

LEARNING FROM OTHER JURISDICTIONS TO IMPROVE EU LOBBYING REGULATION

Aims and objectives

In recent year, citizens worldwide are increasingly demanding to know which politicians are talking to which lobbyists about what. The purpose of this research project is to identify the main problems of the European Union's lobbying regulation, specifically its Joint Transparency Register (JTR), which sheds light on the interaction between lobbyists and public officials in the EU. It will then investigate how shortcomings could be solved by drawing on existing legislation worldwide.

The project will cover the following issues:

- Background information on lobbying transparency;
- Key indicators of what constitutes a *good* or *effective* lobbying regime;
- The status quo of EU lobbying regulation;
- Main problems of the EU's current lobbying system;
- Investigation of how the problems found have been addressed in other jurisdictions and whether such solutions could be applied to the EU;

The proposed research represents a significant, original contribution to the existing literature on the subject. Lobbying is “a concerted effort to influence policy formulation and decision-making, with a view to obtaining some designated result from government authorities and elected representatives.” (Mańko, Thiel and Bauer, 2014, p. 2). Lobbying is usually carried out by organised groups or individuals with specific interests (Chari *et al.*, 2019). While lobbying is undoubtedly a valuable aspect of political decision-making processes as it fosters the representation of a diverse set of stakeholder interests and provides legislators with valuable insights, unregulated (or poorly regulated) lobbying may result in “undue influence, unfair competition and regulatory capture to the detriment of the public interest and effective public policies” (OECD, 2013, p. 1). Therefore, robust lobbying regulations that ensure transparency are of utmost importance.

This project seeks to develop a framework for robustness rules in one of the largest political systems in the world, the EU. The European Commission and the European Parliament jointly regulate lobbying since 2011; a transparency register (the JTR) was established following an Inter-Institutional Agreement. It is a voluntary registration system for interest representatives

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who attempt to (directly or indirectly) lobby and influence political decision-making in the EU institutions (Mańko, Thiel and Bauer, 2014). The EU covers an unusually broad range of types of interest representatives that register under the JTR (Greenwood and Dreger, 2013; Chari *et al.*, 2019), and with almost 12 000 entries is the most extensive register of its kind worldwide (Joint Transparency Register Secretariat, 2019). However, some key issues remain. Arguably the biggest problem is its non-mandatory nature, which has frequently been pointed out by NGOs, academics and even the European Parliament itself (Tansey and Cann, 2015; Teixeira, 2018; Chari *et al.*, 2019). Further issues include the non-participation of the Council of the EU, concerns regarding data quality and very limited disclosure requirements (Mulcahy, 2015; Tansey and Cann, 2015; Teixeira, 2018).

The proposed research will aim to highlight the most important problems and propose solutions based on existing legislation found globally. For example, US lobbying regulation may act as a role model with regard to its mandatory nature, while the Canadian regulation, which served as a model for Irish legislation, provides useful insights with regard to what information registrants are required to disclose (Chari *et al.*, 2019). This work fits into existing scholarship examining national legislation (Holman, 2007; Chambers, 2016), but offers a significant contribution to the extant literature as the first project of its kind to draw on experiences of other states in order to serve as a foundation for recommendation of a new robust regulatory framework for the EU.

This is essential at this point in time, as while a register has been implemented, this system needs to be amended and improved to ensure its effectiveness in the future (Chari *et al.*, 2019).

Methodology

The research relies on a mixed-method approach, using both quantitative and qualitative analysis. This includes analysis of legislation across multiple jurisdictions, an examination of relevant secondary sources and performing elite interviews with key lobbyists and public officials. Potential interview partners include representatives from:

- Public Citizen
- Lobby Control
- Transparency International
- Alliance for Lobbying Transparency and Ethics Regulation
- Joint Transparency Register Secretariat

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In terms of text analysis, I will use the categories as laid out by Holman and Luneburg in their model (2012) as a matrix for scoring the robustness of legislation, because they provide the most comprehensive basis to date.

The proposed timeframe for this research proposal is 6 weeks.

Preliminary timeline

- Week 1: detailed source analysis
- Week 2: interviews including preparation, documentation and complementary research
- Week 3-4: analysis of collected material, identification of problem areas and suggested solutions
- Week 5: compilation of resulting content, generation of proposals and draft paper
- Week 6: draft paper, expert feedback and finalising paper

Leadership in Action (Summer 2)

My research project deals with lobbying regulation in the European Union. More specifically, it aims to identify the main problems of the European Union's current lobbying regulation and to investigate how these issues could be addressed, drawing from existing legislation in different countries. This is significant because such regulation is a key step in securing transparency in politics today, demanded by EU citizens. The result of my summer 1 project will also point to opportunities for improvement of the EU lobbying regulation system, which is an area in which, naturally, a number of non-governmental and civil society organisations are already active in. For the second year, a logical next step will be to get hands-on experience in one of the organisations working in this area and to develop ways to implement some of the outcomes and lessons of my research.

As part of my preliminary research, I have identified three potential NGOs to develop my project in, during the second summer. First, Transparency International Ireland is the Dublin-based chapter of a global movement fighting corruption. The organisation also has a unit in Brussels (Transparency International EU) which advocates for greater transparency, integrity, and accountability in EU institutions. Second, the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) has been one of the most vocal NGOs on the topic of lobbying transparency. It is an alliance of more than 200 interest groups and trade unions, pushing for

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greater lobbying transparency in the EU. Lastly, Lobby Control is a German NGO demanding greater lobbying transparency both in Germany and on an EU-level. Their work includes issue-specific research and coverage, academic analyses and campaign work.

Another option would be to work in the EU Joint Transparency Register Secretariat. Given that my supervisor has long-standing established contacts with officials in the EU JTRS, which is responsible for implementing the EU's lobbying register, it would be possible to spend time with them to develop dissemination strategies for the implementation of my suggestions.

The continuation of my work in summer 2 would consist of investigating and documenting how theoretically developed suggestions for improvement can be communicated (which steps have to be taken, how a campaign is developed, etc.). In this sense, the in-field application of my summer 1 research project deals with the practical work needed to achieve a better policy outcome based on previously gained insights. In addition to having gained practical experience in an international organisation, the result of my second research period will be a documentation of how theoretical research (ideally my summer 1 outputs), together with the continuous work of the respective organisation can be realised in the real world.

References

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