

# Legal regime of lobby activities. A comparative view

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## **Abstract**

*A very important aspect is that countries with specific rules and regulations regulating the activities of lobbyists and interest groups are more the exception than the rule.*

*The interest groups are pursuing their goals in the political arena by lobbying, or attempting to influence policy-making, are consistent with the spirit of democracy.*

*In practice, interest group influence can sometimes lead to political corruption, the inequality of representation, and the overcrowding of political institutions.*

*As a consequence, some political systems find it appropriate to regulate interest representation.*

**Keywords:** *interest groups, lobby, regulation, democracy, political systems*

**JEL Classification:** K30, K40

## **1. Introduction**

Lobbying is a legitimate part of the democratic process in all liberal democratic systems. Although the term has been associated with negative connotations, throughout the western world the work of lobbyists is considered very important.

Lobbying is the act of individuals or groups, each with varying and specific interests, attempting to influence decisions taken at the political level.

Such groups can be considered the groups with economic interests (such as corporations), professional interests (such as trade unions or representatives of a professional society) and civil society interests (such as environmental groups).

These groups want to influence political decisions using many means.

The term lobbying can not be separated from the term of interest group.

Groups of interest can be defined as that group of people with common goals and who try to influence authorities (institutions, powers) government to achieve these goals.

The lobby is in this sense is one of the most powerful means of expression of these groups.

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## 2. General aspects

Regulations dealing with lobbying activity are relatively rare in advanced democracies.

These regulatory systems can be theoretically classified in three main categories, highly regulated, medium regulated and lowly regulated.

In the lowly regulated systems the individual registration exists for lobbyists but where few details have to be given (the European Parliament where lobbyists do not have to state which subject matter/bill/institution they are lobbying or in the German Bundestag where there is no requirement to provide any financial information of any kind). While lists of lobbyists are available to the public the details tend to be rudimentary with much lobbying data such as spending reports not included at all. Finally there are little enforcement capabilities against lobbyists who break the rules<sup>2</sup>.

Medium regulated systems apply where rules on individual registration exist and are relatively tighter than with lowly regulated systems. Principally lobbyists must state the subject matter/bill/governmental institution they are lobbying, they are prohibited from dispensing gifts and they must report all political contributions must. These are not comprehensive, however, and activities such as free „consultancy“ given by lobbyists to political parties would not be covered by the regulations. Furthermore Employers of lobbyists are not required to file spending reports. Public access to a lobbying register is available, although spending disclosures are not in the public domain. Enforcement capabilities tend again to be somewhat limited.<sup>3</sup>

Highly regulated systems are the systems where rules on individual registration exist and are much tighter than the other two systems. The subject matter/institution is required when registering, lobbyists must disclose their employers and their individual spending. This is in contrast to both lowly and medium regulated systems. Such disclosures include spending reports, salary reports, the accounting and itemisation of all spending, the identification of all people on whom money was spent, and the accounting of all campaign spending. Employer spending disclosure is also tight with for instance employers of lobbyists required to file spending reports. All salaries must also be reported. Public access to a lobbying registry is available and crucially includes spending disclosures, which are open for consultation. Finally in terms of enforcement capabilities, state agencies can and do conduct mandatory reviews, and there is a statutory penalty for late and incomplete filing of a lobbying registration form<sup>4</sup>.

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<sup>2</sup> Chary, R., Murphy, G., Examining and Assessing the Regulation of Lobbyists in Canada, the USA, the EU institutions, and Germany, 2005, Dublin, [Online], p. 8, [http://www.environ.ie/en/Publications/Local Government/Administration/FileDownload,14572,en.pdf](http://www.environ.ie/en/Publications/Local%20Government/Administration/FileDownload,14572,en.pdf), last accessed date: 20.11.2014

<sup>3</sup> Chary, R., Murphy, G., *op.cit.*, p. 8

<sup>4</sup> *Ibidem*

It must also take into consideration that globalisation has influenced government policy processes in similar ways around the world. A number of lobbying firms are themselves multinational organisations. Numerous interest groups are either international in structure, or co-operate through international coalitions. Many nationally-based nongovernmental organisations operate globally. Although they generally conform to the practices of host governments, their lobbying techniques inevitably reflect the values and assumptions of their own political systems.

### 3. National legal regimes of lobby

#### **Austria**

The Rules of Procedure of neither house of parliament, the National Council or the Federal Council, contain any provisions relating to the activities of lobbyists or interest groups in terms of the formulation and development of federal legislation. Large economic interest groups such as employers' organisations and trade unions do have a significant input into the making of law in the context of the "social partnership." When preparing a bill, the government must consult with the chambers or *Kammern*, which are statutory representatives of interest groups, under the "appraisal procedure." In general, the government consults not only the chambers but other interest groups also. At the parliamentary stage, the social partners exert influence through personal and political contacts<sup>5</sup>.

#### **Belgium**

There are no rules or procedures regulating lobbyists in the Belgian parliamentary system.

There is support among some lobbyists for a voluntary code of conduct and a register supervised by an independent arbitrator. Members of the Representative Association of Public Relations already have a voluntary code of conduct<sup>6</sup>.

#### **France**

There are no formal rules or regulations in respect of lobbyists in the Chamber of Deputies. There is no list or register (public or otherwise) of pressure or interest groups. There is only one formal provision. According to Article 26(1) of the general directives of the bureau of the National Assembly, those with special cards issued personally by the President or by the *Quaestors*.

In practice, there are approximately 20 public affairs representatives of a small number of large public firms and a few institutional bodies or agencies representing a professional organisation.<sup>7</sup>

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<sup>5</sup> Chary, R., Murphy, G., *op.cit.*, p. 8

<sup>6</sup> Malone, M., Regulation of lobbyists in developed countries. Current rules and practices, Dublin, 2004, p. 7 [Online], <http://www.environ.ie/en/Publications/LocalGovernment/Administration/FileDownload/2048,en.pdf>, last accessed date: 20.11.2014.

<sup>7</sup> Malone, M., *op.cit.*, p. 12

Many other lobbyists may have access to certain areas within at the request of one or more deputies. In this way, the points of view of many large private companies or professional and trade union organisations may be put forward.

Lobbyists and pressure groups are not registered in the French Senate. Professional groups or organisations which wish to gain access to the Senate must first apply to the Presidency of the Senate.

Such a request is approved by the College of Quaestors (a body of Senators responsible for administrative and financial matters concerning individual Senators). However, no access is given to the Salle des Séances<sup>8</sup>.

There is no formal code of conduct for lobbyists. Any lobbyist whose behaviour is deemed to be inappropriate may be the subject of an oral recommendation or be declared *persona non grata* if senators so request.

### Germany

There are specific rules and regulations governing the activity of lobbyists in the German system.

The Bundestag is the only house of parliament in the EU member states with specific rules set out in an annex to its rules of procedure. Annex 2 of the rules of procedure of the Bundestag requires that all groups and organisations wishing to express or defend their interests before the Bundestag or the Federal Government must be written in a register. The register, which is drawn up each year, is published in the federal gazette (*Bundesgesetzblatt*).

Lobbyists may not be heard by parliamentary committees or be issued with a pass admitting them to parliamentary buildings until they are entered on the register. They must provide some details, such as name and seat of the group, composition of board of directors and board of management, sphere of interest, number of members, names of appointed representatives, address of group's or association's office at the seat of the Bundestag and of the Federal Government. The public register has not any legal force. The purpose of the register is to identify clearly lobbyists and interest groups which supply information to the Bundestag and its committees. Registration confers no special status or privileges such as an automatic right to be consulted at parliamentary hearings<sup>9</sup>.

In the same time, the Bundestag however has significant discretion. For example, it may unilaterally declare an entry pass invalid, and the Bundestag and its committees may invite associations or experts who do not appear on the register to their meetings as they deem appropriate. Therefore, not being entered in the register does not necessarily prohibit contact with parliamentary committees or Members. As a substantial number of Members of the Bundestag are or were members of trade unions or employers' associations, there is inevitably a good deal of political and personal contact between such groups and individual Members.

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<sup>8</sup> Malone, M., *op. cit.*, p. 12

<sup>9</sup> *Ibidem*, p. 13

In the Bundesrat there are no rules governing lobbyists and their activities.

### Italy

There are no specific rules governing lobbyists in the Italian parliament.

There have been attempts to introduce regulation during the 1980s. In the Ninth Legislature (1983-1987), four bills were tabled on regulating professional public affairs activities. Similar bills have since been tabled in 1987, 1989 and again in 1992 but have not as yet led to any concrete result.

In the Senate, national associations and organisations can normally request a card giving admittance to the Senate buildings, but not to the rooms where parliamentary committees meet.<sup>10</sup>

### United Kingdom

The United Kingdom does not have any specific rules and regulations concerning lobbyists and their activities. There is no register of lobbyists in the British system. The approach is to regulate the lobbied rather than the lobbyists.<sup>11</sup>

In October 1994 Prime Minister John Major set up the Committee on Standards in Public Life, more commonly known as the Nolan Committee. The Nolan Committee reported in May 1995. It did not propose a mandatory register of lobbyists. Instead a key recommendation of the so-called Nolan reforms was a code of conduct for Members of Parliament.

Subsequently, a Code of Conduct for Members of Parliament was prepared by the House Select Committee on Standards in Public Life and was approved by the House in July 1996 together with a Guide to help MPs apply the Code. The Committee found it impossible to arrive at a satisfactory definition of "lobbyists". Instead therefore it recommended a greater degree of disclosure by Members of all outside sources of remuneration which involved "the provision of services in their capacity as Members of Parliament." This practice was embodied in the Guide which accompanied the Rules relating to the Conduct of Members<sup>12</sup>.

### Poland

Poland, as one of few countries in the world decided to regulate lobbying activities by special legislation. In 2005, Parliament passed a bill on lobbying activity in the legislative process (later law on lobbying or lobbying law). The law entered into force in March 2006<sup>13</sup>.

The Act of Law on the Lobbying Activity in the Legislative Process is the main element of the Polish lobbying legislation. It is accompanied by three secondary regulations.

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<sup>10</sup> Malone, M., *op.cit.*, p. 16

<sup>11</sup> *Ibidem*, p. 18

<sup>12</sup> *Ibidem* p. 19

<sup>13</sup> Makowski, G., *Regulation of lobbying in Poland*, Warsaw, 2010 [Online], p. 1, [http://www.europeum.org/doc/pdf/makowski\\_PL.pdf](http://www.europeum.org/doc/pdf/makowski_PL.pdf), last accessed date: 20.11.2014

The main components of this part are the definitions of lobbying. The legislator decided to outline the general concept of lobbying, and distinguish the professional lobbying.

The regular lobbying is "any activity conducted by legally allowed means, which leads towards the exertion of influence upon the organs of public authorities in the lawmaking process".

Professional lobbying is considered to be "gainful lobbying activity conducted on behalf of third parties in order to arrive at the interests of such third parties being taken into account in the lawmaking process."<sup>14</sup>

General provisions also state that professional lobbying may be carried out by an entrepreneur or by a physical person not being an entrepreneur, on the basis of a civil law contract.

The office responsible for the registry of professional lobbyists is the Ministry of Interior and Administration. The ministry shall make an entry in the register upon request.

The person conducting professional lobbying activities without registration shall be fined. A fine ranging from 3 to 50 thousand zlotys (approx. from 800 to 10 000 euros) may be imposed<sup>15</sup> by the Ministry of Interior and Administration in the form of an administrative decision. The penalty is determined by the analysis of the impact that the activities undertaken by the subject had on the decision taken by a given authority and means which were used to achieve the influence. The penalty may be imposed repeatedly.

Even more problems are associated with the definition of professional lobbying. What distinguishes a "professional lobbying" from the "regular lobbying" is its payable character, the fact that it is performed on behalf of the third party and that it is performed as a economic activity or under civil contract.

#### **United States of America**

The terms "lobby" and "lobbying" began to be used in the USA since 1830<sup>16</sup>.

Professionals in this field, lobbyists, exercising its power of influence through various means (meetings with officials, attending hearings, close relationships with government staff, etc.).

The media increasingly used by these groups are mass propaganda and continued pressure (grass-roots)<sup>17</sup>.

Propaganda (advertising) table materializes through television, radio, newspapers and letters sent by mail.

Continuous pressure (grass-roots) is in direct contact with the decision makers and the public.

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<sup>14</sup> Makowski, G., *op.cit.*, p. 4

<sup>15</sup> *Ibidem.*, p. 5

<sup>16</sup> M. Cummings, D. Wise, *Democracy under pressure. An introduction to the maerican political system*, Ed. Harcourt Brace Jovanovich, Washington, 1985, p. 227

<sup>17</sup> *Ibidem.*, p. 231

In the United States, since the 60s, have been outlined and public interest groups, aimed at influencing public policy.

These groups have no economic interest<sup>18</sup>.

In the 90s arose and private interest groups (with one goal)<sup>19</sup>.

Sometimes these groups of private interests acting through political action committees (PAC Political Action Committees) are independent organizations sometimes sour and sometimes are political branches of corporations, unions or interest groups.

All these groups turn to trained lobbyists to support their interests. Lobbying firms are law firms or public relations.

The best known and most influential of them have in their ranks former members of Congress or ministers.

Currently it is estimated that about 300 former congressmen working in such firms.

Regulatory Law Lobbying Disclosure Act (LDA) contains a number of provisions to ensure transparency of lobbyists. The law defines the client as: "... any person or entity that engages another person in return providing financial or other compensation to conduct lobbying for that person or entity."

Lobbyist is any person who is employed by a client in exchange for financial or other compensation for services encompassing more than one lobbying contact. Lobbyists must devote their lobbying at least 20% of their activities and services performed for a customer to exceed six months.

Declared to be carried out in addition to lobbying congressmen and members of the Executive.

Lobbyists are required to register and to submit reports of two times per year.

Registration includes name, mailing address, phone head office and description of activities. At the same time, any organization contributing more than 10,000 dollar must register.

These records are kept by the Secretaries General of the two legislative houses (Clerk of the House and Secretary of the Senate). Due to staff shortages, these two offices can not investigate and discover illegal activities. Thus, of the 2,000 cases filed by the Justice Department since 2003, has not been solved either.

Infringements (list in force on January 1, 2006) are punishable by a maximum fine of \$ 200,000 and imprisonment of not more than five years.

The United States has the longest history of regulation of all modern states with laws dating from 1935. This was the first law enacted by Congress, which was directly applicable to lobbying government agencies.

The 1946 Federal Regulation of Lobbying Act was repealed and replaced by the new Lobby Restrictions Act which was passed in November 1995<sup>20</sup>.

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<sup>18</sup> K. Janda, J. Berry, J. Goldman, *The challenge of democracy. Government in America*, Publishing House Houghton Mifflin, Washington, 1989, p. 334

<sup>19</sup> M. Cummings, D. Wise, *op. cit.*, p. 234

<sup>20</sup> *Ibidem*, p. 21

In the new law, the definition of lobbyists was enlarged, including all those who seek to influence Congress, congressional staff and policy-making officials of the executive branch including the President, senior White House staff, Cabinet members and their deputies, and independent agency administrators and their assistants.

In the same time, lobbyists must register with the Clerk of the House of Representatives and the Secretary of the Senate within 45 days of being hired or within 45 days of making their first lobbying contact with a person covered by the Act. The obligation to register is confined to lobbyists who expect to receive more than \$5,000 in a six-month period, or organisations that expect to spend more than \$20,000 in a six-month period on lobbying with their own employees.

The lobbyists must fill reports twice every year and list the issues lobbied on, a list of the institutions contacted, the lobbyists involved and the involvement of any foreign interest such as a foreign government or organisation.

Lobbying is occurring when a lobbyist communicates either orally or in writing with certain public officials on behalf of their client or employer, „concerning legislation, rules and regulations, programs, grants, loans and nominations subject to Senate confirmation.

The public officials range from the President to congressional staff.

If the public considers lobbyists as mercenaries and bribers of legislators into appeasing their clients' interests at the expense of the public good, the congressmen are considering lobbyists as policy experts providing elected officials with useful information about the underlying subjects of proposed legislation.

Lobbyists and the interests they represent play an important role in informing and educating elected officials about the need for, and the effects of, specific policy decisions<sup>21</sup>.

#### **4. The lobby in the European Union**

The most important building in this context are the Commission, the Council and the European Parliament.

There are three great ways to indirectly lobby the Council.

In all, lobbyists engaged in lobbying the routine on national delegations. Secondly, is lobbying the Council working groups.

Third is exercised through national governments.

As a result of the co-decision procedure, the European Parliament draws attention lobbyists who focus their efforts on who target the rapporteur and committee chairman. The rapporteurs are MEPs appointed by Committees to prepare Parliament's response to the Commission's proposals.

In order to understand the significance of the lobbying regulations in place at the EU level, it is first important to specify that the most important institutions

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<sup>21</sup> M. Cummings, D. Wise, *op. cit.*, p. 32

are the European Commission, the Council of Ministers, and the European Parliament.

The Commission and the Council represent the EU's „dual executive.

The European Parliament defines the lobbyists as „private, public or non-governmental bodies. They can provide parliament with knowledge and specific expertise in numerous economic, social, environmental and scientific areas”.

We can argue that lobbying is likely to increase rather than decrease in the coming years, albeit more slowly than in the past 10-15 years.

There are some key factors that will continue to favour lobbying and outside interest.

### **European Commission**

Interest representation is a legitimate part of a democratic system.

European Commission, in its effort to increase public confidence, established a voluntary register and adopted the code of conduct to increase transparency to interest representation, the actors and their activities.<sup>22</sup>

The Code contains seven basic rules, specifying how they should behave when lobbyists representing their interests groups. Registrants agree to abide by this code or state that already comply with a professional code of rules.

Activities "representation of lobbyists" for which registration is defined as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions".

The definition does not include:

- Activities related to legal and other professional advice, in so far as they relate to the exercise of the fundamental right to a fair trial of a client, including the right of defense in administrative proceedings, such as carried out by lawyers or other professionals involved in thereof;
- Activities of the social partners as actors in the social dialogue (trade unions, employers associations). However, when these actors engage in activities outside the role has been conferred by the Treaties, they must register to guarantee a level playing field between all the interests represented;
- Activities that take the form of a reply to the Commission's direct request, such as ad hoc or regular requests for information, data or expertise, invitations to public hearings or participation in advisory committees or other similar forums.

Lobbyists must implement the principles of openness, transparency, honesty and integrity, as the legitimate expectations of citizens and other stakeholders.

Commission members and staff are subject to strict rules ensuring their impartiality. The relevant provisions are public and contained in the Treaty

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<sup>22</sup> Chary, R., Murphy, G., *op.cit.*, p.49

establishing the European Community, Staff Code of Conduct for Commissioners and the Code of Good Administrative Behaviour.

On 21 March 2007 the Commission adopted the Communication "Follow-up to the Green Paper 'European Transparency Initiative', including the decision to establish a framework for relations with interest representatives.

So they decided the following:

- Create and launch a new voluntary register for lobbyists in spring 2008;
- Drafting a code of conduct. Compliance with the Code will be a requirement for entry in the Register and will be monitored by the Commission;
- Establish a monitoring and enforcement mechanism for code and register;
- Increase transparency through enhanced implementation of the Commission's consultation standards based, in particular, a standard website for internet consultations.

This communication:

The implementation of the Communication "Follow the Green Paper 'European Transparency Initiative'", the Commission has had numerous contacts with stakeholders and has organized an open public consultation on the draft code of conduct.

Activities "representation of lobbyists" for which registration is defined as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions"

Only entities must be employed in the representation of interest groups as described above, not individuals.

Unless local governments, regional, national and international, any entity, regardless of its legal status, must register if engaged in activities falling within the above definition.

This applies to social partners (employers' organizations and trade unions) involved in the representation of interest groups that go beyond specific social dialogue. It applies also associations of public authorities with a private legal status or any mixed (private / public), public authorities, if they are performing activities which fall within the definition given above.

Register aims to increase general transparency in relations between the Commission and interest representatives. On the other hand, the Commission considers that issues such as conflicts of interest of members of the institution and its staff are already subject to several existing rules which provide appropriate safeguards, such as treaties, Staff Code of Conduct for Commissioners and the Code of Good administrative behavior. These texts apply to Commissioners and staff not only during their term of office, but once their in the European Commission. Anyone may lodge a complaint with the Commission in case of suspicion of a breach of the code.

If such a complaint and before initiating a formal process, the Commission will require that entity to clarify the issue and to follow the rules or correct any false or misleading information in the Register.

The possibility of malicious complaints should be anticipated and analyzed. As a safeguard, the Code specifies that complaints must be based on facts to be considered by the Commission. If substantiated, the complaint will trigger an administrative process that will respect the principle of proportionality and the right to defense.

The Commission will apply the following remedies:

- Temporary suspension from the register for a specified period or until correction of the situation by the registered entity. During the suspension period, all benefits of registration will also be suspended;
- Exclusion from the Register serious and systematic infringements of the code.

The outcome of the administrative process will be notified entity. The complainant will be informed of it.

Interest representatives shall:

- Identify themselves by name and by the entity (ies) they work for or that (s) are;
- Not presented in a false light so registration to mislead third parties and / or EU staff;
- Declare the interests, and where applicable the clients or members whom they represent;
- Ensure that, as far as we have knowledge, the information they provide is unbiased, complete, current and not misleading;
- Not obtain or attempt to obtain information, or any decision, dishonestly;
- Do not induce EU staff to contravene rules and standards of behavior applicable to them;
- If employing former EU staff, respect their obligation to abide by the rules and confidentiality requirements which apply in this case.

Although the set up of the register to the Commission is a step forward, it may highlight some deficiencies that can make it inoperable.

Thus, the ambiguous situation of trade unions and employers' associations (are exempt, but must register).

You should be banned instantly switch from activity within the Community institutions in the lobby within firms and to provide a minimum period between these times.

On the other hand, the worst sanction is removal from the register without any financial penalty.

There are fears about the precarious financial transparency rules. The lobbyists must report any amount expended for their client exceeding EUR 50,000, compared with 7,000 euros in the USA.

Moreover, lobbying non-profit purposes are subject to much stricter rules than lobbying for commercial companies.

The latter must report their expenditures approximate figures, while others must report the total budget of their organizations.

The effectiveness of this approach will see in the future.

### **European Parliament**

Unlike political parties, interest groups represent sets of individuals with common interests to come together in order to secure them by influencing decision makers. These activities seeking to influence government and the general public are united by political science professionals in the concept of lobbying.

The main objectives pursued by interest groups at community level refers to support their interests in front of the Community institutions, influencing their policies, adoption of certain regulations, obtaining funds or inform members on issues on the agenda of the Community institutions.

Lobbying at European level began to develop after doptarea Single European Act of 1986 (entered into force in 1987), being less consistent and summary regulated than the United States. Together with the European Commission, the European Parliament is one of the target destinations of lobbying at European level.

Interest groups are private organizations accredited public or NGOs. They can provide Parliament with specialized knowledge and specific expertise in many areas of economic, social, environmental and scientific. It is estimated that there are 14,000 to 15,000 people who are in touch with leading companies, non-profit, local or regional authorities, etc. Lobbying takes various forms, such as participation in plenary sessions, committee meetings or press conferences of the European Parliament or sending letters or emails etc.

According to Article 9 para. (4) people who want to access frequently in Parliament premises in order to provide information to Members in their parliamentary mandate in their own name or on behalf of third parties, shall have a nominal admission card. It consists of a plasticized card containing a photo ID holder, name and surname and the name of the company, organization or person for whom he works. Passes different bags for occasional visitors passes issued in terms of shape and color.

Holders access cards are obigați to wear them at all times, conspicuously and in any local parliament. Failure to do so may lead to its withdrawal. Also, the card may be withdrawn by notification issue at European Parlamnetului members contesting the activity of a representative or an interest group.

Records of persons having access to the premises of Parliament to operate as indicated in Article 9 para. (4) of the Regulation is achieved through a register kept of issues where these people are required to enroll. This register is public and is available to the public on request in all places in which Parliament operates and in its information offices in the Member States, in the form prescribed matters.

Besides obligations enrollment in the register of members of interest groups access also means adherence to a code of conduct covered by Article 3 of

Annex IX of the Regulation. This code of conduct is in the form of 10 commandments to be observed in relation to Parliament by persons registered in the register. Entering that code of conduct proved necessary in scale taken interest groups. Persons engaged in lobbying the European Parliament shall:

1. declare MPs, their staff or officials of interest or interests they represent;
2. Refrain from any action in order to obtain information on routes honest;
3. invoke not any official relationship with Parliament, regardless of the report with third parties;
4. not distributed to third parties for profit, copies of documents obtained from Parliament;
5. to conform strictly to the provisions of Annex 1 of the second paragraph of Article 2, respectively not to make donations or donations for Members;
6. to ensure that any assistance provided under the provisions of Annex 1 of Article 2 is declared in the register provided for this purpose;
7. to comply, when recruiting former officials of the institutions, provisions of state officials;
8. comply with any rules established by Parliament on the rights and responsibilities of former Members;
9. to obtain prior consent of the Member or Members concerned in regards contractual relationship with an assistant or hiring an assistant and ensure that it is declared in the register referred to in Art. 9 para. (4) of the Regulation, to avoid future conflicts of interest;
10. to comply with the provisions of Article 9 and Annex IX of the Regulation.

Given the political, national, regional and other in play, the end result of lobbying MEP is difficult to predict. However, with the entry into force of the Treaty of Maastricht, which increased the role of the European Parliament, it attracts more attention to various interest groups.

Together with the European Commission, the European Parliament is one of the target destinations of lobbying at European level.

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## 5. Conclusion

In states where informal practices and conventions continue to prevail, the issue of more formal regulation of lobbyists is advancing up the political agenda. There is, consequently, greater public and political pressure for more formal regulation.

Throwing public light on the relationship between civil society and government (politicians and bureaucrats) is increasingly regarded as a desirable and necessary development in the interests of good governance.

Parliamentary systems are under pressure to make a balance between interest articulation, the fundamental democratic principles, the system of governance with practices that are consistent with transparency, probity, and equal access to the democratic process.

At the same time, formal regulation is not universally regarded as the ideal solution.

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