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What the EU can learn from lobby regulation around the world

Daniel Freund · Monday, May 9th, 2016

The following statement was made by Daniel Freund from Transparency International EU at a joint European Parliament and European Commission event held on 2 May 2016 on EU Lobbying Transparency.

Good afternoon everyone,

First I would like to thank the European Commission and the Parliament for inviting us to participate in this panel. The objective of this session is to look beyond Brussels and to see what we can learn from the experience at national level to make sure that the upcoming reform of the EU lobby register can benefit from international best practice and avoid mistakes that have been made elsewhere.

Transparency International has researched lobbying and undue influence of money in politics for years. Last year, we published our “Lobbying in Europe” report which assessed the situation in 19 member states and in the EU institutions. This was the culmination of a two year research project that looked into 65 different indicators to measure the quality of lobby regulation. We assessed everything from the quality of the access to information regimes, how well existing registers worked to how public consultations and expert groups function.

Only 7 out of the 19 countries which we assessed have regulation that targets lobbying. When measured against international best practice, we found that on average, they score only 31 out of a possible 100 points. This leaves a lot of room for improvement. Even the best performer, Slovenia, only scored 55%. Let me make this very clear: the 100% score is not just some theoretical construct that could never exist in real life. In fact it does exist, but full marks in any one of the 65 categories are scattered across the countries we assessed.

Existing best practice ranges from the way e-consultations are done in Slovakia to the clear ethical guidance provided to lobbyists by UK’s professional lobby associations. Slovenia, which already has one of the strongest access to information laws in the world has an obligation for all meetings with lobbyists to be made public. We also see that quite a few European countries are moving on the question. Ireland introduced a register last year. France is currently discussing the Loi Sapin 2. Discussions are also underway in Scotland, Spain and even Germany is taking a few first timid steps with a hearing in the Bundestag next week.

Transferring best practice from capitals that have a few dozen lobbyists to the EU with its more than 25,000 lobbyists has its limits. We also need to look at the US and Canada which both

have well-functioning mandatory registers. We should keep in mind the 5 year cooling-off periods for public officials and MPs in Canada or quarterly financial reporting in the US when reforming the EU register. And we should remember that the Canadian register, with about half the number of registrants, is overseen by a 28 strong agency compared to 3-4 people for our register. On the other hand, the US register in particular also shows that a good lobby register is a not silver-bullet for curbing the undue influence of money on politics. When there are no transparency provisions and no limits on campaign donations the problem simply shifts and corrosive money finds new entry points into the system.

Our research outlines many errors in drawing up regulation and enforcing it; these should be avoided. You need to get a lot of things right for a good register. If you have fantastic oversight and a strong independent institution to sanction those not playing by the rules but your definition of lobbying excludes 97% of the lobbyists as is the case in the UK, that system is not very useful. On the other hand, if you capture a lot of organisations, including some that probably do not belong on the register, but the information they provide is meaningless, outdated or outright false the register also does not work properly. This is currently the case with at least half the EU register.

Getting all these aspects right is not easy. Our extensive work with partners from around the world including Access Info, Open Knowledge and the Sunlight Foundation aims at figuring out the right mix and has led to the development of the International Lobbying Standards. These standards provide a blueprint for the things a register ought to get right.

At the EU level, we need the legislative footprint, cooling-off periods for MEPs, a robust code of conduct for officials and a reform of the current register that includes the Council. Most importantly, we need a discussion on equality of access and the balance of stakeholder consultation. Transparency alone is not going to fix that in some areas such as financial markets or digital economy more than 90% of lobby meetings are with corporate lobbyists.

We hope that the EU institutions will take inspiration and will continue to lead on these issues. They are often perceived by citizens as being further removed than their national institutions so they need to go the extra mile in ensuring transparency, integrity and equality of access.

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