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GOV/PGC/ETH/RD(2007)2

## **POLAND**

### **Act of 7 July 2005 on legislative and regulatory lobbying<sup>1</sup>**

#### **Chapter 1**

##### **General Provisions**

###### *Article 1*

This Act lays down the rules of openness governing legislative and regulatory lobbying and the rules governing professional lobbying, determines the forms in which control can be exercised over professional lobbying, and sets out the rules for the keeping of the Register of Professional Lobbyists and Lobbying Firms.

###### *Article 2*

1. For the purposes of the Act, lobbying means any legal action designed to influence the legislative or regulatory actions of a Public Authority.
2. For the purposes of the Act, professional lobbying means any paid activity carried out for or on behalf of a third party with a view to ensuring that their interests are fully reflected in legislation or regulation proposed or pending.
3. Professional lobbying can be carried out by a firm (hereinafter referred to as the Professional Lobbying Firm) or by an individual not register as such (hereinafter referred to as the Professional Lobbyist) pursuant to a civil contract.

#### **Chapter 2**

##### **Rules of Openness Governing Legislative Lobbying**

###### *Article 3*

1. At least once every six months the Council of Ministers shall develop their Legislative Work Programme related to their drafting legislation.

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1 This Act amends the following: the Act of 9 May 1996 on carrying out the mandate of a Deputy to the Sejm or of a Senator (JL of 2003, No 221, item 2199, as amended), Act of 8 August 1996 on the Council of Ministers (JL of 2003, No 24, item 199; and No 80, item 717; and of 2004, No 238, item 2390; and No 273, item 2703), and Act of 4 September 1997 on Government ministries and departments (JL of 2003, No 159, item 1548, as amended).

2. A notice on the Programme referred to in paragraph 1, shall contain the following, in particular:

- (1) Short information on the reasons and the need for the arrangements proposed;

- (2) The merits of the arrangements proposed;
- (3) The Authority responsible for drafting the legislation involved;
- (4) The name and the position or function of the individual responsible for drafting the legislation involved;
- (5) The address for the Official Government Information Website: the Public Information Bulletin (hereinafter referred to as the “Bulletin”) that is to be used to publish documents referred to in Article 5 or 6.

3. In addition, the notice referred to in paragraph 2 shall contain information on the work on the legislative proposal(s) that has been discontinued, stating the reasons therefor.

4. The Programme referred to in paragraph 1 shall be published in the Bulletin.

5. The Council of Ministers shall forthwith submit the Programme referred to in paragraph 1 to the Sejm [Lower House of the National Assembly].

#### *Article 4*

The Council of Ministers, the President of the Council of Ministers, and the individual ministers shall develop their Regulatory Work Programmes related to their drafting their regulations. Article 3(2) to (4) shall apply *mutatis mutandis*.

#### *Article 5*

Any legislative or regulatory proposal shall be published in the Bulletin upon their being forwarded to the members of the Council of Ministers for consultation.

#### *Article 6*

Upon the Legislative Work Programme referred to in Article 3, legislative proposal not included therein, Regulatory Work Programme referred to in Article 4, or regulatory proposal not included therein, being published in the Bulletin, the Authority concerned shall also publish in the same all the documents related to the proposal(s) involved.

#### *Article 7*

1. Upon the Legislative Work Programme referred to in Article 3, legislative proposal not included therein, Regulatory Work Programme referred to in Article 4, or regulatory proposal not included therein, being published in the Bulletin, anyone can notify their interest in the legislation or regulation involved.

2. The notification referred to in paragraph 1 shall be on the official form, submitted to the Authority responsible for drafting the legislation or regulation involved.

3. The notification referred to in paragraph 1 shall be published, excluding the address of the individual concerned, in the Bulletin as a document related to the legislation or regulation involved.

4. The notification referred to in paragraph 1 shall contain the following:

(1) The names and addresses of the individuals authorised to represent the entity concerned during the work on the legislation or regulation involved;

(2) The name and registered office of the entity concerned if that entity is a corporate one;

(3) The name and (official) address of the entity concerned if that entity is not a corporate one;

(4) The interests that vis-à-vis the legislation or regulation involved are intended to be safeguarded or the legal arrangements the inclusion of which is to be sought.

5. The notification referred to in paragraph 1 shall be accompanied by the following:

(1) A proof of entry in the Register, referred to in Article 11(8), if it is being effected by the Professional Lobbyist or the Professional Lobbying Firm;

(2) An extract from the National Court Register related to the corporate entity concerned, if it is being effected for or on behalf of the corporate entity entered therein.

6. The entity that has notified their interest in the legislation or regulation involved shall notify the Authority responsible for drafting it of all the changes to the details previously supplied within seven days of their occurrence.

7. The Council of Ministers shall lay down the procedure for notifying interest in the legislation or regulation proposed or pending, including the specimen of the form therefor. It shall do so via their Ordinance, having regard to the need to facilitate notifying such interest.

#### *Article 8*

1. In cases where the legislative proposal has been tabled before the Sejm, a public hearing may be conducted thereon, subject to its Rules of Procedure.

2. The entity that has notified their interest in the legislation involved may participate in any public hearing related thereto, subject to the Rules of Procedure of the Sejm.

#### *Article 9*

1. The Authority responsible for drafting the regulation involved may hold a public hearing thereon.

2. The date and time for the public hearing referred to in paragraph 1 shall be published in the Bulletin at least seven days before.

3. The right to participate in the public hearing referred to in paragraph 1 can be exercised by anyone that has notified their interest in the regulation involved at least three days before.

4. In cases where due to the space and/or technical constraints, and in particular the excessive number of those wanting to attend, it is impossible to hold a public hearing on the regulation involved, the Authority concerned may:

(1) Change the date and time and/or the venue therefor, publishing in the Bulletin the new details and the reasons therefor;

(2) Cancel it, publishing in the Bulletin the reasons therefor.

5. The Authority responsible for organising the public hearing shall in particular:

(1) Name the individual that shall chair it;

(2) Ensure that it proceeds smoothly;

(3) Give to those that desire it leave to speak.

6. The Council of Ministers shall lay down the procedure for holding public hearings on regulatory proposals and the method by which their course is to be documented. It shall do so via their Ordinance, having regard to the need to identify those that participate in such hearings, to guarantee their right to be heard, and to ensure that such hearings proceed smoothly.

### **Chapter 3**

#### **Register of Professional Lobbyists and Lobbying Firms and Rules Governing Professional Lobbying**

##### *Article 10*

1. The Register of Professional Lobbyists and Lobbying Firms (referred to hereinafter as the “Register”) is hereby established.

2. The Minister having jurisdiction over matters related to public administration shall keep the Register. It shall have the form of a database containing information stored with the use of the data mediums within the meaning of the Act of 17 February 2005 on the introduction and use of information technology within the organisations carrying out public tasks and functions<sup>2</sup>.

3. The entry in the Register shall contain the following:

(1) The name and address of the Professional Lobbyist or the name, registered office, and any other address of the Professional Lobbying Firm concerned; and

(2) In cases of a Professional Lobbying Firm their number in the National Court Register or their firm registration number.

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<sup>2</sup> See JL of 2005, No 64, item 565.

4. The Register shall be accessible to the public.

5. The information contained in the Register shall be published, with the exception of the addresses of the Professional Lobbyists, in the Bulletin.

#### *Article 11*

1. The entry into the Register shall be effected based on the relevant application.

2. The application referred to paragraph 1 shall be on the official form. It shall contain the following in particular:

(1) The name and address of the Professional Lobbyist or the name, registered office address, and any other address of the Professional Lobbying Firm concerned; and

(2) In cases of a Professional Lobbying Firm their number in the National Court Register or their firm registration number.

3. The application referred to in paragraph 1 shall be accompanied by any documentary evidence needed to confirm the details.

4. In cases where the application referred to in paragraph 1 is found to suffer from formal defects, the Authority responsible for keeping the Register invites the Applicant concerned to resolve them.

5. In cases where the application submitted is found to be manifestly unfounded or where the formal defects are not resolved within seven days though the Applicant has been invited to do so, the Authority responsible for keeping the Register shall refuse to enter him (her) therein. The refusal shall have the form of an administrative decision.

6. The entry into the Register shall be against a fee. The fee shall be paid upon the submission of the application concerned. The fee shall not exceed PLN 100.

7. The entity entered in the Register shall notify the Authority responsible for keeping it of any changes to the details previously supplied within seven days of their occurrence.

8. The Authority responsible for keeping the Register shall, on request from the entity entered therein, issue a proof of entry. The proof shall be valid for three months from the date of issue.

9. The Authority responsible for keeping the Register shall, on request of the entity entered, remove the latter there from.

10. The Minister having jurisdiction over matters related to public administration shall determine:

(1) The procedures for applying to be entered in the Register, for effecting the entry applied for, and for applying for amendment of the details previously entered, including the specimens of the forms therefor;

(2) The types of the documentary evidence referred to in Article 11(3);

(3) The specimen of the proof of entry in the Register;

(4) A fee for entry into the Register.

The Minister shall do so via their Ordinance, having regard to the need to facilitate applying for entry in the Register.

#### *Article 12*

Professional lobbying may be carried out subject to being entered in the Register.

#### *Article 13*

In cases where the valid decision is issued pursuant to Article 41 of the Penal Code, or to Article 9(1)(5) of the Act of 28 October 2002 on liability of collective bodies for acts that are prohibited under a penalty<sup>3</sup>, by which the Professional Lobbyist/Lobbying Firm is disqualified from carrying on their lobbying activity, the Authority responsible for keeping the Register shall remove it therefrom. The removal shall be effected pursuant to an administrative decision.

#### *Article 14*

1. The Professional Lobbyist or Professional Lobbying Firm concerned can be carrying out their lobbying activity also in the Office of the Public Authority involved.

2. The Manager of the Office referred to in paragraph 1 shall provide the Professional Lobbyist or Professional Lobbying Firm entered in the Register access to the Office he manages so as to allow it to properly represent the interests of the entity for or on behalf of which their lobbying is being carried out.

3. Professional lobbying within the Sejm or Senate shall be carried out pursuant to their respective Rules of Procedure.

#### *Article 15*

The Professional Lobbyist or Professional Lobbying Firm shall furnish the Public Authority or an employee of its Office before which he or it appears a proof of entry in the Register, together with a written statement naming the entity for or on behalf of which the lobbying activity involved is being carried out.

### **Chapter 4**

#### **Exercise of Control over Professional Lobbying**

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<sup>3</sup> See JL of 2002, No 197, item 1661 and of 2004, No 93, item 889; No 191, item 1956; and No 243, item 2442.

### *Article 16*

1. The Public Authority concerned shall forthwith publish in the Bulletin information on measures taken or being taken in relation to them by the Professional Lobbyist or Professional Lobbying Firm involved. Such information shall include the decision sought.

2. The Manager of the Office of the Public Authority concerned shall, acting within their terms of reference, lay down detailed procedures to be followed by employees of their Office in their contacts with professional lobbyists/lobbying firms or entities carrying out professional lobbying operations without their being entered in the Register, including the procedure for documenting such contacts.

### *Article 17*

In cases where it has been found that the professional lobbying operations are carried out by the entity that has not been entered in the Register, the Public Authority concerned shall forthwith inform in writing the Minister having jurisdiction over matters related to public administration thereof.

### *Article 18*

1. Once a year by the end of February, the Manager of the Office of the Public Authority concerned shall draw up a report on measures taken in relation to their organization during the previous year by professional lobbyists/lobbying firms.

2. The report referred to in paragraph 1 shall contain the following:

(1) A list and description of cases in which lobbying was being undertaken;

(2) A list of professional lobbyists/lobbying firms involved;

(3) A list and description of the forms in which lobbying was being conducted, indicating whether it was undertaken in support or against the project(s) concerned;

(4) A description of the influence exerted by the successful professional lobbyist/lobbying firm on the legislative or regulatory decision-making process(s) involved.

3. The report referred to in paragraph 1 shall be forthwith published in the Bulletin.

## **Chapter 5**

### **Sanctions for the Violation of the Act**

### *Article 19*

1. Whoever carries out professional lobbying operations without their being entered in the Register shall be liable to a penalty of a fine from PLN 3000 to 50,000.

2. The fine referred to in paragraph 1 shall be applied pursuant to an administrative



decision of the Minister having jurisdiction over matters related to public administration.

3. In determining the amount of a fine to be applied, regard shall be had to the degree of the influence exerted by the entity referred to in paragraph 1 on the legislative or regulatory decision-making process concerned and to the extent and character of the professional lobbying operations involved.

4. The fine may be applied repeatedly if the professional lobbying operations are continued without the guilty party being entered in the Register.

#### *Article 20*

1. The money collected from the fines referred to in Article 19 shall constitute revenue of the State.

2. The fine applied shall be paid within 14 days from the date on which the relevant decision by the Minister having jurisdiction over matters related to public administration become final, via the transfer of the appropriate amount to a bank account kept for their Office.

3. The cost involved in the payment of the fine shall be borne by the Payer.

### **Chapter 6**

#### **Amendments to some existing provisions and transitional and final provisions**

#### *Article 21*

The Act of 9 May 1996 on carrying out the mandate of a Deputy to the Sejm or of a Senator<sup>4</sup> is hereby amended as follows:

(1) In Article 18, the following paragraphs 3a and 3b shall be added:

“3a. The President of the Caucus or of the Group concerned shall forward to the Marshal of the Sejm or of the Senate, as appropriate, the following information on employees of the Office of their Club or Group and any volunteer(s) involved:

(1) The first name(s) and last name of the individual concerned;

(2) Their date of birth;

(3) Their place of employment throughout the three years preceding the date of commencement of their paid or voluntary service for the Caucus or the Group concerned;

(4) Their source(s) of income throughout the three years preceding the date of commencement of their paid or voluntary service for the Caucus or the Group concerned;

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<sup>4</sup> Amendments to the Act have been published in JL of 2004, No 116, item 1202 and No 210, item 2135; and of 2005, No 48, item 446.

(5) The economic activity/activities pursued during the three years proceeding the date of commencement of their paid or voluntary service for the Caucus or the Group concerned.

3b. The information referred to in paragraph 3a shall be public and be made so by the Marshal of the Sejm or of the Senate, as appropriate, in an electronic form.”;

(2) In Article 23, the following paragraphs 4a and 4b shall be added:

“4a. The Deputy to the Sejm or the Senator concerned shall forward to the Marshal of the Sejm or of the Senate, as appropriate, the following information on the employees of their Office and any volunteer(s) involved:

(1) The first name(s) and last name of the individual concerned;

(2) Their date of birth;

(3) Their place(s) of employment throughout the three years proceeding the date of commencement of their paid or voluntary service for the Office concerned;

(4) Their source(s) of income throughout the three years proceeding the date of commencement of their paid or voluntary service for the Office concerned;

(5) The economic activity/activities pursued during the three years proceeding the date of commencement of their paid or voluntary service for the Office concerned.

4b. The information referred to in paragraph 4a shall be public and be made so by the Marshal of the Sejm or of the Senate, as appropriate, in an electronic form.”.

#### *Article 22*

The following Article 39a shall be inserted in the Act of 8 August 1996 on the Council of Ministers:

#### *“Article 39a*

1. As for those employed within the Political Cabinet of the Minister, the latter shall forward to the President of the Council of Ministers the information containing the following:

1) The first name(s) and last name of the individual concerned;

(2) Their date of birth;

(3) Their place(s) of employment throughout the three years proceeding the date of their commencing their service for the Political Cabinet concerned;

(4) Their source(s) of income throughout the three years proceeding the date of their commencing their service for the Political Cabinet concerned;

(5) The economic activity/activities pursued during the three years proceeding the date of their commencing their service for the Political Cabinet concerned.

2. The information referred to in paragraph 1 shall be published in the Bulletin.”

*Article 23*

In Article 6 of the Act of 4 September 1997 on Government ministries and departments<sup>5</sup>, in paragraph 6, the full stop shall be replaced by a semicolon, and the following paragraph 7 shall be added:

“(7) Keeping the Register of Professional Lobbyist and Professional Lobbying Firms.”

*Article 24*

The Act shall enter into force six months after its publication.

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<sup>5</sup> Amendments to the Act have been published in JL of 2003, No 162, item 1568; No 190, item 1864; of 2004, No 19, item 177; No 69, item 624; No 91, item 873; No 96, item 959; No 116, item 1206; No 141, item 1492; No 238, item 2390; and No 273, item 2702; and of 2005, No 17, item 141; and No 33, item 288.

## **HUNGARY**

### **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 therefor.

## **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 decision making 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 decision making 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.

## **HUNGARY**

### **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 decision making 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 lobbyist 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 lobbyist 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 therefor.

(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.

## 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 filing 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, repeal 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