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## **Úprava činnosti lobbistů ve vybraných státech**

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## **1. *Kanada, Lobbyists Registration Act, 1998***

Amended by: 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. K, ss. 12, 13.

Interpretation

Definitions

1. (1) In this Act,

"Crown" means Her Majesty in right of Ontario; ("Couronne")

"grass-roots communication" means appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion; ("appel au grand public")

"lobby" means,

(a) in relation to a consultant lobbyist referred to in section 4 and an in-house lobbyist referred to in section 5 or 6, to communicate with a public office holder in an attempt to influence,

(i) the development of any legislative proposal by the Government of Ontario or by a member of the Legislative Assembly,

(ii) the introduction of any bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly,

(iii) the making or amendment of any regulation as defined in section 1 of the Regulations Act,

(iv) the development or amendment of any policy or program of the Government of Ontario or the termination of any program of the Government of Ontario,

(v) a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or to the public,

(vi) a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown,

(vii) the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown, and

(b) in relation to a consultant lobbyist referred to in section 4 only,

(i) to communicate with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown, or

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(ii) to arrange a meeting between a public office holder and any other person; ("exercer des pressions")

"organization" means,

- (a) a business, trade, industry, professional or voluntary organization,
- (b) a trade union or labour organization,
- (c) a chamber of commerce or board of trade,
- (d) an association, a charitable organization, a coalition or an interest group,
- (e) a government, other than the Government of Ontario, and
- (f) a corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, territorial, patriotic, religious, philanthropic, charitable, educational, agricultural, scientific, artistic, social, professional, fraternal, sporting or athletic character or other similar objects; ("organisation")

"prescribed" means prescribed by the regulations made under this Act; ("prescrit")

"public office holder" means,

- (a) any officer or employee of the Crown not otherwise referred to in clauses (c) to (e),
- (b) a member of the Legislative Assembly and any person on his or her staff,
- (c) a person who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council or a minister of the Crown, other than a judge or a justice of the peace or a person appointed by or with the approval of the Lieutenant Governor in Council on the address of the Legislative Assembly,
- (d) an officer, director or employee of any agency, board or commission of the Crown, and
- (e) a member of the Ontario Provincial Police Force; ("titulaire d'une charge publique")

"registrar" means the registrar appointed by section 10; ("registrateur")

"regulations" means the regulations made under this Act unless otherwise specified. ("règlements") 1998, c. 27, Sched., s. 1 (1).

Subsidiary corporation

(2) For the purposes of this Act, a corporation is a subsidiary of another corporation if,

- (a) securities of the corporation, to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation, are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and

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(b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation. 1998, c. 27, Sched., s. 1 (2).

### Application

#### Crown bound

2. This Act binds the Crown. 1998, c. 27, Sched., s. 2.

#### Restriction on application

3. (1) This Act does not apply to any of the following persons when acting in their official capacity:

1. Members of the Senate or House of Commons of Canada, the legislative assembly of another province, the council or legislative assembly of a territory, or persons on the staff of these members.

2. Employees of the Government of Canada or of the government of another province or of a territory.

3. Members of a council or other statutory body charged with the administration of the civil or municipal affairs of a municipality as defined in the Municipal Act, 2001 and members of a local board as defined in the Municipal Affairs Act, persons on the staff of these members or officers or employees of a municipality or local board.

4. Members of the council of a band as defined in subsection 2 (1) of the Indian Act (Canada) or of the council of an Indian band established by an Act of the Parliament of Canada, persons on the staff of these members or employees of the council.

5. Diplomatic agents, consular officers or official representatives in Canada of a foreign government.

6. Officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom there are granted, by or under any Act of the Parliament of Canada, privileges and immunities. 1998, c. 27, Sched., s. 3 (1); 2002, c. 17, Sched. F, Table.

#### Same

(2) This Act does not apply in respect of,

(a) any oral or written submission made in proceedings that are a matter of public record to a committee of the Legislative Assembly or to any body or person having jurisdiction or powers conferred by or under an Act;

(b) any oral or written submission made to a public office holder by an individual on behalf of a person, partnership or organization, with respect to,

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(i) the enforcement, interpretation or application of any Act or regulation made under any Act by that public office holder and with respect to that person, partnership or organization, or

(ii) the implementation or administration of any policy, program, directive or guideline by that public office holder and with respect to that person, partnership or organization;

(c) any oral or written submission made to a public office holder by an individual on behalf of a person, partnership or organization, in direct response to a written request from a public office holder for advice or comment in respect of any matter referred to in clause (a) or subclause (b) (i) of the definition of "lobby" in subsection 1 (1); or

(d) any oral or written submission made to a member of the Legislative Assembly by an individual on behalf of a constituent of the member with respect to any personal matter of that constituent unless the submission is made in respect of a matter referred to in subclause (a) (i) or (ii) of the definition of "lobby" in subsection 1 (1) concerning a private bill for the special benefit of that constituent. 1998, c. 27, Sched., s. 3 (2).

Same

(3) Nothing in this Act shall be construed as requiring the disclosure of the name or identity of any individual if that disclosure could reasonably be expected to threaten the safety of that individual. 1998, c. 27, Sched., s. 3 (3).

## Registration of Lobbyists

### Consultant Lobbyists

#### Duty to file return, consultant lobbyists

4. (1) A consultant lobbyist shall file a return with the registrar not later than 10 days after commencing performance of an undertaking. 1998, c. 27, Sched., s. 4 (1).

#### Where one return sufficient

(2) A consultant lobbyist who undertakes to lobby is required to file only one return under subsection (1) even though he or she may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions or arrange one or more meetings between a public office holder and any other person. 1998, c. 27, Sched., s. 4 (2).

#### Transitional

(3) If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the consultant lobbyist shall file a return with the registrar not later than 10 days after this section comes into force. 1998, c. 27, Sched., s. 4 (3).

#### Contents of return

(4) A consultant lobbyist shall set out in the return the following information with respect to the undertaking:

1. The name and business address of the consultant lobbyist and, if applicable, the name and business address of the firm where the consultant lobbyist is engaged in business.
2. The name and business address of the client and the name and business address of any person, partnership or organization that, to the knowledge of the consultant lobbyist, controls or directs the activities of the client and has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
3. If the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the consultant lobbyist, has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
4. If the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
5. If the client is a coalition, the name and business address of each partnership, corporation or organization that is a member of the coalition.
6. If the client is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the client from that government or government agency.
7. The name and business address of any entity or organization that, to the knowledge of the consultant lobbyist, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the consultant lobbyist's activities on behalf of the client. However, this paragraph does not apply with respect to contributions made by a government.
8. The name and business address of any individual who, to the knowledge of the consultant lobbyist, made a contribution described in paragraph 7 on behalf of an entity or organization described in that paragraph.
9. The subject-matter in respect of which the consultant lobbyist has undertaken to lobby and any other prescribed information respecting the subject-matter.
10. If applicable, whether the payment to the consultant lobbyist is, in whole or in part, contingent on the consultant lobbyist's degree of success in lobbying as described in clause (a) or subclause (b) (i) of the definition of "lobby" in subsection 1 (1).
11. Particulars to identify any relevant legislative proposal, bill, resolution, regulation, policy, program, decision, grant, contribution, financial benefit or contract.
12. The name of any ministry of the Government of Ontario or agency, board or commission of the Crown in which any public office holder is employed or serves whom the consultant lobbyist has lobbied or expects to lobby.



13. Whether the consultant lobbyist has lobbied or expects to lobby a member of the Legislative Assembly in his or her capacity as a member or a person on the staff of a member of the Legislative Assembly.

14. If the consultant lobbyist has undertaken to lobby as described in clause (a) or subclause (b) (i) of the definition of "lobby" in subsection 1 (1), the techniques of communication, including grass-roots communication, that the consultant lobbyist has used or expects to use to lobby.

15. Such additional information as may be prescribed with respect to the identity of a person or entity described in this section. However, the regulations cannot require the consultant lobbyist to set out on the return the names of individuals or other information that might identify individuals, if their names are not otherwise required by this subsection. 1998, c. 27, Sched., s. 4 (4).

#### Changes to return and new information

(5) A consultant lobbyist shall provide the registrar with any change to the information in his or her return and any information required to be provided under subsection (4), the knowledge of which the consultant lobbyist acquired only after the return was filed, not later than 30 days after the change occurs or the knowledge is acquired. 1998, c. 27, Sched., s. 4 (5).

#### Confirmation of return

(6) A consultant lobbyist shall provide the registrar with confirmation of the information contained in his or her return within two months after the expiration of the first and each subsequent year from the date of filing the return. 1998, c. 27, Sched., s. 4 (6).

#### Completion or termination of undertaking

(7) A consultant lobbyist shall advise the registrar that he or she has completed an undertaking in respect of which he or she has filed a return or that the undertaking has been terminated not later than 30 days after the completion or termination of the undertaking. 1998, c. 27, Sched., s. 4 (7).

#### Information requested by registrar

(8) A consultant lobbyist shall provide the registrar with any information that the registrar may request to clarify any information that the consultant lobbyist has provided to the registrar under this section not later than 30 days after the registrar makes the request. 1998, c. 27, Sched., s. 4 (8).

#### Restriction on application

(9) This section does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, if his or her employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary. 1998, c. 27, Sched., s. 4 (9).

## Definitions

(10) In this section,

"client" means a person, partnership or organization on whose behalf a consultant lobbyist undertakes to lobby; ("client")

"consultant lobbyist" means an individual who, for payment, undertakes to lobby on behalf of a client; ("lobbyiste-conseil")

"payment" means money or anything of value and a contract, promise or agreement to pay money or anything of value; ("paiement")

"undertaking" means an undertaking by a consultant lobbyist to lobby on behalf of a client. ("engagement") 1998, c. 27, Sched., s. 4 (10).

## In-House Lobbyists (Persons and Partnerships)

### Duty to file return, in-house lobbyists

5. (1) An in-house lobbyist who is employed by a person that is not an organization or by a partnership shall file a return with the registrar,

(a) within two months after the day on which he or she becomes an in-house lobbyist; and

(b) within two months after the end of each financial year of the employer or, if the employer does not have a financial year, within two months after the end of each calendar year, beginning with the financial year or calendar year, as the case may be, in which the in-house lobbyist is required to file a return. 1998, c. 27, Sched., s. 5 (1).

### Transitional

(2) If, on the coming into force of this section, an individual is an in-house lobbyist employed by a person or partnership, he or she shall file a return with the registrar within two months after the day on which this section comes into force and after that in accordance with clause (1) (b). 1998, c. 27, Sched., s. 5 (2).

### Contents of return

(3) An in-house lobbyist shall set out in the return the following information:

1. The name and business address of the in-house lobbyist.

2. The name and business address of the employer.

3. If the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the in-house lobbyist, has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer.

4. If the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.

5. If applicable, the financial year of the employer.

6. A description in summary form of the employer's business or activities and any other prescribed information to identify the employer's business or activities.

7. If the employer is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the employer from that government or government agency.

8. The name and business address of any entity or organization that, to the knowledge of the in-house lobbyist, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the in-house lobbyist's activities on behalf of the employer. However, this paragraph does not apply with respect to contributions made by a government.

9. The name and business address of any individual who, to the knowledge of the in-house lobbyist, made a contribution described in paragraph 8 on behalf of an entity or organization described in that paragraph.

10. If the in-house lobbyist is lobbying at the time the return is filed, the subject-matter in respect of which he or she is lobbying and any other prescribed information respecting the subject-matter.

11. The subject-matters in respect of which the in-house lobbyist has lobbied or expects to lobby during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed, and any other prescribed information respecting those subject-matters.

12. Particulars to identify any relevant legislative proposal, bill, resolution, regulation, policy, program, decision, grant, contribution or financial benefit.

13. The name of any ministry of the Government of Ontario or agency, board or commission of the Crown in which any public office holder is employed or serves whom the in-house lobbyist has lobbied or expects to lobby during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.

14. Whether the in-house lobbyist has lobbied or expects to lobby a member of the Legislative Assembly in his or her capacity as a member or a person on the staff of a member of the Legislative Assembly during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.

15. The techniques of communication, including grass-roots communication, that the in-house lobbyist has used or expects to use to lobby during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed.

16. Such additional information as may be prescribed with respect to the identity of a person or entity described in this section. However, the regulations cannot require the in-house lobbyist to set out on the return the names of individuals or other information that might identify individuals, if their names are not otherwise required by this subsection. 1998, c. 27, Sched., s. 5 (3).

#### Changes to return and new information

(4) An in-house lobbyist shall provide the registrar with any change to the information in his or her return and any information required to be provided under subsection (3), the knowledge of which the in-house lobbyist acquired only after the return was filed, not later than 30 days after the change occurs or the knowledge is acquired. 1998, c. 27, Sched., s. 5 (4).

#### Ceasing duties or employment

(5) An in-house lobbyist who ceases to be an in-house lobbyist or to be employed by his or her employer shall advise the registrar of that not later than 30 days after it occurs. 1998, c. 27, Sched., s. 5 (5).

#### Information requested by registrar

(6) An in-house lobbyist shall provide the registrar with any information that the registrar may request to clarify any information that the in-house lobbyist has provided to the registrar under this section not later than 30 days after the registrar makes the request. 1998, c. 27, Sched., s. 5 (6).

#### Definitions

(7) In this section,

"employee" includes an officer who is compensated for the performance of his or her duties; ("employé")

"in-house lobbyist" means an individual (other than one described in subsection (8)) who is employed by a person or partnership, a significant part of whose duties as an employee, as determined in accordance with the regulations, is to lobby on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary; ("lobbyiste salarié")

"person" does not include a corporation referred to in clause (f) of the definition of "organization" in subsection 1 (1). ("personne") 1998, c. 27, Sched., s. 5 (7).

#### Exclusions, in-house lobbyist

(8) The following individuals are not in-house lobbyists:

1. Officers of the Assembly who are appointed on the address of the Assembly and the individuals employed in the office of such officers.

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2. Public servants within the meaning of the Public Service Act.

3. Such other classes of employees of Crown agencies as may be prescribed. 1998, c. 27, Sched., s. 5 (8).

In-House Lobbyists (Organizations)

Duty to file return, organizations

6. (1) The senior officer of an organization that employs an in-house lobbyist shall file a return with the registrar,

(a) within two months after the day on which that person becomes an in-house lobbyist; and

(b) within 30 days after the expiration of each six-month period after the date of filing the previous return. 1998, c. 27, Sched., s. 6 (1).

Transitional

(2) If, on the coming into force of this section, the organization employs an in-house lobbyist, the senior officer of the organization shall file a return with the registrar within two months after the day on which this section comes into force and after that in accordance with clause (1) (b). 1998, c. 27, Sched., s. 6 (2).

Contents of return

(3) The senior officer of an organization shall set out in the return the following information:

1. The name and business address of the senior officer.

2. The name and business address of the organization.

3. A description in summary form of the organization's business or activities and any other prescribed information to identify its business or activities.

4. A description of the membership of the organization and such other information as may be prescribed with respect to the membership, including the names of officers or directors of the organization. However, a regulation cannot require the senior officer to set out on the return the names of other individuals who are members or to set out other information that might identify such other individuals.

5. If the organization is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the organization from that government or government agency.

6. The name and business address of any entity or other organization that, to the knowledge of the senior officer, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the lobbying activities of the organization's in-house lobbyists. However, this paragraph does not apply with respect to contributions made by a government.

7. The name and business address of any individual who, to the knowledge of the senior officer, made a contribution described in paragraph 6 on behalf of an entity or organization described in that paragraph.

8. The name of each in-house lobbyist employed by the organization.

9. If any in-house lobbyist is lobbying at the time the return is filed, the subject-matter in respect of which he or she is lobbying and any other prescribed information respecting the subject-matter.

10. The subject-matters, and any other prescribed information respecting those subject-matters, in respect of which any in-house lobbyist,

i. has lobbied during the period for which the return is filed, and

ii. expects to lobby during the next following six-month period.

11. Particulars to identify any relevant legislative proposal, bill, resolution, regulation, policy, program, decision, grant, contribution or financial benefit.

12. The name of any ministry of the Government of Ontario or agency, board or commission of the Crown in which any public office holder is employed or serves whom any in-house lobbyist,

i. has lobbied during the period for which the return is filed, and

ii. expects to lobby during the next following six-month period.

13. Whether any in-house lobbyist,

i. has lobbied a member of the Legislative Assembly in his or her capacity as a member or a person on the staff of a member of the Legislative Assembly during the period for which the return is filed, and

ii. expects to lobby a member of the Legislative Assembly in his or her capacity as a member or a person on the staff of a member of the Legislative Assembly during the next following six-month period.

14. The techniques of communication, including grass-roots communication, that any in-house lobbyist,

i. has used to lobby during the period for which the return is filed, and

ii. expects to use to lobby during the next following six-month period.

15. Any other prescribed information relating to the identity of the senior officer, the organization, any in-house lobbyist or any ministry, agency, board or commission referred to in paragraph 12.

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16. The name of any in-house lobbyist who has been identified in the last return filed and has ceased to be an in-house lobbyist or to be employed by the organization. 1998, c. 27, Sched., s. 6 (3).

### Information requested by registrar

(4) The senior officer shall provide the registrar with any information that the registrar may request to clarify any information that the senior officer has provided in his or her return not later than 30 days after the registrar makes the request. 1998, c. 27, Sched., s. 6 (4).

### Definitions

(5) In this section,

"employee" includes an officer who is compensated for the performance of his or her duties; ("employé")

"in-house lobbyist" means an individual who is employed by an organization,

(a) a significant part of whose duties as an employee, as determined in accordance with the regulations, is to lobby on behalf of the organization, or

(b) a part of whose duties as an employee is to lobby on behalf of the organization if his or her duties to lobby together with the duties of other employees to lobby would constitute a significant part of the duties of one employee, as determined in accordance with the regulations, were those duties to lobby to be performed by only one employee; ("lobbyiste salarié")

"senior officer" means the most senior officer of an organization who is compensated for the performance of his or her duties. ("premier dirigeant") 1998, c. 27, Sched., s. 6 (5).

### Certification, Submission and Storage of Returns and Other Documents

#### Certification

7. Every individual who submits a return or other document to the registrar under this Act shall certify that the information contained in it is true to the best of his or her knowledge and belief on the return or other document or, if it is submitted in electronic or other form in accordance with subsection 8 (1), in the manner that is specified by the registrar. 1998, c. 27, Sched., s. 7.

#### Form of returns, etc.

8. (1) Returns to be filed with the registrar and information and other documents to be given to the registrar under this Act must be in a form approved by the registrar. 1998, c. 27, Sched., s. 8 (1).

#### Manner of filing, etc.

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(2) Returns, information and other documents must be submitted to the registrar in a manner permitted by the registrar. 1998, c. 27, Sched., s. 8 (2).

### Date of filing

(3) Subject to subsection (5), the date on which the registrar receives a return is the date on which the return is considered to have been filed for the purposes of this Act. 1998, c. 27, Sched., s. 8 (3).

### Date on which information, etc., provided

(4) Subject to subsection (5), the date on which the registrar receives information or a document other than a return is the date on which the information or document is considered to have been provided to the registrar for the purposes of this Act. 1998, c. 27, Sched., s. 8 (4).

### Deemed receipt

(5) In the prescribed circumstances, a return, information or another document shall be deemed to have been received by the registrar on the date determined in accordance with the prescribed rules. 1998, c. 27, Sched., s. 8 (5).

### Storage

9. (1) Subject to the regulations, any return or other document that is received by the registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time. 1998, c. 27, Sched., s. 9 (1).

### Evidence

(2) In any prosecution for an offence under this Act, a copy of a return or other document that is reproduced from an information storage device referred to in subsection (1) and certified under the registrar's signature as a true copy is admissible in evidence without proof of the signature or official character of the person appearing to have signed the copy and, in the absence of evidence to the contrary, has the same probative force as the original would have if it were proved in the ordinary way. 1998, c. 27, Sched., s. 9 (2).

## Registrar and Registry

### Registrar

10. The Integrity Commissioner is hereby appointed as registrar. 1998, c. 27, Sched., s. 10.

### Registry

11. (1) The registrar shall establish and maintain a registry in which shall be kept all returns filed under this Act as revised by other documents submitted to the registrar under this Act. 1998, c. 27, Sched., s. 11 (1).

### Form of registry



(2) The registry shall be organized in the manner and kept in the form that the registrar may determine. 1998, c. 27, Sched., s. 11 (2).

#### Access to registry

(3) The registry shall be available for public inspection in the manner and during the time that the registrar may determine. 1998, c. 27, Sched., s. 11 (3).

#### Verification of information

12. The registrar may verify the information contained in any return or other document submitted to the registrar under this Act. 1998, c. 27, Sched., s. 12.

#### Refusal to accept return or other document

13. (1) The registrar may refuse to accept any return or other document submitted to the registrar under this Act that does not comply with the requirements of this Act or the regulations or that contains information or statements not requested in the return or other document. 1998, c. 27, Sched., s. 13 (1).

#### Duty to inform

(2) If the registrar refuses to accept a return or other document under subsection (1), the registrar shall inform the individual who submitted it of the refusal and the reason for the refusal in the manner that the registrar determines. 1998, c. 27, Sched., s. 13 (2).

#### Extension of time

(3) Despite the provisions of this Act respecting times for filing a return or submitting another document, if a return or other document is refused by the registrar under subsection (1) and the individual cannot reasonably submit another by the time set out in this Act for filing or submitting it, the registrar shall provide the individual with a reasonable extension of time to file another return or submit another document. 1998, c. 27, Sched., s. 13 (3).

#### Deeming provision

(4) If the registrar accepts another return or document within the extension of time referred to in subsection (3), the return shall be deemed to have been filed or other document shall be deemed to have been submitted on the day on which the return or other document that was refused was received by the registrar. 1998, c. 27, Sched., s. 13 (4).

#### Removal from registry

14. (1) The registrar may remove a return from the registry if the individual who filed the return,

(a) fails to confirm the information contained in it within the period required by subsection 4 (6);

## Kanada, Lobbyists Registration Act, 1998

(b) fails to advise the registrar of the matters required by subsection 4 (7) or 5 (5) within the period required by the subsection; or

(c) fails to give the registrar any requested information relating to the return within the period specified by this Act. 1998, c. 27, Sched., s. 14 (1).

### Same

(2) The Statutory Powers Procedure Act does not apply with respect to the registrar's decision to remove a return from the registry, and the registrar may remove the return without giving notice to the individual who filed the return and without holding a hearing. 1998, c. 27, Sched., s. 14 (2).

### Effect of removal

(3) When a return is removed from the registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this Act, not to have filed the return. 1998, c. 27, Sched., s. 14 (3).

### Advisory opinions and interpretation bulletins

15. (1) The registrar may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of this Act. 1998, c. 27, Sched., s. 15 (1).

### Effect

(2) Advisory opinions and interpretation bulletins issued under subsection (1) are not binding. 1998, c. 27, Sched., s. 15 (2).

### Delegation of powers

16. (1) The registrar may delegate in writing any of his or her powers or duties under this Act to a person employed in the registrar's office and may authorize him or her to delegate any of those powers or duties to another person employed in that office. 1998, c. 27, Sched., s. 16 (1).

### Temporary delegation

(2) The registrar may make a delegation that expires on or before June 30, 1999 to any person and may authorize him or her to delegate any of those powers or duties to another person. 1998, c. 27, Sched., s. 16 (2).

### Conditions, etc.

(3) A delegation may be made subject to such conditions and restrictions as the person making the delegation considers appropriate. 1998, c. 27, Sched., s. 16 (3).

### Recovery of fees

## Kanada, Lobbyists Registration Act, 1998

17. Any fee required by the regulations to be paid may be recovered in any court of competent jurisdiction as a debt due to the Crown. 1998, c. 27, Sched., s. 17.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 17 is repealed by the Statutes of Ontario, 2002, chapter 18, Schedule K, section 12 and the following substituted:

### Fees

17. (1) The registrar may,

(a) require a fee to be paid on the filing of a return or a return of a class of returns under section 4, 5 or 6, or for any service performed or the use of any facility provided by the registrar; and

(b) set the fee referred to in clause (a) or establish the manner of determining it, and provide for a difference in or the waiver of the fee for filing a return based on the manner in which the return is submitted to the registrar.

### Approval

(2) Any action that the registrar takes with respect to fees under subsection (1) is subject to the approval of the Chair of the Management Board of Cabinet or such other member of the Executive Council as may be assigned the administration of this Act under the Executive Council Act.

### Publication and coming into effect of fees

(3) Once approved, the fees shall be published in The Ontario Gazette and are effective as of the date of their publication.

### Recovery of fees

(4) Any fee required to be paid may be recovered in any court of competent jurisdiction as a debt owing to the Crown.

See: 2002, c. 18, Sched. K, ss. 12, 23 (2).

### Offences and Punishment

#### Offence re returns, consultant lobbyists

18. (1) Every individual who fails to comply with subsection 4 (1), (3), (4), (5) or (8) is guilty of an offence. 1998, c. 27, Sched., s. 18 (1).

#### Same, in-house lobbyists

(2) Every individual who fails to comply with subsection 5 (1), (2), (3), (4) or (6) is guilty of an offence. 1998, c. 27, Sched., s. 18 (2).

## Kanada, Lobbyists Registration Act, 1998

### Same, senior officers

(3) Every individual who fails to comply with subsection 6 (1), (2), (3) or (4) is guilty of an offence. 1998, c. 27, Sched., s. 18 (3).

### False or misleading statements

(4) Every individual who knowingly makes a false or misleading statement in a return or other document submitted to the registrar under this Act is guilty of an offence. 1998, c. 27, Sched., s. 18 (4).

### Conflict of interest, consultant lobbyist

(5) Every consultant lobbyist (within the meaning of subsection 4 (10)) is guilty of an offence if, in the course of lobbying a public office holder, the consultant lobbyist knowingly places the public office holder in a position of a real or potential conflict of interest as described in subsection (7). 1998, c. 27, Sched., s. 18 (5).

### Same, in-house lobbyist

(6) Every in-house lobbyist (within the meaning of subsection 5 (7) or 6 (5)) is guilty of an offence if, in the course of lobbying a public office holder, the in-house lobbyist knowingly places the public office holder in a position of real or potential conflict of interest as described in subsection (7). 1998, c. 27, Sched., s. 18 (6).

### Conflict of interest

(7) A public officer holder is in a position of conflict of interest if he or she engages in an activity that is prohibited by section 2, 3 or 4 or subsection 6 (1) of the Members' Integrity Act, 1994, or that would be so prohibited if the public officer were a member of the Legislative Assembly. 1998, c. 27, Sched., s. 18 (7).

### Penalty

(8) Upon conviction of an offence under this section, an individual is liable to a fine of not more than \$25,000. 1998, c. 27, Sched., s. 18 (8).

### Limitation

(9) No proceeding in respect of an offence under this section shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1998, c. 27, Sched., s. 18 (9).

### Regulations

### Regulations

19. The Lieutenant Governor in Council may make regulations,

Kanada, Lobbyists Registration Act, 1998

(a) respecting the determination of when the duties of an employee to lobby on behalf of an employer constitute a significant part of his or her duties as an employee for the purpose of the definition of "in-house lobbyist" in subsections 5 (7) and 6 (5);

(b) requiring a fee to be paid on the filing of a return or a return of a class of returns under section 4, 5 or 6, or for any service performed or the use of any facility provided by the registrar;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed by the Statutes of Ontario, 2002, chapter 18, Schedule K, section 13. See: 2002, c. 18, Sched. K, ss. 13, 23 (2).

(c) prescribing the fee referred to in clause (b) or the manner of determining it, and providing for a difference in or the waiver of the fee for filing a return based on the manner in which the return is submitted to the registrar;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (c) is repealed by the Statutes of Ontario, 2002, chapter 18, Schedule K, section 13. See: 2002, c. 18, Sched. K, ss. 13, 23 (2).

(d) respecting the entering or recording of any return or other document under subsection 9 (1);

(e) prescribing any matter or thing that by this Act is to be or may be prescribed;

(f) generally for carrying out the purposes and provisions of this Act. 1998, c. 27, Sched., s. 19.

20. Omitted (provides for coming into force of provisions of this Act). 1998, c. 27, Sched., s. 20.

21. Omitted (enacts short title of this Act). 1998, c. 27, Sched., s. 21.

## **2. Kanada, Lobbyists' Code of Conduct**

### **Preamble**

The *Lobbyists' Code of Conduct* is founded on four concepts stated in the *Lobbyists Registration Act*:

- Free and open access to government is an important matter of public interest;
- Lobbying public office holders is a legitimate activity;
- It is desirable that public office holders and the public be able to know who is attempting to influence government; and,
- A system for the registration of paid lobbyists should not impede free and open access to government.

The *Lobbyists' Code of Conduct* is an important initiative for promoting public trust in the integrity of government decision-making. The trust that Canadians place in public office holders to make decisions in the public interest is vital to a free and democratic society. To this end, public office holders, when they deal with the public and with lobbyists, are required to honour the standards set out for them in their own codes of conduct. For their part, lobbyists communicating with public office holders must also abide by standards of conduct, which are set out below.

Together, these codes play an important role in safeguarding the public interest in the integrity of government decision-making.

### **Principles**

#### **Integrity and Honesty**

Lobbyists should conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

#### **Openness**

Lobbyists should, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

#### **Professionalism**

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully with not only the letter but the spirit of the *Lobbyists' Code of*

*Conduct* as well as all the relevant laws, including the *Lobbyists Registration Act* and its regulations.

## **Rules**

### **Transparency**

#### **1. Identity and purpose**

Lobbyists shall, when making a representation to a public office holder, disclose the identity of the person or organization on whose behalf the representation is made, as well as the reasons for the approach.

#### **2. Accurate information**

Lobbyists shall provide information that is accurate and factual to public office holders. Moreover, lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

#### **3. Disclosure of obligations**

Lobbyists shall indicate to their client, employer or organization their obligations under the *Lobbyists Registration Act*, and their obligation to adhere to the *Lobbyists' Code of Conduct*.

### **Confidentiality**

#### **4. Confidential information**

Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.

#### **5. Insider information**

Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

### **Conflict of interest**

#### **6. Competing interests**

Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.

#### **7. Disclosure**

Consultant lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest, and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

#### **8. Improper influence**

## Kanada, Lobbyists' Code of Conduct

Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.



### **3. *Spojené státy, Lobbying Disclosure Act of 1995***

## **Lobbying Disclosure Act**

PUBLIC LAW 104-65-DEC. 19,1995 109 STAT. 691

Public Law 104-65 104th Congress

109 STAT. 691

An Act

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that-

- (1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;
- (2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and
- (3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

Dec. 19, 1995

[S. 10601]

Lobbying Disclosure Act of 1995.

Public information.

USC 1601 . note.

2 USC 1602.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.-The term "agency" has the meaning given that term in section 551(l) of title 5, United States Code.

(2) CLIENT.-The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.-The term "covered executive branch official" means-

(A) the President;

(B) the Vice President;

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(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above 0-7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policyadvocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.-The term "covered legislative branch official" means-

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of-

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109 (13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.-The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include-

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.-The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) LOBBYING ACTIVITIES.-The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.-

(A) DEFINITION.-The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to-

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

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(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.-The term "lobbying contact" does not include a communication that is-

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

Spojené státy, Lobbying Disclosure Act of 1995

- (iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);
- (v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;
- (vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;
- (vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;
- (viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;
- (ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;
- (x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;
- (xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;
- (xii) made to an official in an agency with regard to-
  - (I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or
  - (II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,  
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- if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;
- (xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;
- (xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with-

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision), with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by-

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and (xix) between-

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively; relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.-The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

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(10) LOBBYIST.-The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying

contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.-The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.-The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.-The term "organization" means a person or entity other than an individual.

(14) PERSON OR ENTITY.-The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.-The term "public official" means any elected official, appointed official, or employee of-

(A) a Federal State, or local unit of government in the United States other than-

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 10850))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.-The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

109 STAT. 696 PUBLIC LAW 104-65-DEC. 19, 1995

2 USC 1601.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.-

(1) GENERAL RULE.-No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) EMPLOYER FILING.-Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.-

(A) GENERAL RULE.-Notwithstanding paragraphs (1) and (2), a person or entity whose-

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed \$5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed \$20,000, (as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.-The dollar amounts in subparagraph (A) shall be adjusted-

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period, rounded to the nearest \$500.

(b) CONTENTS OF REGISTRATION.-Each registration under this section shall contain-

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that- (A) contributes more than \$10,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and (B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than \$10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that-

2 USC 1603.

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(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity; (5) a statement of-

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and (6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.-

(1) MULTIPLE CLIENTS.-In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.-A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.-A registrant who after registration-

(1) is no longer employed or retained by a client to conduct lobbying activities, and



(2) does not anticipate any additional lobbying activities for such client, may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

109 STAT. 697

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.-No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) CONTENTS OF REPORT.-Each semiannual report filed under subsection (a) shall contain-

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

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(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period-

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 4(b)(4) in the specific issues listed under subparagraph (A);

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.-For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

2 USC 1604.

#### SEC. 6. DISCLOSURE AND ENFORCEMENT.

The Secretary of the Senate and the Clerk of the House of Representatives shall-

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including-

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

2 USC 1605.

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(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semi-annual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (7).

109 STAT. 699

Records.

#### SEC. 7. PENALTIES.

Whoever knowingly fails to-

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation.

2 USC 1606.

#### SEC. 8. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.-Nothing in this Act shall be construed to prohibit or interfere with-

(1) the right to petition the Government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association, protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.-Nothing in this Act shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this Act.

(c) AUDIT AND INVESTIGATIONS.-Nothing in this Act shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

2 USC 1607.

#### SEC. 9. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended-

(1) in section 1-

(A) by striking subsection 0);

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(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

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(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following: "(h) Any agent of a person described in section l(b)(2) or an entity described in section l(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1995 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))-

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))-

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)-

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(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,"; and

(8) in section 8 (22 U.S.C. 618)-

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d).

22 USC 611.

SEC. 10. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.-Section 1352(b) of title 31, United States Code, is amended

(1) in paragraph(2) by striking subparagraphs (A), (B), and (C) and inserting the following: "

(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts

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on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.-Section 1352 of title 31, United States Code, is further amended- (1) by striking subsection (d); and (2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 11. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT. The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.-

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT. Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1995)" after "an agent for a foreign principal".

(b) AMENDMENTS To TITLE 18, UNITED STATES CODE.-Section 219(a) of title 18, United States Code, is amended-

(1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(6) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938"; and

(2) by striking out ", as amended,". (c) AMENDMENT To FOREIGN SERVICE ACT OF 1980.-Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 3(6) of the Lobbying Disclosure Act of 1995)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 13. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

109 STAT. 702 PUBLIC LAW 104-65-DEC. 19,1995

2 USC 1608.

SEC. 14. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.-Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact-

(1) state whether the person or entity is registered under this Act and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.-Any person or entity registered under this Act that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall-

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this Act, and state whether the person making the lobbying contact is registered on behalf of that client under section 4; and

(2) identify any other foreign entity identified pursuant to section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(C) IDENTIFICATION AS COVERED OFFICIAL.-Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

2 USC 1610.

SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.-A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may-

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3) and 5(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 3(7) of this Act, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.-A registrant that is subject to section 162(e) of the Internal Revenue Code of 1986 may-

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3) and 5(b)(4); and

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(2) in lieu of using the definition of "lobbying activities" in section 3(7) of this Act, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.-Any registrant that elects to make estimates required by this Act under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall-

2 USC 1610.

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(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.-Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress-

(1) the differences between the definition of "lobbying activities" in section 3(7) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this Act pursuant to this subsection; and

(3) any changes to this Act or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

109 STAT. 703

SEC. 16. REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.-Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.-Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.-The repeal and amendment made by 5 USC 3304 note. this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.



(a) IN GENERAL.-Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection: "(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service, such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102). In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit based appointments."

(b) EFFECTIVE DATE.-The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall-

- (1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and
- (2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

Regulations.

5 USC 3304 note.

#### SEC. 18. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall

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not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

2 USC 1611.

#### SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (P.L. 75-583).

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

"SECTION 11. REPORTS TO THE CONGRESS.-The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations

filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed."

22 USC 621.

SEC. 20. DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.-Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended- 5 USC app. 102.

(1) in clause (vii) by striking "or"; and

(2) by striking clause (viii) and inserting the following: "(viii) greater than \$1,000,000 but not more than \$5,000,000, or "(ix) greater than \$5,000,000."

(b) ASSETS AND LIABILITIES.-Section 102(d)(1) of the Ethics in Government Act of 1978 is amended-

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following: "

(G) greater than \$1,000,000 but not more than \$5,000,000; "

(H) greater than \$5,000,000 but not more than \$25,000,000; "

(I) greater than \$25,000,000 but not more than \$50,000,000; and "

(J) greater than \$50,000,000."

(c) EXCEPTION.-Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following: "

(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000."

SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.-Section 207(f)(2) of title 18, United States Code, is amended by-

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.-Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph: "

(3) LIMITATION ON APPOINTMENTS.-A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative."

(c) EFFECTIVE DATE.-The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

109 STAT. 705  
18 USC 207 note.

SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.-Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

"(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust."

(b) CONFORMING AMENDMENT.-Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5) and inserting "(5), and (8)".

(c) EFFECTIVE DATE.-The amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

5 USC app. 102.  
5 USC app. 102 note.

SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(a) FINDINGS.-The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.-It is the sense of the Senate that lobbying expenses should not be tax deductible.

2 USC 1612.

SEC. 24. EFFECTIVE DATES.

(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

(b) The repeals and amendments made under sections 9, 10, 11, and 12 shall take effect as provided under subsection (a), except that such repeals and amendments-

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

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(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

2 USC 1601 note.

Approved December 19, 1995.

LEGISLATIVE HISTORY-S. 1060 (H.R. 2564) (S. 101):

HOUSE REPORTS: No. 104-339, Pt. 1, accompanying H.R. 2564 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 141 (1995): July 24, 25, considered and passed Senate.

Nov. 16, 28, 29, H.R. 2564 considered and passed House; S. 1060 passed in lieu.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 31 (1995): Nov. 19, Presidential statement.

#### **4. UK, The Code of Conduct, House of Commons**

##### **The Code of Conduct for Members of Parliament**

##### **Prepared pursuant to the Resolution of the House of 19th July 1995**

##### **Purpose of the Code**

The purpose of the Code of Conduct is to assist Members in the discharge of their obligations to the House, their constituents and the public at large.

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.

##### **Public duty**

By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.

##### **Personal conduct**

Members shall observe the general principles of conduct identified by the Committee on Standards in Public Life as applying to holders of public office:—

##### ***Selflessness***

*Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends*

##### ***Integrity***

*Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*

##### ***Objectivity***

*In carrying out public business, including make public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*

***Accountability***

*Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

***Openness***

*Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

***Honesty***

*Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*

***Leadership***

*Holders of public office should promote and support these principles by leadership and example.*

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons, or its Members generally, into disrepute.

The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.

Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Interests and shall always draw attention to any relevant interest in any proceeding of the House or its Committees, or in any communications with Ministers, Government Departments or Executive Agencies.

In any activities with, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal

meetings and functions, he or she must always bear in mind the need to be open and frank with Ministers, Members and officials.

No Member shall act as a paid advocate in any proceeding of the House.

No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed.

Members must bear in mind that information which they receive in confidence in the course of their parliamentary duties should be used only in connection with those duties, and that such information must never be used for the purpose of financial gain.

## **5. UK, The Code of Conduct, House of Lords**

**This Code of Conduct came into effect on 31st March 2002.**

# **HOUSE OF LORDS**

## **CODE OF CONDUCT**

Adopted on Monday 2nd July 2001  
as amended on Tuesday 24th July 2001

### **Purpose of the Code**

1. The purpose of this Code of Conduct is:
  - (a) to provide guidance for Members of the House of Lords on the standards of conduct expected of them in the discharge of their parliamentary and public duties;
  - (b) to provide the openness and accountability necessary to reinforce public confidence in the way in which Members of the House of Lords perform their parliamentary and public duties.
2. This Code applies to all Members of the House of Lords who have not taken leave of absence.

### **Public duty**

3. By virtue of their oath, or affirmation, of allegiance, Members of the House have a duty to be faithful and bear true allegiance to Her Majesty The Queen, Her heirs and successors, according to law.

### **Personal conduct**

4. Members of the House:
  - (a) must comply with the Code of Conduct;
  - (b) should act always on their personal honour;
  - (c) must never accept any financial inducement as an incentive or reward for exercising parliamentary influence;
  - (d) must not vote on any bill or motion, or ask any question in the House or a committee, or promote any matter, in return for payment or any other material benefit (the "no paid advocacy" rule).



5. Members of the House should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:

(a) Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

(b) Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

(c) Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

(d) Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

(e) Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(f) Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(g) Leadership: Holders of public office should promote and support these principles by leadership and example.

### **Primacy of the public interest**

6. In the conduct of their parliamentary duties, Members of the House shall resolve any conflict between their personal interest and the public interest in favour of the public interest.

### **Register of Interests**

7. There shall be established a register of Lords' interests referred to in this Code. The register shall be maintained under the authority of the Clerk of the Parliaments by a Registrar appointed by him.

A Member of the House must register relevant interests before 31st March 2002 and thereafter within one month of acquiring them.

The register shall be available for public inspection in accordance with arrangements made by the Registrar. The register shall be regularly updated and shall be reprinted annually. The annual publication shall include all interests registered since the previous edition and all continuing interests unless their termination has been notified to the Registrar.

### **Registration and Declaration of Relevant Interests**

8. Members of the House must:

- (a) register in the Register of Lords' Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their actions;
- (b) declare when speaking in the House, or communicating with ministers, government departments or executive agencies, any interest which is a relevant interest in the context of the debate or the matter under discussion. This is necessary in order that their audience may form a balanced judgment of their arguments. In cases where Members of the House vote in a division where they have a relevant interest that they have not been able to declare, they should register that interest within 24 hours of the division.

### **What is a relevant interest?**

9. The test of relevant interest is whether the interest might reasonably be thought by the public to affect the way in which a Member of the House of Lords discharges his or her parliamentary duties.

10. The test of relevant interest is therefore not whether a Member's actions in Parliament will be influenced by the interest, but whether the public might reasonably think that this might be the case.

11. Relevant interests include both financial and non-financial interests.

### **Relevant financial interests**

12. The following financial interests are always relevant and therefore must be registered:

- (a) any consultancy agreement under which Members of the House provide parliamentary advice or services. A copy of any such agreement, and the

remuneration received by Members for advice in relation to parliamentary matters, must be deposited with the Registrar of Lords' Interests, so that details are available for public inspection.

- (b) employment or any other financial interest in businesses involved in parliamentary lobbying on behalf of clients, including public relations and law firms but Members of the House involved with organisations that offer commercial lobbying services are not obliged to refrain from participating in parliamentary business in connection with all clients of that organisation but only their personal clients;
- (c) any remunerated service which Members of the House provide by virtue of their position as members of Parliament, and the clients of any such service;
- (d) employment as a non-parliamentary consultant;
- (e) remunerated directorships;
- (f) regular remunerated employment (excluding occasional income from speeches, lecturing, broadcasting and journalism);
- (g) shareholdings amounting to a controlling interest;
- (h) provision by an outside body of secretarial and research assistance;
- (i) visits with costs paid in the United Kingdom and overseas, made as a member of Parliament, except any visits paid for from public funds.

13. The list in paragraph 12 above is not exhaustive. For example, relevant financial interests may also include (depending on their significance):

- (a) shareholdings not amounting to a controlling interest;
- (b) landholdings (excluding Members' homes);
- (c) the financial interests of a spouse or relative or friend;
- (d) hospitality or gifts given to a Member which could reasonably be regarded as an incentive to support a particular cause or interest.

14. Except for remuneration received by Members for advice in relation to parliamentary matters, Members of the House are not required to disclose how much they earn from the financial interests set out in paragraphs 12 and 13, but they may do so if they wish.

#### **Relevant non-financial interests**

15. The following non-financial interests are always relevant and therefore must be

registered:

- (a) membership of public bodies such as hospital trusts, the governing bodies of universities, colleges and schools, and local authorities;
- (b) trusteeships of museums, galleries or similar bodies;
- (c) acting as an office-holder or trustee in pressure groups or trade unions;
- (d) acting as an office-holder or trustee in voluntary or not-for-profit organisations.

16. The list in paragraph 15 above is not exhaustive. For example, relevant non-financial interests may also include (depending on their significance):

- (a) other trusteeships;
- (b) unpaid membership of voluntary organisations.

17. Members of the House are not obliged to register membership of Churches, religious bodies and quasi-religious organisations. But it may be necessary to declare such interests (see paragraph 8).

#### **Advice**

18. The operation of the register shall be overseen by a Sub-Committee of the Committee for Privileges on Lords' Interests and the Registrar shall consult the Sub-Committee when necessary. The Registrar is available to advise Members of the House. A Member who acts on the advice of the Registrar in determining what is a relevant interest satisfies fully the requirements of the Code of Conduct.

#### **Enforcement of the Code of Conduct**

19. Allegations of non-compliance with this Code are dealt with as follows:

- (a) Any allegation should normally be raised first with the Member complained against. However, there may be circumstances when it is more appropriate to raise the matter with a party Leader or Chief Whip, or the Convenor of the Cross Bench Peers.
- (b) If the complainant chooses to pursue the matter, he or she should refer the allegation in private directly to the Sub-Committee on Lords' Interests, through its chairman.
- (c) The Sub-Committee will then examine the allegation and may decide to investigate it further or to dismiss it.
- (d) In the investigation and adjudication of complaints against them, Members of the House have the right to safeguards as rigorous as those

applied in the courts and professional disciplinary bodies.

(e) If after investigation the Sub-Committee finds the allegation proved, the Member complained against has a right of appeal to the Committee for Privileges.

(f) The conclusions of the Sub-Committee and of the Committee for Privileges are reported to the House.

20. Paragraph 7 shall have effect forthwith; the remainder of this Code shall have effect from 31st March 2002; and the resolution of the House of 7th November 1995 on the practice of the House in relation to Lords' interests shall cease to have effect on the same date.

## **6. Evropský parlament, čl. 9 jednacího řádu a příloha IX jednacího řádu**

### **Článek 9 : Finanční zájmy poslanců, pravidla chování a přístup do Parlamentu**

1. Parlament může stanovit pravidla průhlednosti týkající se finančních zájmů poslanců, která jsou uvedena v příloze k tomuto jednacímu řádu(1) .

Tato pravidla nesmí v žádném případě narušovat nebo omezovat výkon mandátu a s ním spojených politických či jiných činností.

2. Chování poslanců je vedeno vzájemnou úctou, vychází z hodnot a zásad vymezených v základních dokumentech Evropské unie, nesmí snižovat důstojnost Parlamentu nebo ohrozit řádný chod parlamentní činnosti ani narušovat klidné prostředí v budovách Parlamentu.

Nedodržení těchto zásad může vést k použití opatření stanovených v člancích 146, 147 a 148.

3. Uplatňování tohoto článku nijak neomezuje živost a bezprostřednost parlamentního jednání ani svobodu projevu poslanců.

Plně respektuje výsadní práva poslanců vymezená v primárním právu a ve statutu poslanců.

Vychází ze zásady průhlednosti a zaručuje, že jakékoli ustanovení v této věci bude oznámeno poslancům a každý poslanec bude osobně seznámen se svými právy a povinnostmi.

4. Kvestoři jsou odpovědní za vydávání průkazů opatřených jménem, které jsou platné po dobu nejvýše jednoho roku, osobám, které chtějí často vstupovat do parlamentních prostor za účelem informování poslanců v rámci jejich mandátu v jejich vlastním zájmu nebo v zájmu třetích stran.

Od těchto osob se na druhé straně požaduje, aby:

- dodržovaly kodex chování zveřejněný jako příloha jednacího řádu(2) ;
- se zapsaly do rejstříku vedeného kvestory.

Tento rejstřík je veřejnosti přístupný na žádost ve všech pracovních místech

Parlamentu a ve formě stanovené

kvestory, též v jeho informačních kancelářích v členských státech.

Prováděcí pravidla k tomuto odstavci stanoví v příloha tohoto jednacího řádu(3) .

5. Pravidla chování, práva a výsady bývalých poslanců se stanoví rozhodnutím předsednictva. Při zacházení s

bývalými poslanci nesmí být činěny žádné rozdíly.

(1) Viz příloha I.

(2) Viz příloha IX.

(3) Viz příloha IX.

## **PŘÍLOHA IX : Ustanovení o uplatňování čl. 9 odst. 4 - Působení zájmových skupin v Evropském**

### **parlamentu**

#### **Článek 1 : Průkazy**

1. Průkaz je umělohmotná karta s fotografií držitele a s jeho celým jménem, a názvem společnosti, organizace nebo osoby, pro něž držitel průkazu pracuje.

Držitelé průkazu jsou povinni nosit průkaz neustále a viditelně ve všech prostorách Parlamentu. Porušení této

povinnosti může být důvodem k odebrání průkazu.

Průkazy se odlišují tvarem a barvou od průkazů vydávaných příležitostným návštěvníkům.

2. Platnost průkazů lze prodloužit, pouze pokud jejich držitelé splňují povinnosti uvedené v čl. 9 odst. 4.

Veškeré stížnosti ze strany poslance týkající se činnosti zástupce nebo zájmové skupiny jsou postoupeny

kvestorům, kteří se jimi zabývají a mohou rozhodnout o ponechání či odebrání průkazu.

3. Průkazy za žádných okolností neopravňují držitele k účasti na jiných schůzích Parlamentu nebo jeho orgánů

než těch, které jsou prohlášeny za veřejné, a ani v tomto případě mu nedávají právo odchylovat se od předpisů o

vstupu vztahující se na ostatní občany Evropské unie.

## **Článek 2 : Asistenti**

1. Na začátku každého volebního období určí kvestoři maximální počet asistentů, které může každý poslanec zaregistrovat.

Při nástupu do funkce musí asistenti učinit písemné prohlášení o své profesní činnosti a o veškerých dalších placených funkcích a činnostech.

2. Přístup asistentů do Parlamentu se řídí stejnými podmínkami jako přístup zaměstnanců sekretariátu nebo politických skupin.

3. Všechny ostatní osoby, včetně osob pracujících přímo pro poslance, mají přístup do Parlamentu pouze za podmínek stanovených v čl. 9 odst. 4.

## **Článek 3 : Kodex chování**

1. Ve svých vztazích s Parlamentem musí osoby, jejichž jména jsou zapsána v rejstříku stanoveném v čl. 9 odst.

4:

(a) dodržovat ustanovení článku 9 a této přílohy;

(b) uvést zájem či zájmy, které zastupují při svých stycích s poslanci Parlamentu, jejich zaměstnanci a úředníky Parlamentu;

(c) zdržet se jakéhokoli jednání majícího za cíl získat informace nepoctivým způsobem;

(d) neodvolávat se v jednání se třetími osobami na jakékoli formální vztahy s Parlamentem;

(e) nešířit kopie dokumentů získaných od Parlamentu třetím osobám za účelem zisku;

(f) plně dodržovat ustanovení přílohy I čl. 2 odst. 2;

(g) ujistit se, že veškerá pomoc poskytovaná podle přílohy I čl. 2 je zapsána do příslušného rejstříku;

(h) v případě zaměstnávání bývalých úředníků Parlamentu dodržovat ustanovení služebního řádu úředníků;

(i) dodržovat jakékoli předpisy týkající se práv a odpovědností bývalých poslanců stanovené Parlamentem;



(j) získat předběžný souhlas dotyčného poslance nebo poslanců, pokud jde o smluvní vztah s asistentem

poslance nebo jeho přijetí do pracovního poměru, s cílem zabránit možnému střetu zájmů, a následně se ujistit, že

je tento souhlas zapsán do rejstříku stanoveného v čl. 9 odst. 4.

2. Porušení tohoto kodexu chování může vést k odebrání průkazu dotyčným osobám, popřípadě i společností, které je zaměstnávají.

**7. PL, Zákon o lobbování v procesu tvorby práva**

**U S T A W A**

**z dnia 7 lipca 2005 r.**

**O DZIAŁALNOŚCI LOBBINGOWEJ W PROCESIE STANOWIENIA  
PRAWA <sup>1)</sup>**

Opracowano na podstawie:

Dz.U. z 2005 r. Nr 169, poz. 1414

**Rozdział 1**

**PRZEPISY OGÓLNE**

**Art. 1**

Ustawa określa zasady jawności działalności lobbिंगowej w procesie stanowienia prawa, zasady wykonywania zawodowej działalności lobbिंगowej, formy kontroli zawodowej działalności lobbिंगowej oraz zasady prowadzenia rejestru podmiotów wykonujących zawodową działalność lobbिंगową.

**Art. 2**

1. W rozumieniu ustawy działalnością lobbिंगową jest każde działanie prowadzone metodami prawnie dozwolonymi zmierzające do wywarcia wpływu na organy władzy publicznej w procesie stanowienia prawa.
2. W rozumieniu ustawy zawodową działalnością lobbिंगową jest zarobkowa działalność lobbिंगowa prowadzona na rzecz osób trzecich w celu uwzględnienia w procesie stanowienia prawa interesów tych osób.
3. Zawodowa działalność lobbिंगowa może być wykonywana przez przedsiębiorcę albo przez osobę fizyczną niebędącą przedsiębiorcą na podstawie umowy cywilnoprawnej.

## **Rozdział 2**

### **ZASADY JAWNOŚCI DZIAŁALNOŚCI LOBBINGOWEJ W PROCESIE STANOWIENIA PRAWA**

#### **Art. 3**

1. Rada Ministrów przygotowuje, co najmniej raz na 6 miesięcy, program prac legislacyjnych Rady Ministrów dotyczący projektów ustaw.
2. Program, o którym mowa w ust. 1, zawiera w szczególności:
  1. zwięzłą informację o przyczynach i potrzebie wprowadzenia rozwiązań, które planuje się zawrzeć w projekcie ustawy;
  2. wskazanie istoty rozwiązań, które planuje się zawrzeć w projekcie ustawy;
  3. wskazanie organu odpowiedzialnego za opracowanie projektu ustawy;
  4. imię i nazwisko oraz stanowisko lub funkcję osoby odpowiedzialnej za opracowanie projektu ustawy;
  5. adres strony rządowego informatora teleinformatycznego - Biuletynu Informacji Publicznej, zwanego dalej "Biuletynem Informacji Publicznej", na której udostępnieniu podlegać będą dokumenty, o których mowa w art. 5 i 6.
3. W programie, o którym mowa w ust. 1, uwzględnia się również fakt rezygnacji z prac nad danym projektem ustawy, podając przyczyny tej rezygnacji.
4. Program, o którym mowa w ust. 1, podlega udostępnieniu w Biuletynie Informacji Publicznej .
5. Program, o którym mowa w ust. 1, Rada Ministrów przedstawia niezwłocznie Sejmowi.

#### **Art. 4**

Rada Ministrów, Prezes Rady Ministrów i ministrowie przygotowują swoje programy prac legislacyjnych dotyczące projektów rozporządzeń. Przepisy art. 3 ust. 2-4 stosuje się odpowiednio.

#### **Art. 5**

Projekty ustaw i rozporządzeń podlegają udostępnieniu w Biuletynie Informacji Publicznej z chwilą przekazania projektów do uzgodnień z członkami Rady Ministrów.

#### **Art. 6**

Z chwilą udostępnienia w Biuletynie Informacji Publicznej programów prac legislacyjnych, o których mowa w art. 3 i 4, albo w przypadku, gdy projekt nie był zawarty w programie prac legislacyjnych, z chwilą udostępnienia projektu w Biuletynie Informacji Publicznej, udostępnieniu w Biuletynie Informacji Publicznej podlegają również wszelkie dokumenty dotyczące prac nad projektem.

#### **Art. 7**

1. Z chwilą udostępnienia w Biuletynie Informacji Publicznej programów prac legislacyjnych, o których mowa w art. 3 i 4, albo w przypadku, gdy projekt nie był zawarty w programie prac legislacyjnych, z chwilą udostępnienia projektu w Biuletynie Informacji Publicznej, każdy może zgłosić zainteresowanie pracami nad projektem ustawy lub rozporządzenia.
2. Zgłoszenie, o którym mowa w ust. 1, wnosi się, na urzędowym formularzu, do organu odpowiedzialnego za opracowanie projektu ustawy albo rozporządzenia.
3. Zgłoszenie, o którym mowa w ust. 1, podlega udostępnieniu, z wyjątkiem adresów osób fizycznych, w Biuletynie Informacji Publicznej jako dokument dotyczący prac nad projektem ustawy albo rozporządzenia.
4. Podmiot dokonujący zgłoszenia, o którym mowa w ust. 1, podaje w zgłoszeniu:
  1. imiona i nazwiska oraz adresy osób uprawnionych do reprezentowania tego podmiotu w pracach nad projektem ustawy lub rozporządzenia;

2. jeżeli występuje na rzecz osoby prawnej - nazwę i siedzibę tej osoby;
  3. jeżeli występuje na rzecz podmiotu innego niż osoba prawna - odpowiednio, jego imię i nazwisko oraz adres albo jego nazwę i siedzibę;
  4. interes, który w odniesieniu do danej regulacji zamierza chronić oraz rozwiązanie prawne, o którego uwzględnienie będzie zabiegać.
5. Do zgłoszenia, o którym mowa w ust. 1, załącza się:
1. w przypadku gdy podmiot dokonujący zgłoszenia, występuje w ramach zawodowej działalności lobbingowej - zaświadczenie o wpisie do rejestru, o którym mowa w art. 11 ust. 8;
  2. w przypadku gdy podmiot dokonujący zgłoszenia, występuje na rzecz osoby prawnej zarejestrowanej w Krajowym Rejestrze Sądowym - wyciąg z Krajowego Rejestru Sądowego dotyczący tej osoby prawnej.
6. Podmioty, które zgłosiły zainteresowanie pracami nad projektem ustawy lub rozporządzenia, mają obowiązek zgłosić organowi odpowiedzialnemu za opracowanie projektu ustawy albo rozporządzenia zmiany danych podlegających zgłoszeniu w terminie 7 dni od dnia ich wystąpienia.
7. Rada Ministrów określi, w drodze rozporządzenia, tryb zgłaszania zainteresowania pracami nad projektem ustawy lub rozporządzenia, w tym wzór formularza zgłoszenia, kierując się potrzebą ułatwienia dokonywania zgłoszeń.

#### **Art. 8**

1. Po wniesieniu projektu ustawy do Sejmu może zostać przeprowadzone, na zasadach określonych w regulaminie Sejmu, wysłuchanie publiczne dotyczące tego projektu.
2. Podmiot, który zgłosił zainteresowanie pracami nad projektem ustawy może, na zasadach określonych w regulaminie Sejmu, wziąć udział w wysłuchaniu publicznym dotyczącym tego projektu.

**Art. 9**

1. Podmiot odpowiedzialny za opracowanie projektu rozporządzenia może przeprowadzić wysłuchanie publiczne dotyczące tego projektu.
2. Informacja o terminie wysłuchania publicznego dotyczącego projektu rozporządzenia podlega udostępnieniu w Biuletynie Informacji Publicznej co najmniej na 7 dni przed dniem wysłuchania publicznego.
3. Prawo wzięcia udziału w wysłuchaniu publicznym, o którym mowa w ust. 1, ma każdy podmiot, który zgłosił zainteresowanie pracami nad projektem rozporządzenia co najmniej na 3 dni przed dniem wysłuchania publicznego.
4. Jeżeli ze względów lokalowych lub technicznych, w szczególności ze względu na liczbę osób chętnych do wzięcia udziału w wysłuchaniu publicznym, nie jest możliwe zorganizowanie wysłuchania publicznego dotyczącego projektu rozporządzenia, podmiot uprawniony do jego organizacji może:
  1. zmienić termin lub miejsce wysłuchania publicznego podając w Biuletynie Informacji Publicznej przyczyny tej zmiany oraz nowy termin lub miejsce wysłuchania publicznego;
  2. odwołać wysłuchanie publiczne podając w Biuletynie Informacji Publicznej przyczyny odwołania.
5. Podmiot organizujący wysłuchanie publiczne w szczególności:
  1. kieruje przebiegiem wysłuchania publicznego;
  2. zapewnia niezakłócony przebieg wysłuchania publicznego;
  3. udziela głosu uczestnikom wysłuchania publicznego.
6. Rada Ministrów określi, w drodze rozporządzenia, tryb przeprowadzania wysłuchania publicznego dotyczącego projektów rozporządzeń i sposób dokumentowania jego przebiegu, mając na uwadze zapewnienie identyfikacji osób uczestniczących w wysłuchaniu publicznym, swobody prezentacji racji i argumentów uczestników wysłuchania publicznego oraz sprawnego przebiegu wysłuchania.

### **Rozdział 3**

## **REJESTR PODMIOTÓW WYKONUJĄCYCH ZAWODOWĄ DZIAŁALNOŚĆ LOBBINGOWĄ ORAZ ZASADY WYKONYWANIA ZAWODOWEJ DZIAŁALNOŚCI LOBBINGOWEJ**

### **Art. 10**

1. Tworzy się rejestr podmiotów wykonujących zawodową działalność lobbingową, zwany dalej "rejestrem".
2. Minister właściwy do spraw administracji publicznej prowadzi rejestr w postaci bazy danych zapisanej na informatycznych nośnikach danych w rozumieniu przepisów ustawy z dnia 17 lutego 2005 r. o informatyzacji działalności podmiotów realizujących zadania publiczne (Dz. U. Nr 64, poz. 565).
3. Rejestr zawiera następujące dane:
  1. firmę, siedzibę i adres przedsiębiorcy wykonującego zawodową działalność lobbingową albo imię, nazwisko i adres osoby fizycznej niebędącej przedsiębiorcą wykonującej zawodową działalność lobbingową;
  2. w przypadku przedsiębiorców wykonujących zawodową działalność lobbingową - numer w rejestrze przedsiębiorców w Krajowym Rejestrze Sądowym albo numer w ewidencji działalności gospodarczej.
4. Rejestr jest jawny.
5. Informacje zawarte w rejestrze podlegają udostępnieniu w Biuletynie Informacji Publicznej, z wyjątkiem adresów osób fizycznych.

### **Art. 11**

1. Wpis do rejestru jest dokonywany na podstawie zgłoszenia.

2. Zgłoszenie, o którym mowa w ust. 1, wnosi się na urzędowym formularzu i podaje się w nim:
  1. firmę, siedzibę i adres przedsiębiorcy wykonującego zawodową działalność lobbingową albo imię, nazwisko i adres osoby fizycznej niebędącej przedsiębiorcą wykonującej zawodową działalność lobbingową;
  2. w przypadku przedsiębiorców wykonujących zawodową działalność lobbingową - numer w rejestrze przedsiębiorców w Krajowym Rejestrze Sądowym albo numer w ewidencji działalności gospodarczej.
3. Do zgłoszenia, o którym mowa w ust. 1, załącza się dokumenty potwierdzające prawdziwość danych podanych w zgłoszeniu.
4. W przypadku stwierdzenia w zgłoszeniu, o którym mowa w ust. 1, braków formalnych, organ prowadzący rejestr wzywa podmiot dokonujący zgłoszenia do usunięcia braków.
5. W przypadku oczywistej bezzasadności zgłoszenia lub nieusunięcia, w terminie 7 dni, pomimo wezwania organu prowadzącego rejestr, braków formalnych zgłoszenia, organ prowadzący rejestr odmawia dokonania wpisu do rejestru. Odmowa dokonania wpisu następuje w drodze decyzji administracyjnej.
6. Wpis do rejestru jest odpłatny. Opłatę za wpis do rejestru uiszcza się dokonując zgłoszenia. Opłata nie może przekroczyć 100 zł.
7. Podmioty wpisane do rejestru mają obowiązek zgłosić organowi prowadzącemu rejestr zmiany danych podlegających wpisowi do rejestru w terminie 7 dni od dnia ich wystąpienia.
8. Organ prowadzący rejestr wydaje na żądanie podmiotu wpisanego do rejestru zaświadczenie o wpisie do rejestru. Zaświadczenie jest ważne 3 miesiące od dnia wydania.



9. Organ prowadzący rejestr na wniosek podmiotu wpisanego do rejestru wykreśla ten podmiot z rejestru.
10. Minister właściwy do spraw administracji publicznej określi, w drodze rozporządzenia:
  1. sposób zgłaszania i dokonywania wpisów w rejestrze i ich aktualizacji, w tym wzór formularza zgłoszenia,
  2. rodzaje dokumentów potwierdzających prawdziwość danych podanych w zgłoszeniu,
  3. wzór zaświadczenia o wpisie do rejestru,
  4. wysokość opłaty za wpis do rejestru, ustalonej na poziomie niestanowiącym ograniczenia w zgłaszaniu zawodowej działalności lobbingowej do rejestru- kierując się potrzebą ułatwienia dokonywania zgłoszeń.

#### **Art. 12**

Zawodowa działalność lobbingowa może być wykonywana po uzyskaniu wpisu do rejestru.

#### **Art. 13**

W przypadku wydania na podstawie art. 41 Kodeksu karnego lub art. 9 ust. 1 pkt 5 ustawy z dnia 28 października 2002 r. o odpowiedzialności podmiotów zbiorowych za czyny zabronione pod groźbą kary (Dz.U. Nr 197, poz. 1661, z późn. zm.<sup>2)</sup> ), prawomocnego orzeczenia zakazującego wykonywania zawodowej działalności lobbingowej organ prowadzący rejestr wykreśla z rejestru przedsiębiorcę albo osobę fizyczną, których dotyczy to orzeczenie. Wykreślenie z rejestru następuje w drodze decyzji administracyjnej.

#### **Art. 14**

5. Podmiot wykonujący zawodową działalność lobbingową ma prawo wykonywać tę działalność także w siedzibie urzędu obsługującego organ władzy publicznej.

6. Kierownik urzędu, o którym mowa w ust. 1, zapewnia podmiotom wykonującym zawodową działalność lobbingową wpisanym do rejestru dostęp do kierowanego przez siebie urzędu w celu umożliwienia właściwego reprezentowania interesów podmiotów, na rzecz których jest wykonywana ta działalność.
7. Zasady wykonywania zawodowej działalności lobbingowej na terenie Sejmu i Senatu określają odpowiednio regulamin Sejmu i regulamin Senatu.

#### **Art. 15**

Podmiot wykonujący zawodową działalność lobbingową jest obowiązany doręczyć organowi władzy publicznej lub pracownikowi urzędu obsługującego organ władzy publicznej, przed którym występuje, zaświadczenie o wpisie do rejestru, wraz z pisemnym oświadczeniem zawierającym wskazanie podmiotów, na rzecz których wykonuje tę działalność.

### **Rozdział 4**

#### **KONTROLA ZAWODOWEJ DZIAŁALNOŚCI LOBBINGOWEJ**

#### **Art. 16**

8. Organy władzy publicznej są obowiązane niezwłocznie udostępniać w Biuletynie Informacji Publicznej informacje o działaniach podejmowanych wobec nich przez podmioty wykonujące zawodową działalność lobbingową, wraz ze wskazaniem oczekiwanego przez te podmioty sposobu rozstrzygnięcia.
9. Kierownicy urzędów obsługujących organy władzy publicznej, każdy w zakresie swojego działania, określą szczegółowy sposób postępowania pracowników podległego urzędu z podmiotami wykonującymi zawodową działalność lobbingową oraz z podmiotami wykonującymi bez wpisu do rejestru czynności z zakresu zawodowej działalności lobbingowej, w tym sposób dokumentowania podejmowanych kontaktów.

**Art. 17**

W przypadku stwierdzenia, że czynności wchodzące w zakres zawodowej działalności lobbingowej są wykonywane przez podmiot niewpisany do rejestru, właściwy organ władzy publicznej niezwłocznie informuje o tym na piśmie ministra właściwego do spraw administracji publicznej.

**Art. 18**

10. Kierownicy urzędów obsługujących organy władzy publicznej opracowują raz w roku, do końca lutego, informację o działaniach podejmowanych wobec tych organów w roku poprzednim przez podmioty wykonujące zawodową działalność lobbingową.

11. Informacja, o której mowa w ust. 1, zawiera:

1. określenie spraw, w których zawodowa działalność lobbingowa była podejmowana;
2. wskazanie podmiotów, które wykonywały zawodową działalność lobbingową;
3. określenie form podjętej zawodowej działalności lobbingowej, wraz ze wskazaniem, czy polegała ona na wspieraniu określonych projektów, czy też na występowaniu przeciwko tym projektom;
4. określenie wpływu, jaki wywarł podmiot wykonujący zawodową działalność lobbingową w procesie stanowienia prawa w danej sprawie.

12. Informacja, o której mowa w ust. 1, podlega niezwłocznie udostępnieniu w Biuletynie Informacji Publicznej.

**Rozdział 5**

**SANKCJE ZA NARUSZENIE PRZEPISÓW USTAWY**

**Art. 19**

13. Podmiot, który wykonuje czynności wchodzące w zakres zawodowej działalności lobbingowej bez wpisu do rejestru, podlega karze pieniężnej w wysokości od 3 000 zł do 50 000 zł.
14. Karę, o której mowa w ust. 1, nakłada w drodze decyzji administracyjnej minister właściwy do spraw administracji publicznej.
15. Przy ustalaniu wysokości kary pieniężnej uwzględnia się stopień wpływu podmiotu, o którym mowa w ust. 1, na określone rozstrzygnięcie organu władzy publicznej dotyczące stanowienia prawa oraz zakres i charakter podjętych przez ten podmiot czynności z zakresu zawodowej działalności lobbingowej.
16. Karę pieniężną można nakładać wielokrotnie, jeżeli czynności z zakresu zawodowej działalności lobbingowej są kontynuowane bez wpisu do rejestru.

#### **Art. 20**

17. Środki finansowe uzyskane z kar pieniężnych, o których mowa w art. 19, stanowią dochód budżetu państwa.
18. Karę pieniężną uiszcza się w terminie 14 dni od dnia, w którym decyzja ministra właściwego do spraw administracji publicznej stała się ostateczna, na rachunek bankowy urzędu obsługującego ten organ.
19. Koszty związane z uiszczeniem kary pieniężnej pokrywa wpłacający.

#### **Rozdział 6**

### **ZMIANY W PRZEPISACH OBOWIĄZUJĄCYCH, PRZEPISY PRZEJŚCIOWE I KOŃCOWE**

#### **Art. 21**

W ustawie z dnia 9 maja 1996 r. o wykonywaniu mandatu posła i senatora (Dz.U. z 2003 r. Nr 221, poz. 2199, z 2004 r. Nr 116, poz. 1202 i Nr 210, poz. 2135 oraz z 2005 r. Nr 48, poz. 446) wprowadza się następujące zmiany:

20. w art. 18 dodaje się ust. 3a i 3b w brzmieniu:

"3a. Przewodniczący klubu lub koła jest obowiązany podać odpowiednio Marszałkowi Sejmu albo Marszałkowi Senatu następujące dane dotyczące pracowników biura klubu lub koła oraz społecznych współpracowników:

1. 1) imię (imiona) i nazwisko;
2. datę urodzenia;
3. miejsce zatrudnienia w trzyletnim okresie poprzedzającym dzień, w którym osoba została pracownikiem biura klubu lub koła albo społecznym współpracownikiem;
4. źródła dochodów w trzyletnim okresie poprzedzającym dzień, w którym osoba została pracownikiem biura klubu lub koła albo społecznym współpracownikiem;
5. informację o wykonywanej działalności gospodarczej w trzyletnim okresie poprzedzającym dzień, w którym osoba została pracownikiem biura klubu lub koła albo społecznym współpracownikiem.

3b. Dane, o których mowa w ust. 3a, są jawne i są podawane do wiadomości publicznej odpowiednio przez Marszałka Sejmu albo Marszałka Senatu w formie zapisu elektronicznego.";

21. w art. 23 dodaje się ust. 4a i 4b w brzmieniu:

"4a. Poseł lub senator jest obowiązany podać odpowiednio Marszałkowi Sejmu albo Marszałkowi Senatu następujące dane dotyczące pracowników biura oraz społecznych współpracowników:

1. imię (imiona) i nazwisko;
2. datę urodzenia;

3. miejsce zatrudnienia w trzyletnim okresie poprzedzającym dzień, w którym osoba została pracownikiem biura albo społecznym współpracownikiem;
4. źródła dochodów w trzyletnim okresie poprzedzającym dzień, w którym osoba została pracownikiem biura albo społecznym współpracownikiem;
5. informację o wykonywanej działalności gospodarczej w trzyletnim okresie poprzedzającym dzień, w którym osoba została pracownikiem biura albo społecznym współpracownikiem.

4b. Dane, o których mowa w ust. 4a, są jawne i są podawane do wiadomości publicznej odpowiednio przez Marszałka Sejmu albo Marszałka Senatu w formie zapisu elektronicznego."

#### **Art. 22**

W ustawie z dnia 8 sierpnia 1996 r. o Radzie Ministrów (Dz. U. z 2003 r. Nr 24, poz. 199 i Nr 80, poz. 717 oraz z 2004 r. Nr 238, poz. 2390 i Nr 273, poz. 2703) dodaje się art. 39a w brzmieniu:

"Art. 39a. 1. Minister podaje Prezesowi Rady Ministrów następujące dane dotyczące pracowników zatrudnionych w gabinecie politycznym ministra:

22. imię (imiona) i nazwisko;
23. datę urodzenia;
24. miejsce zatrudnienia w trzyletnim okresie poprzedzającym dzień, w którym osoba została zatrudniona w gabinecie politycznym ministra;
25. źródła dochodów w trzyletnim okresie poprzedzającym dzień, w którym osoba została zatrudniona w gabinecie politycznym ministra;
26. informację o wykonywanej działalności gospodarczej w trzyletnim okresie poprzedzającym dzień, w którym osoba została zatrudniona w gabinecie politycznym ministra.

2. Dane, o których mowa w ust. 1, podlegają udostępnieniu w Biuletynie Informacji Publicznej."

### **Art. 23**

W ustawie z dnia 4 września 1997 r. o działach administracji rządowej (Dz.U z 2003 r. Nr 159, poz. 1548, z późn. zm.<sup>3)</sup> ) w art. 6 w ust. 1 w pkt 6 kropkę zastępuje się średnikiem i dodaje się pkt 7 w brzmieniu:

"7) prowadzenia rejestru podmiotów wykonujących zawodową działalność lobbingową."

### **Art. 24**

Ustawa wchodzi w życie po upływie 6 miesięcy od dnia ogłoszenia.

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<sup>1)</sup> Niniejszą ustawą zmienia się następujące ustawy: ustawę z dnia 9 maja 1996 r. o wykonywaniu mandatu posła i senatora, ustawę z dnia 8 sierpnia 1996 r. o Radzie Ministrów oraz ustawę z dnia 4 września 1997 r. o działach administracji rządowej.

<sup>2)</sup> Zmiany wymienionej ustawy zostały ogłoszone w Dz. U. z 2004 r. z 2004 r. Nr 93, poz. 889, Nr 191, poz. 1956 i Nr 243, poz. 2442 oraz z 2005 r. Nr 157, poz. 1316.

<sup>3)</sup> Zmiany tekstu jednolitego wymienionej ustawy zostały ogłoszone w Dz. U. z 2003 r. Nr 162, poz. 1568, Nr 190, poz. 1864, z 2004 r. Nr 19, poz. 177, Nr 69, poz. 624, Nr 91, poz. 873, Nr 96, poz. 959, Nr 116, poz. 1206, Nr 141, poz. 1492, Nr 238, poz. 2390, Nr 240, poz. 2408 i Nr 273, poz. 2702 oraz z 2005 r. Nr 17, poz. 141, Nr 33, poz. 288 i Nr 155, poz. 1298.

**8. Litva, Zákon o lobbingu číslo VIII- 1749 z 27. června 2000**

**REPUBLIC OF LITHUANIA**  
**LAW ON LOBBYING ACTIVITIES**  
**No. VIII-1749 of 27 June 2000, Vilnius**  
**(As amended by Law No IX-308 of 8 May 2001 and Law No. IX-1385**  
**of 30 March 2003)**

**CHAPTER ONE**  
**GENERAL PROVISIONS**

**Article 1. Purpose and objectives of the Law**

This Law regulates lobbying activities, their control and liability for violations of this Law. The Law aims at ensuring publicity and transparency of lobbying activities and preventing illegal lobbying activities.

**Article 2. Main definitions of the Law**

1. **“Person”** means a natural or legal person.
2. **“Lobbyist”** means a natural or legal person recorded in the Register of Lobbyists in the manner prescribed by this Law.
3. **“Lobbying activities”** means actions taken by a natural or legal person for or without a compensation in an attempt to exert influence to have legal acts amended, supplemented or repelled or new legal acts adopted or rejected, in the interests of the client of lobbying activities.
4. **“Client of lobbying activities”** means a natural or legal person (except persons specified in Article 8 of this Law) who has concluded with a lobbyist a contract on lobbying activities in compliance with the requirements of the Civil Code of the Republic of Lithuania or other laws of the Republic of Lithuania.
5. **“Lobbyist’s report”** means an official report on lobbying activities, income and expenditure, which must be filed by a lobbyist in the manner prescribed by this Law.
5. **“Lobbyist’s expenditure”** means lobbyist's expenditure incidental to lobbying activities.
6. **“Lobbyist’s income”** means a lawful compensation received for lobbying activities from a client of lobbying activities.

**Article 3. Persons not entitled to be lobbyists**

1. A natural person shall not be entitled to be a lobbyist if he is:
  - 1) under the age of 18;
  - 2) a state politician, public official, public servant or judge;
  - 3) a former state politician, public official, public servant or judge, if less than one year has elapsed from the expiry or termination of his term of office or mandate to the filling of an application to be registered in the Register of Lobbyists;
  - 4) convicted for a deliberate crime, unless the conviction has expired or been annulled.
2. A legal person shall not be entitled to be a lobbyist if:
  - 1) the employee of the legal person who will be or is performing lobbying activities meets any one or more of the conditions listed in paragraph 1 above;
  - 2) it is a state or municipal institution.



3. Natural or legal persons shall not be entitled to be lobbyists if the period set in Article 10(8) of this Law has not expired.

#### **Article 4. Rights and duties of lobbyists**

1. A lobbyist shall have the right:

- 1) to participate, in the manner prescribed by legal acts, in the drafting or draft legal acts and submit proposals and explanations regarding the drafting of legal acts;
- 2) to conduct, on his/its own initiative, expert examination of effective or draft legal acts, to submit conclusions and commentaries on draft legal acts to clients of lobbying activities;
- 3) to explain to the public and convince state and municipal institutions or agencies that a certain legal act should be adopted or rejected, or amended, supplemented or repelled;
- 4) to inform the public, enterprises, agencies or organisations about draft legal acts which are being prepared in the Seimas, the Government or other state or municipal institutions;
- 5) to make reports through mass media and to participate in public events;
- 6) to collect data and information about the legislative procedure and submit it to clients of lobbying activities;
- 7) to propose to legislators to initiate amendments of effective legal acts;
- 8) to organise meetings of legislators with representatives of clients of lobbying activities;
- 9) to organise public-opinion polls regarding the adoption or implementation of legal acts;
- 10) to organise representational and other events on legislative issues;
- 11) to organise meetings of state politicians, public officials and public servants with the public on legislative issues;
- 12) to obtain from state or municipal institutions and agencies copies of draft legal acts and other information, if this is in compliance with laws of the Republic of Lithuania;
- 13) to authorise, in the manner prescribed by laws, another person to present a report on lobbying activities in the name of the lobbyist.

2. A lobbyist must:

- 1) terminate lobbying activities no later than within one working day from the moment of being elected a state politician or appointed a public official, public servant or judge and immediately inform in writing the Chief Official Ethics Commission thereabout;
- 2) act in compliance with this Law, other legal acts of the Republic of Lithuania and the Lobbyists' Code of Ethics.

#### **Article 5. Duties of other persons**

1. State and municipal institutions must create conditions for legal lobbying activities.

2. State politicians, public officials or public servants may not constrain legal lobbying activities and may not interfere with the implementation by lobbyists of lawful interests of clients of lobbying activities.

#### **Article 6. Illegal Lobbying Activities**

Lobbying activities shall be considered illegal if:

- 1) they are performed by a person who is not recorded in the Register of Lobbyists or who is not entitled to be a lobbyist;
- 2) they are performed by a lobbyist after suspension of his lobbying activities in the manner prescribed by this Law;
- 3) they are performed by a former lobbyist after termination of his lobbying activities in the manner prescribed by this Law;
- 4) state politicians, public officials or public servants are deliberately misled or deceived by indicating facts or circumstances which may lead to a decision to amend, supplement, repel or adopt a legal act;

- 5) the aim of such activities is to exert influence to have a legal act which is directly related to the election of the lobbyist a state politician or to the appointment of the lobbyist a public official, public servant or judge, adopted or rejected, amended, supplemented or repelled;
- 6) they are carried out in the name of a non-existent client of lobbying activities;
- 7) the lobbyist directly or indirectly declares or states to be capable of influencing the legislative procedure, a state politician, public official or public servant;
- 8) the lobbyist concurrently represents several clients of lobbying activities with opposing interests.

#### **Article 7. Activities not considered lobbying**

The following activities shall not be considered lobbying:

- 1) activities or work of mass media owners, publishers or their employees, related to information about effective and draft legal acts: publication of their texts in full or in part, their review, comments. This provision shall not apply when mass media owners, publishers or their employees receive compensation for lobbying activities;
- 2) when persons participate, upon invitation of state and municipal institutions or agencies, in the preparation, consideration or explanation of draft legal acts as experts or specialist for or without a compensation;
- 3) actions taken by state politicians, public officials or public servants with the aim of initiating, preparing, considering, adopting and explaining draft laws and other legal acts, when such actions are carried out in accordance with their official powers granted to them by legal acts;
- 4) activities of non-profit organisations aimed at exerting influence to have legal acts amended, supplemented, repelled, adopted or rejected, in the common interests of their members;
- 5) activities of scientists (pedagogues), except in the cases when they act in the interests of a client of lobbying activities;
- 6) an opinion expressed by a natural person regarding a proposals to amend, supplement, repel, adopt or reject a legal act, except in the cases when that natural person acts in the interests of a client of lobbying activities.

#### **Article 8. Persons who are prohibited from being clients of lobbying activities**

The following persons shall be prohibited from being clients of lobbying activities:

- 1) a state politician;
- 2) a public official, public servant or judge;
- 3) state and municipal institutions or agencies;
- 4) a state or municipal enterprises.

## **CHAPTER TWO REGISTER OF LOBBYISTS**

#### **Article 9. Recording of a person in the Register of Lobbyists**

1. A person who wishes to engage in lobbying activities shall file to the Chief Official Ethics Commission the following documents of a pre-defined form: an application for being recorded in the Register of Lobbyists, a lobbyist's questionnaire and a declaration.
2. The application for being recorded in the Register of Lobbyists shall contain the following information:
  - 1) name and surname, personal number, place of residence, place of work in the last one year - if an application is filed by a natural person;

- 2) name, registration number, address of the head office - if an application is filed by a legal person;
  - 3) information about employees of a legal person (names, surnames, personal numbers) who will be performing lobbying activities - if an application is filed by a legal person.
3. Forms of documents referred to in paragraph 1 above shall be defined by the Chief Official Ethics Commission. The Chief Institutional Ethics Commission shall have the right to request from persons who wish to engage in lobbying activities, also from state and municipal institutions or agencies, additional information or documents necessary for the taking of a decision regarding the recording of the person in the Register of Lobbyists.
4. The number of lobbyists shall not be limited.
5. The Chief Official Ethics Commission shall, within 5 working days from the date of filing of the documents referred to in paragraph 1 above, examine the documents and make a decision regarding the recording of the person in the Register of Lobbyists. If additional information is needed, the period for examination shall be counted from the day of receipt of all necessary information.
5. The Chief Official Ethics Commission shall refuse to record a person in the Register of Lobbyists only if the person who has filed the application:
- 1) is not entitled to be a lobbyist in accordance with Article 3 of this Law;
  - 2) has submitted incorrect or incomplete data and additional information specified in this Article;
  - 3) has been administratively punished less than a year ago for a violation of the Law on Lobbying Activities.
6. The Chief Official Ethics Commission shall, within 5 working days of taking the decision to record or refuse to record the person in the Register of Lobbyists, notify, in writing, the person concerned. Having received the notification about the decision to record him/it in the Register of Lobbyists, the person shall, within one month from the date of receipt of such notification, pay a state fee and present to the Chief Official Ethics Commission a document evidencing the payment of the said fee. A person who has in due time presented a document evidencing the payment of a state fee, shall be issued a lobbyist's certificate. The form of the lobbyist's certificate shall be defined by the Chief Official Ethics Commission. If a person fails to present a document evidencing the payment of a state fee in due time, the Chief Official Ethics Commission shall revoke the decision to record the person in the Register of Lobbyists and shall make a decision to refuse to record the person in the Register of Lobbyists.

#### **Article 10. Suspension, renewal, termination and expiry of lobbying activities**

1. Lobbying activities shall be suspended if:
  - 1) the lobbyist has applied, either himself or through an authorised person and in writing, to the Chief Official Ethics Commission with a request to suspend lobbying activities;
  - 2) the lobbyist has failed to present a report on lobbying activities in due time;
  - 3) the lobbyist is suspected of having committed a deliberate crime.
2. In the case specified in subparagraph 1.1) of this Article, lobbying activities shall be suspended for such period of time as specified by the lobbyist. In the case specified in subparagraph 1.2) of this Article, lobbying activities shall be suspended for a period not exceeding one month, for the elimination of violations. In the case specified in subparagraph 1.3) of this Article, lobbying activities shall be suspended for a natural person until a pre-trial investigation or criminal proceedings are terminated or result in an acquittal.
3. Lobbying activities shall be terminated if:

- 1) the lobbyist has applied, either himself or through an authorised representative and in writing, to the Chief Official Ethics Commission with a request to terminate lobbying activities;
  - 2) the lobbyist engages in lobbying activities after such activities have been suspended in accordance with paragraph 1 of this Article;
  - 3) the Chief Official Ethics Commission finds that the lobbyist engages in illegal lobbying activities specified in Article 6;
  - 4) violations for which lobbying activities have been suspended are not eliminated within the time limit set in paragraph 2 of this Article;
  - 5) a conviction for a deliberate crime comes into force.
4. A decision to suspend or terminate lobbying activities shall be made by the Chief Official Ethics Commission. The Chief Official Ethics Commission must, within 5 working days of a decision to suspend or terminate lobbying activities, notify the lobbyist in writing thereabout.
5. The Chief Official Ethics Commission shall make a decision to renew the suspended lobbying activities no later than within 5 working days from the date on which:
- 1) violations for which lobbying activities have been suspended are eliminated;
  - 2) it receives a written application of the lobbyist for a renewal of lobbying activities that have been suspended at his own request;
  - 3) criminal proceedings are terminated or an acquittal comes into force.
6. Lobbying activities shall expire when a lobbyist, a natural person, dies or a lobbyist, a legal person, is liquidated.
7. Upon termination or expiry of lobbying activities, the lobbyist shall be removed from the Register of Lobbyists.
8. A person, whose lobbying activities have been terminated in the cases specified in subparagraphs 3.2)-4) of this Article, shall have no right to engage in lobbying activities for a period of 5 years from the date of making a decision to terminate lobbying activities.

#### **Article 11. Report on Lobbying Activities**

1. A lobbyist must file to the Chief Official Ethics Commission a report on lobbying activities for the previous calendar year no later than by 15 February of the current year. The form of the report on lobbying activities shall be defined by the Chief Official Ethics Commission.
2. A lobbyist shall have the right to apply to the Chief Official Ethics Commission with a reasoned request to postpone the deadline for the submission of a report on lobbying activities. The Chief Official Ethics Commission shall have the right to postpone the deadline for the submission of a report on lobbying activities for a period not exceeding 30 days.
3. In a report on lobbying activities a lobbyist must indicate:
  - 1) his name and surname (if the lobbyist is a natural person), or the name (if the lobbyist is a legal person), and the number of a lobbyist's certificate;
  - 2) the name and surname, personal number, address of the place of residence (if a natural person) or the name, registration number and address of the head office (if a legal person) of each client of lobbying activities;
  - 3) the title of an effective or draft legal act with respect to which he acts as a lobbyist;
  - 4) the lobbyist's income from lobbying activities;
  - 5) the lobbyist's expenditure on lobbying activities.
4. A lobbyist must submit a report on lobbying activities even if he has received no lobbyist's income nor incurred any lobbyist's expenditure during the reporting period.
5. A report on lobbying activities, signed by the lobbyist, must be filed by the lobbyist himself or his authorised person (if the lobbyist is a legal person).
6. Suspension of lobbying activities does not relieve the lobbyist of the obligation to file a report on lobbying activities in due time.

7. If lobbying activities are terminated, the lobbyist must, no later than within 10 working days of receipt of the notification about the decision to terminate lobbying activities, file a final report on lobbying activities for the period from the report on lobbying activities for the previous calendar year to the date of termination of lobbying activities.

**Article 12. Other restrictions on lobbying activities**

1. A lobbyist and a client of lobbying activities shall be prohibited from agreeing on a compensation for lobbying activities the size of which depends on the actual amendment, supplementation, repelling, adoption or rejection of a certain legal act.
2. It shall be prohibited to finance lobbying activities from state or municipal budgets.

**CHAPTER THREE  
CONTROL OF LOBBYING ACTIVITIES AND PROVISION OF  
INFORMATION**

**Article 13. Control of lobbying activities**

1. Lobbying activities shall be controlled by the Chief Official Ethics Commission in the manner prescribed by this Law.
2. The Chief Official Ethics Commission shall:
  - 1) analyse and generalise the practice of application of this Law;
  - 2) address to courts with requests to terminate or repel decisions or transactions taken or entered into in conflict with this Law;
  - 3) have the right to conduct an investigation or instruct the head of an institution or another person authorised by him to conduct an investigation if it comes to its knowledge that persons do not abide by the requirements of this Law;
  - 4) draft and approve the Lobbyists' Code of Ethics.
3. The Chief Official Ethics Commission shall have the right to:
  - 1) check lobbying activities;
  - 2) obtain from state or municipal institutions and other persons any information, explanations, orders, decisions and other documents necessary for the implementation of this Law;
  - 3) check reports on lobbying activities;
  - 4) check persons' activities if it comes to its knowledge that they engage in illegal lobbying activities.
5. The person concerned shall have the right to appeal against decisions of the Chief Official Ethics Commission in the manner prescribed in the Law on Administrative Proceedings within one month of the publication or delivery of the decision to the person concerned.
6. By 15 May every year, the Chief Official Ethics Commission shall file to the Seimas of the Republic of Lithuania an annual report on the control of lobbying activities.

**Article 14. Information about Lobbying Activities**

1. Information about lobbying activities shall be available to the public. The Chief Official Ethics Commission may not restrict persons' rights to receive data and information about lobbying activities (lobbyists, clients of lobbying activities, effective or draft legal acts with respect to which lobbying activities were carried out).
2. The Chief Official Ethics Commission shall publish, on a quarterly basis, information about lobbyists recorded in the Register of Lobbyists and about suspension, renewal, termination or expiry of lobbying activities in the supplement *Informaciniai pranešimai* (Information Releases) to the Official Gazette *Valstybės žinios*.
3. Information about lobbying activities may be published on the website of the Chief Official Ethics Commission.

**CHAPTER FOUR  
FINAL PROVISIONS**

**Article 15. Liability for violations of the Law**

1. Persons who violate the requirements of this Law shall be liable in accordance with the procedure established by laws.

2. Persons whose lobbying activities have caused damage to other people shall be liable for damages in accordance with the procedure established by laws.

**Article 16. Coming into Force of this Law**

This Law shall come into force on 1 January 2001.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS

**Zdroj: OECD: LEGISLATION ON LOBBYING IN EUROPE, 2007, GOV/PGC/ETH/RD(2007)2**

## **9. Maďarsko, Zákon XLIX z roku 2006 o lobbingu**

### **Act XLIX of 2006 on Lobbying Activities**

Guided by its commitment to lay down the rules for lobbying activities, meaning the activities designed to foster the interests of others under contract, to ensure broad publicity for interests manifested in decisions made by bodies exercising executive powers, therefore to enhance confidence in the activities of decision-making bodies, Parliament has adopted the following Act:

#### **Scope and Objective**

##### **Section 1.**

(1) This Act shall govern activities attempting to influence legislative or administrative action under contract for economic consideration (hereinafter referred to as a business activity").

(2) The objective of this Act is to ensure publicity for lobbying activities, to define the rules governing the relations between decision-makers and lobbyists and to lay down the fundamental guidelines for these activities.

(3) This Act shall not apply to:

a) organizations intended for the protection of economic and public interests and for fostering the interests of their members at the decision-making bodies exercising executive powers;

b) interest representative mechanisms that have been vested with powers to initiate negotiations, inquiries, information, consultation or other means of influencing executive decisions by the executive decision-making bodies or by legal regulation in an effort to convey information concerning economic, social and other goals.

(4) This Act shall not concern the right afforded under Article 64 of the Constitution, notably that everyone has the right to present, individually or together with others, written petitions or complaints to the relevant public authority.

#### **Principles**

##### **Section 2.**

In the application of the provisions of this Act the principle of equal treatment must be strictly observed.

##### **Section 3.**

The register of lobbyists shall be designed to contain facilities not to prevent free and open access of bodies exercising executive powers.

##### **Section 4.**

This Act shall have no effect on the provisions of other legislation concerning fostering interests and interest representation.

#### **Interpretative Provisions**

##### **Section 5.**

For the purposes of this Act:

a) 'lobbyist' means a natural person who is registered in accordance with this Act as engaged in lobbying activities;

- b) 'lobbying firm' means any legal person or business association lacking the legal status of a legal person that is registered in accordance with this Act as engaged in lobbying activities;
- c) 'lobbying activities' means any activity or conduct aiming to influence executive decisions or to fostering interests under contract commercially, as a business activity for economic consideration;
- d) 'establishing connection' means any written or oral communication, including electronic communication;
- e) 'close relative' means the person defined in Paragraph b) of Section 685 of Act IV of 1959 on the Civil Code;
- f) 'executive decision' means the decisions adopted by Parliament, the Government, local authorities and their bodies and agencies, members and officers, and bodies and persons they control, with the powers and authorizations conferred upon them by law;
- g) 'publication' means disclosure on the official website of an organ in digital format, available to any person without identification and free of charge;
- h) 'contracting' means entering into a personal services contract or contract of employment for engaging in lobbying activities.

## Registration

### Section 6.

Lobbying activities may be pursued by natural and legal persons and business associations lacking the legal status of a legal person, subject to registration in the register referred to in Section 7.

### Section 7.

(1) The body operating the register shall - upon request - enter into the register any natural and legal person and business association lacking the legal status of a legal person who (that) is in compliance with the requirements set out in this Act.

(2) The natural person seeking admission into the register of lobbyists shall:

- a) have legal capacity;
- b) have no prior criminal record;
- c) have a degree in higher education; and
- d) not be subject to any decision for his removal from the register.

(3) The legal person or business association lacking the legal status of a legal person seeking admission into the register of lobbying firms shall:

- a) be established in compliance with the provisions of relevant legal regulations;
- b) have a member or employee who is listed in the register of lobbyists mentioned in Subsection (2);
- c) have supplied the data and information prescribed under Subsection (2) of Section 8 for registration; and
- d) not be subject to any decision for his removal from the register.

### Section 8.

(1) The application of a natural person seeking admission into the register of lobbyists shall contain:

- a) the applicant's name;
- b) the applicant's address;
- c) the applicant's mother's name;
- d) the applicant's place and date of birth;



e) the applicant's official certificate of criminal history issued within three months to date; and  
f) a certified copy of the diploma referred to in Paragraph c) of Subsection (2) of Section 7, or a certified Hungarian translation if issued abroad.

(2) The application of a legal person or business association lacking the legal status of a legal person seeking admission into the register of lobbying firms shall contain:

- a) the name and address of the legal person or business association lacking the legal status of a legal person;
- b) the names of authorized representatives of the legal person or business association lacking the legal status of a legal person;
- c) the addresses of the authorized representatives of the legal person or business association lacking the legal status of a legal person;
- d) a certified copy of the document in proof of the establishment of the firm in due compliance with the applicable regulations - a certified Hungarian translation of such document for foreign companies - , and a document in proof of registration if it is required for the commencement of operations;
- e) the names of the lobbyists engaged in lobbying activities under contract with the lobbying firm;
- f) the original certificate of the specimen signature of the authorized representative of the lobbying firm.

#### Section 9.

If the application for admission into the register does not contain all the information that is required for registration, the operator of the register shall request the applicant to supply the missing information within fifteen days.

#### Section 10.

The following may not engage in lobbying activities:

- a) members of Parliament, members of the European Parliament, government executives, local governments, members of the bodies of representatives (general assembly) or the bodies of local governments, furthermore, mayors, lord mayors and the chairmen of the general assembly;
- b) the budgetary agencies governed under the Act on Public Finances, the directors, officers and members of these agencies, and the persons engaged under civil or public service relationships, service relationship of judges and public prosecutors or under official service relationship, under contract of employment or any other work-related relationship with these agencies;
- c) any economic operator that is controlled by the State, the members and executive officers and supervisory board members of these organizations, as well as - in connection with local governments - the economic operators controlled by the local government, and the members and executive officers and supervisory board members of these organizations;
- d) political parties and their officers;
- e) public bodies and their officers;
- f) public foundations and the officers of their management organs.

#### Section 11.

(1) The persons listed under Paragraphs a)-f) of a Section 10:

- a) may not be involved in any lobbying firm as a participating member or owner;
- b) may not be engaged with any lobbying firm under contract;
- c) may not accept any contribution from a lobbyist or lobbying firm, with the exception of what is contained in Section 24.

(2) Where Paragraphs a)-c) of Subsection (1) effectively apply to the close relative of a person mentioned under Section 10, the person mentioned under Section 10 must notify the executive decision-making body affected without delay for this body to provide for the publication of the notice specified in Section 30.

#### Section 12.

The body operating the register shall make available to the public the data specified in Paragraphs a) and d) of Subsection (1) of Section 8 and in Paragraphs a)-b) of Subsection (2) of Section 8, and the date of registration or cancellation of lobbyists and lobbying firms and reasons therefore.

#### Section 13.

(1) Registered lobbyists and lobbying firms shall notify the body operating the register in writing within fifteen days concerning any changes in their data listed under Subsections (1)-(2) of Section 8.

(2) If the body operating the register receives information concerning the failure of any lobbyist or lobbying firm to satisfy the obligation specified in Subsection (1), it shall request in writing the person in question to comply with the obligation of notification within eight days, indicating the consequences of non-compliance. In the event of non-compliance within the prescribed time limit Subsection (2) of Section 16 shall apply.

(3) Cancellation from the register may not be required in connection with a lobbyist or lobbying firm for the first offence of non-compliance with data disclosure requirements in due time, if able to verify that it was due to reasons beyond their control, and if providing the notification within fifteen days following the deadline referred to in Subsection (2).

#### Section 14.

(1) The body operating the register shall issue numbered lobby licenses to lobbyists for a fee (hereinafter referred to as lobby license). The lobby license - apart from the natural person's facial photograph - shall contain the lobbyist's name, place and date of birth, furthermore, the name and address of the body operating the register, and the date of issue.

(2) The lobby license is considered valid together with the holder's personal identification document.

#### Section 15.

(1) The body operating the register shall withdraw the lobby license of a lobbyist if:

- a) the lobbyist is banned from pursuing lobbying activities by final verdict;
- b) the lobbyist no longer satisfies the conditions set out in Subsection (2) of Section 7;
- c) the lobbyist terminates his lobbying activities;
- d) the lobbyist is cancelled from the register for any reason.

(2) If the lobby license is withdrawn or if lobbying activities are terminated the lobbyist in question shall return his lobby license to the body operating the register within forty-eight hours following the operative date of the respective resolution or upon receipt of notice from the body operating the register.

(3) The body operating the register shall publish the withdrawal of the lobby license of a lobbyist, indicating the number of the lobby license and the name of the lobbyist.

### Legal Consequences of Cancellation from the Register

#### Section 16.

(1) Executive decision-making bodies shall forthwith notify the body operating the register upon gaining knowledge of a lobbyist being engaged in any conduct contrary to the provisions of this Act, with a summary of the relevant facts of a case attached together with the evidence on hand.

(2) The body operating the register shall adopt a resolution for the cancellation of a lobbyist from the register, and shall impose a ban from engaging in lobbying activities for the duration specified in Section 17 if it finds the lobbyist guilty of any conduct in violation of the provisions of this Act.

(3) Any legal person and business association lacking the legal status of a legal person that fails to comply with the requirements set out in Subsection (3) of Section 7, or that fails to comply with the obligation of notification specified in Subsection (1) of Section 13 shall be cancelled from the register of lobbying firms.

#### Section 17.

(1) Any lobbyist or lobbying firm who (that) was cancelled from the register on the grounds specified in this Act - not including the case of having terminated their activities voluntarily -, the lobbyist or the lobbying firm in question may not be re-admitted to the register within one year from the operative date of cancellation from the register.

(2) If a lobbyist who was re-admitted to the register after the duration specified in Subsection (1) infringes upon the provisions of this Act repeatedly, the body operating the register shall cancel him from the register, in which case the lobbyist in question may not be re-admitted to the register within two years from the operative date of cancellation from the register.

(3) Any infringement of this Act after the second offence shall be subject to the provisions of Subsection (2) with the exception that the lobbyist in question may not be re-admitted to the register within three years from the operative date of cancellation from the register.

#### Section 18.

(1) The body operating the register shall adopt formal resolutions on registration or the rejection of registration, and for cancellation from the register.

(2) The body operating the register shall provide for the publication of its resolution for cancellation from the register after it becomes operative.

## Remedies

#### Section 19.

The decisions of the body operating the register shall not be subject to appeal through administrative channels and they shall not be reversed or overturned under supervisory competence; however, judicial review may be requested according to the general provisions pertaining to administrative decisions.

#### Section 20.

The body operating the register shall provide for the publication of the particulars of the lobbyist or lobbying firm who (that) has been cancelled from the register for three years, with the reasons for the cancellation also indicated.

## Fundamental Rules of Lobbying Activities

#### Section 21.

When engaged in lobbying activities, lobbyists shall:

- a) disclose to the competent officer of the body exercising executive powers the name of their employer and the reason for establishing connection;
- b) inform the employers concerning their obligations conferred under this Act, including the data and information contained in records;
- c) not use any confidential or inside information received from the employer to the detriment of the employer;
- d) not foster any interests which are contradictory to the interests of competing employers without the prior consent of the employers concerned, granted in possession of sufficient information;
- e) exercise extra caution as can be expected from persons engaged in such activities to ascertain the authenticity, accuracy and genuineness of their information conveyed to their employer, or to the executive decision-making body on behalf of the employer;
- f) shall advise the employer if the employer's objective is illegal or unethical or, if carried out, it violates the basic principles of the lobbyist profession, and shall refuse to take any action to foster such objective of the employer;
- g) abide by the regulations of bodies exercising executive powers to the extent pertaining to them;
- h) not obtain any information by way of unfair means regarding the actions of executive decision-making bodies.

#### Section 22.

A lobbyist may not engage in lobbying activities at any executive decision-making body in which his close relative holds an executive office.

#### Section 23.

Lobbying activities may not be aimed at prompting an executive decision-making body to not fulfill its obligations conferred upon it by law.

#### Section 24.

(1) Lobbyists may not provide, offer or mediate any contribution to an executive decisionmaking body, its members and employees, within or without the course of lobbying activities performed at the body in question.

(2) The concept of contribution referred to in Subsection (1) shall not include any gift defined in the Personal Income Tax Act the lobbyist has provided to an executive decisionmaking body on a single occasion and in connection with a single assignment, if its value does not exceed ten per cent of prevailing minimum wage.

#### Section 25.

(1) A lobbyist may request an executive decision-making body permission to express his views in person at least once:

- a) in the course of lobbying activities performed in connection with a Parliament decision in front of the competent parliamentary committee, within the timeframe specified by the committee;
- b) in the course of lobbying activities performed in connection with a Government decision or the decisions of members of the Government, in front of the competent minister, within the timeframe specified by the director;
- c) in the course of lobbying activities performed in connection with a local government decision in front of the competent committee of the local government, or failing this in front of the body of representatives (general assembly), within the timeframe specified by the body of representatives (general assembly).

(2) Decisions in connection with the requests specified in Subsection (1) shall be made by the organ or person indicated in Paragraphs a)-c) of Subsection (1).

(3) In the cases described in Paragraphs b)-c) of Subsection (1), the lobbyist should be given the opportunity to express his views in person if the lobbyist has presented concrete written proposals in the process of drafting the bill of legislation in question to the person involved in the preparation of the executive decision.

(4) In addition to what is contained in Subsection (1), a lobbyist may request in writing a hearing from any member of Parliament under Paragraph a) of Subsection (1), from the director appointed by the competent minister under Paragraph b) of Subsection (1), and from any local government representative under Paragraph c) of Subsection (1). The decision whether or not to accept the request lies with the person contacted.

(5) Where a lobbyist or any other person attempts to establish connection with an executive decision-making body by ways other than what is described in Subsection (3), or if he violates the provisions of this Act in any other way, the person contacted must inform his superior in writing accordingly and shall refuse to honour the request for establishing connection. The head of the organ shall make a decision whether or not to grant consent for establishing connection, relying upon the information received, of which the lobbyist shall be notified.

#### Section 26.

The head of the executive decision-making body shall write up a memorandum on establishing a connection in person, containing a brief summary of the key elements of what was said at the meeting. In the cases referred to in Paragraphs a) and c) of Subsection (1) of Section 25 the House Rules of Parliament and the organizational and operational rules of the local government shall be observed.

#### Section 27.

Lobbyists may invite members and officers of the executive decision-making bodies to trade conferences held on the subject to which their lobbying activities pertain. Nevertheless, they shall not be permitted to reimburse the costs of attending such conferences to the executive decision-making bodies, or the persons attending on their behalf.

#### Section 28.

Lobbyists may send trade materials, scientific publications and feasibility studies to executive decision-making bodies, or may supply them with the results of their own research and studies.

#### Section 29.

Lobbyists shall be admitted into the premises of the organs at whom their lobbying activities are aimed at pre-arranged times, upon presenting their lobby licenses in accordance with regulations governing admission and exit.

### Report on Lobbying Activities

#### Section 30.

(1) Registered lobbyists shall prepare a report quarterly concerning their lobbying activities, and shall send them to the body operating the register by the last day of the month following the calendar quarter in question.

(2) Lobbyists shall comply with their obligation of reporting for the first time on the last day of the month following the calendar quarter during which they commenced operations.

(3) The report shall contain:

- a) an itemized list of the executive decisions that were the target of the lobbyist's lobbying activities;
- b) an indication of the concrete objective (objectives) of his lobbying activities relating to a specific bill;
- c) a list of means used in connection with lobbying activities for a specific case;
- d) an indication of the names of officers of the executive decision-making body contacted, and the number of occasions of establishing connection; e) an indication of each gift provided under Subsection (2) of Section 24, their individual value, and the name and position of the person affected;
- f) the names of employers of the lobbying firm and the lobbyist in the breakdown illustrated in Paragraph a).

(4) The executive decision-making bodies involved with any lobbying activities shall inform the body operating the register quarterly - within the time limit specified in Subsection (1) - of the decisions at which the lobbying activities were aimed, the names of the lobbyists involved, and the means they used during such activities.

(5) The body operating the register shall publish this report.

(6) The information contained in the reports mentioned in Subsection (1) and Subsection (4) shall be treated as public information even before the publication of the report.

#### Section 31.

If the report is missing any essential information, or if the lobbyist fails to file the report in due time, the body operating the register shall issue a request to supply the missing information within fifteen days. In the event of non-compliance within the prescribed deadline the body operating the register shall cancel the lobbying firm or a lobbyist in question from the register.

#### Section 32.

(1) Any lobbying firm and lobbyist shall forthwith notify the body operating the register of their decision to terminate lobbying activities.

(2) The above-specified notice of the lobbying firm or lobbyist shall contain a report on their lobbying activities conducted during the period that is not covered by the last report they have filed.

(3) Where Subsection (1) applies, the body operating the register shall cancel the lobbying firm or the lobbyist from the register. If, however, the lobbyist fails to effectively comply with his obligation of reporting on his activities, and fails to provide the missing information within fifteen days upon receipt of the request to do so, the provisions contained in Subsection (2) of Section 16 shall apply.

## Penalties

#### Section 33.

(1) In the event of any natural or legal person or business association lacking the legal status of a legal person engaging in lobbying activities without being registered, the body operating the register may impose a penalty of up to ten million forints by way of a resolution. In the event of multiple infringements the penalty may be imposed cumulatively.

(2) The amount of penalty shall be determined with regard to all applicable circumstances, in particular, to the gravity, objective and duration of the illegal conduct, recidivism where applicable, and the advantage gained, actually or intended, by such conduct.

(3) The penalty shall be payable to the account of the body operating the register.

(4) Penalties imposed by final decision shall be collected, if unpaid, in the same manner and time as tax obligations. (5) Any natural or legal person and business association lacking the legal status of a legal person against whom a penalty was imposed may not be registered within one year from the operative date of the resolution.

(6) Any natural or legal person and business association lacking the legal status of a legal person against whom a penalty was imposed for the second time may not be registered for two years.

### Amendments

Section 34.

Section 35.

### Closing Provisions

Section 36.

This Act shall enter into force on 1 September 2006 and shall be applied for the first time in connection with the executive decisions whose preparation commenced after the time of this Act entering into force.

Section 37.

The Government is hereby authorized to decree:

- a) the body operating the register of lobbyists and the register of lobbying firms;
- b) the detailed regulations relating to the issue, replacement, return and withdrawal of lobby licenses;
- c) the amount of fee payable for the issue of lobby licenses; and
- d) the procedural rules for imposing the penalty for any infringement of the provisions of this Act.

**Zdroj: OECD: LEGISLATION ON LOBBYING IN EUROPE, 20007, GOV/PGC/ETH/RD(2007)2**

**10. Maďarsko, Vládní nařizení 176/2006 (VIII.14) k implementaci zákona o lobbingu**

**Government Decree 176/2006 (VIII. 14.) on the Implementation of Act XLIX of 2006 on Lobbying Activities**

Pursuant to the authorisation conferred under Article 37 of Act XLIX of 2006 on Lobbying Activities (hereinafter referred to as “Lobby Act”) the Government has adopted the following Decree:

**Article 1**

The register referred to in Article 7 of the Lobby Act shall be maintained by the Central Office of Justice (hereinafter referred to as “Office”).

**Article 2**

The register of lobbyists contains:

- a) the lobbyist’s name,
- b) the lobbyist’s place and date of birth, address, and the number of his diploma of higher education,
- c) the date of registration of the lobbyist, and the date of any previous registration if applicable and the reason for removal from the register,
- d) the name of any lobbying firm or firms, on whose behalf the lobbyist is engaged in lobbying activities,
- e) the number of the lobbyist’s lobby license,
- f) the date of withdrawal of the lobbyist’s lobby license.

**Article 3**

The register of lobbying firms contains:

- a) the lobbying firm’s name,
- b) the lobbying firm’s registered address,
- c) the name and address of the lobbying firm’s authorised representatives,
- d) the names of lobbyists engaged in lobbying activities on behalf of the lobbying firm,
- e) the names of persons involved in the lobbying firm as participating members or engaged with the lobbying firm under any form of contractual relationship, and whose close relatives are not authorised to engage in lobbying activities pursuant to the Lobby Act,
- f) the date of registration of the lobbying firm, and the date of any previous registration if applicable and the reason for removal from the register,
- g) the lobbying firm’s registration number.

**Article 4**

(1) The natural and legal persons, and business associations lacking the legal status of a legal person applying to the Office for registration shall supply a statement in writing declaring that there are no obstacles for their registration in accordance with the Lobby Act.

(2) The Office shall examine upon notification or *ex officio* as to whether any conflict of interest exist as prescribed in the Lobby Act in connection with a registered lobbyist.

**Article 5**



(1) The Office shall, within thirty days of receipt of the lobbyist's report submitted in compliance with Paragraph (1) of Article 30 of the Lobby Act, collate this report of the lobbyist with the information supplied by the executive decision-making body involved with the lobbying activities according to Paragraph (4) of Article 30 of the Lobby Act.

(2) If the report and the information referred to in Paragraph (1) contain different information or statements relating to specific lobbying activities, the Office shall proceed to clarify the relevant facts of the case in accordance with the Act on the General Rules of Administrative Proceedings and Services before adopting a decision under Paragraph (2) of Article 16 of the Lobby Act.

#### **Article 6**

(1) The Office, if it gains knowledge from the information supplied by the executive decisionmaking body involved with the lobbying activities in accordance with Paragraph (4) of Article 30 of the Lobby Act, from a notification or by any other means that a natural or legal person or business association lacking the legal status of a legal person had been or is engaged in lobbying activities without being registered, shall proceed to clarify the relevant facts of the case in accordance with the Act on the General Rules of Administrative Proceedings and Services with a view to impose the penalty specified in Article 33 of the Lobby Act, and shall impose the penalty if applicable.

(2) The penalty specified in Article 33 of the Lobby Act shall be calculated by multiplying the basic rate with the factors applicable for the relevant circumstances.

(3) Subject to subsequent assessment, the Office shall retain twenty per cent of the penalties collected, while the remaining sum shall comprise the revenue of the central budget. The Office shall allocate its revenues from penalties to discharge its duties conferred in Article 5 of Government Decree 144/2005 (VII. 27.) on the Central Office of Justice.

#### **Article 7**

(1) In its proceedings for imposing a penalty the Office shall first determine the amount of the basic penalty in due consideration of what is contained in Paragraph (2) of Article 33 of the Lobby Act.

(2) When the amount of the basic penalty is established it shall be multiplied with the factor prescribed in this Decree for the relevant circumstances.

(3) Where several factors are to be applied, they shall be added up and the amount of the basic penalty shall be multiplied with the resulting factor.

#### **Article 8**

The basic penalty shall be multiplied:

*a)* by a factor of 5 for lobbying activities conducted without authorisation aiming to influence any decisions that fall within the competence of Parliament;

*b)* by a factor of 4 for lobbying activities conducted without authorisation aiming to influence any decisions that fall within the competence of the Government;

*c)* by a factor of 3 for lobbying activities conducted without authorisation aiming to influence any decisions that fall within the competence of any member of the Government;

*d)* by a factor of 2 for lobbying activities conducted without authorisation aiming to influence any decisions that fall within the competence of any local government;

*e)* by a factor of 3 for lobbying activities conducted without authorisation at an executive decision-making body where the lobbyist's close relative holds an executive office;

*f)* by a factor of 3 for lobbying activities conducted without authorisation at an executive decision-making body where the lobbyist was employed during the previous two years under contract of employment or otherwise;

g) by a factor of 5 if the lobbyists in question had been prohibited to engage in lobbying activities.

#### **Article 9**

The operative part of the resolution imposing the penalty shall specify the account number to which the amount of the penalty has to be paid within fifteen days following the operative date of the resolution.

#### **Article 10**

The Office shall have powers to authorise deferred payment of the penalty, provided it will not jeopardise payment of the penalty.

#### **Article 11**

(1) The Office shall issue a lobby license to the natural person who has been admitted to the register of lobbyists within fifteen days following registration (hereinafter referred to as “lobby license”) that contains the information specified in the Lobby Act.

(2) The lobby license verifies the holder’s entitlement to engage in lobbying activities.

(3) The lobby license is valid until withdrawn.

(4) The lobbyist shall safeguard the lobby license, and shall present it when so requested to verify his entitlement to engage in lobbying activities.

(5) The lobbyists shall notify the Office within fifteen days if his lobby license is lost, damaged or destroyed, and also any changes in his particulars contained in the lobby license, and shall simultaneously surrender his lobby license if damaged, or in connection with any changes in his particulars.

(6) The lobby license shall be collected in the Office, and the Office shall provide a notice to the lobbyist concerning the date and place where it may be collected, unless the lobbyist provided a written statement requesting delivery of the lobby license by way of the postal service.

#### **Article 12**

A lobbyist shall have only one lobby license at any given time.

#### **Article 13**

The Office shall:

*a)* issue the lobby license (including the new lobby license provided as a replacement for a lost, damaged or destroyed lobby license), and shall deliver it to the hands of the holder properly documented, or shall have it delivered by way of the postal service when so requested by the lobbyist in writing;

*b)* provide a replacement lobby license upon the lobbyist’s notice, in connection with any changes in his particulars;

*c)* withdraw the lobby license in the cases prescribed by law;

*d)* keep records on the lobby licenses issued;

*e)* provide for the destruction of withdrawn lobby licenses.

#### **Article 14**

The lobby license is a card made out in size A/7 (105x74.25 mm), installed in laminated foil, and it contains:

*a)* the lobbyist’s name, place and date of birth, and the designation lobbyist;

*b)* a colour picture of the lobbyist;

c) the inscriptions “LOBBY LICENSE”, “Valid together with a personal identification document” and “Central Office of Justice (1116 Budapest, Hauszmann Alajos utca 1.)”;

d) the number of the lobby license, and the place and date of issue of the lobby license;

e) signature and seal of the head of the Office; and

f) “Information:

1. Pursuant to Act XLIX of 2006 on Lobbying Activities the lobbyist holding this lobby license shall be authorised to enter the premises of the body involved with the lobbying activities at a time pre-arranged with the said body and upon presentation of the lobby license together with a personal identification document subject to the regulations concerning admission and exit.

2. This lobby license shall be valid until withdrawn.”

### **Article 15**

(1) For the issue of a lobby license a fee of 5,000 forints shall be paid.

(2) The fee shall be payable to the Office’s 10032000-00285850-00000000 account at the Hungarian State Treasury by way of credit transfer or by way of postal cash transfer.

(3) The technical code “310” shall be affixed upon the credit transfer order or upon the postal cash transfer order.

(4) Proof of payment of the fee shall be provided together with the application for registration by the daily bank statement that contains the payment as debited or by the payment stub of the postal cash transfer order, or by a copy of these.

(5) The fee shall not be refunded if the application is withdrawn, nor if rejected by the Office, or if the Office terminates the proceedings.

(6) If the application is re-submitted the fee shall be due and payable again.

(7) In the event of any overpayment the excess amount shall be repaid *ex officio* or upon request within thirty days of the time when the overpayment was noticed or from the date of receipt of the request therefore.

(8) If the excess amount is repaid upon request, the request shall indicate the name of the account holder, the account number or the mailing address to which the party is requesting payment. The Office shall effect repayment by way of credit transfer or by way of postal cash transfer, respectively, to the bank account or to the mailing address indicated by the requesting party.

(9) Where repayment is effected *ex officio*, the Office shall send the payment by way of credit transfer or by way of postal cash transfer, respectively, to the bank account or to the mailing address shown on the daily bank statement that contains the payment as debited or on the payment stub of the postal cash transfer order.

### **Article 16**

The Office shall retain the data of lobbyists and lobbying firms it processes for ten years following the date when removed from the records, and shall provide for having these data deleted thereafter.

### **Article 17**

The passage “1.91. Lobby license” shall be added to the section entitled “Safety Documents III. 1. Personal identification documents and documents of entitlements” under Schedule No. 1 to Government Decree 86/1996 (VI. 14.) on the Protection of Confidential Documents.

### **Article 18**

The following Paragraph (6) shall be added to Article 5 of Government Decree 144/2005 (VII. 27.) on the Central Office of Justice:

“(6) The Central Office of Justice shall, in connection with the control of lobbying activities:

*a)* keep records on lobbyists,

*b)* keep records on lobbying firms,

*c)* check applications for registration for compliance with the requirements set out in Act XLIX of 2006 on Lobbying Activities (hereinafter referred to as “Lobby Act”), and shall adjudge such applications for registration, *d)* discharge the duties conferred by the Lobby Act upon the body operating the register.”

**Article 19**

(1) This Decree shall enter into force – subject to the exceptions set out in Paragraph (2) – on 1 September 2006.

(2) Section 17 of this Decree shall enter into force on 1 January 2007.

**Zdroj: OECD: LEGISLATION ON LOBBYING IN EUROPE, 20007, GOV/PGC/ETH/RD(2007)2**