



# DEEP POCKETS, OPEN DOORS

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Big tech lobbying in Brussels

Transparency International EU (TI EU) is the Brussels office of the global anti-corruption movement, Transparency International. Working closely with the International Secretariat in Berlin, Germany, TI EU leads the movement's EU-focused advocacy in close cooperation with over 100 national chapters worldwide, but particularly with the 23 chapters in EU Member States. TI EU's mission is to prevent and address corruption and promote integrity, transparency and accountability in EU institutions and in EU internal and external policies, programmes and legislation.  
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## ACKNOWLEDGMENTS

Transparency International EU would also like to thank all those who contributed to the production of this report. In particular, Julius Hinks and Bella Foladi from the Transparency International Secretariat in Berlin, Elsa Foucraut (TI France), John Devitt (TI Ireland), Steeve Goodrich (TI UK) and Rose Whiffen (TI UK) for their valuable input and reviews. We would also like to thank Chiara Girardelli, who developed the [integritywatch.eu](http://integritywatch.eu) platform, which was used extensively to gather data for this publication.

Finally, we would like to thank Open Society Initiative for Europe (OSIFE), who provided financial support for this project.

This project was made possible with the support of:

**OPEN SOCIETY  
FOUNDATIONS**

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## Big tech lobbying in Brussels

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# EXECUTIVE SUMMARY

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Tech giants like Amazon, Apple, Facebook, Google, and Microsoft devote significant resources to influencing European Union policy in Brussels and beyond. This is no surprise, as the EU has been at the forefront of regulating the online economy. Lobbying of EU institutions by big tech has surged during the Juncker and von der Leyen Commissions.

This report uses publicly available datasets of lobby activity at both EU and national level to analyse the multi-layered approach these companies have taken to lobbying the EU institutions.

## KEY FINDINGS:

- ▶ Currently, there are almost 13,000 organisations on the EU Transparency Register, with a declared annual lobby spend of between 1.6 and 2.4 billion euros. Three of the top ten corporate spenders in Brussels are tech companies. Google takes the top spot with declared expenditure of €5,750,000 per year.
- ▶ Since the Commission started publishing high-level lobby meetings in 2014, over 30,000 such meetings have been recorded. Under the Juncker Commission 3,363 of these meetings were on digital issues, making it by far the most lobbied policy area. This trend continues under the von der Leyen Commission with meetings on digital topics representing 20% of meetings held so far.
- ▶ Google, Facebook and Microsoft were all in the top 10 of number of published encounters among companies and groups of companies.
- ▶ 84% of Commission lobby meetings on digital issues under the Juncker Commission were held with business interests, meaning the voice of civil society was hardly heard. Under von der Leyen this has dropped to 75%.
- ▶ The companies also deploy the resources of large sector associations, think-tanks and consultancies in Brussels in order to amplify their voice on the policy scene. Amazon, Apple, Facebook, Google, and Microsoft declare being members of a total of 66 such organisations. Of the 1,152 high-level meetings they held with the Juncker Commission, 40% were on subject matters directly related to the digital single market. Under von der Leyen, the share of meetings on digital policy is lower, at 24%.
- ▶ As regards organisations and associations that don't have a primary focus on digital topics, the data points to a strong interest in files closely followed by big tech. Chief among these is the American Chamber of Commerce to the EU (AmCham EU). Under the Juncker Commission, a quarter of all AmCham EU high-level meetings were on policies related to the digital single market. This trend is continuing under the von der Leyen commission with 18% of meetings.
- ▶ Under the European Parliament's new meeting transparency rules, which are partly mandatory and partly voluntary, 48% of MEPs have published a total of 12,794 lobby meetings. Google held 50 meetings, followed by Facebook (40), Microsoft (28), Apple (18) and Amazon (17). The main subjects lobbied on are the Digital Services Act, Artificial Intelligence and e-evidence. There is no way of telling how many meetings big tech has held with the 52% of MEPs who have not declared their meetings.

- ▶ Of the three main EU institutions, the Council is the only one with no obligation when it comes to lobby transparency.
- ▶ The rules governing so-called “revolving door” appointments of former EU politicians and officials to corporate roles, which are designed to prevent conflicts of interest, appear to be largely ineffectual.
- ▶ The national and EU policy spheres are clearly connected, with companies lobbying national governments to achieve success in Brussels, but without the same degree of scrutiny.
- ▶ The publication of all lobby meetings should take place on a centralised, searchable platform.
- ▶ EU institutions and policy-makers must take a more proactive approach to ensuring a better balance of interest representatives in their meetings with lobbyists.
- ▶ National lobby registers in EU Member States should make it easier to identify lobbying activities undertaken for the purpose of influencing EU policies, and the EU Transparency Register should make it possible for entrants to link to national registrations.
- ▶ The European institutions urgently need to set up an Independent EU Ethics Body to monitor potential conflicts of interests, revolving door cases of former institution officials and politicians and adherence to lobby transparency rules.

## RECOMMENDATIONS

- ▶ There should be a general and uniformly applied principle across all institutions, whereby policy-makers (both elected and unelected) only accept meeting requests from lobbyists who are registered.
- ▶ Lobby meetings with all policy-makers, including phone calls and online meetings, should be formally registered as lobby meetings.

# METHODOLOGY

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This report on lobbying by big tech is based on an analysis of publicly available datasets of lobby activity at EU level and in three countries (France, Ireland and the UK) at national level. We have analysed the following datasets:

- ▶ **EU Transparency Register:** the lobby transparency register jointly held by the EU Institutions. The dataset contains information on type of lobbyists, lobby expenditure, interests pursued, and connected organisations declared by lobbyists. This report covers the period starting 1 November 2014. Lobby expenditure data is reported in a range. For the purpose of this report, the lower end of the self-declared lobbying expenditure range has been used.
- ▶ **European Commission:** the database of high-level lobby meetings held with Commissioners, members of their private offices (“cabinets”), and Directors-General, published between 1 December 2014 (the date on which the Commission began publishing meetings) and 1 February 2020.
- ▶ **European Parliament:** lobby meetings published on the European Parliament website between 2 July 2019 and 1 February 2020. 2 July 2019 is the starting date of the current legislature, which saw new lobby transparency provisions enter into force. Our analysis looks at the number of meetings held overall and at digital policies specifically. The Parliament’s meeting publication system is not integrated into the EU transparency register and does not match the structure of the European Commission meetings dataset, making it challenging to analyse.
- ▶ **France:** the lobby transparency register under the supervision of the High-Authority for Transparency in Public Life (HATVP). The resulting analysis contains financial information, interests pursued, connected organisations and lobbying activities published between 1 July 2017 and 1 February 2020. A single “activity” on the French register can comprise a series of meetings, phone calls and other forms of communications with public officials on a given subject. Those directly related to EU policies are flagged in our report to highlight national level lobbying likely to influence decision-making in Brussels.
- ▶ **Ireland:** the lobby transparency register under the supervision of the of the Head of Ethics and Lobbying Regulation, which entered into force on 1 September 2015. Our analysis covers lobbying activities published between 1 September 2015 and 1 February 2020. Activities are published in the form of lobby “returns” which can comprise of a series of meetings, phone calls and other forms of communications with public officials on a given subject. Those directly related to EU policies are flagged in our report to highlight national level lobbying likely to influence decision in Brussels.
- ▶ **United Kingdom:** lobby meetings published by the UK government since 1 January 2012. Since publication by department services is voluntary under the Ministerial Code, Meetings directly related to EU policies are flagged in this report to highlight national level lobbying likely to influence decision making in Brussels.

All datasets compiled for this report are available from the author. It is advised to always verify information prior to re-publication.

# INTRODUCTION

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We live in an increasingly digital environment. Every day, we collectively generate 2.5 quintillion bytes of data through our online activity.<sup>1</sup> The coronavirus pandemic has reinforced the centrality of the digital sphere in our lives, as millions of jobs, services and interactions have moved online.

Tech giants like Amazon, Apple, Facebook, Google, and Microsoft play a huge role in shaping our digital world, and over the past decade they have devoted significant resources to influencing EU policy, in Brussels and beyond.

The European Union has been at the forefront of regulating the online economy in which these companies operate. In March 2015, Jean-Claude Juncker, the then-President of the European Commission, announced the Digital Single Market strategy. The plan aimed at expanding access to digital goods and services across the EU, as well as dealing with issues of cybersecurity, privacy, and data protection.

The EU has sought to maintain its role as a leader on digital regulation under the stewardship of Juncker's successor, Ursula von der Leyen, with the announcement of the Digital Services and Digital Market Acts. These proposals aim to tackle issues such as the monetisation of personal data and the extent to which platforms are responsible for material posted on them - topics which are naturally of major concern to the big five tech companies.

It should come as no surprise that the tech titans of Silicon Valley take a keen interest in monitoring, and where possible shaping, the development of these policies, which have potentially major implications for their activities, business models, and ultimately bottom lines.

This report looks at how big tech companies seek to influence EU digital policy-making. It highlights the multi-level approach these companies have taken by targeting both national governments and EU institutions and underscores the extensive use of sector associations and industry groups to lobby on behalf of these companies.



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# DEFINITIONS

## Lobbying

Lobbying can be defined as any communication – whether direct or indirect – with public officials, conducted by, or on behalf of, an organised interest group that is made, managed or directed with the intent of influencing public decision-making.

## Public officials

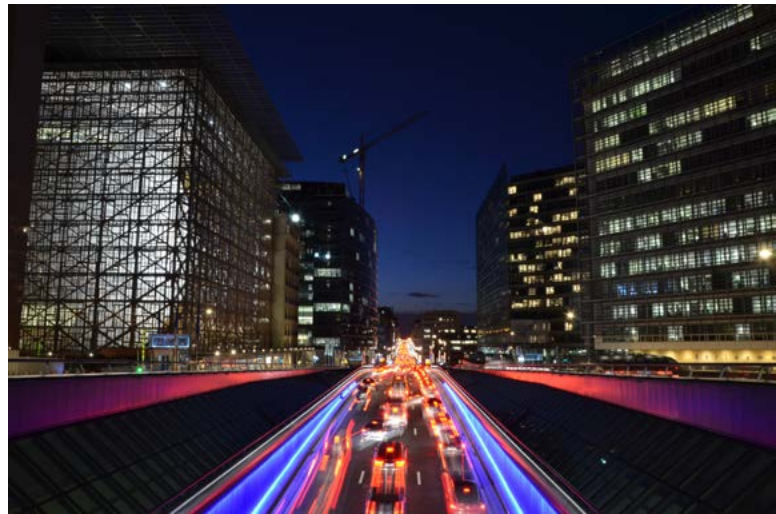
Public officials should be understood as all individuals – and their assistants – with decision-making powers, independently of whether they are elected, appointed or employed in the executive or legislative branches of power at national, sub-national, or supra-national levels; within private bodies performing public functions; or within public international organisations domiciled or operational in the country concerned<sup>2</sup>.

## Undue influence

Undue influence occurs when influence by interest groups is opaque and disproportionate and leads to decisions being taken for private instead of the public interest. Undue influence is a more subtle form of corruption as interest groups often make use of legal mechanisms to influence the decision-making process<sup>3</sup>.



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## Why is lobbying important?

A healthy democracy is one that is characterised by the expression of a wide diversity of views and interests. Policy-makers take informed decisions by making sure that all interested parties are heard. Lobbying allows interest groups to present their views to policy-makers on legislation that affects, or may affect, their daily lives or businesses. From citizen groups to large corporations, everyone who seeks to influence public policy in one way or another can be considered a lobbyist.

Yet, public opinion towards lobbying on the whole is very negative, a perception created in large measure by corruption and ethics scandals involving disreputable lobby groups and individuals and their political targets. In fact, four out of five (79%) Europeans believe that close links between policy-makers and businesses leads to corruption, and almost three quarters believe that there is corruption in public institutions at national (73%) as well as regional or local level (72%)<sup>4</sup>.

When conducted in an appropriate manner, lobbying plays an important role in shaping and improving public policy, as it is impossible for public officials to be experts on every issue. According to a 2013 survey of 600 European parliamentarians and officials, 89 per cent agreed that, “ethical and transparent lobbying helps policy development”<sup>5</sup>. But for lobbying to play a constructive role and gain legitimacy in society, it must be adequately regulated and these regulations adequately enforced.



# 1. LOBBYING IN BRUSSELS

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## LOBBY REGULATION

At EU level, the European Commission and Parliament have operated a joint lobby transparency register since 2011. Currently, there are 12,267 organisations on the register, employing a total of 48,000 individuals involved in activities that fall under the scope of the register, with a declared annual lobby spend of between 1.6 and 2.2 billion euros<sup>6</sup>. These numbers, however, represent only part of the actual lobbying taking place in Brussels, as the register is voluntary, and many entries fail to provide accurate or up-to-date details. It is important to note that this data is taken from the transparency register, whose secretariat has difficulties in ensuring a high quality of the entries due to a lack of resources. Of the 4,559 quality checks on entries conducted by the Joint Transparency Register Secretariat in 2019, the results of only 53.6% were deemed to be 'satisfactory'.<sup>7</sup>

In September 2016 the Commission made a proposal for the introduction of a revised, improved, and mandatory Transparency Register, also with a view to expanding the register to cover the three main EU institutions. Negotiations dragged on for four years, mostly due to the unwillingness of both Parliament and Council to contemplate stricter rules as proposed by the Commission. Talks got stuck on two points considered critical to effective lobby regulation: first, that all individuals involved in policy-making at EU level should only agree to meet lobbyists that are registered – also known as conditionality; and second, a transparency requirement whereby all lobby meetings are published. At the time of writing, a political agreement has been reached and the institutions are in the process of adopting it. The fact that the Council will join the Commission and the Parliament on the register for the first time is a step in the right direction. However, neither the Council nor

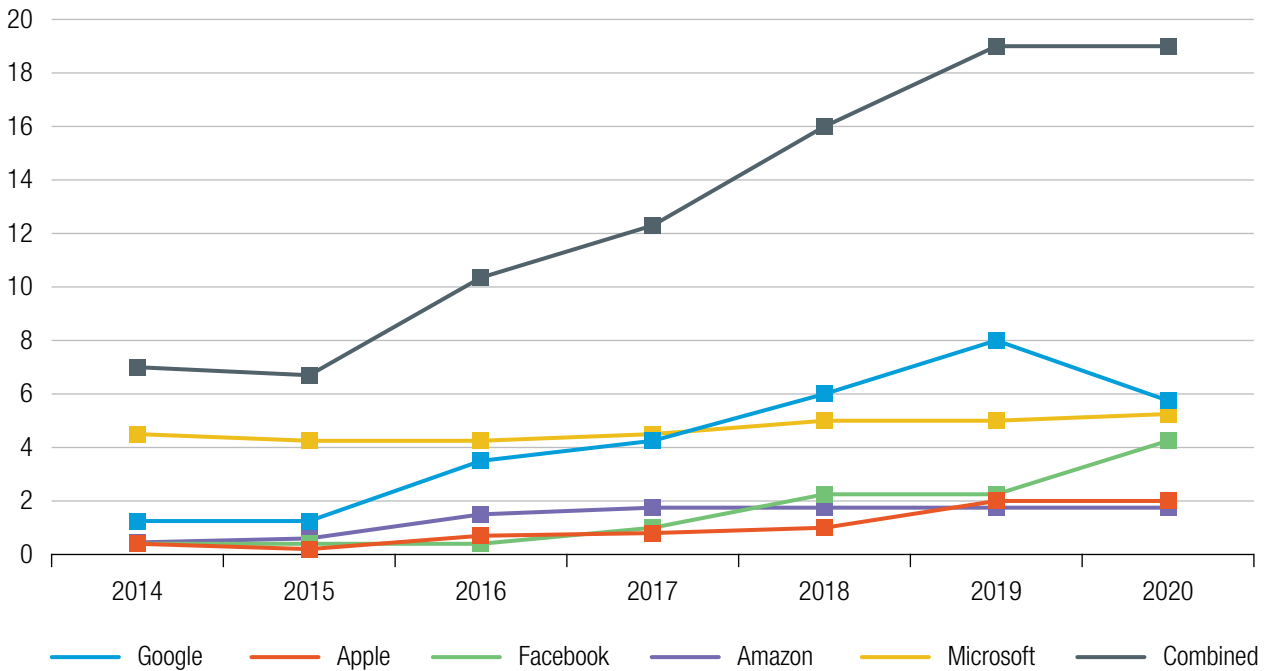
the European Parliament have committed to only meeting registered lobbyists. Without registration there is no public record of key information such as lobby expenditure, interests pursued, lobbyist identity and connected organisations. Registration also prevents unethical lobby practices, as it entails the enforcement of a Code of Conduct. The institutions also failed to adopt a generalised policy to pro-actively publish all lobby meetings, making the new system “mandatory” in name only, although the Parliament has introduced its own, more limited rules on publication of meetings in specific circumstances.

## ALL HANDS ON DECK FOR THE DIGITAL SINGLE MARKET

Recognising the enormous economic and social impact of the digital space on the EU single market of 446 million people, the EU institutions are seeking to complete the digital single market and to address the various problems that are being encountered.

For the last two decades, big tech companies have been at the forefront of the digital revolution. From the way we consume their products to the way politicians engage with voters, these companies have led the way on innovation and shaken up traditional business models. But this growing impact also comes with a downside. These innovative companies have faced repeated accusations over the years of using their new-found market dominance to stifle innovation, choke off competition, and of a cavalier approach to data privacy<sup>8</sup>. This has led to increased regulatory scrutiny, and an accompanying rise in lobbying activities on behalf of those companies. As a result, Silicon Valley companies are changing the face of the Brussels lobbying scene. In the last decade or so, we have witnessed a meteoric rise in lobby

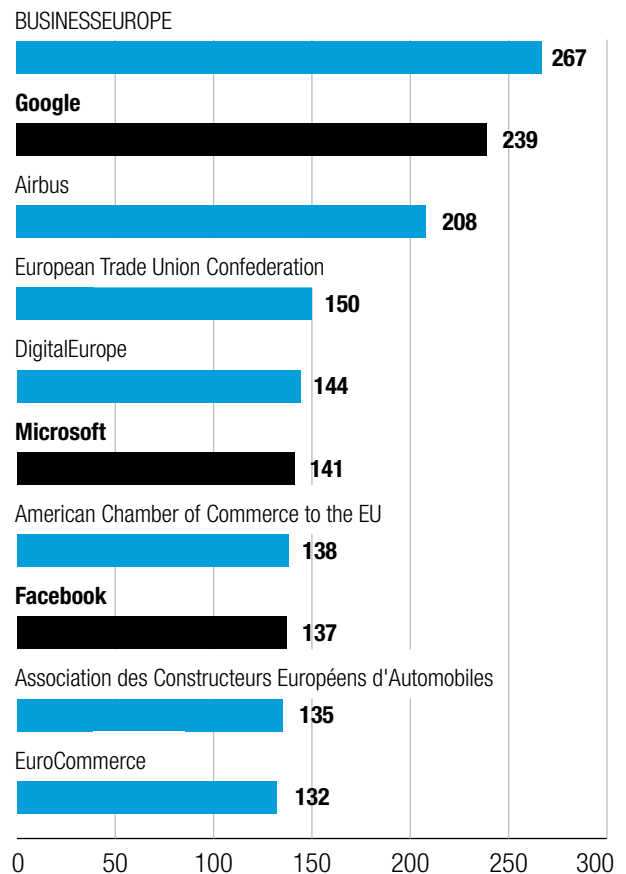
**Figure 1. Increase in in-house lobby budget 2014 - 2020 (in million of euros)**



expenditure by big tech companies in Brussels, to point where three of the top ten corporate spenders in Brussels are tech companies. Google takes the top spot with declared expenditure of €5,750,000 per year. This is an increase of 360 per cent since December 2014, when the Commission decided to start publishing high-level lobby meetings. Apple's lobbying budget has quintupled from €400,000 to €2,000,000 over the past six years. Of the companies surveyed in this report, only Microsoft's budget has remained relatively steady, with an increase of 17 per cent since 2014.

Microsoft was already among the top lobbyists in Brussels in 2014, owing to being the first big tech company to have been hit with enforcement of the EU's assertive anti-trust rules<sup>9</sup>. The steady increase in lobbying by US tech companies demonstrates a gradual realisation that the success of their business model in Europe depends on forceful anti-trust campaigning (both in defending their own activities as well as challenging those of others) as well as the ability to influence the evolving regulatory framework in Brussels. Big tech companies are not only among the top spenders, they also consistently top the charts in terms of access to the European Commission.

**Figure 2. Top 10 lobbyists by Commission meetings**



## LOBBYING THE EUROPEAN COMMISSION

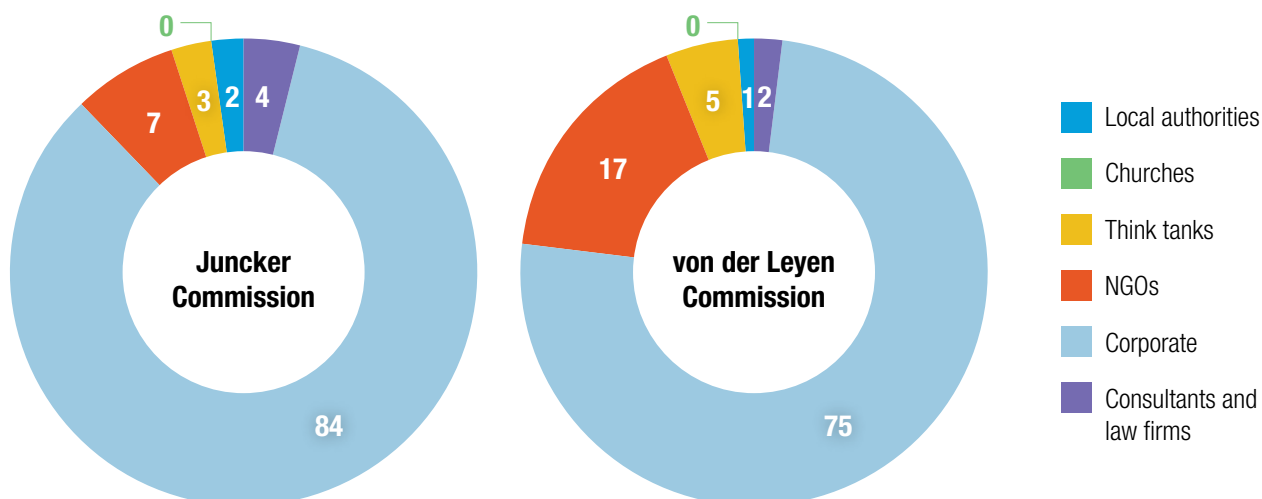
In November 2014, the Juncker Commission took the unprecedented decision to start publishing lobby meetings with top officials. These included Commissioners, their private office (“cabinet”) members as well Directors-General. The resulting dataset, collected by Transparency International EU through our Integrity Watch project, consists of 30,016 lobby meetings published during the Juncker and von der Leyen legislative mandates<sup>10</sup>. Two clear trends have emerged over the last 6 years: rules governing the online economy are among the top lobbying issues in Brussels, and they are consistently dominated by big tech companies not just in terms of lobby spend but also in terms of number of meetings.

In fact, Google, Facebook and Microsoft are among the organisations with the highest published number of lobby meetings during the Juncker years. Google racked up 212 meetings and took the top spot as Brussels’ most prolific lobby group. The search engine giant racked up almost as many meetings as Microsoft (112) and Facebook (109) combined. Amazon and Apple have held slightly fewer declared meetings, with 60 and 46 respectively, despite a significant increase in lobby expenditure. The main subject area lobbied on by these five companies was the digital single market, representing 15% of all 540 published meetings, followed by subjects related to data privacy.

Under the von der Leyen Commission, Google, Facebook and Microsoft continue to top the tables and are among the top 10 of companies and groups in terms of meetings across all policy areas, whereas Apple and Amazon trail far behind, in respectively 39<sup>th</sup> and 68<sup>th</sup> place, despite also being affected by the upcoming Digital Services Act - but without, for the time being at least, the same level of anti-trust scrutiny. As Commission officials below DG level are not required to publish lobby meetings, the extent to which these companies as well all other types of lobbyists are conducting lobby meetings with such officials cannot be ascertained.

With 3,363 high-level Commission meetings, digital issues were by far the most lobbied policy areas between November 2014 and December 2019. The previous Commission oversaw the introduction of sweeping regulations to complete the digital single market, attracting fierce resistance from vested interests. This is problematic as the digital policy space has the highest concentration of corporate lobbyists when compared to other sectors. With 84% of meetings being held with companies, groups and business associations, civil society played a much smaller role in discussing rules underpinning the digital economy with policy-makers. This is in stark contrast to areas such as environment and better regulation, where top officials in charge have taken note of President Juncker’s call to “ensure an appropriate balance and representativeness in stakeholder consultation”<sup>11</sup>.

**Figure 3. Share of type of lobbyist for digital portfolios under Juncker and von der Leyen (in percentages)**



The start of the von der Leyen mandate in December 2019 did not substantially shift priorities in terms of digital policies. One of the stated core objectives, together with the European Green Deal, is to complete the rules underpinning the digital single market. The digital single market portfolio has been segmented under the new Commission into three new portfolios: Europe fit for a digital age, Internal Market, and Values & Transparency. Taken together, lobbying in these areas represents nearly 20% of all meetings published. Google, Microsoft and Facebook already occupy the top three spot in terms of high-level meetings held under these portfolios. However, in terms of subject areas, the global pandemic has left a notable mark. In 2020 COVID-19 is mentioned as subject for 15% of all meetings held with the Commission, making it, together with the Digital Services Act, the top subject for big tech companies. These two topics are closely followed by disinformation at 13%.

The trend of corporate lobbying dominance continues under von der Leyen with business interests representing 75% of the 1,212 meeting held on the Commission portfolios in charge of

digital policies<sup>12</sup>. One notable difference is the Values & Transparency portfolio of Commissioner Věra Jourová. With 113 out of 209 meetings concerning issues such as disinformation, artificial intelligence, the European Democracy Action Plan and the DSA, Commissioner Jourová is highly active in this field. While Google, Facebook and Microsoft are in the top five organisations holding these meetings, there is a more equal distribution of meetings between corporate and civil society organisations (respectively 44% and 39%)

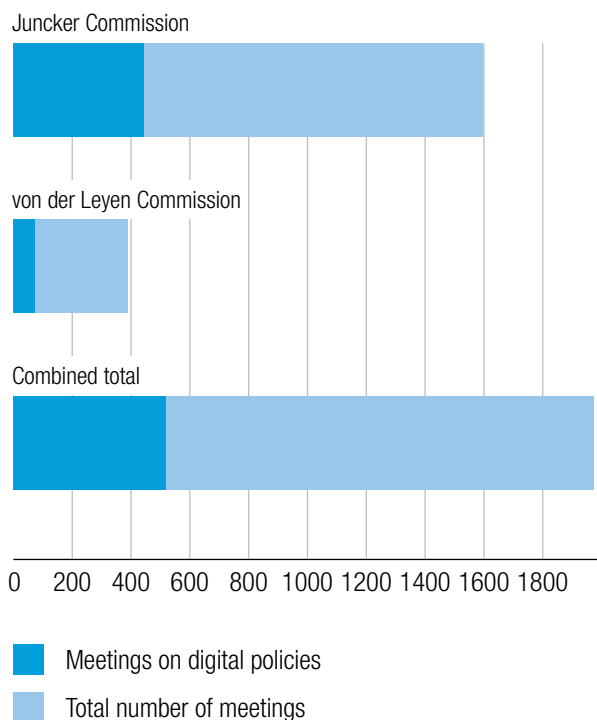
## BUILDING A WEB IN BRUSSELS

Looking solely at lobby meetings of the big tech companies themselves only paints a partial picture of the extended web of connections through which policies can be influenced. Brussels is widely known for being the home of major business and trade associations, think-tanks and law offices that represent the interests of their members. Organisations can also sponsor a network of associations, though the relationship is less evident



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**Figure 4. Share of meetings on digital policies under Juncker and Von der Leyen Commissions**



when it comes to actual lobbying. Organisations on the Transparency Register must declare business associations, think-tanks, NGOs with whom they are involved with, either as members or financial supporters. The analysis of these linkages paints a better picture of organisations' footprint.

Amazon, Apple, Facebook, Google, and Microsoft declare being members of a total of 66 organisations, of which 53% have at least two of the big tech companies among their members. By analysing the subject matter of the 1,152 meetings from these organisations published during the Juncker mandate, we found that 40% were held on subject matters directly related to the digital single market. These include organisations which specialise in digital policies, such as Digital Europe, Computer & Communications Industry Association, and the European Digital Media Association - but also a range of organisations with a much broader mandate. Under the von der Leyen Commission, the share of meetings on digital policy is so far lower at 24%, but this may be due to factors such as a reduced level of legislative activity at the start of a new term.

Concerning organisations and associations that don't have a primary focus on digital topics, our findings do point to a strong interest in legislative files closely followed big tech companies. Chief among these is the American Chamber of Commerce, representing the business interests of US-headquartered companies. Under the Juncker mandate, a quarter of all its high-level meetings were held on policies related to the digital single market. This trend is continuing under the von der Leyen commission with 18% of meetings representing the interests of tech companies. The German Marshall of the United States, an influential American think-tank, is also particularly active on digital affairs with 22% and 43% of meetings under respectively Juncker and von der Leyen. However, it is worth mentioning that under the current rules, it is not a requirement to disclose whether the relationship involves financial support from any given big tech company. Nor can it be established with certainty that connected organisations adopt similar positions on digital policies.

The striking outcome of our analysis is nevertheless the sheer diversity of organisations connected to big tech: energy associations such as Danish Energy, Solar Power Europe and the Roundtable for Europe's Energy Future, and leading think-tanks such as Breugel, the European Policy Centre and the Centre for Regulation in Europe. And then there are the policy platforms specifically set up with Members of the European Parliament, such as the European Internet Forum. These connections point to a wide array of venues in which companies seek to influence EU policies and debates and that go beyond the direct targeting of decision-makers. According to the latest annual data, 26 consultancies and law firms present on the EU Transparency Register, received between 3 million and nearly 8 million euros from the big five, thus further increasing their lobby footprint in Brussels.

Another aspect which should be considered, is the extent to which big tech can use its own platforms as part of its lobbying efforts. For instance, in the battle over the EU copyright directive, Google was called out for mobilising YouTube creators in its battle against tighter copyright restrictions<sup>13</sup>.

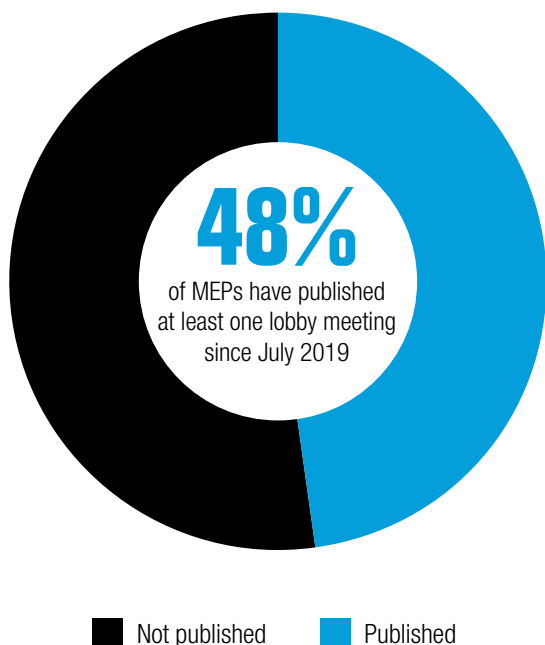


## ONE THIRD TRANSPARENT: COUNCIL AND PARLIAMENT REMAIN IN THE DARK

The European Parliament introduced its first mandatory lobby transparency rules in January 2019. Rapporteurs, shadow rapporteurs as well as committee chairs must publish their meetings with lobbyists, though only if the meeting concerned a specific legislative file that they are in charge of<sup>14</sup>. This means that in all other cases, citizens rely on MEPs to publish their meetings on a voluntarily basis.

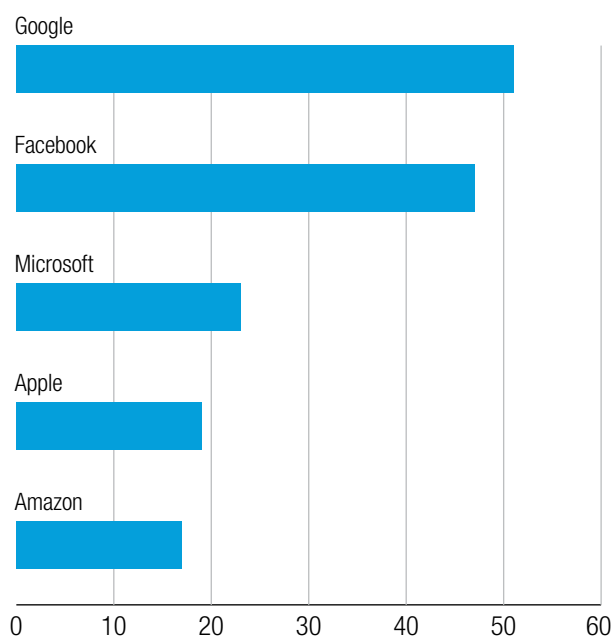
Since the introduction of the new system, 48% of MEPs have published a total of 12,794 lobby meetings, thus providing only a partial picture. The publication system of the European Parliament is not linked to the EU Transparency Register and the resulting dataset does not makes it possible to sort meetings, for instance according to regulatory sectors.

**Figure 5. Share of MEPs publishing lobby meetings**



Google is again on top among the big five, with 50 meetings, followed by Facebook (40), Microsoft (28), Apple (18) and Amazon (17). The main subjects lobbied on are the Digital Services Act, Artificial Intelligence and e-evidence. With only 153 meetings out of 12,794, big tech lobbying in the Parliament appears to have been modest. However, there is no way of telling how many meetings big tech has held with the 52% of MEPs who have not declared their meetings, and so no overall conclusion can be drawn as to the intensity of big tech lobbying that has taken place since the introduction of the new rules. As many legislative proposals on digital policies have yet to reach MEPs, mandatory publication of meetings becomes an ever more pressing priority.

**Figure 6. Number of published meetings with MEPs**





Of the three main EU institutions, the Council is the only one with no obligation when it comes to lobby transparency. Though progress has been made in recent years, with several Permanent Representations publishing lobby meetings with top officials on a voluntary basis, and a recent promise by most to publish meetings of their Ambassadors during their Council Presidency and the six months prior, it is a far cry from the full disclosure needed to perform a systemic analysis of the big tech lobbying footprint in the Council. As Member States together shape the position of the Council, in order to fully explore the footprint of any given organisation in EU decision-making we also need to rely on national lobby transparency provisions - which in most cases fall well short of the rules that exist in Brussels.

## **CASE STUDY: EU REVOLVING DOORS**

The labyrinthine processes and complex dynamics of the EU institutions make it hard for outsiders to know where to start when it comes to influencing EU policy - and for this reason, former EU insiders can make for valuable lobbyists<sup>15</sup>. The issue of revolving door appointments has attracted scrutiny in Brussels before, perhaps most notably with the hiring by Goldman Sachs of Former European Commission President José Manuel Barroso. Although big tech companies have received less public scrutiny, the revolving door continues to turn.

One example is Aura Salla, who left her position as a member of the European Commission's in-house think-tank EPSC, where she worked on issues including disinformation and electoral interference, to become Facebook's Head of EU affairs in Brussels. She is far from the only one. Analysis of the Transparency Register reveals that of the five Facebook employees who currently hold lobby passes to the European Parliament, three worked in EU institutions until just before they joined Facebook.

This figure may understate the true total, as companies are only obliged to publish the names of lobbyists who have a pass to enter the premises of the European Parliament. It is therefore possible that Facebook and other big tech companies have hired other former EU staffers to advise on lobbying and advocacy behind the scenes and simply not issued them with a European Parliament badge. As European Parliament badges are currently the only way to track this information easily, it is very difficult to get the full picture on the comings and goings between the public and private sectors.

In theory, senior EU officials need to seek the approval of the so-called Appointing Authority from their (former) institution for any job they take within two years of leaving office - a measure intended to curb the risk of revolving doors. In practice, however, watchdog Corporate Europe Observatory found that, in 2019, fewer than 1% of these requests were rejected, raising questions about the robustness of this vetting process<sup>16</sup>.

## 2. LOBBYING BY BIG TECH IN NATIONAL CAPITALS - THREE CASE STUDIES

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In this part we look at the situation at national level in two EU Member States, France and Ireland, and one, by now, non-EU country, the UK, which was covered by the rules of the Single Market during the period covered by this report. All three countries are among a select few to have adopted lobby transparency regulations. All publish lobbying activities to various degrees, as opposed to the almost totality of EU Member States that choose to keep citizens in the dark when it comes to attempts to influence their democratic institutions.

### FRANCE: FROM PARIS WITH LOBBYING

France is among a handful of countries that have adopted a comprehensive law regulating lobbying activities at national level. A French transparency

register for interest representatives has been live since July 2017<sup>17</sup>. Under the auspices of the High Authority for Transparency in Public, lobbyists are required to divulge key information such as amounts disbursed, interests pursued and crucially, lobbying activities being undertaken to influence decisions at regional, national and EU-level.



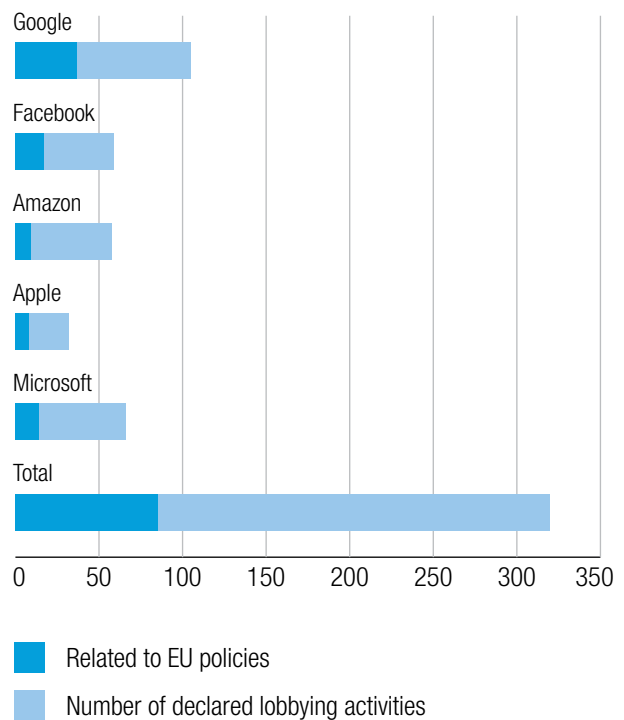
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As of November 2020, citizens can access key information on 2,179 organisations that have declared 28,015 lobbying activities. However, several specificities hamper greater transparency in France: the duty of declaring rests entirely on lobbyists; the identity of policy-makers being lobbied is not divulged; and some lobby organisations are excluded from the scope of the register. This is compounded by the fact that reports are often with a significant delay, relying entirely on lobbyists' initiative to self-declare their activities. Furthermore, it is worth mentioning that activities can comprise a single meeting or series of actions undertaken over a certain period. While the results make comparisons between organisations difficult the French register does provide key information on lobbyists such as lobby budgets. Taken together, Google, Amazon, Facebook, Apple and Microsoft (GAFAM, as they are known) declare an annual expenditure 3.6 million euros lobbying the French government. This is an increase of 227% since the register started operating in 2017. The biggest spender is Microsoft with €1 million. At the lower end we find Apple with €100,000 euros, though its financial data has not been updated in the last two years. The largest increase in expenditure is Amazon with an eightfold increase, from 100,000€ to 800,000€. Together they employ 23 individuals directly involved in lobbying French public institutions.

## Analysis of the French lobby register

Of the 99 activities declared by Google, Facebook, Apple, Amazon and Microsoft, a quarter concerned EU policies and legislation. Thus, France has a noteworthy role as an influential player in shaping digital policies in Brussels. Here again the top spot is taken by Google with 35 self-declared activities, followed by Amazon (26) and Microsoft (23). Apple on the other hand has declared only three activities since its registration in 2017. The information is only partial, as staff from the French Permanent Representation to the EU are not covered by the French register, unlike their Irish counterparts.

**Figure 7. Number of declared lobbying activities in France**



Subjects lobbied on vary, with data protection taking the top spot with 6 activities, followed by copyright with 5 activities. However, of the 29 EU-related lobbying activities declared by the big tech companies, 10 specifically mention concerns regarding transposition of EU directives. Interestingly, the French register also requires entrants to declare associations, think-tanks and NGOs to which they belong. This web paints an altogether broader picture of what big tech lobbying looks like in France. Taken together, the big tech companies have declared 20 connected organisations in their declarations. These represent 359 lobbying “activities”, of which 11% concerned EU policies. It should be noted that this only includes activities that specifically mention EU-related activities. There are three business associations common to all big tech companies analysed in this report: Tech’in France, Syntec numérique and the American Chamber of Commerce in France. The most EU-centric of these is Tech’in France, with a third of all lobbying activities concerning EU policies.

## IRELAND: A GATEWAY TO BRUSSELS?

Ireland is a pioneer of lobby transparency in the EU. The country is one of a select group of Member States with comprehensive legislation governing interactions between lobbyists and public officials. The Irish Regulation of Lobbying Act<sup>18</sup> came into force in 2015, as an attempt to “clean up politics” after the traumatic experience of the Financial Crash and resulting loss of public trust<sup>19</sup>.

Ireland is often referred to as the Silicon Valley of Europe. With a thriving start-up scene concentrated in an area known as “Silicon Docks” to Dublin’s young professionals, the country has steadily built a reputation for being Europe’s main hub for big tech companies<sup>20</sup>. It is also home to Apple, Facebook and Google’s European headquarters. This is partly thanks to Ireland’s highly educated and multi-lingual workforce, as well as its access to European markets. Another consideration is likely to be the generous corporate tax regime, which at 12.5%, is the lowest in the European Union, combined with tax incentives for research and development<sup>21</sup>. According to our analysis of lobbying activities declared by big tech, the companies have used their presence in Ireland as a lobbying gateway to Brussels.

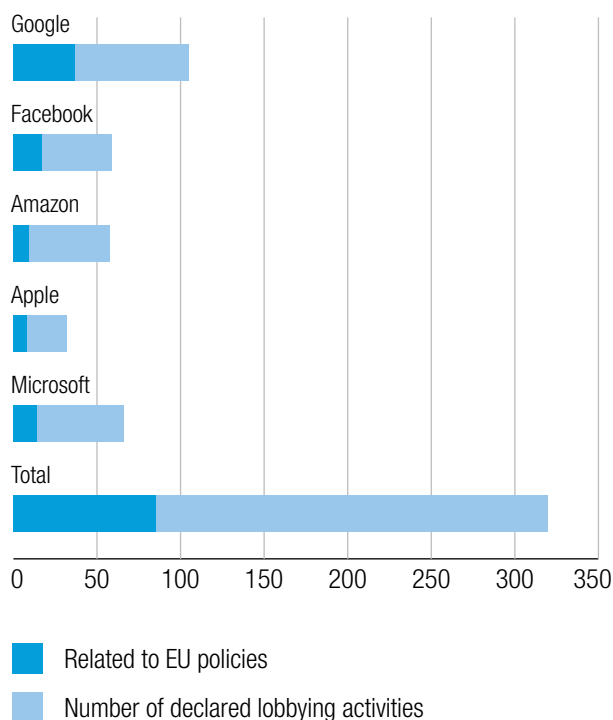
The Irish lobby register, active since 2015, contains details on the lobbying activities of 2112 organisations. Activities are reported as trimonthly “returns” which can comprise a series of meetings, calls, events and shared documents. Of the 235 lobbying returns declared by Apple, Amazon, Google, Facebook and Microsoft, 36% concerned EU legislation and policies.

There are some notable disparities between companies. With 54% of all its declared lobbying activities related to EU policies, Google is the most EU-centric among its peers. The internet giant was primarily concerned with the EU’s digital single market strategy (11 out of 37 EU related returns), initiated under the previous Juncker Commission.

In second place we find Facebook with 40% of its 42 self-declared activities relating to EU policy. Its main areas of interest are the EU’s data-protection regulation and copyright, two policies areas that have witnessed fierce lobbying by big tech. Leaked internal documents from the social media giant highlighted a concerted push to dilute the EU’s proposed data protection rules through Member –States, including Ireland<sup>22</sup>. Among its EU-related returns declared in 2019-2020, Facebook already hints at upcoming EU legislation on harmful content, electoral integrity, data portability and privacy.

Apple and Microsoft follow with respectively 33% and 27% of their returns relating to EU policies. Apple’s limited lobbying activities, with only 13 returns in 5 years, reflects its relatively low profile in Brussels. The European regulatory environment for health services is the company’s most important subject area. Microsoft is the only company out of the big five to explicitly mention the new Commission and Parliament legislatures in 2019. Finally, Amazon is the least EU-centric of the big 5 with only 18%, mostly related to its cloud services.

**Figure 8. Number of declared lobbying activities in Ireland**



## UNITED KINGDOM – GOING UNDERGROUND

The United Kingdom government has serious gaps in its approach to lobby transparency. UK government ministers are required by the Ministerial Code to publish details of their meetings with interest groups<sup>23</sup>. Ambiguity in the Code and weak enforcement obfuscate public sight of ministers' engagement with lobbyists. In theory, government must report any ministerial engagement concerning official business, even if it occurs during a private or social occasion; however, this is dependent on the minister reporting it to their departments, which does not always happen. The Ministerial Code is also silent on what forms of communication are covered. whilst most departments report only face to face engagement in-person, others have also disclosed some phone calls. to compound the above, there is no independent body empowered to police and enforce disclosure, providing a poor deterrent against non-compliance.

Moreover, non-ministerial parliamentarians and mid-level civil servants are exempt from the requirement to publish these meetings, despite their potentially significant influence over policy.

In 2015, a statutory register of lobbyists was introduced and professional lobbyists working for lobby consultancies were obliged to register. Unfortunately, however, this requirement does not extend to other individuals who might engage in lobbying – including professional in-house lobbyists despite this being a core recommendation of the Group of States Against Corruption (GRECO) from the Council of Europe<sup>24</sup>. According to one academic analysis, just 4% of the ministerial meetings were with lobbyists from the official lobby register.<sup>25</sup>

Compared to other countries mentioned in this report, notably Ireland, the biggest US tech companies do comparatively little lobbying of the British government according to official data. Amazon, Apple, Facebook, Google and Microsoft met UK ministers or their representatives on 754



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occasions in the last eight years, of which only 63 were held on issues related to the EU. Most of these EU related encounters took place after the UK's referendum on EU membership in June 2016.

Although descriptions of these meetings are sometimes bewilderingly vague – “business breakfast” or “general catchup” for instance - the data gives an approximation of the topics covered. Brexit dominated the discussions, with 68% of EU related meetings concerning its implications for the tech industries – as well as the haulage industry, in the case of Amazon. Although 20 lobbying engagements did concern EU policy matters, such as the Digital Single Market, big tech companies appear to have made little effort to influence EU policy through the UK government since the Brexit referendum.

## UK REVOLVING DOORS

The revolving door between government and big tech compounds the lack of strong lobby transparency rules. Over the last decade, Silicon Valley giants have hired several ex-politicians and political advisors. By hiring those with recent experience of government, including at a senior level, these companies indicate a desire to potentially gain privileged insights into the workings of Whitehall.

Most eye-catchingly, in 2017, former Deputy Prime Minister Nick Clegg was hired as Facebook's Head of Global Affairs and Communications, one of the most senior roles within the company<sup>26</sup>. Clegg's former special advisor, Verity Harding, was hired as a policy manager for Google DeepMind, which works on artificial intelligence<sup>27</sup>. Google have also hired senior staff from the UK's two main political parties, including Theo Bertram, a former advisor to Prime Ministers Tony Blair and Gordon Brown, as a public policy manager for Europe<sup>28</sup>. Bertram now works for TikTok<sup>29</sup>.

The revolving door spins both ways: in 2020 the head of Amazon's UK and Irish operations, Doug Gurr, became an advisor on digital strategy to the UK Cabinet Office<sup>30</sup>. In 2015, Nigel Huddleston, Google's Industry Head of Travel, left the company to become a Conservative MP<sup>31</sup>, and subsequently a government whip<sup>32</sup>.

While there is nothing inherently wrong with these career paths, the opaqueness of Westminster combined with poor oversight of the revolving door increases the risk that those moving between public and private office abuse their privileged position for private gain.



# RECOMMENDATIONS

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- ▶ There should be a general and uniformly applied principle across all institutions, whereby policy-makers (both elected and unelected) only accept meeting requests from lobbyists who are registered.
- ▶ Lobby meetings with all policy-makers, including phone calls and online meetings, should be formally registered as lobby meetings.
- ▶ The publication of all lobby meetings should take place on a centralised, searchable platform.
- ▶ EU institutions and policy-makers must take a more proactive approach to ensuring a better balance of interest representatives in their meetings with lobbyists.
- ▶ National lobby registers in EU Member States should make it easier to identify lobbying activities undertaken for the purpose of influencing EU policies, and the EU Transparency Register should make it possible for entrants to link to national registrations.
- ▶ The European institutions urgently need to set up an Independent EU Ethics Body to monitor potential conflicts of interests, revolving door cases of former institution officials and politicians and adherence to lobby transparency rules.

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