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Department of  
Economic and  
Social Affairs

CEPA strategy guidance note on  
**Lobbying registers**

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The [United Nations Committee of Experts on Public Administration \(CEPA\)](#) has developed a set of principles of effective governance for sustainable development. The essential purpose of these voluntary principles is to provide interested countries with practical, expert guidance on a broad range of governance challenges associated with the implementation of the 2030 Agenda. CEPA has identified 62 commonly used strategies to assist with the operationalization of these principles. This guidance note addresses lobbying registers, which are associated with the principle of transparency and can contribute to strengthening the accountability of institutions. It is part of a series of such notes prepared by renowned experts under the overall direction of the CEPA Secretariat in the Division for Public Institutions and Digital Government of the United Nations Department of Economic and Social Affairs.

In reading this guidance note, individuals in government ministries and agencies who are less familiar with the topic will be able to understand the fundamentals. Those who have perhaps taken initial steps in this area with limited follow-through or impact will be able to identify how to adjust elements of their practice to achieve better results and to better embed and institutionalize the strategy in their organizations. Those who are more advanced in lobbying registers will be able to recognize the practices which contribute to their success.

## Understanding the strategy

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Lobbying registers serve to record which lobbyists are trying to influence which public officials and in which areas. Having a register adds transparency and accountability to the political process, helping to increase trust among the policymaking community (including politicians, civil servants and other lobbyists), as well as with citizens at large. Stakeholders will be afforded more knowledge about who is trying to shape policies and will perceive that there is nothing governments seek to hide when policies are being made. Lobbying registers have the potential to reverse declining trust in governments, thus effectively increasing the legitimacy of political systems and having symbolic effects on democracy more generally. Concomitantly, increased legitimacy in the political system will also foster participation among citizens, increasing inclusive and representative decision-making.

In order to understand the significance of lobbying registers, it is useful to situate them within the broader context of lobbying regulations. *Lobbying regulations* are concerned with establishing the rules that *lobbyists* must follow when in contact with a *public official*.<sup>1</sup> *Lobbyists* are those who seek to communicate on, or try to influence, decisions taken at the political level.<sup>2</sup> As the Organization for Economic Co-operation and Development (OECD) states, lobbying “... has a profound impact on the outcome of public policies.”<sup>3</sup>

It is important to note that, despite some negative connotations associated with lobbying, lobbyists are legitimate actors in any political system and their presence is “absolutely essential to the success of representative democracy.”<sup>4</sup> They are generally paid for their attempts to influence or communicate on a policy, and some examples of lobbyists include: consultants acting on behalf of a client; a corporation; professional associations; non-governmental organizations (NGOs); civil society organizations (CSOs); think tanks; academic institutions; and religious groups. Lobbyists can attempt to influence political decisions in many ways, including through direct communication with public officials (in person, over the telephone

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<sup>1</sup> Lobbying regulations are part of other transparency policies that states may pursue, including freedom of information laws, open data initiatives, whistleblowing laws, campaign finance rules and corporate social responsibility initiatives. From this perspective, regulating lobbying can be contextualized within a menu of different regulatory tools and options to curb corruption and the influence of money in politics. For more, see Chari, R., J. Hogan, G. Murphy and M. Crepez. 2019. *Regulating lobbying – A Global Comparison 2nd Edition*. Manchester: Manchester University Press, Chapter 1; Crepez, M. and L. Kneafsey. 2021. “Usability of transparency portals: Examination of perceptions of journalists as information seekers,” *Public Administration*, 100 (4), pp. 978-998; Crepez, M. and B. Worthy. 2023. “Cleaning Up UK Politics: What Would Better Lobbying Regulation Look Like?” *Parliamentary Affairs*, pp. 1-15.

<sup>2</sup> Chari et al. 2019.

<sup>3</sup> OECD 2021. *Lobbying in the 21st Century : Transparency, Integrity and Access*. Paris, OECD Publishing. <https://www.oecd-ilibrary.org/sites/cc47798f-en/index.html?itemId=/content/component/cc47798f-en> (last accessed 30 March 2024).

<sup>4</sup> Holman, C. and W. Luneburg. 2012. *Lobbying and Transparency: A Comparative Analysis of Regulatory Reform*. Interest Groups & Advocacy, 1(1), p. 78, and Alemanno, A. 2017. *Lobbying for Change: Find your voice to create a better society*, London: Icon Books.

or through teleconferencing); presentations to officials; or by offering draft reports wherein specific details of policy are suggested. *Public officials* that lobbyists target are those who exercise a public function, representing either elected officials, or civil servants who work across government departments (as well as independent agencies) and are involved in public decision-making.<sup>5</sup>

A key aspect of lobbying regulation is the *register*, which lobbyists sign up to when seeking to influence public officials. Registers are "... strongly connected to some obligations (such as periodic filing of reports on lobbying activities or abiding to a code of conduct) and rights (such as permanent access to governmental buildings.)"<sup>6</sup> There are two main types of registers:

- Mandatory registers consist of lists that legally entitle enrolled actors to lobby, and that aim to prevent those not on the lists from engaging in lobbying activities;
- Voluntary registers are open lists where individual professionals or organizations can voluntarily enroll, usually in exchange for benefits of some kind, if only in terms of reputation.<sup>7</sup>

In order to register, lobbyists will have to provide their names, the organizations they work for, and the policy area they seek to influence. In more robust registers, information may also include reports detailing money spent when lobbying, having "cooling off" provisions that prevent public office holders from working as lobbyists immediately after they leave office, and giving regulatory agencies in charge of the register power to impose fines if lobbyists break the rules. Registers are generally open to public scrutiny because they are available on the internet and freely available to all, in principle allowing all stakeholders and citizens with internet access to see who is trying to influence policy development.

### Benefits of lobbying registers

There are three related benefits of lobbying registers. First, they allow policy processes to involve more stakeholders and enable closer scrutiny of policymakers, which increases transparency, trust, participation and legitimacy. With more stakeholders involved, lobbying regulation strengthens confidence in the political system, reducing potential corruption by

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<sup>5</sup> This is based on ideas raised by the Council of Europe in *Legal Regulation of Lobbying Activities in the Context of Public Decision Making*, Recommendation CM/Rec(2017)2 and explanatory memorandum of 2017. Council of Europe Publishing.

<sup>6</sup> Hogan, J. and A. Bitonti. 2022. "Lobbying Regulation" in *The Palgrave Encyclopaedia of Interest Groups, Lobbying and Public Affairs*, eds. P. Harris, A. Bitonti, C. S. Fleisher and A. Skorkjær Binderkrantz. Basingstoke: Palgrave.

<sup>7</sup> These definitions of both mandatory and voluntary registers are from Hogan, J. and A. Bitonti, 2022, Op. Cit., p. 4.

some lobbying groups with privileged policymaking positions, while restoring trust in the State.<sup>8</sup>

Second, lobbying registers allow the public to “learn what lobbyists are doing and how policymakers are responding, which gives them information they need to engage in their own political activity.”<sup>9</sup> Shedding light on the dynamics of lobbying helps citizens see how many economic and social groups are interested in a policy, while learning more about the actions of extra-institutional policy actors and which issues are of vital concern.

Third, as seen in the implementation of lobbying laws in different countries, “leveling the influence playing field”<sup>10</sup> and having an independent regulator overseeing lobbying (as discussed later), allows for impartiality when collecting data on active lobbyists as well as proper monitoring of the rules that lobbyists should follow. The benefit of this is that the information available to all stakeholders on the activity of lobbyists will be clearer, more objective, more easily accessible, and facilitate engagement of all interested groups in the policy process.

As Hogan and Bitonti argue,

(b)ecause of the negative perception of lobbying, demand has grown in many countries for the introduction of specific regulations addressing the practice of lobbying and the activities of lobbyists... Some governments in response have sought to introduce lobbying legislation with the objective of reducing the potential for corruption and supporting a level playing field in the policymaking process for interest groups... if policymaking is more transparent not only will the public be able to see how decisions are made, but the whole process will allow for better decisions through deliberative discussion and reflection.<sup>11</sup>

Notwithstanding these benefits, it is important to note three practical limitations in the use of lobbying registers. First, the definition of lobbyist that is captured in the register (for example, consultant lobbyists may have to register, but in-house corporate lobbyists may not) could impact the potential scope and contribution of lobbying regulation to transparency. Second, while the registration of lobbyists makes transparent who is attending official meetings, registers do not record what kind of arguments or data are presented in those meetings. Third, while lobbying laws may require lobbyists who are directly seeking to influence public officials to register, indirect lobbying is not captured. Indirect lobbying includes, for example, attempts to influence policy via the media, social media campaigns or protests and boycotts. Lobbyists seeking to influence policy indirectly are generally not required to register.

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<sup>8</sup> OECD. 2021. Op. Cit.; Nownes, A. 2017. *Lobbying: the preconditions of an anti-corruption promise*. Anti-corruption Resource Center, U4 Issue (8), p. 8.

<sup>9</sup> Nownes, A. 2017. Op. Cit., p. 8.

<sup>10</sup> Nownes, A. 2017. Op. Cit., p. 8.

<sup>11</sup> Hogan and Bitonti. 2022. Op. Cit., p. 4.

## Lobbying registers and the Sustainable Development Goals

Lobbying registers can help in achieving the Sustainable Development Goals (SDGs) and key targets of the 2030 Agenda for Sustainable Development. In particular, regulating lobbying is related to SDG 16 and its target 16.6, which seeks to develop effective, accountable and transparent institutions at all levels; and target 16.7, which seeks to ensure responsive, inclusive, participatory and representative decision-making at all levels. Having publicly available registers that allow all to see who is lobbying about what will also help ensure public access to information (target 16.10). This transparency also dissuades “backroom deals” from occurring when policies are made, helping to reduce corruption (target 16.5). While lobbying registers are primarily linked to SDG 16, they are central to achieving several other SDGs and their targets.

Target 3.8 of SDG 3 seeks to achieve universal health coverage, including access to quality essential health services and affordable medicines and vaccines for all. Having a register allows stakeholders to see whether some private actors seek to maintain a privileged market position in healthcare systems, or whether pharmaceutical companies are lobbying to stop legislation that allows more affordable generic drugs to be available to the public in emergency situations.<sup>12</sup> This same information can be used by patient groups and others to inform their own lobbying strategies, pursue a counter-lobby to influence governments to move towards target 3.8, and hold government officials accountable should they feel that doctors’ organizations and pharmaceutical companies have been able to exert undue influence without necessarily taking the larger public interest into account.

Similarly, SDG target 7.1, which seeks to ensure universal access to affordable, reliable, and modern energy services, may also benefit from lobbying registers. There may be private actors seeking to shape policies in such a way that go against the aims of target 7.1. With a lobbying register, interested parties can see all actors lobbying on the legislative initiative.

Likewise, target 10.4 of SDG 10 calls for the adoption of policies, especially fiscal, wage and social protection policies, to progressively achieve greater equality. By having a lobbying register, actors can see, for example, how corporations may lobby the state to decrease corporate tax rates. This information empowers any stakeholder to potentially pursue a

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<sup>12</sup> This *hypothetical example* of how a pharmaceutical company may lobby is based on the generic drug production of Paxlovir, an antiviral drug to treat COVID-19. See: Medicines Patent Pool, 2022, “27 generic manufacturers sign agreements with MPP to produce low-cost versions of COVID-19 antiviral medication molnupiravir for supply in 105 low- and middle-income countries.” 20 January. Available at: <https://medicinespatentpool.org/news-publications-post/27-generic-manufacturers-sign-agreements-with-mpp-to-produce-molnupiravir> (last last accessed March 30 2024). Dado, N. 2022. “35 Companies to Produce Generic Version of COVID Pill that Helps Prevent Hospitalization and Death.” People, 18 March. Available at: <https://people.com/health/35-companies-offered-licenses-to-produce-pfizer-covid-19-treatment-pill-to-low-middle-income-countries/> (last last accessed March 30 2024). For a general discussion on the dynamics of drug development and antiviral drugs during the COVID-19 pandemic, see Chari, R. and I. Rozas. 2022. *Viruses, Vaccines, and Antivirals: Why Politics Matters*. Berlin, Boston: De Gruyter, Chapter 2.

counter-lobby that calls for an increase in corporate tax rates and a decrease in personal tax rates for those that have lower incomes.

Another example is seen in target 13.2 of SDG 13, which aims to integrate climate change measures into national policies, strategies and planning objectives. By having lobbying registers, stakeholders can better understand who influences climate policies, and which actors seek to shape policies that, for example, increase or decrease carbon dioxide emissions or water pollutants. Having a register can add transparency to the process and serve as a basis for additional lobbyists, such as civil society organizations or other firms, to weigh in given the increased knowledge that is gained by having a register.

## Public sector situation and trends

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Table 1 provides information about lobbying regulations, mainly at the national level. As of early 2024, 21 countries plus the European Union had lobbying registers in place. These countries include:

- five in the Americas (Canada, Chile, Mexico, Peru, and the United States);
- several countries in Europe (such as Austria, France, Germany, Ireland, the United Kingdom, and most recently Finland,) as well as the EU;<sup>13</sup>
- Australia and Israel.

It is important to note that while Table 1 outlines the jurisdictions in the world that have lobbying laws, several other countries are developing, or are in the process of preparing bills on, lobbying regulation. These include, for example, Brazil, Italy and Latvia.<sup>14</sup>

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<sup>13</sup> For an excellent discussion of developments in Scandinavia with regard to lobbying regulations, see Korkeaho, E. 2021. *Sunday Dinners and Hot Baths in a 'Wild Wild North'? The Nordic Discussions on Lobbying Regulation and Implications for the EU Transparency Agenda*, European Public Law, 27(2), pp. 355-382. Note also, the absence of registers at the central government level in key European economies such as Spain, which nevertheless interestingly sees Catalonia having a register. See Rico, C. I. V. 2020. *The Evolution of Lobbying Regulation and the Tools to Control Lobbies' Activities. Special Reference to the Catalan Regulations*. Revista Catalana de Dret Públic, 60, pp. 102-122.

<sup>14</sup> Latvian law will come fully into force in 2025: <https://eng.lsm.lv/article/politics/politics/13.03.2023-confusion-dissatisfaction-among-politicians-about-lobbying-law.a500524/> (last last accessed April 6). On Brazil: see Pereira, A. and K. Nakray. 2021. *Lobbying regulation in India and Brazil: comparative pluralistic and elite perspectives*, Commonwealth & Comparative Politics, 59(1), pp. 74-93. Oliveira Gozetto, A.C. and C. S. Thomas. 2014. *Interest groups in Brazil: a new era and its challenges*, Journal of Public Affairs, 14(3-4), pp. 212-239. On Italy, which is developing a law but has a parliamentary pass system, see: Bortoluzzi, A.. 2012. *Lobbying: The Italian Regulatory Framework under the Comparative Perspective* (30 November 2012). Available at SSRN: <https://ssrn.com/abstract=2183217> or <http://dx.doi.org/10.2139/ssrn.2183217> (last accessed 31 March 2024). Montalbano, G. and A. Pritoni. 2022. "Lobbying in Italy. A Changing Landscape for Changing Interest Groups" in Polk, A. and K. Mause, (Eds.) *Handbuch Lobbyismus*. Springer Fachmedien Wiesbaden.

In addition, while Georgia, North Macedonia, Mexico and Montenegro have laws, there is no register available online according to the Haute Autorité pour la transparence de la vie publique (HATVP) and the author’s own research at the time of writing. Registers also exist at the sub-national level in Canada (all 10 provinces), the United States of America (all 50 states), in Scotland in the United Kingdom and in Taiwan (Province of China).

This may seem like a limited number when compared to the over 115 countries that have Freedom of Information legislation.<sup>15</sup> Nevertheless, implementation of such rules has been on an upward trend.<sup>16</sup> Prior to 2000, there were only 4 jurisdictions with lobbying laws (Canada, the European Union, Germany and the United States), while in the first two decades of the 2000s this number increased five-fold.

**Table 1. Lobbying regulations and publicly available registers**

<i>Jurisdiction</i>	<i>Legal text(s)</i>	<i>Register’s access link</i>
Australia	Lobbying Code of Conduct (2008)	<a href="#">Australian register</a>
Austria	Transparenzpaket, a series of laws on transparency including a law introducing a “Lobbying and Special Interest Group Register” (2013)	<a href="#">Austrian register</a>
Belgium	Article 163 in the Chamber of Representatives’ Rules of Procedure (2018)	<a href="#">PDF list available online</a>
Canada	Lobbyists Registration Act (1989, amended in 1995 and 2003), which became the <i>Act on Lobbying</i> (2008)	<a href="#">Canadian (federal) register</a>
Chile	Law no. 20,730 that regulates lobbying and the efforts of particular interests before the authorities and functionaries (Regula el lobby y las gestiones que representen intereses particulares ante las autoridades y funcionarios, 2014)	<a href="#">Chilean register</a>
European Union	Interinstitutional Agreement between the European Parliament and Commission on the Transparency Register (2011, 2014, amended in 2021 to include the Council)	<a href="#">EU register</a>
Finland	Transparency Register Act (2023, operational January 2024)	<a href="#">Finnish register</a>

<sup>15</sup> See: Statista. 2019. *World Press Freedom: Where Do Freedom of Information Laws Exist?* 3 May, Statista. Available at: <https://www.statista.com/chart/17879/global-freedom-of-information-laws/> (last accessed 31 March 2024).

<sup>16</sup> Coen, D., A. Katsaitis, and M. Vannoni. 2023. *Regulating government affairs: Integrating lobbying research and policy concerns*, Regulation and Governance, p. 4. Although not systematically examined in the literature, the increase in the number of laws may be due to various reasons, such as: the increasing salience of scandals, increasing policy learning from other (neighboring) jurisdictions, attempts of lobbyists to legitimate their profession, and advances in technology that facilitate both registration and public access to registers.

France	Act no. 2013-907 of 11 October 2013; Act no. 2016-1691 of 9 December 2016; and Decree no. 2017-867 of 9 May 2017	<a href="#">French register</a>
Germany	Bundestag Lobby List (1974); <i>Lobbyregistergesetz</i> (Lobbying Register Act, 2022)	<a href="#">German register</a>
Ireland	Regulation of Lobbying Act (March 2015; Amended 2022)	<a href="#">Irish register</a>
Israel	Amendment no. 25 to the Knesset Act (2008)	<a href="#">Israeli register</a>
Lithuania	Law on Lobbying Activities (2001, amended in 2017 and 2020)	<a href="#">Lithuanian register</a>
Netherlands	Voluntary Register for the Chamber of Representatives (2012)	<a href="#">PDF list available online</a>
Peru	Act no. 28024 regulating interest management in the public administration (2003, amended by Decree no.1415 in 2018)	<a href="#">Peruvian register</a>
Poland	Act on Legislative and Regulatory Lobbying (2005, amended in 2011 and 2015)	<a href="#">PDF list available online</a>
Slovenia	Integrity and Prevention of Corruption Act (2010, amended in 2011)	<a href="#">Slovenian register</a>
United Kingdom	Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (2014)	<a href="#">UK register</a>
United States	The Lobbying Act (1946); The Lobbying Disclosure Act (1995, amended in 2007)	<a href="#">US register (federal)</a>

Source: [https://www.batvp.fr/english\\_news/comparative-study-of-lobbying-regulation-mechanisms/](https://www.batvp.fr/english_news/comparative-study-of-lobbying-regulation-mechanisms/) and author's own research.

Most of the countries that have adopted registers have made registration mandatory, with the notable exception of the European Union, the Netherlands, and Peru, which have voluntary systems. Beyond the regulations noted above, many countries regulate both domestic and foreign lobbying: the United States has had the Foreign Agents Registration Act (FARA) since 1938, Australia since 2018, and the United Kingdom since 2023. At the time of writing, Canada was debating a similar law on foreign lobbying and the European Union had just proposed a directive on the transparency of interest representation services on behalf of third countries.<sup>17</sup>

Lobbying regulations are not common in developing countries. Several factors may contribute to this trend, and addressing these may help in designing effective and appropriate lobbying registers. These include concerns that increased transparency could complicate necessary

<sup>17</sup> For a recent discussion on this see: Korkea-aho, E. 2023. *The End of an Era for Foreign Lobbying? The Emergence of Foreign Transparency Laws in Washington, Canberra and Brussels*. JCMS: Journal of Common Market Studies, 61(6), pp. 1529-1546.



confidential negotiations during policy formulation,<sup>18</sup> resource constraints that limit the capacity to implement and enforce lobbying regulations<sup>19</sup> and concerns that regulations might be used as a tool to restrict collective action.<sup>20</sup> Addressing these concerns may be key to designing lobbying regulations that are both effective and suited to the specific political and economic contexts of developing countries.

Lobbying registers have garnered public support, increased accountability among policymakers, and become an increasingly valuable tool for journalists in countries with such laws.<sup>21</sup> Recent studies have found that journalists use registers to shine light on the policymaking process. While freedom of information laws have traditionally been used as tools by journalists to understand how public policy is made, in countries with lobbying laws “...lobbying transparency through registers is an essential source for journalists to monitor interactions between lobbyists and policymakers.”<sup>22</sup>

Surveys have shown that lobbying regulations are popular in countries where they have been established.<sup>23</sup> When politicians, lobbyists and public servants in the European Union, Canada, Germany and the United States were surveyed in 2010,<sup>24</sup> around 70 percent felt that lobbying regulations helped ensure accountability, while only 10 percent disagreed. When asked whether or not public access to an official list of lobbyists by way of a *publicly available register* ensures accountability in the political system, around 70 percent of respondents felt accountability was ensured while only around 10 percent disagreed (see Figure 1).

When lobbyists, public officials and administrators in jurisdictions *without* legislation were surveyed, respondents felt that having registers would result in *more* accountability and transparency in the political system: over 60 percent of all respondents believed that transparency and accountability would be improved by having a lobbying register.<sup>25</sup> Moreover,

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<sup>18</sup> See Naurin, D. 2007. *Backstage Behaviour? Lobbyists in Public and Private Settings in Sweden and the European Union*, Comparative Politics, 39(2), pp. 209–228.

<sup>19</sup> The Office of the Commissioner of Lobbying in Canada has almost 30 staff members (responsible for processing registrations, examining quarterly reports and investigating potential infringements) and operational costs totalled almost CAD 4.6 million in 2015. See Chari et al. 2019. Op. Cit. p. 12.

<sup>20</sup> Nownes, A. 2017. Op. Cit., p. 8.

<sup>21</sup> De Francesco, F. and P. Trenn. 2020. *How Does Corruption Affect the Adoption of Lobby Registers? A Comparative Analysis*, Politics and Governance, 8(2), pp. 116-127. Available at: <https://www.cogitatiopress.com/politicsandgovernance/article/view/2708>.

<sup>22</sup> Crepaz and Worthy. 2023. Op. Cit., p. 3; see also Crepaz and Kneafsey. 2021. Op. Cit.

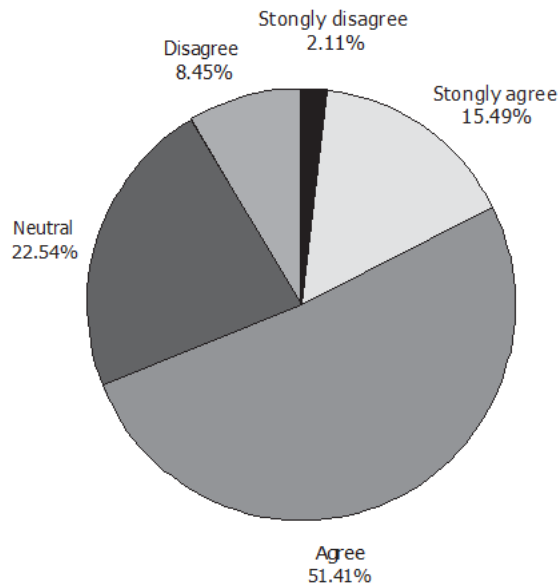
<sup>23</sup> Nownes, A. 2017. Op. Cit., p. 8.; See also Caldas, R. W. and R.C. Pereira. 2007. *Democracia e Corrupção*. Brasília: LGE Editora; and McGrath, C. 2008. *The development and regulation of lobbying in the new member states of the European Union*. Journal of Public Affairs, 8(1-2), pp. 15–32.

<sup>24</sup> Chari et al. 2010. Op Cit., p. 120. Two others using surveys and confirming the impact of lobbying registers are Holman, C. and W. Luneburg. 2012. Lobbying and transparency: A comparative analysis of regulatory reform. *Interest Groups & Advocacy*, 1, 75-104 and Kanol, D. 2018. Knowledge of lobbying regulations and attitudes toward politics: findings from a survey experiment in Cyprus. *Public Integrity*, 20(2), 163-178.

<sup>25</sup> Chari, R., J. Hogan, and G. Murphy. 2010. *Regulating Lobbying - a Global Comparison (first edition)*. Manchester, Manchester University Press, p.148. The same survey also found that a majority of actors wanted a register to

survey evidence supports the idea that citizens, policymakers and journalists in countries with lobbying laws all believe registers are effective.

**Figure 1. In countries with lobbying laws, survey responses to the proposition that public access to a register ensures accountability**



Source: Chari, R., J. Hogan, and G. Murphy. 2010. *Regulating Lobbying - a Global Comparison (first edition)*. Manchester, Manchester University Press, p. 121.

## Methods of implementation

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### Stages of implementation

Registers are a key component of lobbying laws. There are generally three key stages of their development:<sup>26</sup>

1. Conceptualizing and justifying the need for a register;
2. Drafting and passing a lobbying registration law;
3. Establishing the register and institutional framework for monitoring.

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be put in place, and that penalizing unprofessional lobbying behavior would deter unethical behavior. The book *Regulating Lobbying: A Global Comparison*, by Chari, R. et al in 2010 can also be found in Russian as follows: П Чарн, Д Хоган, Г Мерфи Мировая компаративистика регулирования лоббистской деятельности. М.: Центр по изучению проблем взаимодействия бизнеса и власти 340 (last accessed 31 March 2024).

<sup>26</sup> This consolidates ideas raised by Chari et al. 2019. Op. Cit., pp. 190-207.

Following is a description of how these stages interact with a country's different institutional arrangements.

*Stage 1 – Conceptualizing and justifying the need for a register*

There are usually two catalysts for states to establish a register. First, formulating (or amending) a lobbying law might be part of a winning political party's platform. This is because of the desire to increase transparency, potentially complementing previously existing transparency policies such as freedom of information laws, open data policies, or campaign finance control. Research shows that there is no general rule, or correlation, that the ideology of the party(ies) holding government power matters when countries develop lobbying laws.<sup>27</sup> In fact, regardless of ideology, governments will work closely with civil servants who provide strong technocratic information and insights when developing such laws.

A second, more typical, reason lobbying laws are pursued is a reaction to a type of scandal or crisis in which improper influence has taken place. This may include a lobbyist influencing a government official opaquely, which has resulted in scandal that prompts the state to consider establishing regulation in order to “clean up politics.”<sup>28</sup> As an example, there were dozens of corruption cases in Chile where industry officials exercised undue influence over policymakers that precipitated the country's Lobbying Act of 2014. One major scandal involved Corpesca, a fishing company, that was found to have bribed policymakers in 2012.<sup>29</sup>

*Stage 2 – Drafting and passing a lobbying registration law*

Once a lobbying bill is on the agenda, its main points and objectives need to be outlined. In different countries, the law may be developed by institutions such as the Ministry of Justice, Ministry of the Economy, Ministry of the Interior, or the Cabinet Office of the Prime Minister/Office of the President. While a ministry will take the overall responsibility, the high-level civil servants within it will draft the broad objectives of the bill, while liaising with the Minister and his or her team. This includes deciding on:

- the key terms and concepts, such as how a lobbyist is defined, and who can be considered a lobbyist,

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<sup>27</sup> For example, parties from the left are not more likely to pursue lobbying regulation when compared to parties on the right. See Chari et al. 2010. Op Cit.

<sup>28</sup> For more on the role of scandals, see: Crepaz, M. 2017. *Why do we have lobbying rules? Investigating the introduction of lobbying laws in EU and OECD member states*. Interest Groups & Advocacy, 6(3), pp. 231-252; De Francesco, F. and P. Trein. 2020. *How does corruption affect the adoption of lobby registers? A comparative analysis*. Politics and Governance, 8(2), 116-127; Ozymy, J. 2013. *Keepin' on the sunny side: Scandals, organized interests, and the passage of legislative lobbying laws in the American States*. American Politics Research, 41(1), 3-23.

<sup>29</sup> Sahd, J. and C. Valenzuela. 2017. *Lobby Regulation in Chile: A pathway toward reducing inequality*, presented at the 2017 OECD Global Anti-Corruption and Integrity Forum. The types of cozy relationships between public and private actors may also result in 'resistance' to establishing laws as discussed previously. See also: Vargovčíková, J. 2017. Inside lobbying regulation in Poland and the Czech Republic: negotiating public and private actors' roles in governance. *Interest groups & advocacy*, 6, 253-271.

- the institutions the law wants to cover, such as executive or legislative lobbying,
- the amount of detail that should be given by the lobbyist when registering,
- whether or not spending reports should be filed by the lobbyist,
- the ability of the public to view the register,
- where the register will be housed, and
- which agency will enforce the rules.<sup>30</sup>

Once the general objectives are agreed to, the bill will then be formulated in detail, finalized, and passed through the legislature. In this regard one sees two different dynamics generally take place when the bill is shaped, where political systems have pursued different institutional strategies to ascertain the views of different stakeholders beyond policymakers, including lobbyists and citizens alike.

The first is to broadly pursue public consultations, in which interested parties can give their views regarding what should be included in the regulation. In this regard, one key forum where states have committed themselves to lobbying reform and guaranteed consultation is by way of the Open Government Partnership (OGP). The OGP is a multilateral initiative in which states commit themselves to open government and transparency policies on a two-year cycle. Dozens of countries are part of the OGP, and many countries have, as part of their two-year National Action Plans (NAPs), included commitments to lobbying regulation. For example, Ireland committed itself to lobbying regulation after its major financial crisis in 2008 and then agreed to this commitment in its first NAP of 2013.<sup>31</sup> It held several meetings with different CSOs who helped shape the policy.<sup>32</sup> Similarly, lobbying regulation was included in Finland's 2015–2017 NAP.<sup>33</sup>

Another way to gain a plurality of views from different societal actors during the passing of the bill is to have legislative or parliamentary committees hold hearings. The strength of a committee is that it will hear evidence from different stakeholders, including professional associations, CSOs, in-house corporate lobbyists, and even academics who are called to give evidence. This was seen in the United Kingdom's Political and Constitutional Reform Committee that met to discuss a lobbying bill in 2013, where different actors offered a plurality

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<sup>30</sup> All of these, and other aspects of lobbying laws, are also discussed in the next section when we consider what is covered in the lobbying law under different types of regulatory environments.

<sup>31</sup> Murphy, G., J. Hogan and R. Chari. 2011. *Lobbying regulation in Ireland: some thoughts from the international evidence*. *Journal of Public Affairs*, 11(2), pp. 111–119.

<sup>32</sup> Chari, R. 2016. *Open Government Partnership Independent Reporting Mechanism: Ireland Progress Report 2014–15*. Available at: [www.opengovpartnership.org/sites/default/files/Ireland\\_2014-15\\_Final.pdf](http://www.opengovpartnership.org/sites/default/files/Ireland_2014-15_Final.pdf) (last accessed 31 March 2024).

<sup>33</sup> Korkea-aho, E. 2021. Op. Cit.

of views. This resulted in the Committee making a critical assessment of the proposed legislation.<sup>34</sup>

*Stage 3 – Establishing the register and institutional framework for monitoring*

Once the law is passed and enacted, establishing a regulator is essential to guarantee the proper functioning of the lobbying register. As with any law, if not implemented well, the regulations run the risk of being ineffective. It is generally accepted that the most objective way of doing this is to set up an independent regulator, or an autonomous agency, which is headed by a senior public servant or other independent office holder and staffed with civil servants.<sup>35</sup> Some examples include Canada’s Office of the Commissioner for Lobbying, the European Union’s Transparency Register Secretariat, Ireland’s Standards in Public Office, the United Kingdom’s Registrar of Lobbyists, and, most recently, the National Audit Office of Finland. An agency will be neutral in terms of enforcing the rules that lobbyists must follow, preventing partisan interference that may jeopardize the objectivity of an investigation if the rules are broken. It is interesting to note, as discussed in the case study section later, that the United States implements registration through its legislative branch, not an executive agency: Congress does it itself.

There are two main functions of regulators. The first relates to enforcement. The most important rule to be enforced is that lobbyists are registered before and during the time that they pursue lobbying activities. Also, if reports (such as quarterly returns on lobbying activity or spending reports) are required, the regulators ensure that all relevant documents are submitted by lobbyists. Another rule that might be in force is to ensure that former office holders respect any “cooling off periods” before they work as a lobbyist (these are also called “revolving door” provisions, where if former public officials register as lobbyists but have not completed the requisite cooling off period, they may be subject to fines or prison sentences). This point highlights the importance of having well-resourced regulators that are neutral to ensure the register’s proper functioning.

A regulator’s second main function is to ensure that all stakeholders are aware of the rules once the legislation is passed. Evidence shows that independent regulators in countries such as Canada and Ireland have effectively focused on educating lobbyists by organizing meetings, conferences and workshops to provide all stakeholders, especially associations of lobbyists, with information on the importance of lobbying registers.<sup>36</sup> Regulatory agencies can also educate the public at large on how to access and assess information on their online register portals.

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<sup>34</sup> Political and Constitutional Reform Committee. 2013. *Committee urges Government to withdraw flawed lobbying Bill*, London, Political and Constitutional Reform Committee:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/political-and-constitutional-reform-committee/news/gov-lobbying-bill-chairs-comments/> (last accessed 31 March 2024).

<sup>35</sup> Chari et al. 2019. Op. Cit., pp. 204-205.

<sup>36</sup> Chari et al. 2019. Op. Cit., p. 205.

### Approaches to lobbying regulation

There are at least six essential elements found in most laws, around which states ask the following questions:<sup>37</sup>

1. Registration regulations: Does detailed information have to be given by the lobbyist when registering, and which interest groups have to register (such as consultancies, in-house corporate lobbyists, NGOs, CSOs, charities, etc.)?
2. Defining the targets: Is registration required for lobbying targeted at the legislative or executive levels (including ministerial advisors), and civil servants (agency heads and public servants)?
3. Spending disclosures: Are there individual disclosures of financial information or employer spending disclosures that have to be reported?
4. Electronic filing and public access: Is there electronic filing and does the public have access to the register of lobbyists?
5. Enforcement: How strong are the enforcement mechanisms? Does the independent regulator conduct mandatory reviews and audits, and can it issue penalties, such as fines, if rules are breached?
6. “Revolving door” provisions: Is there a “cooling off” period before former legislators and high-level civil servants can register as lobbyists?

Using these main elements as a guide, there are three different types of regulatory environments in terms of robustness, defined as “the level of transparency and accountability that the lobbying law can guarantee.”<sup>38</sup> These are: low-, medium- and high-robustness systems, which are detailed below. This classification scheme is based on a 100-point scoring mechanism developed by the United States-based Center for Public Integrity (CPI). Low systems score from 1 to 29 points, medium systems score from 30 to 59 points, and high

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<sup>37</sup> This takes from and summarizes Chari et al. 2019. Op. Cit. p. 182.

<sup>38</sup> Crepaz, M. 2016. *Investigating the Robustness of Lobbying laws: Evidence of the Austrian Case*, Interest Groups and Advocacy, 5(1), pp. 5-24. The concept of ‘robustness’ in lobbying law is a central one in many studies, including Chari et al. 2019. Op. Cit.; Keeling, S., S. Feeney and J. Hogan. 2017. *Transparency! Transparency?: Comparing the New Lobbying Legislation in Ireland and the UK*. Interest Groups & Advocacy, 6(2), pp. 121–42; McKay, A. M., and A. Wozniak. 2020. *Opaque: An Empirical Evaluation of Lobbying Transparency in the UK*. Interest Groups & Advocacy, 9(1), pp. 102-118.

systems score over 60 points.<sup>39</sup> The closer the score is to 100, the higher the level of robustness of the lobbying law in terms of promoting transparency and accountability.<sup>40</sup>

With respect to the detail that needs to be given when lobbyists register, there is a marked difference in the three regulatory environments:

- High-robustness systems: These have the tightest rules on individual registration, where lobbyists must state not only the matter and institutions they are seeking to influence, but also the name of all employers when registering. Any changes must be notified immediately to the registrar of lobbying (that is, an independent agency). There are very complete individual and employer spending disclosures that are required where, for example, lobbyists would have to report their salary, itemize all spending on lobbying, and account for all campaign spending. There is a cooling off period for legislators and high-level civil servants leaving office. Independent regulators can and do conduct mandatory reviews and audits, and impose fines or prison sentences for lobbyists that break the rules.
- Medium-robustness systems: Rules on individual registration are tighter than they are in low-robustness systems. For example, the lobbyists must state the subject matter, bill, and government institution to be lobbied. Lobbyists are generally required to submit quarterly reports detailing who they met with and what issues they discussed. In these systems lobbyists may be required to disclose individual spending, such as all political contributions. There is a cooling off period before legislators and high-level civil servants who leave public office can register as lobbyists. This cooling off period usually ranges between one and two years. Independent agencies monitoring the registers have the ability to impose fines and or prison sentences for those that break rules, although this is infrequently used.
- Low-robustness systems: Rules on individual registration exist, but few details have to be given by the lobbyists, such as the name of the lobbyist and his or her organization.

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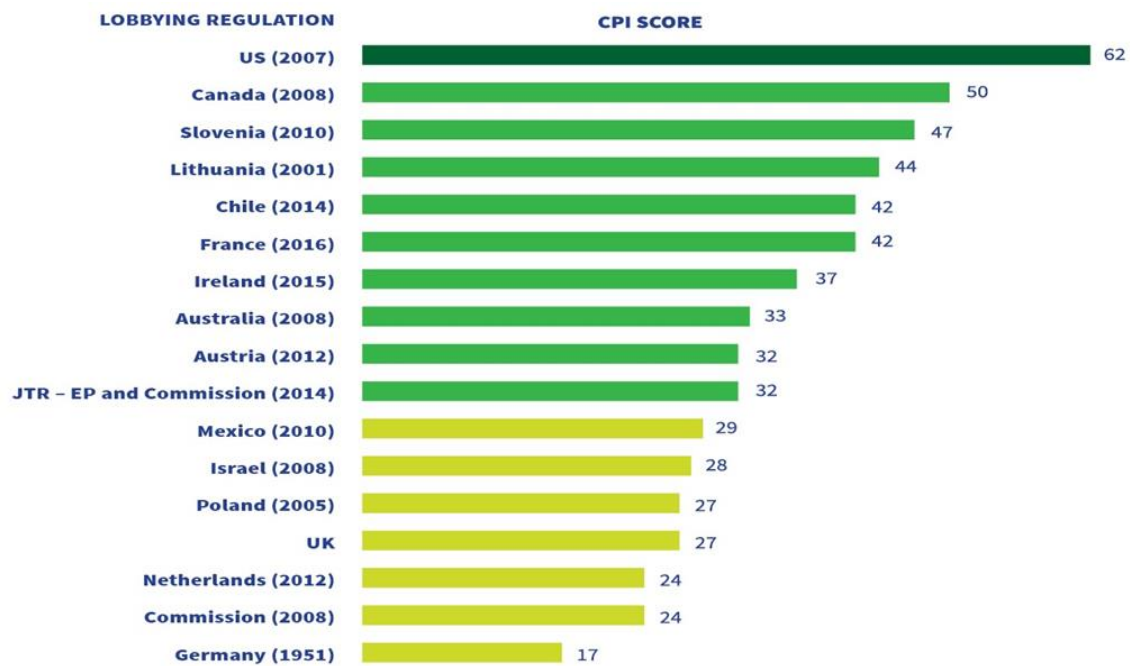
<sup>39</sup> These points are based on scores obtained in what is referred to as the CPI index, which was developed by the Center for Public Integrity in the United States as discussed by Crepez, M. and R. Chari. 2018. *Assessing the validity and reliability of measurements when evaluating public policy*. Journal of Public Policy, 38(3), pp. 275-304. The CPI index outlines the six criteria above, also outlined by organizations such as the OECD: Bertok, J. 2008. *Lobbyists, Government and Public Trust: Building a Legislative Framework for Enhancing Transparency and Accountability in Lobbying*. Paris, OECD Publications. For further information, see Chari et al. 2019. Op. Cit., pp. 164, 177-182. For an analysis of the CPI's Hired Guns Methodology to obtain CPI scores, see: Center for Public Integrity. 2003. *Hired Guns Methodology*. Available at: <https://publicintegrity.org/politics/state-politics/influence/hired-guns/methodology-5/> (last accessed 31 March 2024).

<sup>40</sup> The utility of this classification system has been demonstrated by different countries that use this when conceptualizing what type of regulation they seek to implement. For example, in the United Kingdom the PCRC considered this classification system in their report when examining the lobbying regulation law, recommending that the medium regulated system be pursued by the state. Political and Constitutional Reform Committee. 2013. Op. Cit.

Lobbyists do not have to file spending reports, nor do they need to state whether or not they are former legislators or members of the executive, as there is generally no cooling off period detailed in the legislation. Those who monitor the lobbying register have little enforcement power and generally are not able to issue fines for breaking the rules.

Figure 2 considers the robustness of the systems of most jurisdictions found in Table 1, based on CPI scores. The United States is the only country with a high-robustness system. Canada, Chile, France, Ireland and Australia have medium-robustness systems, as well as the European Union. States with low-robustness systems include Mexico, Israel, Poland and the United Kingdom.

**Figure 2. How robustness of lobbying rules compares globally, based on CPI score**



*Source: Chari et al, 2019 op cit. and McKay and Wozniak 2020 op cit. Dark green represents high-robustness regulatory systems (CPI scores of 60 or higher), green represents medium (CPI scores of 30-59), and light green represents low (CPI scores < 30). This figure makes use of the most up-to-date comparative CPI data, but not all jurisdictions included in Table 1 are reflected in Figure 2 (for example, the new German law is not coded/ included).*

### Do current approaches work well or are other instruments needed for reform?

There are pros and cons for each of the different types of approaches outlined above, which allow different states to weigh whether more instruments are needed when implementing lobbying laws. For example, while high-robustness regulatory systems do shine more light on the lobbying process and allow agencies enforcing the rules more power, more information must be provided by the lobbyist when registering and filing reports and states would need to



invest resources in order to ensure the agency's proper functioning. At the other extreme, while what is required by lobbyists in low-robustness regulatory systems is relatively less onerous, the amount of transparency and accountability is relatively lower and the institutions monitoring and enforcing the rules are more impotent.

In order to consider implementing new reforms, states will often learn from what takes place in other jurisdictions. For example, Ireland looked at Canadian law when devising its legislation.<sup>41</sup>

Regulators in charge of overseeing the functioning of the lobbying register will also monitor reforms that could be pursued by providing yearly reports.<sup>42</sup> These reports will sometimes be tabled at, or presented to, the legislative body. In the case of Ireland, after a few years of experience with the lobbying register that was enacted in 2015, the then Registrar Sherry Perrault outlined in her annual reports how reforms could be pursued in order to make the regulations more robust, which served as a basis for the state to strengthen lobbying laws in 2023.<sup>43</sup> This dynamic is similar to Finland where, as legally required, the regulatory body gives a yearly report on the functioning of the register and once every four years provides a report to Parliament.

Finally, independent organizations may investigate the functioning of the lobbying register, which can be used as an instrument to monitor potential reforms to make legislation more effective or robust. In the case of the European Union, for example, organizations such as Corporate European Observatory and Alter-EU have critically assessed the functioning of the European Union's Transparency Register, examined in the next section. Also, the United States' Government Accountability Office, an independent, non-partisan government agency, offers an objective assessment of lobbying disclosures on a yearly basis, also examined below.

### Highly promising cases demonstrating innovation

Some political systems have shown innovation by amending existing legislation and improving robustness with different iterations of laws, moving between different types of regulatory environments over time. For example, while the European Parliament had a low-robustness system with its first set of rules in the late 1990s, the later Joint Transparency Register between the Parliament and the European Commission saw the European Union move to a stronger

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<sup>41</sup> On policy learning from other jurisdictions, see Crepez M. 2017. *Why do we have rules on lobbying? Investigating the introduction of lobbying laws in EU and OECD member states*. Interest Group and Advocacy, 6(3), pp. 231– 252.

<sup>42</sup> For an example of an Annual Report from Canada, see: Office of the Commissioner of Lobbying of Canada. 2023. *Annual report 2021-22*. Available at: <https://lobbycanada.gc.ca/en/reports-and-publications/annual-report-2021-22> (last accessed: 31 March 2024).

<sup>43</sup> On the release of the amended law, see: Department of Public Expenditure, NDP Delivery and Reform. 2023. *Minister Donohoe announces commencement of new Act to strengthen Lobbying Regulation*. Gov.ie. Available at: <https://www.gov.ie/en/press-release/525bd-minister-donohoe-announces-commencement-of-new-act-to-strengthen-lobbying-regulation/#:~:text=The%202023%20Act%20amends%20the,date%20and%20fit%20for%20purpose> (last accessed 31 March 2024).

(medium) regulatory environment. An innovation of the European Union register is that it is aligned with the commissioners' agenda, meaning that one can access the agendas of meetings directly from the Transparency Register.

The evolution of lobbying laws is also seen in Canada. The country's 1989 law scored 32 on the CPI index while its 2008 law increased to 50, making it one of the most transparent lobbying laws, just behind the United States. Similarly, France's 2013 rules of procedure for the accreditation of lobbyists to enter Parliament scored 30 in 2009, moving to 42 with the introduction of statutory regulation in 2016. The strong enforcement and investigative excellence in the wake of those changes demonstrated by the French regulatory authority – Haute Autorité pour la transparence de la vie publique (HATVP) – has resulted in the agency being one of the most respected in Europe.

Innovative policy learning can also be seen when states adopt a mandatory register after having had a voluntary one. For example, the German register was voluntary when first conceived in the 1950s but became mandatory in 2022. The new legislation also introduces fines for delinquent lobbyists, which reflects the public's desire for more transparency given perceptions of “illegitimate attempts by particular interest organizations to exert influence,”<sup>44</sup> particularly during the COVID-19 pandemic. The German register portal also allows third parties to report suspected cases of ethical breaches or corrupt lobbying.

Researchers have called for changes in how lobbying is regulated both *within* and *between* jurisdictions.<sup>45</sup> They suggest that reform can take place on three dimensions. First, they call for regulatory consolidation within jurisdictions. This would eradicate the problems where different regulators monitor lobbying registration, party finance contributions, and cooling-off periods, all of which are significant aspects of lobbying laws' robustness, as discussed earlier. Regulatory consolidation of this sort can be seen in countries such as Ireland, where the Standards in Public Office Commission acts a centralized, independent agency. Another interesting dynamic of consolidation is also seen in the European Union where there is a new proposal that, for lobbyists from third countries, each registrant has a European interest registration number (EIRN), which helps national authorities to exchange information across borders.<sup>46</sup>

Second, interoperability between jurisdictions with registers would allow for public officials in one political system to gain information on lobbyists active in another, thereby reducing information asymmetries. Third, open-source implementation would help third parties – be

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<sup>44</sup> Clausen, T. and H. Moeller. 2024. “*The lobby register: a necessary transparency gain at the right time?*” Fleishman Hillard Germany. Available at: <https://fleishmanhillard.de/2022/04/the-lobby-register-a-necessary-transparency-gain-at-the-right-time/?lang=en> (last accessed 31 March 2024).

<sup>45</sup> Coen et al. 2023. Op. Cit., pp. 2-5.

<sup>46</sup> Please see the directive proposal COM/2023/637 establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A637%3AFIN> (last last accessed April 6 2024).

they researchers worldwide, or non-profit organizations – to directly contribute to policy implementation by “providing missing data or updating data” on lobbying activity that can be used by regulators.<sup>47</sup>

## Case studies

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The following case studies describe three political systems across the three different regulatory environments discussed above. The regulations are outlined and evaluated, and observations of the agencies involved in implementation are included.

### United States: high-robustness regulation

The United States, the first country in the world to have pursued lobbying laws, has the most robust system globally. The stringency of lobbying rules can be explained because lobbying plays such an important part of politics in the United States, as different groups have mobilized for over 200 years.<sup>48</sup> It is estimated that lobbying costs amounted to USD 4 billion in 2022 alone.<sup>49</sup> Strong lobby laws help to ensure a level playing field among the multitude of interest groups seeking to influence policy. In 2007 major changes were made to the Lobbying Disclosure Act, including more detailed disclosures of lobbying activities, more extensive restrictions on the offering and receipt of gifts, and stronger restrictions on revolving door provisions.<sup>50</sup>

In terms of the disclosure process, lobbyists must register with the Secretary of the Senate and the Clerk of the House, providing ample detail on registration (as seen in the high-robustness systems above) and then file quarterly disclosure reports (covering, for example, lobbying expenditures, who meetings were held with, and the income a contract lobbyist receives for lobbying). Lobbyists also need to “file a political contribution report 30 days after the end of the semiannual period.”<sup>51</sup> If filing requirements are not met, the Secretary of the Senate and the Clerk of the House refer the case to the United States Attorney’s Office, where non-compliance may result in civil or criminal penalties.<sup>52</sup>

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<sup>47</sup> Coen et al. 2023. Op. Cit., p. 6.

<sup>48</sup> For an excellent analysis on this see Holyoke T. 2021. *Ages of Organization: The Emergence of National Interest Groups in American History*, *Political Science Quarterly*, Volume 136.4 Winter, 715–740

<sup>49</sup> For yearly data spend on United States lobbying since 1998, see Statista Research Department. 2024. *Total lobbying spending in the United States from 1998 to 2023*. 8 March. Statista. Available at: <https://www.statista.com/statistics/257337/total-lobbying-spending-in-the-us/> (last accessed 31 March 2024).

<sup>50</sup> Chari et al. 2019. Op. Cit., p. 32.

<sup>51</sup> United States Government Accountability Office (GAO). 2023. *Report to Congressional Committees: 2022 Lobbying Disclosure - Observation on Compliance with Requirements*, p. 8. Available at: <https://www.gao.gov/assets/gao-23-105989.pdf> (last accessed 31 March 2024).

<sup>52</sup> GAO. 2023. Op. Cit., p. 8.

On the one hand, in terms of regulatory strength, the United States’ rules are the most stringent globally regarding spending disclosures, and, in contrast to the European Union’s Transparency Register (below), disclosures are verified. Regarding enforcement provisions, mandatory reviews and audits are performed, and both fines and prison sentences have been imposed. Demonstrating the level of enforcement in the United States, between 2013 and 2022, the United States Attorney’s Office received 298 referrals for “failure to comply with quarterly lobbying disclosure reporting requirements.”<sup>53</sup> This compares to the mere 20 cases formally investigated in Canada.<sup>54</sup>

Despite being a high-robustness system, the United States federal system of registration has its own challenges. The first is the so-called 20 percent rule, where those who spend less than 20 percent of their time lobbying do *not* need to register. This leaves room for a subjective interpretation regarding who should register. Second, there are increasing concerns in the United States about how lobbyists are defined because the rules cover those who meet directly with public officials. The rules do not account for people who engage in grassroots lobbying (or indirect lobbying) where, for example, via media campaigns lobbyists may ask the public to contact elected officials. Third, with respect to revolving door provisions, there is ambiguity regarding when registering lobbyists should disclose “previously held covered positions in the executive or legislative branch,”<sup>55</sup> such as being a high-ranking agency official or a congressional staff member.

Investigation by the Government Accountability Office (GAO) in 2022 found that “27 percent of the forms included individual lobbyists who had not properly disclosed covered positions....”<sup>56</sup> This 2022 figure is not statistically different from the 19 percent reported in 2018 and the 35 percent reported in 2021.<sup>57</sup> However, the GAO suggests that these relatively high numbers may be a function of lobbyists being unclear about the need to disclose certain past positions, rather than being intentionally deceptive.<sup>58</sup>

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<sup>53</sup> GAO. 2023. Op. Cit., p. 2.

<sup>54</sup> On these cases see: Office of the Commissioner of Lobbying of Canada. 2024. *Reports and publications*. 29 February. Available at: <https://lobbycanada.gc.ca/en/reports-and-publications/> (last accessed 31 March 2024).

<sup>55</sup> GAO. 2023. Op. Cit., p. 18.

<sup>56</sup> GAO. 2023. Op. Cit., p. 18.

<sup>57</sup> GAO. 2023. Op. Cit., p. 19.

<sup>58</sup> GAO. 2023. Op. Cit., p. 18.

## European Union: medium-robustness regulation

There have been four main phases in the development of lobbying regulations in the European Union's three main institutions.<sup>59</sup>

- 1996: The European Parliament (EP) adopted a mandatory lobbying register for lobbyists entering EP buildings.
- 2008: The European Commission, historically a proponent of “self-regulation” (meaning it was against adopting a lobbying register), introduced a voluntary register.
- 2011: Both the EP and the Commission adopted a Joint Transparency Register (JTR) between the two institutions, although registration was voluntary.
- 2021: The EP, Commission and the European Council adopt the Interinstitutional Agreement (IIA) on a mandatory Transparency Register for all three institutions.

There are at least three strengths in the evolution of the Transparency Register. First, particularly since the Joint Transparency Register was introduced, lobbyists have signed up in droves. There were 5,430 lobbyists registered in 2012 with the number more than doubling to over 12,400 registered by early 2024.<sup>60</sup> This suggests that even though it was dubbed a “voluntary club,”<sup>61</sup> lobbyists have registered, particularly in-house corporate lobbyists and NGOs.<sup>62</sup> This was in part due to their desire to increase their legitimacy as political actors in Brussels, and the Commission stated that it would not meet with any lobbyist that was not registered, effectively making the JTR a “de-facto” mandatory register.

Second, and which distinguishes European Union rules from other European states, is that lobbyists must declare how much money they spend on lobbying European Union institutions

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<sup>59</sup> Three main institutions are involved in the policymaking process in the European Union. The European Commission represents the interests of the Union as a whole. Each member state appoints one Commissioner that serves a 5-year cycle. Each Commissioner heads what is referred to as a Directorate General (DG), which is the equivalent of a Brussels-level ministry. The Council represents the interests of the 27 member states. The Council comes in different configurations and is representative of the ministers of different portfolios/policy areas. For example, there is a Council of Economic and Financial Affairs (ECOFIN) which consists of the economic and finance ministers of each member state. Both the Commission and the Council are considered to be the two main actors in what is referred to as the ‘dual executive’ of the European Union, a term which distinguishes the Union from other political systems which have a single executive (i.e. Cabinet). The third main institution is the European Parliament (EP). The EP is the only institution that is elected in the European Union. While observers have historically argued that the EP has had relatively little policy power when compared to both the Commission and the Council, it is increasingly involved in decision-making under the ordinary legislative procedure (previously called co-decision). For more information see Chari, R. and S. Kritzing. 2006. *Understanding EU Policymaking*, London, Pluto, Chapter 2.

<sup>60</sup> <https://ec.europa.eu/transparencyregister/public/homePage.do> (last accessed 31 March 2024).

<sup>61</sup> Năstase, A. and Muurmans, C. 2020. *Regulating lobbying activities in the European Union: A voluntary club perspective*. *Regulation & Governance*, 14(2), pp. 238-255.

<sup>62</sup> See: Europa. 2024. *Transparency Register*. Available at:

<https://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView> (last accessed 31 March 2024).

yearly, although these returns are not verified by the Transparency Register Secretariat that is the agency responsible for overseeing the European Union's Transparency Register. This requirement for spending disclosures in part explains why the regulatory environment went from a low-robustness system with the 1996 rules, to a medium-robustness system with the 2011 JTR. A final strength is that more of the European Union's institutions have adopted lobbying rules over time, going from one institution (the EP) to all three with the IIA (the EP, Commission and Council).

While it is difficult to evaluate the effectiveness of recent changes with the IIA at this early stage, critics such as Alter-EU, The Good Lobby, and Transparency International suggest European Union rules could be further strengthened on some fronts:

- “Although it is often referred to as a mandatory transparency register, the 2021 IIA is binding only for the three signatory institutions (Article 15) without introducing a general legal obligation for interest representatives to register, although their access to the institutions may be limited in certain aspects....<sup>63</sup> As such, the IIA should be made a ‘legally mandatory’ register<sup>64</sup> for which lobbyists have to sign up.”
- There is a need for “...proactive transparency of all lobby meetings held by politicians and officials, alongside tough rules for lobbyists to prevent unethical lobbying.”<sup>65</sup>
- There should be “obligations for registered lobbyists to declare the hiring of former members or staff of EU institutions,”<sup>66</sup> pointing to the continued weakness of revolving door provisions.
- Loopholes should be addressed including “...that churches and faith-based organizations are not covered by the IIA and that, on the Council side, the permanent representations of each EU Member State are not obliged to register.”<sup>67</sup>
- In terms of further funding required to ensure full functioning of the regulatory agency overseeing the register, there is a need to “strengthen the EU Transparency Register Secretariat by adding resources for stronger checks on interest representatives.... More

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<sup>63</sup> Emphasis in the original document by Kotanidis, S. 2023. *Briefing: EU Transparency Register 2021 Interinstitutional Agreement*, European Parliamentary Research Service (EPRS), p. 5. Note that EPRS is the EP's in-house research service. Document available at: [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2023\)751434](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2023)751434) (last accessed 31 March 2024).

<sup>64</sup> ALTER-EU. N.d. *The new lobbying rules: the good, the bad and the unclear...so far*. Available at: <https://www.alter-eu.org/the-new-lobbying-rules-the-good-the-bad-and-the-unclear%E2%80%A6-so-far> (last accessed 31 March 2024).

<sup>65</sup> ALTER-EU. N.d. *Stop corporate capture*. Available at: <https://www.alter-eu.org/stop-corporate-capture> (last accessed 31 March 2024).

<sup>66</sup> ALTER-EU. N.d. *The new lobbying rules: the good, the bad and the unclear...so far*. Op. Cit.

<sup>67</sup> Kotanidis, S. 2023. Op. Cit.

financial and human resources are needed to effectively monitor the 12,000 registered organizations.”<sup>68</sup>

The EU has over 40 agencies, such as the European Chemicals Agency, the European Food and Safety Authority and the European Medicines Agency, and many are highly powerful in terms of policy formation and targeted by lobbyists. Yet there is neither regulation of these institutions nor an apparent drive to include them in the Transparency Register.<sup>69</sup>

### United Kingdom: low-robustness regulation

The United Kingdom introduced a lobbying register in 2014.<sup>70</sup> This register only applies to consultant lobbyists, however, leaving out a significant range of interest groups, including in-house lobbyists from corporations, NGOs, CSOs and professional associations. The narrow scope of the register reflects more limited transparency, and only partially captures the full landscape of lobbying activities.<sup>71</sup>

During deliberations on the 2012–2013 lobbying bill, the Political and Constitutional Reform Committee of the UK Parliament called for expanding the register’s scope to include all types of lobbyists.<sup>72</sup> Experts also advocated for additional transparency measures, such as mandatory disclosures of who is being lobbied and provisions to prevent the “revolving door” between government roles and lobbying positions. The Registrar of Consultant Lobbyists, responsible for enforcing the register, is granted minimal powers. Its authority is limited to issuing information notices, lacking robust investigative tools or sanctioning mechanisms.<sup>73</sup> This relatively low level of enforcement has resulted in significant underreporting with only about 4 per cent of lobbyists recorded in ministerial meeting logs formally registered as of 2015.<sup>74</sup> By 2023, the UK had only 267 registered lobbyists whereas Germany had over 6,000.<sup>75</sup>

While a helpful initiative, the experience of the UK with low-robustness regulation may also serve as a cautionary example. Countries considering lobbying registers should ensure more comprehensive coverage of all types of lobbyists, not just consultants, to capture the full range of influence on public policy. Stakeholders should be engaged in the legislative process.

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<sup>68</sup> Engelbrecht-Bogdanov, P. 2023. “*Qatargate six months on: lots of talk, little action.*” Transparency International EU. Available at: <https://transparency.eu/qatargate-six-months-on-lots-of-talk-little-action/> (last accessed 31 March 2024).

<sup>69</sup> Korkea-aho, E. 2023. ‘EU agencies and lobbying transparency rules: A case study on the islandisation of transparency?’ in Hillebrandt, M., Leino-Sandberg, P. and Koivisto, I. eds., (*In*) *visible European Government: Critical Approaches to Transparency as an Ideal and a Practice*. London: Taylor & Francis.

<sup>70</sup> Solaiman, B. 2023. *Lobbying in the UK: Towards Robust Regulation*, Parliamentary Affairs, 76, pp. 270–297.

<sup>71</sup> McKay, A. M. and A. Wozniak. 2020. *Opaque: An Empirical Evaluation of Lobbying Transparency in the UK*, Interest Groups and Advocacy, 9, p. 103.

<sup>72</sup> Political and Constitutional Reform Committee. 2013. Op. Cit.

<sup>73</sup> Crepez and Worthy. 2023. Op. Cit., p. 4.

<sup>74</sup> McKay and Wozniak’s data from 2015 show that ‘just less than 4% of groups mentioned in the ministerial meetings data also appear in the register of consultant lobbyists.’ McKay, A. M. and A. Wozniak. 2020. *Opaque: An Empirical Evaluation of Lobbying Transparency in the UK*, Interest Groups and Advocacy, 9, pp. 102–118.

<sup>75</sup> Ibid p. 3.

Meaningful consultations with diverse stakeholders, including transparency advocates, industry representatives, and academics, are essential to design effective regulations that address existing loopholes. Effective oversight also requires granting regulatory bodies adequate powers to investigate and sanction non-compliance. This includes not only issuing notices but also imposing fines or other penalties where appropriate.

## Peer-to-peer learning and research

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The following considers research networks and other organizations involved in investigating lobbying and its regulations.

### NGOs, CSOs, campaign groups and professional associations

There are several NGOs and CSOs whose work is of great value:

- *Transparency International* offers excellent analysis on lobbying and regulations and how regulations can be improved.<sup>76</sup>
- *Open Secrets* provides innovative analyses of lobbying, revolving doors and campaign finance, offering excellent data for researchers.<sup>77</sup>
- *The Good Lobby* does exceptional work on regulatory developments, offering advice and support to “non-profits, activists, progressive businesses and philanthropies to give them a greater, more responsible voice in the policy process.”<sup>78</sup> They also hold a yearly Summer Academy, analyzing the latest in lobbying and regulatory developments.
- *Alter-EU*, The Alliance for Lobbying Transparency and Ethics Regulation, is a “coalition of over 200 public interest groups and trade unions concerned with the increasing influence exerted by corporate lobbyists on the political agenda in Europe, the resulting loss of democracy in European Union decision-making and the postponement, weakening, or blockage even, of urgently needed progress on social, environmental and consumer-protection reforms.”<sup>79</sup>

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<sup>76</sup> See: Transparency International Ireland. 2022. *Lobbying*. Available at: <https://transparency.ie/resources/lobbying> (last accessed 31 March 2024).

<sup>77</sup> OpenSecrets, *We Are OpenSecrets*. Available at: <https://www.opensecrets.org/> (last accessed 31 March 2024).

<sup>78</sup> The Good Lobby. 2024. *We democratise lobbying to make our political system more equal*. Available at: <https://www.thegoodlobby.eu/> (last accessed 31 March 2024).

<sup>79</sup> ALTER-EU. *Who we are*. Available at: <https://alter-eu.org/who-we-are> (last accessed 31 March 2024).



- *Corporate European Observatory* is a “research and campaign group working to expose and challenge the privileged access and influence enjoyed by corporations and their lobby groups.”<sup>80</sup>
- *Lobby Facts* offers a search engine that allows researchers to “search, sort, filter and analyze data from the official European Union Transparency Register.”<sup>81</sup>
- *LobbyControl* is “a civil society initiative that provides information on lobbying, public relations campaigns and think tanks and promotes transparency and democracy in Germany and on the European level.”<sup>82</sup>
- *The Responsible Lobbying Framework* outlines a “set of globally applicable principles and standards, outlining what responsible lobbying would look like, and as an evaluation tool of a specific organization’s lobbying activities”<sup>83</sup>
- *Responsible Climate Lobbying* has established the global standard on climate lobbying, the goal of which is to “achieve a step-change in the commitment of investment and companies to responsible climate lobbying in practice.”<sup>84</sup>
- *Influence Map*, which is also relevant for climate change, is an “independent think tank producing data-driven analysis on how business and finance are impacting the climate crisis.”<sup>85</sup>
- *Chartered Institute of Public Relations* has called for lobbying reform and transparency governance.<sup>86</sup>
- *Society of European Affairs Professionals* represents “all European Union public affairs professionals including those operating in trade associations, corporations, consultancies and other representative bodies.”<sup>87</sup>

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<sup>80</sup> Corporate Europe Observatory. *Who we are*. Available at: <https://corporateeurope.org/en/who-we-are> (last accessed 31 March 2024).

<sup>81</sup> Lobby Facts. Available at: <https://www.lobbyfacts.eu/> (last accessed 31 March 2024).

<sup>82</sup> Lobby Control. *About us*. Available at: <https://www.lobbycontrol.de/about-us/> (last accessed 31 March 2024).

<sup>83</sup> Responsible Lobbying. *The Responsible Lobbying Framework*. Available at: <https://www.responsible-lobbying.org/the-framework> (last accessed 31 March 2024).

<sup>84</sup> Responsible Climate Lobbying. 2022. *Responsible climate lobbying: The global standard*, Available at: <https://climate-lobbying.com/> (last accessed 31 March 2024).

<sup>85</sup> InfluenceMap. Available at: <https://influencemap.org/> (last accessed 31 March 2024).

<sup>86</sup> [https://cipr.co.uk/CIPR/Our\\_work/Policy/Good\\_Lobbying.aspx?WebsiteKey=0379ffac-bc76-433c-9a94-56a04331bf64](https://cipr.co.uk/CIPR/Our_work/Policy/Good_Lobbying.aspx?WebsiteKey=0379ffac-bc76-433c-9a94-56a04331bf64) (last accessed 31 March 2024).

<sup>87</sup> Society of European Affairs Professionals (SEAP). 2017. *What is SEAP?* Available at: <https://seap.be/> (last accessed 31 March 2024).

### International research networks

- *The European Consortium for Political Research Standing Group on Interest Groups* offers excellent insights into lobbying and its regulation. It “promotes and supports research on group politics, civil society, social movement organizations and political advocacy...and functions largely as a forum and an exchange network for interest group researchers.”<sup>88</sup>
- *Regulate Lobbying* features posts from the world’s leading scholars on lobbying regulation, as well as links to their most recent investigations.<sup>89</sup>

### International development cooperation

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Table 1 outlines the links to the various regulatory offices found globally with which policymakers interested in developing regulations in their countries may want to be in touch. Researchers and policymakers from other jurisdictions will find these offices to be reliable sources of information and advice when researching lobbying laws or developing policies.

As also discussed in this report, different international organizations offer guidance that may aid countries in setting up lobbying registers. These include:

- The OECD: For over 15 years the OECD has been an international forerunner on discussing the benefits of transparent lobbying, having offered several reports on the theme.<sup>90</sup>
- The Open Government Partnership (OGP): As discussed in this report, in the development of National Action Plans between governments and civil society throughout the globe, the OGP has been instrumental in engaging states to regulate lobbying. It also has several reports on lobbying.<sup>91</sup>

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<sup>88</sup> ECPR Standing Group on Interest Groups. 2024. *Interest Groups*. Available at: <https://standinggroups.ecpr.eu/interestgroups/> (last accessed 31 March 2024).

<sup>89</sup> Regulating Lobbying. *Regulating Lobbying: A Global Comparison*. Available at: [www.regulatelobbying.com](http://www.regulatelobbying.com) (last accessed 31 March 2024).

<sup>90</sup> OECD. *Lobbying*. Available at: <https://www.oecd.org/corruption/ethics/lobbying/> (last accessed 31 March 2024). The latest report on lobbying is: OECD. 2024. *Recommendation of the Council on Principles for Transparency and Integrity in Lobbying*, OECD/LEGAL/0379. Available at <https://legalinstruments.oecd.org/public/doc/256/256.en.pdf> (last accessed 31 March 2024).

<sup>91</sup> Open Government Partnership. 2024. *Lobbying: Commitments*. Available at: <https://www.opengovpartnership.org/policy-area/lobbying/> (last accessed 31 March 2024).

- The Council of Europe: Starting with its first reports by the Venice Commission of the early 2010s, the Council has offered excellent policy advice on best practices in lobbying regulation.<sup>92</sup>
- GRECO: The Council of Europe's anti-corruption body also examines increasing accountability and transparency in lobbying.<sup>93</sup>

A final example of international cooperation between jurisdictions with lobbying laws includes the network of lobbying regulatory authorities in the European Union, which have proved helpful for Member States, such as Finland, in their drive to pursue lobbying regulation.<sup>94</sup>

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<sup>92</sup> See particularly the work by the European Committee on Legal Cooperation, CDCJ, *Lobbying*. Available at: <https://www.coe.int/en/web/cdcj/activities/lobbying> (last accessed 31 March 2024).

<sup>93</sup> See: [https://search.coe.int/directorate\\_of\\_communications/Pages/result\\_details.aspx?ObjectId=0900001680a6bb63](https://search.coe.int/directorate_of_communications/Pages/result_details.aspx?ObjectId=0900001680a6bb63) (last accessed 6 April 2024).

<sup>94</sup> For more information, see: [https://www.hatvp.fr/english\\_news/a-european-network-of-lobbying-registrars-in-the-making/](https://www.hatvp.fr/english_news/a-european-network-of-lobbying-registrars-in-the-making/) (last accessed 6 April 2024).