

Meeting of the Council at Ministerial Level, 2-3 May 2024**REVISED RECOMMENDATION OF THE COUNCIL ON TRANSPARENCY
AND INTEGRITY IN LOBBYING AND INFLUENCE****(Adopted by the Council at Ministerial level on 3 May 2024)****JT03543025**

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the standards developed by the OECD in the area of public governance, regulatory policy, public integrity, corporate governance, anti-corruption, public procurement, and responsible business conduct;

RECOGNISING that since lobbying and seeking to influence government decisions are legitimate ways in which stakeholders participate in public decision-making processes and support informed decisions by providing valuable perspectives, data and insights for effective public policies, a wide range of stakeholders should have a fair and equitable opportunity to contribute to public decision-making;

RECOGNISING that increased transparency and accountability of lobbying and influence activities helps level the playing field for stakeholders from different interest groups;

RECOGNISING that public decision-making processes that include inputs from a plurality of concerned stakeholders are crucial to safeguarding the public interest;

RECOGNISING that lobbying and influence practices conducted without transparency and integrity, and without the involvement of a broad group of stakeholders, can result in situations of inequity in influence, undue influence or foreign interference, for example by means of providing covert, deceptive or misleading evidence or data, or manipulating public officials by hiding the origin of the influence, which can ultimately lead to policies that do not always benefit societies;

RECOGNISING the evolving lobbying and influence landscape, with particularly new and more diverse mechanisms and channels of influence, such as through social media and artificial intelligence tools, and lobbying and influence by foreign actors, including foreign governments and their related entities or individuals, foreign political organisations, or foreign state-owned and controlled entities, representing foreign commercial and political interests;

RECOGNISING that the increasing risks connected with lobbying and influence, including covert foreign influence, on public decision-making processes make it crucial for governments to set up a strong, effective, resilient and proportionate framework for lobbying and influence activities that is consistent with the broader public integrity framework;

CONSIDERING the threat to democracy posed by the rapid and global spread of mis- and disinformation, including information manipulation and covert foreign influence;

RECOGNISING that integrity, transparency, openness, and equity in public decision-making processes are necessary for both the creation of optimal policies and public trust in government;

RECOGNISING that lobbying and influence actors, including companies, are under increasing scrutiny and that there is a need for a clear transparency and integrity framework on their engagement with public decision-making processes;

RECOGNISING the need to reflect the evolving lobbying and influence landscapes and assist stakeholders in government, business, and civil society in reinforcing their frameworks for transparency and integrity in policy-making;

RECOGNISING the legitimate and imperative rights of non-discrimination, freedom of expression, to petition government, peaceful assembly and association, privacy and data protection, and the need to implement international standards related to the protection and promotion of civic space, open government, and independent and plural media;

CONSIDERING that while the responsibility for ensuring transparency and integrity in public decision-making processes rests primarily with the government, at all branches and levels of government and by all public institutions, it is also shared with lobbying and influence actors and therefore this Recommendation is relevant for all of them.

On the proposal of the Public Governance Committee:

I. AGREES that the purpose of this Recommendation is to set out principles on transparency and public integrity at the interactions between government and lobbying and influence actors in democratic systems, and provide guidance on how governments can restrict undue influence on government policies and increase equity in stakeholder participation, by building or strengthening a coherent, comprehensive, effective and enforceable transparency and integrity system in public decision-making processes, and ensuring effective implementation and compliance. It does not cover influence activities exercised by foreign governments through formal diplomatic channels, communications between public authorities, as well as the provision of legal advice and representation by lawyers or any other professionals when advising clients about administrative or judicial proceedings.

II. AGREES that, for the purpose of the present Recommendation, the following definitions are used:

- **Lobbying and influence activities** refers to actions, conducted directly or through any other natural or legal person, targeted at public officials carrying out the decision-making process, its stakeholders, the media or a wider audience, and aimed at promoting the interests of lobbying and influence actors with reference to public decision-making and electoral processes.
- **Lobbying and influence actors** refers to legal persons, domestic or foreign, that engage in lobbying and influence activities on their own behalf, as well as natural or legal persons, domestic or foreign, who engage in lobbying and influence activities on behalf of or under the direction or control of other natural or legal persons, or foreign state interest actors. It does not cover diplomatic and consular officials, natural persons acting in a strictly personal capacity and not in association with others, journalists or contributors publishing content under the editor-in-chief's responsibility of any print or digital publication, public officials acting in their official capacity, as well as political parties acting within the framework of political party regulations.
- **Foreign state interest actors** refers to foreign governments and their related entities or individuals, foreign political organisations, or foreign state-owned and controlled entities, representing foreign commercial and political interests. It does not cover diplomatic or consular officials.
- **Public decision-making process** refers to the development, implementation, evaluation or modification of any public policy or of any public programme, at all levels of government (e.g. federal, national, regional or local) and branches of government (executive, legislative and judicial); the preparation or amendment of any law or regulation, including secondary legislation such as statutory instruments and by-laws; the award, modification or withdrawal of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds; and the nomination of key public officials.
- **Public decision-making process footprint** refers to documentation that details the stakeholders who sought to influence the decision or were consulted in its development, and shows what inputs

into the particular public decision-making process were submitted and what steps were taken to ensure inclusiveness of stakeholders in the development of the regulation.

- **Advisory and expert group** refers to any committee, board, commission, council, conference, panel, task force or similar group, delegation to an international forum, or any subcommittee or other subgroup thereof, that provides governments with advice, expertise or recommendations, and in which non-governmental actors take part. These may be put in place by the executive, legislative or judicial branches of government or at different levels of government, either on an ad hoc or standing basis.
- **Oversight function** refers to an independent public institution or institutions, dedicated or with broader competencies, adequately resourced and empowered to investigate and enforce policies and regulations concerning lobbying and influence activities, and monitor and promote their implementation. Oversight functions are meant to ensure impartial enforcement and provide adequate responses (including redress, where relevant) to the sanctions, rulings and formal advice.

III. RECOMMENDS that Members and non-Members having adhered to this Recommendation (hereafter the “Adherents”) strengthen transparency and openness of lobbying and influence activities in public decision-making processes, including from foreign state interest actors. To this effect, Adherents should:

- a) Make publicly available online and easily accessible, in an open data format that is reusable for public scrutiny, timely, comprehensive and detailed information on lobbying and influence activities, in particular on who, and/or on whose behalf, is lobbying or influencing undertaken, who is the target of such activities, the policy issue or regulatory act concerned, the objectives, and any supporting documentation received from lobbying and influence actors;
- b) Establish and maintain a mandatory public decision-making process footprint, to the extent possible, with timely, comprehensive and detailed information on lobbying and influence activities, made publicly available online and easily accessible, in an open data format, that is reusable for public scrutiny and allows for cross-checking with other relevant databases;
- c) Disclose online in an open data and easily accessible format, that is reusable for public scrutiny, information about donations and contributions, within a reasonable threshold, received by the government, public officials, political parties and election campaigns from lobbying and influence actors, and foreign state interest actors;
- d) Foster the right to full access to information about lobbying and influence activities and timely responses to such requests for information;
- e) Consider legitimate exemptions to transparency, in particular the need to preserve confidential information in the public interest or to protect market-sensitive information when necessary.

IV. RECOMMENDS that Adherents implement transparency and integrity frameworks for all those that provide advice to the government, notably advisory and expert groups, persons or external consultancy organisations acting as advisors or experts, or delegations to intergovernmental fora. To this effect, Adherents should:

- a) Publicly disclose information on the funding and functioning of advisory and expert groups, including information on their members and other persons who participate in providing advice to government, such as their private interests and their current and past professional affiliations;

- b) Provide rules that promote transparency, integrity and inclusiveness in advisory and expert groups, such as procedural rules, standards of conduct and rules on conflict of interest;
- c) Provide rules, including rules on conflict of interest, that promote transparency and integrity for any person or external consultancy organisation providing advice or expertise to the government.

V. **RECOMMENDS** that Adherents increase transparency on the lobbying and influence activities of all lobbying and influence actors, notably companies, business and trade associations, non-governmental organisations, think tanks, research bodies, trade unions and other organisations. To this effect, Adherents should:

- a) Ensure there is adequate, accurate, and up-to-date information on ownership, including beneficial ownership of legal persons and arrangements, that can be obtained or accessed rapidly and efficiently by competent authorities, through either a register of beneficial ownership or an alternative mechanism;
- b) Apply disclosure regulations to the sources of financing, above a reasonable threshold, of lobbying and influence actors, including financing by the government, individuals and other lobbying and influence actors;
- c) Ensure the transparency of lobbying and influence actors' donations, contributions and services to the government, political parties and election campaigns, either directly or through third parties or natural persons hired to conduct lobbying and influence activities;
- d) Ensure frameworks are in place for lobbying and influence actors to make accessible to the public pertinent information on their lobbying and influence activities, including activities aimed at persuading any section of the public or the media with regard to public decision-making and electoral processes, or the policy interests of the said lobbying and influence actors, either directly or through third parties, e.g. through trade associations, grassroots movements, think tanks, research bodies, charities, fundraising organisations, prominent experts and personalities, natural or legal persons hired to conduct lobbying and influence activities, communications or advertising on print, broadcast media, or online platform services (including targeted ads via social media);
- e) Provide rules for lobbying and influence actors to disclose their membership in other relevant organisations, any funding provided to other organisations or individuals for the purpose of conducting lobbying and influence activities, as well as any gifts, invitations and hospitalities given to public officials, media and journalists, individual experts and personalities for that purpose;
- f) Require lobbying and influence actors' board members and senior executives to disclose membership and interests with other companies, state agencies, and outside organisations such as business and trade associations, non-governmental organisations, consultancies, think tanks and research bodies, where such membership is closely linked to the lobbying and influence activities;
- g) Require the disclosure of conflict-of-interest situations between the media content and the private interests of the owner(s), as well as transparency around all sponsored content and advertising.

VI. RECOMMENDS that Adherents promote a public integrity framework aimed at ensuring integrity when lobbying and influence actors, including companies, business and trade associations, consultancies and law firms, non-governmental organisations, think tanks, research bodies and other organisations engage in lobbying and influence activities. To this effect, Adherents should:

- a) Take measures to ensure that companies, business and trade associations, consultancies and law firms, non-governmental organisations, think tanks, research bodies and other organisations adhere to integrity standards and engage responsibly in their lobbying and influence activities;
- b) Ensure that companies' lobbying and influence activities are consistent with the companies' commitments and goals on responsible business conduct matters;
- c) Encourage companies to have due diligence measures in place to ensure that their lobbying and influence activities are coordinated and coherent with their initiatives dealing with anti-corruption, responsible business conduct, public integrity as well as with their broader environmental, social, and governance goals;
- d) Encourage media companies to establish integrity standards on: (i) effectively managing potential conflicts between journalists' and contributors' interests connected to the content they create; (ii) receiving gifts, invitations, and hospitalities from lobbying and influence actors; (iii) dealing with external pressure from lobbying and influence actors aiming to influence coverage; (iv) and interacting with partners or funders.

VII. RECOMMENDS that Adherents establish a public integrity framework for public officials adapted to the risks related to lobbying and influence activities. To this effect, Adherents should:

- a) Provide clear standards and guidelines for public officials, including tailored ones for at risk positions, on: (i) engaging with lobbying and influence actors, including due diligence on the actors' integrity and transparency; (ii) how to seek and assess information and evidence, in particular how to deal with possibly biased or false information and disinformation campaigns; (iii) receiving gifts, invitations and hospitalities;
- b) Strengthen capacities and raise awareness of public officials in at-risk positions and at-risk sectors about the risks related to lobbying and influence activities on government policies;
- c) Support an open organisational culture responsive to integrity concerns, including on lobbying and influence practices;
- d) Require that public officials promote fair and equitable representation of lobbying and influence actors and proactively seek the views of those stakeholders that may be underrepresented in the public decision-making process.

VIII. RECOMMENDS that Adherents implement an effective system to manage pre/post public office and employment risks and other conflict-of-interest situations, whether at the domestic or international level. To this effect, Adherents should:

- a) Establish specific policies, rules, and procedures for managing conflict-of-interest situations in connection to public decision-making processes;
- b) Ensure that the conflict-of-interest risks posed by individuals entering the public sector from government regulated sectors, in particular into regulatory functions, are properly mitigated;

- c) Design effective rules and procedures such as cooling-off periods, subject-matter limits, time limits, disclosure of post-term engagements by holders of at-risk positions, including abroad, and prohibiting any use of any “insider” information after they leave the public sector.
- IX. RECOMMENDS** that Adherents safeguard those that scrutinise and/or report violations of the policies and rules on lobbying and influence activities, such as media and civil society, by protecting their right to freedom of expression and information. To this effect, Adherents should:
- a) Promote pluralism and independence in media;
 - b) Protect all those who scrutinise and report violations (including journalists, media, and civil society organisations) from intimidation, threats and physical attacks and abusive strategic lawsuits against public participation;
 - c) Provide clear and effective rules and procedures for reporting suspected violations of the policies and rules on lobbying and influence activities, and ensure protection in law and practice against all types of retaliation as a result of reporting on reasonable grounds.
- X. RECOMMENDS** that Adherents ensure there is an oversight function on lobbying and influence activities with the capacity to enforce policies and regulations and monitor and promote their implementation. To this effect, Adherents should:
- a) Ensure that the oversight function reviews the completeness, adequacy and timeliness of all the information disclosed for public scrutiny and the effectiveness of integrity standards;
 - b) Provide for fair, objective, proportionate, timely and dissuasive sanctions for non-compliance with policies and regulations concerning lobbying and influence, through disciplinary, administrative, civil and/or criminal processes;
 - c) Provide training on and raise awareness of the risks and policies and rules on lobbying and influence activities.
- XI. RECOMMENDS** that Adherents periodically review, in consultation with relevant stakeholders, the functioning and impact of their legal framework, public policies, procedures and guidelines to ensure alignment with this Recommendation and evolving lobbying and influence practices, and in order to make necessary improvements, strengthen their enforcement systems and seek convergence towards best practices.
- XII. ENCOURAGES** non-governmental actors involved in lobbying and influence activities to follow and promote the use of this Recommendation.
- XIII. INVITES** the Secretary-General to disseminate this Recommendation.
- XIV. INVITES** Adherents to disseminate this Recommendation at all levels of government.
- XV. INVITES** Adherents to the Recommendation on Public Integrity to take due account of, and adhere to, this Recommendation.
- XVI. INSTRUCTS** the Public Governance Committee, through its Working Party on Public Integrity and Anti-Corruption, to:

- a) Serve as a forum for exchanging information and monitoring emerging trends on lobbying and influence activities, including experience with respect to the implementation of this Recommendation, to foster multi-stakeholder and interdisciplinary dialogue on lobbying and influence activities;
- b) Develop guidance to support Adherents' implementation of this Recommendation;
- c) Report to Council on the implementation, dissemination and continued relevance of this Recommendation no later than five years following its revision and at least every ten years thereafter.