

Learning from other jurisdictions to improve EU lobbying regulation

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1. Introduction

Citizens around the world are increasingly demanding transparency about who is influencing the policymaking process. A study showed that more than half of EU citizens believe that a select few interests dominate the policymaking process in their country (Mulcahy, 2015). In this view, lobbying regulation is a valuable tool to bring transparency to the policymaking process and restore public trust in government (OECD, 2014; Keeling, Feeney and Hogan, 2017). Chari et al. define lobbying as “the act of individuals or groups, each with varying and specific interests, attempting to influence decisions taken at the political level” (2019, p. 4). Although lobbying is as an integral and legitimate part of policymaking in modern democracies, unregulated lobbying may result in regulatory capture or undue influence at the expense of effective policies serving the public interest (OECD, 2009; OECD, 2013). To prevent this, countries around the world have implemented lobbying regulations aimed at increasing transparency (Chari *et al.*, 2019).

The European Commission and Parliament jointly regulate lobbying since 2011, following an inter-institutional agreement which established the Transparency Register (TR). With scholars calling Brussels the second largest lobbying hub besides Washington, DC., effective lobbying regulation in the EU institutions is of utmost importance (Brandt and Svendsen, 2016). The EU commits itself to maintaining an open dialogue with interest groups and making their decision-making process as transparent as possible (*Consolidated version of the Treaty on the European Union*, 2012). Yet, the current lobbying regulation allows for some influence peddling to remain hidden (Năstase and Muurmans, 2020; Kanol, 2012). The TR is the most extensive register of its kind (Joint Transparency Register Secretariat, 2019) and undoubtedly has its strong points. For example, it helps the institutions to maintain balance and a plurality of voices¹, and its database is very sound². Nevertheless, transparency advocates widely view the European system as lacking in some fundamental aspects (Tansey, 2015)³ and the academic literature on the topic generally comes to similar conclusions (Bunea, 2018; Crepaz and Chari, 2014; Kanol, 2012; Năstase and Muurmans, 2020). Although the European Commission has made a proposal to revise the inter-institutional agreement, which governs

¹ Author’s interview with Transparency International EU officer, 3 July 2020.

² Author’s interview with government affairs lobbyist at Public Citizen Washington, DC., 23 July 2020.

³ Author’s interview with Transparency International EU officer, 3 July 2020.

EU lobbying regulation, the proposed policy still falls short of securing a satisfactory level of transparency (ALTER-EU, 2016). In light of allegations that the EU is suffering from a democratic deficit (Kanol, 2012), this development is particularly worrisome. EU lobbying regulation fails to help bring legitimacy to the European policymaking process, which it would need to bolster public trust in the EU (Bunea, 2018).

Nonetheless, lobbying regulation at the European level is continuously evolving (Panizza, 2019)⁴, and accordingly, there are ample opportunities for improvement. Although lobbying transparency policies must take into account country-specific needs as well as cultural, legal and institutional contexts (OECD, 2013), it proves beneficial to learn from the experiences of other jurisdictions. Drawing lessons from different countries and emulating effective policies already in place elsewhere has become a standard tool for policymakers (Dolowitz and Marsh, 2000; Kerber and Eckardt, 2007). This practice is also evident in the area of lobbying regulation as many newly implemented policies turn to established systems as role models. Similarly, other regulations have failed, precisely because they neglected to learn from the experiences of other systems (Chari *et al.*, 2019).

With this in mind, the following study aims to identify the shortcomings of the current EU lobbying regulation and explore how these could be addressed by drawing lessons from existing regulations in other jurisdictions. The study relies on a mixed-methods approach, using robustness measures, literature analysis and semi-structured expert interviews. The rest of this research paper proceeds as follows: Section 2 contains a review of the existing literature on the subject. Section 3 provides details on the methodology of this research. Sections 4 and 5 constitute the core part of the paper, as they identify shortcomings of EU lobbying regulation and seek to address them by drawing on regulations in place in the United States, Canada, France and Ireland. Finally, the conclusion contains a summary of the main research findings and discusses research limitations as well as areas which warrant further research.

⁴ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

2. Literature review

The literature on lobbying regulation covers a broad range of aspects including normative reasons for and against regulating lobbying (Keeling, Feeney and Hogan, 2017; Chari *et al.*, 2019), the factors influencing the introduction of lobbying laws (Crepaz, 2017; Crepaz, 2020a), and stakeholders' views on lobbying regulation (Bunea and Gross, 2019; Holman, 2007; OECD, 2012). This study complements the literature focusing on investigations into the effectiveness of lobbying regulations and lobbying regulation in a European context.

Eighteen democracies around the world currently have lobbying regulations in place. Such regulations generally entail an obligation on lobbyists to obey certain behavioural rules and restrictions. A key component of virtually all lobbying regulations is the establishment of a lobbyist register in which lobbyists must disclose certain aspects of their work. The purpose of these registers is to allow for the exercise of public scrutiny (Crepaz, 2020b).

Chari *et al.* argue that one should see international organisations such as the OECD as setting the standard when it comes to the normative question of what successful regulations should entail (2019)⁵. Nevertheless, the academic literature contributes to the discussion by analysing the intended purpose of lobbying regulations and transparency registers (Chari *et al.*, 2019; Crepaz, 2020b) and essential components of successful lobbying regulations (Chari *et al.*, 2019). Accordingly, lobbying regulations should fulfil their purpose of delivering a degree of transparency allowing for public scrutiny, which in turn brings increased accountability and legitimacy to the policymaking process (Chari *et al.*, 2019; Crepaz, 2020b; Holman and Luneburg, 2012; Keeling, Feeney and Hogan, 2017). The literature pays particular attention to the importance of clear definitions regarding the scope of the regulation as well as independent oversight and mechanisms to ensure compliance (Chari *et al.*, 2019; OECD, 2013).

The main way in which scholars assess the effectiveness of lobbying regulations is the empirical analysis into the robustness of regulations. Crepaz defines the robustness of a lobbying law as “the capacity of the regulation to increase transparency and accountability”

⁵ See for example OECD 2013. OECD Principles for Transparency and Integrity in Lobbying. Paris: OECD Publishing.

(2016, p. 5). The four most prevalent measures of robustness are those by Opheim, Newark, the Center of Public Integrity (CPI) and Holman & Luneburg (Crepaz and Chari, 2017). Besides providing a large-scale comparison of the robustness of various lobbying regulations, Chari et al. (2019) establish the classification of low-, medium- and high-robustness regulatory systems, using the CPI index. Furthermore, there are several studies which explore a single or multiple national legislations in some detail using the CPI index (Crepaz, 2016; McKay and Wozniak, 2020; Keeling, Feeney and Hogan, 2017). Holman and Luneburg (2012) provide a concise overview of European regulations. Chari et al. (2019) provide the most comprehensive summary of lobbying regulations currently in place. While their primary method of analysis is the CPI index, their book also includes an overview using all four measures of robustness. The authors classify the European Union as a medium-robust system on the CPI index. This classification applies to most of the regulations currently in place, although they fall on all areas of this points range (*ibid.*).

The core element of the current EU lobbying regulation, as established by the 2011 inter-institutional agreement, is the Transparency Register (European Commission, 2014). Membership of the Register is not mandatory; however, the institutions offer a range of access incentives to entice interest representatives to join. The Register has a broad remit in terms of the types of interest representatives it covers. Furthermore, it applies to those entities lobbying the European Commission and the European Parliament (Chari *et al.*, 2019). Although the Council of the EU is formally not part of the inter-institutional agreement, it does offer access incentives to TR registrants (Năstase and Muurmans, 2020), in preparation for joining the regulation⁶. Its broad range of access incentives is the reason why the register is widely regarded as *de facto* mandatory even though it is *de jure* voluntary. Registrants disclose general information such as lobbying clients, issues and broad financial estimates in the TR on an annual basis. Although the European Commission and Parliament jointly regulate the TR through the Joint Transparency Register Secretariat (JTRS), the Commission takes a more stringent approach to the regulation by implementing a “no registration, no meeting” policy since 2014 (Panizza, 2019). Under this rule, senior officials shall not meet with unregistered lobbyists. The European lobbying regulation does not provide for the imposition of statutory sanctions. Instead, repeated non-compliance is punished by removal from the register.

⁶ Author’s interview with JTRS (European Parliament) officials, 29 June 2020.

Nevertheless, the regulatory framework includes a code of conduct for registrants as well as a cooling-off provision for legislators (Chari *et al.*, 2019).

Recent literature has taken some novel approaches to characterise the European regulation. Antonucci and Scocchi (2018) have described the system as a mix of top-down soft regulation (in the form the TR and its code of conduct) and bottom-up self-regulation (through codes of conduct issued by professional associations). This non-binding model stands in contrast with the binding regulatory framework seen most prominently in North America. In contrast, other scholars (Năstase and Muurmans, 2020; Bunea and Gross, 2019) have taken a voluntary club perspective to European lobbying regulation. According to this view, the TR represents a voluntary club administered by the EU institutions. Registrants (club members) reap reputational gains and other excludable club goods from signing up to the register even though they are not legally obliged to do so.

Regardless of the view taken, the consensus is that although the Transparency Register represents an improvement compared to its predecessors (Crepaz and Chari, 2014), it is still insufficient and would benefit from reform in some key areas (Bunea, 2018; Bunea and Gross, 2019; Greenwood and Dreger, 2013; Kanol, 2012; Năstase and Muurmans, 2020). In this context, particular attention should be paid to non-scholarly contributions in the form of statements and reports by transparency advocacy groups such as Transparency International and ALTER-EU. These contributions generally echo the sentiment that the European regulation falls short of ensuring adequate transparency and call for wide-ranging reforms (ALTER-EU, 2016; Mulcahy, 2015; Tansey, 2015).

There are some dissenting voices to the notion that EU lobbying regulation is insufficient (Antonucci and Scocchi, 2018; Holman and Luneburg, 2012). Most importantly, Holman and Luneburg regard the European regulation as initiating “Europe’s new wave of strong lobbying regulation” (2012, p.91). The authors place a great deal of importance on the idea that the EU is setting the tone for Europe by aiming to deliver transparency to the public rather than providing lobbyists with access to policymakers. While this is undoubtedly an important element which increases the potential of the regulation, it does not negate the shortcomings of the European system in actually providing this transparency. Furthermore, the paper was

written shortly after the legislations it discusses were passed. Accordingly, it is doubtful whether this new wave has manifested itself. For example, Slovenia's lobbying regulation, which the article mentions in this context, has in since proven to be essentially ineffective because of a lack of enforcement (Chari *et al.*, 2019).

In light of its critique, the literature also contains concrete recommendations for the improvement of the European lobbying regulation. The most frequent suggestions are the introduction of a mandatory system (Bunea and Gross, 2019; Crepaz and Chari, 2014; Kanol, 2012; Năstase and Muurmans, 2020), enhancing enforcement and sanctions (Crepaz and Chari, 2014; Năstase and Muurmans, 2020) and expanding disclosure requirements in some areas (*ibid.*). Although the benefits of learning from other systems are acknowledged (Chari *et al.*, 2019), there are no studies that explore the process of policy-learning as such in the area of lobbying regulation. However, some of the suggestions mentioned above also include recommendations to partly model the EU regulation on other systems. Interestingly, these recommendations mostly draw on the experience of the United States (Brandt and Svendsen, 2016; Bunea, 2018; Holman and Luneburg, 2012; Năstase and Muurmans, 2020). This approach is logical, given that the US Lobbying Disclosure Act is the most robust national-level lobbying regulation (Chari *et al.*, 2019). Yet, in only paying attention to the US, the literature risks overlooking lessons to be learned from other jurisdictions which exhibit particular strengths in certain areas. Moreover, lessons from these countries may sometimes be more applicable than the United States' experience, as there are fundamental differences between the North American and European approaches to regulating lobbying (Antonucci and Scocchi, 2018).

3. Methodology

A mixed-methods approach was used to carry out this study. Quantitative robustness measures were used to assess the effectiveness of the different lobbying regulations and to highlight their areas of strength and weakness. In terms of qualitative methods, the study employed literature analysis and semi-structured expert interviews. Ethical approval was granted by the Trinity School of Social Science and Philosophy Research Committee prior to undertaking the research.

The research can be broken down into two main parts. The first part identifies the shortcomings of EU lobbying regulation. First, the European system was studied empirically in terms of its robustness. In light of Crepez and Chari's (2017) in-depth study into the validity and reliability of the four most common measurements of robustness, the CPI⁷ and Holman & Luneburg (2012) indices were selected for this study. Crepez and Chari (2017) concluded that the CPI index is the most valid⁸ measurement of robustness, while the Holman & Luneburg index is the most reliable⁹. Therefore, together they should provide an accurate picture of robustness. The study extends the approach used by Chari et al. (2019) of sorting index elements into categories based on dimensions of lobbying regulation defined by the OECD (2009) and uses them to identify the robustness of particular aspects of the regulation. To include all index elements, they were assigned independently from the categorisation undertaken by Chari et al. Furthermore, the largest category (items regarding disclosure requirements) was disaggregated into general and financial disclosure to provide more accuracy. The items were grouped as follows (for corresponding items see appendix):

<i>Category</i>	<i>CPI index items</i>	<i>Holman & Luneburg items</i>
Definition	1, 2	3, 4, 5, 6, 7
General disclosure requirements ¹⁰	3, 5, 8, 9, 10, 22	8, 9, 10, 11, 12, 17
Financial disclosure requirements	11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27	13, 14, 15, 16, 18
Timeliness, quality and ethics	4, 6, 7, 12, 38	21
Reporting processes and technology	28, 29, 30, 31, 32, 33	20
Enforcement and compliance	34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48	1, 2, 19

Table 1: Allocation of index items to OECD categories

⁷ For more information on this index see <https://publicintegrity.org/politics/state-politics/influence/hired-guns/methodology-5/>

⁸ Validity refers to an index adequately measuring what it is meant to (Crepez and Chari, 2017).

⁹ Reliability means that the measurement yields similar scores regardless of who is applying it (Crepez and Chari, 2017).

¹⁰ This includes aspects such as personal or employer information and lobbying issues and contacts.

This approach made it possible to not only assign a score for the regulation overall but also for the different dimensions, which helped to pinpoint shortcomings. Once the general areas of weakness were identified, literature analysis and semi-structured expert interviews with key actors in Brussels were conducted to verify and further specify these findings.

The second part of the research explores possible solutions to the shortcomings previously identified. The United States, Canada, France and Ireland were chosen as jurisdictions from which to policy learn. These jurisdictions were selected on the basis that 1) they consistently exhibited higher or similar robustness scores as the European Union (Chari *et al.*, 2019), and 2) their regulations are enforced in such a way that they operate in practice as intended¹¹. The four countries were empirically analysed in the same way as the EU, to identify which countries can serve as suitable best-practice examples for which areas of lobbying regulation. To ensure accuracy and up to date data, as well as for practical reasons, the robustness coding for the EU and the four studied countries was specially compiled for this study rather than adopted from the existing literature. Preliminary lessons drawn from the studied regulations were then complemented and assessed in terms of applicability using literature analysis and semi-structured interviews with experts from the relevant jurisdictions.

Throughout the project, a total of seven expert interviews were carried out (with 1-2 interviewees for each interview), and one additional written statement was obtained in place of an interview that was not able to take place. Seven public officials from the relevant jurisdictions were interviewed or submitted a written statement. The other three interviewees were representatives of relevant advocacy groups active in some of the examined jurisdictions. Interviews lasted between 30-60 minutes and at least one interview was conducted (or written statement obtained) for each relevant jurisdiction.

Lastly, the final step of the research was to collate all insights to compile an overview of the weaknesses of the current EU lobbying regulation and possible solutions based on the analysed jurisdictions.

¹¹ The research initially included Chile as the Chilean regulation fulfils these criteria; however, subsequent research found that the shortcomings of the Chilean law are very similar to those of the EU, making it an unsuitable jurisdiction to draw lessons from.

4. Identifying shortcomings of the current EU lobbying regulation

The following section contains quantitative and qualitative analysis intending to identify the weaknesses of the current EU lobbying regulation.

4.1. Quantitative analysis using robustness measures

As was mentioned in section 3, the CPI and Holman & Luneburg (2012) indices were chosen for this analysis. The full robustness coding can be found in the appendix; findings on the EU system can be summarised as follows:

	<i>CPI index</i>	<i>Holman & Luneburg index</i>
Definition	1.0	1.0
General disclosure requirements	0.5	0.5
Financial disclosure requirements	0.17	0.6
Timeliness, quality and ethics	0.35	1.0
Reporting processes and technology	0.58	1.0
Enforcement	0.17	0.33
Overall robustness	0.34	0.67

Table 2: Quantitative analysis of EU lobbying regulation (normalised scores)

Although this study builds on the findings of Chari et al. (2019), the figures presented here differ slightly from their results. The differences in coding can be justified as follows: Using the CPI index, Chari et al. awarded 0 points for question 4 (“Is subject matter or bill number to be addressed by a lobbyist required on registration forms?”). However, the Transparency Register Implementation Guidelines, as well as a quick survey of the TR database, clearly show that lobbying issues are required to be disclosed (1 point). While specific policies and legislative initiatives are also disclosed, registrants are only obliged to mention the most important ones, and therefore no points further points were awarded. Furthermore, Chari et al. awarded a point for registrants having to submit a photograph with their registration (question 8). While some lobbyists do submit photographs to receive an access pass to the European parliament, this does not apply to all registrants as not all are accredited for access to Parliament premises. Furthermore, these photographs are not publicly accessible through the TR. The same applies for lobbyists’ names (item 8 on the Holman & Luneburg index). An

additional point was awarded for question 38 (“How often are lobby lists updated?”) after EU public officials confirmed that the database was updated daily¹². A further point was also awarded for the JTRS’ random quality checks under question 40 of the CPI index (“Does the state agency conduct mandatory reviews or audits?”). Lastly, although this paper adopted Chari et al. ’s approach to coding questions regarding spending reports, their work contained an error regarding question 14 on the Holman index¹³. Thus, the analysis provided here scores the EU regulation’s robustness at 0.34 using the CPI index and 0.67 using the Holman & Luneburg index (normalised scores). These modifications still place the EU within the medium-robustness range, but 2 points above the score given in Chari et al. Although one question was coded differently, the overall Holman & Luneburg score remained the same due to the error contained in Chari et al.’s book.

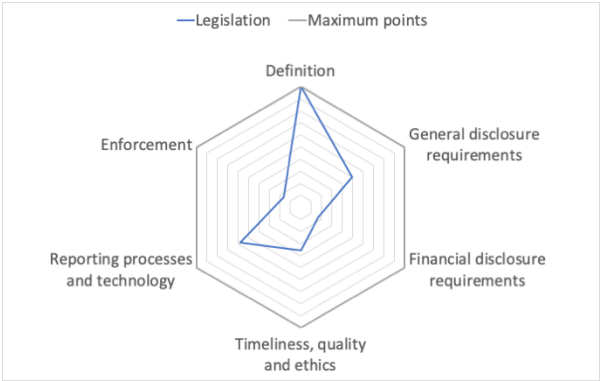


Figure 1: EU regulation robustness (CPI index)

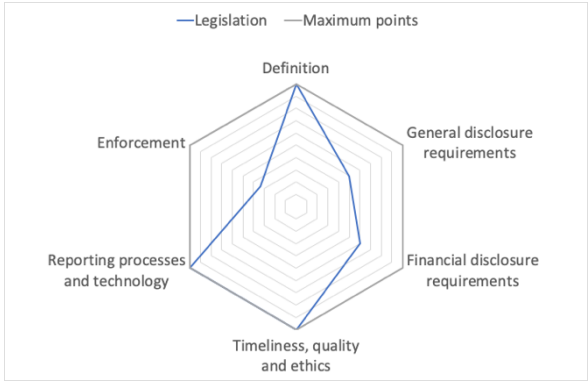


Figure 2: EU regulation robustness (Holman & Luneburg index)

By visualising the data summarised above, one can quickly identify a few strong points and weaknesses of the EU lobbying regulation. The diagrams show how close the regulation comes to an ideal, fully robust lobbying regulatory framework. The further the blue line from the grey (ideal robustness) line, the weaker the regulation is in that area.

The first clear conclusion that can be drawn is that the European framework is very robust in terms of its definition and rather weak on enforcement. It is in the medium range on both indices for general disclosure requirements. While financial disclosure requirements also fall within the medium range on the Holman index, it scores as low enforcement on the CPI index.

¹² Author’s interview with JTRS (European Parliament) officials, 29 June 2020.
¹³ Points were awarded for spending disclosure under question 11 but not question 29, 32 or 42 as not spending ‘report’ as such as filed. (Personal communication with Michele Crepez, 25 June 2020.)

The most substantial discrepancy exists for the categories *reporting processes and technology* and *timeliness, quality and ethics*. While both categories scored relatively low on the CPI, they received full points on the Holman & Luneburg index. It must be noted, that the two categories only contain one point each on the Holman & Luneburg index, making it very easy to receive full points, something which highlights the weaknesses of this measurement.

Therefore, the preliminary conclusion that can be drawn is that definition the European framework uses appears to be very strong. The area of enforcement can confidently be named as a weakness of the EU regulation. Its general disclosure requirements are more robust than its enforcement but there is room for improvement. Further qualitative analysis is needed to gain additional insights regarding the other three categories.

4.2. Qualitative analysis using academic literature and expert interviews

Section 4.1. identified some general trends through quantitative analysis which can now be confirmed and supplemented through literature analysis and semi-structured expert interviews. As discussed in section 2, the previous academic literature has examined the shortcomings of the EU lobbying regulations. The two aspects cited most frequently are the voluntary nature of the regulation (Bunea and Gross, 2019; Crepez and Chari, 2014; Kanol, 2012; Năstase and Muurmans, 2020) and the regulation's insufficient enforcement (ibid.), arguing that it "lacks in teeth" (Crepez and Chari, 2014, p. 81).

In trying to investigate the shortcomings of the regulation, reports and other publications by transparency advocacy groups prove very useful. Looking at the demands of two of the main groups working on this issue in the EU – the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) and Transparency International EU – some common themes emerge. The NGOs call for the establishment of a mandatory and legally binding register, strong independent monitoring and stricter sanctions and extended financial disclosure. Furthermore, they highlight the need for full participation of the Council of the EU. Concerning aspects which fall into the category of general disclosure requirements, they propose to extend the requirements to disclose names of individual lobbyists¹⁴ (Tansey, 2015; ALTER-EU,

¹⁴ i.e. consultancies and companies would have to name all their employed or in-house lobbyists.

2016; Mulcahy, 2015). In line with the empirical findings, advocacy group reports also confirm the view that the definition used by the EU TR is very robust (Mulcahy, 2015; ALTER-EU, 2016).

Interviews conducted with EU public officials and a representative of Transparency International EU also sought to explore these issues further. JTRS employees highlighted opportunities for improvement in the area of investigations (falling within the enforcement category)¹⁵. They also pointed to the Commission proposal for an IIA which would establish a mandatory TR and integrate the Council of the EU¹⁶. A policy officer for Transparency International EU emphasised the importance of participation of the Council of the EU, reforms of the financial disclosure requirements, as well as effective monitoring and sanctions made possible through a legally binding register¹⁷. Additionally, an issue which the TI EU representative emphasized, was the concept of disclosing all meetings/communications with decisionmakers.

4.3. Findings

In summary, the shortcomings of the current EU lobbying regulation are as follows:

- a) Voluntary registration: For the European regulation to be more robust, it must be made mandatory. This is one of the regulation's key shortcomings with this aspect also affecting several other factors such as the ability to effectively impose sanctions.
- b) Monitoring and enforcement: The ability to impose more effective sanctions should be introduced to make the system more robust.
- c) Financial disclosure: There is a need for reform in the area of financial disclosure, as current figures are given in the form of an estimated range rather than a full financial report.
- d) General disclosure requirements: The EU would benefit from adopting an obligation on registrants to disclose lobbyists' names and records of meetings held with public officials.

¹⁵ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

¹⁶ Author's interview with JTRS (European Commission) official, 23 July 2020; for Commission proposal see <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0627>

¹⁷ Author's interview with Transparency International EU officer, 3 July 2020.

- e) Participation of the Council of the EU: Although this constellation is somewhat unique to the EU, it is worth exploring in further detail as it emerged as a critical aspect in the qualitative analysis.

No further improvement is needed regarding the regulation's definitions. Further qualitative research indicates that the areas of *reporting processes and technology* and *timeliness, quality and ethics* are also likely to increase in robustness with the introduction of a mandatory register and enhanced financial disclosure. This interaction is due to some of the items being closely related and dependent on other areas (e.g. CPI item 29: lack of online availability of financial data is not due to insufficient reporting technologies but due this data not being disclosed).

5. Best practice solutions and applicability

The following section seeks to provide solutions to the shortcomings identified in section 4 by drawing lessons from regulatory systems in place in the United States, Canada, France and Ireland. Following a brief overview and analysis of these four jurisdictions, the paper will discuss each shortcoming in turn.

5.1. Robustness analysis of lobbying regulations in the US, Canada, France and Ireland

As outlined in section 3, the countries selected as best-practice jurisdictions are the US, Canada, France and Ireland. The United States lobbying regulation is governed by the 1995 *Lobbying Disclosure Act* (LDA) which is supplemented by the *Honest Leadership and Open Government Act 2007* (HLOGA) is the most robust national-level system. Canada's 2008 federal *Lobbying Act*, France's *Law Concerning Transparency, the Fight against Corruption, and Modernisation of Economic Life* of 2016 (known as Second Sapin Law), and Ireland's *Regulation of Lobbying Act 2015* all qualify as medium-robust systems (Chari *et al.*, 2019).

An empirical analysis of these jurisdictions following the same steps as the analysis of the European regulation yielded the following results:

	EU	US	CA	FR	IE
Definition	1.0	0.43	1.0	1.0	1.0
General disclosure requirements	0.5	0.8	0.8	0.6	0.8
Financial disclosure requirements	0.17	0.37	0.1	0.27	0.0
Timeliness quality and ethics	0.35	0.47	0.35	0.35	0.35
Reporting processes and technology	0.58	1.0	0.58	0.58	0.58
Enforcement	0.17	0.46	0.42	0.33	0.29
Overall robustness	0.34	0.53	0.42	0.42	0.35

Table 3: Normalised CPI scores by category (shaded fields where a country scores higher than the EU)

	EU	US	CA	FR	IE
Definition	1.0	1.0	1.0	1.0	1.0
General disclosure requirements	0.5	0.83	1.0	0.67	0.83
Financial disclosure requirements	0.6	0.8	0.2	0.8	0.0
Timeliness quality and ethics	1.0	0.0	1.0	1.0	1.0
Reporting processes and technology	1.0	1.0	1.0	1.0	1.0
Enforcement	0.33	0.67	0.67	0.67	0.67
Overall robustness	0.67	0.81	0.76	0.81	0.67

Table 4: Normalised Holman & Luneburg scores by category (shaded fields where a country scores higher than the EU)

As with the analysis of the European system, the robustness measures led to slightly different scores than those provided by Chari et al. (2019). An annotated table showing the full robustness coding for each country as well as explanations for these variations can be found in the appendix. None of the changes was large enough to disqualify them from acting as a best practice jurisdiction (i.e. all still exhibit higher or the same score as the EU). While the changes did not alter the classification of the EU, Canada, France and Ireland as medium-robust systems, the discrepancy in points awarded to the US, causes it to move down to the medium-robust range. According to Chari et al. (2019), the US is the only highly robust system,

at a robustness of 62. However, even with the different classification presented here, the US remains by far the most robust national-level system.

In light of the shortcomings identified earlier, the empirical analysis shows that theoretically, the EU should be able to improve its robustness by drawing lessons from all four jurisdictions in terms of general disclosure requirements and enforcement. Lessons regarding financial disclosure may be drawn from the US and France.

5.2. Focal points

The following section discusses each of the shortcomings listed in 4.3. in turn. It aims to policy learn from the jurisdictions identified in the previous section and explore the applicability of best-practice solutions.

5.2.1. Voluntary registration

As mentioned previously, the fact the European lobbying regulation is based on voluntary registration is frequently cited as its most fundamental shortcoming (ALTER-EU, 2016; Năstase and Muurmans, 2020; Tansey, 2015; Bunea and Gross, 2019; Kanol, 2012). The literature often describes the system as de facto mandatory due to its extensive range of access incentives and the Commission's policy of requiring high-level officials to only meet with registered interest representatives (Chari *et al.*, 2019; Bunea, 2018). However, transparency advocacy groups disagree with this notion. When interviewed on the issue, the representative for Transparency International noted that the regulation is too weak to be called de facto mandatory. Issues such as data quality concerns, weak monitoring and enforcement and the fact that the obligation to only meet registered lobbyists only applies to top-level Commission officials all stand in the way of being able to describe the system as de facto mandatory¹⁸.

The main concern regarding voluntary registration is the possibility that significant influence may remain in the dark (Kanol, 2012). Năstase and Muurmans (2020) argue that "keeping the voluntary nature of the TR works against the democratic legitimisation of (...) the European institutions" (p.251). They regard the TR as a symbolic transparency policy and therefore criticise it for "allow[ing] for some things to stay hidden" (*ibid.*). Furthermore, when

¹⁸ Author's interview with Transparency International EU officer, 3 July 2020.

lobbyists are not required to sign up to the register, they are also not bound by its code of conduct which increases the risk of illicit behaviour¹⁹. Lastly, voluntary registration also hinders the effective imposition of sanctions.

The lobbying regulations of the four jurisdictions studied are all mandatory frameworks based on legal acts. For the EU to implement a genuinely mandatory system, it would also have to base its regulation on a legal act rather than an inter-institutional agreement (IIA). An IIA can only bind the EU institutions involved and not third parties. In other words, the current Commission proposal for an IIA on a mandatory TR could merely oblige officials in the EU institutions to only meet with registered lobbyists but could not legally compel Brussels lobbyists to register and be bound by the TR Code of Conduct.

There are some limitations which would potentially prevent the EU from following the example of the US, Canada, France and Ireland and introducing a mandatory TR based on a legal act. There is still some disagreement as to whether the European Treaties provide a legal basis for a mandatory register (Thiel and Bauer, 2016)²⁰. Interestingly, hesitation to introduce a mandatory system come from policymakers rather than lobbyists. Contrary to popular belief, lobbyists largely favour regulatory intervention as they acknowledge its potential in improving the profession's reputation and legitimacy. Studies show that lobbyists tend to favour mandatory disclosure over a voluntary framework (Holman, 2009; OECD, 2012). Policymaker's reservations stem from concerns about whether an obligation to only meet registered lobbyists may clash with the MEPs' freedom of mandate (Panizza, 2019)²¹. However, according to the legal opinion of Alberto Alemanno, Jean Monnet Professor of EU Law, this obligation would be reconcilable with the freedom of mandate (Alemanno, 2017).

5.2.2. Enforcement

The concern regarding monitoring and enforcement in the EU stems mainly from the fact that the JTRS does not have the authority to impose statutory sanctions. According to the OECD, a lobbying regulation should involve "visible and proportional" (p.5) sanctions to

¹⁹ Author's interview with Transparency International EU officer, 3 July 2020.

²⁰ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

²¹ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

generate compliance (2013). However, this aspect is closely linked to the previous point about voluntary registration as a mandatory system based on a legal act would be needed to allow for the imposition of statutory sanctions. JTRS officials noted that while the current system adequately allows them to manage compliance among registrants, non-compliance of entities not on the register (but who should be) is a bigger concern, as the voluntary framework does not provide them with any scope for action in this regard. One official noted: “[T]he problem is those that are not in the register, who have not signed up to a code and who, if they do something wrong, what can we do against them? Nothing.” In the absence of effective sanctions, the system benefits from actions taken by public watchdogs and investigative journalists, with public pressure acting helping to enforce the system²².

All four jurisdictions studied exhibit higher robustness in the enforcement category than the European Union. The experience of these countries shows that what may be most effective and suitable for the EU is dual-system similar to the Irish setup. According to the Head of Ethics and Lobbying Regulation in Ireland, the Irish oversight body has direct enforcement powers in being able to levy fixed payment notices and directly prosecute summary offences. In addition, it can refer indictable offences to the Director of Public Prosecutions²³. Research has shown that harsher sanctions need not be more effective (Krick, 2014). The experience of Canada and France shows that only having strong statutory penalties at one’s disposal can be a disadvantage, and both systems would benefit from the ability to issue administrative fines or mandatory training for lobbyists²⁴. On the other hand, harsher sanctions may be necessary in cases of repeated or deliberate non-compliance. Furthermore, the mere threat of more stringent sanctions can be useful in fostering compliance. Therefore, a framework based on the Irish system would be helpful, with the oversight body being granted some direct enforcement powers as well as the ability to refer more severe cases to the relevant judicial authority. This approach would also be in line with the OECD’s recommendation that a lobbying regulation allows for a broad portfolio of sanctions, ranging from naming-and-shaming to monetary penalties and criminal prosecution (2013).

²² Author’s interview with JTRS (European Parliament) officials, 29 June 2020.

²³ Author’s interview with the Head of Ethics and Lobbying Regulation, SIPO Ireland, 21 July 2020.

²⁴ Author’s interview with Office of the Commissioner of Lobbying of Canada officials, 30 July 2020. / Personal communication with French High Authority for Transparency in Public Life (HATVP) representative.

Enforcement also raises the question of who will oversee the system, monitor compliance and impose sanctions. The US experience shows the importance of having a clear authority in charge of enforcement, to make sure that the system is being implemented²⁵. An obvious answer would be to extend the responsibilities and authorisations of the Joint Transparency Register Secretariat. However, some have called for the establishment of an independent oversight body (Mulcahy, 2015). Canada, France and Ireland all have such independent entities in place, which could serve as a blueprint. In any case, the research has clearly shown that adequate resources are crucial to the success of administering bodies²⁶, which the JTRS currently lacks (ALTER-EU, 2016; Năstase and Muurmans, 2020).

As was mentioned previously, a mandatory TR based on a legal act would be needed to reform the area of enforcement, as an IIA cannot bind third parties. Besides this, what stands in the way of extended monitoring and sanctions is the view that such harsh enforcement structures are not suitable to the European framework. Antonucci and Scocchi (2018) argue that the current mix of self- and soft regulation is the most appropriate way to regulate lobbying in the European Union. Their concern is that the EU institutions chose (and were able) to regulate lobbying less stringently because they are dependent on the participation of interest groups. While JTRS officials did argue that the system's collaborative setup allows EU institutions to maintain a good relationship with interest representatives²⁷, the Irish experience, in particular, shows that a more stringent, top-down regulation is reconcilable with a collaborative approach and the inclusion of interest groups²⁸. Furthermore, regulatory intervention so far has not proven to be a barrier to entry (Chari *et al.*, 2019).

5.2.3. Financial disclosure

There are opportunities for the EU to improve its robustness on financial disclosure. Although there is some form of financial disclosure at the moment (making it more robust than systems such as Ireland), the information disclosed is imprecise, estimated, not itemised and only covers expenditure. Financial disclosure is an essential part of lobbying transparency

²⁵ Author's interview with government affairs lobbyist at Public Citizen Washington, DC., 23 July 2020.

²⁶ Author's interview with Office of the Commissioner of Lobbying of Canada officials, 30 July 2020. / Author's interview with the Head of Ethics and Lobbying Regulation, SIPO Ireland, 21 July 2020. / Personal communication with French High Authority for Transparency in Public Life (HATVP) representative.

²⁷ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

²⁸ Author's interview with the Head of Ethics and Lobbying Regulation, SIPO Ireland, 21 July 2020.

as it allows the public and watchdogs to see which entities are spending significant amounts of money to influence public policy. Furthermore, and some argue, more importantly, it should provide insights about is financing those influencers of the policymaking process or who is “paying the piper”²⁹.

European lobbying activist’s main concern in this area is to obtain more accurate and precise data³⁰. Lessons on financial disclosure can certainly be drawn from the US Lobbying Disclosure Act which requires lobbyists to make quarterly financial reports for each lobbying client/employer. However, even LDA falls short of requiring disclosure itemised by subject matter which would be needed to show how much is being spent on which issue areas³¹.

Another critical aspect in the financial disclosure category is the prohibition (or at the very least disclosure of) gifts and campaign contributions. An expert on US lobbying regulation highlighted the significance of such benefits in his interview. Both the US (introduced by HLOGA) and France prohibit gifts or political contributions to policymakers.

In terms of the necessity to expand financial disclosure, European officials brought up an interesting point about the nature of lobbying in Brussels. One JTRS official said: “[O]ne of the things we often find is that the case where a lot of money means a lot of influence doesn’t necessarily fly, certainly not at [the] European level. (...) It’s all about who you know.”³². This contrasts significantly with the general view in the US, which regards money as being the primary driver of influence³³.

Still, many are of the view that financial information should be made public to provide complete transparency. Financial disclosure is a difficult area to regulate, as it is the primary source of opposition from interest representatives. According to the Society of European Affairs Professionals (2017), there is concern about infringement on competition law rules in the context of the publication of such data. Similarly, surveys that show lobbyists’ support for

²⁹ Author’s interview with Transparency International Ireland representative, 17 July 2020.

³⁰ Author’s interview with Transparency International EU officer, 3 July 2020.

³¹ Author’s interview with government affairs lobbyist at Public Citizen Washington, DC., 23 July 2020.

³² Author’s interview with JTRS (European Parliament) officials, 29 June 2020.

³³ Author’s interview with government affairs lobbyist at Public Citizen Washington, DC., 23 July 2020.

regulatory intervention also indicate that few lobbyists are willing to reveal financial information (Holman, 2009; OECD, 2012). In a 2009 survey, only 15% of lobbyists responded lobbying expenditure should be disclosed broken down by issue area (Holman, 2009). In this context, a phenomenon to be aware of is the ‘paradox of political reform’ according to which increased obligations or restrictions on lobbyists may decrease compliance (Strickland, 2019). Nonetheless, the experience of the US shows that it is possible to extend financial disclosure, and the European efforts up to now show that the EU institutions are aiming to guarantee transparency in this area.

5.2.4. General disclosure requirements: lobbyist names and meetings

Two other aspects the EU should incorporate in its regulation to make it more robust is the publication of names of all individual lobbyists, as well the publication of all meetings. This would further enhance transparency about who is influencing the policymaking process and how. The TR currently only displays the names of those individuals in possession of a Parliament access pass. Concerning meetings disclosure, it presently contains lists of meetings with top-tier Commission officials. While this is a good first step, it is unfortunate that this requirement does not extend to lower-level officials, as their meetings with lobbyists make up a significantly larger proportion (Tansey, 2015). Similarly, the Parliament recently introduced a requirement for rapporteurs, shadow rapporteurs and committee chairs to publish legislative footprints. However, this information is not linked to registrations in the TR³⁴. Transparency International defines a legislative footprint as a “comprehensive public record of lobbyists’ influence on a piece of legislation” (Berg and Freund, 2015, p. 4). While legislative footprints are a useful transparency measure, they only show the influence that is being exerted on matters for which there already is a legislative initiative. Another caveat is that although some footprints were voluntarily published where they would not have been required, reports show that as of now there is lacking compliance with the requirement to publish this information (Kergueno, 2020).

By contrast, Canada and Ireland require lobbyists themselves to make regular reports containing all communications with public officials. There is a similar requirement in place in France; however, French returns are not as detailed as those in Ireland or Canada. Concerning

³⁴ Author’s interview with JTRS (European Parliament) officials, 29 June 2020.

the disclosure of lobbyists' names, they are disclosed in one form or another in all four jurisdictions at hand; however, the names of Irish lobbyists are only published on returns for issues on which they were active.

There seems to be no hindrance to making the names of individual lobbyists public as EP accredited names already show up in the register. The publication of meetings, on the other hand, appears to be more difficult. One of the main concerns would undoubtedly be the additional burden on both lobbyists and those administering the system. In the case of Ireland and Canada, the disclosure of communications goes hand in hand with more frequent disclosure than that of the EU³⁵. This would place an additional strain on those making disclosures. However, the systems in Canada and Ireland show that it is possible to implement a system that makes it easy and quick to disclose information, thereby minimising the workload for registrants³⁶. Additional resources would likely have to be made available to the JTRS. However, JTRS officials noted that the administrative burdens cited as a hindrance to introducing certain policies are often overestimated³⁷.

It may be additionally necessary to reduce the scope of which meetings will be covered. Ireland's regulation encompasses a wide range of communications as well as interest representatives covered. However, the Irish lobbyist population is considerably smaller than that covered by the TR. Canada, on the other hand, also covers a wide range of communications but applies a threshold³⁸ to determine which lobbyists are covered. This consideration also arose during several of the research interviews. According to the Public Citizen representative, imposing a threshold would be sensible seeing as those falling below the threshold are usually not the potential source of corruption³⁹. Similarly, a representative from the French High Authority for Transparency in Public Life stated that "[l]egislators may want to restrict the scope of the legislation but require very detailed information from

³⁵ Three times a year in Ireland and monthly in Canada.

³⁶ Author's interview with Office of the Commissioner of Lobbying of Canada officials, 30 July 2020. / Author's interview with the Head of Ethics and Lobbying Regulation, SIPO Ireland, 21 July 2020.

³⁷ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

³⁸ 'Significant part of duties' test (Author's interview with Office of the Commissioner of Lobbying of Canada officials, 30 July 2020.)

³⁹ Author's interview with government affairs lobbyist at Public Citizen Washington, DC., 23 July 2020.

lobbyists if they decide that the goal is to provide citizens with legislative footprints”⁴⁰. However, imposing such a threshold in the EU would not be advisable given the current strength of its approach to defining lobbyists. Yet, some arrangement would likely have to be found to make it possible to process the sheer volume of lobbyist meetings taking place at the European level.

5.2.5. Participation of the Council of the EU

Lastly, a brief discussion regarding participation of the Council of Europe is in order. Next to voluntary registration, non-participation of the Council of the EU has been one of the major shortcomings of the EU regulation, as it means that one of the three main EU institutions is not included in the regulation. Due to the connection between Council and national governments integrating it in the European lobbying regulation will not be an easy task. JTRS officers noted that while it will be difficult to discern in interactions with Council whether someone is being lobbied because they are a member of Council or because they are a representative from their country, MEPs face similar problems. Each institution has its issues which must be addressed when trying to fit into the lobbying regulation framework⁴¹. It was not possible to infer any lessons from the experience of the US or Canada in dealing states or provinces as the institutional and legal setup of the EU is too unique. In any case, first access incentives, as well as voluntary disclosure by permanent representations⁴², show that there is a will to join the TR. Furthermore, the Council of the EU is part of the ongoing negotiations on a mandatory TR⁴³.

6. Conclusion

This study aimed to identify the shortcomings of the current EU lobbying regulation and discuss the applicability of possible solutions based on regulations in place in the US, Canada, France and Ireland.

⁴⁰ Personal communication with French High Authority for Transparency in Public Life (HATVP) representative.

⁴¹ Author’s interview with JTRS (European Parliament) officials, 29 June 2020.

⁴² Author’s interview with JTRS (European Parliament) officials, 29 June 2020.

⁴³ Author’s interview with JTRS (European Commission) official, 23 July 2020.

The study extended the approach of sorting measurement items into predefined categories to identify the weaknesses of the EU regulation. This method made it possible to not only assign an overall robustness score but also to the different dimensions of the regulation, which helped to identify areas of weakness. In summary, the following lessons were drawn from the four jurisdictions studied, in light of the EU's shortcomings. Firstly, the EU should introduce a mandatory transparency framework based on a legal act, similar to those in place in the US, Canada, France and Ireland. This would enhance transparency and enable the EU to impose effective sanctions. In the area of enforcement, the study concluded that the EU would benefit from implementing a hybrid legislation similar to the Irish system, where the authority in charge of the regulation has some direct enforcement powers and can refer more severe cases to the relevant judicial authority. In any case, the experience of these four countries showed that it is of utmost importance for the success of the regulation that the oversight body is sufficiently resourced. Thirdly, in terms of financial disclosure, the EU should learn from the US Lobbying Disclosure Act and aim to provide more precise figures on both income and expenditure. Another key component of this dimension are gifts and political contributions which are prohibited in the United States and France. Fourthly, the EU could improve its general disclosure requirements by making public the names of all lobbyists and records of meetings with public officials. Although the latter may prove particularly challenging to implement, the EU should still aim to expand its policy in this regard. Lastly, no lessons could be drawn regarding the participation of the Council of the EU. However, this is an essential part of potential reform to the system and it although its integration may be difficult, there is a political will to join the system.

Overall, the research highlighted that transparency is ever evolving and somewhat becoming the new way of life⁴⁴. Lobbying regulations should be evaluated and updated, not just to continually improve transparency, but also to keep up with the modern reality of lobbying, which is increasingly taking place virtually⁴⁵. Although there is renewed political momentum to reform the TR, the current Commission proposal does not strengthen the system's robustness sufficiently and would even weaken it in some areas (ALTER-EU, 2016).

⁴⁴ Author's interview with JTRS (European Parliament) officials, 29 June 2020. / Author's interview with JTRS (European Commission) official, 23 July 2020. / Author's interview with Transparency International EU officer, 3 July 2020.

⁴⁵ Author's interview with JTRS (European Parliament) officials, 29 June 2020.

By contrast, the reforms proposed here would considerably increase the EU regulation's robustness. Although one needs to be mindful of imprudent policy transfer (OECD, 2009; Dolowitz and Marsh, 2000), the strengths of the potential solutions put forward by this research are that they have been proven to be effective in other jurisdictions.

One significant limitation of this research is that the expert interviews do not include the viewpoints of interest representatives themselves (except for transparency advocates registered as lobbyists), as an interview request to the European Public Affairs Consultancies' Association was left unanswered.

The study raised significant concerns over the usefulness of established robustness measurements. The CPI's susceptibility to inter-coder error was highlighted by the discrepancies between the results presented here and those of Chari et al. (2019). Furthermore, the fact that the measurement was created with US state laws in mind, at times makes it difficult to apply to European legislations. The Holman and Luneburg (2012) index, in turn, is more useful to assess European regulations; however, there are significant limitations due to its limited scope⁴⁶. Similar concerns were also previously mentioned in the literature (Crepaz and Chari, 2017; Veksler, 2015). Thus, a potential area for further research would be to develop a new robustness measure that is valid, reliable and applicable to a wide range of lobbying regulations.

⁴⁶ The Holman & Luneburg index only contains 21 items compared to the CPI's 48 items. Another limitation is that it only allows for questions to be answered with yes or no (0 or 1 point awarded).

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Appendix

CPI index: European Union

Nr.	Question	Answer	Score
<i>Definition of lobbyist</i>			<i>7 / 7</i>
1	In addition to legislative lobbyists, does the definition recognise executive branch lobbyists?	Yes (EC)	3
2	How much does an individual have to make / spend to qualify as a lobbyist or to prompt registration as a lobbyist, according to the definition?	0	4
<i>Individual registration</i>			<i>7 / 19</i>
3	Is a lobbyist required to file a registration form?	Yes	3
4	How many days can lobbying take place before registration is required?	Voluntary registration	0
5	Is subject matter or bill number to be addressed by a lobbyist required on registration forms?	Subject matter	1
6	How often is registration by a lobbyist required?	Annual	2
7	Within how many days must a lobbyist notify the oversight agency of changes in registration?	> 16 days	0
8	Is a lobbyist required to submit a photograph with registration?	No	0
9	Is a lobbyist required to identify by name each employer on the registration form?	Yes	1
10	Is a lobbyist required to include on the registration form any additional information about the type of lobbying work he or she does (i.e., compensated or non-compensated / contract or salaried)?	No	0
<i>Individual spending disclosure</i>			<i>5 / 29</i>
11	Is a lobbyist required to file a spending report?	Yes	3
12	How often during each two-year cycle is a lobbyist required to report spending?	Annual	0
13	Is compensation / salary required to be reported by a lobbyist on spending reports?	No	0
14	Are summaries (totals) of spending classified by category type (i.e., gifts, entertainment, postage, etc.)?	No	0
15	What spending must be itemised?	None	0
16	Is the lobbyist employer / principal on whose behalf the itemised expenditure was made required to be identified?	No	0
17	Is the recipient of the itemised expenditure required to be identified?	No	0

18	Is the date of the itemised expenditure required to be reported?	No	0
19	Is a description of the itemised expenditure required to be reported?	No	0
20	Is subject matter or bill number to be addressed by a lobbyist required on spending reports?	No	0
21	Is spending on household members of public officials by a lobbyist required to be reported?	No	0
22	Is a lobbyist required to disclose direct business associations with public officials, candidates or members of their households?	No	0
23	What is the statutory provision for a lobbyist giving and reporting gifts?	Gifts are limited (€150) and reported	2
24	What is the statutory provision for a lobbyist giving and reporting campaign contributions?	None	0
25	Is a lobbyist who has done no spending during a filing period required to make a report of no activity?	No	0
<i>Employer spending disclosure</i>			<i>0 / 5</i>
26	Is an employer or principal of a lobbyist required to file a spending report?	No	0
27	Is compensation/salary required to be reported on employer / principal spending reports?	n/a	0
<i>Electronic filing</i>			<i>2 / 3</i>
28	Does the oversight agency provide lobbyists/employers with online registration?	Yes	1
29	Does the oversight agency provide lobbyists/employers with online spending reporting?	No spending 'reports' filed	0
30	Does the oversight agency provide training about how to file registrations/spending reports electronically?	Yes	1
<i>Public access</i>			<i>10 / 20</i>
31	Location/format of registrations or active lobbyist directory	Downloadable database	4
32	Location/format of spending reports	No spending 'reports' filed	0
33	Cost of copies	None	1
34	Are sample registration forms/spending reports available on the Web?	Yes	1
35	Does the state agency provide an overall lobbying spending total by year?	No	0
36	Does the state agency provide an overall lobbying spending total by spending-report deadlines?	No	0

37	Does the state agency provide an overall lobbying spending total by industries lobbyists represent?	No	0
38	How often are lobby lists updated?	Daily	4
<i>Enforcement</i>			<i>1 / 15</i>
39	Does the state have statutory auditing authority?	No	0
40	Does the state agency conduct mandatory reviews or audits?	Random quality checks	1
41	Is there a statutory penalty for late filing of a lobby registration form?	No	0
42	Is there a statutory penalty for late filing of a lobby spending report?	No	0
43	When was a penalty for late filing of a lobby spending report last levied?	n/a	0
44	Is there a statutory penalty for incomplete filing of a lobby registration form?	No	0
45	Is there a statutory penalty for incomplete filing of a lobby spending report?	No	0
46	When was a penalty for incomplete filing of a lobby spending report last levied?	n/a	0
47	Does the state publish a list of delinquent filers either on the Web or in a printed document?	No (possibility under complaints procedure)	0
<i>Revolving door provision</i>			<i>2 / 2</i>
48	Is there a "cooling off" period required before legislators can register as lobbyists?	Yes	2
CPI score			34
<i>Normalised CPI score (0-1)</i>			<i>0.34</i>

Holman & Luneburg (2012) index: European Union

<i>Nr.</i>	<i>Question</i>	<i>Answer</i>	<i>Score 0/1</i>
1	Mandatory or voluntary registration	Voluntary	0
2	Access pass to lawmakers	EP only	1
<i>Lobbyist registrants</i>			
3	Non-profit entities	Yes	1
4	For-profit entities	Yes	1
5	Contract lobbyists	Yes	1
<i>Covered officials</i>			
6	Legislative	Yes (EP)	1
7	Executive	Yes (EC)	1
<i>Registrants disclose</i>			
8*	Lobbyist name	No	0
9	Lobbyist employer	Yes	1
10	Lobbyist client	Yes	1
11	General issue lobbied	Yes	1
12	Specific measure lobbied	No	0
13	Aggregate lobbying income	Estimate / range	1
14	Lobbying income per client	Estimate / range	1
15	Aggregate lobbying spending	Estimate / range	1
16	Lobbying spending per issue	No	0
17	Lobbying contacts	No	0
18	Political spending / contributions	No	0
<i>Others</i>			
19	Fines / imprisonment for violations	No	0
20	Internet access to lobbying records	Yes	1
21	Code of conduct required for registered lobbyists	Yes	1
Holman & Luneburg score (max. 21)			14
<i>Normalised Holman & Luneburg score (0-1)</i>			<i>0.67</i>

CPI index: Overview of the US, Canada, France and Ireland

As mentioned in section 5.1. the results presented here differ from those contained in Chari et al. 's (2019) work. See footnotes for explanations on these discrepancies.

<i>Nr. Question</i>	<i>US</i>	<i>CN</i>	<i>FR</i>	<i>IE</i>
<i>Definition of lobbyist</i>	<i>3 / 7</i>	<i>7 / 7</i>	<i>7 / 7</i>	<i>7 / 7</i>
1. In addition to legislative lobbyists, does the definition recognise executive branch lobbyists?	3	3	3	3
2. How much does an individual have to make / spend to qualify as a lobbyist or to prompt registration as a lobbyist, according to the definition?	0	4	4	4
<i>Individual registration</i>	<i>10 / 19</i>	<i>10 / 19</i>	<i>8 / 19</i>	<i>10 / 19</i>
3. Is a lobbyist required to file a registration form?	3	3	3	3
4. How many days can lobbying take place before registration is required?	0	0 ⁴⁷	0 ⁴⁸	0
5. Is subject matter or bill number to be addressed by a lobbyist required on registration forms?	3	3	1	3
6. How often is registration by a lobbyist required?	2	2	2 ⁴⁹	2
7. Within how many days must a lobbyist notify the oversight agency of changes in registration?	0	0 ⁵⁰	0	0
8. Is a lobbyist required to submit a photograph with registration?	0	0	0	0
9. Is a lobbyist required to identify by name each employer on the registration form?	1	1	1	1
10. Is a lobbyist required to include on the registration form any additional information about the type of lobbying work he or she does	1	1	1	1

⁴⁷ Between 10 days (consultant lobbyists) and 2 months (in-house lobbyists); see sections 5.1.1. and 7.2. of the Canadian Lobbying Act.

⁴⁸ See 'When to register?' at <https://www.hatvp.fr/en/high-authority/regulation-of-lobbying/list/#registration-ri>

⁴⁹ See <https://www.hatvp.fr/en/high-authority/regulation-of-lobbying/list/#the-annual-activity-report-ri>

⁵⁰ Registrants must file a monthly return if they have made communication with a public office holder of if any information contained in the initial return has changed. This return must be made no later than 15 days after the end of month (i.e. change may occur on 1 Jan may be reported until 15 Feb). See section 5.3. of the Canadian Lobbying Act.

(i.e., compensated or non-compensated / contract or salaried)?				
<i>Individual spending disclosure</i>	<i>13 / 29</i>	<i>4 / 29</i>	<i>8 / 29</i>	<i>0 / 29</i>
11. Is a lobbyist required to file a spending report?	3	0	3	0
12. How often during each two-year cycle is a lobbyist required to report spending?	2 ⁵¹	0	0	0
13. Is compensation / salary required to be reported by a lobbyist on spending reports?	2	0	0	0
14. Are summaries (totals) of spending classified by category type (i.e., gifts, entertainment, postage, etc.)?	0 ⁵²	0	0	0
15. What spending must be itemised?	0 ⁵³	0	0	0
16. Is the lobbyist employer / principal on whose behalf the itemised expenditure was made required to be identified?	1	0	0	0
17. Is the recipient of the itemised expenditure required to be identified?	0 ⁵⁴	0	0	0
18. Is the date of the itemised expenditure required to be reported?	0 ⁵⁵	0	0	0
19. Is a description of the itemised expenditure required to be reported?	0 ⁵⁶	0	0	0
20. Is subject matter or bill number to be addressed by a lobbyist required on spending reports?	0 ⁵⁷	0 ⁵⁸	0 ⁵⁹	0
21. Is spending on household members of public officials by a lobbyist required to be reported?	0	0	0	0
22. Is a lobbyist required to disclose direct business associations with public officials, candidates or members of their households?	0	0	0	0
23. What is the statutory provision for a lobbyist giving and reporting gifts?	3	3	3	0

⁵¹ Quarterly returns since HLOGA.

⁵² Spending disclosure on LD-2 reports is not categorized.

⁵³ Spending disclosure on LD-2 reports is not itemized.

⁵⁴ (See above)

⁵⁵ (See above)

⁵⁶ (See above)

⁵⁷ (See above)

⁵⁸ No spending disclosure

⁵⁹ Spending is reported as a single figure; issues are listed separately in the *Répertoire*.

24. What is the statutory provision for a lobbyist giving and reporting campaign contributions?	1	1	2	0
25. Is a lobbyist who has done no spending during a filing period required to make a report of no activity?	1	0	0	0
<i>Employer spending disclosure</i>	<i>0 / 5</i>	<i>0 / 5</i>	<i>0 / 5</i>	<i>0 / 5</i>
26. Is an employer or principal of a lobbyist required to file a spending report?	0	0	0	0
27. Is compensation/salary required to be reported on employer / principal spending reports?	0	0	0	0
<i>Electronic filing</i>	<i>3 / 3</i>	<i>2 / 3</i>	<i>2 / 3</i>	<i>2 / 3</i>
28. Does the oversight agency provide lobbyists/employers with online registration?	1	1	1	1
29. Does the oversight agency provide lobbyists/employers with online spending reporting?	1	0	0	0
30. Does the oversight agency provide training about how to file registrations/spending reports electronically?	1	1	1	1
<i>Public access</i>	<i>14 / 20</i>	<i>10 / 20</i>	<i>10 / 20</i>	<i>10 / 20</i>
31. Location/format of registrations or active lobbyist directory	4	4	4 ⁶⁰	4
32. Location/format of spending reports	4	0	0	0
33. Cost of copies	1	1	1	1
34. Are sample registration forms/spending reports available on the Web?	1	1	1	1
35. Does the state agency provide an overall lobbying spending total by year?	0	0	0	0
36. Does the state agency provide an overall lobbying spending total by spending-report deadlines?	0	0	0	0
37. Does the state agency provide an overall lobbying spending total by industries lobbyists represent?	0	0	0	0
38. How often are lobby lists updated?	4	4	4 ⁶¹	4
<i>Enforcement</i>	<i>8 / 15</i>	<i>7 / 15</i>	<i>7 / 15</i>	<i>6 / 15</i>

⁶⁰ Downloadable as JSON file.

⁶¹ The *Répertoire* is updated every 15 minutes. See https://www.hatvp.fr/espacedeclarant/representation-dinterets/les-regles-deontologiques/#post_4636

39. Does the state have statutory auditing authority?	2	2	2	2
40. Does the state agency conduct mandatory reviews or audits?	2	2	2	2
41. Is there a statutory penalty for late filing of a lobby registration form?	1	1	1	1
42. Is there a statutory penalty for late filing of a lobby spending report?	1	0	0 ⁶²	0
43. When was a penalty for late filing of a lobby spending report last levied?	0	0	0	0
44. Is there a statutory penalty for incomplete filing of a lobby registration form?	1	1	1 ⁶³	1
45. Is there a statutory penalty for incomplete filing of a lobby spending report?	1	0	0	0
46. When was a penalty for incomplete filing of a lobby spending report last levied?	0 ⁶⁴	0	0	0
47. Does the state publish a list of delinquent filers either on the Web or in a printed document?	0	1	1	0 ⁶⁵
<i>Revolving door provision</i>	<i>2 / 2</i>	<i>2 / 2</i>	<i>0 / 2</i>	<i>0 / 2</i>
48. Is there a “cooling off” period required before legislators can register as lobbyists?	2	2	0	0
CPI score	53	42	42	35
<i>Normalised CPI score (0-1)</i>	<i>0.53</i>	<i>0.42</i>	<i>0.42</i>	<i>0.35</i>

⁶² No spending ‘reports’ filed; following Chari et al.’s approach regarding the EU, no points were awarded.

⁶³ Incomplete filings not accepted.

⁶⁴ Unclear / information not available.

⁶⁵ SIPO cannot publish names of registrants not in compliance with the regulation. (Author’s interview with the Head of Ethics and Lobbying Regulation, SIPO Ireland, 21 July 2020.)

Holman & Luneburg (2012) index: Overview of the US, Canada, France and Ireland

<i>Nr. Question</i>	<i>US</i>	<i>CN</i>	<i>FR</i>	<i>IE</i>
1. Mandatory or voluntary registration	1	1	1	1
2. Access pass to lawmakers	0	0	0	0
<i>Lobbyist registrants</i>				
3. Non-profit entities	1	1	1	1
4. For-profit entities	1	1	1	1
5. Contract lobbyists	1	1	1	1
<i>Covered officials</i>				
6. Legislative	1	1	1	1
7. Executive	1	1	1	1
<i>Registrants disclose</i>				
8. Lobbyist name	1	1	1	1
9. Lobbyist employer	1	1	1	0
10. Lobbyist client	1	1	1	1
11. General issues lobbied	1	1 ⁶⁶	1	1
12. Specific measure lobbied	1	1	0	1
13. Aggregate lobbying income	1	0	0	0
14. Lobbying income per client	1	0	1	0
15. Aggregate spending	1	0	1	0
16. Lobbying spending per issue	0 ⁶⁷	0	1	0
17. Lobbying contacts	0	1	0	1
18. Political spending / contributions	1	1	1	0 ⁶⁸
<i>Others</i>				
19. Fines / imprisonment for violations	1	1	1	1
20. Internet access to lobbying records	1	1	1	1
21. Code of conduct required for registered lobbyists	0	1	1	1
Holman & Luneburg score (max. 21)	17	16	17	14
<i>Normalised Holman & Luneburg score (0-1)</i>	<i>0.81</i>	<i>0.76</i>	<i>0.81</i>	<i>0.67</i>

⁶⁶ See Section 5.2.f. of the Canadian Lobbying Act.

⁶⁷ Spending disclosure on LD-2 reports is not itemized.

⁶⁸ No financial disclosure; consistent with question 24 on CPI index.