

MAPPING AND ANALYSING LOBBYING REGISTERS

Discussion Paper 1, February 2024



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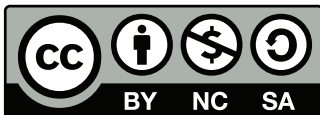
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EXECUTIVE SUMMARY

This Discussion Paper contributes to International IDEA's wider research initiative on the interlinkage between money in politics and the new forms of political participation.

Lobbying is an integral part of any democratic policy process, providing alternative means of political participation for many corporate actors and interest groups. Simultaneously, lobbying allows sectional interests and money to influence politics and policy. This raises concerns about the legitimacy of the political process. As such, measures to increase transparency in lobbying have been widely debated in a number of countries.

An online lobbying register is one of the tools increasingly adopted by governments to regulate this arena. Lobbying registers are public records where interest groups and their points of contact with government (e.g. public or parliamentary affairs offices) provide information about their lobbying activities within a political system. Lobby registers are gaining popularity in part due to their cost-effectiveness and efficiency—but if improperly designed, they can create a false sense of security about transparency. To date, there has been limited comparative work assessing the design and implementation (performance) of existing registers.

This Discussion Paper reviews the performance of 16 lobbying registers according to three interlinked dimensions: (a) transparency; (b) regulatory capability; and (c) interoperability. Under 'transparency', the paper examines the scope of lobbying information collected by the register in question, as well as how that information is administered and subsequently disclosed. 'Regulatory capacity' refers to how a register is enforced and to what extent it requires actors to report information about other regulatory issues such as political donations and public procurement. 'Interoperability' looks at whether and how a register is designed to enable cross-checking with other public data sets in the same country and with other lobbying registers across jurisdictions.

This Discussion Paper contributes to International IDEA's wider research initiative on the interlinkage between money in politics and new forms of political participation.

This paper conducts a systematic comparative assessment of identified lobbying registers, benchmarks the registers' performance and highlights good practice examples.

By looking at these three dimensions, the paper conducts a systematic comparative assessment, benchmarks the registers' performance, and highlights good practice examples. The paper's overall aim is to advance an evidence-based debate on what constitutes an effective lobbying register and what kinds of related reforms could improve transparency in policymaking.

The main findings and recommendations of the paper are as follows:

- *Transparency:* (a) registers that are set up under public authorities with a wider, cross-institutional remit appear to be better able to bridge the broad range of regulatory concerns associated with lobbying; (b) broader definitions of lobbying tend to address a wider set of interest group types. This offers a more nuanced understanding of the lobbying activity within a political system.
- *Regulatory capacity:* (c) the greater the breadth of information collected about interest group activities, the better the registers' regulatory capacity; (d) registers can act as a central point for collating and coordinating work on interest group activity carried out by/between different public authorities; (e) capacity would be stronger if lobbying data collection was enhanced with self-reporting by policymakers; (f) more systematic attention to the growing phenomenon of 'revolving doors' between public and private sector roles would limit potential hidden conflicts of interest and benefit informed policymaking.
- *Interoperability:* (g) registers should be tested for user-friendliness with citizen focus groups; (h) their data should be made available in easy-to-use formats. Most registers allow the public to download their data; however, (i) formal coordination between lobbying registers is of pivotal importance—and so far largely unaddressed.

INTRODUCTION

Lobbying has never been as sophisticated and well-funded as it is today. This carries opportunities for governments as well as substantial risks. A larger and better qualified set of interest groups can provide policymakers with high quality specialized expertise, offer varied inputs into legislative debates, and contribute to effective policy outputs. Moreover, involving interest groups in policymaking can improve implementation, especially in complex issue areas such as environmental regulation, trade policy, and human rights. Interest groups have developed subtle nuanced strategies and wide-ranging tools to influence policymakers. The lobbying toolbox includes—among others—producing reports, engaging with policymakers through formal or informal events, mobilizing via broader coalitions, using social media and micro-targeted advertising, and financing political parties (Baumgartner et al. 2009; Binderkrantz et al. 2015; Coen et al. 2021; Hamada and Agrawal 2020; Katsaitis 2020, 2023a, 2023b).

Clearly, this powerful array of approaches raises concerns about policymakers' ability to resist lobbying or indeed institutional capture by entrenched interests. One aspect of this risk is information asymmetry between lobbyists and policymakers. Recognizing these issues, governments have responded with measures intended to address three overarching concerns: to safeguard and support policymaking transparency; to legislate and implement lobbying regulations; and to reduce the lobbyist–policymaker information asymmetry. Such measures include designing political party financing regulations (Zinnbauer 2022); laying out codes of conduct for lobbyists (see e.g. EU n.d.); and implementing codes of integrity for public officials (see e.g. OECD 2021).

Regulating lobbying can be resource-intensive but this can be mitigated where policymakers draw from their experiences in cost-effective digital public administration. Digital government approaches to policy deliberation and regulatory monitoring are gaining popularity in part due to their cost-effectiveness and of tracking lobbying activities is no exception (Agrawal and Wolfs 2022; Coen et al. 2023). As such, governments and policy stakeholders

Lobbying has never been as sophisticated and well-funded as it is today. This carries both opportunities and risks for the government.

are increasingly discussing the introduction of online digital registers as a tool to regulate lobbying behaviour.

Lobbying registers are public records where interest groups and their government-facing bodies (public or government affairs offices) provide information about their lobbying activities within a political system. Lobbying registers carry some notable advantages:

1. *They increase transparency* by providing a catalogue of the interest groups mobilized within a political system, made available to the wider public. In doing so, specific lobbyists' activities and wider patterns can both be tracked.
2. *Registers can encourage good lobbying behaviour* through a carrot-and-stick approach. Lobbyists may be required to register and accept a code of conduct that sets out behavioural norms, expectations, and legal boundaries. On the one hand, this is meant to reward organizations that register, by allowing them to engage with institutions. On the other, it provides a penalty: lobbyists that do not abide by the code cannot contact policymakers (see for example EU n.d.; Canadian Registry of Lobbyists n.d.).
3. *Registers allow for scrutiny*—by citizens, researchers, and policymakers—of lobbyists' behaviour and their interactions with policymakers, and hence assessments of whether the activity is appropriate and/or legal. These digital registers are available online and in most cases their data is downloadable by the public. In tandem with a code of conduct, scrutiny can create a positive feedback loop of expected behaviours.
4. *An obligatory code of conduct* allows policymakers to consolidate lobbying regulations—bringing different regulations about interest groups, managed by different departments, under one overarching agreement. This is particularly important considering the diversification of lobbying strategy taken in response, for example around political finance.
5. *Comprehensive data collection* can facilitate monitoring and adjusting rules and regulations to minimize the adverse effects of lobbying while nurturing its positive contributions. Lobbying takes place across borders and through complex coalitions; the more information collected (and shared) the easier it becomes to strike an appropriate regulatory balance from a transnational perspective.

Lobbying registers can be a high-impact policy tool for governments aiming to regulate interest group activity, improve the policymaking process and bolster their democratic safeguards.

In summary, lobbying registers can be a high-impact policy tool for governments aiming to regulate interest group activity, improve the policymaking process and bolster their democratic safeguards. Ideally, a lobbying register is multifunctional: it can consolidate interest group regulations, monitor lobbying activity, and make basic political information transparent for the wider public.

Conversely, improperly devised lobbying registers can create a false sense of security about transparency. For example, registers may collect limited information about the organizations mobilized, they might be user-unfriendly, or registration may be optional. This restricts the level of scrutiny, associated benefits and delegitimizes their fundamental purpose. Weak lobbying registers may even make it easier for interest groups to engage in ‘ethics washing’: forestalling adequate scrutiny pressures and measures. To date, there is limited work assessing the implementation and performance of lobbying registers. This impedes understanding of what constitutes an effective lobbying register, and how to go about developing one.

Improperly devised lobbying registers can create a false sense of security about transparency, delegitimizing their fundamental purpose.

The present paper responds to this need by providing a snapshot of lobbying registers currently in operation. First, the paper discusses and provides a framework that allows us to assess existing lobbying registers and their ability to perform effectively. Second, following a careful examination of policy reports, government documents and websites, it identifies a population of 17 such registers. It assesses the capacity of each register using a framework, which focuses on the register’s (i) transparency; (ii) regulatory capacity; and (iii) interoperability (Table I.1). In doing so, the paper conducts a systematic comparative assessment, benchmarks the registers’ performance, and highlights good practice examples. Finally, the paper provides policy recommendations in light of the results.

Table I.1. Assessing lobbying registers’ capacities: Criteria

Transparency	Regulatory capacity	Interoperability
Breadth of information collected	Obligatory registration	Coordinates with regulators within jurisdiction
Tracks legislative footprint	Obligatory Code of Conduct	Coordinates with regulators outside jurisdiction
Tracks meetings with elected representatives	Cross-references with political financing	Allows third party contributions/ participation
Tracks meetings with ministers	Cross-references with public procurement data	Database built with open-by-default principle
Tracks meetings with public administrators	Inter-institutional register	–
Website is in user-friendly format	Provides whistle-blowing channel	–
Data is downloadable	–	–
Data is in user-friendly format	–	–

Chapter 1

A FRAMEWORK FOR ASSESSING LOBBYING REGISTERS

Discourse about regulating interest groups' activity is growing among policymakers. Most democratic countries are currently discussing, drafting, or on course to implement a lobby register. Nevertheless, actual measures undertaken to regulate lobbying have been fewer (Chari et al. 2019; OECD 2021). According to a recent study (OECD 2021) approximately half of the countries examined either have some lobbying rules in place or are currently discussing their introduction at the national level. That is to say, a small number of countries are addressing lobbying risks through explicit regulations. The number of countries with a lobbying register is even smaller. The present study is based on a careful assessment of policy reports, government documents, and websites (OECD 2014, 2021; Hamada and Agrawal 2020; Kergueno and Vrushi 2020; Reed et al. 2021; Bressanelli 2021; Coen and Katsaitis 2015). Jurisdictions with some form of a lobbying register identified were 17 (see Annex A).

To examine the registers' performance an assessment framework was designed taking into consideration central objectives associated with lobbying registers: (i) transparency; (ii) regulatory capacity; (iii) interoperability. Each objective forms its own category that assesses the register's capabilities.

One of the core purposes behind lobbying registers is to increase transparency within a political system, allowing citizens and other stakeholders to scrutinize interest groups' involvement in policymaking.

1.1. TRANSPARENCY

One of the core purposes behind lobbying registers is to increase transparency within a political system. Making lobbying information publicly available allows citizens and other policy stakeholders to observe and assess which interest groups are involved in policymaking, and on what procedural basis. On a basic level, this requires that registers actively collect information on interest groups' activities and then make it easily available.

The 'transparency' category assesses: (i) the depth of information collected per interest group, (ii) whether it tracks the general activity of registered groups, and (iii) whether it tracks their legislative footprint (attempts to influence specific areas of legislation); and whether it tracks their meetings with (iv) elected representatives, (v) ministers, and (vi) public administrators. Under the same principle, lobbying registers are expected to make the information collected available to the wider public in an easy-to-use format (for example a website). In addition, this information should also be made available to be processed by citizens, researchers, and policy stakeholders. Therefore, this category also examines whether (vii) the register is user-friendly, and (viii) the data is downloadable in an easy-to-use format.

1.2. REGULATORY CAPACITY

Registers aim to ensure that lobbying takes place within specific boundaries. This may include legal boundaries and/or enforceable norms of behaviour. Whereas a growing number of countries apply regulations that are related to lobbying behaviour, such as those governing the financing of political parties, these may often be unconnected to the register meant to track lobbyists' behaviour.

Therefore, this category of registers' 'regulatory capacity' examines whether: (i) registration is obligatory and (ii) registration requires agreement with a particular code of conduct. It also examines if the register bridges different concerns linked to lobbying, namely whether it cross-references information with (iii) a given interest group's political financing activities and (iv) with public procurement databases; and whether (v) it provides a channel for whistle-blowing (i.e. guidance or assistance for organizational insiders wishing to report illegal activity). To appreciate the register's capacity to track lobbying across institutions, this category also assesses (vi) whether it is focused on just one (e.g. parliament) or multiple institutions.

1.3. INTEROPERABILITY

Considering that lobbying is also a transnational activity that sees the same interest groups mobilized across political systems, tracking their activity concerns multiple jurisdictions. Moreover, given that interest groups' lobbying budgets outweigh the budgets dedicated to regulating government affairs, pooling regulatory capacity (budgetary and other resources) could improve the performance of each national register. This could take the form of regulating lobbying at a transnational level and/or stronger coordination and implementation of regulations at an international level, and might involve the transfer of information from one register to another, for example, as well as space for third parties (such as non-governmental organizations) to contribute data. This 'interoperability' category therefore examines whether the register:

Lobbying registers aim to ensure that lobbying takes place within legal boundaries and/or enforceable norms of behaviour.

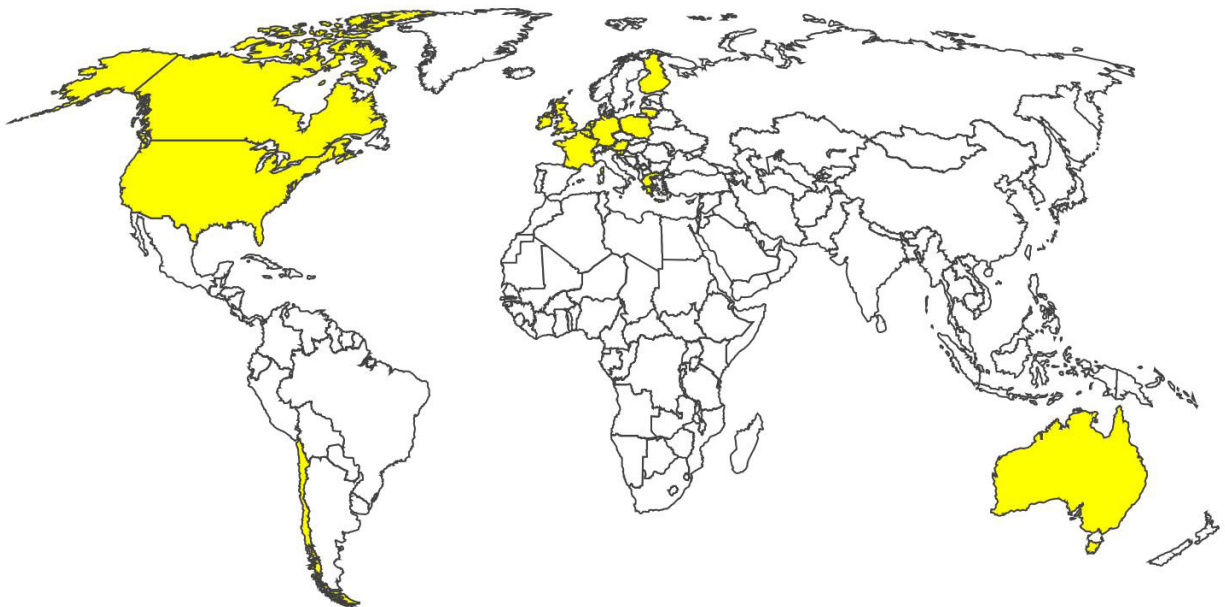
- (i) formally coordinates with other regulators within the same jurisdiction;
- (ii) formally coordinates with regulators in other jurisdictions; (iii) allows third parties to make contributions; and (iv) employs a database built according to open-by-default principles.

This paper assesses lobbying registers from 16 jurisdictions on three criteria: transparency, regulatory capacity and interoperability.

1.4. SELECTING LOBBYING REGISTERS FOR THE STUDY

As mentioned above, the number of countries with lobbying registers is relatively limited. To locate and assess lobbying registers relevant intergovernmental policy reports and discussions were examined (OECD, International IDEA, EU), as well as government websites (e.g. parliaments, ombudsmen, authorities for public transparency) to cross-reference information. The 17 polities in which registers were identified are shown in Table 1.1 (and highlighted in Figure 1.1). Because the Finnish register is under development and will be launched in 2024, the paper assesses the remaining 16 registers.

Figure 1.1. Lobbying registers identified



Source: Compiled by the author.

Table 1.1. List of registers in the study

Register	No. of lobbyists registered	Latest legal framework	Update
Australia	694	2020	Annual
Austria	396	2013	Annual
Belgium	198	2018	Annual
Canada	7,080	2008	Annual
Chile	5,349	2014	Annual
Finland	x	2021	6 months
France	2,907	2016	Annual
Germany	6,073	2021	Annual
Greece	13	2021	Annual
Ireland	2,400	2019	4 months
Lithuania	336	2020	Ongoing
Netherlands	75	2012	Annual
Poland	10	2006	Annual
Slovenia	83	2020	Annual
UK	263	2014	Quarterly
USA	11,640	2007	Quarterly
EU	12,264	2021	Annual

Source: Compiled by author based on official sources (national and intergovernmental).

Chapter 2

ASSESSMENT OF LOBBYING REGISTERS

2.1. ASSESSMENT: TRANSPARENCY

Whereas nearly all lobbying registers are formally set up to improve policymaking and political transparency, there is notable variance in their ability to do so. A limited number collect detailed information from each registered organization. This includes, but is not limited to, information regarding interest groups' policy fields/issues of focus, office expenses, names of staff, information regarding potential government contracts, and legislation they have an interest in lobbying for (e.g. in the case of EU, Canada, Ireland). Notably, an even more limited number of registers (e.g. Chile's) collect and provide information regarding the specific policymakers contacted by interest groups. This approach provides a fuller understanding of lobbying activity, especially since it provides data about the policymakers attracting the most activity.

Not a single register studied appears to track the lobbying of specific legislative portfolios across the policymaking process.

Most registers intend to track interest group activity. At minimum they examine if an interest group has mobilized itself vis-à-vis a specific legislation or is interested in mobilizing within specific policy areas. However, not a single register appears to explicitly track the lobbying of specific legislative portfolios across the policymaking process. Registered interest groups may be required to state the legislative proposals they are interested in lobbying; however, there is limited information regarding the time they established contact. A partial exception are registers (e.g. Ireland's—see also Box 2.1) that require the exact date the lobbyist met with a policymaker to be recorded. In general interest group activity is tracked; however, there is variance regarding the information collected about the different types of policymakers contacted (ministers, elected members of parliament, civil service personnel). Best case examples collect information of meetings with any actor holding public office (e.g. in Ireland, Canada and Chile).

Box 2.1. Standards in Public Office Commission, Ireland

Ireland's lobbying register is managed by the Standards in Public Office Commission and was established in 2015 under the Regulation of Lobbying Act. Overall, as a register it performs demonstrably well across the criteria employed by this paper and has received commendation from other similar studies as well (see for example OECD 2021). One of the Irish register's strengths (in common with Canada's) is that it sets a benchmark for the breadth of information collected and provides that information to the wider public in a clear and transparent fashion. Specifically, the register focuses on policymaker–lobbyist interactions. It requires lobbyists to provide detailed information about meetings held with policymakers, including the subject of the meeting, the date of the meeting, and the public official met. This allows anyone to track an interest group's activity vis-à-vis a specific legislative issue or a particular policy discussion. Significantly, this information is downloadable in a relatively easy-to-process manner for researchers and policy stakeholders and also made available to the wider public through annual reports. While extensive, the annual reports are written in a format that can be understood by the layperson. Similarly, the website is relatively easy to navigate for a member of the public and provides contact information with the authority should any comments or questions arise.

Detailed information about the link between lobbyists' meetings and the legislative process would permit better tracking of unethical activities as well as more comprehensive regulation of lobbying by advocacy coalitions: observing when different actors mobilize can help with better anticipating lobbying activities by others from the same coalition of interests.

Beyond data collection, making information available to the wider public is an important component of transparency. About a third of the cases examined provide a relatively easy-to-navigate webpage with some descriptive data available (e.g. the EU, Australia, Canada, Chile, France, Germany). Moreover, these registers provide options to download data for the wider public in a format that is relatively easy to use for a researcher. However, the data files do not provide the information in an easy-to-use format for the ordinary citizen. Beyond the criteria examined, it is worth noting that some authorities managing the registers provide annual activity reports that do not require significant expertise to digest (see Ireland and Australia as good practice examples in Table 2.1).

About a third of the registers examined provide a relatively easy-to-navigate webpage and provide options to download data for the wider public.

2.2. ASSESSMENT: REGULATORY CAPACITY

The registers' ability to regulate interest group behaviour depends on the definition and scope adopted. Overall, there are two different approaches that registers employ when defining lobbying activity. There is an expansive approach that considers 'lobbying' as any form of activity conducted by natural persons or legal organizations aimed at influencing public office holders. As

such, any organization or individual engaging with a policymaker ought to register.

Minimalist approaches, by contrast, focus primarily on consultancies and public affairs organizations—that is, third parties hired to engage with public office holders on behalf of others (see e.g. the Australian and UK registers). The argument behind this approach is that business has a legitimate interest in lobbying policymakers. Therefore, business activity and mobilization can be taken as a given; whereas consultancies and public affairs’ organizations are hired by clients. Thus, increasing lobbying transparency has to do with tracing and recording the activity of actors whose preferences are harder to detect, as well as their clients (See Figure 2.1 and Table 2.1).

In most political systems, business interests such as companies and professional/trade associations tend to form the majority of the lobbyists mobilized.

But it is worth noting that in most political systems, business interests such as companies and professional/trade associations tend to form the majority of lobbyists mobilized (see e.g. Baumgartner et al. 2009; Coen et al. 2021). Excluding them from registration significantly curtails the ability to track and regulate lobbying activity. As one would expect, controlling for the size of the economy, the number of registered interest groups on databases with an expansive scope is much greater than those with a minimalist scope.

Most databases consider registration obligatory. Thus, contacting public office holders requires registration if it is considered lobbying under the definition

Table 2.1. Registers addressing the transparency criteria

	Australia	Austria	Belgium	Canada	Chile	France	Germany	Greece	Ireland	Lithuania	Netherlands	Poland	Slovenia	UK	USA	EU
Breadth of information collected	N	N	N					N			N	N		N		
Tracks activities	N	N	N								N			N		
Tracks legislative footprint	N	N	N	N			N	N		N	N		N	N	N	N
Tracks meetings with elected representatives	N	N	N				N	N			N	N		N		N
Tracks meetings with ministers	N	N	N				N	N			N	N		N	N	
Tracks meetings with public administrators	N	N	N			N	N	N			N	N		N	N	N
Website is in user-friendly format		N	N		N					N		N	N		N	
Data is in user-friendly format		N	N			N		N			N	N	N		N	

Key: Green=YES, Red=NO

about improper and/or illegal lobbying activity. Registers should provide a point of contact allowing such individuals to come forward.

Table 2.2. Registers addressing the regulatory capacity criteria

	Australia	Austria	Belgium	Canada	Chile	France	Germany	Greece	Ireland	Lithuania	Netherlands	Poland	Slovenia	UK	USA	EU
Obligatory registration											N	N				
Code of conduct												N				
Cross-references with political financing	N	N	N	N		N	N	N	N	N	N	N	N	N		N
Cross-references with public procurement data	N	N	N		N	N		N	N	N	N	N	N	N	N	N
Inter-institutional register		N	N				N				N	N		N	N	
Provides whistle-blowing channel	N	N	N	N	N	N	N		N	N	N	N		N	N	N

(Key: Green=YES, Red=NO)

2.3. ASSESSMENT: INTEROPERABILITY

The registers examined take different approaches to their coordination with other regulatory bodies within their jurisdiction. This is linked to their organizational design, which generally takes one of two forms—either a specific institutional or a cross-institutional focus. For example, the EU’s Joint Transparency Register is a cross-institutional register which brings together information about interest group activity conducted across the European Commission, the European Parliament, and the European Council. Similarly, the Chilean and Canadian registries focus on lobbying activity across the board. As such, these registers provide a wide-angle observation of lobbying activity conducted across institutions. To varying degrees they are able to capture different dimensions of lobbying activity, from meetings held with policymakers to the legislative portfolios they focus on, for example. In contrast, other registers are designed or provide transparency on the specific actors entering an institution, such as a lower house or Senate (e.g. in the Netherlands and the USA).

The scope of a register’s objectives strongly correlates with its organizational management. Registers that fall under government agencies responsible for public transparency (e.g. in Canada and Greece) coincide with wide-angled definitions of lobbying. Registers managed at the institutional level, for example by a parliamentary department, tend to have a narrower focus.

Different lobbying registers take different approaches to their coordination with other regulatory bodies within their jurisdiction, adopting either a specific institutional or a cross-institutional focus.

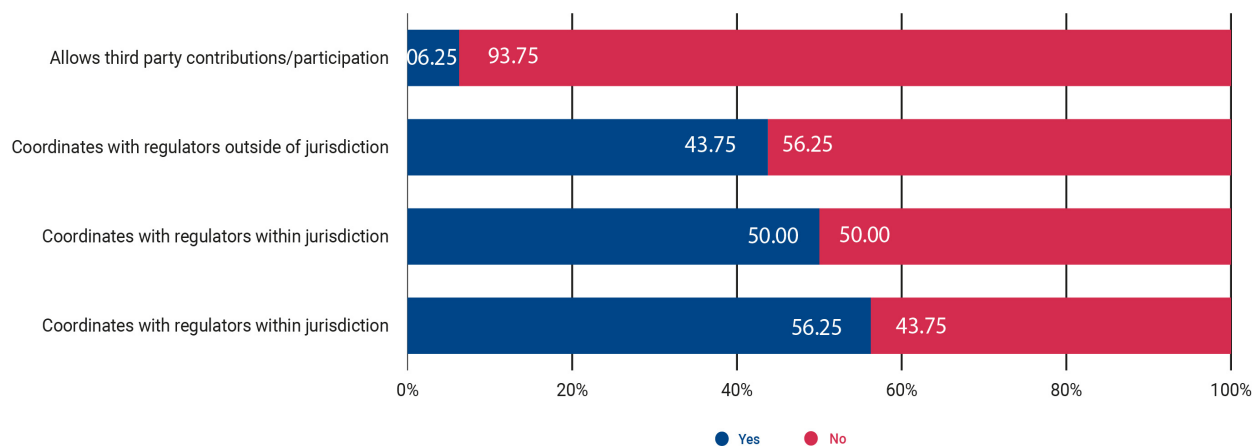
Figure 2.2. Percentage of registers addressing the regulatory capacity criteria

Source: Compiled by the author.

In effect, the latter provide lists of actors that access the institution over a particular time period (e.g. the Belgian and Polish registers). Moreover, lobbying registries that are managed by a public authority for transparency are more likely to report transgressions to other public authorities and to provide recommendations for potential legal amendments. This offers a holistic approach towards lobbying and is better placed to map out and manage interest group activity (see Figure 2.3 and Table 2.3).

With some exceptions (see Box 2.3 on France) this study has found little indication of permanent coordination between registries and regulatory institutions outside their jurisdictions. However, there is a network of European registries engaged in informal exchanges of best practices (the European Network of Lobbying Registrars). Given the international and transnational nature of lobbying this is a welcome development but further formal coordination on standards, legal/regulatory alignment and common activity reports would be beneficial.

Figure 2.3. Percentage of registers meeting interoperability criteria



Source: Compiled by the author.

Table 2.3. Registers addressing the interoperability criteria

	Australia	Austria	Belgium	Canada	Chile	France	Germany	Greece	Ireland	Lithuania	Netherlands	Poland	Slovenia	UK	USA	EU
Coordinates with regulators within jurisdiction	N	N	N	N	N						N	N			N	
Coordinates with regulators outside of jurisdiction	N	N	N	N	N		N					N			N	N
Third party contributions/ participation	N	N	N	N	N	N	N	N	N	N	N	N		N	N	N
Database built with open-by-default principle	N	N	N						N	N	N	N			N	

France's transparency authority is one of the few bodies addressing lobbying that coordinates with its counterparts in other countries.

Box 2.3. High Authority for Transparency in Public Life, France

The High Authority was established in 2014, following extensive discussions ongoing within the French National Assembly since the mid-1990s. While it picks up work previously handled by a parliamentary committee, the High Authority holds an independent position within the French institutional architecture. This is intended to reduce the potential for ethics scandals (an issue in the past) and to address multi-layered issues that can threaten public integrity in France on an impartial footing.

Lobbying activity is addressed as one among other issues of institutional integrity in the wider system; the Authority deals with cross-cutting issues that can impact different actors and institutional players. While the information collected on lobbying activities is somewhat limited by employing a narrow definition of them. The upside is that the Authority is designed to provide information and recommendations on an inter-institutional basis. This includes contacting actors within its jurisdiction, producing a wide range of relevant reports, and a webpage that is 'open-by-design'. Furthermore, France's transparency authority is one of the few bodies addressing lobbying that coordinates with its counterparts in other countries.

Chapter 3

SUMMARY AND POLICY IMPLICATIONS

This assessment offers some conclusions and recommendations for policymakers aiming to construct similar databases or improve upon existing ones. To begin with, there is a limited number of lobbying registers currently available (this study identified 17). Better performing registers shed light on lobbying activities within their jurisdictions by providing practical regulatory tools and sharing information with the wider public in a relatively user-friendly format. These efforts represent a good foundation for further improvements in terms of transparency, regulatory capacity, and interoperability.

The registers performing less well are those based on a minimalist approach, essentially providing limited information about which lobbyists have gained access to a particular institution during a specific time period. While technically offering transparency, these databases offer the bare minimum, and in doing so, create a double risk. First, this approach can potentially support ethics-washing from lobbyists. That is to say, interest group representatives may register their organization without implementing a code of conduct or appropriate behaviour, while simultaneously appearing as ethical actors. This places policymakers at risk of engaging with lobbyists who are not bound by an appropriate regulatory framework. Second, this approach may appear to interest groups as encouraging lobbying activity outside the norm. Simply put, a minimalist approach to lobbying regulation may threaten institutional integrity and in a self-reinforcing pattern—forestalling adequate pressures and measures for scrutiny both in the political system and in the economic sectors it seeks to regulate.

Finally, lobbying registers' ability to deliver on transparency, regulatory capacity and interoperability is closely linked to their organizational purpose and remit. Registers addressing an inter-institutional area of potential lobbying activity tend to collect significantly more information than registers focused on a single institution, such as a parliament.

A minimalist approach to lobbying regulation may threaten institutional integrity forestalling adequate pressures and measures for scrutiny.

Lobbying registers that address interest group activity from an expansive perspective and that examine different types of activities offer more insights.

Based on the analysis, the following conclusions are offered for consideration by all stakeholders seeking to improve lobbying register design and implementation:

1. Registers set up under public authorities that hold a wider, cross-institutional remit appear to be better able to bridge the broad range of regulatory concerns associated with lobbying activities. They are notably better placed organizationally to enforce lobbying rules (codes of conduct); to inform relevant authorities in case of substantive breaches; to act in case of illegal activities; to inform policymakers of necessary regulatory adjustments; and to avoid facing a conflict of interest themselves.
2. Registers with broader definitions of lobbying tend to address a wider set of interest group types. This offers a more nuanced understanding of the lobbying activity that takes place within a political system. In turn, this offers greater transparency and security against corruption risks.
3. The greater the breadth of information collected about interest group activities, the better the registers' regulatory capacity. Lobbying registers that address interest group activity from an expansive perspective and that examine different types of activities (such as financial donations) offer more insights.
4. Registers can act as a central point for collating and coordinating work on interest group activity carried out by different public authorities or between them collectively. For example, political financing data or procurement data is most often not automatically cross-referenced with other relevant databases. Ensuring that lobbying registers cross-reference such information in an automated fashion would improve real-time snapshots of lobbying activity and more accurate tracking of it over time.
5. Registers would benefit from a more comprehensive approach to collecting and providing information on lobbying. This would require policymakers to independently register information on meetings they have with interest group representatives (self-reporting). Most registers provide basic contact information, and some provide space for various actors to provide more than this (see e.g. Joint Transparency Register) but little is dedicated specifically for policymakers to report their meetings with lobbyists.
6. Given the growing phenomenon of 'revolving doors' between public and private sector roles, addressing this in a more systematic fashion would help inform policy and actively limit potential hidden conflicts of interest. A very limited number of registers provide direct information assessing whether a lobbyist has previously held a government position.
7. Registers should be tested for user-friendliness with citizen focus groups. Most webpages are not as easy to navigate for ordinary citizens and would benefit from front-end work, while many are not supplemented with annual reports. Even well performing registers can improve their transparency

in this area. Registers should provide simple descriptive statistics (e.g. graphs) that demonstrate lobbying activity as well as information about the organization managing the register, and the register's purpose. Crucially, the latter includes defining and explaining what counts as lobbying.

8. Registers should make their data available in easy-to-use formats. It is very welcome that most registers allow the public to download their data. Almost all the registers examined are built on an 'open-by-default' principle. However, locating and downloading the data is not always straightforward. Significantly, the data is often provided in a user-unfriendly manner which requires substantive editing and clean-up before it can be used.
9. Formal coordination between lobbying registers is an important and necessary dimension which seems to be unaddressed. It is a positive sign that some national registers in Europe appear to be informally coordinating with one another. However, given the transnational character of lobbying, further formal efforts on an international level are needed. While this does not have to take the form of a standard model for lobby registers, exchanges between a wider set of authorities can help set standards, create constructive policy feedback and produce common reports. Sharing expertise and information in this way can improve governance and also reduce the cost of setting up lobbying registers and regulations for newer players.

Formal coordination between lobbying registers can help set standards, create constructive policy feedback, produce common reports and facilitate cross-learning.

References

- Agrawal, K. and Wolfs, W., 'Roadmap for digital reporting and disclosure of political finance for Albania', International IDEA, 21 November 2022, <<https://www.idea.int/news/roadmap-digital-reporting-and-disclosure-political-finance-albania>>, accessed 4 August 2023
- Baumgartner, F. R., Berry, J. M., Hojnacki, M., Leech, B. L. and Kimball, D. *Lobbying and Policy Change: Who Wins, Who Loses, and Why* (Chicago and London: University of Chicago Press, 2009)
- Binderkrantz, A. S., Christiansen, P. M. and Pedersen, H. H., 'Interest group access to the bureaucracy, parliament, and the media', *Governance*, 28/1 (2015), pp. 95–112, <<https://doi.org/10.1111/gove.12089>>
- Bressanelli, E., *Investing in Destabilisation: How Foreign Money is Used to Undermine Democracy in the EU* (Brussels: European Parliament, 2021), <<https://doi.org/10.2861/097565>>
- Chari, R., Hogan, J., Murphy, G. and Crepaz, M., 'Regulating lobbying: A global comparison', in R. Chari, et al. (eds), *Regulating Lobbying: A Global Comparison, 2nd Edition* (Manchester: Manchester University Press, 2019)
- Coen, D. and Katsaitis, A., *Institutional and Constitutional Aspects of Special Interest Representation* (Belgium: European Parliamentary Research Service, 2015), <[https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519229/IPOL_STU\(2015\)519229_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519229/IPOL_STU(2015)519229_EN.pdf)>, accessed 24 July 2023
- Coen, D., Katsaitis, A. and Vannoni, M., *Business Lobbying in the European Union* (Oxford and New York: Oxford University Press, 2021), <<https://doi.org/10.1093/oso/9780199589753.001.0001>>
- , 'Regulating government affairs: Integrating lobbying research and policy concerns', *Regulation and Governance*, 18/1 (2024), pp. 73–80 and change in-text citation, p.6 line 1, to 2024, <<https://doi.org/10.1111/rego.12515>>
- Hamada, Y. and Agrawal, K., *Political Finance Reforms: How to Respond to Today's Policy Challenges?* (Stockholm: International IDEA, 2020), <<https://doi.org/10.31752/idea.2020.68>>
- Katsaitis, A., 'Following the money: Exploring business financial contributions to the European Union's political parties', *Journal of Common Market Studies*, 58/5 (2020), pp. 1342–51, <<http://dx.doi.org/10.1111/jcms.13032>>
- , 'Introducing the PFxEU tracker dataset: Tracking political financing in the European Union' *European Union Politics*, 24/4 (2023a), pp. 785–96, <<https://doi.org/10.1177/14651165231193830>>
- , 'International parliamentary institutions and political donations: the case of the European Parliament', *International Affairs*, 99/6 (2023b), pp. 2443–63, <<https://doi.org/10.1093/ia/iia238>>
- Kergueno, R. and Vrushi, J., *Debugging Democracy: Open Data for Political Integrity in Europe* (Berlin: Transparency International, 2020), <<https://www.transparency.org/en/publications/debugging-democracy-open-data-for-political-integrity-in-europe>>, accessed 4 November 2023

- Organization for Economic Co-operation and Development (OECD), *Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying*, (Paris: OECD Publishing, 2014), <<https://doi.org/10.1787/9789264214224-en>>
- , *Lobbying in the 21st Century: Transparency, Integrity and Access* (Paris: OECD Publishing: 2021), <<https://doi.org/10.1787/c6d8eff8-en>>
- Reed, Q., Jouan Stonestreet, B., Devrim, D., Krieger, T., Kubekova, V., Blomeyer, R. and Heineman, F., *Financing of Political Structures in EU Member States* (Brussels: European Parliament, 2021)
- Zinnbauer, D., *Corporate Political Responsibility: Mobilizing the Private Sector for Political Integrity* (Stockholm: International IDEA, 2022), <<https://doi.org/10.31752/idea.2022.15>>

Lobby registers

- Australia, Attorney General's Department, Lobby Register, [n.d.], <<https://lobbyists.ag.gov.au/register>>, accessed 16 November 2023
- Austria, Judiciary, Lobby Register, [n.d.], <<https://lobbyreg.justiz.gv.at/edikte/ir/iredi18.nsf/Suche!Openform>>, accessed 16 November 2023
- Belgium, Chamber of Representatives, Lobby Register, [n.d.], <https://www.dekamer.be/kvvcr/pdf_sections/lobby/lobbyisten.pdf>, accessed 16 November 2023
- Canada, Office of the Commissioner of Lobbying, Registry of Lobbyists, [n.d.], <<https://lobbycanada.gc.ca/en>>, accessed 16 November 2023
- Chile, Ministry General Secretariat of the Presidency, Public Register of Lobbyists, [n.d.], <<https://www.leylobby.gob.cl>>, accessed 16 November 2023
- European Union, Joint Transparency Register, [n.d.], <<https://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>>, accessed 16 November 2023
- Finland, National Audit Office, Finnish Transparency Register (lobbyist register), [n.d.], <<https://www.vtv.fi/en/audit-and-oversight/transparency-register>>, accessed 16 November 2023
- France, High Authority for Transparency in Public Life, Lobby Register France, [n.d.], <<https://www.hatvp.fr>>, accessed 16 November 2023
- Germany, Bundestag, Lobby Register for the representation of interests vis-à-vis the German Bundestag and the Federal Government, [n.d.], <<https://www.lobbyregister.bundestag.de/startseite?lang=de>>, accessed 16 November 2023
- Greece, National Transparency Authority, Transparency Register, [n.d.], <<https://lobbying.aead.gr>>, accessed 16 November 2023
- Ireland, Register of Lobbying, [n.d.], <<https://www.lobbying.ie/about-us>>, accessed 16 November 2023
- Lithuania, Chief Official Ethics Commission, Lobbyist List, [n.d.], <<https://skaidris.vtek.lt/public/document/edit?uuid=0a641730-7670-1196-8176-706bbe680025&settings=NEWS>>, accessed 16 November 2023
- Netherlands, House of Representatives, Lobby Register, [n.d.], <https://www.tweedekamer.nl/contact_en_bezoek/lobbyisten>, accessed 16 November 2023

Poland, Sejm, Lobbying, [n.d.], <<https://www.sejm.gov.pl/sejm9.nsf/page.xsp/lobbing>>, accessed 16 November 2023

Slovenia, Commission for the Prevention of Corruption, Lobbying, [n.d.], <<https://www.kpk-rs.si/en/lobbying>>, accessed 16 November 2023

United Kingdom, Office of the Registrar of Consultant Lobbyists, [n.d.], <<https://registrarofconsultantlobbyists.org.uk>>, accessed 16 November 2023

United States, Senate, Lobbying Disclosure Act (LDA) Reports, [n.d.], <<https://lda.senate.gov/system/public>>, accessed 16 November 2023

Annex A. Assessment Criteria

Table A.1. Assessment criteria per category: Transparency

Criteria	Measure
Breadth of information collected	Yes/No
Tracks legislative footprint	Yes/No
Tracks meetings with elected representatives	Yes/No
Tracks meetings with ministers	Yes/No
Tracks meetings with public administrators	Yes/No
Website is in user-friendly format	Yes/No
Data is downloadable	Yes/No
Data is in user-friendly format	Yes/No

Table A.2. Assessment criteria per category: Regulatory capacity

Criteria	Measure
Obligatory registration	Yes/No
Code of Conduct	Yes/No
Cross-references with political financing	Yes/No
Cross-references with public procurement data	Yes/No
Provides whistle-blowing channel	Yes/No
Inter-institutional register	Yes/No

Table A.3. Assessment criteria per category: Interoperability

Criteria	Measure
Coordinates with regulators within jurisdiction	Yes/No
Coordinates with regulators outside of jurisdiction	Yes/No
Allows third party contributions/participation	Yes/No
Database built with open-by-default principle	Yes/No

Table A.4. Registers mapped against all three categories' criteria

Criteria measurement	Australia	Austria	Belgium	Canada	Chile	France	Germany	Greece	Ireland	Lithuania	Netherlands	Poland	Slovenia	UK	USA	EU
Breadth of information collected	N	N	N					N			N	N		N		
Tracks activities	N	N	N								N			N		
Tracks legislative footprint	N	N	N	N			N	N		N	N		N	N	N	N
Tracks meetings with elected representatives	N	N	N				N	N			N	N		N		N
Tracks meetings with ministers	N	N	N				N	N			N	N		N	N	
Tracks meetings with public administrators	N	N	N			N	N	N			N	N		N	N	N
Website is in user-friendly format		N	N		N					N		N	N		N	
Data is in user-friendly format		N	N			N		N			N	N	N		N	
Obligatory registration											N	N				
Code of conduct												N				
Cross-references with political financing	N	N	N	N		N	N	N	N	N	N	N	N	N		N
Cross-references with public procurement data	N	N	N		N	N		N	N	N	N	N	N	N	N	N
Inter-institutional register		N	N				N				N	N		N	N	
Provides whistle-blowing channel	N	N	N	N		N	N		N	N	N	N		N	N	
Coordinates with regulators within jurisdiction	N	N	N	N	N						N	N			N	
Coordinates with regulators outside jurisdiction	N	N	N	N	N		N					N			N	N
Allows third party contributions/participation	N	N	N	N	N	N	N	N	N	N	N	N		N	N	N
Database is built with open-by-default principle	N	N	N							N	N	N			N	

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This Discussion Paper reviews the performance of 16 lobbying registers according to 3 interlinked dimensions: (a) transparency; (b) regulatory capacity; and (c) interoperability. Under 'transparency', the paper examines the scope of lobbying information collected by the register in question, as well as how that information is administered and subsequently disclosed. 'Regulatory capacity' refers to how a register is enforced and to what extent it requires actors to report information about other regulatory issues such as political donations and public procurement. 'Interoperability' looks at whether and how a register is designed to enable cross-checking with other public data sets in the same country and with other lobbying registers across jurisdictions when providing the public an opportunity to freely download data.

By looking at these three dimensions, the paper conducts a systematic comparative assessment, benchmarks the registers' performance, and highlights good practice examples. The paper's overall aim is to advance an evidence-based debate on what constitutes an effective lobbying register and what kinds of related reforms could improve transparency in policymaking. At the end, the paper provides some concrete suggestions on improving the effectiveness of lobbying registers with respect to the three dimensions discussed.

This Discussion Paper contributes to International IDEA's wider research initiative on the interlinkage between money in politics and the new forms of political participation.