

For Official Use

C(2014)7

Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

26-Feb-2014

English - Or. English

COUNCIL

Council

**REPORT BY THE PUBLIC GOVERNANCE COMMITTEE ON THE IMPLEMENTATION OF THE
RECOMMENDATION OF THE COUNCIL ON PRINCIPLES FOR TRANSPARENCY AND
INTEGRITY IN LOBBYING [C(2010)16]**

(Note by the Secretary-General)

JT03353260

Complete document available on OLIS in its original format

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

**C(2014)7
For Official Use**

English - Or. English

1. A solid foundation of trust is of central importance for effective policy-making. This is especially true in the context of economic recovery, where structural reforms involve difficult and unpopular choices, and where the confidence of citizens and markets is critical for fostering economic and social development. However, available data suggests that trust in the public decision-making process, and more generally in government, is waning in most OECD Member countries [GOV/PGC(2013)1/ANN1]. During the 2013 Meeting of the Council at Ministerial Level, OECD Members reaffirmed their commitment to rebuilding trust in governments, markets and institutions, promoting open government, and ensuring transparency in policy making [C/MIN(2013)16/FINAL].

2. Growing concerns at undue influence in the public decision-making process are leading governments to explore how to more effectively safeguard the public interest, impartiality, and fairness in the public decision-making process and ensure a level playing field among all stakeholders. This is particularly relevant in relation to lobbying practices and political finance. Instances of undue influence in the public decision-making process and regulatory capture by powerful interests have surfaced in a number of countries.

3. On 18 February 2010, the Council adopted the Recommendation on Principles for Transparency and Integrity in Lobbying (the Recommendation) [C(2010)16 and C/M(2010)3/PROV, Item 37]. It is the only international instrument addressing major risks in the public decision-making process related to lobbying. In adopting the Recommendation, the Council requested the Public Governance Committee (PGC) to report back on progress made in implementing the Recommendation within three years of its adoption and regularly thereafter.

4. In conducting the assessment of the implementation of the Recommendation, the PGC applied two approaches:

- Consulting stakeholders: Members of Parliament from 16 Member and non-Member countries and the European Parliament were consulted during the OECD High-Level Parliamentary (HLP) Seminars held in Santiago (Chile) on 8-9 March 2012 [C/INF(2012)1] and in Paris (France) on 2 October 2013 [C/INF(2013)5]. In addition, the PGC, through the Public Sector Integrity Network, organised a global policy debate during the OECD Forum on Transparency and Integrity in Lobbying on 27-28 June 2013 which brought together over 100 senior representatives from the executive and legislative branches of governments, lobby associations, the private sector, and civil society [GOV/PGC/ETH/A(2013)2/REV1].
- Benchmarking based on comparative evidence and lessons learned in specific country contexts: Three OECD surveys took stock of regulations and collected experiences of public officials from the executive and legislative branches as well as lobbyists.¹ One of the surveys related to Lobbying Rules and Guidelines was completed by public officials from 25 Member countries² and Brazil. Over 100 lobby associations and lobbyists from 16 Member and non-Member countries and the supranational level responded. Moreover, legislators from 14 Member and non-Member countries also responded to the OECD survey.

¹ Details of survey results, comparative trends, and country case studies are available in the document “Building trust through fairer decision making: In-depth report on progress made in implementing the OECD Recommendation on Principles for Transparency and Integrity in Lobbying” [GOV/PGC/ETH(2013)6].

² Austria, Belgium, Canada, Chile, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, and the United States.

5. The key results from the PGC assessment of the implementation of the Recommendation are:

- **The majority of OECD Members have not regulated lobbying, but countries are increasingly opting to introduce rules on lobbying.** In complex policy challenges, lobbying can provide decision-makers with valuable insights and data and facilitate stakeholders' access to the development and implementation of public policies. However, it is also a global multi-billion-dollar business and can lead to unfair competition, undue influence, and regulatory capture. Improving the transparency and integrity of public decision-making, particularly through lobbying regulation, has therefore been high on many governments' agendas. In the past five years, the number of countries that have regulated lobbying practices has more than doubled compared to the previous sixty years (see Figure 4). However, most OECD Members still have no rules on lobbying.
- **Regulation of lobbying has been reactive instead of forward-looking.** Though surveys show an emerging consensus on the need for transparency to shed light on lobbying, new regulations are often scandal-driven instead of forward looking. Consequently, sometimes strong responses to foster trust in public decision-making has resulted in "overshooting", whereby countries take overly demanding measures to address concerns.
- **While there is growing consensus on making governments and the public decision-making process more open and transparent, the degree of transparency in lobbying varies considerably across OECD Members.** Providing information on the public decision-making process is a key dimension of an open government. However, the types and amount of information on lobbying that are made publicly available vary considerably across countries. In defining levels of transparency in lobbying practices, the critical factors are concerns related to lobbying and political will.
- **Fostering compliance and enforcement remains challenging in most countries.** Enforcement of codes of conduct and integrity standards remains relatively low and the bulk of surveyed lobbyists indicate that there are either no sanctions for breaching standards or codes of conduct or, if there are, they are not compelling enough to deter breaches. Experience shows that promoting the compliance and enforcement of lobbying regulations in a cost-effective manner has proved to be a challenge for countries.
- **Measuring the costs and benefits of enhancing transparency and integrity in lobbying poses particular challenges.** Good governance requires assessment and data, and lobbying is no exception. Collecting data on costs and benefits for governments and lobbyists is key to determining whether measures taken meet their intended objectives, or if money could be spent better elsewhere. Despite the availability of technology which considerably reduces the burden of collecting and analysing data, there are limited relevant quantitative data available in countries.
- **Mainstreaming lobbying regulations into the wider integrity framework³ remains central in effectively addressing the risks related to lobbying.** While recognising that "it takes two to lobby", the main responsibility for safeguarding the public interest and rejecting undue influence lies with those who are lobbied. Therefore, a sound integrity framework for the public sector as a whole is essential. The revolving door phenomenon and particularly pre-public employment continue to pose risks to the integrity of public decision making. Similarly, the influence of

³ Based on the 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service [C(98)70/FINAL].

private interests through political finance and advisory groups working with governments and parliaments has emerged as an increasing concern.

6. The assessment demonstrates that the Recommendation was instrumental in shaping policy debates at national and supranational levels and guiding agendas for reform of lobbying rules and guidelines. In the past three years, the Recommendation has proven influential in framing and informing debates on regulating lobbying in Member and non-Member countries, such as Austria, Brazil, Canada, Chile, Ireland, Portugal, Russian Federation, Slovenia, Spain, and the United Kingdom, as well as in European Union Institutions.⁴ The OECD has organised and participated in many of these debates, which provided additional insights on the challenges faced in particular country contexts. The Recommendation has also been widely considered by the private sector, most notably by lobbying associations. The survey also demonstrated that the Recommendation provides a framework that remains relevant and does not require revision at this point in time.

7. In light of the findings in the report, the PGC discussed the following proposals to address the challenges that countries are currently facing in relation to lobbying concerns:

- Focus efforts on the implementation of the Recommendation to strengthen confidence in public decision-making and regain trust in government. In order to develop innovative tools for addressing common concerns (e.g. reporting, definitions, and scope of lobby regulations) and achieve comprehensive, cost-effective solutions, the policy dialogue moving forward should involve relevant policy communities, in particular the Regulatory Policy Committee, the Territorial Development Committee, the Corporate Governance Committee, and the Competition Committee. The PGC is ready to report to the Council on the progress made in implementing the Recommendation in three years.
- Identify relevant data, benchmarks, and indicators in relation to transparency in lobbying, the public decision-making process and, ultimately, the broader integrity framework in order to measure costs, pinpoint benefits, and monitor performance. The PGC, together with other policy communities, can provide the necessary evidence and thus continue informing current debates in Member and non-Member countries.
- Reflect on new integrity challenges associated to lobbying practices and review the 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service [C(98)70/FINAL], which sets out the broader public sector integrity framework and is therefore intrinsically linked to the Recommendation. This review should identify innovative and cost effective integrity measures that will guide public officials in safeguarding the public interest. Such a review could also ensure the establishment of a whole-of-government 21st-century integrity framework that is applicable to all stages of the policy cycle and effectively links lobbying with other risk areas.
- Assess policies for managing conflict of interest related to revolving-door practices and the unbalanced representation and influence of advisory groups. The assessment will focus on the identification of conditions for effective policies and practices to safeguard the integrity of the public decision-making process.

⁴ While the Recommendation has been instrumental beyond the OECD Members, for the time being, non-Members have not yet adhered to it.

8. At its last meeting on 13 November 2013, the PGC agreed to transmit the report on the implementation of the Recommendation to the Council for approval, integrating the outcomes of the PGC's discussion and written comments received until 30 November [[GOV/PGC/M\(2013\)2/ANN1](#), Item 8].

Proposed action

9. In light of the preceding, the Secretary-General invites the Council to adopt the following draft conclusions:

THE COUNCIL

- a) noted document [C\(2014\)7](#), in particular the report set out in its Annex, and agreed to the declassification of this report;
- b) invited the Public Governance Committee to pursue its work on transparency and integrity in lobbying, and to report on the implementation of the Recommendation of the Council on Principles for Transparency and Integrity in Lobbying in three years;
- c) invited the Public Governance Committee to revise the 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service [[C\(98\)70/FINAL](#)] to identify new integrity challenges and serve as guidance for innovative and cost-effective integrity processes and measures.

ANNEX

**REPORT BY THE PUBLIC GOVERNANCE COMMITTEE ON THE IMPLEMENTATION OF
THE RECOMMENDATION OF THE COUNCIL ON PRINCIPLES FOR TRANSPARENCY AND
INTEGRITY IN LOBBYING [C(2010)16]**

TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE SUMMARY | 8 |
| Proposals for follow-up | 8 |
| WHY DO RISKS AND CONCERNS RELATED TO LOBBYING NEED TO BE ADDRESSED NOW? | 9 |
| Lobbying is at the centre of decreasing trust in government..... | 10 |
| Lobbying may result in undue influence, unfair competition and regulatory capture..... | 12 |
| Transnational lobbying practices have raised new global concerns..... | 13 |
| GOVERNMENTS ARE SHEDDING MORE LIGHT ON LOBBYING | 14 |
| More countries have regulated lobbying in the past eight years than in the previous sixty | 14 |
| Regulation has been reactive and scandal-driven instead of forward looking | 16 |
| Concerns, scandals and political will generally determine the level of transparency | 16 |
| Countries have struggled with balancing the administrative cost of transparency mechanisms..... | 18 |
| ADDRESSING EMERGING CONCERNS ON INTEGRITY | 21 |
| Lobbying risks cannot be mitigated without a functioning public sector integrity framework..... | 21 |
| While it takes two to lobby, the main responsibility for safeguarding the public interest and rejecting undue influence lies with those who are lobbied..... | 22 |
| The “revolving door” phenomenon, in particular pre-public employment conflict of interest, has become a major risk to the integrity of public decision making..... | 24 |
| Lobbying from the inside: Influence of private interests through advisory groups is an emerging concern | 30 |
| Measuring the costs and benefits of enhancing transparency and integrity in lobbying remains a challenge..... | 33 |
| THE WAY FORWARD: CAPITALISING ON THE OECD PRINCIPLES TO FURTHER REINFORCE A FAIR AND INCLUSIVE DECISION-MAKING PROCESS | 34 |
| Continue efforts in addressing lobbying concerns and risks in the decision-making process as a key policy lever for trust | 34 |
| Invest in measuring benefits and costs, and monitoring performance | 35 |
| Identify and promote innovative integrity frameworks that reflect the needs and concerns of countries in the 21 st century | 35 |
| Review policies for managing conflict of interest in relation to revolving door practices and the unbalanced representation and influence of advisory groups..... | 35 |
| BIBLIOGRAPHY | 37 |

Tables

| | |
|--|----|
| Table 1. Mechanisms in place to lessen the administrative burden (for the lobbying oversight body) of implementing and managing the lobbying rules/guidelines..... | 20 |
| Table 2. Restrictions in place for public officials engaging in lobbying activities after they leave the public sector | 26 |

Figures

| | |
|--|----|
| Figure 1. Correlation between public trust in politicians and transparency in government policymaking (2013) | 11 |
| Figure 2. Transparency in lobbying increases citizens' trust in the public decision-making process... | 11 |
| Figure 3. Inappropriate influence-peddling by lobbyists, such as seeking official favours with gifts or misrepresenting issues, is a frequent or occasional problem..... | 12 |
| Figure 4. OECD countries are increasingly opting to regulate lobbying | 15 |
| Figure 5. Lobbying registries in place in OECD countries | 17 |
| Figure 6. Disclosure and public availability of lobbying information | 18 |
| Figure 7. Level of disclosure of selected private interests by decision-makers in the three branches of power and public availability of disclosed information | 21 |
| Figure 8. Stakeholders believe that there should be rules on lobbying..... | 22 |
| Figure 9. There are generally no restrictions in place (e.g. a | 28 |
| Figure 11. Advisory groups: a balanced composition of interests | 32 |
| Figure 12. Lobbyists are allowed to sit in government advisory groups or Parliamentary advisory/expert groups in a personal capacity | 32 |

Boxes

| | |
|---|----|
| Box 1. Lobbyists' Associations' Codes of Conduct: The Association of Government Relations Professionals and the European Public Affairs Consultancies' Association..... | 23 |
| Box 2. The requirement for all Slovenian public officials to report meetings with lobbyists..... | 24 |
| Box 3. The financial implications for lobbyists with connections to serving politicians..... | 25 |
| Box 4. Post-public employment restrictions in selected OECD Member countries..... | 27 |
| Box 5. The debate on the risk of capture of EU expert groups by special interests | 31 |

EXECUTIVE SUMMARY

1. Lobbying is a reality in the public decision-making process. Lobbying - the oral or written communication with a public official to influence legislation, policy or administrative decisions - comes in many different forms. Lobbying often focuses on the legislative branch at the national and sub-national levels; however, it also takes place in the executive branch, for example, to influence the adoption of regulations or the design of projects and contracts. Lobbying can provide decision-makers with valuable insights and data, as well as facilitate stakeholder access to the development and implementation of public policies. However, lobbying can also lead to undue influence, unfair competition and regulatory capture to the detriment of the public interest and effective public policies. In addition, participants of the OECD Forum on Transparency and Integrity in Lobbying agreed that transnational lobbying practices have raised new global concerns. For these reasons, the issue of lobbying has often been identified as undermining public trust in government.

2. Improving the transparency and integrity of the public decision-making process through regulation has been high on many governments' agendas in the past three years. Experience shows, however, that in most cases regulation has been reactive and scandal-driven instead of forward looking, with the risk of overshooting, where countries disproportionately address concerns and the administrative cost of transparency mechanisms may outweigh the potential benefits. Despite this, lobbying regulation has created more openness and transparency in lobbying practices. The current challenge is how to make regulation of lobbying as efficient as possible.

3. Good governance requires assessment and data, and lobbying is not an exception. Yet, measuring the costs and benefits of enhancing transparency and integrity in lobbying remains a challenge for most countries. Collecting data on costs for government and lobbyists as well as on benefits is of utmost priority to better understand lobbying in different country contexts. As of today, there are little quantitative data available on these elements in countries.

4. Mainstreaming lobbying regulations into the wider integrity framework remains central in addressing the risks related to lobbying. There is a general consensus that while it takes two to lobby, the main responsibility for safeguarding the public interest and rejecting undue influence lies with those who are lobbied. A sound integrity framework for the public sector is therefore essential. A modernisation of the integrity framework must include and pay particular attention to revolving door arrangements and pre-public employment. Similarly, the influence of private interests through advisory groups merits attention as an increasing concern.

Proposals for follow-up

5. The review of the implementation of the Recommendation of the Council on Principles for Transparency and Integrity in Lobbying [C(2010)16] (the "Recommendation") shows that the Principles have increasingly served as a reference in Member and non-Member countries in designing or revising lobbying regulations and decision-making processes. Nevertheless, the review of experiences in the past three years have shown that evolutions in public decision making and lobbying practices have created new risks that could weaken citizens' trust in government and compromise the fairness of the decision-making process. The following actions are therefore needed:

- Focus efforts on the implementation of the Recommendation on Principles for Transparency and Integrity in Lobbying to strengthen confidence in public decision-making and regain trust in government. In order to develop innovative tools to address common concerns (e.g. reporting, definitions and scope for lobby regulations) and reach comprehensive and cost-effective solutions, the policy dialogue moving forward should involve relevant policy communities, in particular the Regulatory Policy Committee, the Territorial Development Committee, the Corporate Governance Committee, and the Competition Committee. To follow-up on the continued implementation of the Recommendation, the PGC should report back to the Council in three years on further progress made by OECD countries.
- Identify relevant data, benchmarks, and indicators in relation to transparency in lobbying, the public decision-making process, and ultimately the broader integrity framework to measure costs, identify benefits, and monitor performance. The PGC is invited, together with other policy communities, to provide the necessary evidence and thus continue informing current debates in Member and non-Member countries.
- Review the 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service [C(98)70/FINAL] to reflect on new integrity challenges and constraints and serve as guidance for innovative and cost effective integrity measures. Such a review could also ensure the establishment of a whole-of-government 21st century integrity framework applicable to all stages of the policy cycle and that effectively links lobbying with other risk areas.
- Assess policies for managing conflict of interest related to revolving door practices and the unbalanced representation and influence of advisory groups. The assessment should focus on the identification of conditions for effective policies and practices to safeguard the integrity of the public decision-making process.

WHY DO RISKS AND CONCERNS RELATED TO LOBBYING NEED TO BE ADDRESSED NOW?

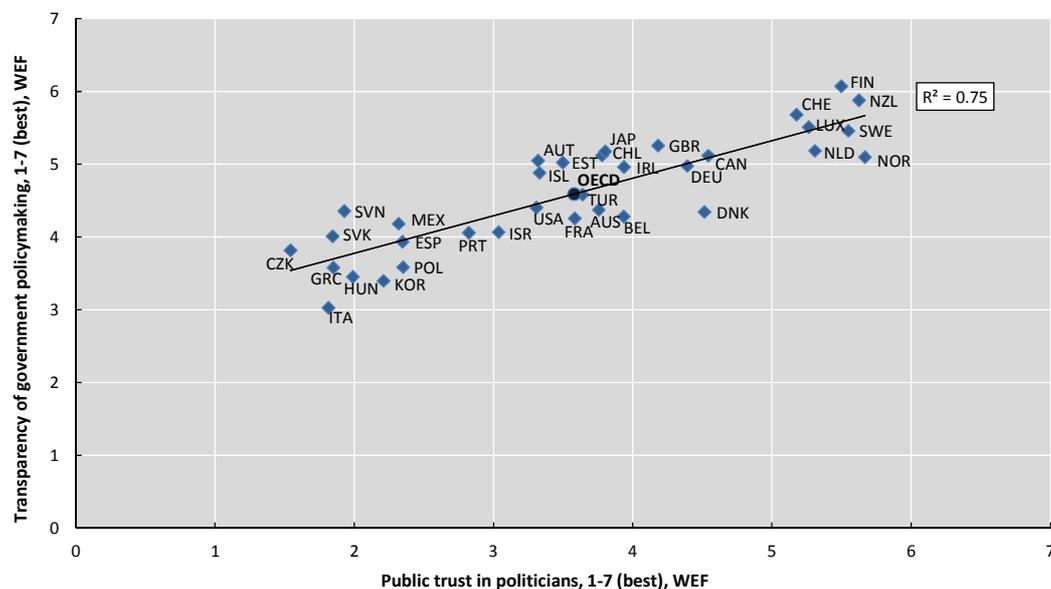
6. Lobbying can be a valuable component in the public decision-making process. In an increasingly complex policy landscape, it can provide decision-makers with valuable insights and data and grant stakeholders access to the development and implementation of public policies. Yet, in practice, lobbying is also a global multi-billion dollar business and a source of concern for policy makers and citizens alike. Since the adoption of the Recommendation, an increasing number of countries have been discussing lobbying in the political and policy arena, linked to economic and social crises, elections, scandals and decreasing trust in government.

Lobbying is at the centre of decreasing trust in government

7. Available data suggest that trust in the public decision-making process and more generally in government is decreasing in the vast majority of OECD countries [[GOV/PGC\(2013\)1/ANN1](#)]. Citizens express doubts about their government's capacities to make the right decisions. There is a widespread sense that governments are not able to effectively regulate markets, that business exerts undue influence over public policy and that the distribution of burden and reward across society is unfair. Indeed, the global financial and economic crisis highlighted serious governance and regulatory failures - from revolving doors to conflict of interest, and regulatory capture. This feeling of mistrust is heightened by concerns about fairness in fiscal consolidation and in the sacrifices required for structural reform. This was confirmed in the debates during the OECD Forum on Transparency and Integrity in Lobbying. Participants emphasised that (i) an underlying question countries are facing is that of fairness, (ii) that there is a crisis of confidence, and (iii) that a major problem at the heart of the democratic system is a sense that the wealthy finance political parties only to further their own interest.

8. Indeed, changes in the perceived transparency of public decision-making are strongly correlated with changes in trust [Figure 1 and [GOV/PGC\(2013\)1/ANN1](#)]. According to the 2013 Edelman Trust Barometer, 50% of respondents surveyed within 26 countries distrust government. Amongst the key factors mentioned by respondents to explain this distrust are "wrong incentives driving policies" and "corruption/fraud". Together, these two factors explain 50% of the reasons for trusting government less. These factors point to the urgency of addressing the credibility of the formal institutions involved in public decision-making and strengthening the underlying institutional conditions shaping the decision-making process. This can be attained by looking into lobbying practices in order to ensure the fairness of the decision-making process and a level playing field of stakeholders trying to influence it.

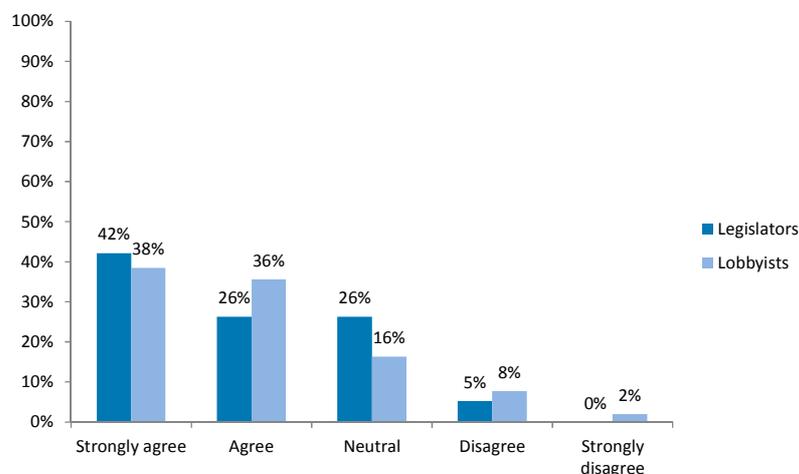
Figure 1. Correlation between public trust in politicians and transparency in government policymaking (2013)



Source: World Economic Forum (WEF) (2013), Global Competitiveness Report 2013-2014, World Economic Forum, Geneva, www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2013-14.pdf.

9. Stakeholders surveyed by the OECD in 2013 widely share the opinion that transparency in lobbying would increase citizens' trust in the decision-making process. The majority of surveyed lobbyists (74%) and legislators (68%) strongly agree or agree with this statement. This gives an indication that addressing concerns related to transparency in lobbying (e.g. deals behind closed doors) is a key policy lever to restore trust in governments (Figure 2). Developing an adequate framework for enhancing transparency and accountability in lobbying to foster trust in government begins with clarifying public concerns. A careful analysis takes into account all available options – including policy measures, legislation, and voluntary or mandatory regulation – with the aim of drawing up a proposal that adequately addresses concerns within each country's socio-political and administrative context.

Figure 2. Transparency in lobbying increases citizens' trust in the public decision-making process

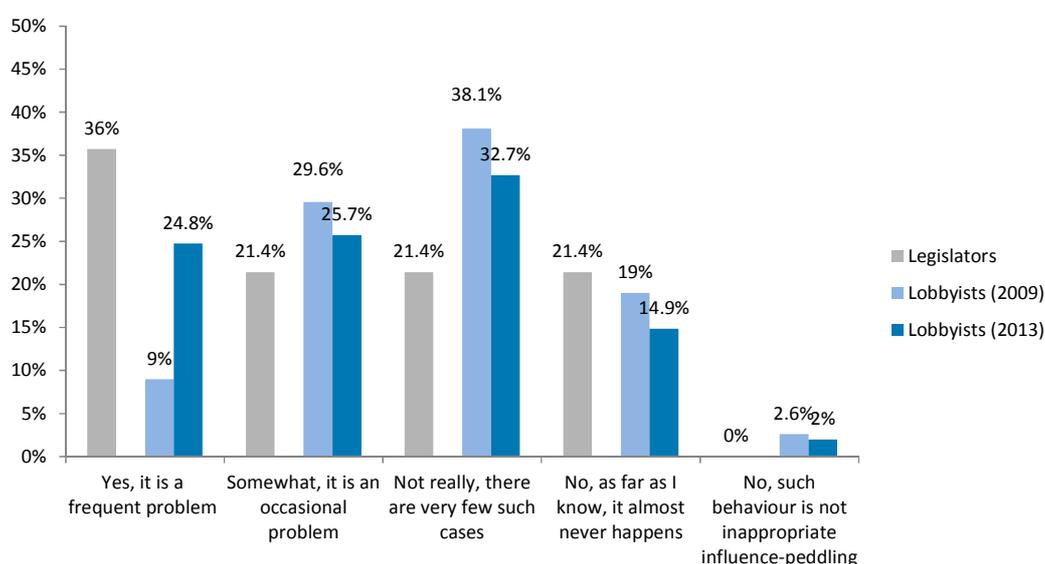


Source: OECD 2013 Survey on Lobbying for Lobbyists and OECD 2013 Survey on Lobbying for Legislators.

Lobbying may result in undue influence, unfair competition and regulatory capture

10. Lobbying is perceived in most countries as a mechanism for perpetuating specific interests at the expense of the public interest. Indeed, the literature has noted that the disproportionate and unregulated influence by interest groups may lead to state capture (Kaufmann *et al.*, 2000). A Burson-Marsteller survey from 2013 found that 24% of politicians and senior officials in 20 EU countries said that the most negative aspect of lobbying is that it gives undue weight to elites and the wealthy, and 14% considered that it facilitates undue influence in the democratic process (Burson-Marsteller *et al.*, 2013). In Norway and Hungary, as many as 55% and 40% respectively believe that it gives an undue weight in the process to elites and the wealthy. In the Czech Republic, Greece and France, 33%, 26% and 24% respectively shared this opinion. Suspicion and negative perception of lobbying is also present among lobbyists themselves as well as legislators. Among lobbyists, those who believe that inappropriate influence-peddling by lobbyists is a frequent problem has increased significantly between 2009 and 2013 (see Figure 3).

Figure 3. Inappropriate influence-peddling by lobbyists, such as seeking official favours with gifts or misrepresenting issues, is a frequent or occasional problem



Note: Respondents were asked: “Generally speaking, do you think that inappropriate influence-peddling by lobbyists, such as seeking official favours with gifts or misrepresenting issues, is a problem?”.

Source: OECD 2013 Survey on Lobbying for Lobbyists, OECD 2009 Survey on Lobbying and OECD 2013 Survey on Lobbying for Legislators.

11. This suspicion is often based on real-life cases. Instances of undue influence in the public decision-making process and regulatory capture by specific interests to the detriment of the public interest have surfaced in a number of countries. Informed voices have argued that certain economic crises were partly caused by the influence of specific interests on government decision-making. For example, an IMF working paper published in 2009 links intensive lobbying by the financial, insurance and real estate industries in the United States with high-risk lending practices (Igan *et al.*, 2009).¹ The results in the paper show that lenders who lobby more intensively on the issues of mortgage lending and securitisation have (i) more lax lending standards measured by loan-to-income ratio, (ii) greater tendency to securitise, and (iii)

¹ OECD (2013c) addresses the same issue.

faster growing mortgage loan portfolios, or in other words that lenders who lobby engage in riskier lending (Igan *et al.*, 2009).

12. Undue influence and regulatory capture not only results in disadvantages for the wider public, but also disadvantages for fair market competition. Without adequate safeguards, lobbying may result in the de facto abuse of dominant market positions and even quasi-monopolisation by those companies that have the necessary wealth and connections. This undoubtedly raises the cost of goods and services for consumers and has a negative impact on a country's economic performance.

Transnational lobbying practices have raised new global concerns

13. OECD's review of countries' experiences in the last three years shows that lobbying practices are evolving. As globalisation and interdependency between countries has increased dramatically in recent years, lobbying strategies and practices have become more transnational. For example, US corporations now regularly lobby the European Parliament and Commission to influence decision-making in the European market which in turn has an impact on the US market. Similarly, European lobbyists may be active in one or more European countries and simultaneously lobby European Institutions at the supranational level. This convergence and emergence of global standards has resulted in new sets of concerns and risks. Who is influencing these global standards?

14. Disparate rules and levels of transparency across different countries and jurisdictions facilitate a variety of lobbying practices and inconsistent compliance at the international level. In addition, different rules for the same actors in different jurisdictions may not only result in different levels of influence, but can also result in an uneven playing field among actors when they face different opportunities to exert influence depending on the jurisdiction they operate in. Transnational lobbying raises questions of transparency and competition at a global level. These cross border lobbying practices require specific attention and coalitions with multilevel governance processes, so that the risks and concerns of transnational lobbying are effectively addressed at global and supranational levels.

GOVERNMENTS ARE SHEDDING MORE LIGHT ON LOBBYING

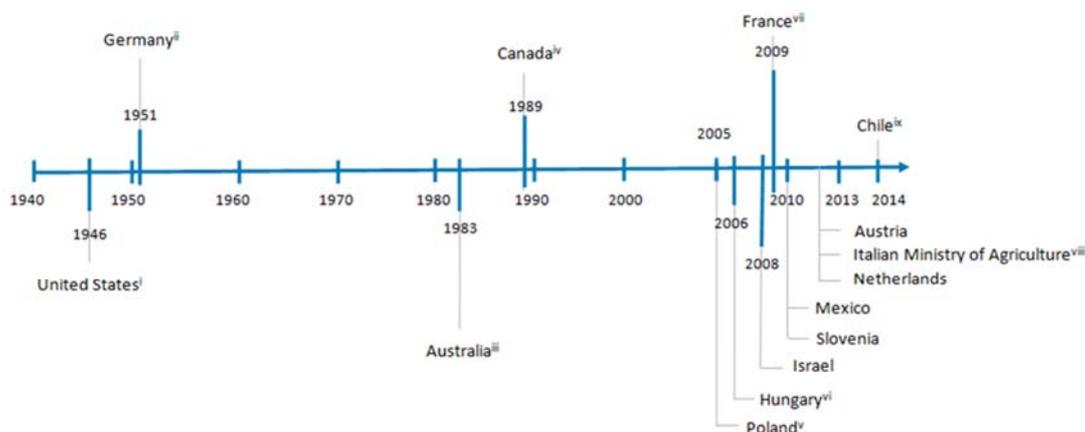
15. Improving the transparency and integrity of the public decision-making process, particularly through addressing concerns related to lobbying through regulation, has been high on many governments' agendas in the past three years and continues to be. Although in most cases the increasing regulation is scandal driven, it has created more openness, information and transparency in relation to lobbying practices.

More countries have regulated lobbying in the past eight years than in the previous sixty

16. The abovementioned concerns have led countries to increasingly opt for introducing regulations on lobbying. Countries' experiences show that the Recommendation has been essential in developing these regulations in the past three years.

17. From the 1940's to the early 2000s, only four countries regulated lobbying practices and since 2005 an additional ten countries have chosen to do so. These range from mandatory systems such as the ones in place in for example Canada or the United States, to the voluntary systems in place in for example France. Moreover, a number of countries such as Ireland and the United Kingdom are now in the process of introducing legislations on lobbying.

Figure 4. OECD countries are increasingly opting to regulate lobbying²



18. Although 38% of OECD Member countries have introduced legislations or regulations on lobbying, the process of doing so has not been without its challenges. They have either amended the laws in place or have seen the laws that were introduced repealed, to then a few years later introduce new regulations on lobbying. In Australia, lobbying was first regulated through the Lobbyist Registration Scheme of 1983, but the scheme was abolished in 1996. The current Lobbying Code of Conduct that was introduced in 2008 also established a lobbyist registry. Similarly, Hungary introduced the Act XLIX of 2006 on Lobbying Activities but repealed it in 2011. In February 2013, the Government regulation of the

- ²
- i. The Federal Regulation of Lobbying Act of 1946 was replaced in 1995 by the Lobbying Disclosure Act.
 - ii. Lobbying was first regulated through Article 73 of the Rules of Procedure of the German Bundestag in 1951.
 - iii. Lobbying was first regulated in Australia through the Lobbyist Registration Scheme of 1983, but the scheme was abolished in 1996. The current Lobbying Code of Conduct – which also established a lobbyists’ registry – was introduced in 2008.
 - iv. The Lobbyists Registration Act of 1989 has been amended several times and in 2008 was renamed the Lobbying Act.
 - v. The Act on Legislative and Regulatory Lobbying was passed by the Sejm (Lower House of Parliament) in July 2005. The Act was amended in 2011.
 - vi. Hungary introduced Act XLIX on Lobbying Activities in 2006, repealed it in 2011, then brought in an integrity management regulatory system for state administration bodies and lobbyists in February 2013 (Magyar Közlöny 30. Szám [2013. február 25]).
 - vii. On 27 February and 26 June 2013, the Bureau of the French Assemblée Nationale – on the proposal of Mr Christophe Sirugue, President of the Delegation responsible for interest representatives – adopted a new regulation that restated the terms of relationships between députés and representatives of interest groups.
 - viii. With Ministerial Decree No. 2284 of 6 February 2012, the Italian Ministry of Agricultural, Food and Forestry Policies regulated stakeholders’ participation in the decision-making process of drafting bills and regulations under its authority. In addition to the ministry’s regulation of lobbying, three Italian regions have introduced rules on the transparency of political and administrative activities, namely Toscana (2002), Molise (2004) and Abruzzo (2010).
 - ix. Chile enacted a law regulating lobbying in January 2014. However, this report refers to laws and practices adopted until December 2013 and therefore Chile’s law is not analysed.

integrity management system of state administration bodies and lobbyists (Magyar Közlöny 30. Szám (2013. február 25.)) was introduced.

19. The process of approving legislation on lobbying in countries that now have legislation in place has also been both complex and lengthy, sometimes requiring several rounds of voting and overcoming significant legislative hurdles. In Mexico, lobbying in the legislative branch was regulated in 2010, but the discussion about regulation dates back to the year of 2002.

20. Countries with longer experience of regulating lobbying, for example the United States and Canada, updated their rules. In the United States, the Federal Regulation of Lobbying Act of 1946 was replaced in 1995 by the Lobbying Disclosure Act, and in Canada the Lobbyists Registration Act of 1989 was amended several times and extended by the Lobbying Act in 2008. In France, the Bureau of the French National Assembly adopted on 27 February and 26 June 2013 a new regulation to review the relationship between *députés* and interest representatives. Among other things, the new regulation strengthens the reporting requirements that had been in place since 2009 and makes registration in the registry a requirement by law.

21. Yet, the majority of OECD countries have not regulated lobbying. The majority of politicians and senior officials³ (56%) from 20 EU countries that were surveyed by Burson-Marsteller in 2013 are of the opinion that lobbying is not sufficiently regulated in their country (Burson-Marsteller *et al.*, 2013). The percentage of respondents that agree with this statement is particularly high in countries such as Portugal (100%), Spain (93%), the Czech Republic (88%) and Italy (87%) where lobbying has not yet been regulated by the government. In Norway (59%), Denmark (57%) and Poland (50%) at least half of the surveyed decision-makers considered lobbying to be sufficiently regulated.

Regulation has been reactive and scandal-driven instead of forward looking

22. With a consensus among stakeholders and decision-makers that lobbying should be regulated and is not sufficiently regulated at the moment, the increasing number of countries opting to regulate lobbying is encouraging. However, the process of regulating lobbying and reforming regulation that is already in place has so far been ad hoc, and largely in response to political scandals. Consequently, at times a strong transparency response to foster trust in public decision-making has resulted in an overshooting, by which countries have gone above and beyond what is needed to address the concerns.

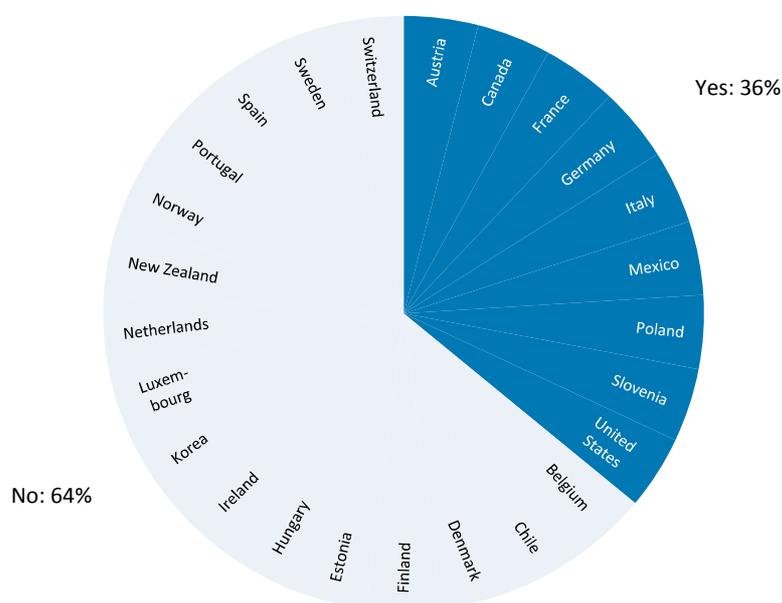
23. Building the necessary consensus among stakeholders before scandals take place and mobilising enough political support has been difficult. However, experience shows that consensus building has been less challenging in countries that have taken a more forward-looking and incremental approach. In light of the concerns related to lobbying, public decision-making and citizens' trust in governments, an approach that is less reactive or scandal-driven would prove highly beneficial for governments.

Concerns, scandals and political will generally determine the level of transparency

24. A common feature of lobbying regulations is to require lobbyists to disclose information related to their practices and business through a registry that serves as a platform to manage disclosed information. Out of the 25 countries that responded to the OECD 2013 Survey on Lobbying Rules and Guidelines, nine (36%) – namely Austria, Canada, France, Germany, Italy (Ministry of Agriculture), Mexico, Poland, Slovenia and the United States – have a lobbying register in place (see Figure 5).

³ Interviewees included politicians (both Members of national Parliaments and Members of the European Parliament) and senior officials from national governments and the EU institutions. In total, nearly 600 interviews were conducted.

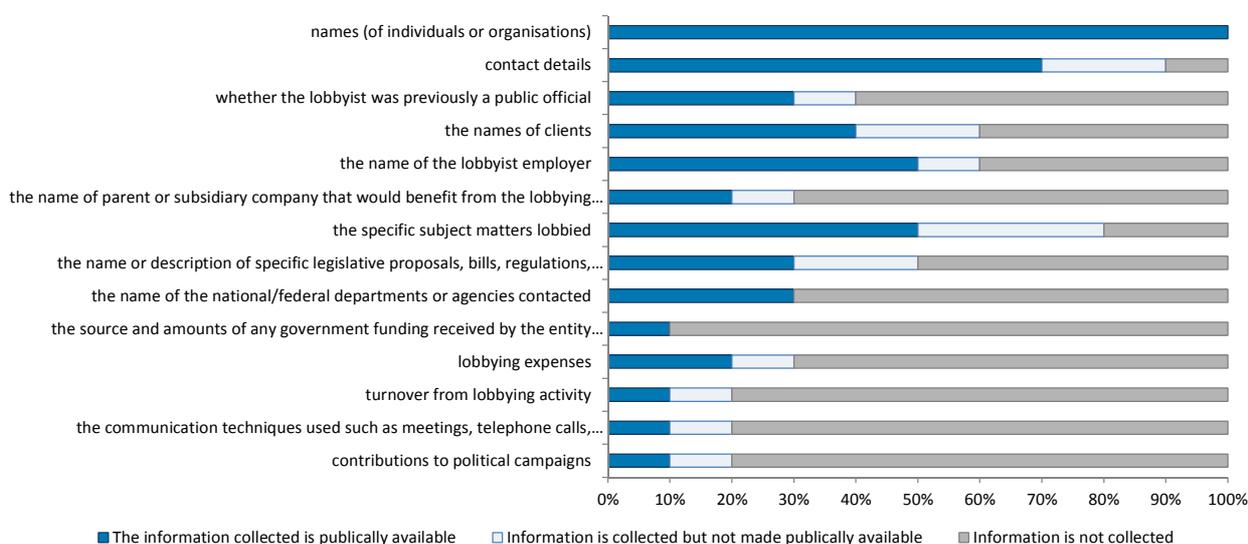
Figure 5. Lobbying registers in place in OECD countries



Note: For Italy, the responses refer to the register operated by the Ministry of Agriculture. For Germany, the response refers to the public list of associations representing interests vis-à-vis the Bundestag or the Federal Government that is kept by the President of the German Federal Parliament (Bundestag).

Source: OECD 2013 Survey on Lobbying Rules and Guidelines.

25. Disclosures should shed light on lobbying by providing sufficient, pertinent information on key aspects of lobbying activities to promote informed decision-making and enable scrutiny. The chances of obtaining favourable treatment through lobbying is lower in a more open and transparent decision-making process where information on who tried to influence certain policies is publicly available. Any supplementary disclosure requirements should take into consideration the legitimate information needs of key players in the public decision-making process. Countries with lobbying registers commonly require public disclosure of the lobbyists' name or the name of the organisation, the lobbyist's contact details, the name of the lobbyist's employer, and the names of lobbyist's clients (see Figure 6).

Figure 6. Disclosure and public availability of lobbying information

Note: Data shows an aggregate of information from Australia, Austria, Canada, France, Germany, Italy (Ministry of Agriculture), Mexico, Poland, Slovenia, the United States and the EP/EC Joint Transparency Register.

Source: OECD 2013 Survey on Lobbying Rules and Guidelines.

26. However, the amount and types of information disclosed and made publicly available varies across countries. The variation often depends on the resources available to run a lobbying registry, the concerns in the country, and the maturity of the system in place. For example, Canada and the United States – two of the countries that have had lobbying registries in place for a longer time than most OECD countries – generally disclose more information than countries with more recent regulations. Experience shows that the concerns related to lobbying, which normally arise from scandals, and political will are the most influential factors in defining the level of transparency of lobbying practices in terms of information disclosed and public availability of related information.

Countries have struggled with balancing the administrative cost of transparency mechanisms

27. A key challenge governments are facing is to strike a balance between collecting and managing information on lobbying activities and the benefits of collected information. The administrative burden for the lobbying oversight body of implementing the lobbying rules and guidelines, the administrative burden for lobbyists to comply with the lobbying rules/guidelines, and the annual cost of running the institutional mechanisms put in place to support implementation of the lobbying rules/guidelines has led a number of countries to exclude certain types of communication from being covered by lobbying rules/guidelines and thereby also reported in the registry. Worth highlighting is that although many OECD countries have put in place a number of mechanisms to lessen the administrative burden, Austria is so far the only OECD country that calculated the administrative burdens for lobbyists to comply with the lobbying rules. In the Regulatory Impact Assessment of the Austrian Lobbying Act, the Federal Ministry of Justice came to the conclusion that the burden for lobbyists would be very small compared to the value they gain through their work.⁴

⁴ See http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01465/fname_232777.pdf

28. One approach used by a number of countries, for example Canada, Slovenia and the United States, is to exclude communication that is already on public record from being reported in the registry. This includes for example formal presentations to legislative committees, public hearings, established consultation mechanisms, or information related to the decision-making process that is already published in the public domain. This is a way of effectively reducing administrative burden, avoiding duplication and ensuring that resources are not devoted to making information available that already is publicly available elsewhere. For example in Slovenia, records of meetings between senior public officials and lobbyists are available under the Access to Public Information Act, but these records are not included in the registry.

29. Another approach that has been implemented in the majority of OECD countries with registries is to provide for the covered actors to submit their registrations electronically in order to lessen the administrative burden (in terms of for example time spent) (Table 1).

30. Austria, Canada and the United States have also established certain thresholds for when individuals - who are considered to be lobbyists under the relevant rules - are required to register (see Table 1). This is a way of limiting the administrative burden of both lobbyists and the lobbying oversight body, while at the same time making sure that those who are not only lobbying on a limited ad hoc basis are registered. For example in Canada, exemptions to the requirements for in-house lobbyists set out in the Lobbying Act includes lobbying activities below certain threshold in terms of time spent on lobbying, and lobbying activities that are not remunerated. A person needs to register their activities if “those duties [lobbying] constitute a significant part of the duties of one employee or would constitute a significant part of the duties of one employee if they were performed by only one employee” (Article 7. (1) (b) of the Canadian Lobbying Act). The Canadian Commissioner of Lobbying has interpreted “significant” to mean 20% of one person’s time.

31. Contrary to the situation in many OECD countries, the majority of surveyed lobbyists believe that lobbying activities below certain established thresholds, and lobbying activities that are not remunerated, ought to be covered by the lobbying rules/guidelines. While governments are faced with the challenge of defining who is a lobbyist in a concise and cost-effective manner, lobbyists believe that the coverage needs to be more inclusive.

Table 1. Mechanisms in place to lessen the administrative burden (for the lobbying oversight body) of implementing and managing the lobbying rules/guidelines

| | Electronic submission of registrations | Electronic submission of activity/spending reports | Electronic (automatic) verification that all information was submitted | Below a certain threshold in terms of for example time spent on lobbying, lobbyists do not need to register |
|--------------------|--|--|--|---|
| Austria | ● | ● | ○ | ● |
| Canada | ● | ● | ○ | ● |
| France | ○ | ○ | ○ | ○ |
| Germany | ○ | ○ | ○ | ○ |
| Italy | ● | ● | ● | ○ |
| Mexico | ○ | ○ | ○ | ○ |
| Poland | ● | ○ | ○ | ○ |
| Slovenia | ● | ● | ● | ○ |
| United States | ● | ● | ● | ● |
| Total OECD9 | | | | |
| Yes | 6 | 5 | 3 | 3 |
| No | 3 | 4 | 6 | 6 |

Note: In Italy, the responses refer to the system put in place by the Ministry of Agriculture.

Source: OECD 2013 Survey on Lobbying Rules and Guidelines.

32. Out of the lobbyists surveyed in 2013, over two thirds (69%) noted that it took them thirty minutes or more to register, with 38% responding that it took 30 minutes, 13% that it took one hour, and 18% that it took more than one hour. On the side of the governments, mechanisms such as electronic submissions of registrations and electronic submission of activity/spending reports have been put in place to lessen the administrative burden (for the lobbying oversight body) of managing and monitoring the application of the lobbying rules.

ADDRESSING EMERGING CONCERNS ON INTEGRITY

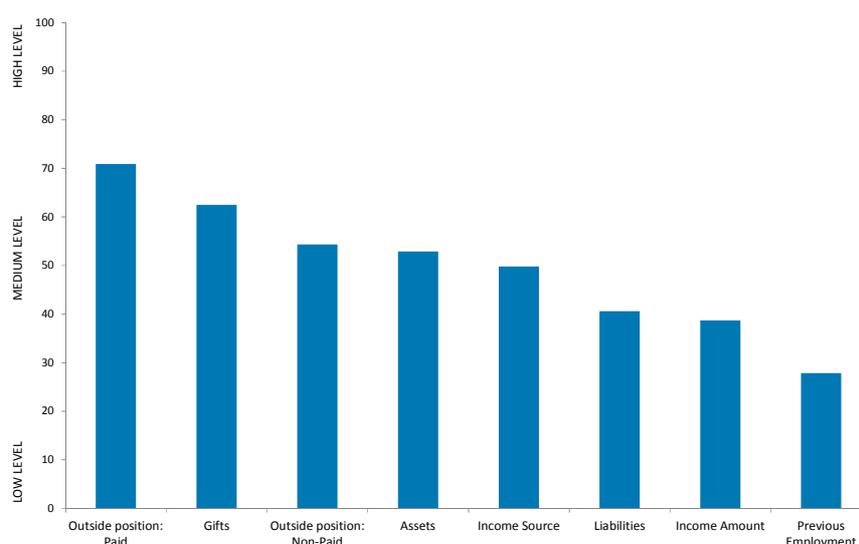
33. While more and more Member and non-Member countries have opted to regulate lobbying practices, experience has shown that streamlining lobbying regulations in the wider integrity framework remains central to address the risks related to lobbying, such as undue influence and unfair competition. The experience of countries in the last three years has however shown that there are new or heightened risks related to lobbying that require special attention and a modernisation of the integrity framework to effectively mitigate those risks.

Lobbying risks cannot be mitigated without a functioning public sector integrity framework

34. Expectations of open and fair decision-making have put mounting pressure on governments to ensure that official decisions are not improperly affected by private interests. A sound integrity framework is essential to meet those expectations. Regarding the integrity framework, countries have implemented a wide variety of mechanisms that range from promoting a culture of integrity among decision makers, increasing the transparency of the process and implementing whistleblower reporting mechanisms and protection, to reinforcing conflict of interest management.

35. In OECD Member countries, practice shows that disclosure of private interests by decision-makers continues to be an essential tool for managing conflict of interest and ensuring the integrity of public decision-making (OECD, 2013a). Regarding lobbying it is interesting to note that among all private interests of decision-makers, “paid outside positions” and “gifts” receive the highest attention by governments of OECD Members by either prohibiting these or by requesting their disclosure. This can be connected to concerns regarding the decision-making process and lobbying practices (see Figure 7).

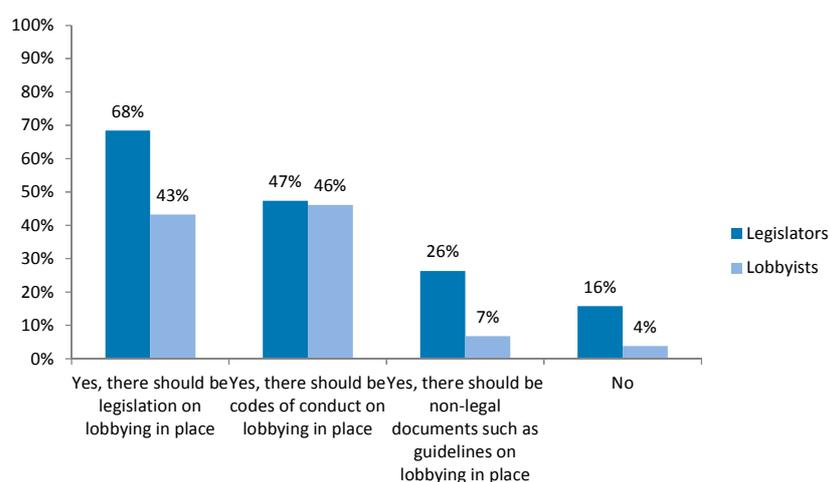
Figure 7. Level of disclosure of selected private interests by decision-makers in the three branches of power and public availability of disclosed information



Source: OECD 2012 Survey on Managing Conflict of Interest.

36. Moreover, establishing standards of conduct for the interaction between public officials and lobbyists is increasingly provided for in legislation or codes of conduct in many countries. This is also supported by the vast majority of stakeholders. In the OECD 2013 Surveys on Lobbying, the majority of surveyed lobbyists and legislators were of the opinion that there should be rules in the form of legislation, codes of conduct or guidelines on lobbying in place (Figure 8).

Figure 8. Stakeholders believe that there should be rules on lobbying



Note: Respondents were asked “Do you believe that there should be rules/guidelines related to lobbying in place?”.

Source: OECD 2013 Survey on Lobbying for Lobbyists and OECD 2013 Survey on Lobbying for Legislators.

37. Emerging views at the OECD Forum on Transparency and Integrity in Lobbying indicated that lobbying risks should be mitigated first – and sometimes only – through the proper implementation of a broader integrity framework. For example, the Netherlands argued that the debate and reforms may be focusing too narrowly on transparency and lobbying registries while overlooking that those are means to achieve the goal of a fair and inclusive decision-making process. Addressing the concerns related to lobbying and mitigating the risks will not be possible through lobbying regulation only, but mostly through the design and implementation of a sound public sector integrity framework.

While it takes two to lobby, the main responsibility for safeguarding the public interest and rejecting undue influence lies with those who are lobbied

38. Although governments have the primary responsibility for regulating and controlling the conduct of public officials who are lobbied (as provided for by the Principles annexed to the Recommendation), lobbyists and their clients also share the responsibility to avoid exercising illicit influence and to comply with professional standards of conduct, in particular professionalism, when conducting their business.

39. As part of this responsibility, lobbyists’ associations have created self-regulation of lobbying activities which refers to the lobbying sector (through for example a lobbyist association) regulating their activities through (i) a code of conduct, (ii) a register, and/or (iii) a monitoring/enforcement system. Self-regulation of lobbying is generally voluntary in nature. Currently, the United Kingdom is the only country that has a self-regulation system in place that includes all of the three aforementioned components.

40. Codes of conduct remain the principal tool for self-regulation. 97% of lobbyists surveyed by the OECD responded that they are subject to a code of conduct either by a business, lobbyists’ association or the government (Box 1). In addition, the majority are of the opinion that the code provides clear guidance

and principles that are easily applied to specific situations. Lobbyists have also taken responsibility in promoting a culture of integrity in their profession through awareness raising and training initiatives regarding integrity standards. For example, 86% of those surveyed by the OECD had received training. However, none of the responding lobbyists had received any training on integrity standards or transparency tools from their government.

Box 1. Lobbyists' Associations' Codes of Conduct: The Association of Government Relations Professionals and the European Public Affairs Consultancies' Association

With regard to lobbyists' conduct in their interaction with public officials, lobbyists associations' codes of conduct generally specify that lobbyists should provide truthful information in their interaction with officials, and not cause public officials to violate any laws.

The code of ethics of the Association of Government Relations Professionals (formerly the American League of Lobbyists) asserts that a lobbyist should conduct lobbying activities with honesty and integrity. If a lobbyist determines that the lobbyist has provided a public official or other interested person with factually inaccurate information, the lobbyist should promptly rectify this by providing the factually accurate information to the interested person. Also, the code stipulates that a lobbyist should not cause a public official to violate any law, regulation or rule applicable to such public official.

The Code of Conduct of EPACA (European Public Affairs Consultancies' Association) similarly establishes that when carrying out lobbying, public affairs practitioners shall neither directly nor indirectly offer or give any financial inducement to any elected or appointed public official, or staff of their institutions and political groups, nor propose nor undertake any action which would constitute an improper influence on them.

Source: Association of Government Relations Professionals, Code of Ethics, <http://grprofessionals.org/join-all/code-of-ethics>; EPACA (European Public Affairs Consultancies' Association), Code of Conduct, www.epaca.org/uploads/Code_of_Conduct_-_adopted_2013.pdf.

41. However, gaps remain in lobbyists' compliance and enforcement strategies. Enforcement of integrity standards and codes of conduct remains relatively low and the majority of lobbyists surveyed by the OECD indicate that there are either no sanctions for breaching the standards or code of conduct or, if there are, these are not compelling to deter breaches.

42. OECD's review of implementation of the Recommendation in the last three years shows that there is an emerging notion that more focus is needed on the responsibility of those who are lobbied, namely public officials. Public officials are the guardians of the public interest, and although it takes two to lobby, the main responsibility for safeguarding the public interest and rejecting undue influence lies with them. For example, in Slovenia, the responsibility of registering meetings between a public official and a lobbyist lies with the public official (Box 2). Other countries have made deliberate policy decisions to place the registration and reporting onus solely on lobbyists, rather than public officials. There are a number of rationales for this, including ensuring that the lobbying industry (and not taxpayers) pays as much of the cost of its own regulation as possible, the fact that public officials are not well-placed to provide information about lobbyists and their clients, and to avoid a chilling effect on public officials meeting with outside parties.

Box 2. The requirement for all Slovenian public officials to report meetings with lobbyists

Although it is up to the lobbyist to register in order to be able to lobby in Slovenia, the responsibility of reporting each meeting the public official has with a lobbyist lies with the public official.

At every contact with the lobbyist, the person lobbied needs to make a record containing the name of the lobbyist, information on whether the lobbyist has identified himself in accordance with the provisions of the Integrity and Prevention of Corruption Act, the area of lobbying, the name of the interest group or any other organisation for which the lobbyist is lobbying, any possible enclosures, the date and place of the visit by the lobbyist, and the signature of the person lobbied.

The person lobbied needs to forward a copy of the record to his superior and the Commission for the Prevention of Corruption within three days. The Commission keeps these records for 5 years. Article 24 of the Act also establishes that a public official who has reasonable grounds to believe that he has been requested to engage in illegal or unethical conduct may report such practice to the superior or the person authorised by the superior.

Source: The Slovenian Integrity and Prevention of Corruption Act (2010), available at: https://www.kpk-rs.si/upload/t_datoteke/ZintPK-ENG.pdf

The “revolving door” phenomenon, in particular pre-public employment conflict of interest, has become a major risk to the integrity of public decision making

43. OECD’s review shows that in the last three years, an issue of increasing concern is the “revolving door” phenomenon – the movement of staff between the public and private sectors – and its negative effects on trust in the public sector. The most commonly cited risk by lobbyists was the revolving door phenomenon. The revolving door phenomenon was also listed as one of the emerging transparency and integrity risks by surveyed legislators. In addition to legislators leaving to public sector for the private sector, legislators highlighted that it is also problematic when assistants to Members of Parliament and other staff in Parliament start working as lobbyists.

44. The practice is not new and appears to be present in all surveyed countries. For example, as many as a quarter of lobbyists had previously held positions in the public sector. The majority of the respondents had held senior managerial or advisory positions in ministries, such as ministerial advisors, managers and heads of Parliamentary staff, advisors to Prime Ministers. In the case of the United States, the movement between Congress and K Street⁵ has increased dramatically. In 1974, 3 per cent of retiring members of Congress became lobbyists. In 2012, that number was 42 per cent for members of the House and 50 per cent for senators (Gerson, 2012).

45. Although the movement between the public and the private sector can be positive and contribute to developing personnel and to increase organisational competencies (Äijälä, 2001), it also opens up for risks of impropriety (the misuse of insider information, position and contacts), conflict of interest, and for post-public service employment “switching sides” in specific processes in which the former official was substantially involved (Box 3).

⁵ K Street in Washington D.C. is known as a centre for numerous think tanks, lobbyists and advocacy groups. It has become a metonymy for Washington D.C.’s lobbying industry.

Box 3. The financial implications for lobbyists with connections to serving politicians

A study from 2010 showed that lobbyists who had previously worked in the office of a US Senator suffered a 24% drop in generated revenue when that Senator leaves office, and that lobbying revenue generated by ex-staffers dropped by 50% one single semester after their ex-employers have left the Senate. The study found that “lobbyists are able to cash in on their connections” and that “being connected to a powerful politician is a key determinant of the demand for a lobbyist’s services. Also, lobbyists connected to serving politicians generate significantly higher revenue, with ex-staffers for serving Senators are estimated to being associated with 63% higher revenues than lobbyists who are not connected to serving Senators.

Source: Blanes i Vidal, J.; Draca, M.; Fons-Rosen, C. 2010. Revolving door lobbyists. CEP Discussion Papers, CEPDP0993. Centre for Economic Performance, London School of Economics and Political Science: London. p. 18. Available at: <http://eprints.lse.ac.uk/31546/1/dp0993.pdf>

46. The concerns have led countries to introduce standards or principles for preventing and managing conflict of interest in pre- and post-public employment situations in order to ensure the integrity of present or former public officials (see Table 2). An example of a measure introduced by for instance Australia, Canada, Chile, Slovenia and Norway is a “cooling-off” period, during which former public officials are not to lobby back their former government organisations (Box 4) (OECD, 2010). At the EU level, the 2013 Staff Regulations of officials and conditions of employment of other servants of the EU establishes a cooling-off period of twelve months for senior officials (European Parliament, 2013b).

Table 2. Restrictions in place for public officials engaging in lobbying activities after they leave the public sector

| | Yes, for senior public officials in the executive branch | Yes, for senior public officials in the legislative branch | Yes, for public officials in the executive branch | Yes, for public officials in the legislative branch |
|---------------------|--|--|---|---|
| Austria | ○ | ○ | ○ | ○ |
| Belgium | ○ | ○ | ○ | ○ |
| Canada | ● | ● | ● | ● |
| Chile | ● | ○ | ● | ○ |
| Estonia | ○ | ○ | ○ | ○ |
| Finland | ○ | ○ | ○ | ○ |
| France | ○ | ○ | ● | ● |
| Germany | ● | ● | ● | ● |
| Hungary | ○ | ○ | ○ | ○ |
| Ireland | ● | ● | ○ | ○ |
| Italy | ● | ○ | ● | ○ |
| Korea | ● | ● | ● | ● |
| Luxembourg | ○ | ○ | ○ | ○ |
| Mexico | ● | ● | ● | ● |
| Netherlands | ● | ○ | ● | ○ |
| New Zealand | ○ | ○ | ○ | ○ |
| Norway | ○ | ○ | ○ | ○ |
| Poland | ○ | ○ | ○ | ○ |
| Portugal | ● | ● | ● | ● |
| Slovenia | ● | ● | ○ | ○ |
| Spain | ● | ○ | ○ | ○ |
| Sweden | ○ | ○ | ○ | ○ |
| Switzerland | ○ | ○ | ○ | ○ |
| United States | ● | ● | ● | ● |
| Brazil | ● | ○ | ○ | ○ |
| Total OECD24 | | | | |
| ● Yes | 12 | 8 | 10 | 7 |
| ○ No | 12 | 16 | 14 | 17 |

Notes: In Finland, there are general rules on post-employment secrecy. The Ministry of Finance has issued guidelines on public-sector employment contracts and evaluation of the need for a cooling-off period when a public servant resigns. In New Zealand, there are no general restrictions; however, some employment contracts may have a restraint of trade clause forbidding the use of certain information. In Norway, there are general post-employment regulations and regulations on secrecy. In Slovenia, public officials are not allowed to conduct lobbying for two years after leaving office. In Sweden, officials that are bound by confidentiality of information rules will continue to be bound by these after the termination of their employment.

Source: OECD 2013 Survey on Lobbying Rules and Guidelines.

Box 4. Post-public employment restrictions in selected OECD Member countries

In several countries, “cooling-off” periods are the main tool to address post-public employment concerns. During such periods, public officials are generally not allowed to lobby their previous employer.

In Australia, Article 7 of the Lobbying Code of Conduct establishes a “cooling-off” period for ministers and Parliamentary secretaries for 18 months and for ministerial staff for 12 months. During this period, they are forbidden to engage in lobbying activities relating to any matter that they had official dealings within their last 18 and 12 months of employment respectively.

In the United Kingdom, Ministers are according to the Ministerial Code prohibited from lobbying the government for two years after they leave office.

In Chile, public officials in the executive branch of government are prohibited to work in, or for, a company that was under the supervision and control of the public body they were previously employed in for a period of six months.

In Slovenia, Article 56 of the Integrity and Prevention of Corruption Act establishes that officials may not lobby until two years have elapsed from the date of termination of their office. Article 36 similarly establishes that an official may not act as a representative of a business entity that has established or is about to establish business contacts with the body in which the official held office until two years have passed since he or she left office.

In Canada, there are similar post-public employment restrictions, though the period is considerably longer. For a period of five years after they cease to be designated public office holders, Article 10.11(1) of the Canadian Lobbying Act prohibits designated public office holder from:

(a) communicating with a public office holder in respect of:

(i) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(iii) the making or amendment of any regulation as defined in subsection 2(1) of the Statutory Instruments Act,

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

(v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada, or

(vi) the awarding of any contract by or on behalf of Her Majesty in right of Canada;

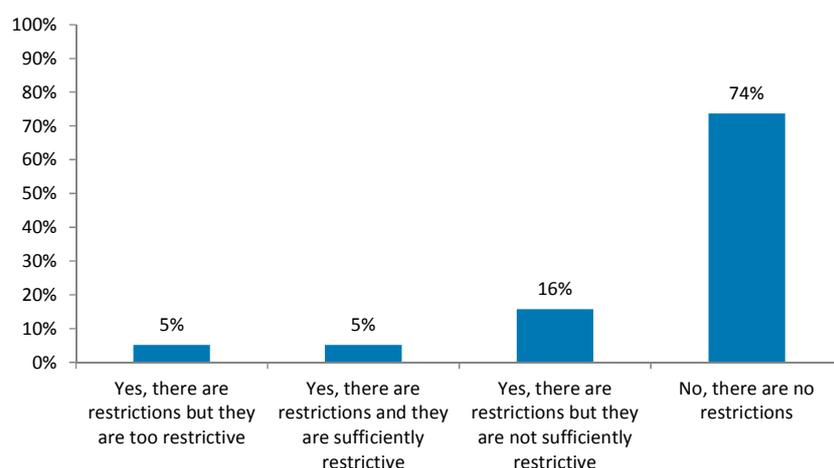
or (b) to arrange a meeting between a public office holder and any other person.

The activities listed are covered under the ban if they are done for remuneration and apply to consultant lobbying. A similar prohibition applies also to former designated public office holders being employed as in-house lobbyists.

Source: The Australian Government's Lobbying Code of Conduct, available at: http://lobbyists.pmc.gov.au/conduct_code.cfm ; UK Government's Cabinet Office, Ministerial Code, Article 7.25, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61402/ministerial-code-may-2010.pdf ; Slovenian Government Integrity and Prevention of Corruption Act, available at: https://www.kpk-rs.si/upload/t_datoteke/ZintPK-ENG.pdf ; Federal Government of Canada, Lobbying Act (R.S.C., 1985, C. 44 (4th Supp.)) ; OECD 2013 Survey on Lobbying Rules and Guidelines.

47. In Parliament/Congress, where the impact of lobbyists can be particularly high, more safeguards should be put in place. However, as many as 74% of surveyed legislators responded that there are no restrictions in place for a legislator engaging in lobbying activities after leaving Parliament/Congress (see Figure 9).

Figure 9. There are generally no restrictions in place (e.g. a “cooling-off” period) for legislators engaging in lobbying activities after they leave Parliament/Congress



Note: Respondents were asked “After a Parliamentarian leaves Parliament/Congress, are there restrictions in place (e.g. a “cooling-off” period) for engaging in lobbying activities?”

Source: OECD 2013 Survey on Lobbying for Legislators.

48. In addition to cooling-off periods, governments may require public officials to disclose offers of future employment that involve a risk of conflict of interest and to seek the employer’s permission before accepting the offer. The approval of decisions on post-public employment cases generally falls under the responsibility of senior management of public organisations. In the United Kingdom, the Business Appointment Rules for Civil Servants requires most senior civil servants to obtain permission before they take up business appointments.⁶ Similarly, according to the UK’s Ministerial Code, Ministers in the UK must seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up within two years of leaving office.⁷ In Norway, politicians should, if the transition is problematic according to the post employment regulations, disclose to the Committee on Outside Political Appointments the requisite information about starting a new job, accepting an office outside the public service, or starting a business, at the last two weeks before starting the appointment.⁸

49. Only 25% of surveyed OECD Members require officials to receive permission before taking up an appointment in the private sector where they can lobby their previous colleagues. The low percentage of

⁶ Available at: <http://acoba.independent.gov.uk/media/25653/business%20appointment%20rules%20for%20civil%20servants%20feb%202011.pdf>

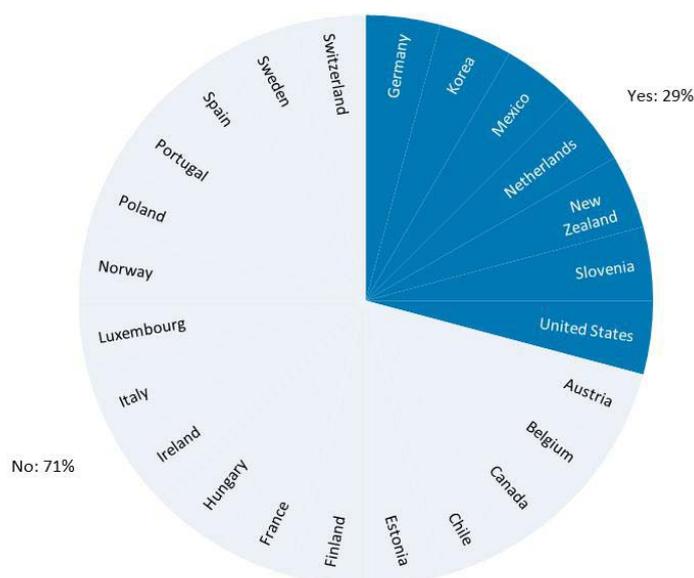
⁷ Article 7.25 in the Ministerial Code, available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61402/ministerial-code-may-2010.pdf

⁸ Available at: <http://dx.doi.org/10.1787/735516772805>

OECD countries requiring officials to receive permission before taking up an appointment in the private sector is supported by surveyed legislators, where the vast majority (79%) responded that they are not required to receive permission before transferring to a position where they can lobby their previous colleagues.

50. While many OECD Members have introduced restrictions for public officials' post-public employment, the issue of pre-public employment has received limited attention. Less than a third of OECD Member countries have any restrictions in place on lobbyists being hired to fill a regulatory or advisory post in government (see Figure 10).

Figure 10. Restrictions on lobbyists being hired to fill a regulatory or advisory post in government in place in OECD countries



Source: OECD 2013 Survey on Lobbying Rules and Guidelines.

51. Among surveyed lobbyists, as many as 46% report that there are no restrictions in place. Furthermore, over a quarter of the lobbyists (28%) do not know if there are any restrictions in place on lobbyists being hired to fill a regulatory or advisory post in government.

52. Countries that do address pre-public employment concerns may do so by either requiring the official to stop with their previous activities or limit the activities or projects the newly employed person can participate in. In Slovenia, a person being hired for a post in government cannot remain registered as a lobbyist. In Sweden, general conflict of interest rules would not typically restrict the hiring of a certain person, but might restrict what type of decisions the employee could be involved in making. At the EU level, the appointing authority has to examine whether a candidate for a position as an official has “any personal interest such as to impair his independence or any other conflict of interest” (European Parliament, 2013b). The candidate has to declare any actual or potential conflict of interest to the appointing authority.

Lobbying from the inside: Influence of private interests through advisory groups is an emerging concern

53. An advisory group is comprised of public and/or private-sector members and/or representatives from civil society set up by government (executive or legislative branch) or any of its subgroups to provide advice, expertise or recommendations. In OECD Member countries, these advisory groups go under many different names. For example, in Australia they are referred to as Advisory Committees or Consultative Committee, and in the United Kingdom, they are defined as Advisory Committees, Advisory Councils or Advisory Boards. Advisory groups are widely used in OECD Member countries, with 82% of OECD Members regularly consulting advisory groups in the development of draft primary laws, and more than half of the surveyed legislators responding that they work with these groups.

54. While the majority of OECD Members require that membership information, agendas, minutes, participants' submissions and other relevant information is made publicly available, allowing stakeholders to scrutinise the work of the advisory groups, the OECD's review shows that an important emerging risk to the integrity of public decision making is the vested influence of private interests through advisory groups. When for example corporate executives or lobbyists are advising governments as members of an advisory group, they are no longer external actors lobbying, but rather actors that are part of the decision-making process with direct access to decision-makers. As much as 79% of the surveyed legislators believe that the groups have influence over the public decision making process and outcomes. Moreover, almost half of the surveyed legislators (47%) believe that specific interests, and not the interests of the public or society at large, dominate these advisory groups. An example of a reaction against the risk of expert groups' capture by special interests is the debate in the EU (see Box 5).

Box 5. The debate on the risk of capture of EU expert groups by special interests

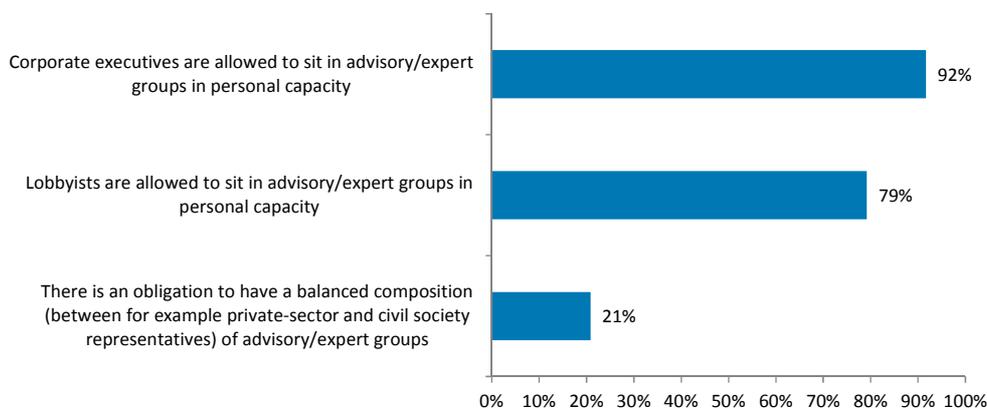
Reflecting the increased concerns over the presence of lobbyists and corporate executives in expert groups as well as to other problematic practices and low level of transparency, Members of the European Parliament (MEPs) voted in favour of freezing part of the budget for the Commission's expert groups until new rules were introduced to safeguard against capture by special interests and to improve transparency. The freeze was lifted one year later in September 2012 when the Commission committed to address concerns over expert groups across all DGs, as well as enter into an informal dialogue to draw up guidelines for all new groups.

In parallel, the European Court of Auditors concluded that none of the agencies working on vital decisions affecting the safety and health of consumers that they reviewed adequately managed conflict of interest situations of their experts. The shortcomings identified were however of varying degree. In for example the audit of the European Food Safety Authority (EFSA), the Court of Auditors found that experts were advocates and reviewers of the same concepts, resulting in conflicting roles of the scientific experts, and that the majority of the members of one scientific body of the agency have been advocates of a concept (through previous publications, participation in workshops and expert groups, etc.) which has been subject to analysis by the same scientific body. In another case, two of EFSA experts were simultaneously providing consultancy/advice to a private organisation, while they were reviewing the same concept as members of the EFSA scientific body. In both cases, EFSA concluded that there was no conflict of interest.

In the European Parliament's 2013 report on discharge in respect of the implementation of the budget of the EFSA for the financial year 2011, the Parliament noted that EFSA has taken a number of steps following the Court of Auditors' audit, such as: introducing a comprehensive framework for avoiding potential conflicts of interest in 2007, and since then, regularly reviewing and updating it; appointing an ethics adviser in 2012; and applying the framework provided by the Commission on ethics and integrity and adopting a specific gift policy in July 2012. Although the Parliament acknowledged EFSA's efforts to improve its prevention and management of conflict of interests, it noted that the independence and competence of its external experts remain questioned by fellow food safety experts and watchdog NGOs. EFSA has scheduled an evaluation of its independence policy by the end of 2013.

Source: European Parliament, 2012 Budgetary Procedure Conciliation Document – Joint Text Doc No: 4 - 19-11-2011. Amendments by budget line. Consolidated Document. p. 17. Available at: <http://www.europarl.europa.eu/document/activities/cont/201112/20111206ATT33432/20111206ATT33432EN.pdf> ; Banks, M. (2011) "NGO welcomes move to block funding for EU 'expert groups'", *The Parliament*, online journal, 1st November 2011 <http://www.theparliament.com/latest-news/article/newsarticle/ngo-welcomes-move-to-block-funding-for-eu-expert-groups/#.UfDgee5KQwq> ; European Court of Auditors (2012) *Management of Conflict of Interests in Selected EU Agencies*. Special Report no. 15. Publications Office of the European Union, Luxembourg. Available at: <http://eca.europa.eu/portal/pls/portal/docs/1/17190743.PDF> ; European Parliament resolution of 17 April 2013 with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2011 (C7-0258/2012 – 2012/2196(DEC)) Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2013-0146+0+DOC+PDF+V0//EN>

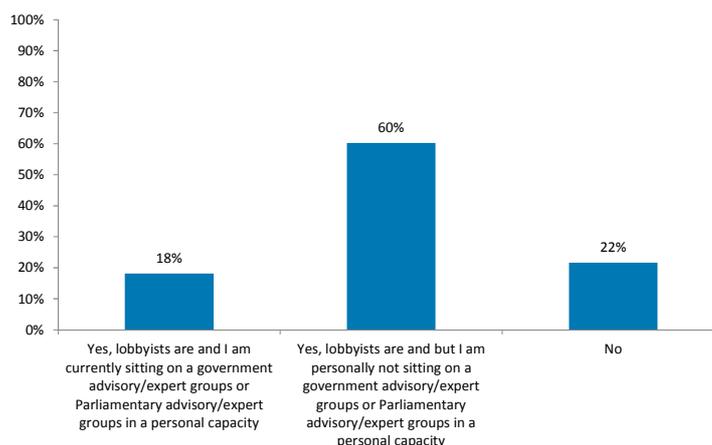
55. The majority of OECD Member countries (79%) indicated that there is no obligation for a balanced composition of private sector representatives and civil society representatives in advisory groups. Also, there are few restrictions when it comes to which actors are allowed to sit as members on these advisory groups. Lobbyists are allowed to sit on these groups in a personal capacity in 79% of respondent countries and corporate executives in 92% of countries (see Figure 11).

Figure 11. Advisory groups: a balanced composition of interests

Note: Data in the graph presents an aggregate of information provided by Austria, Belgium, Canada, Chile, Estonia, Finland, France, Germany, Hungary, Ireland, the Italian Ministry of Agriculture, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland and the United States.

Source: OECD 2013 Survey on Lobbying Rules and Guidelines.

56. Evidence shows that having lobbyists as members of advisory groups is common practice. The vast majority of lobbyists surveyed by the OECD (78%) responded that they are allowed to sit on advisory groups in a personal capacity. Approximately one-fifth (18%) are currently sitting on an advisory group in a personal capacity (see Figure 12). However, the concerns regarding the composition of advisory groups, and in particular the fact that lobbyists are members of advisory groups, could be dealt with by making membership information publicly available. For example in the case of Canada, the public can ascertain through the Lobbying Act whether any member of an advisory group is also a lobbyist, so any decision to appoint a lobbyist to an advisory group becomes a matter of political and/or public judgement.

Figure 12. Lobbyists are allowed to sit in government advisory groups or Parliamentary advisory/expert groups in a personal capacity

Note: Respondents were asked the question “Are lobbyists allowed to sit in government advisory groups or Parliamentary advisory/expert groups in a personal capacity?”

Source: OECD 2013 Survey on Lobbying for Lobbyists.

57. Half of the surveyed legislators are of the opinion that lobbyists should not be allowed to sit in advisory groups in a personal capacity. Similarly, 47% believe that the same should apply for corporate executives.

Measuring the costs and benefits of enhancing transparency and integrity in lobbying remains a challenge

58. Compliance is a particular challenge when countries address emerging concerns by, for example, increasing transparency in lobbying. Setting clear and enforceable rules and guidelines is necessary, but this alone is not sufficient for success. Ensuring compliance and deterring and detecting breaches requires the application of a coherent spectrum of strategies and mechanisms, including a system of monitoring and enforcement. This would not only strengthen compliance, but would also allow governments to carefully balance cost and benefits of the system and identify effective measures to address concerns.

59. Good governance requires assessment and data, and lobbying is not an exception. Yet, measuring the costs and benefits of enhancing transparency and integrity in lobbying remains a challenge for most countries. Collecting data on costs for the government (e.g. resources needed by oversight body) and lobbyists (e.g. time spent by lobbyists complying with registration and reporting requirements) as well as on benefits (e.g. increasing trust in government or better informed, balanced and effective policies) is of utmost priority to better understand lobbying in different country contexts. Despite the availability of technology which considerably reduces the burden of collecting and analysing data, there are little quantitative data available on these elements in countries today.

THE WAY FORWARD: CAPITALISING ON THE OECD PRINCIPLES TO FURTHER REINFORCE A FAIR AND INCLUSIVE DECISION-MAKING PROCESS

60. The review of the implementation of the Recommendation on Principles for Transparency and Integrity in Lobbying shows that the Recommendation has served as a reference in Member and non-Member countries in designing or revising lobbying regulations and public decision-making processes. The approach and content of the Recommendation has proven applicable in different countries' contexts, ranging from Austria, Australia, Canada, Chile, Hungary, Ireland and Poland to Slovenia. In countries without lobbying regulations in place, the Recommendation has shaped the debate on policy options to address risks and concerns related to transparency and integrity in lobbying (e.g. in Brazil, Portugal and the United Kingdom).

61. Yet, while the Recommendation is relevant as a reference for guiding the public decision making process, the review of experiences in the past three years have shown that evolutions in public decision making and lobbying practices have created new risks that could weaken citizens' trust in government and compromise the fairness of the decision-making process. These deserve increased attention. The following actions are therefore needed:

Continue efforts to address lobbying concerns and risks in the decision-making process as a key policy lever for fostering trust

62. As identified by the OECD Forward-Looking Agenda on Trust, public trust is the cornerstone of effective governance and what legitimises the authority of the state over individuals. Trust in government is also necessary for economic growth and social progress. Given the declining levels of citizens' trust in government, efforts to make the public decision-making process more reliable, fairer and transparent can contribute to restoring trust. Lobbying practices remain at the centre of identified concerns and risks. Citizens, civil society, and businesses have a right to know who is influencing the public decision-making process. Transparency in lobbying promotes a level playing field, informed participation and accountability, for example through informed voting.

63. The Recommendation on Principles for Transparency and Integrity in Lobbying has already guided many countries in designing or revising lobbying regulations. Efforts supporting the implementation of the Recommendation could strengthen confidence in the public decision-making process and regain trust in government. Moving forward, it is essential continue these efforts and to review and address the challenges that countries are currently facing - such as who should be covered by lobbying regulations - and analyse the effectiveness of implementing alternative integrity measures - such as transparency of decision makers' agendas - in addressing lobbying concerns. To follow-up on the continued implementation of the Recommendation, it would be a welcomed step for the PGC to report back to the Council within the next three years.

64. Furthermore, the wider implication of integrity in the public decision-making process needs to be considered. Risks to integrity and of undue influence are connected to a wide variety of policy areas which could contribute to developing innovative data and additional tools to address common concerns. For example, as stated earlier, undue influence in, and capture of, the public decision making process has a negative impact on competition. It is therefore essential to reach out to other policy communities, including the Regulatory Policy Committee, the Competition Committee, the Corporate Governance Committee, and

the Territorial Development Committee, to understand all implications and identify sectorial approaches that when combined may lead to more comprehensive solutions. The OECD's relevant committees should combine their efforts to develop innovative tools that effectively address common concerns and provide the necessary evidence to continue informing current debates in Member and non-Member countries.

Invest in measuring benefits and costs, and monitoring performance

65. Collecting evidence and data in relation to lobbying, the public decision-making process and, ultimately, the broader integrity framework is essential to identify benefits, measure costs, and monitor performance. Since the implementation of measures to increase transparency in lobbying and the fairness of the decision-making process is not without costs, it is key to evaluate if the measures put in place are meeting intended objectives, or if money could be spent better elsewhere. This is also relevant for other elements of the public decision-making process. Findings from the review show that this is a major challenge for countries. Currently, limited data are collected in these areas and the data that are available are inconsistent and incomparable. It is necessary to develop a set of relevant data, benchmarks and indicators to enable governments to measure the impact of their integrity policies in particular in relation to lobbying and the public decision-making process. The collection of relevant and credible data for supporting evidence-based policy-making should also be coordinated with other policy communities in order to address mutual concerns.

Identify and promote innovative integrity frameworks that reflect the needs and concerns of countries in the 21st century

66. The review of Members' implementation of the Recommendation showed that many rely heavily, and at times solely, on their integrity framework to safeguard the public interest and mitigate risks related to the public decision-making process. A sound integrity framework remains essential to mitigate risks in the public decision-making process. The OECD Council adopted in 1998 a *Recommendation on Improving Ethical Conduct in the Public Service* which contains Principles for Managing Ethics in the Public Service that have helped countries design, review and implement an integrity framework. These Principles have guided OECD work in the area of public sector integrity for the past fifteen years, but recent experiences – such as the Public Sector Integrity Review of Italy (OECD, 2013b) – demonstrated that practices in the public sector are changing. These changing practices taken together with globalisation and the emergence of transnational lobbying have led to new concerns being raised. Countries are facing new challenges and constraints that require them to regularly review and adapt their integrity frameworks. Ministers at the 2013 Ministerial Council Meeting reaffirmed the OECD's role as a global standard-setter and called on the Organisation to proactively update and upgrade its existing standards and respond to any gaps in global standard setting where appropriate. In light of this and in order to support countries' work, the 1998 Principles could therefore be reviewed to ensure that they accurately reflect the needs of countries in the 21st Century. This would not only help countries strengthening the transparency and integrity of the public decision-making process, but would also provide a whole-of-government integrity framework applicable to all stages of the policy cycle.

Review policies for managing conflict of interest in relation to revolving door practices and the unbalanced representation and influence of advisory groups

67. The review of countries' implementation of the Recommendation on Principles for Transparency and Integrity in Lobbying revealed an evolution of risks and concerns that needs to be matched with effective policies and practices to safeguard the integrity of the public decision-making process. These were mostly related to variations of conflicts of interest.

68. In the past decade, the OECD has been the leader in supporting countries to introduce and implement systems to manage conflict of interest in the public sector. However, evolving lobbying practices have created new risks or intensified existing ones, in particular areas where the conflict of interest management system could be incomplete. These are the areas of revolving door in relation to pre- and post-public employment concerns and the unbalanced representation and influence of advisory groups. Although the interaction (i.e. offering expert advice, expertise or recommendations through advisory groups) and movement between the public and the private sector (i.e. by public officials taking up positions in the private sector or *vice versa*) can contribute to increasing organisational competencies and improving the quality of decisions made, it also opens up for risks of misuse of insider information, position and contacts, risk to the integrity of public decision making when advisory groups are dominated by certain private interests, and risks of conflict of interest. Focusing efforts on these areas could provide alternatives to addressing these risks and contribute to safeguarding the fairness of the public decision-making process.

BIBLIOGRAPHY

- Äijälä, K. (2001), Public Sector – An Employer of Choice? Report on the Competitive Public Employer Project. Paris, OECD, p. 17. Available at: <http://www.oecd.org/governance/pem/1937556.pdf>
- Association of Government Relations Professionals, Code of Ethics, <http://grprofessionals.org/join-all/code-of-ethics>
- Banks, M. (2011), “NGO welcomes move to block funding for EU 'expert groups'”, *The Parliament*, online journal, 1st November, www.theparliament.com/latest-news/article/newsarticle/ngo-welcomes-move-to-block-funding-for-eu-expert-groups/#.UfDgee5KQwq.
- Blanes I. Vidal, J., M. Draca, C. Fons-Rosen (2010), “Revolving door lobbyists”, *CEP Discussion Papers*, No. 0993, Centre for Economic Performance, London School of Economics and Political Science, London, p. 18, <http://eprints.lse.ac.uk/31546/1/dp0993.pdf>.
- Burson-Marsteller *et al.* (2013), A Guide to Effective Lobbying in Europe: The View of Policy-Makers, Burston-Marsteller, <http://lobbyingsurvey.burson-marsteller.eu/>.
- Edelman (2013), Edelman Trust Barometer, www.edelman.com.
- EPACA (European Public Affairs Consultancies' Association), Code of Conduct, www.epaca.org/uploads/Code_of_Conduct_-_adopted_2013.pdf.
- European Court of Auditors (2012) Management of Conflict of Interests in Selected EU Agencies, Special Report No. 15, Publications Office of the European Union, Luxembourg, <http://eca.europa.eu/portal/pls/portal/docs/1/17190743.PDF>.
- European Parliament, 2012 Budgetary Procedure Conciliation Document – Joint Text, Doc. No. 4-19-11-2011, amended by budget line, Consolidated Document, p. 17, www.europarl.europa.eu/document/activities/cont/201112/20111206ATT33432/20111206ATT33432_EN.pdf;
- European Parliament (2013a), Resolution of 17 April 2013 with observations forming an integral part of its Decision on the discharge of the budget of the European Food Safety Authority for the financial year 2011 (C7-0258/2012 – 2012/2196(DEC)) www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2013-0146+0+DOC+PDF+V0//EN
- European Parliament (2013b), Position of the European Parliament adopted at first reading on 2 July 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union. Available at: www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-287.

C(2014)7

Gerson, E. (2012), “Democracy and the Discontented: American and Global Challenges to Democratic Governance and a Plea for Expanded Political Engagement”, talk given by E. Gerson of the Aspen Institute to the Global Scholars Symposium, Oxford 18 May, www.aspeninstitute.org/news/2012/07/12/elliott-gerson-addresses-global-scholars-symposium-oxford.

Government of Slovenia (2010), Slovenian Integrity and Prevention of Corruption Act, www.kpk-rs.si/upload/t_datoteke/ZintPK-ENG.pdf

Igan, D., P. Mishra and T. Tressel (2009), “A Fistful of Dollars: Lobbying and the Financial Crisis”, *IMF Working Papers*, 09/287, pp. 1-71, International Monetary Fund, Washington, D.C., December, www.imf.org/external/pubs/ft/wp/2009/wp09287.pdf.

Kaufmann, D., J. Hellman and J. Geraint (2000), “Seize the State, Seize the Day: State Capture, Corruption, and Influence in Transition”, *Policy Research Working Paper*, No. 2444, World Bank, Washington, <http://elibrary.worldbank.org/content/workingpaper/10.1596/1813-9450-2444>.

OECD (2010), *Post-Public Employment: Good Practices for Preventing Conflict of Interest*, OECD Publishing, Paris.

OECD (2013a), *Government at a Glance*, OECD Publishing, Paris, forthcoming.

OECD (2013b), *OECD Integrity Review of Italy: Reinforcing Public Sector Integrity, Restoring Trust for Sustainable Growth*, OECD Public Governance Reviews, OECD Publishing, Paris.

OECD (2013c), *Transparency and Integrity in Lobbying*, OECD, Paris, www.oecd.org/gov/ethics/Lobbying-Brochure.pdf.

World Economic Forum (WEF) (2013), *Global Competitiveness Report 2013-2014*, World Economic Forum, Geneva, www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2013-14.pdf.