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TRANSFORMATION OF LOBBYING INSTRUMENTS FOR ECONOMIC STAKEHOLDERS IN EUROPEAN COUNTRIES

The article examines modern developments of lobbying institutionalization (legal aspect) on the state level in European countries since 2014 up to 2021 and its effect on economy, notably definitions of lobbying and lobbyists, their targets, lobbying registers and new instruments of influence for the economic actors.

Keywords: *lobbying; lobbyists; influence on decision-making; stakeholders; legislation; economics; investments; Belgium; France; Germany; Ireland; Italy; Lithuania; the UK.*

INTRODUCTION

Today, lobbyists became an integral part of decision-making processes in the modern Western democracies. From local to country level, from municipal to supranational and global, lobbying is an instrument widely utilized by different stakeholder in the world, which broadly affects the world of economics. The lobbying has also a number of contradictions. While expert information obtained from lobbyists has a positive impact on quality of decision-making, there is also an excessive negative impact, which may be harmful to the public interest. The latter could be resolved via establishing of lobbying regulation, according to modern international standards.

Under these circumstances, lobbying has already become the subject of the study and recommendations by UN Global Compact, Group of States against Corruption (GRECO) and European Committee on Legal Co-operation (CDCJ) of the Council of Europe, European Commission and European Parliament.

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Negative impact was reported by Transparency International's country offices and Transparency International Europe. Lobbying in the meaning of equality of access to the markets was subject to research by the United Nations Conference on Trade and Development.

Lobbying has numerous definitions. Pursuant to UN Global Compact report «Towards responsible lobbying», lobbying is to try to influence the thinking of legislators or other public officials for or against a specific cause. In accordance with the definition supported by the Organisation for Economic Co-operation and Development, lobbying is the specific efforts to influence public decision making either by pressing for change in policy or seeking to prevent such change. Furthermore, according to the OECD report «Lobbyists, Governments and Public Trust», lobbying consists of representations to any public officeholders on any aspect of policy, or any measure implementing that policy, or any matter being considered, or which is likely to be considered by a public body. According to the EU definition lobbying means all activities carried out with the objective of influencing the policy formulation and decision-making processes. In general, the term lobbying could be summed up in general as an influence on decision-making process.

According to the available data, the number of lobbyists in world continue to increase. As of the date of the present Article, the number of lobbyists acting on the supranational level in the EU comprises 11 772. The very first country in the world, where the lobbying regulation was established — USA — today has a quite similar number of lobbyists, which is estimated at 11 524¹, with a more than two times raise in total spending from 1.45 bl USD in 1998 to 3.49 bl USD in 2020^{2,3}. Pursuant to the estimates, the number of lobbyists in Berlin (only) amounts at 5 000 and almost 800 of them have Bundestag IDs (as of late 2020)⁴. Furthermore, according to Canada official stats, number of active lobbyists in Canada amounts at 6 448 as of April 2021⁵. The global pandemic also influenced lobbyists, thus, 715 lobbyists are lobbying issues related to COVID-19 in Canada today.

The purpose of this article, therefore, is to analyze recent developments of lobbying regulation in European countries from 2014 up to now in order to examine current developments in regulation of the influence on decision-making process and establish newly created instruments for lobbying by economic stakeholders.

The timeframe was chosen since the last examination of the lobbying regulation in these countries was made in 2014—2015 by OECD, GRECO, CDCJ, European Commission, European Parliament and Transparency International. There was no analysis of lobbying legislation in European countries since that time (publicly and freely available).

¹ Statista. Available at: <https://www.statista.com/statistics/257340/number-of-lobbyists-in-the-us/> (accessed on 09.04.2021).

² Statista. Available at: <https://www.statista.com/statistics/257337/total-lobbying-spending-in-the-us/> (accessed on 09.04.2021).

³ Calculations by the Center for Responsive Politics based on data from the Senate Office of Public Records. Available at: <https://www.opensecrets.org/lobby/> (accessed on 09.04.2021).

⁴ Neue Regeln für die Lobbyisten, available at: <https://www.dw.com/de/neue-regeln-für-die-lobbyisten/a-54897345>

⁵ Office of the Commissioner of Lobbying of Canada. Available at: <https://lobbycanada.gc.ca/app/secure/oc/lrs/do/lbsRegs>

OVERVIEW OF RECENT DEVELOPMENTS IN LOBBYING INSTITUTIONALIZATION (LEGAL ASPECT)

According to the OECD's information, 12 of its member-states from out of present 37 adopted legislation on lobbying from 1940 to 2014⁶, notably USA, Germany (limited legislation), Australia, Canada, Poland, Hungary, France, Israel, Slovenia, Mexico, the Netherlands, Austria.

At the same time, starting from 2014 up to now the number of European OECD member-states, which adopted legislation on lobbying increased for another 8 countries. Seven of them established legislation on the state level (Belgium, France, Germany (extensive legislation), Ireland, Italy, Lithuania, the UK), while two institutionalized lobbying on the sub-state level – Spain and Germany again, but the latter are not subject to present article and shall be analyzed in the following works.

Thus, the total growth of countries adopted lobbying regulation by European OECD member-states for the period of last 7 years constituted 67% of overall lobbying regulation by OECD member-states for the previous 75 years. These impressive figures are expected to increase in the coming years and it is essential such lobbying regulation to be adopted in conformity with international standards of lobbying regulation.

AFFECT OF LOBBYING AND INTERNATIONAL INVESTMENT REGIMES

The lobbying has a broad effect on businesses from the international economics perspective. Such influence on decision-making process significantly affects investment facilitation and promotes accessibility and transparency in investment policies and regulations relevant to investors. It also gives lawful instrument to adopt, amend or cancel legislation or other legal acts to the investors. Often, the development of institutional capacity in some countries has been helped by the advocacy activities of the investment promotion agency within government. Several promotion agencies have successfully lobbied for more resources as well as for key reforms that could positively impact the investment climate⁷.

Moreover, influence of decision-making today makes the difference in markets, since large companies are using their growing lobbying power to prevent regulatory authorities from intervening. Lobbying is also used to gain from the governments (e. g. subsidies; adoption, amendment or cancellation of laws) via lobbying efforts and campaign contributions by corporate stakeholders [1]. The role of public policy in shaping more responsible markets, and the part business plays in that process, is all-important; lobbying is hugely influential in this sphere [2]. Companies are increasing their lobbying activities in developing countries, and with UN and other international agencies, as their attentions move from established to emerging markets.

⁶ Regulations and Codes of Conduct on Lobbying in OECD countries. Available at: <http://www.oecd.org/gov/ethics/Lobbying%20timeline.pdf>

⁷ Investment Policy Report., UNCTAD Division on Investment and Enterprise. New York and Geneva, 2018, p. 14.

International Investments Treaties, Bilateral Investments Treaties are subject to lobbying, notably in the post establishment clauses, i.e. the conditions of operation in the host country for enterprises owned or controlled by non-established or non-resident investors; dispute resolution mechanisms in the form of Investor-state dispute settlement; investment liberalization commitments (if applicable under the respective regime). At the same time, the investors still can fear discrimination of expropriation in the relevant jurisdiction, but the such agreements can give them a chance to challenge negative developments in the courts, which makes international investment regimes interesting to lobby before they reach relevant jurisdiction or face such problems [3].

ESTABLISHMENT OF LOBBYING INSTRUMENTS IN BELGIUM, FRANCE, GERMANY, IRELAND, ITALY, LITHUANIA AND THE UNITED KINGDOM

Belgium. In July 2018, members of the Chamber of Representatives of the Belgium Federal Parliament voted for changes in the Rules of Procedure and as a result the Lobbies Register was created⁸. In Belgium lobbying is defined as an activity, which is carried out with the objective of directly or indirectly influencing the policy-making or the implementation of policies or the decision-making processes of the Chamber.

The following organizations are considered as lobbyists: specialized consultancies, law firms and self-employed consultants; in-house lobbyists, trade unions and professional associations; non-governmental associations; think tanks, and research and academic institutions; organisations representing churches and religious communities; organizations representing local, regional and municipal authorities, and other public or mixed entities. Moreover, all organisations and self-employed individuals, irrespective of their legal status, engaged in activities, whether on-going or under preparation, covered by the register are expected to be registered.

At the same time, a number of activities were not covered by the register concerning provision of legal and other professional advice, notably: advisory work and contacts with public bodies in order to better inform clients about a general legal situation or about their specific legal position, or to advise them whether a particular legal or administrative step is appropriate or admissible under the existing legal and regulatory environment; advice given to clients to help them ensure that their activities comply with the relevant law; analyses and studies prepared for clients on the potential impact of any legislative or regulatory changes with regard to their legal position or field of activity; representation in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body; or exercise of the fundamental right of a client to a fair trial, including the right of defense in administrative proceedings, such as activities carried out by lawyers or by any other professionals involved therein.

The Lobbies Register is public, published on the internet site of the Chamber and managed by a Chamber service. The Register contains such information as the

⁸ Rule 163 of the Rules of Procedure of the Belgian House of Representatives. Available at: https://www.dekamer.be/kvvcr/pdf_sections/publications/reglement/reglement_UK.pdf

personal identification details of the lobbyist, name, legal form, address of registered office, phone number, E-mail address, registration number of the company, objects of the company, names of the clients represented by the company, institution or organisation.

As of April 2021, 144 lobbying entities were registered as lobbyists, including representatives of different sectors, e.g. jewelry (Antwerp World Diamond Center), alcohol (Belgian Brewers) and tobacco (Etablissements L. Lacroix Fils NV), chemical industry (Essenscia), finance (Febelfin) and automotive (Febiac vzw-asbl), legal services (Institut des juristes d'entreprise) and others⁹. In addition, the Chamber also includes independent advisers whose goal is to promote the observance of human rights before, during and after the conflict, counseling on combating radicalism, promoting peace and security, and ensuring gender equality (Vrouwenraad).

A number of lobbyists in Belgium is concentrated on economics and successfully exercise their influence on the economic development of the country. The Institute for Tax Advisors & Accountants are lobbying the Chamber of Representatives on behalf of the decision-makers in information and communication technologies from different economic sectors of Belgium. The lobbying agency Lobco2Care promotes the interests of its clients within the Chamber in pharmaceutical, retail, IT & telecommunications, security and public affairs. Consultancy Akkanto help to enhance the societal and financial validation of their clients and building the confidence of investors and stakeholders in order to maximise the value of the operation.

France. In December 2016 the Law on Transparency, Fighting the Corruption and Modernization of Economics was adopted in France¹⁰ (with amendments in 2017¹¹) and since May 2018, France's new legislation came into force, which also includes provisions for regulating lobbying and creation of a single public register of lobbyists with mandatory registration (Le répertoire des représentants d'intérêts). According to the law, the lobbyists could be natural or legal persons, public organizations, commercial groups and chambers of commerce, employees or members of which influence the public decision-making process.

It is also established that until June 2021 the lobbying targets are government members, ministry staff members, members of the National Assembly or the Senate, parliamentary groups, chairmen of the National Assembly or the Senate, staff of the French Presidential Secretariat, directors of the secretariats, authorized persons appointed by a separate government decision. Starting from July, 2021 a number of employees of executive power bodies at the local level, heads of departments and their deputies will also be included into the list of lobbying targets¹². At the same time, other elected representatives, political groups and

⁹ Lobbyregister – Registre des Lobbies. Available at: https://www.lachambre.be/kvvcr/pdf_sections/lobby/lobbyisten.pdf

¹⁰ Loi n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique. Available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00003358528&categorieLien=id>

¹¹ Décret n° 2017-867 du 9 mai 2017 relatif au répertoire numérique des représentants d'intérêts. Available at: <https://www.legifrance.gouv.fr/eli/decret/2017/5/9/ECFM1706418D/jo/texte>

¹² Répertoire des représentants d'intérêts : Lignes directrices. Haute Autorité pour la transparence de la vie publique. Paris, 2018, p. 19.

parties, unions representing employees of public bodies, unions of workers and employers (if necessary to perform social dialogue), religious organizations in the field of interaction with religious affairs, representatives of associations, which are selected in accordance with their charters could not be lobbying targets within the framework of the law.

Influence on decision-making is considered as lobbying if a person spends more than half of his working time on influencing the above-mentioned lobbying targets regarding one or more public decisions. Lobbying is a regular interaction of the lobbyists with lobbying target in relation to a particular issue, which is considered as at least 10 interactions in the last 12 months. At the same time, the actions of individuals or legal entities within the framework of existing procedural rules should not fall under the definition of lobbying. For example, if a person wants to get certain permission in order to receive benefits, then such actions are not considered as lobbying under the already existing rules of procedure. In general, communication within the framework of lobbying legislation in France is a personal meeting, telephone conversation or video conference, e-mails or printed letters, personal interaction by means of any communication.

As of April 2021, the lobbying register of France contains 2300 lobbyists, who declared 37 485 lobbying activities, since the creation of the register¹³. The register includes French corporation Sanofi, which while having legal problems with its subsidiary in Ukraine, lobbied the National Assembly and the Senate of France in order to receive support to resolve these problems in the late 2017¹⁴ (in the same period Antimonopoly Committee of Ukraine imposed a two million euro fine on Sanofi Ukraine). For this purpose, Sanofi organized informal discussions, meetings with members of the National Assembly and the Senate, governments and transmitted to them information and expert conclusions regarding the situation they have faced. Another example is French organization Secours catholique, which fights poverty and promotes social equality. In 2017 the said organization lobbied members of French government on the matters of their participation in the UN Climate Conference 2017. For this purpose Secours catholique organized meetings with members of the government, who are responsible for the environment, energy and sea.

Germany. On 1 of April 2021 the Lobby Register Act¹⁵ (Lobbyregistergesetz — LobbyRG) came into force in Germany. According to the Act, professional interest representatives are obliged to register in a Bundestag lobbying registry. The new legislation applies to any natural or legal persons and other forms, including networks, platforms and other forms of collective activities. The lobbying targets are Members of the Bundestag and parliamentary groups. The term «lobbying» is defined very broadly in order to ensure that all forms of representation of interests in the German Bundestag are covered.

¹³ Haute Autorité Pour la Transparencede la Vie Publique. Available at: <https://www.hatvp.fr/le-repertoire/>

¹⁴ Demande d'appui des décideurs publics français dans le cadre de difficulté juridiques en Ukraine pour la filiale de Sanofi Date de publication 11.04.2018. Available at: <https://www.hatvp.fr/fiche-organisation/?organisation=403335938##>

¹⁵ Gesetz zur Einführung eines Lobbyregisters für die Interessenvertretung gegenüber dem Deutschen Bundestag und gegenüber der Bundesregierung (Lobbyregistergesetz — LobbyRG). Available at: <http://dipbt.bundestag.de/extrakt/ba/WP19/2666/266665.html>

The register is publicly accessible. It contains name and seat of the interest representatives, area of interest and description of the activity, composition of the board of directors and management, information on clients for which representation of interests is operated, financial statements and information on related grants and donations, data on the annual financial expenses in the area of interest representation. It also includes information whether the foreign interests are related to the matter. Domestic and foreign public officials as well as elected officials are exempted from registration in the exercise of their activities.

If lawyers support their clients in representing their interests within the Bundestag, these activities are also subject to the registration, since they no longer fall under the scope of the legal services. At the same time, the activities of churches and religious communities and press are not subject to the Act. There is also no need to register if the information is being obtained under the respective request of the Member of the Bundestag. The fine for not comply with the Lobby Register Act is up to 50,000 euros. Since the legislation is relatively new, the statistics of the registry is not yet available.

Ireland. In 2015 the Lobbying Act of Ireland came into force, according to which lobbyists are required to be registered¹⁶. The register includes lobbyists, which aimed at representing interests for financial remuneration or managing the communications in the interests of a third party. Lobbyists could be business organizations, trade unions, non-governmental or charity organizations.

The targets of lobbying are Ministers of the Government and Ministers of State, members of the Lower House (Dáil Éireann) and the Upper Chamber (Seanad Éireann) of the Irish Parliament, Irish members of the European Parliament, members of local authorities, special advisers to the government, civil servants, and any other prescribed office holders or description of persons. At the same time, the above categories of officials include fewer than 300 employees out of 37,000 employees of public servants in Ireland, which gives lobbyists an excessive area of lobbying. In order to avoid confusion, Ireland has a list of non-lobbyists organizations, including public companies (Electricity Supply Board, An Post, Irish Aviation Authority, Railway Procurement Agency, Voluntary Health Insurance Board and others), anybody corporate established by Act of Parliament before 6 December 1922 that, upon its establishment, was of a commercial character, the subsidiaries of these companies.

The register includes organizations based on matter of return, public policy area of return and main activities of the organization. Thus, UNICEF Ireland is included as a lobbying organisation and carries out lobbying in such areas as foreign affairs, EU affairs, refugee status obtainment assistance, justice and equality. In September 2015 UNICEF Ireland also participated in preparation for the UN General Assembly and lobbied the Irish government to implement children-oriented sustainable development goals of the United Nations in accordance with the UN Agenda 2030. To do this, UNICEF Ireland prepared a series of letters with the need for such an implementation, and in the annex provided a letter written by 18 children who were victims of violence. In May 2017, UNICEF Ireland lobbied the Irish Parliamentarians and Minister for Foreign Affairs and Trade for

¹⁶ Regulation of Lobbying Act 2015 (Ireland). Available at: <http://www.irishstatutebook.ie/eli/2015/act/5/enacted/en/html>

the UNICEF Report on the situation in Yemen and Libya to raise awareness of the situation on the ground for children and to encourage the Government of Ireland to respond. In October 2017 UNICEF Ireland lobbied Ministry of Foreign Affairs and Trade of Ireland regarding Child Alert Report on situation for Rohingya children fleeing Myanmar with request for humanitarian intervention¹⁷.

Another example of lobbying is the activity of the Ecumenical Accompaniment Programme in Palestine and Israel, which is engaged in lobbying the interests of Palestine in Ireland. For example, in January 2016, the organization was lobbying for the Government of Ireland to recognize Palestine and general issues regarding the occupation of the Palestinian Territory. In January 2017, the organization lobbied the Irish MPs for measures to respond to Israel's destruction of infrastructure built with EU funds. As a result, up to 30 meetings were held and more than 100 e-mails sent to parliamentarians. In general, since 2016, the organization has repeatedly lobbied the position of Palestine in the Irish Parliament and one of the results was the adoption of a law that banned Irish citizens from «importing or selling goods or services originating from the Occupied Territory» in December 2018¹⁸.

Non-governmental organizations also lobby interests in the government and parliament of Ireland. The Irish Association of Non-governmental Development Organisations lobbied government bodies regarding participation in the UN Summit on Sustainable Development in September 2015, via clarifying to the government of Ireland on the need for the participation of parliamentarians, government officials and the Prime Minister of Ireland in the meeting Council on Refugees and Migration at a high level in September 2016. In addition, the organization promoted the implementation implements OECD DAC recommendations on calculating refugee costs from the ODA budget from January to April 2018. Similarly lobbying for such organizations as Doctors Without Borders (Médécins Sans Frontières) and by France Ireland Chamber of Commerce¹⁹.

Italy. In April 2016 lobbying regulation was established in the Chamber of Deputies of the Italian Parliament²⁰. According to the provisions, the representation of interests in the Chamber is based on the principles of publicity and transparency. For this purpose, an online register of lobbyists was established²¹.

Within the Chamber of Deputies, the representation of interests was defined as activity carried out in the premises of the Chamber by submitting proposals, requests, providing research results, analysis, or through any other written or oral communication aimed at achieving the legitimate interest of the subject of lobbying, or third person. Each person representing interests must report on December 31 of the relevant year and provide information on all representations of interests, the list of persons subject to communication, subject matter and lobbying were carried out and in whose interests it was carried out. In case of a violation of the rules, the sanction is established in a form of exclusion from the register.

¹⁷ The Register of Lobbying (Ireland). Available at: <https://www.lobbying.ie/>

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ XVII Legislatura Bollettino Delle Giunte e Delle Commissioni Parlamentari Camera dei Deputati, 26 Apr. 2016, No. 631. Available at: <http://www.camera.it/leg17/824?tipo=A&anno=2016&mese=04&giorno=26&view=&commissione=15#data.20160426.com15.allegati.all00050>

²¹ Registro rappresentanti di interessi. Available at: http://www.camera.it/rappresentantidiinteressi/registro_rappresentanti.html

Functions of the supervisory body for data entry are performed by the Collegium of Questors (Collegio dei Questori) of the Chamber of Deputies, consisting of three members of the Parliament. Under the condition of inclusion in the register, the Collegium grants annual permissions to lobbyists for visiting Montecitorio. The lobbyists also have an opportunity to attend events related to the subject of lobbying. Regulation applies to private companies, trade unions and organizations for protection of the rights of employees, NGOs, business associations, trade associations, associations of consumers rights and former parliamentarians. This provision does not apply to government bodies or agencies.

The register includes various lobbyists, ranging from international non-governmental organizations and multinational companies to private individuals. For example, non-governmental organization World Medical Aid, which provides humanitarian charity mission in Italy and third countries aimed at improving the situation in health care, protection of civil and women's rights. Another example is the transnational corporation BASF, operating in Italy since 1946, which is the world's largest chemical industry company, represented in 80 countries of the world and has more than 300 industrial sites all over the world. The company identified as the lobbying targets the parliamentary commission on environmental protection, finance, and social affairs. Another organization called For Rome is lobbying parliamentarians, including parliamentarians in general and parliamentarians elected in the constituencies of Rome and Lazio with the aim to influence laws affecting Rome or its citizens. Organization of BTC Association — Blockchain Technology Cryptocurrency advocates the development of legislation on blockchain technology in Italy in order to ensure the leadership of Italy in this area. The Rotary International, known as the non-governmental organization, with a wide range of activities, ranging from health to cultural issues is also lobbying Italian Parliament. The registry includes private individuals, e.g. a lawyer and a representative of the Italian trade associations the in the UAE and aims to promote the interests of Italian companies in the UAE, the international relations between Italy and the Arab world.

Lithuania. In Lithuania law on lobbying was adopted in 2001 and lobbying was defined as an activity of a physical or legal person in an attempt to influence adoption, cancellation or amendment of the legislation in the interests of the client²². After the significant amendments in 2015 (effective starting from 1st of September 2017), which aimed correspondence to OECD recommendations on lobbying, the term «lobbying» was defined as an activity carried out by an individual in an attempt to influence the authority in the interests of the client for the adoption or cancellation of legislative acts or administrative decisions²³. As a result, the above amendments restraint scope of lobbyists to natural persons, which means that only they can act as lobbyists in Lithuania.

At the same time, by amendments of 2015, it was specified who exactly can be lobbying target in Lithuania. Thus, lobbied persons in Lithuania are state

²² Article 2 of the Law on Lobbying Activities No. VIII-1749 of 27 Jun. 2000. Available at: <https://www.aalep.eu/sites/default/files/documents/EU%20LOBBYING%20REGULATIONS-POLAND%20CHUNGARY%2C%20LITHUANIA.pdf>

²³ Article 2 of Meierovica biedribas prioritāte – ētiskas un atklātas lobēšanas nostiprināšana Law on lobbying activitiites (Lithuania). Available at: https://www.vtek.lt/images/Duomenys/Republic_of_Lithuania_Law_on_Lobbying_Activities_20170620.pdf lietussargs.lv/meierovica-biedribas-prioritate-2013/

politicians, state officials, civil servants and other persons who, according to the official functions assigned to them pursuant to the procedure laid down by legal acts, are involved in preparing, considering and adopting legal acts or administrative decisions.

Lobbyists in Lithuania have an opportunity to be involved in the process of preparation of legislative acts, to submit proposals and explanations regarding draft legislative acts. On its own initiative, lobbying entities are able to evaluate legislative acts, draft laws, and administrative decisions. They also have access to premises, possibility of organizing public events and receive information and documents from state and municipal authorities²⁴. Lobbying by state officials and persons involved in the adoption of legislative acts or administrative decisions is not recognized (since 2001). They are also prohibited by law to be clients of lobbyists, as well as state enterprises are subject to prohibition. At the same time, it is prohibited to finance lobbying activities from state and municipal budgets.

As of April 2021, only 189 lobbyists were registered and the reporting is publicly available. It is also necessary to report on income and expenses from lobbying activities²⁵. Prior to the adoption of amendments to the legislation in 2015, the reports were to be published in an official publication entitled «Official Gazette». Today, they are available at official web-page of the Main Ethics Commission of Lithuania (Vyriausioji tarnybinis etikos komisija).

An example of lobbying in Lithuania is Meta, which provides lobbying services in Estonia, Latvia and Lithuania. In October 2018, the company lobbied the Lithuanian Ministry of Finance for the refund of value added tax to change the regulation for foreign tourists. The organization noted that the purpose of the changes is to make the situation in Lithuania more attractive in this regard than in the surrounding countries. The lobbying target was the Head of the Tax Department of the Ministry of Finance of Lithuania²⁶.

Another example of lobbying is the work of the American Chamber of Commerce Association, representing American companies in Lithuania. In October 2018, the organization lobbied for changes in the Lithuanian legislation on medical products and the introduction of a medical technology assessment system in order to improve the situation for Lithuanian patients who have not been represented in this process. The lobbying target was the Health Committee of the Lithuanian Sejm²⁷.

The UK. In 2013, consultations were launched in the UK, and in 2014 new legislation was introduced, which accelerated the institutionalization of lobbying in the country. Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act aims at restricting political parties in pre-election times and introducing a mandatory lobbyists register²⁸. Lobbying itself means the business of representing the interests of a client by communicating with senior Government decision-makers on the working or function of the Government [4].

²⁴ Ibid. Article 4.

²⁵ Vyriausioji tarnybinis etikos komisija. Available at: <https://skaidris.vtek.lt/public/home/main>

²⁶ Vyriausioji Tarnybinis Etikos Komisija. Available at: <https://www.lobistai.lt/deklaracijos>

²⁷ Ibid.

²⁸ Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014. Available at: <https://www.legislation.gov.uk/ukpga/2014/4/contents>

In the UK, organisations and individuals are considered to be carrying out lobbying if they have made direct oral, written or electronic communications personally to a Minister of the Crown, Permanent Secretary (or equivalents) currently in post, referred to as «Government Representatives» relating to: the development, adoption or modification of any proposal of the Government to make or amend primary or subordinate legislation; the development, adoption or modification of any other policy of the Government; the taking of any steps by the Government in relation to any contract, grant, financial assistance, licence or authorisation; or the exercise of any other function of Government. This communication is made in the course of a business and in return for payment on behalf of a client, or payment is received with the expectation that the communication will be made at a later date²⁹.

According to the law, the Registrar of Consultant Lobbyists was established³⁰, which is administrated by an independent statutory office called the Office of the Registrar of Consultant Lobbyists. Lobbyists should be registered and are responsible for making false or inaccurate data. Reports must be provided on a quarterly basis and should contain name of a person on behalf of which the lobbying is being made. As of April 2021, the Registrar of Consultant Lobbyists contains 172 entries. Among the lobbying consultancies there are such famous companies as Deloitte LLP, Ernst & Young LLP, Fleishman-Hillard Group Limited, Grayling Communications Limited, Hill + Knowlton Strategies and others. Each of them represent a number of client, but the register lacks detailed information on lobbying activities.

CONCLUSION

The above clearly shows significant progress in the adoption of the lobbying regulation in European countries during last 7 years. Eight European OECD-member-states from out of 37 OECD member-states overall adopted regulations of lobbying in order to make this area more transparent and publicly open, notably seven of them on the state level in Europe — Belgium, France, Germany, Ireland, Italy, Lithuania, the UK. The pace of adoption of the legislation on lobbying in the world is high today as never before and this tendency is expected to continue, thus, creating new instruments for the influence by economic stakeholders.

The article also shows necessity of adoption of such legislation in order the stakeholder and economic stakeholders to receive the lawful right and way to exercise mutually beneficial influence in the countries concerned. Creation of the new ways for lobbyists to approach decision-makers is also beneficially for the societies, since they become aware of such activities. If not fully aware, but to some extent, which is enough to understand how the lobbying works in their countries.

As it could be seen from the above, lobbying regulation gives also a chance to simplify positive lobbying for such organizations as (UNICEF Ireland, UNICEF UK, Red Cross, Doctors Without Borders, World Medical Aid), to trace business lobbying (Deloitte LLP, Ernst & Young LLP, Fleishman-Hillard Group Limited,

²⁹ Ibid. — P. 8.

³⁰ The Registrar of Consultant Lobbyists. Available at: https://registerofconsultantlobbyists.force.com/CLR_Search

BTC Association — Blockchain Technology Cryptocurrency) and other kinds of lobbying (Ecumenical Accompaniment Programme in Palestine and Israel, the Rotary International, Secours catholique) existing in European countries concerned. There are also no doubts that such lobbying is taking place in the countries, where lobbying is non-regulated and pursuant to the respective legislations such activities are not publicly available. At the same time, the above dynamic shows that the establishment of lobbying regulation for other Western democracies is only a matter of time. Ukraine should not stand apart of this process and develop its own lobbying regulation.

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ТРАНСФОРМАЦІЯ ІНСТРУМЕНТІВ ЛОБІЮВАННЯ ДЛЯ ЕКОНОМІЧНИХ СТЕЙКХОЛДЕРІВ В ЄВРОПЕЙСЬКИХ КРАЇНАХ

Розглянуто сучасні розробки інституціоналізації лобіювання на державному рівні в європейських країнах з 2014 по 2021 р., зокрема, визначення лобіювання та лобістів, їх цілі, наявність реєстрів лобіювання та існуючі шляхи лобіювання економічними стейкхолдерами. Проаналізовано нещодавно ухвалені законодавчі акти щодо лобіювання в Бельгії, Франції, Німеччині, Ірландії, Італії, Литві та Великій Британії. Продемонстровано динаміку прийняття законів щодо лобіювання в країнах Європи за останні роки з огляду на особливості правових режимів цих країн. Наведено приклади лобіювання економічними стейкхолдерами та звітностей лобістів відповідно до чинного законодавства країн

знаходження. Доведено, що сьогодні сфера лобіювання переживає свій розквіт, адже за останні сім років у восьми країнах Європи прийнято закони щодо регулювання лобіювання на національному рівні. Таким чином, загальний приріст за ці роки країн, які прийняли закони про лобіювання, серед європейських країн — членів ОЕСР становить 67% від загальної кількості країн ОЕСР, які впровадили таке законодавство за попередні 75 років. Очікується, що ці вражаючі цифри збільшаться в найближчий час, і дуже важливо, щоб такі правила лобіювання приймалися відповідно до міжнародних стандартів регулювання лобіювання.

Наведено практичні кейси лобіювання й продемонстровано, що коло суб'єктів лобіювання в сучасному світі є неймовірно широким. Міжнародні організації на кшталт ООН, Товариства Червоного Хреста, Лікарі без кордонів тощо дістають можливість прозоро впливати на формування політик країн Європи. Унормування лобіювання надає змогу здійснювати вплив і недержавним організаціям та представникам приватного сектору. Таким чином, відбуваються артикуляція й агрегація інтересів у суспільствах, що підвищує якість рішень, які приймаються органами державної влади.

Ключові слова: лобіювання; лобісти; вплив на процес прийняття рішень; стейкхолдери; законодавство; Бельгія; Франція; Німеччина; Ірландія; Італія; Литва; Велика Британія.