



Recommendation 1908 (2010)¹

Final version

Lobbying in a democratic society (European code of good conduct on lobbying)

Parliamentary Assembly

1. The Parliamentary Assembly notes that in recent decades the activities of different interest groups have been constantly increasing. This phenomenon is true both at the level of the Council of Europe member states, and at the level of the European institutions. Moreover, a strong increase and concentration of lobbying activities in both Brussels and Strasbourg has been observed with the unification process and European Union enlargement. Today, it is estimated that over 15 000 special-interest groups are active in Brussels, more than 2 600 of which have their permanent offices there and perform lobbying activities with the European Union institutions.
2. The Assembly is convinced that pluralism of interests is an important feature of democracy and it is perfectly legitimate for members of society to organise and lobby for their interests. However, unregulated, secret lobbying as such may undermine democratic principles and good governance. In a democracy, all interests ought to be duly taken into account and all citizens should have equal access to the law and decision making.
3. The Assembly notes that very few Council of Europe member states have regulated lobbying activities in any way. Thus surveys have shown that among 14 countries having regulated lobbying or considered the issue within their parliaments, only four European countries have adopted a law on this issue.
4. The Assembly is concerned by the fact that such a situation may undermine democratic principles and good governance in those Council of Europe member states where democratic traditions are not deeply rooted and where the absence of effective mechanisms of checks and balances exercised by civil society constitutes a danger.
5. The Assembly welcomes the fact that the European Parliament was the first European institution to regulate lobbying activities on its own premises. A lobbyists' register has been created and a code of ethics introduced, with which lobbyists must comply. Moreover, the opening by the European Commission of the first register of European lobbyists on 23 June 2008 constitutes an important step in the sense that it allows a standardisation of these activities at European level, reinforces the culture of dialogue and consultation, enhances transparency, and will also in the long run improve lobbyists' negative public image.
6. The Assembly notes that both the United States and Canada have taken steps to regulate lobbying activities. It considers that the member states of the Council of Europe could draw many interesting lessons from these two countries' lawmaking experience in this field and the problems encountered in applying their legislation. However, there is no single solution to all the questions raised by lobbying activities.
7. The Assembly recalls its recommendations and resolutions on fighting corruption ([Resolution 1214 \(2000\)](#)), the financing of political parties ([Recommendation 1516 \(2001\)](#)), good practice in electoral matters and concerning political parties ([Resolution 1264 \(2001\)](#) and [Resolution 1546 \(2007\)](#)), corporate ethics in Europe ([Resolution 1392 \(2004\)](#)), conflict of interest ([Resolution 1554 \(2007\)](#)) and the state of

1. *Assembly debate* on 26 April 2010 (11th Sitting) (see [Doc. 11937](#), report of the Committee on Economic Affairs and Development, rapporteur: Mr Mendes Bota). *Text adopted by the Assembly* on 26 April 2010 (11th Sitting).



democracy and human rights in Europe ([Resolution 1547 \(2007\)](#) and [Recommendation 1791 \(2007\)](#)), as well as a series of reports on member states under the Assembly procedure for monitoring their obligations and commitments.

8. The Assembly is concerned by the fact that recent decades have witnessed a dramatic decline in public confidence in politics in many Council of Europe member states. The lack of transparency in political and economic lobbying activities can be deemed to constitute one of the causes of this phenomenon.

9. The Assembly is convinced that, in a democratic society, citizens are entitled to know the identity of the lobbying organisations which influence political and economic decision making and voting by members of parliament. Therefore, greater transparency of lobbying activities can make political and economic players even more accountable and restore public confidence in government authorities' democratic functioning.

10. Citizens consider access to political decision makers with a view to providing them with information and attempting to influence their decisions as one of their democratic rights. However, this access or lobbying possibility must be fair and equal, transparent and governed by democratic rules. If citizens do not believe that they can have a real influence on political decision makers, democracy may be undermined.

11. Taking into consideration the importance of the activities of different interest groups in the member states of the Council of Europe, the Assembly recommends that the Committee of Ministers of the Council of Europe elaborate a European code of good conduct on lobbying based on the following principles:

11.1. lobbying should be very clearly defined, differentiating between lobbying as a professionally compensated activity and the activities of civil society organisations, not forgetting self-regulating entities in different economic sectors;

11.2. transparency in the field of lobbying should be enhanced;

11.3. rules applicable to politicians, civil servants, members of pressure groups and businesses should be laid down, including the principle of potential conflicts of interest and the period of time after leaving office during which carrying out lobbying activities should be banned;

11.4. entities involved in lobbying activities should be registered;

11.5. prior consultations should be held with lobbying organisations on any draft legislation in this field;

11.6. well-defined, transparent, honest lobbying should be encouraged so as to improve the public image of persons involved in these activities.