IPA TWINNING PROJECT „SUPPORT TO EFFICIENT PREVENTION AND FIGHT AGAINST CORRUPTION “

This project is funded by the European Union, and is implemented by the State Commission for Prevention of Corruption from the beneficiary country and the Federal Office for Administration from Germany

EXPERT REPORT – LAW ON LOBBYING

Gregor Pirjevec

Skopje
September, 2016

As an international expert on anti-corruption issues and lobbying, I was invited as a short term expert to the EU Twinning project “Support to efficient prevention and fight against corruption” in the Beneficiary country.

The views expressed in this report are purely mine and may not in any circumstances be regarded as an official position of the office of my current or previous employments. I joined this project as an international independent anti-corruption expert and have used only publicly available materials and the materials provided to me by the project.

For the purpose of this report, I have visited Skopje from 8 to 13 May 2016. While being there, I had **meetings** with Resident Twinning Advisor (RTA) Mr Detlef von Schmeling and RTA Counterpart Mr Vladimir Georgiev. It was agreed that I make a **full assessment of the existing Law on Lobbying**, complete with my **recommendations** and **suggestions for improvement**. I was also asked to prepare an **Action Plan** for the necessary steps and measures that can be taken by the main anti-corruption body, the State Commission for the Prevention of Corruption (SCPC), to **raise awareness about the subject of lobbying and improve the public’s perception of lobbying as a transparent and legitimate activity**. I have also met the members of the SCPC and had a **presentation of the Slovenian system of lobbying regulation**.

Short-term Expert, Gregor Pirjevec

* * *

Introduction:

Lobbying has a profound impact on the democratic principles of equality, accountability, transparency and public participation, but can also serve special interests with adverse impact on public policies. When exercised properly, lobbying can strengthen the government's accountability and the participation of citizens in policymaking, but if it becomes an excessively elite profession, exclusively serving well-financed special interests, it can become quite damaging to the public perception of political legitimacy. Therefore, lobbying regulation is a delicate subject that should be approached with a clear vision and the willingness to put in constant work and updating.

According to the Transparency International report Lobbying in Europe[1], which examined the practice of lobbying and its regulation in 19 EU countries and 3 core EU institutions, lobbying regulation in Europe is woefully inadequate, allowing undue influence to flourish. The examined countries and EU institutions achieved an overall score of just 31% for the quality of their promotion of transparency, integrity and equality of access in lobbying, which is in my opinion alarming. The best result was achieved by the Republic of Slovenia (55%) and its Integrity and Prevention of Corruption Act has been praised for adopting a dual-track approach to capturing lobbying data, requiring public officials to file a report on each meeting with a lobbyist and demanding an annual summary of activities from professional lobbyists. The officials who are lobbied are required to log the content of their contact with the lobbyist and a signed copy of the report has to be forwarded to the official's superior and the national anti-corruption agency within three days. All data is subject to the Slovenian access to information law which is considered to be one of the strongest in the world.

Because of Slovenia's highest score in the above-mentioned TI report, as well as the fact that I have worked in the Slovenian anti-corruption body for the past four years and I know its lobbying regulation inside-out, I used the Slovenian model as a reference point for my assessment and suggestions, while also noting good practices from other systems.

[1] Lobbying in Europe – Hidden Influence, Privileged Access; Transparency International, 2015.

Assessment of the Law:

The Law on Lobbying of the Beneficiary country (Official Gazette of the Beneficiary country, no. 106/08 and 135/11) has been in existence since 2008. However, much of the law hasn't been used in practice and during my stay in Skopje I learned from members of the **State Commission for the Prevention of Corruption** (SCPC) that the country doesn't have any lobbyists registered in its public Lobbyists Register. That means that all the lobbying is conducted through unregulated and non-transparent means and the law does not account for the actual amount of lobbying that takes place. The other thing that jumps out right from the first glance of the law is the lack of measures of repressive nature that would challenge the lobbyists to comply with their obligations put forth by the law (the SCPC's only measures are warnings and the initiative to remove lobbyists from the register), while there are very few provisions dealing with officials and public servants - the lobbied persons that are approached and targeted by lobbyists.

As recent studies indicate that most of the lobbying regulation in Europe is very poor and malnourished, I find the legislative situation in the country quite promising. The reason for my optimistic opinion is that the country already has an existing legal platform for lobbying, which puts it in a very small group of European countries, as only 7 countries out of 19 examined in the TI report have laws or regulations specifically regulating lobbying activities and only 6 out of 19 countries maintain a mandatory lobbyist register. The Law on Lobbying is therefore a good starting point, regardless of its lack of usage in practice. I strongly feel that state bodies in the beneficiary country that deal with lobbying (especially the SCPC) shouldn't be discouraged by the current situation regarding lobbying. With the right approach and some legislative adaptations, it is my belief that the country can benefit from this report and build a strong and efficient system that will promote transparency and ethical lobbying with adequate measures of control not only "on paper", but also in practice.

For the purpose of clarity, I have used the assessment method of copying the existing article of the law and following it with my assessment, recommendations and suggestions.

I. GENERAL PROVISIONS

General provisions of the law should determine the major topics of the law and establish definitions of the main terms used in the law.

While it is widely agreed that the term lobbying in the most general sense defines influence of the private sphere on public matters, there is no consensus on the exact legal definition of "lobbying". It is worth mentioning that, while chasing similar goals, the approach of lobbying regulation of international organisations and EU bodies is somewhat different than the lobbying regulation of national states.

The Council of Europe defines lobbying as a concerted effort to influence policy formulation and decision-making with a view to obtaining some designated result from government authorities and elected representatives. In a wider sense, the term may refer to public actions (such as demonstrations) or "public affairs" activities by various institutions (associations, consultancies, advocacy groups, think-tanks, non-government organisations, lawyers, etc.); in a more restrictive sense, it would mean the protection of economic interests by the corporate sector (corporate lobbying) commensurate to its weight on a national or global scene[2]. A more recent document by **European Committee on legal co-operation (CDCJ)** specifies lobbying as the act of promoting specific interests by communication with a public official as part of a structured and organized action aimed at influencing public decision-making[3].

As far as lobbying in the **European Union** is concerned, the Treaty of Lisbon provided a legal framework for interest representation in the form of Article 11 of the Treaty on European Union, which regulates the details of participative democracy within the EU. In order of implementing Article 11, the EU institutions had to take specific measures, establishing both a joint European Parliament/European Commission Transparency Register of lobbyists and providing appropriate platforms for horizontal[4] and vertical[5] civil dialogue.

The **European Commission** officially defines lobbying as all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institution[6]. The joint **European Parliament/European Commission Transparency Register** takes an activity-based approach and requires a registration for all organisations and individuals engaged in activities directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of the channel or medium of communication used, including voluntary contributions and participation in formal consultations on EU acts and other open consultations.

With self-regulatory regimes, which rely on voluntary participation to join a professional lobbying association or register as a lobbyist, broad definitions like the ones mentioned above are quite suitable and competent in serving their purpose, being all-encompassing in that they also include grassroots lobbying, i.e. appeals to the general public to contact government officials for the purpose of influencing public policy. But when it comes to establish a government-run regulation founded in the rule of law and with the goal to instil trust in public officials with transparency of decision-making, the clarity of definitions is of utmost importance and will determine the level of success of such regulatory programs. Besides providing exact legal definitions and rules of conduct with more or less efficient system of control, this approach also narrows the field of what lobbying is (in terms of the law) to avoid uncontrollable situations that result in nearly impossible supervision and overall public disregard for the law itself.

For **Transparency International**, lobbying means any direct or indirect communication with public officials, political decision-makers or representatives for the purposes of influencing public decision-making, and carried out by or on behalf of any organised group. Its 2015 report on lobbying[7] compiled the results of national level studies and provided a thorough analysis of the state of lobbying regulation and awareness in the EU. According to said report, the only country that surpasses the cumulative score of 50% is Slovenia with 55%, followed

[2] Lobbying in the EU institutions by Franziska Zibold, Library of the European Parliament, 18 June 2013.

[3] European Committee on legal co-operation (CDCJ) – Draft recommendation of the Committee of Ministers to member states on the legal regulation of lobbying activities in the context of public decision-making, 22 March 2016.

[4] Article 11(1) of the Consolidated Version of the Treaty on European Union, which states: *»The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.«*

[5] Article 11(2) of the Consolidated Version of the Treaty on European Union, which states: *»The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.«*

[6] Green Paper – European Transparency Initiative, 3 May 2006.

[7] Lobbying in Europe – Hidden Influence, Privileged Access; Transparency International, 2015.

closely by Lithuania (50%) and Latvia (48%). I felt that it would be helpful to examine the legal definition of lobbying in these top 3 countries according to Transparency International.

According to the Integrity and Prevention of Corruption Act of the **Republic of Slovenia** (2010), the term "lobbying" means the activities carried out by lobbyists who, on behalf of interest groups, exercise non-public influence on decisions made by state and local community bodies, and holders of public authority in discussing and adopting regulations and other general documents, as well as on decisions made by state bodies, the bodies and administrations of local communities, and holders of public authority on matters other than those which are subject to judicial and administrative proceedings and other proceedings carried out according to the regulations governing public procurement, as well as proceedings in which the rights and obligations of individuals are decided upon. Lobbying means any non-public contact made between a lobbyist and a lobbied party for the purpose of influencing the content or the procedure for adopting the aforementioned decisions.

Lithuania's Law on Lobbying Activities (2001) defines the term "lobbying" as actions taken for or without compensation in an attempt to exert influence to have legal acts amended, supplemented or repelled or new legal acts adopted or rejected in the interests of the client.

The Republic of Latvia on the other hand doesn't have a standalone law regulating lobbying. It compensates that by having several relevant regulations and laws regarding lobbying, including laws on access to parliament, disclosure of information by decision-makers and rules governing conflict of interest. While these constitute a good foundation, the system is too dissimilar to the one in the beneficiary country to be of much use for comparison.

A country's legal definition of lobbying should therefore recognize the complexity of the concept of lobbying and the rules and regulations must not be too strict, as it might prevent potential lobbyists to apply and act in a transparent fashion, as well as give a negative connotation to this activity. But the regulation mustn't be too lenient as well, as it might prevent efficient monitoring and supervision.

Article 1:

(*1) This Law shall regulate the lobbying principles, the conditions for acquiring lobbyist position, the registration of the lobbyists, the maintenance of the Lobbyists Register, the lobbyists' rights and obligations, the activities that are not deemed as lobbying and the measures that can be imposed to lobbyists for breach of the provisions of this Law.*

(2) This Law shall apply to lobbying in the legislative and executive branch of government on central level, as well as in the councils and mayors on local level.

(3) The parties involved in lobbying shall obey the principles prescribed in this Law.

As a typical general provision, Article 1 establishes the main topics of the law.

The intent of the law shouldn't be to prevent lobbying to anyone (or vice versa, to make lobbying easier for anyone). It should aim at making the process more transparent, with obvious emphasis on monitoring and supervision. It is noted that in the existing law, the lobbied persons are excluded both in their obligations and the measures that can be imposed on them for their misconduct (more on this under Article 2).

Paragraph 2 provides the range and scope of the law. In my opinion, it should be extended to all functionaries/public officials and public servants that participate in preparing and adopting regulations and other general documents (basically all public sector and local government employees that hold a position where they can prepare or adopt general regulation).

Article 2:

(*1) Certain terms used in this Law shall have the following meaning:*

- "Lobbying" is an activity directed toward the legislative and executive branch of government on central level, as well as to the local government in order to realize certain interests in the process of passing laws and other regulations.

- "Lobbyist" is an individual who performs lobbying for certain monetary compensation, who is registered for lobbying according to this Law, or who is employed with a legal entity registered for lobbying and who has signed a lobbying contract and

- "Lobbying client" is interested individual or legal entity who has an interest from the lobbying in the legislative, executive and local government.

As said before, the clarity of definitions of the main terms used within the law is of utmost importance. It is therefore advisable to define these terms as precisely as possible, encompassing all empirical aspects of the contact between private and public sphere.

In my opinion, **the activity of lobbying** should consist of three elements:

- the contact between the lobbyist and the lobbied person should be non-public;
- the purpose of such activity is to influence the decision-making process within the public sector in public matters;
- the influence is applied in the name of, in the interest of or on the account of a certain interest group or client.

While other elements may vary, I strongly believe that these three main points should be included in the legal definition of lobbying.

As far as the non-public contact is concerned, the main reason for lobbying regulation is transparency, i.e. to make visible the things that are otherwise hidden. If a contact is public and everybody knows the content of what was discussed, then such contact doesn't fall under the definition of lobbying, as there's no need for a report (see Chapter VI of the existing law on activities that aren't considered lobbying).

It is also advisable for the law to specifically state that lobbying is not allowed in judicial and administrative proceedings, proceedings of public procurement[8] and all other proceedings in which the rights and obligations of individuals are decided upon. These are individual cases and are not considered public matters in a general sense. The application of influence in these matters can represent a serious ethical misconduct, undue influence, breach of the provisions on the prevention of administrative corruption and conflict of interest, or even a criminal offense.

Moving on to other definitions in Article 2, it is my opinion that the main focus of the existing law is on the relationship between the lobbyist and the lobbying client who hires the lobbyist for the purpose of lobbying, while it completely ignores the lobbied persons, i.e. the officials and public servants who are approached by lobbyists. In my opinion, the crux of lobbying is the relationship between the lobbyist and the lobbied person, because that is how the influence is communicated to the actual decision-makers.

Therefore I would include the definition of **lobbied persons** that should encompass all possible situations. My suggestion for the definition of lobbied persons is: officials and public servants who are employed in state bodies and local community bodies or work with the holders of public authority responsible for decision-making, and who participate in the discussion and adoption of regulations and other general documents.

[8] By this, I mean the actual proceeding of choosing between different offers, not the phase where it is decided upon the subject and conditions of a certain public procurement.

It is also advisable for the definition of the **lobbying client** to include the fact that it is a legal person governed by private law, because public bodies and organisation cannot be lobbying clients per definition.

II. LOBBYING PRINCIPLES

Lobbying principles should follow strong ethical standards and promote transparency, integrity and equality of access. They need to ensure that the interactions between lobbyists and public officials are made transparent and open to public scrutiny, that the rules on ethical conduct for all parties involved are clear and enforceable and that the public decision-making is open to a plurality of voices that represent a wide range of interests.

Article 3:

(1) Lobbying is performed voluntarily, based on written contract between the lobbyist i.e. the legal entity with which the lobbyist is employed and the lobbying client, as lobbying parties.

(2) The lobbying client shall issue an authorization to the lobbyist with which the lobbyist is presented in front of the lobbying authorities.

(3) The contract stipulated in paragraph (1) of this article shall regulate the conditions for lobbying, according to this Law, as well as the lobbying fee.

Regarding the contractual agreement between the lobbying client and the lobbyist, I find it unclear if the interest group (lobbying client) can provide a general contract/general authorisation, or each lobbying contact has to have a matching contract. However, these are issues that are usually resolved and determined in practice, as it is a private matter between two entities.

Given the vagueness of the content of the contract in Article 3, there are two options: either to list specific formalities that such contracts must include, or exclude the provisions about the contents of the contract from the law altogether, as this subject matter falls under civil law. For the purpose of lobbying regulation, it is important that the lobbyist receives written authorisation from the lobbying client (Paragraph 2), which they present to the authorities, as well as to targeted officials/public servants before the contact.

Article 4:

Lobbyist shall act consciously and responsibly, according to this Law and within the boundaries of the contract stipulated in article 3 of this Law.

Lobbying is first and foremost an economic activity. The regulation should follow the goal of transparency of the influence over decisions in public matters, therefore obeying the rules is of utmost importance. The obligations and conduct of the lobbyists regarding all aspects of lobbying activity should be defined as precisely as possible.

Article 5:

The information that the lobbyist received from the client or which have been acquired by the lobbyist shall be confidential, unless the lobbying parties determine otherwise in the contract stipulated in article 3 of this Law.

Confidentiality is the cornerstone of lobbying profession. The relationship between the lobbyist and lobbying client is the subject of the contract from Article 3 and falls under civil law. I find the existing provision to be on point, as the details should be left to the contractual parties (the clause “unless the lobbying parties determine otherwise” is used accordingly for this purpose).

Article 6:

The lobbying is transparent and the lobbying client, as lobbying party, has the right to review the lobbyist’s

activities, as well as the activities important for lobbying, at any time.

Again, this falls under the contractual relationship between the contractual parties.

III. CONDITIONS FOR ACQUIRING THE POSITION OF LOBBYIST

The conditions for acquiring the position of a lobbyist should be adequate and shouldn't be set too high, as too strict conditions can easily represent a major deterrent, as well as an "excuse" for potential lobbyists not to register and officially declare themselves as lobbyists.

Article 7:

(1) Lobbyist can be a national who fulfils the conditions determined in this Law and who is registered in the Register or employed with a legal entity which has signed a lobbying contract.

(2) Lobbyists have to fulfil the following conditions:

- university level education in the lobbying field,

- has a legal capacity and

- has not been penalized, i.e. has not been imposed a misdemeanour sanction ban of activity or profession in the lobbying field.

(3) A person who is not national of the Beneficiary country may lobby in the Beneficiary country if he/she is registered lobbyist according to this Law.

Paragraph 2 of Article 7 lists the conditions for acquiring the position of a lobbyist.

As instructed by the law, the lobbyist must have a university level education in the lobbying field. I believe this condition to be too strict, and at the same time quite unclear, as there are no official definitions of a proper education for each lobbying field. For instance, it is difficult to define what kind of education is required for lobbying in the field of energy, cultural preservation and many other fields where lobbying is possible. It is my opinion that this provision can be a major hurdle for interested persons to register and declare themselves as lobbyists.

The solution would be to either list the required education for each lobbying field, which could open up many other problems[9], or just leave the condition of university level education without the specified field. The other possibility is to drop the condition of education altogether and focus on the legal capacity and overall integrity of the lobbyist-to-be.

The law also requires for the lobbyist not to be banned from engaging in lobbying activity or profession in the lobbying field as a result of a misdemeanour sanction. I agree with this condition wholeheartedly, as the system has to strive for lobbyists to be persons of high ethical standards and impeccable background. Because of this, I would also include the provision that the lobbyist must not be sentenced for an intentionally committed criminal offense which is prosecuted ex officio. It is logical that the official status of a lobbyist is impossible for those who have been sanctioned for a "professional misdemeanour", it should also be impossible for persons who have committed a criminal offense.

In my opinion, the conditions should also specifically include the fact that a lobbyist cannot be an employee of the public sector, as lobbying per definition is the influence of the private sector on the decision-making in the public sector. Indirectly, the law includes this condition in Article 8. In an organisational sense, it would be better if this requirement is included in the general conditions.

[9] For instance, it would be extremely difficult, if not impossible, to include all possible fields in such a list.

For comparison, the Slovenian Integrity and Prevention of Corruption Act states the following conditions for becoming a lobbyist[10]:

- has reached the age of maturity (18 years in Slovenia);
- is not employed in the public sector;
- has not been deprived of the capacity to enter into contracts (full legal capacity);
- has not been sentenced by way of a final judgement for an intentionally committed criminal offense which is prosecuted ex officio, to a prison sentence of more than six months.

In Paragraph 3, Article 7, the Law on Lobbying makes a distinction between lobbyists who nationals of the beneficiary country and foreign lobbyists, and states that foreign citizens can lobby in the Beneficiary country if they are registered according to the law. I believe that lobbying shouldn't be confined to state borders, as we live in a globalised world which is in a process of even greater unification, so the existing provision that allows foreign nationals to register as lobbyists is on point. However, in my opinion, this provision lacks the procedural requirements that determine the necessary evidence that a foreign national fulfils the conditions of the law. In my opinion, foreign lobbyists shall be entered into the register on the basis of officially translated documents proving that the conditions specified within this law have been met. This requirement can also be determined in a bylaw on the specifics and procedure of lobbyist registration, but is in my opinion the subject matter that should be included in the law.

Article 8:

(*1) Elected and appointed officials who have professional functions in the legislative, executive and local government are not allowed to lobby during their term.*

(2) The officials stipulated in paragraph (1) of this article may not lobby after the cease of their function, as long as they receive salary according to the Law.

(3) The officials stipulated in paragraph (1) of this article may lobby after one year from the day of cease of the right stipulated in paragraph (2) of this article.

I find this provision to be well-written and essential to the purpose of lobbying regulation in view of the general definition of lobbying, as it follows the fact that the persons employed in the public sector cannot acquire the position of a lobbyist or in any way conduct the activities of lobbying. However, this particular provision deals only with elected or appointed officials of the legislative, executive and local government. It is advisable to include all types of public employees in one place, with a general provision (perhaps within the definition of lobbying) that all public sector employees are not allowed to lobby during their term or employment in the public sector, or a special condition that a person employed in the public sector cannot acquire the position of a lobbyist, similar to the regulation in Slovenia (see my comments of Article 7).

As far as the time that must pass for the former public officials to be able to become a lobbyist is concerned, it is my opinion that a one year moratorium is long enough for the officials to distance themselves from potential conflicts of interest and other conflicting situations or confidentiality issues.

Article 9:

(*1) Responsible persons in public enterprise or public institution established by the legislative, executive or local government and responsible persons in organizations with public authority are not allowed to lobby during their term.*

(2) The persons stipulated in paragraph (1) of this article are not allowed to lobby in the first six months after their term.

(3) The persons employed with the legislative, executive and local government are not allowed to lobby while

[10] Paragraph 2 of Article 56 of the Integrity and Prevention of Corruption Act (2010).

they are employed with those authorities.

(4) The persons stipulated in paragraph (2) of this article are not allowed to lobby in the first six months after the cease of their employment.

Similar to Article 8, this is a very good provision. It provides absolute lobbying restrictions for the types of public employees that are excluded from Article 8, as well as restrictions for responsible persons in public enterprise or public institution and in organisations with public authority. The moratorium of 6 months is also suitable.

IV. REGISTRATION OF THE LOBBYISTS

Similar to the Slovenian system, as well as five other EU countries, the Beneficiary country employs the system of a mandatory and public lobbyist register, which is in my opinion the system most suitable for countries. On the other hand, the joint European Parliament/EU Commission Transparency Register is voluntary (i.e. non-mandatory) in its nature. It should be noted that said register covers not only lobbyists, but also law firms, NGOs and think tanks, and it includes information on staff numbers, the legislative proposals they have attempted to influence, and the amount of EU funding they have received, and therefore cannot be compared to national systems.

The main point of mandatory register system is that the entry into the register is a prerequisite for the legal commencement of lobbying activities. In general, I find the provisions of the existing law regarding the Lobbyist Register to be very good, so I will focus only on those details that can improve the registry system even further.

Article 10:

(1) The Secretary General of the Assembly of the Beneficiary country shall maintain the Lobbyists Register (hereinafter: the Register).

(2) The Register is public.

(3) The Minister of Justice shall prescribe the shape and content of the form for registration in the Register and the method of its maintaining.

The tasks regarding the activity of lobbying in the Beneficiary country are divided between 3 public entities:

- the SCPC (supervision);
- the Secretary General of the Assembly of the Beneficiary country (maintaining of the Lobbyists Register);
- the Minister of Justice (the drafting and prescription of bylaws and other internal documents).

I strongly recommend that all issues regarding lobbying fall under a single (supervisory) entity, preferably the one that conducts investigations of illegal lobbying and undue influence, which in the system of the beneficiary country is the SCPC. This way, the reaction of the authoritative body can be quicker and more efficient, as one entity/institution has complete overview and insight. For the purpose of transparency, it is important that the published version of the register is up-to-date and updated regularly, and as far as investigation of possible misconducts is concerned, it is always better for the supervisory body to rely on its own data, rather than wait for the collected information and assistance of others.

I would also like to explicitly state the importance of bylaws regarding the Lobbyists Register. If the law-makers decide that the law will be amended and the register will be maintained solely by the SCPC, the existing bylaws should be revised[11] and it should be determined if some provisions on the matter should be present in the law itself.

[11] Especially the provisions regarding the content of the form for registration.

Article 11:

(1) The Register shall include the following data on the lobbyists:

- name and surname, unique identification number and address an

- the name and headquarters of the legal entity with which the lobbyist is employed.

(2) The lobbyist shall be registered for the period of one year with possibility for renewal.

(3) Lobbyists may request to be removed from the register before the expiration of the registration stipulated in paragraph (2) of this article.

(4) Lobbyists are obligated to report any change in the data stipulated in paragraph (1) of this article within five working days.

In my opinion, the register should also include the area or areas (fields) in which the lobbyist has registered an interest. It is also worthy of consideration if the register should include the lobbyist's tax ID number, perhaps in the place of the unique identification number. The important thing is that the data in the register is public (with the exception of tax ID number or similar personal information).

The provision of Paragraph 2 that lobbyists have to renew their registration each year is in my opinion unnecessary and only provides additional bureaucracy, which can be a deterrent for potential lobbyists to register in the first place. In my opinion, it is much more appropriate that such obligation of renewal only applies to lobbyists who don't have any lobbying activity in a certain period of time (for instance: one, two or three years).

I also recommend that other reasons for removal from the register are added and listed in an orderly way.

While the removal on the lobbyist's request is already included in the law, I would also suggest the following reasons for removal ex officio:

- it has been established that the data and documents provided by the lobbyist for the application and entry into the register are false;
- it has been established that the lobbyist no longer meets the legal criteria for the position of a lobbyist.

Article 12:

(1) The application for registering shall include the data stipulated in article 11 paragraph (1) of this article and a certificate for registration of the legal entity with which the lobbyist is employed or for registration as sole proprietor.

(2) The Minister of Justice shall prescribe the shape and contents of the form of the application for registration, renewal of the registration and removal from the Register.

Article 12 provides the ground for bylaws regarding the necessary forms for application, renewal and removal of lobbyists from the register. This is typical content for bylaws, so I find the provision suitable. As already stated, the existing bylaws should be revised accordingly if the content of the law is changed.

Article 13:

(1) The Secretary General of the Assembly of the Beneficiary country shall issue certificate for registration, renewal of the registration or removal from the Register within eight days from the day of submission of the form stipulated in article 12 paragraph (2) of this Law.

(2) The lobbyist shall be issued an identity card after the registration in the Register.

(3) If the lobbyist is removed from the Register, regardless on the reason, he/she is obligated to return the identity card.

(4) The Minister of Justice shall prescribe the shape and content of the identity card issued to the lobbyists, as well as the method of issuing.

Article 14:

(1) If the application for registration does not include the data prescribed with the application form, the Secretary General of the Assembly of the Beneficiary country shall ask the applicant to remove correct the application within three days.

(2) If the applicant acts according to paragraph (1) of this article, he/she shall be registered in the Register and shall be issued an identity card.

(3) If the applicant fails to act according to paragraph (1) of this article, the Secretary General of the Assembly of the Beneficiary country shall issue a resolution for rejection of the application for registration.

(4) Against the decision stipulated in paragraph (3) of this article, which is final, the applicant has the right to initiate an administrative dispute in front of relevant court.

As already stated, I believe that these provisions of the existing law present a standard regulation in running such a register and provide sufficient basis for the establishment of the lobbying activity that is based on the mandatory registration of the lobbyists. The only change I propose, already introduced in the beginning of this chapter, is to unite all state activities regarding lobbying within one state body, preferably the SCPC.

I would also emphasize the importance of the right of the applicant to start an administrative dispute against the rejection of the application, which is a derivative of the right to appeal (Article 14, Paragraph 4).

V. RIGHTS AND OBLIGATIONS OF THE LOBBYISTS

I see the main flaw of the existing system in the beneficiary country in the fact that the lobbyists are the only party of the lobbying contact who are obligated to report their activities to the authorities. The Slovenian system of lobbying regulation, with its dual-track approach to receiving lobbying data, has been praised by the international community and has also been quite successful in practice, therefore I recommend that at least some of its parts are implemented within the current Law on Lobbying.

The existing law states that the lobbyist is required to submit a written report on lobbying activities no later than 31 January for the previous year. I suggest that the law also includes an obligation for the lobbied person (the official/public servant targeted and approached by the lobbyist) to make a written record of every lobbying contact, containing the following data:

- the name of the lobbyist;
- information on whether the lobbyist has identified himself in accordance with the provisions of the law;
- the field of lobbying;
- the name of the lobbying client or any other interest group for which the lobbyist is lobbying;
- the date and place of the visit by the lobbyist;
- the signature of the person lobbied.

The lobbied person would then have to send a copy of the record to his superior and the supervising authorities (the SCPC) as quickly as possible. The Slovenian law instructs the lobbied officials/public servants to do so within three days of the lobbying contact[12] and I find that a reasonable time period. This way, the supervisory body would receive information about lobbying activities from both sides and could compare the data, request additional explanations or start an official inquiry if there is suspicion of undue influence.

I understand that at a first glance, this might seem a lot of additional work for officials/public servants and the potential changes of the law probably won't be welcomed with open arms. But I sincerely believe that it is one

[12] Article 68, Paragraph 2 of the Integrity and Prevention of Corruption Act (2010).

of the most efficient ways for the supervisory body to receive information on as much lobbying activity as possible, making the whole system a lot more transparent, which is the main goal of lobbying regulation.

Article 15:

(1) Lobbyists have the right to receive information and documents regarding the subject of the lobbying from the lobbying authorities, in a procedure and in scope prescribed with the Law on Free Access to Information of Public Character.

(2) Lobbyists may realize direct meetings with the officials in the authorities of the legislative and executive branch as well as with the officials in the local government, according to the rules of those authorities.

Within the theory on lobbying, the right of citizens to approach the governing bodies and affect the decision-making process is one of the most essential rights. Lobbying is an integral part of a healthy democracy, closely related to universal values such as freedom of speech and the right to petition. It allows for interest groups of every social and economic level to access the public sphere and present their views on public decisions that may come to affect them. It also has the potential to strengthen the quality of decision-making by providing channels for the input of expertise on increasingly technical issues to legislators and decision-makers. In that regard, lobbying is considered a positive element, as it ensures the participation of social and economic actors in the policy-making process and provides useful information.

The right if free access to information of public nature in the countrya is regulated with the Law on Free Access to Public Information. It is important that the lobbyist can at all times use the prescribed procedure to gain such information and that the status of a lobbyist automatically provides legal interest for such information to be received.

Paragraph 2 provides legal basis for lobbyists to seek out officials in the relevant field and approach them for the purpose of lobbying. The provision is suitable, as it indicates that the contact must follow the rules of the authorities where the lobbied person is employed. For instance, the meeting can be subjected to variables such as mandatory official hours and other internal rules of the state body where the contact takes place. The legal possibility of lobbyists to realize direct meetings with targeted officials does not mean that those officials cannot turn down such contact, as explicitly stated in Article 18, Paragraph 2.

Article 16:

(1) On the meetings stipulated in article 15 paragraph (2) of this Law, the lobbyist is obligated to show the data important for the lobbying to the official, especially for whom he/she is lobbying and the intention of the lobbying.

(2) Lobbyists are obligated to present all the meeting with officials in the legislative, executive and local government in the report stipulated in article 22 of this Law.

In my opinion, the meeting between the lobbyist and the lobbied person should be defined more precisely in the law. The lobbyist must first show his identification and the authorisation he obtained from the lobbying client to lobby. The lobbyist must also state the purpose and objective of his lobbying activities in a particular matter before the meeting starts. The lobbied person can agree to the meeting only after verifying that the lobbyist is entered in the lobbyist register (the register is public and the lobbied person can look it up beforehand to see if the person who contacted him is a registered lobbyist). This somewhat formalised procedure should clear out all possible misconceptions regarding the nature of the meeting.). The lobbyist may also submit any verbal or written information and materials on the matters in which the lobbyist carries out lobbying activities for the lobbying client, minding the possible confidential information stipulated in the lobbying contract (see Article 5).

Article 17:

(1) Lobbyists may request to present their positions and opinions on the lobbying subject in the working bodies of the legislative and executive branch on central level, as well as in the working bodies in the local government authorities in which he/she lobbies.

(2) The working bodies of the legislative and executive branch on central level and the working bodies of the local government authorities may invite lobbyists to present their opinion regarding the lobbying subject.

This is a good provision, as it enhances the right to access the decision-makers and present views on public decisions. Every registered lobbyist shall have the right to be invited to all public presentations and all forms of public consultations in the fields in which he has registered an interest, as well as to working groups and similar preparatory working bodies in the public sector.

Article 18:

(1) Lobbyists are obligated to submit correct data to the official, representative of the legislative or executive branch on central level, as well as to the official, representative of local government.

(2) The lobbyist's request for meeting with an official of the legislative, executive or local government may be rejected with explanation of the reasons.

It is paramount to the very idea of lobbying that the lobbying contact is voluntary and that the lobbied official can reject a meeting with lobbyists. The fact that a person is registered as a lobbyist does not mean that the officials cannot turn down contact with them.

In my opinion, the law should also present the situations where the lobbied official must reject or immediately stop the meeting with a lobbyist:

- if the lobbyist is trying to lobby outside the scope of lobbying (for instance, in individual judicial or administrative cases);
- if the lobbyist provides incorrect, incomplete or misleading information or acts in a suspicious way;
- if the lobbyist acts in contravention of regulations on the prohibition of the acceptance of gifts in the public sector or administers other variations of undue influence;
- if there's a conflict of interest on the part of the lobbied official regarding a particular lobbyist.

The lobbied official should be inclined by the law to report the lobbyist to the SCPC if the lobbyist fails to act in accordance with his obligations (Article 24, Paragraph 2 of the current law includes this obligation).

Article 19:

(*1)Lobbyists may organize and participate in public debates on the lobbying subject.*

(2) Lobbyists may give statements in the media and may publish articles on the lobbying subject.

I find this provision to be suitable. I would also add a provision which allows lobbyists to form a lobbyist association which is encouraged to adopt its own code of professional ethics.

Article 20:

During lobbying lobbyists are obligated to act according to the regulations regarding prevention of conflicts of interests and prevention of corruption.

The lobbyists are obliged to act in a way that prevents conflicts of interest and corruption, but it is especially important that they don't instigate any wrongdoing on the part of the lobbied person. Such conduct can be the basis for the lobbied official to reject contact with the lobbyist. It is therefore important that the law changes to the extent that the reasons for rejection of the meeting are clearly defined, as already suggested in my comments under Article 18.

Of course, if a conflict of interest arises on the part of the lobbied person during contact with a particular lobbyist, the lobbied person must refuse any contact with the lobbyist.

Article 21:

Registered lobbyists are obligated to submit a written report on their work to the Secretary General of the Assembly of the Beneficiary country and to the State Commission for Prevention of Corruption, not later than 31st of January if the current year, for the previous year or not later than 30 days from the day of removal from the Register, regardless on the reasons for removal.

The provision in Article 21 is standard for systems with a mandatory public register. As mentioned previously in my comments under Article 10, I believe that the SCPC should be the state body responsible for the register, therefore the lobbyists should report to them.

Article 22:

The Report stipulated in article 21 of this Law shall include:
- *evidence/certificate that he/she is registered as lobbyist according to this Law,*
- *data for whom, what and when he/she has lobbied,*
- *data where and through which activities he/she has lobbied and*
- *data on the financial compensation he/she received for the lobbying.*

Generally, the provision regarding the content of the lobbyist's report is fine, although it is quite basic. However, as this is a very important part of lobbying supervision, I recommend that the report should be defined more precisely and include other data parameters that should be known to the supervisory body. In my opinion, the lobbyist's annual report should contain the following information:

- all information on the lobbying clients for which the lobbyist has lobbied;
- exact information about the amount of payments received from lobbying clients for each matter the lobbyist has lobbied (if lobbying is a part of a general service contract that also includes other activities and the value of lobbying cannot be determined, the lobbyist shall report the value of the whole service contract and the percentage of time spent on lobbying in regard to other activities from that contract);
- the statement of the purpose and objective of lobbying for a particular lobbying client;
- types and methods of lobbying for a particular matter in which the lobbyist has lobbied;
- the state bodies in which the lobbyist has lobbied, as well as the names of all lobbied persons;
- the type and value of donations made to political parties and the organisers of electoral and referendum campaigns.

I would also recommend that the law includes the provisions on verification of the accuracy of the report by the supervisory body (SCPC). The SCPC should verify the accuracy of the data and statements presented in the lobbyist's report by carrying out the following:

- reviewing the lobbyist's documentation submitted as part of the report;
- making necessary enquiries with lobbying clients for which the lobbyist has lobbied;
- making necessary enquiries with state bodies and officials/public servants that were approached for lobbying;
- recommending that competent authorities conduct an audit of operation of the lobbyist or lobbying client if there's suspicion of misconduct.

It is my belief that the reports are useless without constant supervision. This could be carried out systematically, by meticulously verifying every report, or by random checks, where the supervisory body randomly selects a certain number or percentage of reports and reviews them thoroughly. The method that is used mostly depends on the number of registered lobbyists and the available manpower of the supervisory body. These

measures can be placed within the Chapter VII of the existing law.

VI. ACTIVITIES WHICH ARE NOT DEEMED AS LOBBYING

Article 23:

(1) The activities of the persons called to participate in the process of preparation i.e. explanation/implementation of laws and other regulations by the legislative, executive or local government shall not be deemed as lobbying regardless on the fact if they perform the activity with or without compensation.

(2) The activities within the sense of paragraph (1) of this article undertaken by legal entities (agencies, institutions, citizen associations from various fields) shall not be deemed as lobbying regardless on the fact if they perform the activity with or without compensation.

(3) The activities of citizens associations according to paragraph (1) of this article regarding representation of interests of their members or certain target groups shall not be deemed as lobbying within the sense of this Law if they are performed without compensation.

The national systems of lobbying regulation usually define lobbying only as direct lobbying, i.e. the contact between a registered lobbyist who performs his duties as an economic activity, and the person who takes part in the decision-making on certain public matters. National systems exclude the so-called grassroots lobbying as the activity of civil societies and other groups which appeal to the general public to contact government officials for the purpose of influencing public policy on issues like human rights and the normative system ruled by law.

Therefore, it is my belief that the very definition of lobbying on a national level should exclude actions taken by individuals, informal groups or interest groups for the purpose of influencing the decision-making of state bodies, bodies of self-governing local communities and the holders of public authority in the consideration and adoption of regulations and other general documents in the area directly relating to the systemic issues of strengthening the rule of law, democracy and the protection of human rights and fundamental freedoms. The list includes NGOs like Transparency International, Amnesty International and similar organisations, as well as other civil societies and citizens' associations that partake in more or less public display of pressure to the government. These activities shouldn't be tagged as lobbying, even though they might, to some extent, fulfil the legal definition of lobbying.

Other activities that shouldn't be considered lobbying are all activities that lack one or more elements of the legal definition of lobbying, as stated by the law. Under my comments for Article 2, I have suggested the three elements that are, in my opinion, essential for the legal definition of lobbying:

- the contact between the lobbyist and the lobbied person should be non-public;
- the purpose of such activity is to influence the decision-making process within the public sector in public matters;
- the influence is applied in the name of, in the interest of or on the account of a certain interest group or client.

Of course, national systems can add additional conditions[13], but it is my belief that the above-mentioned elements define the very core of direct lobbying.

By that definition, following activity also shouldn't be considered lobbying:

- press conferences, open letters and petitions that are intended to influence decision-making in public matters;

[13] For example, the definition of lobbying in the Slovenian Integrity and Prevention of Corruption Act (Article 4, Paragraph 14) is very broad and detailed (fully quoted on Page 4 of this report).

- participation in public debates regarding the drafting and passing of a certain law;
- the filing of written initiatives, suggestions and recommendation regarding public matters;
- other forms of participatory democracy.
-

VII. SUPERVISION ON THE LOBBYING

Article 24:

(1) The State Commission for Prevention of Corruption shall supervise the lobbying.

(2) The official is obligated to report to the State Commission for Prevention of Corruption if certain lobbyist acts contrary to this or other Law.

(3) State commission for prevention of corruption shall send the report stipulated in paragraph (1) of this Law to the lobbyist for reply on its quotations and to the legal entity with which the lobbyist is employed.

(4) The lobbyist and the legal entity shall give the reply stipulated in paragraph (3) of this article within five working days.

(5) If the checking of the facts of the report stipulated in paragraph (2) of this article shows that they are correct, the lobbyist and the legal entity may be imposed one of the measures stipulated in article 25 of this Law.

Besides the measures already suggested in my comments under Article 22 regarding the verification of the lobbyist's report by the SCPC, I would like to emphasize the importance of the lobbyist's right to make a statement in regards to the report filed by the official (Paragraphs 2 - 4). In the event that a report accusing the lobbyist of misconduct is filed, the lobbyist must have enough time to prepare a statement and send it to the SCPC. I find five working days (Paragraph 4) a reasonable time period in which the lobbyist can address the accusations accordingly.

If the beneficiary country adopts the dual-track approach to receiving lobbying data (strongly recommended by me), then the SCPC would also be responsible for supervising failure to report a lobbying contact on the side of the lobbied officials. The supervision would then include the following segments:

- supervision of report submission and verification of content of the report lobbyists;
- supervision of submission of reports of lobbying contacts by lobbied persons;
- supervision of conduct of both lobbyists and lobbying persons regarding all lobbying activities.

VII. TYPES OF MEASURES

It is my understanding that the existing Law on Lobbying only has administrative sanctions for failure to comply with the provisions of the law (warning, initiative to remove from register). While repression is by no means the goal of lobbying regulation, efficient measures must be prescribed for dealing with failure to comply with the law, especially if there's a reasonable level of suspicion that most lobbying activity is performed in secrecy, without the knowledge of the authorities. Therefore, it is my strong recommendation for the beneficiary country to consider introducing misdemeanours (with monetary fines) for at least some of the stronger violations of the law, while keeping regulatory sanctions like warnings for lesser misconduct.

Article 25:

(1) The State Commission for Prevention of Corruption shall warn the lobbyist if he/she fails to act according to article 21 of this Law or if the conditions of article 24 paragraph (5) of this Law are fulfilled and shall inform the Secretary General of the Assembly of the Beneficiary country and the legal entity stipulated in article 8 paragraph (3) of this Law.

(2) The State Commission for Prevention of Corruption shall submit an initiative to the Secretary General of the

Assembly of the Beneficiary country to remove the lobbyist form the register if he/she has been warned twice in the period of validity of the contract stipulated in article 3 of this Law.

(3) The Secretary General of the Assembly of the Beneficiary country is obligated to act according to the initiative stipulated in paragraph (2) of this article.

Article 26:

(1) The State Commission for Prevention of Corruption shall warn the legal entity with which the lobbyist who has been imposed the measure stipulated in article 25 paragraph (1) of this Law is employed.

(2) The State Commission for Prevention of Corruption shall submit an initiative to the Central Registry to delete the activity from the registration of the legal entity with which the lobbyist who has been imposed the measure stipulated in article 25 paragraph (2) of this Law is employed.

(3) The State Commission for Prevention of Corruption shall send information to the Secretary General of the Assembly of the Beneficiary country for the procedure stipulated in paragraph (2) of this article.

Regarding administrative sanctions, it is my opinion that the law needs greater variety, especially since there's a wide space of possible sanctions in the spectrum between a warning and a removal from the register. Therefore, I recommend the introduction of a ban from lobbying activities for a specified period of time, which may serve as a middle ground between a warning and a complete removal. The sanctions must be imposed depending on the gravity of the violation and on the consequences that ensue from the violation, as well as the fact that it is a first-time or repeated offense. In my opinion, it is also important that the sanctions are entered in the Lobbyists Register.

If misdemeanours are introduced in the system of the lobbying regulation, the possible violations that result in a misdemeanour are the following:

- conducting lobbying activities without being registered in the Lobbyists Register;
- failure to submit a report to the SCPC within the time specified in Article 21;

If the country adopts the dual-track approach to receiving lobbying data, then the misdemeanours should also include lobbied officials for the following violations:

- failure to submit a record or report on the lobbying contact to the SCPC;
- failure to report a lobbyist who violates the law or lobbies without being registered in the Lobbyists Register;
- failure to refuse contact with a lobbyist who is not entered in the Lobbyists Register or contact where a conflict of interest would arise.

Slovenian system can also punish a lobbying client for a misdemeanour when a person, who is not registered as a lobbyist, carries out lobbying activities with the full knowledge of the lobbying client.

Article 27:

The lobbyist and the legal entity with which the lobbyist is employed may initiate a procedure in front of relevant court, according to the Law, against the measures stipulated in articles 25 and 26 of this Law.

As stated before, the right to appeal is essential for the validity and legality of lobbying regulation and the general perception it invokes. The variation of this right under Article 27 is in my opinion sufficient.

I have left out the **Chapter IX (Transitional and Final Provisions)**, as they represent standard provisions to conclude the law (i.e. vacation legis).

* * *

In conclusion, I believe that the situation in the field of lobbying in can be improved with certain tweaks of the regulation, as well as additional activity of the SCPC and other institutions. The beneficiary country already has an existing legal basis for lobbying in the form of a special Law on Lobbying and it is my recommendation that the country and its institutions build on the existing legal platform and increase the efforts to educate lobbying parties and the general public on this important subject. I understand that the desired results won't happen overnight and that additional planning is required, therefore I have devised an action plan to kick-start these activities.

The Action Plan

As part of my mission, I was asked to make an action plan for the SCPC to raise awareness on the subject of lobbying.

It is my opinion that most activities can start right away, regardless of the impending potential changes of the Law on Lobbying (which might take a lot of time to materialise). These activities should comprise the following goals:

- the promotion of the lobbyist profession as a legitimate and transparent activity;
- the overturning of negative public perception of lobbying;
- the education of all parties involved about their rights and obligations and the overall regulation of the lobbying system;
- efficient supervision/monitoring/control;
- drafting of the changes of the law on lobbying.

1. The promotion of the lobbyist profession:

During my stay in Skopje I have learned that the country doesn't have any lobbyists registered in its public Lobbyists Register. That means that the SCPC as the main supervisory body doesn't know the actual amount of lobbying that takes place in the country. The reasons for this are many:

- the persons who lobby aren't familiar with the legal provisions on lobbying;
- the persons who lobby are afraid of the negative perception and mistrust from the public;
- the procedure to gain the status of a lobbyist is too complicated or too exclusive.

Though lobbying is a perfectly legitimate profession all over the world, it still tends to bring negative connotations to an average citizen. The efforts of the SCPC should therefore focus on demystifying lobbying as a clandestine activity and emphasizing the right of citizens to reach the decision-makers and present them their ideas and interests in public matters. Each system should strive for a climate where the lobbyists first and foremost don't feel bad when they identify themselves as lobbyists and are willing to disclose information to the supervisory body according to the law.

The best way for the SCPC to achieve this goal is to start a public dialogue on the issue of lobbying through different media outlets. The SCPC can organise and promote public debates, workshops, presentations and lectures on the subject. The SCPC can also produce articles and principled opinions on various subjects relating to lobbying and publish them on its website. The SCPC can also make a brochure that includes all lobbying-related provisions, ethical issues and codes of conduct, as well as detailed instructions for the registration, and distribute it to the Chamber of Commerce or other similar interest organisations and guilds of the private sector

(potential lobbying clients). All above-mentioned activities can be completed with the cooperation of other state bodies, as well as universities and NGOs interested in the subject.

Regarding the conditions for acquiring the position of a lobbyist, I believe that the demands of the law are too high and that these conditions signify a major deterrent, as well as an "excuse" for potential lobbyists not to register. I have made my suggestions for the Section III of the law in my assessment of the Law on Lobbying.

2. **The overturning of the negative public perception of lobbying:**

The issue of negative public perception of lobbying activities is closely connected to the misconception of the lobbyist profession, mentioned in section 1 of this action plan.

Again, the best way to tackle this subject is to raise awareness through public debates, lectures and presentations. In its public statements, the SCPC can inform the public that the point of lobbying is to grant the equality of access to the citizens to influence the decision-making of the governing bodies in a democratic way. It can also emphasize the transparency of the process and the obligation of reporting that law-abiding lobbyists must follow. Besides, a good way to overturn the public perception of "lobbying secrecy" is to ensure that the information on lobbying activities is published and made easily accessible to the public.

In a way, the SCPC must entice the media to become more sensitive to these issues and help spread the notion that the influence on decision-makers isn't always a bad thing, as long as it's transparent and lawful. That can be achieved with public statements or press conferences of the head of SCPC and other high-profile public officials, as well as with their commentary on current issues in the country, especially the ones that could be resolved if there was a higher level of transparency involved.

Another method to increase public trust in the institute of lobbying is strong supervision, complete with sanctions, so the public can distinguish between legal lobbying and undue influence. To my knowledge, the current law on lobbying only has administrative sanctions for lobbyists (warning, removal from the register), which in my opinion do not suffice. In this regard, a change of the law is necessary to introduce stronger sanctions for the failure to comply with the law.

Constant emphasizing of the importance of lobbying regulation and compliance with the law will, over a longer period of time, also strengthen the transparency of decision-making and instil trust in government activities.

3. **The education of all parties involved:**

Lobbying involves the following parties:

- the lobbyist;
- the lobbied person (the target of lobbyists);
- the lobbying client.

All of the parties must be adequately informed of the legal basis of lobbying and their respective roles in the process of lobbying, as well as the (theoretical) goals that lobbying regulation is trying to achieve. The education can be performed by the supervisory body (SCPC), which is in my opinion most suitable for this task.

Since having very little practical experience in the matter of lobbying supervision, the SCPC employees are advised to participate in training in EU member states with similar legal background and lobbying regulation system, with the help of TAIEX or similar programs. There, these employees can learn first-hand about good

practices, suitable methods and general experience of these countries in educating the parties involved, as well as how to raise public awareness over a longer period of time.

The next step is to organise presentations and workshops, both in private and public sector. The education of public sector employees, i.e. potential lobbied persons, is especially important, as they are currently excluded from the law on lobbying. Even before the changes of the law regarding the obligation of lobbied persons to report their contacts with the lobbyist come into power, public sector employees can be educated about the ethical side of the influence on decision-makers, as well as their obligation to decline and report all forms of illegal lobbying.

It is worth adding that the efforts of the SCPC in this matter should be continuous, as the change of perception of the parties involved cannot happen overnight. It should include constant education in all parts of the public sector (state and local) where lobbying can take place (where the public officials and public servants engage in a decision-making process in public matters).

4. **Drafting of the changes of the law on lobbying:**

In this regard, I can only emphasize the importance that the SCPC is adequately represented in the working group tasked to draft the necessary changes of the Law on Lobbying. The members of the SCPC are in my opinion most suitable, as they are knowledgeable on the subject and will be the ones to carry the provisions in practice. The goal should be to draft a well-rounded and efficient body of text that addresses all issues that may occur in practice and clearly defines the rights and obligations of the parties involved, as well as suitable sanctions for possible violations.