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The latest experience of statutory regulation of lobbying in Europe

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■ **Abstract.** In the 21st century, the number of countries that have developed special regulations in the field of lobbying has almost doubled, which shows that modern elites are interested in regulating lobbying. The purpose of this study was to conduct a comparative analysis of the legal framework regulating lobbying activities in several European countries, namely the UK, Germany, and France. Apart from the general scientific methods of analysis, synthesis, and generalisation, the study employed the method of comparative legal analysis and the method of institutional analysis. Based on a comprehensive literature review, this study highlighted recent research that has contributed to the development of the theoretical framework for the regulation of lobbying. The study provided a critical analysis of various legislative approaches adopted by European countries, assessing their effectiveness in promoting transparency, accountability, and ethical lobbying practices. The study compared the legislative frameworks and outlined the current challenges and opportunities inherent in regulating lobbying. The comparative analysis identified common and distinctive features in each country's approach to lobbying regulation. The UK model focuses on voluntary registration and self-regulation, while Germany's approach reflects a more informal practice with minimal legal requirements. In contrast, France has taken stricter measures, focusing on mandatory registration and public disclosure of lobbying activities. The study summarised the best practices that can be used in the development of lobbying legislation. This study is a contribution to the debate on the role of lobbying in democratic societies. The conclusions offer recommendations that should be followed when preparing new drafts of lobbying regulations or when reforming the current legislation in the relevant area. This study is also of practical significance for European politicians, lobbyists, and civil society specifically. Based on the considered approaches of the UK, Germany, and France, states can identify best practices and adapt them to their unique political, social, and legal contexts

■ **Keywords:** democracy; corruption; interests; transparency; influence; politics; financing

■ Introduction

Lobbying groups representing their interests in politics and society are part of democratic political regimes in the UK, Germany, France, Belgium, Ukraine, etc. Lobbying is a widespread and influential practice in the political sphere. It serves as a link between the interests of the public and politicians. Lobbying is a way of persuading or influencing legislators and officials to achieve policy outcomes favourable to certain groups. Considering lobbying's ability to shape legislative and regulatory policy, regulating lobbying

is an essential aspect of democratic governance. The modern concept of lobbying, characterised by concerted efforts to influence public policy and legislation, dates to the period of industrialisation and the recognition of democratic rights, which expanded the scope of influence groups and necessitated the development of formal channels for such interaction. Over the past 10-15 years, the number of countries that have developed special lobbying legislation has actually doubled worldwide (Bismuth *et al.*, 2023).

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This applies to countries in Europe, South America, and the Middle East. The complexity of lobbying is growing, which requires a more thorough understanding of this phenomenon.

The regulation of lobbying activities, which forms an integral part of the functioning of democratic societies, is based on a rich theoretical framework. Over the past 5 years, a range of in-depth studies have been conducted on lobbying activities. Such publications include the study by S. Koehler (2019), which provides a thorough analysis of the communication strategies of interest groups in parliamentary political systems and develops a formal model of lobbying in a bicameral parliament with strong party discipline. Under the formal model of lobbying, S. Koehler understands a complex structure that reflects the strategic interaction between interest groups and politicians in the context of political uncertainty. This model provides insights into how information asymmetry, strategic communication, institutional context, and political uncertainty together shape the policy-making process and the outcomes of lobbying efforts. Another solid piece of research is the joint study by R. Chari *et al.* (2019), which innovatively examines how to determine the robustness of lobbying laws in terms of promoting transparency and accountability. Based on the experience of the researchers, who have advised governments around the world, a clear roadmap on how to develop an effective lobbying law is offered. The key provisions of an effective lobbying law include a registration requirement, a clear scope of regulation, a list of information to be disclosed, public online access to information databases on lobbying activities, and sanctions for non-compliance with the law.

Some researchers address the impact of modern challenges on the lobbying process and the consequences of such lobbying. M. Crepaz *et al.* (2022) demonstrates the fierce lobbying competition between different social and economic interests during the COVID-2019 pandemic. A team of social and natural science experts analyses the impact of lobby groups during the pandemic and outlines the consequences of this “viral lobbying”. The researchers define viral lobbying as the efforts of non-governmental organisations to influence public debate and policy during the COVID-19 pandemic, covering a wide scope of actors, including NGOs, trade unions, professional associations, think tanks, business associations, and individual firms. Through a comprehensive investigation of viral lobbying, the study elucidates the complexities of representation and the challenges of ensuring balanced and inclusive policies in times of crisis.

The use of modern technologies to improve the effectiveness of lobbying has not been overlooked. K. Taczanowska *et al.* (2023) considered the issue

of the considerable influence of social networks and online communities on the decision-making process in states. The study demonstrates considerable differences between the findings obtained through offline (face-to-face) and online (social media) surveys. The researchers emphasise the need for careful planning of online survey distribution channels to ensure representativeness. It also emphasises the usefulness of using multiple survey modes to identify biases, which contributes to more reliable survey results.

The issues of countering Russia’s armed aggression against Ukraine and organising assistance to Ukraine have also been the subject of lobbying activities since 2022. A.L. Rueland & N. Rueffin (2024) examine the impact of Russia’s invasion of Ukraine on the debate and lobbying processes in the parliaments of the United Kingdom and the Federal Republic of Germany. The researchers conclude that after 24 February 2022, the governments of Germany and the United Kingdom considerably restricted the ability of lobbyists from these countries to engage with Russian representatives.

The purpose of this study was to examine, through a comparative analysis of the legal framework, the specific features of lobbying regulation in different European countries, specifically in the UK, Germany, and France, and to highlight its key role in democratic societies.

■ Materials and Methods

The study examined the diversity and effectiveness of regulations, their promotion of transparency, accountability, and fairness in lobbying. The study assessed the legal acts regulating lobbying according to three main criteria:

- transparency: This criterion assesses the extent to which the legal framework requires disclosure of information on lobbying activities, including registration of lobbyists, reporting of lobbying expenditures, and publication of lobbying objectives.

- accountability: This criterion examines the mechanisms in place to ensure that lobbyists and public officials comply with established rules and ethical standards, including codes of conduct and rules on conflicts of interest.

- enforcement: This criterion assesses the effectiveness of enforcement mechanisms, including the powers of regulators, sanctions for non-compliance, and the frequency and thoroughness of inspections and investigations.

The choice of European countries for this study, namely the United Kingdom, Germany, and France, was based on the rich diversity of legal approaches to lobbying regulation. These countries were selected for their diverse political systems, legal traditions, and lobbying cultures. Together, this provides a comprehensive overview of the European lobbying regulatory

landscape. The study of these countries revealed the nuances of each legal system, the problems that arise in law enforcement and compliance, as well as the impact of regulations on the lobbying ecosystem.

The study used the method of comparative legal analysis to examine the lobbying regulation in the UK, Germany, and France. This method has made it possible to effectively identify differences and similarities between different legal systems, which helps to understand the impact of different regulatory approaches on lobbying practices. It also helped to identify best practices and potential areas for reform. To carry out an in-depth analysis of various institutions in the field of lobbying, the study employed the method of institutional analysis. This method helped to identify the roles, competence, and interaction of lobbying actors in the UK, Germany, and France.

The study analysed concrete legal documents regulating lobbying activities in the selected countries. For instance, the 2014 UK Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act¹, the 2021 Law of Germany On the Establishment of a Register of Lobbyists (2021)² and the 2016 Law of France Sapin II³ were key to understanding the legal requirements, registration processes, disclosure obligations, and enforcement mechanisms that are unique to each jurisdiction. The analysis of these acts helped to assess the scope, transparency, accountability, and enforcement criteria of lobbying regulation in each country.

The study used official reports, such as the Audit of Political Engagement (Blackwell *et al.*, 2019) by the Hansard Society, as well as data from organisations such as The Office of the Registrar of Consultant Lobbyists (2024), the German Lobby Register (Lobby register for the representation of interests..., 2024), and the High Authority for Transparency in Public Life in France (The High Authority for..., n.d.). These reports and databases provide insight into the number of registered lobbyists, the frequency of lobbying activities, the level of compliance with the law and the effectiveness of transparency measures.

■ Results and Discussion

The impact of lobbying on policy making and governance is multifaceted. On the one hand, lobbying can strengthen democratic governance by promoting informed decision-making and ensuring that politicians are aware of the views and needs of different stakeholders. On the other hand, if not properly regulated, lobbying can lead to the abuse of access to decision-makers, distort policy outcomes in favour of well-resourced interests, and undermine public trust in democratic institutions.

The United Kingdom provides a compelling example of lobbying regulation, characterised by a combination of legislative measures, self-regulation, and the evolution of public expectations. As of 2024, according to The Office of the Registrar of Consultant Lobbyists (The Office of the Registrar..., n.d.), there were more than 4,500 registered lobbyists in the UK. Lobbying regulation in the UK has evolved considerably in recent decades, reflecting wider trends in governance and public accountability. Historically, the UK's approach to lobbying has been largely informal and based on internal rules and self-governance of the lobbying community. However, growing public concern about the transparency and influence of lobbyists on public decision-making has led to calls for more formal regulatory mechanisms (Fisher, 2018).

A series of high-profile political scandals that occurred during David Cameron's prime ministership in 2010 (Lefort, 2010) and 2013 (Sinha, 2013) prompted the UK government to regulate lobbying. This process culminated in the adoption of the Law on Transparency of Lobbying, Non-Partisan Campaigning and Trade Union Management in 2014⁴, which marked a considerable shift towards legislative regulation of lobbying activities. This law is commonly referred to as the "Lobbying Act". The law aims to increase the transparency of the lobbying process by creating a register of lobbyist consultants and defining requirements for reporting on lobbying activities. The main provisions of the Lobbying Act are presented in Table 1.

Table 1. Key provisions of the UK Lobbying Act

Registration of lobbyists	Lobby consultants must register and provide detailed information about their clients and the nature of their lobbying activities (P. 1, S. 1, 5).
Quarterly reports	Registered lobbyists are obliged to submit quarterly reports on their lobbying activities, including information on the public officials they lobbied (Sch. 1).

¹ Act of Parliament of the United Kingdom "Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act". (2014, January). Retrieved from <https://www.legislation.gov.uk/ukpga/2014/4/contents>.

² Law of Federal Republic of Germany "On the Establishment of a Register of Lobbyists for the Representation of Interests in the Bundestag and the Federal Government of Germany". (2021, April). Retrieved from https://www.bundestag.de/resource/blob/865318/cd4b1c6434afc1d7ad520dbc64c7343d/gesetzestext_BGBI_2021_I_S_818.pdf.

³ Law of France No. 2016-1691 "On Transparency, the Fight Against Corruption and the Modernisation of Economic Life". (2016, December). Retrieved from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033558528?init=true&page=1&query=2016-1691+du+9+decembre&searchField=ALL&tab_selection=all.

⁴ Act of Parliament of the United Kingdom "Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act". (2014, January). Retrieved from <https://www.legislation.gov.uk/ukpga/2014/4/contents>.

Table 1. Continued

Code of conduct	Although the Lobbying Act does not establish a specific code of conduct for lobbyists, it encourages compliance with existing professional codes (P. 1, S. 21).
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Source: compiled by the author of this study based on the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act¹

The implementation of the Lobbying Act is monitored by the Registrar of Lobbyist Consultants, an independent institution established according to the Lobbying Act. The Registrar's responsibilities include maintaining a register of lobbyists, monitoring compliance with reporting requirements and investigating potential violations of the Lobbying Act. Penalties for non-compliance with the law may include fines and, in severe cases, criminal punishment². As of 2024, apart from the above-mentioned Lobbying Act, the lobbying regulations are contained in the Code of Conduct for MPs, Ministers³ and in the Civil Service Code⁴. Despite this, lobbying legislation is systematically criticised for its limitations. According to a 2019 survey, 63% of UK citizens believed that the British system of governance is rigged in favour of the rich and powerful (Blackwell *et al.*, 2019). The reason for this is that lobbying is mainly available to those with significant resources (Solaiman, 2023).

Critics argue that the narrow definition of lobbying contained in the Lobbying Act, which focuses primarily on direct communication with senior government officials, does not cover the full range of lobbying activities (Tudor, 2016). Furthermore, the Law applies only to lobbyist-consultants, leaving out full-time lobbyists and lobbyists working for non-profit organisations (Soo *et al.*, 2020). The effectiveness of the UK's lobbying laws is a subject of ongoing debate. Proponents argue that the Lobbying Act has brought greater transparency to lobbying activities by providing the public with more information about who is lobbying whom and for what purpose (Fisher & Savani, 2022). However, critics argue that the law's narrow scope and exemptions limit its ability to fully address issues of transparency and undue influence on policymaking (Phillips & Power, 2022). The above criticisms of the Lobbying Act are valid, but at the same time, the introduction of a register of lobbyist consultants is a step in the right direction towards greater transparency, and the current UK legislation is still aimed at addressing the lack of transparency in lobbying activities. To improve the effectiveness of the Act, reduce potential unintended consequences and create opportunities to comprehensively

address issues related to transparency and regulation of lobbying, it is necessary to work on concrete amendments. However, considerable state intervention in social processes, coupled with increased bureaucracy, can lead to the shadowing of processes.

According to the Open Data Barometer (n.d.), the UK government was ranked 1-2 in terms of openness between 2013 and 2017. At the same time, according to some experts, information about lobbying is kept in the dark. Over 90% of reported ministerial meetings were with groups or individuals whose information is not available in the lobbyist register. This suggests that the list of lobbying clients listed in the Register differs substantially from the list of groups (individuals) with whom ministries report meetings, and the law's provisions on lobbying transparency are not sufficiently reliable (McKay & Wozniak, 2020).

In addition, the disadvantages of the existing system of control over lobbying activities in the UK include the fact that information about meetings held by government officials is exceedingly difficult to analyse and compare with the information in the lobbyist register (Dinan, 2021). The reason for this is the lack of standardisation in the records and the frequent use of different abbreviations and acronyms in records relating to the same events (groups, individuals). Another drawback of lobbying legislation is the weak liability and sanctions for violations in this area. Some researchers note that sanctions are applied only to relatively few lobbyist-consultants. Furthermore, the Registrar's investigative powers are limited and do not go beyond the power to issue an information notice (Crepaz *et al.*, 2022). In response to this criticism, there have been calls for reform, including proposals to expand the definition of lobbying, extend the registration requirement to full-time lobbyists, and introduce a legally enforceable code of conduct for all lobbyists (Soo *et al.*, 2020). Such reforms aim to increase the accountability and transparency of lobbying activities, ensuring that they make a positive contribution to the democratic process.

The investigation of the UK legal framework provides a basis for comparing lobbying regulation in European countries. By analysing the strengths

¹ Act of Parliament of the United Kingdom "Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act". (2014, January). Retrieved from <https://www.legislation.gov.uk/ukpga/2014/4/contents>.

² *Ibidem*, 2014.

³ United Kingdom House of Commons Code of Conduct and Guide to Rules. (2023, June). Retrieved from <https://www.parliament.uk/business/publications/commons/hoc-code-of-conduct/>.

⁴ Civil Service Code of United Kingdom. (2015, December). Retrieved from <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>.

and weaknesses of the UK approach, insights are gained into potential areas for improvement and best practices that could be used to regulate lobbying in other jurisdictions. Thus, in Germany, as in many other democratic societies, the regulation of lobbying activities is important to prevent undue influence and ensure transparency and accountability of the legislative process. According to the Bundestag member J. Fechner (Ismar, 2023), about 6,000 lobbyists in Germany invest 800 million euros a year in political lobbying.

In contrast to the UK, Germany has traditionally not had a specific, separate piece of legislation dedicated exclusively to the regulation of lobbying activities. Instead, lobbying regulation in Germany has evolved through a combination of parliamentary rules, voluntary lobbying registers, and special legal

provisions within broader legislative texts. A turning point in the debate on lobbying regulation in Germany was the growing public and political concern about the transparency and influence of lobbyists on legislative processes, especially considering several high-profile lobbying scandals (Kölbel, 2019).

In 2020-2023, Germany took major steps to formalise its approach to lobbying regulation. One such step was the adoption of the Law on Disclosure of Information on Lobbying Activities (Lobbyregistergesetz). Adopted in 2021, the law marks a significant step towards greater transparency of lobbying activities aimed at the Bundestag (Federal Parliament) and the Federal Government¹. The Law on Disclosure of Information on Lobbying Activities, commonly referred to as the “Lobbyist Register Act”, includes a range of key provisions, as presented in Table 2.

Table 2. Key provisions of the German Lobbyist Register Act

Mandatory registration	The principal feature of the Act is the creation of a mandatory public register for lobbyists and lobbying organisations that interact with the Bundestag (German Federal Parliament) and the Federal Government. This register is designed to make information about who influences legislative and political decisions visible (Official website of the Lobbyregister, n.d.).
Information disclosure requirements	Registered lobbyists must provide detailed information, including their personal data, information about the organisations they represent, their objectives, and the subjects of their lobbying efforts (§3, s. 1, 2). This requirement is aimed at ensuring that the sources of influence on legislative and governmental decisions are known to the public.
Scope of application	The Act applies to professional lobbyists and organisations, including non-governmental organisations, corporations, associations, and self-employed lobbyists, who aim to influence the legislative process or decision-making by executive authorities (§ 1, s. 4, § 2, s. 1).
Measures to ensure transparency	Apart from the registration requirement, the Act stipulates that registered lobbyists must report annually on their activities, which increases transparency (§ 6).
Enforcement and penalties	The law provides that failure to follow the registration and disclosure requirements may result in fines. This serves as a deterrent against evasion of transparency rules (§ 11).

Source: compiled by the author of this study based on the Lobbyist Register Act²

Various stakeholders welcomed the adoption of the Lobbyist Register Act. This was due to increased transparency. Proponents of transparency praise the law for creating a more transparent legislative process, as it makes visible the actors (individuals, groups) and interests that try to influence political decisions. Such transparency is considered a crucial step in allowing the public and media to scrutinise lobbying activities (Ismar, 2023).

Another positive element was the introduction of accountability. By requiring lobbyists to disclose information about their activities, the law enhances accountability by making it easier to identify potential conflicts of interest and undue influence on politicians. Increased transparency and accountability have contributed to increased public trust in political processes, as citizens have access to more information about who influences political decisions and how (Polk, 2021). An essential consequence of the

adoption of the Lobbyists Register Act was the establishment of a level playing field. This helped to create a level playing field for lobbyists, ensuring that all actors, regardless of size or resources, are held to the same transparency standards (Lange *et al.*, 2021).

Thus, the lobbyist registry has made a considerable contribution to increasing the transparency and traceability of lobbying activities, as well as to strengthening trust in the political process. It has created a framework in which representation of interests is fair and open to the public, thereby contributing to the development of a healthier and more balanced democracy. This brings Germany closer to the best international practices in lobbying regulation.

Although the German Lobbyist Register Act has been praised for its role in increasing transparency and accountability in the political process, several criticisms and negative aspects have emerged since its adoption. These comments relate, for instance, to

¹ Law of the Federal Republic of Germany “On the Establishment of a Register of Lobbyists for the Representation of Interests in the Bundestag and the Federal Government of Germany”. (2021, April). Retrieved from https://www.bundestag.de/resource/blob/865318/cd4b1c6434afc1d7ad520dbc64c7343d/gesetzestext_BGBI_2021_I_S_818.pdf.

² Ibidem, 2021.

the limited scope of the law. The law prescribes exemptions for certain types of organisations, such as churches and professional associations, which some believe creates loopholes that could be used to avoid registration and disclosure. This can potentially lead to an incomplete picture of lobbying activities and influence (Ismar, 2023). This comment is valid to some extent, but we believe that the administrative burden associated with registration and reporting requirements may disproportionately affect smaller organisations, such as NGOs and grassroots human rights groups. These organisations may lack the resources to follow the law as easily as larger, better-funded organisations, which can lead to a marginalisation of their voice in the political process. It is also noteworthy that the scope of the law is too narrow, focusing mainly on lobbying activities aimed at the Bundestag (federal parliament) and the federal government. This limitation means that lobbying efforts aimed at other important federal decision-makers, such as independent regulators, may not be covered by the Act.

Another substantial criticism is that the Act does not require detailed disclosure of financial information. Unlike in some other countries, lobbyists in Germany are not required to disclose the amount spent on lobbying activities or detailed financial information about their transactions. This shortcoming limits the ability of the public to fully assess the financial impact behind lobbying activities (Krol, 2022). Furthermore, the analysis of the current legislation leads to the conclusion that there are gaps in the control of party funding, especially due to the absence of a maximum limit for donations and sponsorship. In this regard, there is a need to increase transparency in party funding, especially regarding sponsorship and third-party contributions.

Concerns have been raised about the mechanisms for enforcing the Law and the adequacy of penalties for non-compliance. Some critics have argued that the fines prescribed for violations are not sufficient to deter violations of the law and that there is a need for tougher enforcement measures to ensure compliance. Concerns have also been raised that the law focuses on direct lobbying and may not adequately cover indirect lobbying strategies such as public campaigns, social media influence, or third-party advocacy (Eschmann & Lange, 2024). This limitation may lead to a considerable part of lobbying activities staying

unreported, undermining the effectiveness of the law in promoting transparency.

Finally, there are concerns about the level of public engagement with and awareness of the lobbying register. For the register to be an effective tool for transparency, it must be actively used and scrutinised by journalists, researchers, and the general public. However, if the registry is not user-friendly or well-publicised, its potential impact on enhancing democratic accountability may be limited (Chari *et al.*, 2019).

This criticism highlights the challenges and complexities associated with effective regulation of lobbying activities. While the Lobbyist Register Act is a major step forward towards transparency in Germany, ongoing evaluation and potential reforms may be required to address these negative aspects and strengthen the regulation of lobbying activities. Apart from the Lobbyist Register Act, there are several other regulations in Germany that help regulate lobbying activities. These rules complement the Lobbying Register Act by covering aspects of lobbying and political influence that the primary law cannot fully cover. These acts include the Political Parties Act (Parteiengesetz)¹ which regulates the financing of political parties in Germany, including donations, membership fees, and public funding. It requires political parties to maintain transparency of their finances, including disclosure of significant donations, which indirectly affects lobbying by regulating how interest groups can financially support parties.

There is a range of documents that are not directly aimed at regulating the lobbying process, but at the same time overlap with lobbying activities. For instance, the Unfair Competition Act (Gesetz gegen den unlauteren Wettbewerb)² addresses unfair practices in business competition, which may include certain forms of influence. It provides a legal basis for action against deceptive or unethical practices that can be used to gain undue influence on policy-making. Germany's federal Freedom of Information Act (Informationsfreiheitsgesetz)³ allows citizens to access information held by public authorities, increasing the transparency of government, and promotes accountability by making government processes more transparent, potentially revealing the influence of lobbyists. The Federal Budget Code (Bundeshaushaltsordnung)⁴ contains provisions on transparency in the awarding of federal contracts and the allocation of public funds. The requirement of the Code to

¹ Law of Federal Republic of Germany "On Political Parties". (1967, July). Retrieved from <https://www.gesetze-im-internet.de/partg/BJNR007730967.html>.

² Law of Federal Republic of Germany "Against Unfair Competition". (2004, July). Retrieved from <https://www.gesetze-im-internet.de/ifg/BJNR272200005.html>.

³ Law Regulating Access to Federal Information of Federal Republic of Germany. (2005, September). Retrieved from <https://www.gesetze-im-internet.de/ifg/BJNR272200005.html>.

⁴ Federal Budget Regulations of Federal Republic of Germany. (1969, August). Retrieved from <https://www.gesetze-im-internet.de/bho/BJNR012840969.html>.

report publicly on financial decisions indirectly regulates the possibility of lobbying to influence public procurement and funding decisions.

The rules governing the activities and financing of parliamentary factions in the Bundestag (Fraktionsgesetz)¹ and the Rules of Conduct for Members of the Bundestag² also have an impact on lobbying activities. These rules set out transparency requirements and restrictions on how parliamentary groups receive and use funds, which indirectly affects their interaction with lobbyists and interest groups and define ethical standards and rules of conduct for their members, including how they interact with lobbyists and interest groups. These rules are aimed at preventing conflicts of interest and ensuring transparency and accountability of MPs' interaction with lobbyists. In addition, Germany is a federal republic and lobbying activities at the Länder level may be governed by additional rules and laws specific to each region (Länder)^{3,4}. They can differ substantially, creating another layer of complexity in the regulatory landscape.

These regulations and provisions form a comprehensive system aimed at ensuring transparency, accountability, and fairness in the lobbying process and in the German political system as a whole. They reflect the multifaceted approach needed to effectively regulate lobbying activities and reduce the potential for undue influence on policy-making (Matuschek *et al.*, 2021).

Thus, the adoption of the Lobbyist Register Act⁵ is a major step forward in the legal regulation of lobbying in Germany. By establishing clear registration and disclosure requirements, the law seeks to elucidate the influence of lobbyists on the formation of public policy and legislation. Compared to the UK, Germany's legislative efforts show a growing consensus on the need for formal lobbying regulation. However, as in the UK, Germany faces challenges in ensuring that its regulatory framework comprehensively addresses the complexities of modern lobbying. An analysis of Germany's approach to lobbying regulation, specifically the adoption of the Lobbyist Register Act, provides valuable insights into efforts to

increase transparency and accountability in lobbying across Europe. The German example highlights the significance of continuous evaluation and potential reforms to address emerging issues in lobbying practice and regulation.

Lobbying in France dates to the early days of the French Republic, when influence peddling and advocacy were informal. In contrast to the formalised and often public lobbying efforts observed in contemporary France, early lobbying efforts were characterised by behind-the-scenes negotiations and personal connections. Influential individuals and groups have used their social and political connections to influence legislative and policy decisions, often without any public disclosure and beyond scrutiny (Chari *et al.*, 2019). The end of the 20th and beginning of the 21st centuries marked a significant shift in the perception and regulation of lobbying in France. During this period, there was a growing awareness of the potential for conflicts of interest and corruption, driven by high-profile scandals and a global desire for more transparent governance practices. In response, the French authorities have begun to scrutinise and regulate lobbying activities more closely, recognising the need to balance the role of interest groups in policy-making with the public's right to transparency and accountability.

The current regulatory framework for lobbying in France is based on the principles of transparency, accountability, and ethical behaviour. Central to this system are regulations designed to control and regulate the interaction between lobbyists, civil servants, and politicians. One such legal act is the Law No. 2016-1691 "On Transparency, the Fight Against Corruption and the Modernisation of Economic Life", better known as the Sapin II Act⁶. As the cornerstone of modern lobbying regulation in France, the Sapin II Act introduced mandatory registration of lobbyists, creating a transparent environment where lobbying activities are openly registered and monitored. According to this law, lobbyists are obliged to disclose their goals, the interests they represent, and their actions aimed at influencing government decision-making.

¹ Explanation of the Internal Regulations of the Bundestag of Federal Republic of Germany. (1980, July). Retrieved from https://www.bundestag.de/parlament/aufgaben/rechtsgrundlagen/erlaeuterungen_geschaeftsordnung.

² Rules of Conduct for Members of the Bundestag of Federal Republic of Germany. (2022, September). Retrieved from https://www.bundestag.de/resource/blob/194754/b50c330629e0bcf866f89a774a3cfb54/web_Verhaltensregeln_2022-data.pdf.

³ Law of the Hamburg House of Representatives "Hamburg Transparency Act". (2012, June). Retrieved from <https://www.landesrecht-hamburg.de/bsha/document/jlr-TranspGHArahmen>.

⁴ Law of the Berlin House of Representatives "On the Regulation of Transparency in Berlin". (2023, June). Retrieved from <https://www.parlament-berlin.de/ad0s/19/IIIPlen/vorgang/d19-1014.pdf>.

⁵ Law of the Federal Republic of Germany "On the Establishment of a Register of Lobbyists for the Representation of Interests in the Bundestag and the Federal Government of Germany". (2021, April). Retrieved from https://www.bundestag.de/resource/blob/865318/cd4b1c6434afc1d7ad520dbc64c7343d/gesetzestext_BGBI_2021_I_S_818.pdf.

⁶ Law of France No. 2016-1691 "On Transparency, the Fight Against Corruption and the Modernisation of Economic Life". (2016, December). Retrieved from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033558528?init=true&page=1&query=2016-1691+du+9+decembre&searchField=ALL&tab_selection=all.

Sapin II also created the Haute Autorité pour la transparence de la vie publique (HATVP), which oversees the registration and disclosure processes. Apart from the Sapin II Act, various regulations and guidelines issued by the HATVP provide detailed instructions on compliance, disclosure, and ethical standards for lobbying activities. These guidelines are crucial for ensuring that lobbyists understand their obligations and for promoting a culture of integrity and transparency in the lobbying community (Chardeau, 2017). The HATVP is a government agency that plays a key role in regulating lobbying activities in France. Its responsibilities include maintaining a public register of lobbyists, ensuring compliance with disclosure requirements, and providing guidance on ethical lobbying practices. The HATVP also has the power to investigate potential violations of lobbying rules and impose sanctions, if necessary.

The registration process has been designed to be comprehensive, yet accessible. The registration process requires lobbyists to provide detailed information about their activities, including the identity of their clients, the objectives of their lobbying efforts and the financial resources allocated to these activities. Such transparency is intended to inform the public and politicians about who is trying to influence decision-making and on what grounds. Generally, the French lobbying regulatory framework is based on several key principles:

- transparency, i.e., creating conditions for lobbying activities to be carried out openly, with clear records of who lobbies whom and for what purpose (Section 2 of the Sapin II Act);
- accountability, achieved by introducing liability for lobbyists and those they try to influence for their actions and decisions (Articles 25-33 of the Sapin II Act);
- ethical behaviour, expressed through the promotion of high standards of professionalism and ethics among lobbyists, including respect for public institutions and processes (Articles 25-33 of the Sapin II Act).

According to experts, the main positive aspects of the Sapin II Act are increased transparency in the field of lobbying through mandatory registration of lobbyists and compliance with detailed disclosure requirements and strengthening of anti-corruption measures through the creation of the French Anti-Corruption Agency (Agence française anticorruption – AFA), while requiring large companies and international groups to implement comprehensive programmes to prevent corruption and influence peddling (The French Anti-Corruption..., 2020; Gerdemann, 2023).

Another positive aspect is that the Sapin II Act provides a legal framework for whistleblower protection, encouraging people to report corruption,

fraud, and other unethical practices without fear of retaliation, and enhancing accountability (severe penalties for corruption and the possibility of holding legal entities liable for corrupt practices) (Pietrancosta, 2017). Notably, French legislation follows international anti-corruption standards set by organisations such as the OECD (Organisation for Economic Cooperation and Development) and the UN and creates conditions for cross-border cooperation in the investigation and prosecution of corruption offences.

The above has a positive impact on the culture of integrity in the corporate sector and the strengthening of democratic processes by increasing the transparency of lobbying and reducing the risk of corruption. While the Sapin II Act has had a positive impact on increasing transparency, fighting corruption, and modernising economic activity, it has also been criticised and raised concerns among various stakeholders. This criticism focuses on the problems of practical implementation, potential unintended consequences, and areas where the law may not achieve its ambitious goals. One of the key challenges associated with the implementation of the Sapin II Act is the requirement to introduce comprehensive anti-corruption measures, such as compliance and internal control programmes. These requirements can be particularly cumbersome for small businesses that have limited resources to implement them. Furthermore, the ambiguity and vagueness of some provisions of the law create uncertainty for businesses and lobbyists, complicating compliance, and potentially leading to inconsistent application of the law (Porta & Vithenian, 2020).

The issue of enforcement and effectiveness of the Sapin II Act is also of concern. The insufficient human and financial resources of the French Anti-Corruption Agency (AFA) may impede effective monitoring of compliance with and application of the law. Moreover, the law does not fully cover the full breadth of lobbying practices, potentially allowing some forms of influence to escape control (Gerdemann, 2023).

The impact of the Sapin II Act on international business and investment is also a cause for concern. Strict requirements and compliance costs can be a deterrent to foreign companies considering investing in France. For multinationals, aligning global compliance practices with the concrete requirements of the Sapin II Act can be a complex and costly task. Furthermore, the provisions of the law may conflict with or overlap with other international anti-corruption norms, creating additional challenges for companies operating in different legal jurisdictions (Porta & Vithenian, 2020). To successfully achieve these goals, it is necessary to take these criticisms into account and work to improve the law and its implementation to ensure that transparency and anti-corruption regulation in France is fair and effective.

Compared to the UK and Germany, France’s lobbying regulatory framework is notable for its comprehensive approach to transparency and ethical principles. The Sapin II Act¹ reflects a strong commitment to ensuring that lobbying activities are conducted in an open and accountable manner, making a positive contribution to the democratic process. The study of

France’s approach to lobbying regulation, specifically through the Sapin II Act, provides valuable insights into the dynamics of legal reform and the challenges associated with implementing effective regulatory measures. The French experience highlights the significance of continuous evaluation and adaptation in the regulation of lobbying activities.

Table 3. Results of the comparative analysis

Criteria	Countries		
	United Kingdom	Germany	France
Transparency	Register of lobbyist consultants. Limited information on clients and issues lobbied for. No financial disclosure requirements.	Register of associations and their representatives. Information on the objectives, interests and number of members of the associations. No financial disclosure requirements.	Register of lobbyists. Detailed information on clients, issues lobbied for, and lobbying costs. Mandatory disclosure of financial information.
Accountability	Absence of a mandatory code of conduct for lobbyists. Limited sanctions for non-compliance with registration requirements.	Voluntary code of conduct for lobbyists. No concrete sanctions for non-compliance with registration requirements.	Mandatory code of conduct for lobbyists. Strict sanctions for non-compliance with registration requirements and breaches of the code of conduct.
Law enforcement	The Registrar of Lobbyist Consultants maintains the Register. Limited investigative and sanctioning powers.	The register is maintained by the Bundestag. Lack of a special body to monitor compliance with registration requirements.	The French Anti-Corruption Agency (AFA) maintains the register. Broad powers of the AFA to monitor, investigate, and impose sanctions.

Source: systematised based on the analysed legislation^{2,3,4}

It should be emphasised that the existence of legislation regulating lobbying procedures does not protect countries from the desire of certain actors to circumvent the established rules. Thus, the Greensill Capital scandal in the United Kingdom has highlighted considerable gaps in lobbying legislation. The scandal was that former Prime Minister David Cameron lobbied the financial company Greensill Capital to gain access to government and financial support during the COVID-19 pandemic (Neate, 2023). This situation highlighted the limitations of the UK lobbying legislation, which does not apply to former civil servants or full-time lobbyists. This allowed David Cameron to circumvent the official lobbying registers. These events have raised public concerns about the transparency of lobbying activities, resulting in demands for reform of lobbying legislation.

Germany has also been marked by a range of lobbying scandals. One of the most famous was the Wirecard scandal, which involved one of the German

financial and tech giants (Storbeck, 2021). These events highlighted considerable shortcomings in regulatory oversight and raised questions about the impact of corporate lobbying on financial regulation. Although the Wirecard case was not a lobbying scandal in itself, it highlighted the need for robust mechanisms to detect and prevent undue influence on regulators and supervisors, leading to increased scrutiny of corporate lobbying activities. The situation highlighted the significance of comprehensive lobbying regulation with strict disclosure and transparency requirements.

In France, there has been intense lobbying by the healthcare sector, especially in tobacco and pharmaceutical regulation (Dautzenberg, 2018). Lobbying efforts to regulate e-cigarettes and tobacco alternatives have demonstrated the difficulty of balancing public health interests with industry lobbying. The case highlighted the role of the Sapin II Act in increasing transparency, as healthcare lobbyists were

¹ Law of France No. 2016-1691 “On Transparency, the Fight Against Corruption and the Modernisation of Economic Life”. (2016, December). Retrieved from https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033558528?init=true&page=1&query=2016-1691+du+9+decembre&searchField=ALL&tab_selection=all.

² Ibidem, 2016.

³ Law of the Federal Republic of Germany “On the Establishment of a Register of Lobbyists for the Representation of Interests in the Bundestag and the Federal Government of Germany”. (2021, April). Retrieved from https://www.bundestag.de/resource/blob/865318/cd4b1c6434afc1d7ad520dbc64c7343d/gesetzestext_BGBI_2021_I_S_818.pdf.

⁴ Act of Parliament of the United Kingdom “Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act”. (2014, January). Retrieved from <https://www.legislation.gov.uk/ukpga/2014/4/contents>.

required to disclose information about their activities and objectives. This allowed the public to exercise control and make informed decisions. These events also highlighted the significance of adhering to ethical principles in lobbying, especially in sensitive sectors such as healthcare, where the public interest must be more carefully protected than in industry lobbying efforts.

The analysis allows offering some recommendations aimed at improving the efficiency, transparency, and accountability of lobbying regulation in different countries. These recommendations include the following:

- Expanding the scope of regulation. Regulations should cover a wider range of lobbying entities, including full-time lobbyists, former government officials, and representatives of non-profit organisations. This will provide a comprehensive regulatory framework that will not leave any important lobbying activity unchecked.

- Increasing transparency through comprehensive information disclosure. Lobbyists must submit detailed reports on their lobbying activities, including the targets of lobbying, the officials they contacted, and the results they sought to achieve. This transparency can be facilitated by the creation of digital platforms that make such information easily accessible to the public. It is also desirable to introduce real-time reporting on lobbying contacts and activities, which will provide a timely understanding of the lobbying landscape and increase public trust.

- Strengthening law enforcement mechanisms. It is necessary to establish independent lobbying oversight bodies, such as the Register of Lobbyist Consultants in the UK, the Federal Ministry of Justice and Consumer Protection in Germany and HATVP in France, with sufficient resources and powers. A clear and strict system of sanctions for non-compliance with lobbying rules should be introduced, including fines, public censure and, in severe cases, criminal prosecution, to deter unethical lobbying practices.

- Promoting ethical lobbying practices. A comprehensive code of conduct should be developed and implemented for lobbyists, which includes ethical principles and expected behaviour. This code should be universal for all lobbyists and actively promoted by supervisory authorities. Educational and training programmes should be offered for lobbyists and government officials on ethical lobbying practices and compliance with the legal framework, promoting a culture of integrity and transparency.

- Promoting public engagement and awareness. Easy public access to lobbying registers and reports should be ensured, using user-friendly interfaces and searchable databases to facilitate engagement and verification. Public awareness campaigns should be conducted on the role of lobbying in the democratic

process, the importance of transparency, and how to access and interpret lobbying data.

- Continuous evaluation and adaptation. Lobbying legislation should be regularly reviewed to assess its effectiveness, identify areas for improvement, and adapt to changes in lobbying practices and technologies. Part should be taken in international cooperation to share best practices, experiences, and lessons learned in the field of lobbying regulation, using a global perspective on the problems and solutions.

Effective lobbying regulation is crucial to ensure that lobbying activities contribute positively to the democratic process by strengthening, rather than undermining, public trust in government. Our recommendations and best practices are based on research in the UK, Germany, and France and aim to provide a roadmap for countries seeking to improve their lobbying frameworks. By adopting a comprehensive, transparent, and adaptive approach to lobbying regulation, countries can better navigate the complex landscape of modern lobbying, ensuring that it serves the public interest. Thus, the experience of the UK, Germany, and France shows that it is necessary to strike a balance between the legitimate role of lobbying in a democratic society and the need to protect the public interest from undue influence. As lobbying practices evolve, the framework that governs them must also change, ensuring that lobbying stays transparent and accountable.

■ Conclusions

Thus, based on the findings of the study of the key provisions of the regulatory framework for lobbying in the UK, Germany, and France, conclusions can be drawn about the effectiveness of the existing systems. The UK legislation is often considered as having a narrower scope than German and French legislation, as it focuses on lobbyist consultants. This leaves a potentially significant portion of lobbying activity unregulated. In contrast, Germany and France have adopted broader definitions of lobbying, seeking to cover a wide scope of activities and actors within their legal frameworks. The enforcement mechanisms differ substantially in these three countries. The UK's Register of Lobbyist Consultants, the German Federal Ministry of Justice and Consumer Protection, and the French HATVP play a crucial role in overseeing compliance with the law. However, the effectiveness of these bodies depends on their ability to monitor, investigate, and punish non-compliance with the law. France, with its dedicated body (HATVP) and comprehensive set of sanctions, may have a more robust enforcement mechanism. All three countries have made efforts to increase the transparency of lobbying activities through public registers. However, the effectiveness of these registers as tools for

public engagement and oversight depends on their accessibility and completeness of the information provided. France's digital registry, which is overseen by HATVP, stands out from the rest with its user-friendly interface and comprehensive data. The dynamic nature of lobbying requires that the legal framework be adaptive. The recent adoption of the German Lobbyist Register Act and the ongoing evaluation of the French law demonstrate a commitment to continuous improvement and to responding to new and emerging challenges. The United Kingdom, which has made considerable progress, is facing calls for further reforms to broaden the scope of its regulatory framework.

A comparative analysis of lobbying regulation in the UK, Germany, and France shows a common desire to increase transparency and accountability in the lobbying sector. However, differences in scope, enforcement mechanisms, and approaches to public engagement highlight the diversity of strategies

adopted by each country. The effectiveness of these regulations in achieving their objectives depends on their ability to adapt to the changing landscape of lobbying activities and to respond to criticisms and challenges as they arise. This analysis highlights the significance of a robust, flexible, and transparent legal framework to ensure that lobbying contributes positively to the democratic process.

Further research will be aimed at identifying best practices in the regulation of lobbying activities, which will help to develop effective European lobbying legislation and ensure greater transparency and efficiency in decision-making processes.

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■ Conflict of Interest

The author of this study declares no conflict of interest.

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Новітній досвід нормативно-правового регулювання лобізму в Європі

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■ **Анотація.** У XXI столітті кількість держав, які розробили спеціальні нормативно-правові акти у сфері лобіювання, збільшилася майже вдвічі, що засвідчує зацікавленість сучасних еліт у нормативному регулюванні процедури лобізму. Метою дослідження є проведення порівняльного аналізу нормативно-правової бази, що регулює лобістську діяльність у кількох європейських країнах, а саме Великої Британії, Німеччини та Франції. У межах дослідження, крім загальнонаукових методів аналізу, синтезу й узагальнення, використано метод порівняльно-правового аналізу та метод інституційного аналізу. На підставі всебічного огляду літератури виокремлено нещодавні дослідження, які сприяли формуванню теоретичних засад регулювання лобізму. Наукова стаття містить критичний аналіз різних законодавчих підходів, прийнятих європейськими країнами, з оцінкою їхньої ефективності в просуванні прозорості, підзвітності й етичних практик лобіювання. Зіставлено законодавчі бази, окреслено сучасні виклики й можливості, притаманні процесу регулювання лобіювання. На підставі порівняльного аналізу визначено спільні та відмінні риси в підходах кожної країни до регулювання лобіювання. Модель Великої Британії передбачає акцент на добровільній реєстрації та саморегулюванні, натомість підхід Німеччини відображає більш неформальну практику з мінімальними законодавчими вимогами. На противагу цьому, Франція вжила жорсткіших заходів, зосередивши увагу на обов'язковій реєстрації та публічному розкритті інформації про лобістську діяльність. У роботі узагальнено найкращі практики, які можуть бути використані під час розроблення законодавства про лобіювання. Здійснене дослідження є внеском у дискусію про роль лобіювання в демократичних суспільствах. У висновках запропоновано рекомендації, яких слід дотримуватися під час підготовки нових проєктів нормативно-правових актів у сфері лобіювання або в період реформування чинного законодавства у відповідній сфері. Проведене дослідження має також практичне значення для європейських політиків, лобістів, зокрема громадянського суспільства. На підставі розглянутих підходів Великої Британії, Німеччини та Франції держави можуть визначити найкращі практики й адаптувати їх до унікального політичного, соціального та правового контексту

■ **Ключові слова:** демократія; корупція; інтереси; прозорість; вплив; політика; фінансування