

Models of Lobby in Europe

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Abstract: *The lobby should be understood as a transparent way to influence the executive and legislative decisions, through actions that aim to support rights and legitimate interests in the promotion, adoption, amendment or repeal of decisions and decrees by authorities and public entities. It represents a form of maturity of any democracy, as it allows people to influence, through its low-profile, informal representatives, the decisions of official, formal, elected representatives.*

From historical point of view, the term "lobby" originated in the old Germanic in the word "louba" that can be translated as hall, roof. The verb "to lobby" was mentioned first time in 1850, and the word "lobbyist" in 1863.

Keywords: *lobbying, civil society, Europe, organization, country, public affairs.*

The European Union and the European Parliament are organizational structures based almost entirely on lobbying activities. The regulation of this activity began in October 1992, with promotion of Galle plan that was annulled due to the failure in reaching a consensus on the definition of lobbyist. In 1995, Ford report proposed granting of permanent premises for those who wish to enter in Parlia-

ment frequently, in order to provide to Members of Parliament, information to justify or support various positions adopted by EP members. The register of lobbyists was made public on European Parliament's website.

On July 19, 2005 over 160 organizations, groups of civil society, business associations, academic associations and public relations companies, were organized under the name "Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)" to request a transparent electronic system of compulsory registration of lobbyists, the improvement of Union Code of the European Commission's officials and the annulment of privileged access granted to large corporate lobbyists.

On 23 June 2008 the European Commission launched its Online Register of lobbyists, where all lobbyists seeking to influence policy and decision making in the European institutions were invited to register.

Based on the critical need to regulate lobbying, the European countries were organized according to their own perception level and legislation.

Great Britain, for instance, is a reference point on the map of lobbying, which plays an important role in decision-making process, but also in the formulation and reform of regulations. Lobbying the UK is carried out through a permanent exchange of information between public relations professionals and state institutions, the British are the ones who have dedicated for this purpose the terms "public relations", "public affairs", "political consultants" or "corporate affairs".

Moreover, even the term "lobby" itself was established as representative for the meetings of the Members of Parliament and honorary members, with titles of lords, in the halls of Westminster Palace, the Houses of English Parliament, before and after parliamentary debates. In 1800, petitions were a very popular way to present a problem to the Parliament, and the number of these documents was extremely large. Such a petition made the right to vote to be owned equally by men and women, by the document "Representation of the People Act 1928"¹.

However, only the year 1991 brought the first request of regulations in the application of lobbying type of activities in the English Parliament, following that, three years later, the newspaper "The Guardian" to proclaim Ian Greer as the most successful lobbyist of London given that was in the middle of the so-called "Cash-for-questions affair"², when his association was said to have bribed two members of Parliament to get certain privileges.

In the same year 1994 (October 25), "The Nolan Committee" was established at the initiative of Prime Minister John Major, aiming to regulating ethical standards

1 http://www.parliament.uk/parliamentary_publications_and_archives/parliamentary_archives/archives__the_suffragettes.cfm

2 *The Guardian*. 1994-10-20

in public life³. After one year of activity, the Committee developed and proposed a code of conduct for parliamentarians, but not necessarily focused on the regulation of lobbying activity.

On the other hand, in 1995, the House of Lords approved the establishment of a register of members' interests, republished and annually updated under the coordination of a House subcommittee, divided into three categories:

- a. Category 1 – compulsory: the list of parliamentary lords paid for parliamentary consultancy;
- b. Category 2 – compulsory: the list of lords with financial interest in lobbying companies;
- c. Category 3 – optional: a list of other interests that some lords have decided to register.

After almost ten years, in 2006, it was claimed that the donations or loans to the political parties can bring certain privileges or even direct contribution of the donor to create legislation (Cash for Honors). After more than one year of investigation, authorities have failed to gather evidence to prove that these loans have resulted in obtaining privileges⁴. In early 2009, the newspaper "The Sunday Times" presents the Cash for Influence scandal⁵, when a reporter alleged to be a lobbying practitioner offered amounts of money to some Chamber of Lords members to influence legislative decisions. Accusations were not proven by the investigating authorities, but the Chamber of Lords decided to temporarily suspend the Lords involved.

All the above determined the development, in 2009, by the House of Commons, of a report in order to record that "the practice of lobbying in order to influence political decisions is a legal and necessary part of democracy. Organizations or individuals consciously influence the decisions that matter to them or to the environment where they are taking place"⁶. Also the year 2009 brought a new rejection of the initiative of drawing up the register of practitioners of lobby activity, initiative whose history dates back to 1975. The regulation of lobbying raised certain problems due to the possible oscillations between the representative of the legislature role and the civil society representative, this possibility being the basis of the conflict of interest. This given, because in most cases, ministers turn to specialized advisers who are most likely selected from industrial sectors, and which have changed the role of lobbyist with the one of counselor⁷.

3 <http://www.archive.official-documents.co.uk/document/cm28/2850/285002.pdf>

4 http://news.bbc.co.uk/2/hi/uk_news/politics/6907594.stm

5 <http://www.timesonline.co.uk/tol/news/politics/article5581547.ece>

6 <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmpubadm/36/36i.pdf>

7 <http://www.telegraph.co.uk/news/1397040/Advisers-move-to-lobby-firm-attacked.html>

In 2010 the introduction of a register of lobbying practitioners succeeded. By this regaining the credibility of the public institutions was intended, as well as balancing the relations between state and citizen, and also increasing the transparency in government decisions.

Contrary to these intentions, in March 2010, a former Secretary of State for Transport, Stephen Buyers, was recorded with a camera, saying he is willing to carry out lobbying activities in return for money. In the same case had involved two other former ministers, who, despite the record, denied describing their behaviour as inappropriate⁸.

Germany, on the other hand, is an example of regulation of lobbying for the European area, being the only country that adopted formal rules for the registration of lobbyists.

To participate in negotiations and have access to legislators, every practitioner of lobbying must be registered, by law, in the republished list of lobbying. The registration involves declaring the name, the domain of interest, the businesses and organization represented by the lobbying agent - management, number of members, representatives, this information bringing his access permit for a period of one year, in different delegations of discussions.

This, while the German state policy is to consult those who will be directly affected by a certain law, which is why the state usually calls for negotiations the groups of interests and professional organizations, in order to receive feedback from them.

The German law on lobbying suffers, however, from several drawbacks, primarily related to the rather advisory, informative than persuasive character of the lobbying activity. On the other hand, the activities allowed in the lobbying process are uncertain, the lobbying agents must not report their activity, and politicians are not bound to a rest period between the end of their mandate and the performance of lobbying.

Although a common practice in **France**, the lobby wasn't officially born until the early '80s. After this moment, however, this activity has rapidly expanded. Thus, since 1991, there is a consultancy association of lobbying and public affairs (AFCL), which, until recent years, covered most of the work of this kind in France, with its own ethical code.

More and more French companies tried to organize a sustained lobbying activity by creating their own department for public affairs.

During the early 1980s professional associations and organizations wrote an application to the Senate leadership, seeking access to this room. The request was reviewed by the General Secretariat of the Senate, which provided access only if

8 <http://www.euronews.net/2010/03/22/pre-election-lobbying-scandal-rocks-uk-s-labour/>

the applicant was considered representative, the number of permits issued annually amounting on average to 20, and to about 10 permits of access to the corridors of the conference room. Although the first attempts of organizing lobbying dated long ago, until 2009, in the absence of a code of conduct, any inappropriate behaviour could be subject to verbal complaints, after which was possible that lobbyists to be declared, at the request of Senators, *persona non grata*.

The year 2009 brought the first register of lobbying, with voluntary and individual registration, but that required disclosure of information on clients, and the agreement to comply with a code of conduct, violation of which attracts exclusion. With the National Assembly and Senate rules prohibiting within them, the establishment of the groups defending private or professional interests, in the registry were enrolled approximately 20 representatives of big companies, a few representatives of state institutions and agencies representing associations or unions.

Poland is the 3rd former communist state that has legally regulated lobbying. Given that, since 1998, Polish Chamber of Commerce revealed through studies, that one in three persons occupying public office was financially motivated to promote the interests of various companies in the market, and later, a study by the World Bank highlighted some forms of lobbying practiced in Sejm (Polish Parliament), such as: receiving money for the amendment of laws, bribery, illegal gifts, expensive gifts and so on.

An eloquent example of this is that of Lew Rywin, who, in 2002, promised to change a law of audio-visual in favour of Agora, in exchange for “donations” of \$ 17.5 million to Prime Minister Leszek Miller’s party. The promised aid has resulted in “conviction” of some parliament members. The Court of Appeal in Warsaw found Lew Rywin guilty in December 2004, and sentenced him to two years in prison, and the case contributed to the resignation of Miller cabinet on May 2, 2004.

The Rywin case coagulated to some extent the regulatory efforts of lobbying, which records the following schedule:

- In 2003, by the initiative of several companies, The Association of Professionals Lobbyists in Poland (w Lobbystów Stowarzyszenie Profesjonalnych PolSci, SPLP) appeared
- October 28, 2003: Sejm received the first form of the law regulating lobbying
- 12 November 2003: attempted rejection of the project, but media reverberations of “Rywin case” told the word and the attempt failed
- July 7, 2005: Sejm adopted the law with 399 votes in favor, four abstentions and 0 votes against.

The second chamber of Parliament passed the law without any changes, and on August 15, 2005, the President Aleksander Kwaśniewski promulgated the “Law

Lobby”, which defined lobby as “any lawful activity undertaken in order to influence legislation or a regulatory action of public authority” and lobbying as “any paid activities performed for third parties to reflect their interests in a legislative act”.

The **Czech Republic** is an absolutely enlightening example of how lobbying is perceived in post-communist states, which is regarded with much scepticism by both civil society and the political class, in associated with the phenomenon of corruption (according to a study made by “Donath Burson-Marsteller”).

Although tried, both at governmental and regional, the regulation of lobbying, all these attempts have failed. Public relations specialists and political communication specialists divided into two camps: those who believe that regulation should offer credibility to the political lobbying actors and those who believe that this measure would merely legalize immoral means to obtain material benefits.

The lack of an official document to legitimate lobbying actions, and also the communist experience and reluctance conducted to an almost impossible existence of lobbyists. However, in May 2010 the first Conference on lobbying was organized, while the Czech Woman’s Lobby organisation, began to organize campaigns for gender equality promotion, in the media and organizing public discussions, highlighting the equal opportunities between men and women, promoting the interests from European perspective of all female persons living in the Czech Republic.

At first shy, the actions of the lobbying groups began to change the public mentality, this feeling more acute need for information, fact has changed to some extent also the attitude of the political environment, which became a little more open to the notion of lobbying.

Serbia makes no exception to the prejudice which dominates the central and Eastern Europe, that lobbying is only a disguised form of corruption and traffic of influence. Perhaps for this reason, the Serbian state has no a special law on lobbying, but only a series of normative tangent to this field and required more by the EU and U.S. These include the law on free access to public information, ombudsman law or the anti-corruption law.

But a change or an attempt to change the attitudes is beginning to fill its presence, especially in the academic environment. Thus, various academic forums in Serbia, especially members of the Political Science Department of University of Belgrade, are trying to regulate lobbying, American style. For this, a number of courses supported by faculty members were initiated.

Also in practice, despite the existence of a coherent legal framework, lobbying activities continued to take place, even during the communist domination. The best known are those supported by the representative of the Communist Party, Slobodan Milosevic, regarding the awareness and influencing the federal parlia-

ment and the executive power on granting special status to the Serbian people in the Russian Federation.

In turn, the Orthodox Church made a series of lobby actions in the interest of Kosovo, while the Serbian Foreign Ministry carried lobby actions at Brussels and Washington, for transnational integration into European and North Atlantic structures.

NGOs also conducted a number of pressures, usually benefiting of support from similar international organizations, in order to obtain rights, particularly for people with disadvantaged status.

With the lobbying already existed and the civil society and the political environment seemed to be becoming more responsive, in 2009, Miroslav Miletic and Ana Bovan, founded Lobbyist's Association in Serbia, the only organization that aimed, through status and ethical code of their own, exclusively to conduct lobbying. The purpose of this organization was to change public perception of lobbying activities and to regulate them in terms of legislation.

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