity and capability to identify the right opportunity to participate. The information provided must also be relevant (avoiding information overload), easy to understand and presented in an unbiased way. Evidence from OECD countries shows that some of stakeholder participation initiatives attract a selective group of highly educated people (Michels, 2019[14]). The financial requirements or other transaction costs may be costly, and may restrict access to some stakeholders with less access to the necessary resources. Some stakeholders may thus consider the benefit of their own participation as marginal and may lack the confidence to identify opportunities for participating. Their cost of participating directly or organising with individuals with similar interests may be quite high.

Barriers to access related to capacities and capabilities are particularly problematic, as they usually imply the exclusion of certain social groups, such as older people, rural populations, groups with low income and low education levels, or groups that are unable to take advantage of new information and communication technology. Such barriers may reinforce the perception – and sometimes reality – of an elitist and non-inclusive policy-making process that does not take into account the interests of large sectors of the population. It is important to note that these barriers are not a given, and are often a reflection of how the participation process has been designed. To overcome this challenge, various design measures could be considered, such as sending out invitations to participate from a person of authority through a civic lottery, providing clear explanations of how a stakeholder's contribution will be responded to and can help to bring change, and providing payment, covering childcare, travel and other costs (OECD, 2020[15]).

Representative deliberative processes, such as citizens' assemblies and juries, are an increasingly common form of engagement that could help address these concerns. These involve a group of randomly selected citizens broadly representative of the public, who weigh evidence and hear from a wide range of experts and stakeholders on a complex policy issue. After considering the evidence and deliberating together, the group develops recommendations for policy makers. This requires random selection with stratification, to achieve a broadly representative group of people (OECD, 2020[15]). Participants in such processes should have access to the same evidence, so that their deliberations are based on access to the same facts, evidence and stakeholder positions.

Stakeholders face marginal benefits and high costs for participation

The costs of participating and voicing their interests and concerns may be so high for stakeholders and individuals that it exceeds the expected marginal benefit they may obtain. As a result, organising diffuse individual interests into an organised interest group may be impossible (Olson, 1965[16]). An underlying "free-rider" problem issue remains: while everybody might welcome the existence of an interest group to lobby in their favour, some would prefer others to carry the burden while benefiting from the results. For instance, a government may invite stakeholders for consultation on water service provision. An individual user may consider the costs of attending the consultation too high compared with a relatively marginal benefit. Water providers, however, have a clear and significant interest in influencing the water policy. Since they are organised, they are therefore likely not only to participate but to have a stronger say in such a stakeholder engagement process.

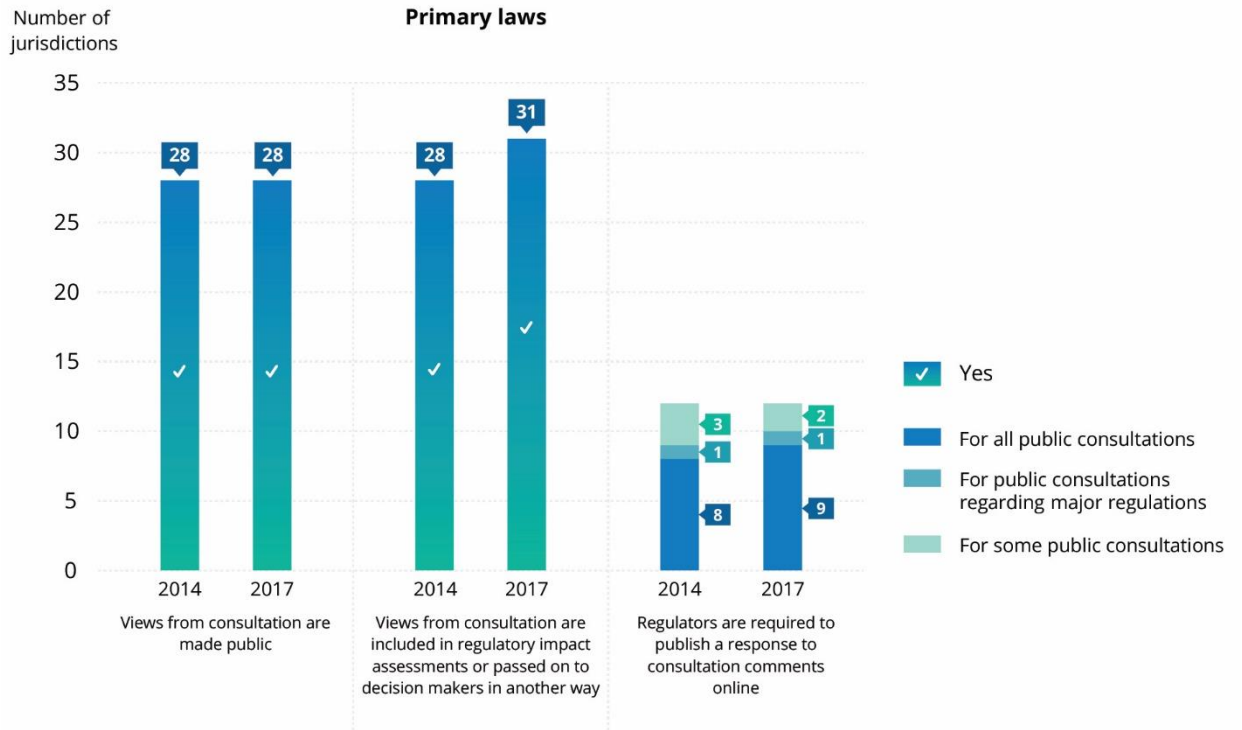
Following this logic, some interests may fail to organise, meaning that legitimate interests are not sitting at the table when relevant policies are being discussed. As noted earlier, vulnerable parts of the population may not be able to organise.

Governments should explore ways to either subsidise or transfer resources for the participation of groups that are profoundly impacted by a given regulation or policy, but that have not historically had sufficient access to resources to organise and lobby for their interests (Davidson, 2017[17]). However, only a few initiatives intend to proactively engage stakeholders, for example by providing incentives that could facilitate engagement in public life or incentives for organising into interest groups.

Stakeholders need feedback and follow-up

Diversity of stakeholders and interests may be undermined because of the expected lack of impact and because of disillusion or mistrust among stakeholders who are usually underrepresented. As noted earlier, if stakeholders are invited in at a stage where all relevant decisions have already been made, they are likely to feel that they have been abused for purposes of window-dressing and *ex post* legitimisation of a regulation or policy. After such an experience, they are likely to abstain from participating in future. Even if the timing of the engagement provides an opportunity for effective input, if the input is systematically disregarded and stakeholders receive no feedback, future engagement processes will lack legitimacy and relevance. While 82% of countries make stakeholders' input public, only 26% require policy makers to evaluate this input and publicly justify if and why their contributions are being dismissed (Figure 4.3).

Figure 4.3. Feedback on consultation comments is rarely made public



Note: Data is based on 34 OECD member countries and the EU.
Source: (OECD, 2018[9]).

Reports on public consultation could include at least a brief summary of the input received, with analysis and results. The UK government does this and publishes it online. Governments could also include in these reports all unedited input provided by participants, categorised and linked to policy goals and issues. In the feedback report on the consultation carried out as part of the development process of the Irish Human Rights and Equality Commission Strategy Statement 2016-2018, the commission presented unedited feedback from the public consultation process, so commissioners were informed of the direct views of participants, rather than relying on summaries or interpretations. It also allows participants to observe how their input was analysed and included in final results. This principle applies more broadly to any form of participation. It is one of the Good Practice Principles for Deliberative Processes for Public Decision Making (OECD, 2020[18]), which public authorities commit to responding to or acting on recommendations at the outset of the process, and follow up later with a progress report on implementation.

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Note

[1] The OECD is currently developing the OECD Best Practice Principles for Regulatory Policy: Stakeholder Engagement, and has developed a good practice database on stakeholder engagement: https://www.oecd.org/gov/regulatory-policy/pilot-database-on-stakeholder-engagement-practices.htm.

5 Summary and conclusions

This chapter draws the main conclusions of the monitoring exercise and suggests key actions to strengthen the transparency and integrity of the policy-making process. It also proposes a way forward to reinforce the relevance and adequacy of the OECD Recommendation on Principles for Transparency and Integrity in Lobbying.

Introduction

Since the adoption of the OECD Recommendation on Principles for Transparency and Integrity in Lobbying in 2010 (hereafter "Lobbying Principles"), Adherents and selected non-Adherents (Brazil, Costa Rica and Romania) have made advances in providing access, transparency and integrity to the policy-making process. The rate of progress has varied, and different countries have emphasised different elements. Overall, countries have advanced the most in creating more mechanisms for stakeholder participation. In line with their legal, administrative and cultural context, some countries have emphasised transparency and scrutiny, while others have focused on the integrity culture of their public and private sectors.

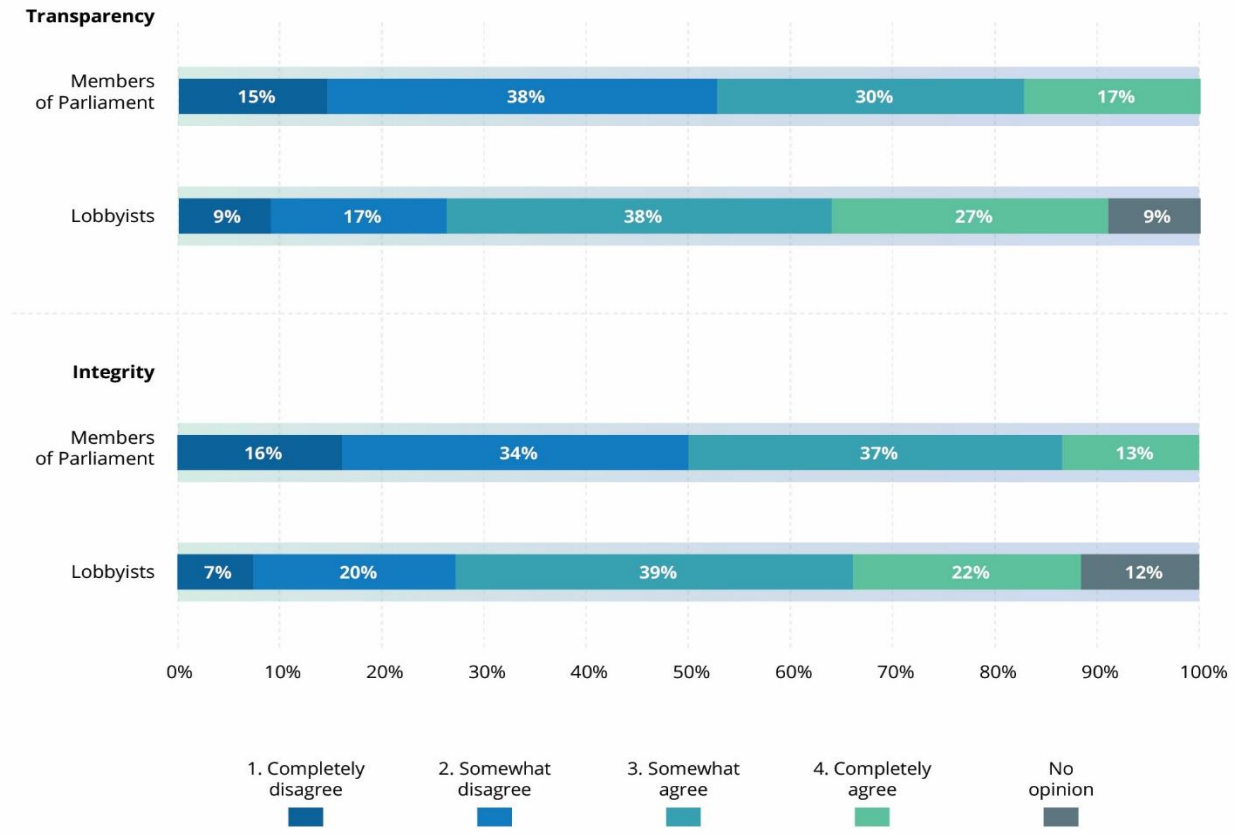
This has taken place in a continuously evolving context. Lobbying in particular, and the level of influence of interest groups in the policy-making process more generally, have changed significantly since the Lobbying Principles were adopted in 2010. In 2014, in the first report monitoring the implementation of the Lobbying Principles, certain trends were identified that have since intensified. Today, lobbying activities have increased, as have the number and range of actors involved and the various means of influencing policy makers. Political and reputational risks have also greatly increased since 2010, for governments and the private sector, given the increased scrutiny and expectations to which they are subject.

Transparency measures have not caught up with these evolving trends, leaving many countries with little transparency on the policy-making process and on lobbying activities in particular. This may help explain why reviews are mixed on whether existing rules and guidelines on lobbying have enhanced transparency and integrity in policy making (Figure 5.1).

Overall, lobbyists agreed that lobbying regulations have contributed not only to an increase in transparency, but also to the recognition of lobbying as a legitimate activity. Having a legal framework also creates clear avenues for engagement, making it easier for policy makers to receive input. This also helps policy to better reflect the needs of society as a whole and enables those who influence policies not to be systematically stigmatised as corrupt. Many lobbyists also stated, however, that regulations were not clear enough to identify who is considered a lobbyist, and at times do not cover key actors influencing the policy-making process. Of lobbyists, 57% also pointed out that lobbying regulations do not always promote equity of treatment between those who influence decision-making processes, with powerful groups still capitalising on their resources and existing relations with public officials, leaving certain interests over-represented in decision making. Similarly, members of parliament agreed that despite strong improvements in transparency in the last two decades, loopholes remain.

Evidence shows that the abuse of lobbying and other means of influencing the policy-making process leads to suboptimal or misguided policies. Even if such abuse is infrequent, it damages trust both in governments and companies. The COVID-19 crisis has served to illustrate, as well as amplify, the concerns and risks of lobbying activities and the policy-making process. For example, perceptions of conflict of interest in the advisory groups and task forces that advise on the vaccines may reduce their acceptance by the public. More action may be required by all actors, across governments, the private sector and civil society, to promote a robust policy-making process, capable of facing global issues such as widening social inequalities and the impact of climate change. This will be vital for reducing the opportunities for undue influence, and to ensure that all stakeholders can inform policy makers, with reliable and accurate information, to design and implement the necessary policies to achieve the UN Sustainable Development Goals (SDGs) by 2030. A transparent and productive process engaging all stakeholders with integrity is possible, as demonstrated by the development of the Nutri-Score nutrition labels in France, which involved consumer groups, policy makers, academics, food companies and retailers (Julia and Serge, 2017[1]; BEUC, 2020[2]). Such practices can be expanded to other areas. However, guidelines may be needed to organise such policy engagement involving the participation of a wide range of actors.

Figure 5.1. Views of lobbyists and MPs on whether lobbying rules have increased transparency in decision making



Note: Members of Parliament were asked the following question: Please indicate your opinion regarding the following statements on a scale of 1 to 4, where 1 is completely disagree and 4 is completely agree: in my country, lobbying related regulations have (1) promoted transparency in decision-making; (2) promoted integrity in decision making. Lobbyists were asked the following question: If there are rules / guidelines on lobbying in the country where you work, please indicate your agreement with the following statements on a scale from 1 to 4 (where 1 is completely disagree and 4 is completely agree): (1) Lobbying regulations / guidelines have contributed to more transparency in decision-making; (2) Lobbying regulations / guidelines have contributed to more integrity in decision-making.
Source: OECD 2020 Survey on Lobbying.

Continued relevance and next steps

A more comprehensive assessment of lobbying activities may be called for in the current context, given the complex variety of actors now involved and the diverse ways of influencing the policy-making process. To avoid one-size-fits-all frameworks, a risk-based approach may be warranted, to focus measures on undue influence and monopoly of influence in different contexts.

The Lobbying Principles remain relevant to inform and support this process, as they have been for the past ten years. However, monitoring on how they were applied suggests that they are not fully adequate. Their focus is largely confined to lobbying and lobbying registries, and does not cover the full spectrum of today's lobbying practices and risks, and the options for mitigation. The Public Governance Committee thus proposes in two years to prepare an update of the Recommendation for the Council through the Working Party of Senior Public Integrity Officials (SPIO), to reflect the evolving lobbying and influence landscape, and to help actors in government, business and civil society reinforce the frameworks for transparency and integrity in policy making.

References

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Julia, C. and H. Serge (2017), “Development of a new front-of-pack nutrition label in France: The five-colour Nutri-Score”, *Public Health Panorama*, Vol. 03/04, pp. 712-725, License: CC BY-NC-SA 3.0 IGO. World Health Organization, Regional Office for Europe, https://apps.who.int/iris/handle/10665/325207. [1]

Annex A. Detailed transparency and integrity standards on lobbying activities

Table A A.1. Public institutions, persons and decisions targeted by transparency requirements on lobbying activities

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
Australia	Lobbying Code of Conduct (Article 3 "Definitions")	"Government representative": Minister, Parliamentary Secretary, ministerial staff, civil servant, heads of agencies and persons engaged as contractors or consultants by an Australian Government Agency, member of the armed forces.	1. The making or amendment of legislation; 2. The development or amendment of a Government policy or program; 3. The awarding of a Government contract or grant; 4. The allocation of funding.
	Foreign Influence Transparency Scheme Act 2018 (Article 12 “Activity for the purpose of political or governmental influence”)	Persons, entities, structures or processes that are part of Australia’s federal political and governmental architecture – including a federal election or vote, a federal government decision, a proceeding of either House of the Parliament, a registered political party, an independent Member of Parliament, or an independent candidate in a federal election.	1. A process in relation to a federal election or a designated vote; 2. A process in relation to a federal government decision (including decisions made the Executive Council, the Cabinet or a committee of the Cabinet, a Minister or Ministers); 3. Proceedings of a House of the Parliament; 4. A process in relation to a registered political party; 5. A process in relation to a candidate in a federal election who is not endorsed by a registered political party. Influencing the public, or a section of the public, in relation to these process and proceedings, is also covered by the Act.
Austria	Federal Law No. 64/2012 on the Transparency of Lobbying and Advocacy Activities (Article 1 “Scope of Application” and Article 4 “Definitions”)	The law is not explicit about which branches of the state are covered but it does mention decision-making processes in the establishment or enforcement of legislation at federal, regional and local level.	Decision-making processes in the establishment or enforcement of legislation.

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
Belgium	Rules of Procedure of the Chamber of Representatives (Article 163ter-3)	Chamber of the House of Representatives.	The development or implementation of policies or the decision-making processes of the Chamber of the House of Representatives.
Brazil	No transparency requirements	No transparency requirements	No transparency requirements
Canada	The Lobbying Act (Articles 2, 5 and 7)	Federal Public Office Holders (POHs) are: 1. Any officers or employees of Her Majesty in right of Canada; 2. Members of the Senate or the House of Commons or members of their staff; 3. Governor in Council appointees, other than a judge receiving a salary under the Judges Act or the lieutenant governor of a province; 4. Officers, directors or employees of any federal board, commission or other tribunal as defined in the Federal Courts Act; and 5. Members of the Canadian Armed Forces and the Royal Canadian Mounted Police. Federal Designated Public Office Holders (DPOHs) are: 1. All Members of the Senate and the House of Commons; 2. Prime Minister, Ministers, Ministers of State; 3. Staff working in the offices Ministers and Ministers of State; 4. Some staff in the Office of the Leader of the Opposition; 5. Deputy Ministers, Associate and Assistant Deputy Ministers, and those of comparable rank; 7. Senior positions in the Armed Forces; 8. Comptroller General of Canada; 9. Select positions at the Privy Council Office.	1.The development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons; 2. The introduction, defeat or amendment of any Bill or resolution;, 3. The making or amendment of any regulation; 4. The development or amendment of any policy or program of the Government of Canada; 5. The awarding of any grant, contribution or other financial benefit; 6. The awarding of any contract.
Chile	Act No. 20/730 regulating lobbying and representations of private interests to authorities and civil servants (Articles 3, 4 and 5)	"Passive subjects": 1. Ministers, Undersecretaries, Heads of services, Ambassadors; 2. Members of Parliament and their advisors; 3. Regional directors of public services, Governors, regional ministerial secretaries, regional Councillors, Mayors, executive secretaries of regional councils, municipal secretaries, 3. Commanders in Chief of the Armed Forces, General Director of the *Carabineros*, General Director of the Investigative Police; 4. Various senior civil servants such as Central Bank Members, the Comptroller General.	1. Elaboration, enactment, modification, repeal or rejection of administrative acts, bills and laws, and also of decisions taken by passive subject; 2. Drafting, processing, approval, modification, repeal or rejection of agreements, declarations or decisions of the National Congress or its members, including its commissions; 3. Entering into, modifying or terminating, in any capacity, contracts entered into by passive subjects; 4. Design, implementation and evaluation of policies, plans and programmes.

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
Colombia	No transparency requirements	No transparency requirements	No transparency requirements
Costa Rica	No transparency requirements	No transparency requirements	No transparency requirements
Czech Republic	No transparency requirements	No transparency requirements	No transparency requirements
Denmark	No transparency requirements	No transparency requirements	No transparency requirements
Estonia	No transparency requirements	No transparency requirements	No transparency requirements
Finland	No transparency requirements	No transparency requirements	No transparency requirements
France	Act No. 2016/1691 on transparency, the fight against corruption and the modernisation of the economy (Article 25)	1. Staff of the President of the Republic; 2. Members of Governments and members of ministerial cabinets; 3. Members of the National Assembly and the Senate and their staff; 4. Presidents of the National Assembly and the Senate and their staff; 5. Staff members of the National Assembly and the Senate; 6. Members of the board and sanctions committees of certain independent administrative and public authorities; 7. Directors-General and Secretaries-General of certain independent administrative and public authorities; 8. Public officials appointed in the Council of Ministers 9. Heads of unit and deputy directors in central administrations; 10. Local executive officials.	1. Laws, including constitutional ones, ordinances and regulatory acts; 2. Public procurement contracts, when the value of the contract is equal or greater than European thresholds; concession contracts, when the estimated value of the contract is equal or greater to European thresholds; contracts giving temporary authorisation to occupy the public domain; contracts for the transfer of immovable property belonging to the private domain of the State or its public establishments; 3. Deliberations of local authorities approving the creation of a single-purpose mixed economy company. 4. “Other public decisions” are taken into account: individual decisions relating to the issue, modification, withdrawal or renewal of an accreditation, an authorisation, a certification, a derogation, a waiver, an exemption, an inclusion in a list, a license, a permit, a title, or a financial benefit of any kind; individual appointment decisions; acts taken by independent administrative and public authorities, when they have a certain normative effect.
Germany	Law introducing a Lobby register for lobbying vis-à-vis the German Bundestag and the Federal government (Article 1 “Scope of application”)	Bundestag: organs, members, parliamentary parties or groups; Federal Government: Parliamentary State Secretaries, State Secretaries, Heads of Departments and Heads of Sub-Departments.	Decision-making process of the organs, members, parliamentary parties or groups of the German Bundestag; decision-making process of the Federal Government.
Greece	No transparency requirements	No transparency requirements	No transparency requirements
Hungary	Government Decree 50/2013 (II. 25.) on the system of integrity management at public administration bodies and the procedural rules of receiving lobbyists (Article 1)	Public administration bodies under the control or supervision of the Government or its members and the employees of such bodies, with the exception of law enforcement agencies and the Military National Security Service.	The Government Decree does not specify the types of decision targeted.
Ireland	Regulation of Lobbying Act of 2015 (Article 5 “Meaning of carrying on lobbying activities” and Article 6 “Designated public officials”)	“Designated public officials”: 1. Ministers and Ministers of State; 2. Members of Parliament, Members of the European Parliament for	“Relevant matter”: any matter relating to: 1. The initiation, development or modification of any public policy of any public program;

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
		Irish constituencies; 3. Members of local authorities; 4. Special advisers to Ministers and Ministers of State; 5. Certain categories of public servants as prescribed	2. The preparation or amendment of an enactment; 3. The award of any grant, loan or other financial support, contract or other agreement, or of any license or other authorisation involving public funds. …other than the implementation of any such policy, programme, enactment or award or any matter of a technical nature only.
Iceland	Act No. 64/2020 (Prime Minister's bill) on Conflicts of Interest in the Government Offices of Iceland (Article 1 "Aim and Scope")	"Persons with top executive functions within the Government Offices of Iceland": 1. Ministers; 2. Permanent secretaries; 3. Directors-general; 4. Ambassadors in the Government Offices of Iceland; 5. Ministerial advisors.	No definition
Israel	Knesset Law, 57-541994, Chapter 12 (Regulating the actions of lobbyists", 65)	Members of the Knesset (MKs)	1. Bills and secondary legislation in the Knesset or its committees; 2. Decisions of the Knesset and its committees; 3. The appointment or election of a person for a position by the Knesset or by an organisation of which the Knesset is a representative member.
Italy	Regulation of interest representation activities in the offices of the Chamber of Deputies, and associated guidelines (Article 1)	Members of the Chamber of Deputies	The Regulation does not specify the types of decision targeted.
Japan	No transparency requirements	No transparency requirements	No transparency requirements
Korea	No transparency requirements	No transparency requirements	No transparency requirements
Latvia	Cabinet Regulation No. 1 "Values of State Administration and Fundamental Principles of Ethics" (Chapter 1 "General Provisions")	Civil servants and employees of the State Administration.	Drafting or taking of decisions.
Lithuania	Law No. VIII-1749 on Lobbying Activities (Article 2 "Basic concepts of the Law)	"Lobbied persons": President of the Republic, Members of the Seimas, Government of the Republic of Lithuania, Prime Minister, Ministers, Deputy Ministers, Chancellors of the Government, ministries, political parties, mayors, members of municipal councils, directors of municipal administrations and their deputies, civil servants and other persons who participate in the preparation, consideration and adoption of draft legal acts.	Preparation, consideration and adoption of legal acts.
Luxembourg	Code of Conduct for Members of Parliament relating to financial interests and conflicts of	Members of the Chamber of Deputies.	No definition

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
	interest (Article 5 “Rules on Lobbying”)		
Mexico	Rules of Procedure of the Chamber of Deputies (Articles 263) Rules of Procedure of the Senate (Articles 298)	Management bodies and committees of the Senate or senators contacted individually or jointly. Any Member of the Chamber of deputies, body or authority of the Chamber, contacted individually or jointly	The Rules of Procedure do not specify the type of decisions targeted.
Netherlands	N/A	The voluntary register covers the House of Representatives.	No definition
New Zealand	No transparency requirements	No transparency requirements	No transparency requirements
Norway	No transparency requirements	No transparency requirements	No transparency requirements
Peru	Law No. 28024 regulating the management of interests in the public administration, and associated decrees (Article 4 “Public decision” and Article 5 “Officials with public decision-making capacity”)	“Officials with public decision-making capacity”: 1. President of the Republic; 2. First and Second Vice-Presidents of the Republic, when they are responsible for the Presidential Office; 3. Members of Congress; 4. Ministers, vice-ministers, secretaries-general, national directors and directors-general, prefects and sub-prefects, councillors and other senior civil servants; 5. Chair and members of the Judicial Power’s Executive Council, including its Director-General; 6. Regional governors and vice-governors, members of Regional Councils and regional managers; 7. Mayors, aldermen and directors of the Metropolitan Municipality of Lima and provincial municipalities and districts; 8. Chairpersons and members of state-owned companies’ board of directors, as well as their managing directors; 9. Certain civil servants with decision-making powers.	Public decision: any process by which the public administration establishes policies or decision-making of any nature that have an economic, social or political significance of an individual or collective nature, or that affect interests in the various sectors of society. For this purpose, a process leading to a public decision is considered to be the following: 1. The study of bills by the Ordinary, Special and Permanent Commissions of the Congress of the Republic; 2. The debate of opinions on draft laws and the approval, observation and promulgation of laws, and their repeal; 3. The drafting, approval and promulgation of Legislative Decrees and Emergency Decrees, and their repeal; 4. The formation, promulgation of Supreme Decrees, Supreme Resolutions, Ministerial Resolutions, Vice-Ministerial Resolutions and Directorial Resolutions, as the case may be, and their repeal; 4. The elaboration, adoption or approval of policies, programmes, projects and institutional positions; 5. The conclusion of agreements and contracts; 6. The drafting, approval or repeal of resolutions of the heads of public administration bodies or entities; 7. The drafting, approval or repeal of regional ordinances, regional council agreements, regional decrees and resolutions as well as municipal ordinances, decrees and resolutions; 8. The acts of internal administration carried out by the bodies of the public administration entities.

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
Poland	Act on Legislative and Regulatory Lobbying (Article 2)	"Public authorities"	Law-making process.
Portugal	No transparency requirements	No transparency requirements	No transparency requirements
Romania	Memorandum for creating a Unique Interest Groups Transparency Register (Section 3 “Persons targeted by RUTI”)	“Decision makers of the central executive government”: 1. Prime minister, Head of the Chancellery of the Prime Minister and Secretary-General of the Government; 2. Ministers, Secretaries of State, State counsellors; 4. Senior officials from certain institutions or central bodies of the administration subordinated to the Government.	Public policy: funding program, an intention to develop a strategy, any form of regulatory act, public events with major impact.
Slovak Republic	No transparency requirements	No transparency requirements	No transparency requirements
Slovenia	Integrity and Prevention of Corruption Act of 2010 (Article 4 “Definition of terms”)	"Lobbied persons": officials and public servants employed in State bodies and local community bodies, or who work with holders of public authority responsible for decision making, or who participate in the discussion and adoption of regulations, other general documents and decisions. Officials include deputies of the National Assembly, members of the National Council, the President of the Republic, the Prime Minister, ministers, state secretaries, judges of the Constitutional Court, other judges, state attorneys, officials in local communities, members of the European Parliament from Slovenia, officials from Slovenia working in European and international institutions, officials of the Bank of Slovenia.	Decisions made by State and local community bodies, and holders of public authority in discussing and adopting regulations and other general documents. Decisions made by State bodies, the bodies and administrations of local communities, and holders of public authority on matters other than those which are subject to judicial and administrative proceedings and other proceedings carried out according to the regulations governing public procurement, as well as proceedings in which the rights and obligations of individuals are decided upon.
Spain	Code of Conduct for Members of the Congress and the Senate (Article 6)	The Code of Conduct covers Members of the Congress and the Senate.	The Code of Conduct does not specify the types of decisions targeted.
Sweden	No transparency requirements	No transparency requirements	No transparency requirements
Switzerland	No transparency requirements	No transparency requirements	No transparency requirements
Turkey	No transparency requirements	No transparency requirements	No transparency requirements
United Kingdom	Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (Article 2 “Meaning of consultant lobbying”)	1. Ministers of the Crown; 2. Permanent Secretaries.	1. The development, adoption or modification of any proposal of the government to make or amend primary or subordinate legislation; 2. The development, adoption or modification of any other policy of the government; 3. The making, giving or issuing by the government of, or the taking of any other steps by, the government, in relation to (i) any contract, or other agreement; (ii) any grant or other financial assistance, or (iii) any licence or other authorisation; or (iv) the exercise of any other function

	Source	Public officials and institutions targeted by lobbying activities	Type of decisions targeted
			of the government.
United States	Lobbying Disclosure Act (Section 3 "Definitions")	Covered Executive Branch Official: the President, the Vice President, Officers and employees of the Executive Office of the President, White House Staff, cabinet secretaries and their deputies, senior employees in government bodies. Covered Legislative Branch Official: a Member of Congress, an elected officer of either the House or the Senate, an employee, or any other individual functioning in the capacity of an employee, who works for a Member, committee, leadership staff of either the Senate or House, a joint committee of Congress, a working group or caucus organized to provide services to Members.	1. Formulation, modification or adoption of federal laws (including legislative proposals); 2. Formulation, modification or adoption of a rule, regulation, executive order or any other program, policy or position of the United States Government; 3. Administration or execution of a federal program or policy (including the negotiation, award or administration of a contract, grant, loan, permit or federal license); or 4. Nomination or confirmation of a person for a position subject to confirmation by the Senate.
	Foreign Agents Registration Act (United States Code § 611c)	Any U.S. Government official or the American public.	U.S. domestic or foreign policy or the political or public interests of a foreign government or foreign political party.
EU	Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (Section 3, "Scope of the Register")	Members and their assistants, officials or other staff of the EU institutions.	Formulation or implementation of policy and the decision-making processes of the EU institutions.
	Commission Decision of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (Article 1) Commission Decision of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals (Article 2)	Commissioners and those directly responsible for advising them (Cabinet members, Directors-General and Heads of Service) 'Director-General' means Director-General or Head of Service of the Commission.	Issues relating to policy-making and implementation in the Union.
	Rules of procedure of the European Parliament (Rule 11 Members' financial interests and Transparency register)	1. Members of Parliament; 2. Rapporteurs, shadow rapporteurs, and committee chairs of the European Parliament.	The Rules of procedure cover meetings with interest representatives falling under the scope of the Transparency register.

Notes: definitions for the European Union refer to the current Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (2014). The official signature and entry into force of the new agreement between the European Parliament, the Council of the European Union and the European Commission is foreseen for the spring of 2021, following formal adoption by the three institutions.
Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Table A A.2. Definitions of "lobbyist" and exemptions

	Source	Definition of "Lobbyists"	Exemptions
Australia	Lobbying Code of Conduct (Article 3)	Lobbyist: any person, company or organisation who conducts lobbying activities on behalf of a third-party client or whose employees conduct lobbying activities on behalf of a third-party client.	The following entities are not considered as lobbyists: 1. Charitable and religious organisations; 2. Non-profit associations or organisations constituted to represent the interests of their members; 3. Individuals making representations on behalf of relatives or friends about their personal affairs; 4. Members of trade delegations visiting Australia; 5. Persons who are registered under an Australian Government scheme regulating the activities of members of that profession (e.g. registered tax agents, customs brokers, company auditors and liquidators) provided that their dealings with Government representatives are part of their normal day to day work; 6. Service providers (such as lawyers, doctors, accountants) who make occasional representations to the Government on behalf of clients in a way that is incidental to the provision of their professional services. However, if a significant or regular part of the services offered involves lobbying activities on behalf of clients of that firm, the firm and the person offering those services must register and identify the clients for whom they carry out lobbying activities.
	Foreign Influence Transparency Scheme Act 2018 (Sections 10, 24, 25, 26, 27, 29, 30)	Persons undertaking registrable activities on behalf of a foreign principal for the purpose of political or governmental influence must register under the scheme. A foreign principal is: 1. A foreign government (the government or an authority of the government of a foreign country or of a part of a foreign country, a foreign local government body or foreign regional government body); 2. A foreign political organisation (foreign political party and foreign organisation that exists primarily to pursue political objectives); or	Exemptions from registration (Sections 5, 24, 25, 26, 27, 29, 30) 1. Humanitarian aid or assistance: a person undertaking a registrable activity on behalf of a foreign principal and that activity primarily related to provide humanitarian aid or assistance. 2. Legal advice or representation: a person undertaking a registrable activity on behalf of a foreign principal and the activity is, primarily related to, or is incidental to: (i) providing legal advice; (ii) legal representation in judicial, criminal or civil inquiries, investigations or proceedings; or (iii) legal representation related to government administration processes involving a foreign principal.

	Source	Definition of "Lobbyists"	Exemptions
		3. A foreign government related entity (a person, other than an individual, who is related to a foreign government or a foreign political organisation. This includes companies and other entities in which a foreign government or foreign political organisation is in position to exercise total or substantial control over the company). 4. A foreign government related individual (an individual, who is neither an Australian citizen nor a permanent Australian resident, accustomed or under an obligation to act in accordance with the directions, instructions or wishes of a foreign principal; an individual on which a foreign principal is in a position to exercise total or substantial control). Former Cabinet Ministers acting on behalf of a foreign principal have specific obligations: they must register any activity they undertake on behalf of a foreign principal unless an exemption applies. This extends beyond the categories of 'registrable activity' covered by the scheme. This includes circumstances where a former Cabinet Minister is employed by (or acts in any capacity for) a foreign principal at any time following their departure from their role as Cabinet Minister. This is a lifetime obligation. Similarly, recent designated position holders (Ministers, Members of Parliament, a member of the staff of a Minister and whose position is at or above the level of Senior Advisor, an Agency Head or deputy Agency Head or a holder of an equivalent position, Ambassadors or High Commissioners in a country or place outside Australia) must register any activity they undertake on behalf of a foreign principal where, in undertaking the activities, they contribute experience, knowledge, skills or contacts gained in their former position. This includes circumstances where the recent designated position holder is employed by (or acts in any capacity for) a foreign principal at any time following their departure from their role. This obligation extends for 15 years from the date the recent designated position holder leaves the relevant position.	3. Members of Parliament and statutory office holders: a person undertaking a registrable activity on behalf of a foreign principal and, while the activity is being undertaken, the person holds a position or appointment as a member of the Australian Parliament, a member of a state Parliament territory Legislative Assembly, or an office bearer under a law of the Commonwealth, state or territory. 4. Diplomatic, consular and similar activities: a person undertaking a registrable activity on behalf of a foreign government and the activity is within the scope of the person's function as a diplomatic or consular official. 5. United Nations officials: United Nationals personnel or individuals formally associated with the UN who are undertaking a registrable activity on behalf of a foreign principal. 6. Religion: a person undertaking a religious activity on behalf of a foreign principal and that activity is undertaken in good faith. 7. Foreign government employees: a person undertaking a registrable activity on behalf of a foreign principal and does so while employees as an officer of a foreign government and the activity is undertaken in the name of the foreign government. 8. Commercial or business pursuits – directors and employees of a foreign government related entity: this exemption applies where the person undertakes an activity on behalf of a foreign government related entity, the activity is a commercial or business pursuit, and the person undertakes the activity in or under the same or a substantially similar name to the foreign government-related entity. 9. Industry representative bodies: a registrable activity is undertaken in the course of representing the collective interests of members (both foreign and domestic) of an industry representative body. The exemption does not apply to representative groups which are foreign entities or where the membership does not include Australian entities.

	Source	Definition of "Lobbyists"	Exemptions
			10. Personal representations in government administrative processes: individuals who make representations on behalf of a foreign principal in relation to a government administrative process that involves the foreign principal or matters affecting the personal welfare of the foreign principal. 11. Registered charities: the exemption applies to registered charities that undertake certain registrable activities on behalf of a foreign principal in pursuit of the charity's purpose. The exemption does not apply to disbursement activities. 12. Artistic purposes: a person undertaking a registrable activity on behalf of a foreign principal and the activity relates to the arts or to a person's artistic purpose. 13. Certain registered organisations: where an association of employees or an enterprise association that is registered un the Fair Work Act 2009 undertakes a registrable activity on behalf of a foreign principal. 14. Activities of members of certain professions: where a tax agent, a customs broker or a liquidator or receiver undertakes a registrable activity on behalf of a foreign principal in the usual course of undertaking their profession. 15. Employees and contractors engaged under the Members of Parliament (Staff) Act 1984 and Commonwealth public officials: the exemption applies where the person undertakes a registrable activity within the scope of the person's ordinary or usual duties, and at the time the activity is undertaken the identity of the foreign principal is made apparent or is disclosed to all persons with whom the person is dealing. 16. Persons engaging in a government decision-making process as required by law: a person undertaking general political lobbying on behalf of a foreign principal for the purpose of political or governmental influence, and the activity relates to a government decision-making process in which the foreign principal is required by law to participate.

	Source	Definition of "Lobbyists"	Exemptions
Austria	Lobbying and Interest Representation Transparency Law (Article 4)	Lobbying firms: companies whose business purpose is to carry out lobbying activities for clients in return for payment; Companies employing company lobbyists: companies employing staff for the purpose of lobbying on their own behalf on condition that a significant amount of his/her responsibilities is taken up by lobbying activities; Self-governing bodies: bodies established by law to represent the professional or common interests of its members. This includes the Chamber of Commerce and Labour and professional associations; Advocacy groups: legal associations of private individuals.	The following groups are excluded from the definition (and are not obliged to be listed in the register): 1. Political parties and their affiliated organisations; 2. Religious groups; 3. The Austrian Association of Municipalities and the Austrian Association of Cities, including their social security institutions.
Belgium	Rules of Procedure of the Chamber of Representatives (Art. 163ter-2)	Persons representing the following institutions: 1. Specialised consulting firms, law firms; and freelance consultants; 2. Internal representatives, professional groups and associations, and trade unions; 3. Non-governmental organisations; 4. Think tanks, research bodies and university institutions; 5. Organisations representing churches and religious communities; 6. Organisations representing local, regional and municipal authorities and other public or semi-public entities.	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Brazil	No definition	No definition	No definition
Canada	Lobbying Act (Articles 2, 5 and 7)	Consultant lobbyists: 1. An individual who communicates with a federal public office holder, for payment, on behalf of a client (i.e. another individual, a company or an organization); 2. An individual who arranges a meeting between a public office holder and any other person. In house Lobbyists" (Corporations and Organisations): Employee of a corporation or an organisation who communicates with public office holders on behalf of their employer, any subsidiary of the employer or any corporation of which the employer is a subsidiary. The most senior paid employee is responsible for filing a registration for a corporation or organisation. Organisations include: 1. A business, trade, industry, professional or voluntary organisation; 2. A trade union or labour organisation;	For consultant lobbyists, the law only applies to those who carry out lobbying activities in return for payment, while lobbying by volunteers and private individuals do not fall within its scope. For in-house lobbyists, the activities conferring the status of lobbyist must make up a major part of their duties (the threshold is 20%, calculated in full-time equivalent).

	Source	Definition of "Lobbyists"	Exemptions
		3. A chamber of commerce or board of trade; 4. A partnership, trust, association, charitable society, coalition or interest group; 5. A government, other than the Government of Canada; and 6. A corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or other similar objects.	
Chile	Act regulating lobbying and representations of private interests to authorities and civil servants (Article 2)	Active subjects – lobbyists: natural or legal persons, Chilean or foreign, who carry out remunerated activities representing a particular interest to influence decisions taken by passive subjects. Active subjects – managers of particular interests: natural or legal persons, Chilean or foreign, who carry out unpaid activities representing a particular interest to influence decisions taken by passive subjects.	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Colombia	No definition	No definition	No definition
Costa Rica	No definition	No definition	No definition
Czech Republic	No definition	No definition	No definition
Denmark	No definition	No definition	No definition
Estonia	No definition	No definition	No definition
Finland	No definition	No definition	No definition
France	Law on transparency, the fight against corruption and the modernisation of the economy (Article 25)	Interest representatives - organisations: executives, employees or members of legal persons under private law who communicate with public officials with the aim to influence public decisions. These organisations include: 1. Civil and commercial companies; 2. Law firms and consulting firms, 3. Professional organisations; 4. Trade unions and chambers of commerce; 5. Non-governmental organisations; 6. Think tanks, research institutes, foundations; 7. Public bodies conducting an industrial and commercial activity. Interest representatives – self-employed individuals: natural persons who are not employed by a legal person – self-employed lawyer, lawyer working in an unincorporated entity, independent consultant – who initiative communications	Specific exemptions apply to certain activities conducted by the actors covered by the register (See Annex Table A A.3)

	Source	Definition of "Lobbyists"	Exemptions
		with public officials with the aim to influence public decisions.	
Germany	Law introducing a Lobby register for lobbying vis-à-vis the German Bundestag and the Federal government (Article 1-4)	Interest representatives are all natural or legal persons, partnerships or other organisations, including in the form of networks, platforms or other forms of collective action, which themselves carry out or commission interest representation activities.	The following organisations are excluded from the definition: 1. Persons who hold a public office or mandate; 2. Employers' or employees' associations; 3. Political parties; 4. Institutions promoting socio-political and democratic education work (political foundations); 5. Organisations promoting foreign cultural and educational policies (insofar as they are institutionally supported with funds from the federal budget); 6. Religious organisations; 7. Municipal umbrella organisations; 8. National minority organisations. Specific exemptions also apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Greece	No definition	No definition	No definition
Hungary	Government Decree 50/2013 on the system of integrity management at public administration bodies and the procedural rules of receiving lobbyists (II. 25.)	Lobbyists are defined as "persons outside the state organisation" but no further definition is provided.	The Government Decree does not specify exemptions.
Ireland	Regulation of Lobbying Act (Article 5)	Lobbyists include the following actors who communicate directly or indirectly about a relevant matter with a designated public official: 1. An employer with more than 10 employees where the communications are made on its behalf; 2. A representative body with at least one employee communicating on behalf of its members and the communication is made by a paid employee or office holder of the body 3. An advocacy body with at least one employee that exists primarily to take up particular issues and a paid employee or office holder of the body is communicating on such issues; 4. A third party being paid to communicate on behalf of a client who fits into one of the preceding three categories; 5. Any person communicating about the development or zoning of land.	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Iceland	Prime Minister's bill on Conflicts of	"Lobbyists" are individuals who communicate with authorities on behalf of	Specific exemptions apply to certain activities conducted by the

	Source	Definition of "Lobbyists"	Exemptions
	Interest in the Government Offices of Iceland (Article 1)	private parties and seek to influence them commercially.	actors covered by the register (see Annex Table A A.3)
Israel	Knesset Law, Chapter 12 (Article 66)	A lobbyist is a person who, through engagement or for compensation, takes actions on behalf of a client to persuade Members of the Knesset (MKs) with regards to bills and secondary legislation in the Knesset or its committees, decisions of the Knesset and its committees, and the appointment or election of a person for a position by the Knesset or by an organisation of which the Knesset is a representative member.	1. A person who, in the course of his/her work, takes such actions on behalf of his/her employer; 2. A person who holds a position under law in the civil service, in a local authority or in a corporation established by law, and takes such actions within the framework of his/her position; 3. A person who represents an office holder or holds a position in a quasi-judicial proceedings before the Knesset or its committees
Italy	Regulation of interest representation activities in the offices of the Chamber of Deputies (Article 3) Resolution of the Bureau of the Chamber of Deputies on the "Discipline of the activity of representing interests in the premises of the Chamber of Deputies" (Articles 4 and 5)	Any natural or legal person who intends to carry out activities of interest representation towards Members of the Chamber of Deputies, whether of their own or of a client. This includes trade unions and employers' associations, non-governmental organisations, businesses, trade associations, subjects specialising in professional representation of third party interests, professional associations, consumers' associations.	1. Constitutional bodies and public administrations; 2. International and supranational organisations; 3. Diplomatic agents and consular officials; 4. Political parties and movements; 5. Religious denominations.
Japan	No definition	No definition	No definition
Korea	No definition	No definition	No definition
Latvia	Cabinet Regulation No. 1 "Values of State Administration and Fundamental Principles of Ethics" (Chapter 3 "Open Communication with Lobbyists", Article 7)	A natural or legal person who upon his or her own initiative in his or her own interest or in the interests of other natural or legal persons communicates with a public employee or his//her institution in order to influence the drafting or taking of decisions.	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Lithuania	Law on Lobbying Activities (Articles 1 and 2)	A 'Lobbyist' means a natural person, legal entity or another organisation or a division thereof, engaged in lobbying activities. Clients of lobbying activities means natural or legal persons or any other organisation or division thereof that have concluded a written lobbying contract with a lobbyist or a legal person that has assigned or instructed its participant, member of the management body or employee to conduct lobbying activities.	A legal person or other organisations or division thereof that are a state or municipal institution or body, a state or municipal enterprise, a public institution in which the state or a municipality is the owner or shareholder, as well as the Bank of Lithuania, do not have the right to be a lobbyist. The Law does not apply to non-governmental organisations, political parties and religious groups/associations.
Luxembourg	Code of Conduct for Members of Parliament relating to financial interests and conflicts of interest (Article 5 "Rules on Lobbying")	A definition of "lobbyist" is not provided.	A definition of "lobbyist" is not provided.

	Source	Definition of "Lobbyists"	Exemptions
Mexico	Rules of Procedure of the Chamber of Deputies (Article 263) Rules of Procedure of the Senate (Articles 298)	[House of representatives] A lobbyist is an individual from outside the House who represents a natural person, a private or social body, and who carries out lobbying activities, for which it obtains a material or economic benefit. [Senate] Persons dedicated to promoting the legitimate interests of individuals, before the management bodies and committees of the Senate or before senators individually or jointly, with the purpose of influencing decisions.	The Rules of Procedure do not specify exemptions.
Netherlands	On the website of the House of Representatives ("Lobbyists") section.	Advocates/lobbyists are: 1. Employees of public affairs and public relations firms; 2. Representatives of civil society organizations/industry associations/umbrella organisations; 3. Representatives of municipalities and provinces.	Registration is voluntary and no exemptions are specified.
New Zealand	No definition	No definition	No definition
Norway	No definition	No definition	No definition
Peru	Law regulating the management of interests in the public administration, and associated decrees (Article 7) Supreme Decree that approves the Regulation of Law No. 28024 - Law that regulates the management of interests in the public administration (Article 3)	" Person who performs an interest management act": natural or legal person, national or foreign, who conducts interest management actions on behalf of their own interests or the interests of third parties, in relation to public decisions to be adopted by officials with public decision-making capacity. Owners and managers of national or foreign media or their companies are prohibited from acting "managers of interest"	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Poland	Act on Legislative and Regulatory Lobbying (Article 2)	Professional lobbyist: natural person or legal person paid to carry on lobbying activities on behalf of or in the name of a third party.	The Act only provides transparency for professional lobbyists, and does not cover in-house lobbyists from other entities.
Portugal	No definition	No definition	No definition
Romania	Memorandum for creating a Unique Interest Groups Transparency Register (Part 3)	"Specialised groups" means any legally constituted group, based in Romania or carrying out activities in Romania, or being registered in another country, including: 1. Companies with legal personality; 2 Associations, foundations and federations; 3. Religious organisations; 4. Trade unions and employers' organisations; 5. Chambers of commerce; 6. Local government associations.	The Memorandum does not specify exemptions.

	Source	Definition of "Lobbyists"	Exemptions
		7. Other legally constituted organisations. 8. Authorised persons, self-employed individuals and family businesses, and law firms.	
Slovak Republic	No definition	No definition	No definition
Slovenia	Integrity and Prevention of Corruption Act of 2010 (Article 4)	"Lobbyist" means any person who carries out activities on behalf of interest groups, or a person who is engaged in lobbying and is employed in an interest group and lobbies on its behalf, or a person who is an elected or otherwise legitimate representative of this interest group. "Interest groups" means legal persons governed by private law, and other legally regulated forms of association of natural or legal persons, on behalf and for the account of which a lobbyist performs a lobbying activity.	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
Spain	Code of Conduct for Members of the Congress and the Senate (Article 6)	Interest groups are natural or legal persons, or entities without legal personality, that communicates directly or indirectly with holders of public or elected office or their personnel in favour of private, public, or collective interests, seeking to modify or influence issues related to the drafting or modification of legislative initiatives. N:B. Though the Code includes a definition specifying targeted office holders, only Members of Parliament are required to make their agenda public.	The Code of Conduct does not specify exemptions.
Sweden	No definition	No definition	No definition
Switzerland	No definition	No definition	No definition
United Kingdom	Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (Article 2)	"Consultant lobbyists" are persons who, in the course of a business and in return for payment, make communications on behalf of a person or persons, with Ministers of the Crown and permanent secretaries. Persons include companies, partnerships, and individuals. It does not matter whether the person to whom the communication is made, or the person making it, or both, are outside the United Kingdom when the communication is made.	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)
United States	Lobbying Disclosure Act (Article 10)	A lobbyist is any individual (1) who is either employed or retained by a client for financial or other compensation (2) whose services include more than one lobbying contact; and (3) whose lobbying activities constitute 20 percent or more of his or her time in services for that client over any three-month period. A client is any person or entity (any individual, corporation, company, foundation, association, labour organization, firm, partnership, society, joint-stock company, group of organizations, or state or local government) that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. An organization	Specific exemptions apply to certain activities conducted by the actors covered by the register (see Annex Table A A.3)

	Source	Definition of "Lobbyists"	Exemptions
		employing its own in-house lobbyist(s) is considered its own client for reporting purposes.	
	Foreign Agents Registration Act (United States Code § 611 and 613)	An "agent of a foreign principal" is any person who acts as an agent, representative, employee, or servant, or otherwise acts at the order, request, or under the direction or control of a "foreign principal" and does any of the following: 1. Engages within the United States in political activities, such as intending to influence any U.S. Government official or the American public regarding U.S. domestic or foreign policy or the political or public interests of a foreign government or foreign political party.; 2. Acts within the United States as a public relations counsel, publicity agent, information service employee, or political consultant; 3. Solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value within the United States; 4. Represents within the United States the interests of a foreign principal before U.S. Government officials or agencies. A "foreign principal" can be a foreign government, a foreign political party, any person outside the United States (except U.S. citizens who are domiciled within the United States), and any entity organised under the laws of a foreign country or having its principal place of business in a foreign country. It can also include a foreign faction or body of insurgents whose legitimacy the United States government has yet to recognise.	An agent of a foreign principal may be exempt from FARA's registration obligations if the agent's activities fall within one of the following exemptions: 1. Diplomatic officers and diplomatic staff; 2. Certain registered foreign officials who are not U.S. citizens and are not public-relations counsels, publicity agents or information-service employees. 3. Bona fide commercial activity and other activity not serving predominantly a foreign interest; 4. Humanitarian fundraising; 5. Religious, scholastic, academic, fine arts, or scientific pursuits; 6. Certain activities relating to the defense of foreign governments vital to the United States defense; 7. Legal representation of a disclosed foreign principal before any court or law or agency of the United States government; 8. Properly registered parties under the Lobbying Disclosure Act.
EU	Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (Article 3)	All organisations and self-employed individuals, irrespective of their legal status, engaged in activities, whether on-going or under preparation, carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of where they are undertaken and of the channel or medium of communication used.	Activities of the social partners as participants in the social dialogue (trade unions, employers' associations, etc.) are not covered by the register where those social partners perform the role assigned to them in the Treaties.
	Commission Decisions of 25 November 2014 on the publication of information on meetings held between Members and Directors General of of the Commission and organisations or self-employed individuals (Article 2)	'Organisation or self-employed individual' means any organisation or individual, irrespective of their legal status, engaged in activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the institutions of the Union, irrespective of where these activities are undertaken and of the channel or medium of communication used.	The notion of "organisation or self-employed individual" does not include representatives of other Union institutions or bodies, national, regional and local authorities of Member States and of third countries or international organisations. However, it covers any association or network created to represent regions or other sub-national public authorities collectively. The Decision does not apply to:

	Source	Definition of "Lobbyists"	Exemptions
			1. Social partners at Union level in the context of the social dialogue; 2. Dialogue with churches, religious associations or communities, as well as with philosophical and non-confessional organisations. 3. Representatives of political parties.

Notes: definitions for the European Union refer to the current Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (2014). The official signature and entry into force of the new agreement between the European Parliament, the Council of the European Union and the European Commission is foreseen for the spring of 2021, following formal adoption by the three institutions.
Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Table A A.3. Definition of "lobbying activities" and exemptions

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
Australia	Lobbying Code of Conduct (Article 3)	"Lobbying activities" means communications with a Government representative in an effort to influence Government decision making. "Communications with a Government representative" includes oral, written and electronic communications.	1. Communications with a committee of the Parliament; 2. Communications with a Minister or Parliamentary Secretary in his or her capacity as a local Member or Senator in relation to non-ministerial responsibilities; 3. Communications in response to a call for submissions; 4. Petitions or communications of a grassroots campaign nature in an attempt to influence a Government policy or decision; 5. Communications in response to a request for tender; 6. Statements made in a public forum; or 7. Responses to requests by Government representatives for information.
	Foreign Influence Transparency Scheme Act 2018 (Sections 10 and 12)	Registrable activities include: 1. Parliamentary lobbying: lobbying a member of the Parliament or a person employed under section 13 or 20 od the Members of Parliament Staff Ac 1984. 2. General political lobbying: lobbying a Commonwealth public official; a Department, agency or authority of the Commonwealth, a registered political party, a candidate in a federal election. 3. Communications activity: a person undertakes communications activity if the person communicates or distributes information or material to the public or a section of the public. 4. Disbursement activity: distribution of money or things of value on behalf of a foreign principal.	See exemptions in Annex Table A A.2.

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
		Lobbying means communicating, in any way, with a person or a group of persons for the purpose of influencing any process, decision or outcome; and representing the interests of a person, in any process. Persons undertaking registrable activities on behalf of a foreign principal for the purpose of political or governmental influence must register their activity. The term "political or governmental influence" covers activities whose sole or primary purpose, or a substantial purpose of the activity is to influence over any persons, entities, structures or processes that are part of Australia's federal political and governmental architecture – including a federal election or vote, a federal government decision, a proceeding of either House of the Parliament, a registered political party, an independent Member of Parliament, or an independent candidate in a federal election.	
Austria	Law on Transparency of Lobbying and Advocacy Activities (Articles 2 and 4)	Activities by which direct influence is exercised on the Austrian legislature and administration via structured, organised contacts.	1. Pressure only exercised on public officials via the media without direct contact; 2. Activities of a functionary in the performance of his or her duties, 3. Activities of a person with which he/she pursues his/her own non-entrepreneurial interests, 4. The representation of the interests of a party or a participant involved in connection with administrative or judicial proceedings, 5. Legal advice and representation by lawyers, notaries, chartered accountants and other persons authorised to do so; 7. The representation of foreign policy interests in diplomatic or consular dealings, and 8. Activities carried out at the instigation of a functionary.
Belgium	Rules of Procedure of the Chamber of Representatives (Art. 163ter-2)	Lobbying activities are activities carried out with the aim of directly or indirectly influencing the development or implementation of policies or the Chamber's decision-making processes. All organisations and persons acting in a self-employed capacity, irrespective of their legal status, carrying out activities covered by the register, either in progress or in preparation, are expected to register.	1. Activities relating to the provision of legal and other professional advice to the extent that they: (a) Consist of advisory activities and contacts with public authorities, intended to inform a client on a general legal situation or on his specific legal situation or to advise him/her on the opportunity or admissibility of a specific legal or administrative procedure in the existing legal and regulatory environment; (b) Are advice provided to a client to help ensure that its activities comply with applicable law; (c) Consist of analyses and studies prepared for clients on the potential impact of any changes in legislation or regulations with regard to their

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			legal situation or field of activity; (d) Consist of representation in conciliation or mediation proceedings aimed at preventing a dispute from arising, brought before a judicial or administrative authority; (e) Affect the exercise of a client's fundamental right to a fair trial, including the right of defence in administrative proceedings, such as the activities carried out by lawyers or any other professionals concerned. 2. If a company and its advisers are involved in a specific legal or administrative case or procedure as parties, any activity directly related to it and not aimed as such at changing the existing legal framework is not covered by the register. 3. The activities of social partners as actors of social dialogue, such as trade unions and employers' associations, are not covered by the register when these social partners assume the role assigned to them by law. 4. Activities responding to the direct and individual request of the House or a Member, such as *ad hoc* or regular requests for factual information, data or expertise, are not covered by the register.
Brazil	No definition	No definition	No definition
Canada	Lobbying Act (Articles 2, 5 and 7)	Three elements define lobbying. A individual is conducting a lobbying activity if he/she: 1. is paid by an employer or a client. 2. communicates directly (i.e. either in writing or orally) or indirectly (i.e. grass-roots communication), with a federal public office holder. OR the individual arranges a meeting between a public office holder and any other person (consultant lobbyists only). 3. The individual communicates about one of the subjects specified in Annex Table A A.1. Grass-roots lobbying occurs when, for payment and on behalf of a client or employer, individuals encourage members of the public to communicate with federal public office holders on registrable topics. Grass-roots lobbying may include advertisements, mass letter and/or facsimile campaigns, telephone calls to public office holders, public demonstrations, use of websites or communication through social media tools such as Facebook or Twitter.	1. Any oral or written submission made to a committee of the Senate or House of Commons or of both Houses of Parliament or to any body or person having jurisdiction or powers conferred by or under an Act of Parliament, in proceedings that are a matter of public record; 2. Any oral or written communication made to a public office holder by an individual on behalf of any person or organisation with respect to the enforcement, interpretation or application of any Act of Parliament or regulation by that public office holder with respect to that person or organisation; or (c) any oral or written communication made to a public office holder by an individual on behalf of any person or organisation if the communication is restricted to a request for information.
Chile	Act regulating lobbying and representations of private interests to	Lobbying activities means the management or remunerated activity carried out by natural or legal persons, Chilean or foreign, whose purpose	1.The proposals or requests made on the occasion of a meeting, activity or assembly of a public nature and those which are strictly related to the

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
	authorities and civil servants (Articles 2 and 6)	is to promote, defend or represent any particular interest, in order to influence the decisions that, in the exercise of their functions, must be taken by passive subjects in accordance with the law, with respect to the acts and decisions regulated therein. Management of particular interests means management or unpaid activity carried out by natural or legal persons, Chilean or foreign, whose purpose is to promote, defend or represent any particular interest, in order to influence the decisions that, in the exercise of their functions, must be taken by passive subjects in accordance with the law with respect to the acts and decisions regulated therein. Hearing or meeting: The act of hearing in which the passive subject receives a lobbyist or manager of particular interests, either in person or virtually, by means of an audiovisual video conference, to discuss any of the regulated matters, at the time and in the manner that the passive subject decides. Conversations held by telephone or by means other than an audiovisual conference are not considered as hearing and meeting.	work in the field inherent to the representation activities carried out by a passive subject in the exercise of his duties. 2. Any statement, action or communication made by passive subjects in the exercise of their duties; 3.- Any request, verbal or written, made to ascertain the status of an administrative procedure; 4. Information given to an authority that has requested it expressly for the purpose of carrying out an activity or adopting a decision, within the scope of its competence. 5. Presentations made formally in an administrative procedure, provided that the adoption, modification or repeal of laws or regulations, nor the change of results of administrative or selection processes, is not requested. 6.Consultants contracted by public and parliamentary bodies, carried out by professionals and researchers from non-profit associations, corporations, foundations, universities, study centres and any another similar entity, as well as invitations from these institutions extend to any official of a State organ. 7. Declarations made or information given to a Congress committee, as well as the presence and verbal or written participation in any of them by professionals from the entities listed in the previous number (6), which, however, must be recorded by these committees. 8. Invitations from State officials and parliamentarians to participate in meetings of a technical nature for professionals of the entities indicated in number 6. 9. The defence in court, the sponsorship of judicial or administrative cases or participation as *amicus curiae*, where permitted, but only with regard to those actions that are part of the judicial or administrative proceedings. 10. Statements or communications made by a person directly concerned (or by their representatives) in the context of an administrative procedure or investigation. 11. Written presentations added to a file or oral interventions registered in a public hearing in an administrative procedure that allows the participation of the interested parties or third parties.
Colombia	No definition	No definition	No definition
Costa Rica	No definition	No definition	No definition

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
Czech Republic	No definition	No definition	No definition
Denmark	No definition	No definition	No definition
Estonia	No definition	No definition	No definition
Finland	No definition	No definition	No definition
France	Law on transparency, the fight against corruption and the modernisation of the economy (Article 18-2)	Three types of activities are considered as communications that may constitute lobbying activities: 1. A physical meeting, regardless of the context in which it takes place; 2. A telephone or video conference call; 3. Sending a letter, an email or a private message via an electronic communication service. When these activities are performed repeatedly over a short period of time, for the same purpose and addressed to the same category of public officials, they constitute a single communication. Lobbying activities must be conducted primarily (during the last six months, executives, employees or members of the organisation or the self-employed lobbyist have spent more than half of the time engaging in lobbying activities) or regularly (during the last twelve months, executives, employees or members of the organisation or the self-employed lobbyists have carried out more than ten influence actions).	The following activities are not considered as “communications”: 1. Public awareness campaigns or street demonstrations; 2. Legislative and regulatory monitoring; 3. A communication initiated by a public official (i.e. a lobbying activity only takes place when a lobbyist is the initiator of a communication with a public official); 4. All exchanges of information that occur between a legal person and a public official as part of the follow-up of a request for an individual decision, and that are not intended to affect the individual decision in question, cannot be considered as lobbying. 5. Communications that are limited to factual exchanges that are not likely to have the purpose of influencing a public decision are not considered as lobbying activities: (a) when an organisation requests factual information, accessible to any person, to a public official; (b) when an organisation asks a public official how to interpret a public decision in force; (c) when an organisation sends information to a public official on its functioning or activities, without any direct connection with a public decision.
Germany	Law introducing a Lobby register for lobbying vis-à-vis the German Bundestag and the Federal government (Article 1-3 and Article 2)	Interest representation means any contact for the purpose of directly or indirectly influencing the decision-making process of the organs, members, parliamentary groups or groups of the German Bundestag or for the purpose of directly or indirectly influencing the decision-making process of the Federal Government.	Interest representatives lobbying the German Bundestag do not have to register when they conduct the following activities: 1. The activities of natural persons who formulate exclusively personal interests with their submission; 2. Raising concerns of an exclusively local nature, provided that no more than two constituencies are directly affected; 3. Submitting a petition in accordance with Article 17 of the Basic Law; 4. Attending public hearings of Parliamentary committees, or other public events of the organs, members, parliamentary parties or groups of the German Bundestag; 5. Responding to direct and individual requests from the organs, members, parliamentary parties or groups of the German Bundestag for factual information, data or expertise;

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			Interest representatives lobbying the Federal Government do not have to register when they conduct the following activities: 1. Making an access to information request; 2. Making a citizen's request; 3. Participating in visiting programmes, lectures, conferences and other public events of the Federal Government; 4. Working for expert councils and other expert bodies established by the Federal Government; 5. Carrying out diplomatic or consular activities, 6. Responding to direct and individual requests from the Federal Government for factual information, data or expertise; 7. The activities of natural persons who formulate exclusively personal interests with their submission; Interest representatives lobbying the Bundestag and/pr Federal Government do not have to register when they conduct the following activities: 1. Holding a public office or mandate; 2. Activities of employers' or employees' association exerting influence on working and economic conditions, 3. Providing legal advice to a third party or to the interest representatives themselves, including the provision of scientific opinions or the presentation and discussion of legal issues for the general public, or a activities which are not aimed at the enactment, modification or rejection of a legal regulation by the German Bundestag or the Federal Government; 4. Operating as political parties in accordance with the Political Parties Act; 5. Operating as institutions for socio-political and democratic education work (political foundations), insofar as the respective budgetary legislator grants global subsidies for the fulfilment of their statutory tasks; 6. Operating as intermediary organisations for foreign cultural and educational policy, insofar as they are institutionally supported with funds from the federal budget; 7. Acting as a church, other religious community or ideological

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			community; 8. Engaging in an activity protected under the second sentence of Article 5(1) of the Basic Law. 9. Are active as a municipal umbrella organisation at federal or Land level; 10. Are active as a national minority recognised in Germany, as a Low German speaker group, as a German minority in Denmark or as an organisation or institution of the aforementioned groups; 11. Have no permanent representation in Germany and work for human rights, democracy, the rule of law, humanitarian concerns or issues of sustainability and their work is primarily directed towards other countries or world regions.
Greece	No definition	No definition	No definition
Hungary	Government Decree 50/2013 (II. 25.) on the system of integrity management at public administration bodies and the procedural rules of receiving lobbyists	The Decree does not provide a definition of "lobbying".	No definition
Ireland	Regulation of Lobbying Act (Article 5)	Relevant communications means communications (whether oral or written and however made), other than excepted communications, made personally (directly or indirectly) to a designated public official in relation to a relevant matter.	Excepted communications: 1. Private affairs: Communications by or on behalf of an individual relating to his or her private affairs unless they relate to the development or zoning of land. For example, communications in relation to a person's eligibility for, or entitlement to, a social welfare payment, a local authority house, or a medical card are not relevant communications. 2. Diplomatic relations: Communications by or on behalf of a foreign country or territory, the European Union, the United Nations or any other international intergovernmental organisation. 3. Factual information: Communications requesting factual information or providing factual information in response to a request for the information (for example, a company asking a public servant how to qualify for an enterprise grant and getting an answer); 4. Published submissions: Communications requested by a public service body and published by it (for example, submissions received in response to a public consultation process which are subsequently published by the public body). 5. Trade union negotiations: Communications forming part of, or directly related to, negotiations on terms and conditions of employment undertaken by representatives of a trade union on behalf of its members.

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			6. Safety and security: Communications the disclosure of which could pose a threat to the safety of any person or to the security of the State. 7. Oireachtas committees: Communications which are made in proceedings of a committee of either House of the Oireachtas. It should be noted that this exemption only applies to formal proceedings of a committee which are generally recorded and/or minuted. It does not apply to communications outside of formal proceedings. 8. Communications by DPOs or public servants: Communications by a DPO in his or her capacity as such are exempt. (For example, communications by county councillors to local authority managers or other public servants do not constitute lobbying.) Similarly, communications by public servants (or those engaged on contract by a public service body) made in that capacity and relating to the functions of the public service body are exempt. 9. Governance of commercial State bodies: Communications by or on behalf of a commercial State body made to a Minister of the Government who holds shares in, or has statutory functions in relation to, the body, or to DPOs serving in the Minister's department, in the ordinary course of the business of the body. (For example, certain communications involving Irish Rail and the Minister for Transport, Tourism and Sport.) 10. Policy working groups: Communications between members of a "relevant body" appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it. A "relevant body" is one whose members are appointed by a Minister or by a public service body and the members include one or more DPOs and one or more who are not public servants nor engaged for the purposes of a public service body. (For example, advisory groups, expert groups, working groups, review groups or commissions). This exemption only applies if the relevant body conducts its activities in accordance with the Transparency Code.
Iceland	Prime Minister's bill on Conflicts of Interest in the Government Offices of Iceland (Article 1)	The act does not provide a definition of "lobbying".	Lobbyists are not required to register in relation with the processing of administrative cases.
Israel	Knesset Law Chapter 12 (Article 66)	The law defines lobbying as actions to persuade Members of the Knesset (MKs) with regards to decisions specified in Annex Table A A.1.	See exemptions in Annex Table A A.2.
Italy	Regulation of interest representation activities in the offices of the Chamber	The representation of interests means any activity carried out professionally in the premises of Chamber of Deputies by lobbyists, via	Statements made and documents submitted during hearings before parliamentary committees do not constitute interest representation

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
	of Deputies (Article 2)	proposals, requests, suggestions, studies, research, analysis or any other initiative or communication, whether oral or written, aimed at pursuing the lobbyist's own interests or those of third parties vis-à-vis Members of the Chamber of Deputies.	activities.
Japan	No definition	No definition	No definition
Korea	No definition	No definition	No definition
Latvia	Cabinet Regulation No. 1 "Values of State Administration and Fundamental Principles of Ethics" (Chapter 3 "Open Communication with Lobbyists", Article 7)	Communication with a public employee or the institution in order to influence the drafting or taking of decisions that do not derive from coordination and public involvement procedures.	Communications that derive from procedures for ensuring the coordination of draft decisions and public involvement specified in laws and regulations.
Lithuania	Law No. VIII-1749 on Lobbying Activities (Article 2 and Article 7 "Activities not considered as lobbying activities'')	Lobbying activities means actions taken by a natural person, a legal person, another organisation or a division thereof, with the aim to exert influence over lobbied persons on the adoption of legal acts in the interests of a lobbying client or the beneficiary of lobbying activities. "Beneficiary of lobbying activities means a natural person, legal person or any other another organisation or division thereof, in the interests of which lobbying activities are carried out and/or which seek to obtain the final benefit from lobbying activities. 'Client of lobbying activities' means a natural or legal person or any other organisation or division thereof that has concluded a written lobbying contract with a lobbyist to carry out lobbying activities, or a legal person or other organisation or division thereof that has assigned or instructed its participant, member of the management body or employee to conduct lobbying activities.	1. Activities of producers, disseminators of public information, their participants or journalists when collecting, preparing, publishing and disseminating public information in accordance with the Law of the Republic of Lithuania on the Provision of Information to the Public; 2. Activities of the persons who, at the invitation or on the initiative of state and municipal institutions or bodies, participate as experts or specialists for payment or without payment at meetings, sittings, consultations on the issues related to the drafting of legal acts in accordance with the Law of the Republic of Lithuania on Legislative Framework; 3. Actions of state politicians, state officials or civil servants when initiating, preparing, considering draft legal acts and adopting legal acts according to their official functions, as well as activities of other persons involved in the preparation, consideration and adoption of legal acts; 4. Proposals and evaluations received in the course of consultations with the public in accordance with the Law of the Republic of Lithuania on Legislative Framework; 5. Implementation of the right to petition, the right to referendum or the citizens' legislative initiative in accordance with the Law of the Republic of Lithuania on Petitions, the Law of the Republic of Lithuania on Referendum and the Law of the Republic of Lithuania on the Citizens' Legislative Initiative, respectively; 6. An individual opinion expressed by a natural person with regard to legislation; 7. Other activities carried out by legal persons in accordance with the procedure laid down by special laws or statutes and in line with the public

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			interest. 8. Activities of persons when they participate in public meetings, conferences or other public events and/or events that are broadcast; 9. Activities of persons when they publicly disseminate information in the mass media; 10. Activities of political parties. 11. Activities of NGOs considered as organisations of public benefit; 12. Activities of religious communities and associations in cooperation with the competent state institutions in matters of education, culture, family, social issues and protection of human dignity.
Luxembourg	Code of Conduct for Members of Parliament relating to financial interests and conflicts of interest (Article 5 "Rules on Lobbying")	No definition of "lobbying" is not provided.	No definition of "lobbying" is not provided.
Mexico	Rules of Procedure of the Chamber of Deputies (Article 263) Rules of Procedure of the Senate (Articles 298)	[Chamber of deputies] Lobbying shall mean any activity carried out before any Member of Parliament, body or authority of the House, either individually or jointly, to obtain a resolution or agreement favourable to their own interests or those of third parties. [Senate] Lobbying is understood as the activity carried out by persons dedicated to promoting the legitimate interests of individuals, before the management bodies and committees of the Senate or before senators individually or jointly, with the purpose of influencing decisions that correspond to them in the exercise of their powers.	The Rules of Procedure do not specify exemptions.
Netherlands	No definition	No definition	No definition
New Zealand	No definition	No definition	No definition
Norway	No definition	No definition	No definition
Peru	Law regulating the management of interests in the public administration, and associated decrees (Articles 2 and 3) Supreme Decree that approves the	The act of interest management is understood as an oral or written communication, whatever the means used, directed to a civil servant of the public administration in order to influence a public decision. The management of interests is understood as an activity by which natural or legal persons, national or foreign, transparently promote their	1. Statements, expressions, remarks or similar acts made in speeches, articles or publications; 2. Dissemination of news or other media disseminated among the general public or disseminated by any means of social communication; 3. Information, in writing or any other form that may be recorded, communicated to the public administration in response to a request;

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
	Regulation of Law No. 28024 - Law that regulates the management of interests in the public administration (Articles 3 and 5)	points of view in the public decision-making process in order to orientate decisions in a desired direction.	4. Information provided on any social network in the exercise of freedom of expression; 5. Statements or remarks made in any public meeting, in the exercise of the rights of freedom of expression, opinion and assembly; 6. Free exercise of legal defence and advice, in compliance with the provisions of the law; 7. Official protocol acts; 8. Information requests, requests for meetings and any other request addressed to the official with public decision-making capacity, provided that it is not motivated by the aim to influence a public decision, or that it constitutes the exercise of the right of opinion provided in article 2-4 of the Political Constitution of Peru ; 9. The participation of natural or legal persons at the request of the public administration, in Consultative Councils, Multisectoral Commissions or other working groups, for the fulfilment of their purposes ; 10. The acts of internal administration of public entities that do not lead to a public decision. 11. The opinions that have been required by the entities of the public administration included in the scope of application of this regulation.
Poland	Act on Legislative and Regulatory Lobbying (Article 2)	'Lobbying activity' means any activity carried out by legally permitted methods aimed at influencing public authorities in the law-making process. "Professional lobbying activity" means any paid activity carried out on behalf of or in the name of a third party in order to ensure that their interests are taken into account during the drafting of legislation.	The Act only requires transparency over professional lobbying activities.
Portugal	No regulation	No definition	No definition
Romania	Memorandum for creating a Unique Interest Groups Transparency Register (Section 3)	Activities conducted by lobbyists with the aim to promote a proposed public policy or contribute to the revision of an existing proposal.	
Slovak Republic	No definition	No definition	No definition
Slovenia	Integrity and Prevention of Corruption Act of 2010 (Articles 4, 56a)	Lobbying means the activities carried out by lobbyists who, on behalf of interest groups, exercise non-public influence on decisions made by State and local community bodies, and holders of public authority in discussing and adopting regulations and other general documents.	Actions taken by individuals, informal groups or interest groups for the purpose of influencing the decision making of State bodies, bodies of self-governing local communities and the holders of public authority: 1. In the consideration and adoption of regulations and other general documents in the area directly relating to the systemic issues of

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
		A lobbyist may submit to lobbied persons any verbal or written information and material on matters in which the lobbyist carries out lobbying activities for interest groups. A lobbyist may also meet the persons lobbied.	strengthening the rule of law, democracy, and the protection of human rights and fundamental freedoms; 2. on matters subject to judicial and administrative proceedings and other proceedings carried out according to the regulations governing public procurement, as well as proceedings in which the rights and obligations of individuals are decided upon.
Spain	Code of Conduct for Members of the Congress and the Senate (Article 6)	Lobbying means communicating directly or indirectly with holders of public or elected office or their personnel in favour of private, public, or collective interests, seeking to modify or influence issues related to the drafting or modification of legislative initiatives.	No definition
Sweden	No definition	No definition	No definition
Switzerland	No definition	No definition	No definition
Turkey	No definition	No definition	No definition
United Kingdom	Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (Article 2)	Organisations and individuals are considered to be carrying out the business of consultant lobbying if they make oral, written or electronic communications personally to a Minister of the Crown or Permanent Secretary related to matters specified in Annex Table A A.1. The 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 date. Informal communications (for example at a social event or conference) are registerable, if they otherwise meet the criteria for consultant lobbying.	Communications made to a government department, special adviser, administrator, private secretary or private office are not registerable. However, communications addressed to a Minister but sent via a private office would have to be registered. A communication from a Minister or Permanent Secretary does not need to be registered. However, If a Minister or Permanent Secretary initiates communication with an organisation and in the subsequent course of the exchange, the criteria for consultant lobbying are met, then the organisation is required to join the Register and register the activity. It does not matter that the Minister initiated the communications (and that the initial contact from the Minister is not itself registerable).
United States	Lobbying Disclosure Act (Article 10)	Lobbying Activities means lobbying contacts and any efforts in support of such contacts, including preparation or planning activities, research, and other background work that is intended, at the time of its preparation, for use in contacts, and coordination with the lobbying activities of others. Lobbying Contact means any oral, written, or electronic communication to a covered official that is made on behalf of a client with regard to the enumerated subjects in Table 3.1	Exemptions include communications that are: 1. Made by a public official acting in the public official's official capacity; 2. Made by a representative of a media organisation if the purpose of the communication is gathering and disseminating news and information to the public; 3. Made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication; 4. Made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938; 5. A request for a meeting, a request for the status of an action, or any

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official; 6. Made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act; 7. Testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force; 8. Information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information; 9. Required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency, including any communication compelled by a Federal contract, grant, loan, permit, or license; 10. Made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications; 11. Not possible to report without disclosing information, the unauthorised disclosure of which is prohibited by law; 12. Made to an official in an agency with regard to a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis; 13. Made in compliance with written agency procedures regarding an adjudication conducted by the agency; 14. A written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding; 15. A petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures; 16. Made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual with respect to the formulation, modification, or adoption of private legislation for the relief of that individual; 17. A disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
			General Act of 1978, or under another provision of law; 18. Made by a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax, or a religious order that is exempt from filing a Federal income tax return.
	Foreign Agents Registration Act (United States Code § 611 and 613)	1. Engaging within the United States in political activities, such as intending to influence any U.S. Government official or the American public regarding U.S. domestic or foreign policy or the political or public interests of a foreign government or foreign political party; 2. Acting within the United States as a public relations counsel, publicity agent, information service employee, or political consultant; 3. Soliciting, collecting, disbursing, or dispensing contributions, loans, money, or other things of value within the United States; 4. Representing within the United States the interests of a foreign principal before U.S. Government officials or agencies.	An agent of a foreign principal may be exempt from FARA's registration obligations if the agent's activities fall within one of the following exemptions: 1. Diplomatic officers and diplomatic staff; 2. Certain registered foreign officials who are not U.S. citizens and are not public-relations counsels, publicity agents or information-service employees. 3. Bona fide commercial activity and other activity not serving predominantly a foreign interest; 4. Humanitarian fundraising; 5. Religious, scholastic, academic, fine arts, or scientific pursuits; 6. Certain activities relating to the defense of foreign governments vital to the United States defense; 7. Legal representation of a disclosed foreign principal before any court or law or agency of the United States government; 8. Properly registered parties under the Lobbying Disclosure Act.
EU	Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (Article 3)	Activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of where they are undertaken and of the channel or medium of communication used, for example via outsourcing, media, contracts with professional intermediaries, think tanks, platforms, forums, campaigns and grassroots initiatives. 'Directly influencing' means influencing by way of a direct contact or communication with the EU institutions or other action following up on such activities and 'indirectly influencing' means influencing through the use of intermediate vectors such as media, public opinion, conferences or social events, targeting the EU institutions. In particular, those activities include: (a) contacting Members and their assistants, officials or other staff of the EU institutions; (b) preparing, circulating and communicating letters, information material	1. Activities concerning the provision of legal and other professional advice are not covered by the register in so far as: (i) they consist of 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; (ii) they consist of advice given to clients to help them ensure that their activities comply with the relevant law; (iii) they consist of 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. (iv) they consist of 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 (v) they relate to the exercise of the fundamental right of a client to a fair

	Source	Definitions of lobbying activities and communications	Exemptions specified in the regulation
		or discussion papers and position papers; (c) organising events, meetings, promotional activities, conferences or social events, invitations to which have been sent to Members and their assistants, officials or other staff of the EU institutions; and (d) voluntary contributions and participation in formal consultations or hearings on envisaged EU legislative or other legal acts and other open consultations. The following activities concerning the provision of legal and other professional advice are covered by the register where they are intended to influence the EU institutions, their Members and their assistants or their officials or other staff: (a) the provision of support, via representation or mediation, or of advocacy material, including argumentation and drafting; and (b) the provision of tactical or strategic advice, including the raising of issues the scope of which and the timing of communication of which are intended to influence the EU institutions, their Members and their assistants or their officials or other staff.	trial, including the right of defence in administrative proceedings, such as activities carried out by lawyers or by any other professionals involved therein. 2. Activities in response to direct and individual requests from EU institutions or Members of the European Parliament, such as *ad hoc* or regular requests for factual information, data or expertise, are not covered by the register.
	Commission Decisions of 25 November 2014 on the publication of information on meetings held between Members and Directors General of the Commission and organisations or self-employed individuals (Article 2)	'Meeting' means a bilateral encounter organised at the initiative of an organisation or self-employed individual or a Member of the Commission and/or a member of his/her Cabinet to discuss an issue related to policy-making and implementation in the Union.	Encounters taking place in the context of an administrative procedure established by the Treaties or Union acts, which falls under the direct responsibility of the Member of the Commission, as well as encounters of a purely private or social character or spontaneous encounters are excluded from the notion of "meetings". Publication of information is withheld when it undermines: 1. The protection of the life, the integrity or privacy of an individual; 2. The financial, monetary or economic policy of the Union; 3. The market stability or sensitive commercial information; 4. The proper conduct of court proceedings or inspections, investigations, audits or other administrative procedures; 5. The protection of any other important public interest recognised at Union level.

Notes: definitions for the European Union refer to the current Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (2014). The official signature and entry into force of the new agreement between the European Parliament, the Council of the European Union and the European Commission is foreseen for the spring of 2021, following formal adoption by the three institutions.
Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Table A A.4. Detailed information to be disclosed on lobbying activities by lobbyists and/or public officials

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
Australia	Register of Lobbyists	Lobbyists	1. Business registration details, including trading names, of the lobbyist including, where the business is not a publicly listed company, the names of owners, partners or major shareholders, as applicable; 2. The names and positions of persons employed, contracted or otherwise engaged by the lobbyist to carry out lobbying activities; 3. Whether a person is a former government representative and if so, the date the person became a former government representative; and 4. The names of clients on whose behalf the lobbyist conducts lobbying activities.	Lobbyists must update their details in the register in the event of any change to the lobbyist's details, within 10 business days after the change occurs.
	Foreign Influence Transparency Scheme	Persons acting on behalf of a foreign principal	Persons registering under the Foreign Influence Transparency Scheme are required to provide information and supporting documentation relating to their registration: 1. Detailed information about registrable activities (including types of registrable activities, dates of activities, details about the purpose of the activity); 2. Information describing the nature of the relationship with the foreign principal. However, the information that is made publicly available does not include information that is commercially sensitive, is sensitive and relates to a confidential government consultation on proposed policy changes, or affects national security.	Registrants are required to report material changes in circumstances, including updating their information to ensure that it is not misleading or inaccurate. Where a registrant becomes aware that information provided is or will become inaccurate or misleading, they are required to correct that information within 14 days. Specific obligations apply during voting periods (including election periods): 1. Reviewing registration information and confirming it is correct or updating the information; 2. Reporting any registrable activities undertaken during the voting periods (if relating to the relevant vote or election).
Austria	Lobbying and Advocacy Register	Lobbyists	Lobbying companies (carrying out lobbying activities for clients) and companies that employ corporate lobbyists: 1. Name of the company, trade register number (if applicable), head office and relevant business addresses, website address; 2. The start of the company's financial year; 3. A brief description of professional or business activities; 4. A reference to a code of conduct; 5. Identity of lobbyists. 6. Identity of clients (disclosed immediately after initial registration);	Lobbying companies Within nine months of the end of the previous financial year: 1. The total turnover resulting from lobbying activities; and 2. The number of lobbying activities conducted. Companies that employ corporate lobbyists: Within nine months of the end of the previous financial year: whether the expenses incurred for lobbying for the past financial year exceed the amount of EUR 100 000.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			Autonomous entities: 1.Name, registered office and relevant address; 2. Legal basis for their establishment; 3. Website address Interest groups: 1. Name, registered office and relevant address; 2. A brief description of the group's contractual or statutory area of responsibility; 3. Website address.	Within nine months of the end of the financial year: 1. Number of persons who work as interest representatives; 2. Estimated costs of advocacy confirmed by an external auditor.
Belgium	Lobbying register	Lobbyists	1. Personal details of the lobbyist; 2. Name of company/institution/organisation and its legal form; 3. Address of registered office; 4. Contact details (telephone number, email address, business number); 5. Purpose of the business; 6. Names of clients who are represented by the company/institution / organisation.	No updates or subsequent registrations are necessary.
Brazil	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Canada	Registry of lobbyists	Lobbyists	Consultant lobbyists: 1. Name and business address of the individual and of the firm where the individual is engaged; 2. Name and business address of the client, and of any person or organisation that controls or directs the activities of the client and has a direct interest in the outcome of the individual's activities; 3. Name and business address of each subsidiary of any parent corporation or subsidiary that has a direct interest in the outcome of the individual's activities on behalf of the client; 4. Where the client is a coalition, the name and business address of each corporation or organisation that is a member of the coalition; 5. Any government funding that the client receives, the name of the government or agency providing funding, and the amount of funding received; 6. The subject-matter in respect of which the individual plans to communicate with a public office holder or to arrange a meeting; 7. the fact that the undertaking does not provide for any success fee;	Lobbyists must update their information every six months. If a communication has been made with a "designated public office holder", a "Monthly return" must be filed, including: 1. The name of the designated public office holder who was the object of the communication; 2. The date of the communication; 3. Subject-matter of the communication.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			8. Any relevant legislative proposal, bill, resolution, regulation, policy, program, grant, contribution, financial benefit or contract; 9. If the individual is a former public office holder, a description of the offices held, which of those offices, and the date on which the individual last ceased to hold such a designated public office; 10. The name of any department or other governmental institution in which any public office holder with whom the individual communicates or expects to communicate or with whom a meeting is or is to be arranged 11. Any communication technique that the individual uses or expects to communicate with the public office holder, including any appeals to members of the public through the mass media or by direct communication that seeks to persuade them to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion (in this Act referred to as "grassroots communication").	
			In-house lobbyists (organisations and corporations): 1. The name and business address of the officer filing returns; 2. The name and business address of the employer; • If the employer is a corporation, the name and business address of every subsidiary of the corporation that has a direct interest in the outcome of an employee's activities on behalf of the employer; • If the employer is a subsidiary of any other corporation, the name and business address of that other corporation; 3. A description in summary form of the employer's business or activities; 4. If the employer is an organisation, a description of the organization's membership; 5. Any government funding received, the name of the government or agency providing funding, and the amount of funding received; 6. If the employer is an organisation, the name of each employee whose duties is to conduct lobbying activities; 7. If the employer is a corporation: a list including the name of each senior officer or employee a significant part of whose duties is to conduct lobbying activities, and a second list including the name of each other senior officer any part of whose duties is to conduct lobbying activities, without constituting a significant part; 8. Identify the subject-matter of any communication made or expected to be made with a public office holder in respect of a relevant matter;	Lobbyists must re-register and update their information every six months. If a communication has been made with a "designated public office holder", such re-registration must be carried out every month through a "Monthly return" including: 1. The name of the designated public office holder who was the object of the communication, 2. The date of the communication, 3. The subject-matter of the communication.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			9. if any employee named in the return is a former public office holder, a description of the offices held, which of those offices, and the date on which the employee last ceased to hold such a designated public office; 10. Any relevant legislative proposal, bill, resolution, regulation, policy, program, grant, contribution or financial benefit; 11. The name of any department or other governmental institution communicated with or expected to be communicated; 12. Any communication technique, including grass-roots communication.	
Chile	Register of meetings and hearings	Public officials	1. Identity of the persons with whom the hearing or meeting was held; 2. Whether or not such persons reported receiving remuneration because of the activity that was performed; 3. Information on the identity of the persons, organisation or entity represented; 4. Matter dealt with, with specific reference to the decision that was intended to be obtained; 5. Place, date, time and duration; 6. Whether the meeting was done in person or by videoconference.	Public organisations must update their registers on the first working day of each month
	Register of travels		1. Destination; 2. Object; 3. Total cost of the trip broken down by items covered; 4. Natural or legal person who financed it.	Public organisations must update their registers on the first working day of each month
	Register of gifts		1. Information on the donation; 2. Date and context of its reception; 3. Identity of the person, organisation or entity making the donation.	Public organisations must update their registers on the first working day of each month
Colombia	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Costa Rica	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Czech Republic	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Denmark	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Estonia	No information disclosed	No information	No information disclosed	No information disclosed

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
		disclosed		
Finland	No information disclosed	No information disclosed	No information disclosed	No information disclosed
France	Register of Lobbyists	Lobbyists	1. Identity of the interest representative, including their identification number in the register of companies or associations; 2. Identity of the executives of the lobbyist; 3. Iidentity of individuals in charge of lobbying activities, and their position. These include individuals who spend more than half of their working time on lobbying activities, and individuals who have performed more than ten influence actions in the last twelve months; 4. Scope of lobbying activities, identified by listing major sectors of activity chosen from a drop-down menu; 5. Level at which the activities are performed: local, national, European or global; 6. Membership in "trade unions, professional organisations or associations related to the interests they represent". 7. Identity of third parties on whose behalf the lobbying activities are performed. This concerns clients for whom lobbying activities have been performed in the last six months.	When lobbying activities are carried out on behalf of a new client, the client's identity must be registered within one month. Lobbyists must file "annual activity reports", submitted within three months of the end of the lobbyist's financial year. The report contains the following information: 1. Types of public decisions targeted by lobbying activities; 2. Type of lobbying activities undertaken; 3. Issues covered by these activities, identified by their purpose and area of intervention; 4. Categories of public officials the lobbyist has communicated with; 5. The identity of third parties; 6. The amount of expenditure related to lobbying activities in the past year, identified by thresholds.
Germany	Lobby Register	Lobbyists	Interest representatives – natural persons: 1. Family name, maiden name, first names, academic degree (optional); 2. date and place of birth; 3. Address; 4 Electronic contact details. Interest representatives – legal persons or other organisations: 1. Company name, website, e-mail address and address, 2. Legal form or nature of the organisation, 3. Surname, first names, academic degree (optional) and electronic contact details of all legal representatives or other persons authorised to represent the organisation; 4. Surname, maiden name, first names, academic degree (optional) of employees directly exercising the representation of interests, unless covered under point;	Interest representatives must update the information at least once a year. Any changes to the information registered must be disclosed at the latest by the end of the quarter following the occurrence of the change. Changes related to the identify of clients must be registered without delay. Financial information must be no later than six months after the end of the financial year for the past financial year.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			5. Number of members and memberships. For all interest representatives: 1. Field of interest and project area as well as description of the field of activity; 2. Identity of the third parties for which interest representation is carried out; 3. Number of employees conducting activities of interest representation (in increments of 10); 4. Annual financial expenditure for interest representation activities (in increments of EUR 10 000); 5. Individual donations and grants received from public authorities, individual gifts from third parties (in increments of EUR 10 000 each), provided that the total value in relation to one donor exceed EUR 20 000 in one calendar year. The name of the donor, its place of residence or registered office, and a brief description of the benefit must also be provided. 6. Annual financial statements or statements of accounts of legal persons if there are no disclosure obligations under commercial law. Interest representatives may refuse to disclose financial information (4-6) but the refusal is recorded in the register and interest representatives are identified in a separate public list within the lobby register. The personal information of natural persons is not made public.	A list of former lobbyists is kept and published accordingly. Removal from takes place after 18 months.
Greece	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Hungary	Employees of public administration bodies must disclose their meetings with lobbyists to their superior.	Public officials	Information given to their superiors shall include the name of the lobbyist and – if applicable – the name of the organisation represented by the lobbyist, as well as the objective, date and location of the meeting. The information is not made public.	
Ireland	Register of Lobbying	Lobbyists	“Applications”: 1. The person’s name; 2. The address at which the person carries on business; 3. The person’s business or main activities; 4. Any e-mail address, telephone number or website address relating to the person’s business or main activities,	"Returns" made at the end of each relevant period, covering activities made during the relevant period: 1. Information relating to the client (name, address, main activities, contact details, registration number) 2. The designated public officials to whom the communications concerned were made and the body

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			5. Any registration number issued by the Companies Registration Office; 6. (if a company) the person's registered office. The application shall contain a statement by the person by whom it is made that the information contained in it is correct.	by which they are employed; 3. The relevant matter of those communications and the results they were intended to secure, 4. The type and extent of the lobbying activities, including any "grassroots communications", where an organisation instructs its members or supporters to contact DPOs on a particular matter. 5. The name of the individual who had primary responsibility for carrying on the lobbying activities, 6. The name of each person who is or has been a designated public official employed by, or providing services to, the registered person and who was engaged in carrying on lobbying activities. If the registered person has not carried on any lobbying activities in the period covered by the return, the return shall state that fact. The return shall contain details of any change during the relevant period in the information entered on the Register. A return shall contain a statement by the person by whom it is made that the information contained in it is correct.
Iceland	Log of registrations of lobbyists	Lobbyists	Before a lobbyist seeks to influence authorities on behalf of a private party, he/she is required to register information on himself/herself and his/her role. Legal entities and NGO's are permitted to register individuals that lobby on their behalf. The following information should be registered: 1. The name and identification number of the lobbyist, 2. Employer and establishment, 3. The role of the lobbyist, i.e. the private parties that the lobbyist represents and their interests. It should be indicated whether the role is incidental or ongoing and when it is expected to end.	A lobbyist is required to notify the authorities when he/she ceases operation.
	Legislative footprint		Information on the participation of private parties in the drafting of a Government Bill shall be accessible in the text of the bill.	
Israel	List of lobbyists on the Knesset's website	Lobbyists	When applying, lobbyists must disclose the following information: 1. Applicant's personal details and whether they work in a company;	If there is a change in the applicant's details, he/she must notify the Knesset in writing immediately after the

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			2. The type of company, its name and registration number; 3. The names of the clients they wish to represent at the Knesset and their field of activity; 4. If the applicant is a member of a political party, the name of the political party; 5. A declaration that the applicant undertakes to act in accordance with the provisions of the law.	change.
Italy	Register of interest representatives (Chamber of Deputies)	Lobbyists	"Application for registration": 1. A description of the activities of representation of interests that the applicant intends to carry out and an indication of the persons he/she intends to contact; 2. In the case of a natural person, his or her personal details, professional address; 3. In the case of a natural person, self-certification that he or she has not held any government office or a parliamentary mandate in the last twelve months; 4. In the case of legal entities, the name and the registered office, the personal details of the persons legally representing them, and of those who carry out the activity of interest representation on their behalf on a stable and constant basis, with indication of the specific contract that binds them, as well as self-certification that they have not held any government office or or a parliamentary mandate in the last twelve months; 5. In the case of persons representing the interests of third parties, the indication of the clients on behalf of which they operate and the legal title that allows the exercise of the activity, with an indication of the end date of the activity, where expected; 6. Consent to the processing of personal data and to the publication on the Chamber's website of the information provided; 7. A commitment to communicate any changes in the information and data in a timely manner.	By 31 December of each year, those entered in the register are required to present to the Chamber of Deputies a report on the activity of interest representation carried out during the year, giving: 1. An account of the contacts actually made; 2. The objectives pursued; 3. The clients in whose interest the activity has been carried out; 4. The employees or collaborators who have participated in the activity. Where a legal entity other than a natural person is registered, a single report is submitted.
Japan	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Korea	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Latvia	Employees of public administration bodies must disclose their meetings with lobbyists to their superior	Public officials	The employee shall inform the direct manager or the head of the institution regarding the expected meeting with the lobbyist, as well as disclose the information received from the lobbyist, including what interests they represent, what proposals were expressed, and in what way they have been considered.	

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
	There is a regulatory footprint if the proposal expressed by the lobbyist is considered.		If the proposal expressed by the lobbyist is considered when drafting or taking a decision, this shall be indicated in the document related to such decision (e.g. in the summary), and made publicly available.	
Lithuania	Transparent Legislative Process Information System	Lobbyists	"Application" 1. The name and surname, personal identification number, place of residence, place of employment and duties of the lobbyist within the last year if the application is lodged by a natural person; 2. The name and the registration number if the application is lodged by a legal person; 3. The name and surname of natural persons who will conduct lobbying activities on behalf of a legal person if the application is lodged by a legal person. 4. Area(s) of regulations in which the person intends to influence legislation.	"Declaration on transparent legislative processes" submitted for every draft legal action which lobbying activities were conducted, no later than within seven days from the commencement of lobbying activities. When a specific piece of legislation involves continuous lobbying, the lobbyist is only required to declare the start of the lobbying activity. The report must contain: 1. Name, surname, number of the lobbyist's certificate; 2. Name, surname or a business name of the client of lobbying activities and/or beneficiary of lobbying activities. 3. The title of a legal act or draft legal act with respect to which lobbying activities were conducted; 4. A brief description of the subject matter to be amended in the legal act or the draft legal act or with respect to which he/she acts as a lobbyist; 5. Name of the institution or body (the division, if there is one) in which the person on whom influence was exerted over; 6. Name, surname, duties of a lobbied person. 7. Whether a proposal for a draft legal act has been submitted to the lobbied person.
		Public officials	The President of the Republic, members of the Seimas, government ministers, vice-ministers, chancellors of ministries, heads of parliamentary political parties, mayors, members of municipal councils, directors of municipal administrations and their deputies must report on lobbying activities targeting them within seven days from the commencement of lobbying activities for a specific draft legal act.	Disclosures must be made within seven days from the commencement of lobbying activities for a specific draft legal act.
	Open agendas	Public officials	The President of the Republic, members of the Seimas, the Government, Deputy Ministers, Chancellors of the Seimas, the Government, Ministries, heads of parliamentary political parties, mayors, members of municipal councils, directors of	

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			municipal administrations and their deputies must publish their agendas on the websites of the legal entities in which they hold office.	
	Certain civil servants must disclose their meetings with lobbyists to their superior	Public officials	Civil servants who participate in the preparation, consideration and adoption of draft legal acts must declare lobbying activities targeting them to their managers within seven days from the commencement of the activities for a specific draft legal act, in accordance with the procedure established by the heads of those institutions.	Disclosures must be made within seven days from the commencement of lobbying activities for a specific draft legal act.
Luxembourg	Legislative footprint	N/A	The legislative footprint is limited to contributions made by lobbyists during Parliamentary Committees.	
Mexico	Lobbying registers	Lobbyists	1. For natural persons: name, address, contact details, copy of documents including declaration of interests; 2. For legal persons: name of the company, business address, contact details, name of the legal representatives, names of persons to be accredited, sector of activity, country of origin, website, documents on the legal constitution of the company; 3. Themes of interest; 4. Commissions, Parliamentary groups, Members of Parliament targeted by lobbying activities; 5. Reforms and/or laws of interest.	Registration must be done **at the beginning of each legislature** and is valid for the duration of the legislature. The lists are published every six months in the Official Gazette.
Netherlands	Voluntary Lobbyist Register	Lobbyists	Name of the lobbyist, name of the employer and/or client.	No updates or subsequent registrations are necessary.
New Zealand	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Norway	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Peru	Online Register of Visits	Public officials	Officials with public decision-making capacity are responsible for registering the acts of interest management. They are prohibited from meeting lobbyists outside their institutional headquarters, except if the meeting was previously scheduled in their official agenda. Each public entity has its own Online Register of Visits. The highest administrative authority of each entity, with the support of the Office of Human Resources and the Office of Institutional Integrity of the institution, identify the public officials with public decision-making capacity for the purposes of registering the acts of interest management.	The information contained in each public entity's Register of Visits must be updated on a daily basis.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			The following information is disclosed : 1. Visitors' name ; 2. The natural or legal person they represent ; 3. The name of the public official visited and the position held ; 4. Reason for the meeting and summary of any act of interest management performed by the visitor, with specific reference to the decision that was intended to be obtained ; 5. Meeting date time (time of entry and exit) ; The information contained in the visits register must be updated on a daily basis. In case the entity does not have the necessary computer tools to carry out this task, the list must be sent to the Secretariat of Public Integrity of the Presidency of the Council of Ministers, in accordance with the procedure that it determines, and published in the Standard Transparency Portal of the respective entity.	
Poland	Register of entities performing professional lobbying activities	Lobbyists	1. Company name, name and address of the person carrying professional lobbying activities, or name and address of a natural person other than the person performing the lobbying activity; 2. Identification number.	Entities listed in the Register must notify the authority responsible for maintaining the register of any modification made to the data recorded in the Register within 7 days of the modification.
	Lists of registered persons as administered by the Sejm and by the Senate	Lobbyists	« Application » : 1. Name and identification number of persons engaging in professional lobbying activities ; 2. Information on the interest which it intends to represent in relation to a given regulation. 3. Certificate or declaration of entry of the entity he/she represents to the register of entities performing professional lobbying activities and an authorisation to represent him/her, as well as a statement indicating the entities for which he/she performs this activity.	The applicant is required to inform of any change in the data covered in the application within 7 days from the date of its occurrence.
	Legislative footprint of documents sent to Committees of the Sejm	Public officials	**Sjem**: documents, in particular proposals for legal solutions as well as expert opinions and legal opinions, submitted by persons engaging in professional lobbying activities to committee examining a given bill shall be made available on the Information System of the Sejm. **Senate**: When a committee reports on legislation or legislative proposal it has been considering, the rapporteur informs about the activities performed by professional lobbyists during the course of the committee work and presents their desired	

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			outcome of that consideration as well as the committee position in the given matter	
	Annual overview of meeting with lobbyists	Public officials	Managers of public authorities prepare once a year, by the end of February, information on the actions taken against them by persons engaged in professional lobbying. The information includes: 1. Cases in which professional lobbying activity was undertaken; 2. Entities that performed professional lobbying activities; 3. Forms of professional lobbying activity undertaken, along with an indication of whether it consisted in supporting or speaking against specific projects; 4. Specification of the influence exerted by the entity performing the professional activity, and its impact.	
Portugal	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Romania	Voluntary Interest Groups Transparency Register	Lobbyists	Specialised groups register voluntarily in the online register: 1. Name of specialised group and contact details, fiscal identification number; 2. Name of legal representative and contact details; 3. Organisational category in which the specialised group falls: 4. Year of establishment, purpose of the organisation, levels of government at which the organisation is active (i.e. local, regional, national, EU), memberships; 5. Areas of interest: 6. Main public policy initiatives pursued in the last 3 years; 7. Whether the organisation collaborates with persons who have worked in a public institution in the last year; 8. Indication of five clients (for profit) and five donors (non profit): 9. Turnover or total revenues from the previous year; 10. Annual budget allocated to lobbying activities (by selecting a threshold): 11. Acceptance for the use of personal data of the representatives of the specialised group.	No updates or subsequent registrations are necessary
	Agendas of decision-makers	Public officials	The agenda of decision makers are published daily in a centralised form on the same platform. Each institution must add a link to the Registry platform in a specialised section of their websites entitled “decision-making transparency”. Management of the institution must complete, on a weekly basis, information on meetings with entities registered in the RUTI; The following information must be registered:	

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			1. The name of the specialised group met, and other people present; 2. The name of the person representing the specialised group; 3. Date of the meeting and meeting place; 4. Names of decision makers participating in the discussions, including their institution and position; (e) Subjet of the discussion.	
Slovak Republic	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Slovenia	Register of lobbyists	Lobbyists and interest groups	Upon registration, lobbyists must disclose: 1. Name and contact details; 2. Tax ID number (not made public); 3. Registered office or name and head office of their employer; 4. Sphere of interests.	By 31 January for the previous year, lobbyists must submit a report containing the following information to the Commission for the Prevention of Corruption (this information is not made public, but available upon request): 1. the lobbyist's tax ID number; 2. Interest groups for which the lobbyist lobbied; 3. Data on the amount of payment received from interest groups for each matter in which the lobbyist has lobbied; 4. A statement on the purpose and objective of lobbying for a particular interest group; 4.The names of State bodies and persons targeted by lobbying activities; 5. Types and methods of lobbying for a particular matter in which the lobbyist has lobbied; 6. Type and value of donations made to political parties and the organisers of electoral campaigns. Interest groups with employees, legal representatives or elected representatives carrying out lobbying activities must register these activities, either after an individual lobbying activity or by 31 January. The report to the Commission for the Prevention of Corruption (not made public, but available upon request) includes the following information: 1. Lobbyists' name and surname;

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
				2. S statement on the purpose and objective og lobbying for a particular interest group; 3. Names of state bodies and persons targeted by lobbying activities; 4. Types and methods of lobbying for a particular matter in which the lobbyist has lobbied.
	Contacts with lobbyists	Public officials	Public officials contacted by lobbyists are required to check that they are duly registered in the Register of Lobbyists, must advise their superiors and report on their meetings with lobbyists to the Commission for the Prevention of Corruption within eight days, in the form of a signed declaration, specifying the date, time and place of the meeting, as well as the intent (matters discussed) and goals (which decision did the lobbyist try to influence and with what aim) of the lobbying activity. The information is incorporated in the lobbying registry.	
Spain	Agenda of the members of the Government	Public officials	The agenda lists, on a day-by-day basis, the visits, interventions or meetings in which the members of the Government participate. Each item discloses at least: 1. The minister in charge, and other minister(s) assisting; 2. The time of the meeting; 3. The organisation met or visited.	
	Agendas of Deputies and Senators	Public officials	Public officials must make public their meetings with interest representatives. The Code of conduct does not further specify the type of information that should be disclosed.	
Sweden	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Switzerland	No information disclosed	No information disclosed	No information disclosed	No information disclosed
Turkey	No information disclosed	No information disclosed	No information disclosed	No information disclosed
United Kingdom	Register of Consultant Lobbyists	Lobbyists	1. In the case of a company: name, registered number and address of its registered office, and the names of its directors and of any secretary and any shadow directors; 2. In the case of a partnership (including a limited liability partnership): the names of the partners and the address of its main office; 3. In the case of an individual: the individual's name and the address of the individual's main place of business (or, if there is no such place, the	Lobbyists must report four times a year, specifying the names of their clients over the past three-month period, along with any changes in the information declared on their register entry.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			individual's residence); 4. Whether the registrant must comply with a Code of Conduct.	
	Ministerial diaries (available upon request)	Public officials	Quarterly ministerial diaries contain external meetings and any meeting with newspaper and other media proprietors, editors and senior executives regardless of the purpose of the meeting.	
United States	Reporting of Lobbying Activities and certain contributions	Lobbyists	1. Contact details, information on clients (one registration per client) and/or the employer. 2. Information on the intended subjects of their lobbying activities. 3. Estimation of payment received or expenditures incurred for lobbying activities.	Quarterly reports on lobbying activities (LD-2), including: 1. General lobbying issue area code(s). 2. Specific issues on which the lobbyist(s) engaged in lobbying activities. 3. Houses of Congress and specific Federal Agencies contacted. 4. Disclosing the lobbyists who had any activity in the general issue area. Semi-annual reports on certain contributions detailing political contributions and attesting to their compliance with Congress' Code of Conduct as regards gifts.
	Foreign Agents Registration Act (FARA) platform	Agents of a foreign principal	Each registrant must complete several forms: 1. Registration Statement including (i) details on the agent of a foreign principal registering; (ii) details on the foreign principal; (iii) a description of the activities the agent of a foreign principal has or will undertake; (iv) financial information on any money received from the foreign principal, any money disbursed on behalf of the foreign principal, and any political contributions made by employees of the agent; (v) information materials on any plans of the agnt to distribute informational materials on behald of the foreign principal, including how they will be distributed and to what audiences. 2. Exhibit A, describing the foreign principal; 3. Exhibit B, describing the nature and terms of the agreement; 4. Exhibit C, including copies of the articles of incorporation, association, bylaws or partnership agreement; 5. Exhibit D if the agent receives, or collects money or other things of value as part of a fundraising campaign; 6. "Short form registration statements", for every partner, officer, director, associate, employee, and agent of a registrant who acts in furtherance of the interests of the foreign principal;	Agents must file a Supplemental Statement every six months, detailing and updating all the items and activities from the Registration Statement, including every press or government contact made on behalf of a foreign principal.

	Type of transparency measure	Person responsible for registration	Information disclosed upon registration	Information disclosed after registration
			6. “Informational materials”, including items that an agent disseminates on behalf of the foreign principal.	
EU	Transparency Register	Lobbyists	1. Information on the organisation, names and contact details of lobbyists, areas of activity, membership and number of members; 2. Main policies and legislative proposals targeted; 3. Membership in committees, expert groups, Parliamentary intergroups; 4. Financial information relating to lobbying activities; 5. In the case of consultants/firms acting on behalf of clients, a list of all clients and payment received for lobbying activities; 6. In the case of think tanks, research and academic institutions: sources of funding.	Once a year, lobbyists must provide financial figures and update the information registered.
	Agendas of Commissioners, Cabinet members, Directors-General and Heads of Service	Public officials	Meetings held with interest representatives: date of the meeting, the location, the name of the Member of the Commission and/or member of the Cabinet, the name of the organisation or self-employed individual and the subject of the meeting.	
	Open agendas in the European Parliament	Public officials	Chairs of Parliamentary Committees, rapporteurs and advisers publish their meetings with lobbyists.	

Source: OECD 2020 Survey on Lobbying and additional research by the OECD Secretariat.

Table A A.5. Specific duties and standards of conduct related to lobbying activities for public officials

	Type of document	Standards of conduct on lobbying
Australia	Australian Government Lobbying Code of Conduct	A Government representative shall not knowingly and intentionally be a party to lobbying activities by a lobbyist or an employee of a lobbyist who is not on the Register of Lobbyists, or who has failed to inform them that they are lobbyists (whether they are registered, the name of their clients, and the nature of the matters they wish to raise). A Government representative must report any breaches of the Code to the Secretary of the Attorney-General's Department.
Canada	Prime Minister Guide on Open and Accountable Government (for Ministers and Ministers of State)	(IV.3) The Commissioner of Lobbying may ask designated public office holders, including Ministers and Parliamentary Secretaries, to verify information about lobbying communications that has been registered by lobbyists. Every effort should be made to meet this responsibility using routine records. Annex B ''Fundraising and Dealing with Lobbyists: Best Practices for Ministers and Parliamentary Secretaries''
	Ethics and Conflict of Interest Code for Senators Standing Orders of the House of Commons, Conflict of Interest Code for Members of the House of Commons (Articles 8-10)	Furthering private interests. When performing parliamentary duties and functions, a member/Senator shall not act in any way to further his or her private interests or those of a member of the member/senator's family, or to improperly further another person's or entity's private interests. Using influence. A member/Senator shall not use his or her position as a member/Senator to influence a decision of another person so as to further the member/Senator's private interests or those of a member of his or her family, or to improperly further another person's or entity's private interests. Insider information. A member/Senator shall not use information obtained in his or her position as a member that is not generally available to the public to further the member/Senator's private interests or those of a member of his or her family, or to improperly further another person's or entity's private interests.
Chile	Lobbying law, ("*Deberes de los sujetos pasivos*")	Lobbied public officials and administrations have a duty to register hearings and meetings with lobbyists, as well as donations and trips made in the exercise of their duties. Public administrations have a duty to maintain a public register of lobbyists and interest representatives. They must guarantee equal access for persons and organisations to the decision-making process. Public administrations are not required to respond positively to every demand for meetings or hearings; however, if it does so in respect to a specific matter, it must accept demands of meetings of hearings to all who request them on the said matter.
Germany	Anti-Corruption Code of Conduct (Annex 1 to the Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration)	Public officials must avoid any appearance of possible partiality, make sure they do not give any appearance of being biased, not even through a general climate of influence exerted by an interested party.
Hungary	Code of Conduct for Government Officials	Public officials must consider as a partiality any situation where their personal interests or their relationship with organisations outside the structure of the state impede or may impede the impartiality, lawfulness, ethics and professionalism of their work. They must refrain from lobbying for or enforcing the employment in public bodies of their relatives and those with whom they are in an emotional, political, economic or other community of interests. They must avoid entering into economic alliances with people who regularly appear as lobbyists in the workplace. They must not seek nor provide benefits or special treatment to current or former employees of government agencies, or to any other stakeholders.
Iceland	Code of Conduct for Staff in the Government Offices of Iceland	When interacting with interest groups, staff in the Government Offices of Iceland shall bear in mind that the duties of public

	Type of document	Standards of conduct on lobbying
	(Article 3.3) Code of Conduct for Members of the Althingi (Article 12)	administration are primarily towards the public. Staff shall observe the principle of equality when responding to the requests of interest groups. Members of the Althingi shall not use their position as a Members of the Althingi to further their own or another person's or entity's interests in a manner incompatible with this Code of Conduct.
Latvia	Cabinet Regulations No. 1 "Values of State Administration and Fundamental Principles of Ethics" (Chapter 3, Articles 7, 8 and 9)	When communicating with lobbyists, public employees shall follow the principles of openness, equality, and integrity. They must ensure all interested lobbyists have equal opportunities to receive information and communicate with the public institution and its employees. Public employees must inform their direct manager or the head of their institution on their meeting with lobbyists, and disclose information on their meetings, including information received from lobbyists.
Lithuania	Law on Lobbying Activities (Article 5 "Responsibilities of state and municipal institutions, establishments and persons to whom lobbying activities are directed")	1. State and municipal bodies, as well as lobbied public officials must create the conditions for lobbyists to exercise their rights specified in the law when they are registered, to carry out lawful activities and pursue the interests of lobbying clients and beneficiaries, as well as the conditions for the Chief Official Ethics Commission to carry out its supervising functions. 2. Lobbied persons are prohibited from accepting gifts or any other remuneration from lobbyists. 3. The President of the Republic, the Seimas, members of the Government, Deputy Ministers, Governors, Chancellors of Ministries, heads of parliamentary political parties, mayors, members of municipal councils, directors of municipal administrations and their deputies must declare lobbying activities targeting them for each draft legal act, no later than seven days from the start of lobbying activities for the specific draft act, This includes oral or written (including electronic) discussions on the provisions of the draft act with the lobbyists. Disclosures are made through electronic means in accordance with the procedure established by the Chief Official Ethics Commission. (hereinafter referred to as the Transparent Legislative Process Information System). 4. Civil servants, other civil servants and other persons who participate in the preparation, consideration and adoption of draft legal acts must declare lobbying activities targeting them for each draft legal act to their managers or authorized representatives of the public institution that are employed in, no later than seven days from the start of lobbying activities for the specific draft act. This includes oral or written (including by electronic means) discussions of the provisions of the draft act with the lobbyists. These disclosures are done in accordance with the procedures established by the heads of each institution. 5. The President of the Republic, members of the Seimas, the Government, Deputy Ministers, Chancellors of the Seimas, the Government, Ministries, heads of parliamentary political parties, mayors, members of municipal councils, directors of municipal administrations and their deputies shall make their agendas public. Their agendas shall be published on the websites of the legal entities in which they hold office.
Luxembourg	Code of conduct for Luxembourg MPs on financial interests and conflicts of interest (Article 5 – Rules concerning Lobbying)	Relations between Members of Parliament and representative of private interests are subject to rules guaranteeing transparency and publicity. Contacts shall take place in committees. Any other contact with an interest representative must not take place within the premises of the Chamber. Insofar as the interventions of the interest representative are likely to have a direct impact on a legislative text under discussion, the Member shall mention it during the committee debates; the rapporteur must indicate it in his or her written report. If the committee decides so, a position paper of an interest group may also be published.
Peru	Law regulating the management of interests in the public administration, and associated decrees (Article 17)	1. Public officials with decision-making capacity who are contacted by lobbyists must maintain equal treatment for all persons who carry acts of interest management. Equal treatment includes the duty by civil servants to consider persons

	Type of document	Standards of conduct on lobbying
	Supreme Decree that approves the Regulation of Law No. 28024 - Law that regulates the management of interests in the public administration (Article 9 "Of the obligations of public officials responsible for registering the acts of interest management")	who carry out acts of interest management with respect and deference, granting them adequate time to present their points of view in the public decision-making process. 2. Public officials with decision-making capacity must record in the Register of Online Visits information on their meetings with persons conducting acts of interest management. The highest administrative authority of each entity, with the support of the Office of Human Resources and the Office of Institutional Integrity, identify the public officials with public decision-making capacity. 3. They are required to inform the Office of Institutional Integrity of their entity if there is a contravention against the prohibition to accept any gifts, donations, free services, offers of employment of positions from lobbyists or their clients, or if lobbyists contravene the ethical guidelines related to the lobbying law. They must inform the Office of Institutional Integrity of any lobbyists who contravenes with his/her ethical obligations. 4. They are prohibited from meeting lobbyists outside institutional headquarters. Exceptionally, any meeting happening outside institutional headquarters may take place if it is scheduled in advance and registered in the Online Register of Visits.
Poland	Act on Legislative and Regulatory Lobbying	The "public authorities" are obliged to publish information on professional lobbying activities targeting them in the Public Information Bulletin, along with the subject and the stated aims of the entities carrying them out. However, MPs and Senators are not subject to any personal obligation of declaration. The Chancellery of the Prime Minister's Ordinance describes the contacts that may be made with lobbyists: the Chancellery's employees are required to document their meetings with lobbyists, using a special form to do so. The Chancellery's Legal Department registers such meetings, compiles documents, formally controls lobbyists' declarations and checks that they are registered. The competent public authority is required to inform the Ministry of Public Information immediately of any professional lobbying activities performed by an entity not in the Register.
Slovenia	Integrity and Prevention of Corruption Act	Public officials may agree to have contact with a lobbyist only after verifying that the lobbyist is entered into the Register. If, during a contact with a lobbyist a conflict of interest arises on the part of the person lobbied, they must refuse any contact with the lobbyist. They must record, within three days, of each meeting with a lobbyist to their superior and to the Commission for the Prevention of Corruption. They must report, within ten days, any attempts to lobby from unregistered lobbyists to the Commission for the Prevention of Corruption.
Mexico	Rules of Procedures of the Senate (Articles 298 and 299) Rules of Procedures of the Chamber of Deputies (Articles 263 to 268)	Senators must inform the Bureau of the Senate of the activities carried out before them by lobbyists. They may not accept gifts or payments in cash of kind from lobbyists. Members of the House and their support staff may refrain from making recommendations that amount to lobbying when they obtain financial or in-kind benefits from third parties with whom they have professional, employment or business relations. They may not accept gifts or benefits from lobbyists.
Spain	Code of Conduct for members of the Congress and the Senate	Members of the Parliament must make public their institutional agenda in the Transparency Portal of the Congress, including the meetings held with the representatives of any entity that satisfies the conditions of an interest group. (…) Each Member of Parliament will be responsible for the truthfulness, accuracy and timeliness of the information published.
United Kingdom	The Seven Principles of Public Life	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work.

	Type of document	Standards of conduct on lobbying
	Civil Service Code	Civil servants must not misuse their official position, for example by using information acquired in the course of their official duties to further their private interests or those of others. Civil servants must not be influenced by improper pressures from others or the prospect of personal gain. Civil servants must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
	Code of Conduct of the House of Commons	No Member shall act as a paid advocate in any proceeding of the House.
	Code of Conduct for Members of the House of Lords Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff	Members may work for or hold financial interests in organisations such as representative bodies, trade associations or organisations involved in parliamentary lobbying on behalf of clients (such as public relations and law firms). However, members themselves are prohibited from personally offering parliamentary advice or services to clients, both directly and indirectly. Guidance on dealing with lobbyists: Some lobbying can give rise to a suspicion of improper influence over Parliament. Members must have regard to such public perceptions. Members' dealings with lobbyists should always be governed by the principles of integrity and openness; Members should take particular care not to give the impression of giving greater weight to representations because they come from paid lobbyists; representations should be given such weight as they deserve based on their intrinsic merit. Members must in their dealings with lobbyists observe the exclusive benefit rule and the prohibition on the provision of parliamentary advice or services for payment or other reward. Members should decline all but the most insignificant or incidental hospitality, benefit or gift offered by a lobbyist. Members should be especially cautious when coming into contact with representatives of corrupt or repressive regimes, ensuring that they uphold the integrity of the parliamentary process and the reputation of the House of Lords at all times. Members' staff shall not make use of their access to the member who sponsors their pass, to other members (of either House), to the parliamentary email network or to the parliamentary estate to further the interests of an outside person or body from whom they have received or expect to receive payment or other incentive or reward.
United States	House of Representatives Ethics Manual Senate Rules and Standards of Conduct	A Member, officer, or employee of the House of Representatives may not accept a gift from a registered lobbyist, agent or a foreign principal, or private entity that retains or employs such individuals. A Member, officer, or employee may accept a gift, other than cash or cash equivalent (e.g., stock, gift card, voucher), having a value of less than $50, provided that the source of the gift is not a registered lobbyist, foreign agent, or private entity that retains or employs a registered lobbyist or foreign agent.
EU	Transparency Rules of the European Commission Rules of procedure of the European Parliament (Rule 11 Members' financial interests and Transparency register)	Commissioners and members of their cabinets are required to publish information on meetings held with interest representatives, and must refuse to meeting with lobbies not included in the Register. Since 31 January 2019 and for each report, the Chair of the Parliamentary Committee concerned and each Parliamentary Group's rapporteur and advisers publish all meetings with lobbyists, whether inside or outside Parliament, in their agendas. Eventually, MEPs "should adopt as a systematic practice" to only meet with interest representatives registered in the Transparency Register.

Notes: definitions for the European Union refer to the current Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (2014). The official signature and entry into force of the new agreement between the European Parliament, the Council of the European Union and the European Commission is foreseen for the spring of 2021, following formal adoption by the three institutions.
Source: Additional research by the OECD Secretariat.

Table A A.6. Specific duties and standards of conduct related to lobbying activities for lobbyists

	Lobbyists
Australia	**Principles of engagement with Government Representatives** (a) lobbyists shall not engage in any conduct that is corrupt, dishonest or illegal, or unlawfully cause or threaten any detriment; (b) lobbyists shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by them to clients whom they represent, the wider public and Government representatives; (c) lobbyists shall not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to Government representatives, members of political parties or to any other person; (d) lobbyists shall keep strictly separate from their duties and activities as lobbyists any personal activity or involvement on behalf of a political party; (e) when making initial contact with Government representatives with the intention of conducting lobbying activities, lobbyists who are proposing to conduct lobbying activities on behalf of clients must inform the Government representatives: (i) that they are lobbyists or employees of, or contractors or persons engaged by, lobbyists; (ii) whether they are currently listed on the Register of Lobbyists; (iii) the name of their relevant client or clients; and (iv) the nature of the matters that their clients wish them to raise with Government representatives.
Austria	**Principles of lobbying and advocacy** Lobbyists and company lobbyists are only allowed to engage in lobbying activities once they have been registered in the lobbying and advocacy register. For every contact with a public official, lobbyists must indicate their identity and the client on behalf of which they are conducting lobbying activities. Lobbyists must refrain from obtaining information in an unfair manner, present information truthfully, to refrain from any unfair or inadequate pressure on officials.
Belgium	**Rules applicable to those who register** By registering, companies, institutions, organisations and the natural persons concerned: • agree that the information they provide to be listed on the website in the register are published, • agree to act in accordance with the attached code of conduct to these Rules, • ensure that the information they provide for inclusion in the register is correct and agree to cooperate in administrative requests for additional information and updates. **Code of Conduct for Lobbyists:** In the context of their relations with the House, lobbyists: (a) comply with the provisions of Rules applicable to those who register (b) declare to Members, their staff or officials of the institution the interest or interests they represent (c) refrain from taking any steps to obtain information dishonestly (d) may not claim any official relationship with the Chamber in any dealings with third parties (e) may not distribute copies of documents obtained from the Chamber to third parties for profit (f) ensure that they provide, at the time of registration and subsequently in the course of their activities covered by the register, information which they are aware is complete, up to date and not misleading (g) generally comply with all rules, codes and practices of good governance established by the Chamber and refrain from obstructing the implementation and enforcement of such rules, codes and practices.

	Lobbyists
Brazil	No specific duties and standards
Canada	**Principles.** Lobbyists must abide by core principles of respect for democratic institutions, including the duty of public office holders to serve, integrity and honesty, openness (being frank about their lobbying activities) and professionalism. **Rules** **Transparency** (i) **Identity and purpose**: when communicating with a public office holder, lobbyists must communicate their identity, the organisation or corporate on whose behalf the communication is made, as well as the reasons for the approach (ii) **Accurate information**: a lobbyist must take all reasonable measures to provide public office holders with information that is accurate and factual (iii) **Duty to disclose**: consultant lobbyists must inform each client of their obligations as lobbyists; the responsible office of an organisation shall ensure that employees who lobby on the organisation's behalf are informed of their obligations. **Use of information**: lobbyists must use and disclose information received from a public office holder in the manner consistent with the purpose for which it was shared. **Conflict of interest:** a lobbyist shall not propose or undertake any action that would place a public office holder in a real or apparent conflict of interest. (i) **Preferential access:** a lobbyist shall not arrange for another person a meeting with a public office holder when the lobbyist and public office holder share a relationship that could reasonably be seen to create a sense of obligation. A lobbyist shall not lobby a public office holder with whom they share a relationship that could reasonably be seen to create a sense of obligation. (ii) **Political activities:** when a lobbyist undertakes political activities on behalf of a person which could reasonably be seen to create a sense of obligation, they may not lobby that person for specified period if that person is or becomes a public office holder. If that person is an elected official, the lobbyist shall also not lobby staff in their office(s). (iii) **Gifts :** to avoid the creation of a sense of obligation, a lobbyist shall not provide or promise a gift, favour, or other benefit to a public office holder, whom they are lobbying or will lobby, which the public office holder is not allowed to accept.
Chile	**Duties of active subjects (as specified in the Law)** (i) **Duty to inform:** to request a hearing with a passive subject (lobbied person), the request must be made on a form including information on the people who will attend the meeting (full name, identity card, contact details) and the organisation they represent (name of the natural person, legal identification number, description of business activities, name of legal representative, name of members of the board of directors). The form must also contain information on whether lobbyists receive remuneration for the activity they carry out, as well as matters to be dealt with during the meeting, with specific reference to the decision to be obtained. (ii) **Duty to provide additional information if required.** The authority takes a decision on granting a hearing within three working days. They may request additional information. After the hearing, public officials may also request clarifying information within 10 working days of the meeting. The active subject then has 5 working days to respond in writing. **Code of Good Practice for Lobbyists:** Lobbyists must abide by the **principles** of honesty and integrity, transparency, professionalism, and compatibility of private and public interests (i.e. they may defend or represent particular interests as long as they do not contravene the public interest). They must **comply with regulations** applicable to lobbying activities, regulations on political participation (financing of political parties and election campaigns, and all regulations applicable to political participation), refrain from unlawful conduct or provoking unlawful conduct. In his/her **relations with his/her clients**, lobbyists must maintain loyalty to the client's interests, devote adequate time to the representation of his/her interests. Clients must be informed in a timely manner on the obligations to which he/she is subject to. Lobbyists must not use privileged or confidential information to the detriment of their client, and refrain from advising to his client

	Lobbyists
	fraudulent or unlawful behaviour. The lobbyist should not accept any demand that would pose a risk to his/her ethical obligations or professional duties towards a client. A client has the right to report violations of the law by a lobbyist. When **interacting with public authorities**, the lobbyist shall provide the information required by law. He/she must inform precisely the issue or matter on which they engage in lobbying activities. The lobbyist ensures the truthfulness and accuracy of the information he/she gives to public authorities. Lobbyists must refrain from employing intermediaries to hide the link with his/her client. Lobbyists must report misconduct to the competent authority. They must refrain from offering any payment, commission, compensation or benefit to gain access to information or person, or to influence a decision. Lobbyists maintain their **independence**; they refrain from representing a particular interest of a client in conflict with that of another client. Lobbyists must inform their clients of any circumstances that could damage their independence or involve a conflict of interest. Lobbyists must refrain from influencing public authorities or civil servants with which he/she has or had a contractual or family relationship. They must not hire former public officials for two years after leaving office. Lobbyists must refrain from any political activity, or investing in the securities of the client without his/her permission.
Colombia	No specific duties and standards
Costa Rica	No specific duties and standards
Czech Republic	No specific duties and standards
Denmark	No specific duties and standards
Finland	No specific duties and standards
France	**Ethical Rules for lobbyists** (**Law**) Lobbyists shall conduct their activities with probity and integrity. They are required to: (i) Declare their identity, the organisation they work for and the interests or entities they represent in their relations with public officials; (ii) Refrain from offering or giving to public officials gifts, donations or any advantages of significant value; (iii) Refrain from inciting public officials to violate ethical rules applicable to them; (iv) Refrain from using fraudulent means to obtain information or decisions from public officials; (v) Refrain from obtaining or attempting to obtain information or decisions by deliberately misinforming public officials or by resorting to deceptive manoeuvres; (vi) Refrain from organising conferences, events or meetings in which public officials would be remunerated, in any way, for speaking; (vii) Refrain from using the information obtained from public officials for commercial or advertising purposes; (viii) Refrain from selling to third parties copies of documents of the government or of an independent administrative or public authority, and from using the letterhead and the logo of these public authorities and administrative bodies; (ix) Strive to comply with all the rules set out in points 1 to 8 in their relations with the direct entourage of public officials.
Germany	**Principles of integrity for interest representation** (Article 5 of the Lobby Law) 1. Representation of interests within the meaning of the Act may only be based on the principles of openness, transparency, honesty and integrity; 2. The German Bundestag and the Federal Government, with the participation of civil society, shall establish a code of conduct that contains guidelines for the exercise of interest representation; 3. Interest representatives shall accept this Code of Conduct when registering in the Lobby Register.

	Lobbyists
	4. Interest representation must be transparent in every contact with the bodies, members, parliamentary parties or groups of the German Bundestag or the Federal Government. Interest representatives must disclose their identity and their field of activity as well as, if applicable, the identity and the field of activity of their clients. They must provide accurate information regarding their interest representation activities. 5. Registered interest representatives shall refer to their registration at the first contact with the respective bodies, members, parliamentary groups or groups of the German Bundestag or with the respective members of the Federal Government and shall name the codes of conduct on the basis of which interest representation is conducted. They should also mention if they refused to register financial information. 6. Agreements that make remuneration or its amount dependent on the success of the representation of interests (contingency fee) are inadmissible. 7. Interest representatives shall ensure that all information provided at the time of registration and thereafter in the course of activities falling within the scope of the register is accurate, complete, up-to-date and not misleading and that any necessary supplementary information and updates requested by the entity keeping the register are provided without undue delay. 8. If, after carrying out an appropriate verification procedure, the entity keeping the register finds that an interest representative has committed a not insignificant breach of the code of conduct referred to in paragraph 2, that finding shall be published in the register. A deletion of this notice in the register shall take place 24 months after the publication of the violation. 9. Registered interest representatives may publicly use the designation "registered interest representative" when they have registered and updated all information required (including financial information) and have not infringed any provision of the law.
Greece	No specific duties and standards
Hungary	No specific duties and standards
Ireland	Lobbyists must abide by core **principles**, including: (i) Demonstrating respect for public bodies; (ii) Acting with honesty and integrity; (iii) Ensuring accuracy of information; (iv) Disclosure of identity and purpose of lobbying activities to public bodies and elected or appointed officials; (v) Preserving confidentiality; (vi) Avoiding improper influence (e.g. creating a sense of obligation on the part of the elected or appointed official by making any offer of gifts or hospitality), (vii) Observing the provisions of the Regulation of Lobbying Act; and (viii) Having regard to the Code of Conduct.
Iceland	No specific duties and standards
Israel	**Lobbyists should not :** 1. Offer or grant to a Member of the Knesset a benefit as part of his efforts to promote the interests of their clients; 2. Mislead the Knesset member in relation to any material or fact presented to him/her; 3. Take action to persuade the Member of the Knesset by improper means, including pressure, threat, seduction or promise; 4. Obtain the commitment of a Knesset member to vote or act in a certain way; 5. Contact, in writing or orally, in connection with his activity as a lobbyist, the employee of the research and information center of the Knesset. A lobbyist staying in the Knesset is required to wear a unique identification badge he/she received from the Knesset stating his/her name, and if he/she operates within a corporation - also the name of the corporation. In his/her appeals to Knesset members and various Knesset members, the lobbyist must say that he/she is acting as a lobbyist in the Knesset with a permit, state the name of the client for whom he/she works and indicate what direct interest he/she seeks to promote.

	Lobbyists
	In addition, lobbyists present at a meeting of a Knesset committee are required to request that their names and other details regarding their activities be recorded in the minutes of the meeting.
Italy	Lobbyists must refrain from any behaviour likely to disrupt the orderly conduct of the proceedings of the Chamber and its bodies or to damage the prestige and decorum of the Chamber and the Institutions; in the event of violation of the obligation to refrain from such behaviour, they may be immediately removed from the premises of the Chamber.
Japan	No specific duties and standards
Korea	No specific duties and standards
Latvia	No specific duties and standards
Lithuania	(Article 4 of the Lobbying Law, "Rights and obligations of lobbyists). A lobbyist must: 1. Introduce himself/herself to a lobbied person, present a lobbyist's certificate issued by the Chief Official Ethics Commission, indicate the client of lobbying activities, the beneficiary of lobbying activities and the lobbyist's position on the adoption of the draft legal act. 2. Submit a lobbying report in accordance with the procedure laid down by the law; 3. Notify the Chief Official Ethics Commission if they are elected or appointment to a position covered by the definition of "lobbied persons", no later than the date on which they commence their duties. 4. Act in compliance with the Law, other legal acts of the Republic of Lithuania and the Lobbyists' Code of Ethics. 5. A lobbyist shall be prohibited from making gifts or promising remuneration to a lobbied person for an adopted or rejected legal act or administrative decision.
Luxembourg	No specific duties and standards
Mexico	No specific duties and standards
Netherlands	No specific duties and standards
New Zealand	No specific duties and standards
Norway	No specific duties and standards
Peru	**"Duties of interest managers"** 1. To observe ethical standards in the performance of their activities; 2. To inform the relevant bodies about the acts of interest management he or she carries out; 3. Report to the competent authority any breach or contravention of this Law; 4. Keep secret the information of a confidential nature to which they have access due to their activity. 5. Register the information required. **Ethical standards** include (i) refraining from formulating requirements that lead to the official with the capacity for public decision to fail to comply with any of his/her obligations; (ii) refraining from promising or granting benefits of any kind, providing services or delivering goods of any nature in favour of officials with public decision-making capacity, as well as their spouse or partner, or relatives; (iii) providing truthful information to public officials with decision-making capacity.
Poland	No specific duties and standards
Portugal	No specific duties and standards
Romania	No specific duties and standards
Slovak Republic	No specific duties and standards
Slovenia	**Duty of identification:** a lobbyist shall identify himself with the lobbied person, state the purpose and objective of the lobbying activity (Article 68)

	Lobbyists
	Duty of providing accurate and true information: A lobbyist may not provide incorrect, incomplete or misleading information to the persons lobbied (Article 70). A lobbyist is deleted from the Registry of Lobbyists (*de facto* can no longer legitimately perform lobbying activities) if it has been established that the data and documents used for entry into the register are false (Article 62). **Duty to refrain from presenting gifts to the lobbied person:** When carrying out lobbying activities, a lobbyist may not act in contravention of regulations on the prohibition of the acceptance of gifts in connection with the discharge of the duties of the office or public duties of the persons lobbied (Article 70).
Spain	No specific duties and standards
Sweden	No specific duties and standards
Switzerland	No specific duties and standards
Turkey	No specific duties and standards
United Kingdom	A person must not carry on the business of consultant lobbying unless the person is entered in the register of consultant lobbyists
United States	No specific duties and standards
EU	Interest representatives shall: (a) always identify themselves by name and, by registration number, if applicable, and by the entity or entities they work for or represent; declare the interests, objectives or aims they promote and, where applicable, specify the clients or members whom they represent; (b) not obtain or try to obtain information or decisions dishonestly or by use of undue pressure or inappropriate behaviour; (c) not claim any formal relationship with the European Union or any of its institutions in their dealings with third parties, or misrepresent the effect of registration in such a way as to mislead third parties or officials or other staff of the European Union, or use the logos of EU institutions without express authorisation; (d) ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the Register, is complete, up-to-date and not misleading; accept that all information provided is subject to review and agree to co-operate with administrative requests for complementary information and updates; (e) not sell to third parties copies of documents obtained from EU institutions; (f) in general, respect, and avoid any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions; (g) not induce Members of the institutions of the European Union, officials or other staff of the European Union, or assistants or trainees of those Members, to contravene the rules and standards of behaviour applicable to them; (h) if employing former officials or other staff of the European Union, or assistants or trainees of Members of EU institutions, respect the obligation of such employees to abide by the rules and confidentiality requirements which apply to them; (i) obtain the prior consent of the Member or Members of the European Parliament concerned as regards any contractual relationship with, or employment of, any individual within a Member's designated entourage; (j) observe any rules laid down on the rights and responsibilities of former Members of the European Parliament and the European Commission; (k) inform whomever they represent of their obligations towards the EU institutions.

Source: Additional research by the OECD Secretariat.

Annex B. Methodology

Background

On 18 February 2010, the OECD Council adopted the Recommendation on Principles for Transparency and Integrity in Lobbying [C(2010)16 and C/M(2010)3/PROV] (OECD, 2010[1]) (hereafter 'the Recommendation'). The Recommendation recognises that lobbying in all its forms, including advocacy and other ways of influencing public policies, is a legitimate act of political participation, and grants stakeholders access to the development and implementation of public policies. Lobbyists, as well as advocates and all those influencing governments, represent valid interests and bring to the attention of policy makers much needed insights and data on all policy issues. It is this variety of interests and stakeholders that allow policy makers to learn about options and trade-offs. Such an inclusive policy-making process leads to more informed and ultimately better policies.

However, evidence has shown that policy-making is not always inclusive and at times may only consider the interests of a few, usually those that are more financially and politically powerful, at the expense of the public interest. The Recommendation was the first international guideline for governments to address transparency and integrity risks related to lobbying practices. It was part of a broad set of OECD initiatives triggered by the 2008 financial crisis to set standards and principles for a stronger, cleaner and fairer economy, and avoid that policy choices be made in the interests of the more financially and politically powerful.

Evidence had shown that dishonest and non-transparent lobbying, as well as revolving door practices that led to deregulation, were partly at the origin of the 2008 financial crisis (Igan and Lambert, 2019[2]; Igan and Mishra, 2014[3]). A sound framework for regulating lobbying was considered vital to fostering transparency, integrity and accountability in the recovery phase. The Recommendation thus provides decision-makers within Members and non-Members having adhered to it (hereafter "Adherents") with directions and guidance on how to promote equal access to policy discussions for all parties concerned, and how to enhance transparency, integrity and mechanisms for effective implementation.

The principles embedded in the Recommendation were developed by the PGC on the basis of reviewed data and experiences of government regulation (OECD, 2009[4]) and self-regulation by lobbyists [GOV/PGC(2009)9]. It also reflected the views of a wide range of OECD bodies and stakeholders consulted by the PGC, including legislators, representatives of the private sector, lobbying associations, civil society organisations, trade unions, think tanks and international organisations [GOV/PGC(2009)14].

The Recommendation became applicable to all OECD Member countries through Council's adoption, but also open to non-Members' adherence. To date, one non-Member, Peru has adhered to the Recommendation. When adopting the Recommendation, the OECD Council instructed the PGC to report back on progress made in implementing the Recommendation within three years of its adoption and regularly thereafter. This resulted in the 2014 Report on the Implementation of the Recommendation of the Council on Principles for Transparency and Integrity in Lobbying [C(2014)7], also published as "Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying" (OECD, 2014[5]). The implementation report concluded that lobbying was receiving increased attention and some Adherents were adopting relevant regulations or policies. However, while these efforts had resulted in more risk awareness and openness on lobbying practices, the approach had

been too often driven by the pressure of addressing public and political scandals, leaving room for loopholes and weak transparency mechanisms, or at times resulting in overshooting, by which countries have gone above and beyond what is needed to address the concerns. The report also showed uneven compliance concerning regulations and policies, and that providing access to the decision-making process to all stakeholders from the private sector and the public at large, beyond specific interests, remained a challenge.

When noting and declassifying the 2014 Report, the OECD Council invited the PGC to pursue its work on transparency and integrity in lobbying, and to report back on the implementation of the Recommendation in a further three years. In its Standard-Setting Action Plan [GOV/PGC(2017)4/FINAL], the PGC confirmed that the Recommendation "still remains the sole global legal instrument to provide guidance on how to ensure transparency and integrity in lobbying activities" and scheduled the upcoming report to Council. The present document responds to the Council request and the report in the Annex takes stock of the progress made in implementation. The discussions at the Working Party of Senior Public Integrity Officials (SPIO) have demonstrated a strong interest from non-Adherents to implement the recommendation without formal adherence to it. Accordingly, in addition to OECD Members and Peru, the report also features good practices from non-Adherents such as Brazil, Costa Rica and Romania.

The key role of lobbying as a legitimate tool to influence public policies and concerns on transparency and integrity risk associated with it, remain as high as ever. As the COVID-19 crisis has demonstrated, lobbying risks persist, in particular when there is a need for rapid decision-making and high public spending, and is also changing in nature and format with wider societal evolutions (digitalisation, globalisation, etc.). Thus, the report also reflects on new challenges and risks related to the many ways special interest groups attempt to influence public policies, including through political finance, and reviews tools adopted by governments to effectively safeguard impartiality and fairness in the public decision-making process.

Methodology

The Secretariat used several tools to collect extensive evidence since the adoption of the previous report on the implementation of the Recommendation. To reduce unnecessary duplication and burden on Adherents, the present report builds on existing analysis developed by the OECD, notably the 2014 monitoring report "*Lobbying, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying*" (OECD, 2014[5]), "*Financing Democracy*" (OECD, 2016[6]), "*Preventing Policy Capture*" (OECD, 2017[7]), and the "*OECD Public Integrity Handbook*" (OECD, 2020[8]).

The report follows a similar methodology to the one used for the 2014 monitoring report. Two approaches were applied to assess the level of implementation of the Recommendation:

- **Consulting stakeholders**: views were collected through relevant sessions of the annual OECD Global Anti-Corruption and Integrity Forum, and meetings of the OECD Coalition of Influencers held on 28 March 2018 and 22 March 2019. The Coalition brings together key stakeholders from government, business, academia and civil society to examine the mechanisms by which interests influence policy makers, and serves as a collaborative platform to identify and develop practical solutions to ensure integrity in public decision making and promote better policies.
- **Benchmarking** based on comparative evidence and lessons learned in specific country contexts. This included desk research and existing data on lobbying regulations, notably through the 2018 OECD Product Market Regulation indicators (PMR). New data was also collected through three separate OECD surveys addressed to public officials, legislators, lobbying associations and lobbyists, and through the analysis of peer-reviewed research papers on influence in the health, environment, finance and technology policy areas.

The three OECD Surveys on Lobbying took stock of regulations and collected experiences of public officials from the executive and legislative branches, as well as lobbyists. Respondents to the 2020 OECD Survey on Lobbying for public officials in the executive branch were country delegates responsible for integrity policies and/or lobbying-related rules and their implementation in central governments. Respondents from a total of 31 OECD Adherents – Australia, Austria, Canada, Costa Rica, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, Norway, Peru, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and the United States – completed the survey. Italy responded to selected questions. Belgium, Colombia Estonia, Israel, Japan, New Zealand, and the United Kingdom did not respond. The United Kingdom provided information through written procedure, and information on the remaining Adherents was collected through desk research. To disseminate and promote the use of the Recommendation beyond its Adherents, the survey was also distributed to Key Partners and members of the Group of States against Corruption (GRECO), the anti-corruption body of the Council of Europe. Brazil and Romania completed the Survey. and given the expansion of lobbying activities at the European level, the "Joint Transparency Register Secretariat", which manages the Transparency Register of the European Commission and the European Parliament, also responded to the survey.

The 2020 OECD Survey on Lobbying for lobbyists was distributed to individual public affairs professionals and lobbyists through national and international lobbyists' associations. A total of 157 responses were collected, anonymously, from 34 Adherents and selected non-Adherents.

Lastly, the 2020 OECD Survey on Lobbying for legislators was distributed to individual legislators through the OECD Global Parliamentary Network and OECD delegations. In total, 116 responses were collected from legislators in 31 Adherents and selected non-Adherents.

Process

The process for the development of the present report began in November 2018. The Secretariat, presented a first draft outline of the report during the March 2019 meeting of the Working Party of Senior Public Integrity Officials (SPIO). Feedback and comments that were received from delegates served as a basis to design the surveys. These were used to gather information that would not otherwise be obtained through desk research, or that was not yet collected through other OECD surveys.

A second draft outline, along with the surveys, were discussed during the SPIO meeting of November 2019, which featured a session in which four roundtables of delegates discussed topics related to transparency, emerging threats to integrity in decision making, the integrity of data and evidence, as well as transnational lobbying. Surveys were disseminated through and thanks to the support of the delegates, OECD delegations and parliamentary networks.

The inputs from discussions and comments received from the aforementioned stakeholders served as a basis for the preparation of the first draft of the report. The draft report was discussed at the meeting of the SPIO on 30 November 2020, and revised on the basis of comments received. Delegates voiced strong support for the draft report, welcomed the in-depth analysis it provided, and highlighted its timeliness in the crisis currently facing governments and for their national contexts, as many Adherents are currently discussing lobbying bills or are in the process of revising existing regulations.

The Public Governance Committee discussed the draft report during the PGC Symposium "Reinforcing Democracy: 21st Century Governance Challenges" on 19 March 2021 and at its 63rd session on 22 March 2021. The draft report was also submitted to select stakeholders for a targeted consultation, namely Ethical Systems, the Good Lobby; Influence Map; Political Intelligence EPACA; Preventable Surprises; and Principles for Responsible Investment. Comments received during the consultation, discussions and additional written comments by SPIO and PGC delegates informed a second and final revision of the draft

report, which has been approved by the PGC via the accelerated written procedure on 16 April 2021 [GOV/PGC/INT(2020)9/REV2].

In line with the provisions of the Recommendation, the Regulatory Policy Committee and other relevant OECD bodies have been consulted on the draft report.

Dissemination

The Recommendation invites the Secretary-General to "support, as appropriate, Members in taking steps to foster transparency and integrity in lobbying", and "disseminate the Principles to non-Members and to promote good governance through encouraging them to use the Principles in their efforts to enhance transparency and integrity in public decision-making". This has taken place in various ways:

- Policy dialogues in meetings of the SPIO and the Coalition of Influencers on Integrity in Decision-Making.
- A global policy debate during the OECD Forum on Transparency and Integrity in Lobbying held on 27-28 June 2013, which brought together more than 100 senior representatives from the executive and legislative branches of governments, the private sector and civil society.
- Dedicated discussions at relevant sessions of the annual OECD Global Anti-Corruption and Integrity Forum, including a session on "Responsible Lobbying: Aligning Profit with the Public Good" in 2019, in which panellists from the public sector, the private sector, and civil society organisations identified critical principles to that should guide responsible lobbying practices.
- Policy dialogues that took place during the OECD High Level Parliamentary Seminars held in Santiago, Chile in March 2012 and in Paris in October 2013, France, as well as the February 2019 meeting of the OECD Parliamentary Network in Paris, France.
- Presentation of the Recommendation in OECD regional networks, including the 10th Regional Conference of the Anti-Corruption Initiative for Asia and the Pacific in December, which addressed, for the first time, the issue of undue influence in the early stages of the public investment cycle.
- Presentation of the Recommendation in international conferences (e.g. Transparency International's International Anti-Corruption Conference).
- Dissemination and promotion of the Recommendation by Adherents at the national and regional levels.

The Recommendation has been key to raise awareness and promote the relevance of lobbying standards among Adherents, encouraging them to use the Recommendation in their efforts to enhance transparency and integrity in public decision-making. It has proved to be a valuable instrument in shaping policy debates at national and supranational levels and guiding the many Adherents that since 2010 have adopted regulations or policies on lobbying. Austria, Chile, Ireland, and France reported to have used the Recommendation as a source for their regulations. It has also proven influential in framing and informing debates in Adhering countries currently designing or revising lobbying regulations, such as Costa Rica, the Czech Republic and Germany (Box A B.1).

Box A B.1. Countries currently designing or revising lobbying regulations

Czech Republic

In Czech Republic, three bills have been introduced since 2004 but failed to be passed into law. A poll among members of law schools in the Czech Republic in 2018 highlighted that 95% of respondents considered that lobbying can significantly influence the outcome of legislative process, while 93% responded that lobbying should be regulated in Czech Republic (Blažek, forthcoming[9]). A Bill on Lobbying in the legislative process – already approved by the Czech government – is currently subject to proceedings in the Parliament. The new bill provides for a mandatory transparency register, the publication of meeting records with lobbyists, as well as a legislative footprint.

Germany

A draft lobbying bill was introduced by governing "grand coalition" parties in 2020. The bill proposes the creation of a registration obligation for those who seek influence on the decision-making process of the executive and the legislative branch. The final draft bill was adopted by the German Bundestag on 25 March 2021 and by the Bundesrat on 26 March 2021. The law will enter into force on 1 January 2022.

Costa Rica

A draft law to regulate the activities of lobbyists in the public administration ("*Ley reguladora de las actividades de lobby en la administración pública*") was introduced and discussed in Parliamentary Committee in 2019. The draft bill provides definitions of lobbyists, lobbying activities, as well as public officials and decisions targeted. It includes the mandatory registration of public officials' meetings with lobbyists.

Source: Czech Republic: information provided by Czech Republic during the meeting of Senior Public Integrity Officials (SPIO) in March 2019; Germany: draft lobbying bill provided by the delegate for Germany in the Working Party of Senior Public Integrity Officials ; Costa Rica: information provided by the Procuraduría de la Ética Pública.

The Recommendation has also informed debates at the subnational level. For example, the Québec Commissioner of Lobbying used the Principles embedded in the Recommendation to review implementation of the Québec Lobbying Transparency and Ethics Act in 2019 (Québec Commissioner of Lobbying, 2019[10]).

The Recommendation is also informing debates in Adherents considering lobbying laws and regulations (Box A B.2).

Box A B.2. Lobbying laws and regulations currently under consideration in Adherents

Latvia

In 2020, the Government of Latvia adopted Latvia's Open Government National Action Plan, which includes a specific commitment on the "Transparency of interest representation and lobbying". The commitment aims for the introduction of a new lobbying transparency law by 2021. It also includes activities to raise awareness of lobbying rules and guidelines, such as introducing a training on lobbying for public officials by the Latvian School of Public Administration, and introducing one specific training on lobbying within the Programme for the Development of Senior-level managers.

Luxembourg

In Luxembourg, the Agreement of the Governing Coalition for 2018-2023 includes consideration for introducing a register of interest representatives involved in the legislative process, with a view to increasing the transparency over lobbying activities.

Spain

The Government of Spain recently adopted its IV Open Government Plan (2020-2024). Reinforcing public integrity is one of the primary objectives and line of action of this Plan and, as a result, a bill regulating lobbying activities and establishing a register of lobbyists is expected to be adopted in 2022.

Slovak Republic

The Slovakian Anti-Corruption Policy of the Slovak Republic for 2019-2023 includes an objective to introduce an "effective legal framework for regulating lobbying".

Source: Latvia: https://likumi.lv/ta/en/en/id/312544-fourth-national-open-government-partnership-action-plan-of-latvia; Luxembourg: Agreement of the Governing Coalition 2018-2023 https://gouvernement.lu/fr/publications/accord-coalition/2018-2023.html. ; Spain: information provided by the delegates of the SPIO; Slovak Republic: Anti-Corruption Policy of the Slovak Republic for 2019-2023, provided by the delegates of the SPIO.

The Recommendation has also informed the Council of Europe Recommendation of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making (Council of Europe, 2017[11]). Similarly, business representatives as well as non-governmental organisations have built on the Recommendation in their efforts related to lobbying. Academics have also used the Recommendation to establish standards to measure the robustness of lobbying regulations (Chari et al., 2019[12]).

Lastly, the Recommendation has also been successfully disseminated to non-Adherents. In particular:

- Whenever the Secretariat conducts reviews of integrity systems ("Integrity Reviews") in OECD Member and non-Member countries, the Recommendation constitutes the key reference for the chapter on ensuring transparency and integrity in public decision-making processes (e.g. Argentina, Thailand; Slovak Republic);
- One non-Member, Peru, adhered to the Recommendation, and this report includes findings on its implementation in Peru. Other countries, such as Kazakhstan, has requested adherence to the Recommendation.

The dissemination activities developed by Adherents and the OECD Secretariat under the auspices of the SPIO have been important in explaining the rationale and the value of the Recommendation to key actors – namely governments, lobbyists and legislators – from Adherents and non-Adherents and in increasing their understanding of the various pillars of the Recommendation.

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Lobbying in the 21st Century

TRANSPARENCY, INTEGRITY AND ACCESS

Lobbying, as a way to influence and inform governments, has been part of democracy for at least two centuries, and remains a legitimate tool for influencing public policies. However, it carries risks of undue influence. Lobbying in the 21 st century has also become increasingly complex, including new tools for influencing government, such as social media, and a wide range of actors, such as NGOs, think tanks and foreign governments. This report takes stock of the progress that countries have made in implementing the OECD Principles for Transparency and Integrity in Lobbying. It reflects on new challenges and risks related to the many ways special interest groups attempt to influence public policies, and reviews tools adopted by governments to effectively safeguard impartiality and fairness in the public decision-making process.

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