Government Relations

Contributing editor
Charles L Landgraf

2019

GETTING THE DEAL THROUGH

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Published by
Law Business Research Ltd
87 Lancaster Road
London, W11 1QQ, UK
Tel: +44 20 3780 4147
Fax: +44 20 7229 6910

First published 2018
Second edition
ISBN 978-1-912228-88-1

Printed and distributed by
Encompass Print Solutions
Tel: 0844 2480 112

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Government Relations 2019

Second edition

Getting the Deal Through is delighted to publish the second edition of *Government Relations*, which is available in print, as an e-book and online at www.gettingthedealthrough.com.

Getting the Deal Through provides international expert analysis in key areas of law, practice and regulation for corporate counsel, cross-border legal practitioners, and company directors and officers.

Throughout this edition, and following the unique **Getting the Deal Through** format, the same key questions are answered by leading practitioners in each of the jurisdictions featured. Our coverage this year includes a new chapter on Mexico.

Getting the Deal Through titles are published annually in print. Please ensure you are referring to the latest edition or to the online version at www.gettingthedealthrough.com.

Every effort has been made to cover all matters of concern to readers. However, specific legal advice should always be sought from experienced local advisers.

Getting the Deal Through gratefully acknowledges the efforts of all the contributors to this volume, who were chosen for their recognised expertise. We also extend special thanks to the contributing editor, Charles L Landgraf of Arnold & Porter Kaye Scholer LLP, for his continued assistance with this volume.

GETTING THE DEAL THROUGH

London
January 2019

Argentina

Juan Ignacio Ruiz and Hernán Verly
Alfaro Abogados

Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law in Argentina is a written constitution. Article 14 incorporates, among others, freedom of speech, the right to petition to the authorities and freedom of association.

In addition, article 39 recognises the right of citizens to file bills at the deputies' chamber in Congress. These bills must be discussed within the following 12 months. These initiatives cannot refer to constitutional amendments, international treaties, taxes, national budget or criminal matters. Government regulation cannot demand the consent of over 3 per cent of the electoral roll to allow the filing of the bills.

The Constitution organised the country as a federal republic where the President is head of both state and government, and the provinces (estates) are represented in the legislative power (senate and chamber of deputies or representatives).

2 Legislative system

Describe the legislative system as it relates to lobbying.

The national government has a presidential system. The legislative body is bicameral, with a deputies' chamber and a senators' chamber. Both deputies and senators are appointed by the citizens in elections. The deputies are proportional to the inhabitants of each province, while there are three senators per province (two for the majority and one for the first minority). Deputies are elected for a four-year term and senators are elected for a six-year term, and both can be re-elected. Half of the deputies' chamber and one-third of the senators' chamber is renewed every two years. The Vice President presides over the Senate.

The executive branch is entitled to issue regulatory decrees in relation to the laws approved by congress, and also law decrees in case of need and urgency, but these cannot be related to criminal, tax, electoral or political parties.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Provinces are given every power not delegated to the federal government in the Constitution. Each province is entitled to approve its own constitution and laws in their legislative bodies. The national government is in charge of foreign affairs of the country. The matters delegated to the federal government comprise, among others:

- substantive codes;
- commerce;
- navigation;
- currency;
- citizenship;
- bankruptcy;
- customs; and
- federal taxes.

In Argentina, natural resources belong to the provinces.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

There is no green paper or white paper scheme. Pursuant to article 40 of the Constitution, Congress may, following an initiative of the deputies' chamber, submit a bill for public consultation. If the bill is approved by the people it is automatically promulgated. Also, Congress and the President can call for non-binding public consultations, in which case it is not mandatory to vote.

However, those mechanisms are not usual and the opportunities typically available for the population to influence legislation are public hearings, particularly on environmental matters or public services. Interaction with government and parliamentary staff is also common, but this is not regulated, as explained in the section 'Regulation of Lobbying' below.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

Yes, the judiciary is the third independent branch (the others are the executive and legislative). In all cases judges are appointed. In the Supreme Court, the members are appointed by the President with the approval of two-thirds of the Senate. The remaining federal judges are appointed on the basis of a proposal submitted by the Judicial Council and approved by the Senate. The appointment of provincial judges depends on the rules established by each province.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

The only aspect of lobbying that is regulated by the government is the publicising of meetings that are held between lobbyists' representatives and different public officials. Decree No. 1172/2003 establishes a set of guidelines for that purpose. The Executive Branch Registry of Meetings of Representation of Interests (the Registry) is maintained by the Sub-Secretary of Institutional Reform and Democracy Strengthening, part of the Ministry of Internal Affairs, Public Works and Housing. The role of the authorities is limited to the control of the reporting obligations of public officials. Non-reporting of a meeting in accordance with the guidelines constitutes serious misconduct.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

The guidelines established by Decree No. 1172/2003 define 'representation of interests' as any activity that is carried out – in a formal meeting that is requested by a public official – by individuals or legal entities, public or private, on their behalf or on behalf of third parties, with or without profit, whose purpose is to influence others in the course of any of the functions or decisions of the organisations, bodies, companies, agencies and any other entity that is under the jurisdiction of the executive branch.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

There is no voluntary or mandatory registration of lobbyists. The only registration that is mandatory is the registration of the meetings that are held by certain public officials with individuals or entities looking forward to the purposes defined in question 7, in accordance with the guidelines established by Decree No. 1172/2003. This registration obligation is imposed over the public officials that are involved and not over the lobbyists. Any individual or legal entity, public or private, may demand compliance from the public official with its reporting obligations.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

The meetings that are held by certain public officials with individuals or entities for the purposes defined in question 7 must be disclosed by the public officials that are involved.

The public officials that have this reporting obligation are: the President; the Vice President; the Cabinet Chief; ministers; secretaries and undersecretaries; appointed federal controllers; senior management in organisations, bodies, companies, agencies and other entities under the jurisdiction of the executive branch; and public agents that are equivalent to general directors. In addition, if a request for a meeting is received by a low-ranking public official who still has advisory or lawmaking powers, or sufficient power to influence, that person must report this to his or her superior in the following five days to be included within the Registry.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

There are no lobbying rules. The only regulation on lobbying incorporated in Argentina mandates disclosure obligations of public officials.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

The public official must disclose the following items in the Registry with respect to each request for a meeting:

- details of the lobbyist;
- interests that are invoked by the lobbyist;
- participants of the meeting;
- place, date and time of the meeting;
- summary of the issues discussed in the meeting; and
- evidence of the meeting (minutes or similar).

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

There are no reporting obligations other than those explained in question 11.

13 Financing of the registration regime

How is the registration system funded?

Each of the public officials and entities that are obliged to report (as specified in question 7) must maintain their own registry with their respective public funds.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The law mandates that the information included in each registry must be publicly available, updated and published on the respective website of the public official or the entities obliged to report.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

There is no specific code of conduct for lobbyists and their practice. It is voluntary for the individuals and entities involved in lobbying to incorporate a code of conduct in this regard.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

No.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

The financing of political parties is divided between public and private financing, as provided by Law No. 26,215.

Public financing

There is a Permanent Party Fund administered by the Ministry of Internal Affairs, formed by:

- the contribution established annually in the National Budget Law;
- the money collected from the fines imposed on infringements of the Political Parties Financing Law and the Electoral Code;
- the funds produced as a result of the liquidation of former political parties;
- donations and other contributions to the state that have the purpose of financing political parties;
- the refunds from political parties, confederations or other alliances; and
- private contributions to the fund.

Twenty per cent of the fund is distributed equally between all the political parties; the remaining 80 per cent is distributed in accordance with the votes obtained in the last national deputies' election, only if the political parties obtained over 1 per cent of the electoral roll. Regarding alliances, the funds are distributed in accordance with the agreement entered into by the political parties forming the alliance.

Political parties must allocate at least 20 per cent of these funds to finance training activities for public charges, education of future leaders and research. At least 30 per cent of this amount must be for activities involving people under the age of 30.

Private financing

Political parties may receive:

- periodical contributions from their affiliates in accordance with the articles of incorporation of the political party;
- donations from other individuals or entities; and
- equity performance and other activities.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

There is no specific obligation for parties and politicians to declare their interests, but political parties must file annual financial statements and keep the following mandatory books: inventory; cash and cash equivalents; minutes; and journal ledger.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Political parties cannot accept or receive, directly or indirectly:

- anonymous contributions or donations;
- contributions or donations from centralised or decentralised federal, provincial, municipal, binational or multilateral entities;
- contributions or donations from concessionaires of public services or public works;
- contributions or donations from individuals or legal entities involved in the gambling industry;
- contributions or donations from foreign governments or entities;
- contributions or donations from foreign individuals or legal entities without residence or address in the country;
- contributions or donations from individuals obliged by their superiors or employers; or
- contributions or donations from unions, or professionals' or employers' associations.

The same restrictions apply to private contributions to the Permanent Party Fund.

In addition, political parties cannot receive donations from legal entities of over 1 per cent of the permitted campaign expenditure per year, or over 2 per cent of the permitted campaign expenditure in the case of individuals.

In the first semester of each year, the National Electoral Chamber informs the political parties the limit of private contributions they may receive, and such information is published on their official website.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

The financing of political campaigns comprises both public funds and private fundraising.

Public financing

In election years, the National Budget Law must establish different quotas depending on the positions that have to be elected (first and second round candidates in presidential elections, members of the Mercosur Parliament, senators and deputies). Analogous quotas must be established for the primary elections, equivalent to 50 per cent of the quotas for the general elections.

These funds must be distributed, assigning 50 per cent of the total amount in equal parts to each of the filed lists to compete; the remaining 50 per cent is distributed between the 24 districts, in accordance with the number of voters in each district, and in proportion to the votes obtained by the party in the last general election for the same position. In case of an alliance, the votes of each political party must be added. In case of a second round, the participants receive 30 per cent of the biggest campaign contribution made in the first round. If the party has not participated in prior elections, it will be equated to the party that has participated in the prior election and that obtains the lower contribution amount.

Political parties also receive a contribution for the printing of ballots for the equivalent of 1.5 ballots per voter registered in each district and each category.

Campaign advertising through the media (television and radio) is distributed exclusively by the Ministry of Internal Affairs. However, political parties are in charge of the funds for the production of the advertising.

Update and trends

There have been several bills to regulate lobbying filed by different political parties in Congress. In particular, there is one initiative that was prepared by the current administration, which incorporates a public registry of lobbyists, and the power to control and sanction them, and also provides certain rules on ethics. However, these bills are currently being discussed in the internal commissions of the Senate, and it is not certain if and when the bills will be addressed in the chamber. In addition, the current administration is trying to approve a bill related to the financing of political campaigns in order to allow legal entities to contribute up to 5 per cent of the campaign expenditures and to mandate that all contributions should made through the banking system. The idea was that this new bill would be approved before the end of 2018, but everything indicates that it will remain pending for 2019.

Private financing

Only individuals, not legal entities, are entitled to contribute to financing a campaign. These contributions can be conducted by any means that allows the identification of the contributor. Private contributions cannot exceed the difference between the maximum campaign expenditure established by the law and the extraordinary campaign contribution for the political party or the alliance. A final report must be filed with the authorities in this regard.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Legal entities of any type cannot finance political campaigns. There are no specific restrictions or disclosure requirements for individuals other than making the contribution by means that allow the identification of the contributor and comply with the restrictions outlined in question 19.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

It is forbidden for third parties to cover the expenditure of campaign advertising. However, the treatment of parallel advertising or grassroots campaigns has not been expressly settled. If there is evidence that the candidate or political party coordinated such campaign but omitted it from the report of expenditure to the authorities, the candidate or party may be penalised. The same applies in respect of social media, where it is more difficult to trace the source of the advertising and there is no specific regulation in this regard.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

As a general rule, public officials are not allowed to receive any kind of gift or donation. The exceptions are courtesy gifts in situations when gifts are normal or gifts that have a diplomatic purpose.

With respect to travel and hospitality, public officials are only allowed to accept these invitations if they are for participation in conferences or seminars, courses or other cultural or academic activities.

In all cases, the giver cannot be an individual or entity that:

- develops activities that are regulated by agency of the public official;
- manages concessions or franchises;
- is a public contractor or supplier of such agency; or
- represents interests that would be affected by a decision of the public official involved.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The Argentine Criminal Code regulates crimes against the public administration such as bribery, influence peddling, negotiations incompatible with public service, extortion, unlawful enrichment of public officials, preparation of false financial statements and reports with the purpose of hiding bribery and influence peddling. There have also been cases in which politicians and public contractors were accused of illegal association, which is another crime contemplated under the Criminal Code.

The Criminal Code was recently amended by the Corporate Criminal Liability Law, which incorporates the possibility of penalising Argentine or foreign companies for crimes against the public administration. Companies shall bear criminal liability in case of crimes committed directly or indirectly by those companies, with their participation or in their name or interest, or for their benefit. Therefore, according to the new law, not only will the individuals participating in the crimes be held liable, but the companies involved will be penalised too.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Former public officials cannot be appointed as directors or managers in companies whose activities are related to their prior role in administration for at least two years after they have left the public sector.

Individuals involved in the planning, development and completion of privatisations or concessions to companies or public services will be prohibited from taking a role in public regulating entities, or commissions of such companies or concessions, for three years after the completion of the last project they were involved in.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

No, because lobbying is not regulated.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Generally, the expenditure registered by the political parties in their campaigns exceeds the reported contributions. In addition, most of the contributions are made in cash, making them untraceable. Complaints are usually filed in relation to those individuals that contributed to the campaign who are managers of important companies, in particular, many public contractors (as stated in question 19, it is forbidden for legal entities to contribute to political campaigns, and public contractors cannot contribute to political parties).

Several political parties were penalised after the presidential elections in 2015 because of the extemporaneous or inaccurate filing of the respective campaign financing reports before the Electoral Chamber. The penalties included fines that were deducted from the public funds assigned for the mid-term elections in 2017, and in cases where the political parties had not filed any financial statements at all, public financing of their campaigns was suspended.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

When there are inconsistencies in the accountability of the income and expenditure of a campaign, the sanctions tend to be fines imposed by the National Electoral Chamber.

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Australia

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MinterEllison

Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The Constitution of Australia (the Constitution) sets out the powers of the body politic, the Commonwealth of Australia (ie, the six federated states).

Australia does not have a bill of rights, though there are some rights protected in the Constitution and at common law.

Relevantly, the High Court of Australia has ruled that there is an implied – but not absolute – freedom of political communication under Australian law.

2 Legislative system

Describe the legislative system as it relates to lobbying.

There are three arms of the government: Parliament; the judiciary; and the executive. In this chapter, 'government' refers to the federal government (the Commonwealth).

Parliament is made up of the Queen (represented by the Governor-General), the Senate and the House of Representatives. Members of the House of Representatives represent their respective geographical electorates and are elected for terms of not more than three years. Senators represent their respective states or territories and serve for a term of six years (except for senators representing the territories who serve the same term of office as members of the House of Representatives).

In order to form a government, a political party (or coalition of parties) must secure the majority of votes in the House of Representatives; the government need not have a majority in the Senate. The head of the government is the Prime Minister and, as a matter of constitutional convention, is delegated executive powers by the Governor-General.

The Prime Minister appoints members of the government (from either the House of Representatives or the Senate) to serve as ministers with allocated areas of responsibility, known as portfolios. The Prime Minister and the ministers are referred to as the executive government. Additionally, a smaller, core group of government ministers will be appointed by the Prime Minister as members of the Cabinet, the traditional body charged with determining the policy directions of the government of the day.

In order for a bill presented to Parliament to become law, it must pass both the House of Representatives and the Senate before receiving royal assent; a bill that has been passed by Parliament and has received royal assent is known as an Act. Certain Acts allow for the relevant minister to prescribe regulations relating to the Act. Generally speaking, an Act will set out the substance of the law, while regulations deal with the implementation or interpretation of the Act.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Powers are divided between the government and the six states (New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia).

Under the Constitution, the government may exercise powers expressly set out in the Constitution. States may make laws on matters not controlled by the government. In the event of an inconsistency between laws made by a state and laws made by the government, the latter generally prevails.

Territories, principally the Australian Capital Territory and the Northern Territory, may exercise such powers and make laws on matters as set out in the relevant self-government legislation (subject to potential override by the government).

States and territories exercise powers and make laws in respect of a number of areas, including planning, education, health, infrastructure and emergency services. States and territories may levy state-based taxes, however, a significant amount of state revenue is granted from the government.

State and territory governments may also make laws in relation to lobbying, elections and political donations. This chapter will consider government relations at the federal level; however, it should be noted that different laws apply to lobbying and government relations at a state and territory level, and there are local government bodies in each state.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

The government undertakes consultations with and invites submissions from stakeholders on certain regulatory and policy issues. Although consultation processes are not in place for all issues, it is not uncommon for the government to engage with businesses, community organisations and individuals when proposed policy or legislation changes will impact stakeholders. These consultation processes may be run through the respective government department responsible for the issue or parliamentary committees may seek submissions from the public on issues under their consideration.

In addition to public consultation processes, stakeholders may meet with senior public servants and parliamentarians, or their staff, to present their perspectives and seek to influence legislation or policy decisions. Businesses regularly engage lobbyists to assist in this process.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

Under the Constitution, the judiciary is an independent arm of government. According to the doctrine of separation of powers, the judiciary interprets and applies the law independently and without interference from the parliamentary or executive arms of government.

The terms of office and remuneration of the federal judiciary are guaranteed under the Constitution. Judges are appointed by the executive (without parliamentary oversight) and may only be removed on the grounds of proved misbehaviour or incapacity. Judges are required to retire when they reach the age of 70.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

At a federal level, lobbying activities in Australia are administered and regulated by the Secretary of the Department of the Prime Minister and Cabinet through the Lobbying Code of Conduct (the Code) and the Register of Lobbyists (the Register). Lobbying activities at a state and territory level are regulated by the respective state or territory government authority.

The Code does not grant the Secretary of the Department of the Prime Minister and Cabinet express powers to investigate or penalise breaches of the Code. Rather, the Code states that a government representative who becomes aware of a breach of the Code must report details of the breach to the Secretary. The effectiveness of the Code is enforced not through penalties and investigatory powers but instead through the presumption that government representatives will not willingly engage with a person who is known to be in breach of the Code.

Although government officials administer the Code and Register, there is not a public perception that political interests conflict with the intended goal of transparency of the regime.

The Australian government enacted the Foreign Influence Transparency Scheme Act 2018 (Cth) (the Scheme) on 29 June 2018, which requires registration by persons undertaking registrable activities 'on behalf of' a foreign principal for the purpose of political or governmental influence, and for those registrants to meet ongoing reporting obligations, including disclosing information about the nature of their relationship with the foreign principal and activities undertaken pursuant to that relationship. The requirement to register will commence on a date to be proclaimed or by 29 June 2019 and will be in addition to lobbyists' existing obligations under the Code.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

Code
Lobbying activities are defined under the Code as communications with a government representative in an effort to influence government decision-making, including the making or amendment of legislation, the development or amendment of a government policy or programme, the awarding of a government contract, or the grant or allocation of funding.

The definition of lobbying activities does not include:

- communications with a committee of Parliament;
- communications with a minister or parliamentary secretary in his or her capacity as a local member or senator in relation to non-ministerial responsibilities;
- communications in response to a call for submissions, petitions or communications of a grassroots campaign nature in an attempt to influence a government policy or decision;
- communications in response to a request for tender;
- statements made in a public forum; or
- responses to requests by government representatives for information.

Scheme
'Parliamentary lobbying' in Australia for the purpose of political influence on behalf of a foreign government, entity, foreign political organisation or foreign government related individual is registerable under the Scheme. 'Parliamentary lobbying' means lobbying a member of the Parliament or a person employed under section 13 or 20 of the Members of Parliament (Staff) Act 1984, and 'general political lobbying' means lobbying any one or more of the following: a Commonwealth public official, a department, agency or authority of the Commonwealth, a registered political party, a candidate in a federal election that is not Parliamentary lobbying. 'Lobby' is defined to include to communicate, in any way, with a person or a group of persons for the purpose of influencing any process, decision or outcome and represent the interests of a person, in any process. Also defined under the Scheme as registrable activities are 'communications activities' and 'disbursement activities'.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Code
Persons undertaking lobbying activities on behalf of a client with a government representative must be recorded on the Register. The Register is a public document that is published on the website of the Department of the Prime Minister and Cabinet. Its purpose is to promote transparency of influences acting within Australia's political system.

Scheme
Following commencement, registration under the Scheme is mandatory, unless certain exemptions apply. It is a criminal offence for a person who is liable to register not to be registered under the Scheme.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Code
As noted in question 7, the definition of lobbying activities under the Code is limited to 'communications with a government representative', which is defined as including oral, written and electronic communications.

A government representative is defined as: a minister; a parliamentary secretary; a person employed or engaged by a minister or a parliamentary secretary; an agency head or a person employed under the Public Service Act 1999; a person engaged as a contractor or consultant by a government agency whose staff are employed under the Public Service Act 1999; or a member of the Australian Defence Force.

Scheme
A person becomes liable to register in relation to a foreign principal if the person:

- undertakes an activity on behalf of a foreign principal that is a registrable activity in relation to the foreign principal; or
- enters into a registrable arrangement with a foreign principal (even if they do not yet engage in any registrable activities).

A registrable arrangement is an arrangement between a person and a foreign principal for the person to undertake, on behalf of the foreign principal, one or more activities that, if undertaken by the person on behalf of the foreign principal, would be registrable in relation to the foreign principal. As noted in question 7, registrable activities include parliamentary lobbying, general political lobbying, communications activities and disbursement activities.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Code
The Code applies to lobbyists and government representatives.

The Code defines a lobbyist as any person, company or organisation that conducts lobbying activities on behalf of a third-party client or whose employees conduct lobbying activities on behalf of a third-party client.

For the purposes of the Code, a lobbyist does not include:

- charitable, religious and other organisations or funds that are endorsed as deductible gift recipients;
- non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients;
- individuals making representations on behalf of relatives or friends about their personal affairs;
- members of trade delegations visiting Australia;
- persons who are registered under an Australian government scheme regulating the activities of members of that profession, such as registered tax agents, customs brokers, and company auditors and liquidators, provided that their dealings with government representatives are part of the normal day-to-day work of people in that profession; and
- members of professions, such as doctors, lawyers, accountants and other service providers, who make occasional representations to the government on behalf of others in a way that is incidental to the provision to them of their professional or other services. However, if a significant or regular part of the services offered by a person employed or engaged by a firm of lawyers, doctors, accountants or other service providers involves lobbying activities on behalf of clients of that firm, the firm and the person offering those services must register and identify the clients for whom they carry out lobbying activities.

The Code does not apply to persons or organisations engaging in lobbying activities on their own behalf. These persons are not required to be recorded in the Register (unless that person also engages in lobbying activities on behalf of a client or clients).

Scheme
A person becomes liable to register under the Scheme in relation to a foreign principal if the person undertakes a registrable activity 'on behalf of' a foreign principal, or enters into a registrable arrangement with a foreign principal. 'Person' is defined to include, among other things, an individual, a body corporate, a partnership and an organisation whether or not resident in, formed or created in, or carrying on business in, Australia and whether constituted under an Australian or foreign law or not constituted under a law at all.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Code
A lobbyist must record the following details for inclusion on the Register:
- the business registration details (including trading names) of the lobbyist (including where the business is not a publicly listed company), the names of owners, partners or major shareholders, as applicable;
- the names and positions of persons employed, contracted or otherwise engaged by the lobbyist to carry out lobbying activities;
- whether a person employed, contracted or otherwise engaged by the lobbyist is a former government representative, and if so, the date the person became a former government representative; and
- a list of any clients who have engaged the person on a retainer to provide services or any other clients for whom the person has provided lobbying services (paid or unpaid) in the past three months.

The lobbyist must also lodge a statutory declaration for each person listed as conducting lobbying activities under the application stating that the person: has never been sentenced to a term of imprisonment of 30 months or more; has not been convicted, as an adult, in the past 10 years, of an offence, one element of which involves dishonesty, such as theft or fraud; and is not a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

Registration is achieved by completing the online registration form located on the website of the Department of the Prime Minister and Cabinet.

A lobbyist is not required to list a client on the Register where that might result in speculation about a pending transaction involving the client. Where a lobbyist relies upon this exemption, the lobbyist must advise the government representative with whom they are meeting of that reliance and must also provide the anticipated date upon which they will add their client to the Register. The lobbyist must promptly record their client on the Register once market sensitivity has passed.

A lobbyist must submit updated details to the Secretary of the Department of the Prime Minister and Cabinet in the event of any change to the lobbyist's details as soon as practicable and within 10 business days. This includes when the lobbyist begins to act for a new client.

Scheme
In relation to the Scheme, the secretary of the Attorney General's Department must keep a register of information in relation to the Scheme. The secretary must include on the register the following information and documents for each person who is registered in relation to a foreign principal:
- the name of the person and the foreign principal;
- the application for the registration and any accompanying information or documents;
- any notices given by the person in accordance with Division 2 of Part 3 (reporting to the secretary) and any accompanying information or documents;
- any renewal of the registration and any accompanying information or documents;
- a record of any other communications between the person and the Secretary;
- any information prescribed by the rules for the purposes of paragraph 43(1)(c) in relation to registrants; and
- any other information or documents the secretary considers appropriate.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Code
Lobbyists must submit updated lobbyist details to the Secretary of the Department of the Prime Minister and Cabinet in the event of any change to the lobbyist's details as soon as practicable and within the 10 business days after the change occurs. Each year, within 10 business days of 31 January, lobbyists must provide the Secretary with confirmation that the lobbyist's details are up to date.

The lobbyist must also provide statutory declarations for all persons employed, contracted or otherwise engaged by the lobbyist to carry out lobbying activities on behalf of a client stating that the person: has never been sentenced to a term of imprisonment of 30 months or more; has not been convicted, as an adult, in the past 10 years, of an offence, one element of which involves dishonesty, such as theft or fraud; and is not a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

A lobbyist's registration will lapse if confirmations and updated statutory declarations are not provided within the specified time frame.

Scheme
Under the Scheme, a registrant has various responsibilities with regard to reporting including to:
- promptly report any material changes affecting the registration and any disbursement activity undertaken on behalf of the foreign principal;
- during the voting period for a federal election or designated vote — review the currency of information provided by the registrant and promptly report on certain registrable activities undertaken during the voting period;
- make disclosures when undertaking communications activity on behalf of the foreign principal; and
- renew registration annually for so long as the person remains liable to register under the Scheme.

13 Financing of the registration regime

How is the registration system funded?

Administration of the Code, the Register and the Scheme is financed by the government. There are no fees payable to register as a lobbyist.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Code
The Register is publicly available on the website of the Department of the Prime Minister and Cabinet, and is maintained by the staff of that Department.

Scheme
In relation to the Scheme, the secretary must make available to the public, on a website, the following information in relation to each person registered in relation to a foreign principal:
- the name of the person and the foreign principal;
- a description of the kind of registrable activities the person undertakes on behalf of the foreign principal; and
- any other information prescribed by the rules.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Under the Code, when engaging with government representatives lobbyists must:
- not engage in any conduct that is corrupt, dishonest or illegal, or unlawfully cause or threaten any detriment;
- use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by them to clients whom they represent, the wider public and government representatives;
- not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to government representatives, members of political parties or to any other person;
- keep strictly separate from their duties and activities as lobbyists any personal activity or involvement on behalf of a political party; and
- when making initial contact with government representatives, inform the government representatives:
  - that they are lobbyists or employees of, or contractors or persons engaged by, lobbyists;
  - of whether they are currently listed on the Register;
  - of the name of their relevant client or clients; and
  - of the nature of the matters that their clients wish them to raise.

Details of these principles, along with the rest of the Code, are available on the website of the Department of the Prime Minister and Cabinet.

Breaches of the Code, including the above principles of engagement, may result in the Secretary of the Department of the Prime Minister and Cabinet removing a lobbyist or an employee or contractor of a lobbyist from the Register.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Australian media laws impose broadcasting and advertising standards relating to the content and delivery of broadcast material, as well as regulating the concentration of media ownership in Australia. The Broadcasting Services Act 1992 states that when broadcasting political matter at the request of another person, a broadcaster must arrange for an announcement to be made at the end of the broadcast that sets out details of the person authorising the political matter to be broadcast. The purpose of this requirement is to provide transparency to the public regarding the person or organisation promoting a certain political issue.

In addition to political authorisation announcements, the Broadcasting Services Act 1992 sets out requirements regarding access to and timing of the broadcast of a political matter during an election period. For example, if any election matter is broadcast during an election period by a broadcaster, then the broadcaster must give all political parties contesting the election a reasonable opportunity to have the matter broadcast during the election period provided that they are represented in Parliament at that time. Additionally, blackout periods for election advertising apply from the Wednesday before an election.

The Australian Press Council, the industry association for newspapers, magazines and associated digital outlets, sets out general principles with which its members are expected to abide by, including the obligation to ensure that conflicts of interests are avoided or adequately disclosed, and that they do not influence published material. Although the Australian Press Council has no legal or legislative powers to fine or penalise the press, its charter states that the press has a responsibility to the public to commit itself to self-regulation that provides a mechanism for dealing with the concerns of members of the public and the maintenance of the ethical standards and journalistic professionalism of the press.

Australian media, broadcasting and press laws do not specifically restrict the use of commercial interests in media to influence public policy outcomes.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Political parties and politicians' campaigns are funded through public funds and private donations. Remuneration of politicians is funded through public money.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

Registered political parties (and their respective state or territory branches and associated entities) must lodge an annual return to the Australian Electoral Commission detailing the following:
- the total value of receipts;
- details of amounts received that are more than the disclosure threshold (currently A$13,800, indexed annually), including the name and address of the person from whom the amount was received, whether the receipt was a donation, and the sum received from the person;
- the total value of payments;
- the total value of debts as at 30 June; and
- details of debts outstanding as at 30 June that total more than the disclosure threshold (currently A$13,800, indexed annually), including the name and address of the person to whom the debt is owed, the amount owed and whether that debt is to a financial institution.

The Australian Electoral Commission also requires political candidates, unendorsed Senate groups and Senate groups endorsed by more than one registered political party to disclose donations and electoral expenditure incurred during an election. Electoral returns to the Commission must show:
- the total value of donations received;
- the total number of donors;
- individual donations received above the disclosure threshold (currently A$13,800, indexed annually) and the details of those donations, including:
  - the date on which each donation was received;
  - the amount or value of each donation; and
  - the name and address of the donor; and
- electoral expenditure incurred.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Australian law does not currently limit who may make political contributions nor does it restrict how much may be contributed. Persons or organisations who make donations to political parties or candidates above the disclosure threshold (currently A$13,800, indexed annually) must lodge a return with the Australian Electoral Commission.

If a person is registered under the Scheme in relation to a foreign principal and the person undertakes disbursement activity on behalf of the foreign principal (meaning when the person disburses money or things of value and neither the person nor a recipient of the disbursement is required to disclose it under the general disclosure threshold to the Australian Electoral Commission), the person must give the secretary a notice specifying the total value reached in specific circumstances.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Political campaigns are funded by private donations and public funds. The amount of public funds payable is calculated by multiplying the number of formal first preference votes received by that political party by the rate of payment applicable at the time.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

There are no special restrictions or disclosure requirements for lobbyists with respect to political donations or candidate fundraising at a federal level. Certain state and territory regimes apply different standards for donations and donors.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Political campaigning independent of a candidate or party is not restricted under Australian law, however, independent third parties who incur political expenditure above the disclosure threshold (currently A$13,800, indexed annually) in one year must lodge an annual return to the Australian Electoral Commission.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Parliamentarians must disclose gifts valued at more than A$750 received from official sources and gifts valued at more than A$300 received from non-official sources. Parliamentarians must also disclose any sponsored travel or hospitality received valued in excess of A$300. A gift received by the parliamentarian, the parliamentarian's spouse or partner or dependent children from family or friends in a purely personal capacity need not be registered unless the parliamentarian judges that an appearance of conflict of interest may be seen to exist.

Ministers must not seek or accept any kind of benefit either for themselves or for others in connection with performing or not performing any part of their official duties as a minister.

There are also restrictions on other offices that may be held by candidates seeking political office, including under the Constitution.

Update and trends

The Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 (the Bill) has not yet been passed through Parliament. The Bill targets political financing by restricting the ability of foreign money to finance domestic election campaigns, and reducing opportunities for election funding to be used for private gain. With the intention of limiting foreign influence, Australian elections, political parties, candidates, Senate groups and significant political campaigners are proposed to be banned from receiving foreign gifts over A$250, or any money transferred from foreign accounts. The Bill is expected to be considered by Parliament in the 2018 spring sittings, though the final form of the Bill and whether it will be passed through Parliament remains to be seen.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Bribery of federal public officials is criminalised in the Criminal Code. Under the Criminal Code, a person commits an offence if the person dishonestly provides, causes to provide, offers to provide or causes an offer to provide a benefit to a public official with the intention of influencing that official in the exercise of his or her official duties. Likewise, a public official commits an offence if he or she dishonestly asks for, receives or agrees to receive a benefit for himself or herself or another person with the intention that the benefit will influence his or her official duties or with the intention of inducing, fostering or sustaining a belief that the exercise of the official's duties will be influenced.

The Criminal Code also criminalises bribery of foreign public officials. A person commits an offence if the person dishonestly provides, causes to provide, offers to provide or causes an offer to provide a benefit to a foreign public official that is not legitimately due with the intention of influencing that official in the exercise of his or her official duties to obtain or retain business, or obtain or retain a business advantage, which is not legitimately due to the recipient.

There are duties that apply to government officials under the Public Governance Performance and Accountability Act 2013 (Cth) and a code of conduct under the Public Service Act 1999 (Cth).

States and territories also have legislation criminalising bribery of public and private individuals.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Persons who retire from office as a minister or a parliamentary secretary may not engage in lobbying activities relating to any matter that they had official dealings with in their last 18 months in office, for a period of 18 months after they cease to hold office.

Persons who were employed in the offices of ministers or parliamentary secretaries at adviser level and above, members of the Australian Defence Force at colonel level or above (or equivalent), and agency heads or persons employed under the Public Service Act 1999 in the Senior Executive Service (or equivalent), may not, for a period of 12 months after they cease their employment, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months of employment.

While there is no distinct prohibition on public-sector employees entering the private sector after service, a person who has left the Australian Public Service must not disclose official information if it is reasonably foreseeable that the disclosure would be prejudicial to the effective working of government, and must not disclose information received or communicated in confidence. Information may be disclosed if it is authorised, already lawfully in the public domain, or can be disclosed without compromising the work of government or revealing information given in confidence.

Furthermore, a person who has left the Australian Public Service commits an offence if he or she uses official information obtained while employed dishonestly to obtain a benefit for himself or herself or another person, or to cause detriment to another.

There are duties that apply to government officials under the Public Governance Performance and Accountability Act 2013 (Cth) and a code of conduct under the Public Service Act 1999 (Cth). Further, specific provisions apply to former cabinet ministers in the Scheme in relation to registrable activities on behalf of foreign principals.

Private-sector professionals are seconded to public bodies relatively frequently, particularly in the professional services industries.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

Australian law does not specifically provide for a lobbyist to be barred from lobbying or undertaking lobbying activities, nor are there restrictions on engaging lobbyists.

However, under the Lobbying Code of Conduct, the Secretary of the Department of the Prime Minister and Cabinet may remove a lobbyist or an employee or contractor of a lobbyist from the Register if:

- the conduct of the person has contravened any of the terms of the Code;
- the registration details of the person are inaccurate;
- the person fails to answer questions within a reasonable period of time relating to the person's details on the Register or the person's lobbying activities (in particular questions relating to allegations of breaches of the Code) or provides inaccurate information in response to those questions;
- the person fails to relevant provide details within the time limits stipulated under the Code;
- the person is a member of a state or federal political party executive, state executive or administrative committee; or
- the Minister Assisting the Prime Minister for the Public Service, in his or her absolute discretion, directs the Secretary to remove the person from the Register.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

In *Unions NSW v New South Wales* [2013] HCA 58, the High Court found that a state law that banned political donations from anyone other than an individual on the electoral roll was found to be invalid because it restricted political communication and was not reasonably and appropriately adapted to achieving a legitimate aim such as preventing corruption or undue influence.

However, in *McCloy v New South Wales* [2015] HCA 34, state laws that banned donations from specified 'prohibited donors' (such as property developers), banned indirect campaign contributions and capped the value of donations that could be made, were found to be valid because the High Court found that they were proportionate to the legitimate purpose of preventing corruption and undue influence in government.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

As noted in question 26, failure to comply with the Lobbying Code of Conduct may result in that person being removed from the Register.

Failure to lodge a return required by the Australian Electoral Commission may result in a fine of up to A$10,500. Providing misleading or false material in a return required by the Australian Electoral Commission may result in a fine of up to A$21,000.

Under the Criminal Code, bribery of a federal public official may result in imprisonment for up to 10 years or a fine of up to A$2.1 million (or both) for individuals. For corporations, the offence may result in a fine of up to the greater of: A$21 million; three times the value of the benefit obtained from the bribe; or 10 per cent of the annual turnover of the body corporate in the 12 months prior to the conduct. Public officials guilty of accepting a bribe may be subject to imprisonment for a period of up to five years.

An intentional omission to apply or renew for registration under the Scheme carries a maximum penalty of five years' imprisonment. Periods of imprisonment may also apply to, among other things, a failure to comply with a notice requiring information, providing false or misleading information or documents to the secretary and a person damaging or destroying records relating to the Scheme. As the Scheme has not yet commenced, sanctions have not yet been imposed.

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

There were no recent and important developments in the Brazilian Constitution and laws regarding lobbying regulation and government relations. Therefore, the activity has not yet been specifically regulated.

Considering the 2018 elections, it will be necessary to check whether the new members of the executive and legislative branches will focus on this regulation in the next four years.

Social participation in the decision-making process remains based on the individual rights and guarantees described in the Constitution enacted in 1988, which include freedom of speech and assembly, and the right to petition. The latter establishes that every citizen may submit a plea to the government in order to advocate for their rights and stand against illegalities and abuse of power. These individual rights enable all citizens to exercise free democratic participation in the decision-making process, which is related to lobbying and government relations.

These rights are in harmony with the bases of the Brazilian Constitution, which establishes a democratic, republican and federative nation, where all power belongs to the people, who exercise it by electing representatives and their appointees.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Brazil adopts a presidential system of government. Elections take place every four years for the executive and legislative representatives.

The federal parliament (the National Congress) is bicameral, composed of the House of Representatives and the Senate. The main role of Congress is to legislate, but it also oversees the executive branch and, for that purpose, it has the support of an auditing governmental body.

The executive branch is composed of the Cabinet, 22 ministries and a large number of public agencies. These governmental bodies have autonomy to regulate legislation approved by Congress.

On this point, the new Brazilian president will have to face a discussion about the need to reduce the number of ministries and government spending.

The Cabinet can also enact executive orders that enter into force as soon as they are published and are valid for a period of 60 days (and are renewable for the same period). To become law, Congress must vote on the executive orders.

There is a strong constitutional system of checks and balances in place.

In addition, state and municipal legislative bodies may create legislation according to their constitutional attributions, which means that local lobbying is also relevant.

The 2018 elections have brought important changes concerning the members of the National Congress, with a 43.2 per cent renewal in the Senate and 47.2 per cent in the House of Representatives. This means that the new president of Brazil will need to go to a great deal of trouble to form a governmental coalition.

Regarding lobbying and government relations, some important parliamentarians for this regulation were not elected (authors and rapporteurs of bills, for example). Therefore, it will be necessary to check if this topic will be discussed as a priority by the new members of Congress and the new president.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

The government has a complex structure, with autonomous state and municipal bodies for decision-making and legislating. A long list of responsibilities is established in the Constitution regarding federal, state and municipal matters, some of which are assigned at more than one level. Municipal legislative authority includes tax, urban planning, public safety, sports, and culture and recreation, among others.

Although not regulated, lobbying and government relations take place locally owing to the constitutional bases for the interests concerned.

There were no municipal elections in 2018, but, to some extent, it is possible that the new federal and regional actors will influence the way the local decision-making process is conducted.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

All bills of law must be assessed by the House of Representatives and the Senate. In both houses, bills are submitted to thematic committees and assessed by an appointed rapporteur who must issue a report for approval, rejection or adjustment of the bill, which is confirmed by the Committee. The plenary of the houses may also assess the bill depending of the type, and the priorities and themes to be voted on.

Rule-making power is also granted to the president (Chief of the Executive Office), who is responsible for sanctioning (or vetoing) and enacting most bills. Additionally, the executive branch may submit bills of law to be voted on by Congress. The Supreme Court also plays a role in rule-making because of the erga omnes effect of most of its decisions and to increase judicial activism.

In general, the Brazilian legislative process includes phases of public participation, such as public consultations, public hearings and mechanisms for presenting legal suggestions. The participation takes place mainly in the legislative houses and via official websites. The Constitution also allows for citizens to propose bills, as long as the proposal comes from at least 1 per cent of voters in various areas of the country (which amounts to approximately 1.5 million signatures).

Recently, the oil and gas regulatory agency has launched many public consultations regarding laws about production, refining, distribution and sale of gasoline and other petroleum products. The government is seeking to meet a social demand in order to develop a new policy that stabilises the prices of fuels to consumers.

There is also a general request from companies to have elements that help them predict market movements. Furthermore, there is a demand from some companies to balance competition in this market.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judiciary in Brazil is independent and coequal. It is composed of trial courts, appellate courts and the higher courts (Superior Court of Justice and the Supreme Court). These courts will rule on civil and criminal law matters. In addition, Brazil has three specialist judicial systems for ruling on labour, electoral and military cases.

Trial judges are not elected, but recruited as a result of their performance in specific high-level career exams.

A different system applies to the higher courts, where members are appointed by the President according to a list of eligible professionals selected by the appellate court. These lists are mainly composed of trial judges, but a quota is reserved for career prosecutors and lawyers.

All judges of the Superior Court of Justice are appointed by the president from a list of judges, lawyers and public prosecutors.

With regard to the Supreme Court, the president may appoint anyone aged between 35 and 65 with exceptional legal knowledge and an immaculate reputation.

The current president of the Supreme Court took up his post in September 2018 as the youngest to hold the position, at the age of 50. He indicated his intention to change some procedures for the relationship with the other branches of government and also that he intends to hear the ministers frequently regarding the cases that will be selected for trial docket.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying is not regulated in Brazil. The activity is performed on the grounds of article 5, XXXIV, subparagraph (a) of the Constitution, which grants everyone the right to represent their interests and to advocate against illegalities and abuse of power. The Constitutional right of petition ensures that every citizen and sector has their demands and pleas assessed by the government, which indirectly confers on everyone the right to lobby. As such, although no legislation in Brazil regulates lobbying itself, several rules seek to set the parameters for public-private sector interaction. These rules, combined with the right to petition the government, are understood as the framework for lobbying in Brazil.

The main binding rules for lobbyists in Brazil are:

- the Code of Conduct of the High Administration;
- the Clean Company Act (Law No. 12,846/2013);
- the Electoral Code and Campaign Funding Rules;
- the Internal Rules of the House of Representatives and of the Senate;
- Law No. 8,429/92 – the Administrative Misconduct Law; and
- the Penal Code.

When discussing lobbying regulation, it is important to note the role played by Operation Car Wash (a criminal investigation carried out by the Federal Police of Brazil that began as an investigation into money laundering and expanded to corruption at state-controlled oil company Petrobras and other private companies) in raising awareness about lobbying malpractice and placing discussions about transparency, legitimacy and lobbying activities on the national agenda on a daily basis.

Although the aim to regulate lobbying has only been a focus recently, it has been on the agenda for Congress for over 20 years, when the first bill to regulate the activity was submitted to the Senate. Since then, several bills have been proposed and the one leading the legislative process with strongest support is Bill 1202/07. It is currently on the floor to be voted on by the plenary of the House.

Another direct consequence of lobbying awareness is the increasing number of private associations created with the purpose of uniting lobbyists and discussing the regulation of the activity. Most of these associations have a binding internal code of conduct that may serve as an informal marker of good conduct in the market. This voluntary membership may be interpreted as tentative self-regulation.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no legal definition of lobbying. Recently, in February 2018, lobbyists were recognised by the Ministry of Labour under the title of institutional and government relations professionals. This recognition did not aim to define or regulate the professionals; it only featured including the profession in the Ministry of Labour list of professional activities.

In Brazil, the term 'lobbying' has assumed a depreciatory meaning, related to the act of wrongdoing. Consequently, all draft and issued bills have avoided the expression.

In Congress and in the executive branch some definitions are under discussion, and may indicate how the subject might be regulated in future. There are over 10 bills in Congress that propose regulating lobbying. As mentioned in question 6, Bill 1202/07 is the leading bill and it defines lobbying based on two different and complementary concepts:

- government relations is considered to be the participation of interest groups in the legislative decision-making process, which comprises monitoring, assessing and disclosing acts and procedures related to policy decisions. Any individual, private company or association, public entity or agency may practise government relations when they are not the decision makers in the process and are aiming to:
  - reduce economic, social, institutional or operational risks;
  - provide a more balanced model of policy or public policy;
  - monitor the legislative and the regulatory process in Congress and the executive branch;
  - subsidise the decision-making process with facts, data and important information; and
  - highlight unconstitutional acts and faults in legislative technique; and
- representation of interests is defined as a person sharing his or her own views and opinions, or those of a third party (as previously authorised), with decision makers.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

There is no mandatory registration for lobbyists in Brazil, but there is voluntary registration in Congress for lobbyists who represent public agencies or civil entities recognised and authorised by the Senate or the House of Representatives' board of directors. This register is intended to facilitate access to Congress. It does not entail any disclosure to the entities and professionals accredited. Each federal body or civil entity is limited to two representatives per House. Only associations, trade unions and entities with national representatives have the right to register their representatives in Congress. Recently, the Senate system changed so that only government officials may register.

Bill 1202/07 does not require lobbyists to register and it establishes a minimum disclosing rule for lobbyists to name who they are representing when engaging with politicians or public officials.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Since there is no lobbying registration in Brazil, there are no rules for lobbying disclosure. It has become increasingly common for lobbyists to request formal meetings with congressmen, but it is also still commonplace to see citizens and representatives engaging with congressmen in the hall passages, and at events and committees that take place in Congress.

The same does not apply to the executive branch because of the rules enforced by article 11 of Law No. 12,813/13. According to this Law, directors must make their daily agenda available on the internet, indicating who attended all the meetings held on that day. In addition, Decree No. 4,334/02 provides that meetings with any government official must be requested by email or fax, disclosing the association, company or individual requesting the meeting, the name of each private-sector representative and the subject matter to be addressed. The meetings must be attended by at least two public officials and a record of the meeting must be registered afterwards.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

There are no disclosure rules for lobbying as there is no distinction between lobbying activities practised on behalf of third parties or an individual's own interests, or even by non-profit entities. It is possible that disclosure rules will be enacted in the future, jointly with a lobbying regulation, since there are no constitutional rules forbidding such disclosure. The Brazilian Bar Association's Code of Conduct, however, exempts lawyers from disclosing confidential information related to their clients and contracts.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Brazil does not regulate lobbying. As a consequence, it is not mandatory for lobbyists to disclose information about their services, engagement, clients or finances.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

There is no lobbying regulation in Brazil. Therefore, lobbyists are not required to report their activities, earnings or engagements. The same applies to companies and associations that enlist lobbying services.

The main proposal in Congress Bill 1202/07 does not mandate disclosure of lobbying activities. It establishes voluntary registration for lobbying professionals but does not go into details of which procedures will be required for certification and whether disclosure will be part of it.

13 Financing of the registration regime

How is the registration system funded?

There is no financing system for lobbying registration as there is no mandatory registration for lobbyists in Brazil. The only registration available for lobbyists are two separate systems implemented in the House of Representatives and in the Senate to simplify access to these houses, but it is free of charge as mentioned in question 8.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

There are no disclosure rules for lobbying in Brazil. Therefore, there is no data regarding registry information and reports on lobbying activities to be released to the public. Upon request, the House and Senate registration systems (see questions 8 and 13) will disclose the entities registered in their files, but not the name of those representing them.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Lobbying is not regulated in Brazil and therefore does not have a specific code of conduct. Nevertheless, several norms that regulate political agents and public officials also apply to lobbyists. When combined, all these rules result in a framework that is mandatory for lobbyists in Brazil. (See question 6 for the main binding rules for lobbyists in Brazil.)

For instance, the Code of Conduct of the High Administration is an indication of the limits imposed by the legislature on the private and public sectors with regard to dispensing gifts and financing events, lunches and trips. The Clean Company Act imposes stricter sanctions on private companies for actions carried out against the government by introducing strict liability for private companies. All procedures related to the legislative process are described in the Internal Rules of each house of Congress. In addition, Law No. 8,429/92 addresses the actions that are considered administrative misdemeanours and the Penal Code prescribes crimes related to public-private interaction.

Most private associations of lobbyists have a binding code of conduct for their members.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Brazil does not have specific media regulations with regard to lobbying. There are broad limitations, and commercial interests' use of the media to influence public policy outcomes is not specifically addressed.

Brazilian consumer law establishes limits on all marketing campaigns, such as the prohibition of misleading and offensive advertising. Confusing consumers' perception of products, etc, through advertising is also prohibited.

The media is self-regulated and the National Council for Advertising Self-Regulation (CONAR) is responsible for creating and enforcing advertising-related rules. CONAR Resolutions do not address the influence of propaganda on public policy outcomes.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

In Brazil, there are three pieces of legislation that establish the framework for political parties, campaigning and elections:

- the Electoral Code (Law No. 4,737/1965) regulates the right to vote and election for office, how elections will take place, and the role of the electoral judicial system, and prescribes electoral crimes;
- the Political Parties Act (Law No. 9,096/1995) establishes the parameters for political parties' by-laws and practices (the parties determine their own by-laws); it also determines how the parties will be funded; and
- Law No. 9,504/1997 establishes the rules for electoral campaigns, including requirements for candidates to run and to form coalitions, funding, accountability and campaign advertising.

Political parties are mainly publicly funded by the Special Fund for Financial Assistance to Political Parties (the so-called Partisan Fund). The distribution of these resources is made according to each party's parliamentary representation.

A different framework is applied with regard to campaign contributions. In broad terms, individuals may contribute to electoral campaigns up to a limit of 10 per cent of their annual income prior to the election year, and legal entities are no longer authorised to make donations.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

All political parties' revenue and expenses must be annually reported for judicial review. If accounts are rejected or not correctly declared, the electoral justice system may apply different levels of sanctions.

During their terms, house representatives are entitled to some allowances and reimbursement of expenses, such as transportation, accommodation, telephone expenses, postal services, maintenance costs of parliamentary offices in support of parliamentary activity, food expenses, security services and use of consultancies.

Senators also have a monthly allowance to spend during their terms, or are reimbursed for those expenses. Expenses including medical and dental care, accommodation, travel tickets or leasing of aircraft are covered by the Senate if they are correctly reported by senators.

These interests must be declared to the respective house of Congress and made public to all citizens.

Update and trends

The 2018 general election results came as a surprise. Many traditional political leaders were not re-elected, whereas newcomers constitute over half of the House of Representatives. Social media had a crucial role in electing people as high as the president of Brazil, who prioritised low-cost new campaign tools rather than traditional public funding and free broadcasting.

This change will have a direct impact in government relations practice, as newly elected members of Congress are expected to arrive in Brasilia with new perspectives and a different mindset for policymaking. Many of the new members of the executive branch are in their first term. All of them will need to get up to speed on the lay of the land, but will also give their input on how a new more engaged electorate is expected to closely monitor politics and interact with the government. This is a challenge, but also an opportunity, for government relations professionals to reinforce the need for best practices and to implement them with ethics and transparency.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Political contributions and other disbursements are highly regulated in Brazil. The 1988 Constitution determines in article 17, section 3 that political parties will be entitled to resources from the Partisan Fund and will receive the benefit of free access to television and radio broadcasting. These rules were changed in October 2017 by Constitutional Amendment 97 establishing the minimum threshold for political parties to benefit from these resources (the 'barrier clause'). These rules, which came into force for the first time in the 2018 general elections and will be phased in gradually until full implementation in 2030, are as follows:

- parties must have obtained at least 3 per cent of the valid votes in the previous elections, that must be spread across a minimum of one-third of the federation states, and have at least 2 per cent of valid votes in each of these states; and
- parties must have elected a minimum of 15 federal house representatives spread across at least one-third of the federal states. Parties that fail to meet this threshold will still be entitled to run and elect candidates, but will not benefit from the Partisan Fund and the free television and radio exposure.

Consequences of the barrier clause have already been felt as a result of the 2018 general elections. The number of political parties represented in Congress is expected to go down significantly in the next term since 14 out of 30 parties have not met the minimum electoral performance to access to public funds in the next election. The precise number of political parties represented in Congress as of February 2019 will ultimately depend on possible political coalitions.

Partisan Fund resources derive mainly from the federal budget, but also from the collection of penalty fines applied to those who breach the Electoral Code. Additionally, individuals and legal entities may also make private donations to the Partisan Fund as long as they are earmarked and traceable. Distribution of fund resources is made according to each party's parliamentary representation.

In addition to financial funding, political parties are entitled under the Constitution to free television and radio broadcasting. The counterpart to this indirect public funding comes from tax waivers granted to broadcasting companies. The minutes allocated to each party are directly related to the number of congressmen with mandates. In the case of party coalitions, their television and radio broadcasting may be aggregated.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

The electoral legal framework is established in Brazil by Law No. 9,504/1997, which has been modified many times.

Until 2016, both individuals and private entities were allowed to contribute to political campaigns, with different contribution caps. There used to be a contribution limit of 2 per cent of legal entities' income and a limit of 10 per cent of individual annual income for contribution.

In an effort for more transparency and less corruption, changes were made to restrict campaign donations coming from legal entities. On 17 September 2015 the Supreme Court, having been called upon by the Brazilian Bar Association, ruled that campaign contributions coming from private legal entities were unconstitutional and would no longer be allowed. The ruling went into effect immediately. On 29 September 2015 Congress approved the ruling and the Executive Office enacted new legislation reinforcing the prohibition of campaign donations by private legal entities.

In 2017, other changes in campaign funding were approved by Congress to promote amendments to the Constitution (Amendment 97 of 2017) and to Law No. 9,504/1997. Among these changes, Law No. 13,487/2017 created the Special Fund for Campaign Financing (the Campaign Fund). Unlike the Partisan Fund (see question 19), which finances the activities of established political parties, the new Campaign Fund finances electoral campaigns. It is also subsidised by the federal budget and distributed among parties. It was created to fill the gap of private entities' campaign contributions.

In summary, the current legal framework:

- allows individuals to contribute to electoral campaigns up to a limit of 10 per cent of their income;
- prohibits legal entities from contributing to political campaigns; and
- establishes the Campaign Fund to help finance electoral campaigns.

Although it is possible to argue that private sector interference in the elections results may have diminished – at least officially – there is no clear evidence that more transparency or less corruption came out of the new legislation. Allegations of undue interference by private companies in social media campaigning put at stake the fair use of political tools. Another consequence of changes in campaign funding legislation is the unbalance caused by multibillionaire donors. Individual campaign contribution is not a tradition in Brazil, so as soon as private entity donations were outlawed a few individual donors stood out and generated an imbalance in interests being represented in Congress.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Although admitted as a practice under the constitutional right to petition, lobbying is not yet regulated in Brazil and registration is not mandatory (or even a voluntary common practice). Therefore, there are no specific rules as to how lobbyists must observe fundraising and electioneering limits. The rules applicable to lobbyists will be the same as those applicable to citizens in general.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

According to article 14, paragraph 3, item V of the Constitution, among other requirements, political candidates must be affiliated to a political party in order to run for elections.

However, the matter of independently running for political positions is pending judicial decision by the Supreme Court. The abovementioned constitutional rule is being questioned in face of the American Convention on Human Rights (the Pact of San José), which limits the requirements for candidates to run for political elections and does not include in the list the condition of political affiliation. According to the arguments brought to the Supreme Court, the Pact of San José should prevail over the Constitution if it is more beneficial to citizens.

With regard to parallel campaigning to support or oppose a candidate or political party, the practice would not only be unusual in Brazil but is also likely to be considered as indirect campaigning by the Superior Electoral Court, which may fall into the category of forbidden benefits.

Electoral campaigns made via the internet, which includes all types of social networks, such as websites, blogs, WhatsApp and email, was authorised for the 2018 elections. All individuals may campaign using the internet, as long as its content is not supported by payment. This restriction does not apply for official campaigns, in which a Brazilian internet supplier can be paid to boost campaign contents in order to promote a candidate or party, but never to undermine other candidates. Fines will be applied in cases of non-compliance.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Brazilian legislation has many applicable provisions on this topic. Most legislation forbids public officials from receiving gifts, transportation, accommodation, compensation or any other favours, and accepting invitation for luncheons, dinners, parties and other social events. Public officials may take part in workshops, conferences or similar events, as long as the organisers do not have a particular interest in decisions to be taken by them, and that the amount of payment and travel expenses are made public. The two general exceptions to this are: if the giver is a family member or personal friend; or when offered by a foreign authority, in protocol cases where there is reciprocity or diplomatic circumstances.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The Clean Company Act establishes civil and administrative liability to companies that carry out any act against the government, for example promising, offering or giving an undue advantage to a public official; manipulating the competitive nature of a public bidding procedure; removing or seeking to remove a bidder by fraud or offering an advantage of any kind; or manipulating the economic and financial balance of the contracts with the government.

Brazil does not have legislation on lobbying. In cases of violation during interaction with the public sector, criminal law sanctions are applied and lobbyists may be convicted of crimes such as corruption and influence peddling.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

There are two main rules limiting public officials' professional activities after their term has been served. Each has its own criteria, but both rules establish a period of four months before public officials can be employed elsewhere.

The Code of Conduct and Ethics for Public Officials in the Presidency and Vice Presidency (Decree No. 4,081/2002) determines that a public official has to wait at least four months before:

- advocating in matters or business that he or she had engaged in as a public official; and
- being an adviser in cases based on non-disclosure information about public policies.

The Code of Conduct of the High Administration provides that, after leaving office, a public official cannot:

- advocate on behalf of someone in any matter or business in which he or she took part as a public official; or
- be an adviser on cases based on non-disclosure information about public policies.

Finally, a public official must wait at least four months before:

- accepting proposals to manage or advise companies he or she had engaged with; or
- take action on behalf of companies or individuals in any administrative body that he or she had engaged with.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

No. Brazil does not have legislation on lobbying services, which means that it is not possible to bar professionals from lobbying. There are ethics and compliance rules that must be observed while contracting and engaging with the public sector. Any violation of these rules during this engagement may be punished by criminal law. For example, there are penalties for influence peddling and corruption.

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Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Operation Car Wash has uncovered cases of lobbying, and has resulted in further political finance and corruption investigations. In addition to the numerous cases of corruption that are being investigated, one relevant aspect of many legal cases, particularly the most recent of these, is the connection that investigators are making between campaign contributions given within the legal limits of the former legislation and corruption and kickbacks. Although private company funding for electoral campaigns became illegal, they were admitted under the previous legislation and for all general elections thus far as long as the legal limits were observed. Nevertheless, whistle-blowers are trying to label some campaign financing and lobbying activities as illegal investments or trade-offs in order to link them to corruption crimes.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Reporting is not mandatory in Brazil.

While engaging with public officials, government-relations professionals must observe other applicable laws, such as criminal, anti-corruption, ethics and compliance. However, regarding the registering or reporting of activities, there are no remedies or sanctions to be applied.

Eurasian Economic Union

Yury Panasik, Natalia Malyarchuk and Lilia Nazarova

Kesarev

Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The main source of Eurasian Economic Union (EAEU) law is the Treaty on the Eurasian Economic Union (the Treaty). Russia, Belarus and Kazakhstan signed the Treaty on 29 May 2014, and it came into force on 1 January 2015. Armenia and Kyrgyzstan acceded to the Treaty on 2 January 2015 and 12 August 2015 respectively. Thus, currently, the EAEU consists of five countries: Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia.

The Treaty codified provisions of the pre-existing agreements regulating the functioning of the Customs Union and common economic space. These agreements constituted the basis of the Treaty, which aims to ensure their implementation and bring their provisions in line with the rules and norms of the World Trade Organization.

Implementation of the Treaty and the provisions included therein is scheduled for a 10-year period. It should lead to transformation of the EAEU by 2025 into a full-rate economic alliance (this implies free circulation of goods, services, capital and labour force, and formation of a common market in the energy, finance and transport sectors, etc). Further deepening and expansion of integration will depend on whether the EAEU member states achieve all the targets set by the Treaty by 2025.

The Treaty defines the major objectives of the EAEU, its competence, its institutional structure and the procedure of formation and operation of the EAEU bodies. In addition, the Treaty regulates the mechanisms of economic integration of the EAEU member states and the obligation to carry out a unified, conciliatory or coordinated policy in certain economic sectors.

Unlike the European Union, the EAEU does not regulate the fundamental rights and freedoms relevant for lobbying (freedom of speech, assembly, etc). However, the Treaty defines the basic principles of the EAEU that influence the decision-making process, such as respect for fundamental principles of international law, sovereign equality and specifics of the political systems of the member states, and ensures equality and consideration of national interests. In accordance with these principles, the EAEU bodies (the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council and the Council of the Eurasian Economic Commission) make their decisions on the basis of a consensus to prevent dominance of any EAEU member state (see question 2). However, there are occasional conflicts among the EAEU bodies as a result of divergence of interests of the member states in various spheres.

In addition, an important principle of the EAEU is the transparency of its activities. Information on the activities of the EAEU bodies is available on the official website: http://eaeunion.org. International treaties within the EAEU and with third parties must be published on the website. In addition, draft decisions are subject to preliminary publication (at least 30 days prior to the planned adoption date). Adopted decisions enter into force following their official publication.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Currently, the EAEU involves economic integration only.

The project of Eurasian integration was originally based on the idea of creating a single economic space. The question of political integration within the EAEU, including creation of a Eurasian parliament, was discussed during preparation for the launch of the Eurasian integration project. During this period, the Russian political establishment sought to maximise the number of Union participants (the inclusion of Ukraine in the integration process was one of the priorities). Political integration was considered to be a way of strengthening Eurasian integration.

However, at the final stage of negotiations on the Treaty, the parties did not consider the opportunity to expand integration to the political sphere or create supranational political bodies for the following reasons. First, Russia's interest in political integration declined after Ukraine signed the association agreement with the European Union. Secondly, Kazakhstan and Belarus were against political integration and the creation of a Eurasian parliament. Thus, the final version of the Treaty does not include any provisions that provide for the expansion of integration to the political sphere or the creation of a supranational political body (a parliament or an inter-parliamentary assembly).

Regarding the decision-making process within the EAEU, decisions can be adopted by the following bodies: the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council and the Eurasian Economic Commission (EEC). The composition and powers of these bodies are outlined below.

At the same time, the process of forming EAEU supranational bodies is ongoing. The Treaty provides for the establishment of a single market regulator by 2025. In addition, the EAEU member states may establish other supranational institutions, such as commissions on the economy, environment and raw materials. The establishment of these bodies was discussed during negotiations on the Treaty, but was not enshrined in the Treaty.

It is also noteworthy that there is a trend towards further expansion of the powers of the EAEU bodies. First, the sphere of competence of the EAEU authorities will be broadened with the formation of common markets: for example, financial, pharmaceutical, oil and gas common markets.

Second, the powers of the supranational bodies in the antimonopoly sphere can also be expanded. For example, the EEC advocates the need to develop a public initiative mechanism that will allow the EEC to take proactive measures to identify and prevent violations of competition rules. Within this mechanism, the EEC may be entitled to identify on its own initiative (without a filed complaint of a market participant or EAEU member state) priority markets for competition investigation and issue warning letters following investigations so that entities in breach of the competition rules could take measures to remedy the violations.

Apart from the expansion of powers, the EAEU sees a trend towards active development of trade relations with third countries. In fact, the EAEU has an exclusive right to conclude agreements on the establishment of free trade areas (FTAs). This means that the EAEU member states cannot sign these agreements themselves.

The EAEU has already established an FTA with Vietnam (operational since October 2016). In 2018, it also signed a temporary FTA agreement with Iran that is to come into effect in 2019. The temporary FTA agreement provides for reduction or cancellation of customs duties for a limited list of goods. However, a comprehensive FTA with Iran is planned to launch by 2022.

In addition, the EAEU conducts FTA negotiations with Egypt, India, Israel, Serbia and Singapore.

The Supreme Eurasian Economic Council

The Supreme Council consists of the heads of the EAEU member states. The position of the chairman of the Supreme Council is occupied, in turn, by the heads of the member states, who replace each other once a year. The Supreme Council holds its meetings at least once a year, during which it addresses fundamental strategic issues, and determines the areas and prospects of integration. It also considers the issues relating to changes to or cancellation of the decisions of the Intergovernmental Council or the EEC if those bodies are unable to reach a consensus.

The Intergovernmental Council

The lower level in the EAEU authorities' hierarchy is occupied by the Intergovernmental Council, comprised of the heads of the governments of the EAEU member states. The chairman of the Intergovernmental Council is determined on a rotational basis once a year.

Meetings of the Intergovernmental Council must be held at least twice a year, however, in practice, they can be postponed if conflicts arise between the EAEU member states.

The Council has the power to prepare the issues for approval by the Supreme Council and has control over the EEC's activities. With regard to monitoring the EEC's activities, the Council gives instructions to the EEC and may cancel, change or suspend its decisions.

The EEC

The EEC is a permanent body regulating the issues within the EAEU's competence. The EEC has a two-tier structure consisting of the EEC Council and the EEC Board.

The EEC Council is composed of Deputy Prime Ministers of the EAEU member states. The member states decide who will represent their interests in the EEC. The Council holds its meetings at least once a month. It approves key decisions that fall within the EEC's competence (eg, establishment of customs duties, adoption of technical regulations) and controls the activities of the EEC Board.

The EEC Board is a permanent executive body (similar to the European Commission in the EU) that makes most of the decisions in the EAEU. The Board consists of 10 members, two from each EAEU member state. Members of the Board are appointed by the Supreme Council for four years (though their term can be extended). The Chair of the Board is appointed for four years on a rotational basis between the EAEU member states without the right to extend his or her term. Each member of the EEC Board is responsible for a specific economic sphere (eg, trade issues, technical regulation, customs regulation). The position of Board member is quite influential because of the significant and increasing powers of the EEC.

The meetings of the Board are usually held once a week.

The Board may adopt legally binding decisions, orders (which are of an administrative nature and, as a rule, are aimed at organising interaction and exchange of documents between the member states) and recommendations (non-binding). Decisions are adopted by a qualified majority (two-thirds of the total number of members) but decisions on sensitive issues (eg, approval of common sanitary and epidemiological and hygienic requirements for goods), the list of which is established by Appendix No. 2 to the EEC Rules and Regulations, must be adopted by consensus. In the exercise of their powers, the EAEU's officials, including members of the EEC Board, work independently from the government authorities of their member states.

However, in practice, the EEC officials still take into account the position of the executive authorities of their countries.

Upon adoption of a decision, the EAEU member states and the EEC Council members may request changes or cancellation of the decisions of the EEC Board within 15 days from the date of their publication. In this case, the issue is considered by the EEC Council or the Intergovernmental Council, or subsequently by the Supreme Council if the EEC Council fails to reach a consensus.

There are certain issues that the EEC Board is not entitled to consider at its own discretion. For instance, the introduction of special protective, anti-dumping or countervailing measures can be considered only after the manufacturer or association of manufacturers file a respective application to the Department of Domestic Market Protection.

In addition, there are 25 departments within the EEC (including the Department of Customs Legislation and Law Enforcement Practice, and Customs Policy Department) that support the activities of the EEC Council and the EEC Board. The departments are supervised by the members of the Board and include officials and employees selected on a competitive basis. Departments prepare draft EAEU documents, monitor enforcement of EAEU law by the member states, prepare proposals for consideration by the EEC Board based on the monitoring results, and interact with the government authorities in the member states.

In addition, the EEC Board may establish advisory bodies that primarily have the aim of conducting consultations with the representatives of the EAEU member states and preparing recommendations for the EEC in a particular regulatory sphere. Advisory bodies can include government authorities, representatives of the business community and independent experts. Thus, advisory bodies can ensure interaction of the Board members with national authorities and businesses.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

The EAEU is a supranational organisation, therefore, there is no division of power into federal, regional and municipal levels. Powers in the EAEU are divided among the Supreme Council, the Intergovernmental Council and the EEC (which has its own hierarchy). Each EAEU body has a determined range of powers and an established procedure for decision-making.

The Treaty does not provide for a clear division of competency between the supranational and national levels, which is linked to the fact that there is a different degree of integration in the various economic sectors. Thus, division of powers depends on the scope of regulation, the commodity market and certain exceptions, such as the non-application by a member state of the general rules of functioning of the EAEU's internal market.

With regard to the above approach, the Treaty provides for the implementation of a unified, conciliatory or coordinated policy among the EAEU member states. A unified policy involves unified regulation in the member states, including through decisions of the EAEU bodies; a conciliatory policy provides for harmonisation of regulations within the EAEU; and a coordinated policy implies cooperation between the EAEU member states on the basis of a common approach.

Examples of the division of powers in the EAEU are as follows: customs tariff regulation is the exclusive competence of the EAEU; and macroeconomic policy relates to joint regulation of the EAEU and its member states (the EAEU establishes quantitative values of macroeconomic indicators determining sustainability of their economic development). A number of other important areas are regulated by the member states independently with due regard for their commitments in the EAEU (eg, tax policy).

The EAEU bodies do not have the authority to enforce compliance with the adopted decisions. Ensuring compliance with the decisions is the task of the member states. The EEC can ensure the enforcement of EAEU law only under specific conditions. It may, for instance, impose fines on economic entities for violation of the general competition rules, but the fines are collected by the national authorities of the EAEU member states.

The EEC departments can monitor the implementation of regulations in specific areas. Following monitoring, the departments may prepare and submit their proposals to members of the EEC Board for consideration. The EEC Board may also exercise general control and supervision over enforcement of EAEU law and inform the member states about the need to comply with the established norms. However, such notices are not legally binding and carry only reputational risks for the member states. Furthermore, the EEC does not have any authority to apply to court in cases of identified violation of the rules of law by the member states.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

There are several ways of protecting business interests within the EAEU.

Public consultations on draft decisions (governed by Chapter VIII of the EEC Rules and Regulations)
Draft decisions of the EAEU bodies prepared by the EEC are released for public consultation at least 30 calendar days before the planned date of their adoption.

A public consultation is not conducted in relation to draft decisions on the issues of customs regulation, application of special protective anti-dumping and countervailing measures or issues subject to regulatory impact assessment. The department responsible for the draft decision (the department) publishes the decision on the official EEC website. The period of public consultation is determined by the department, but it cannot be less than 20 days from the date of the publication of the draft decision. In exceptional cases requiring prompt decision-making, a public consultation may not be held or the length of time for it may be reduced.

All parties concerned may take part in a public consultation. The department must publish a summary of comments and suggestions from participants of the consultation within five days of the end of the public consultation. Based on the contents of the summary, the department can do the following:

- amend the draft decision taking into account the comments and suggestions provided (it is not required to incorporate all of the recommended changes);
- dismiss all suggestions – in this case, the draft decision will be submitted to the EEC for further consideration without any substantial amendments; or
- refuse to elaborate the draft decision, which means that it will not be subject to further consideration and will not be adopted.

Regulatory impact assessment (Chapter IX of the EEC Rules and Regulations)
Draft decisions of the EEC Council and the EEC Board that may influence the business environment (with a few exceptions) are subject to regulatory impact assessment.

Regulatory impact assessment is carried out in two stages. In the first stage, the draft decision is subjected to a public consultation with business entities and other parties concerned (the decision is published on the EEC's portal for this purpose). The period of public consultation cannot be less than 30 days. The business community can submit comments on draft decisions or fill in a standardised questionnaire as a means of giving feedback. Within 10 days after the end of the public consultation, the department responsible for the draft decision provides a summary of comments and suggestions. Following the public consultation, the department can amend the draft decision (if necessary) and submit it for further consideration. It may also refuse to further elaborate the draft decision.

The second stage is preparation of an opinion on the regulatory impact assessment by a special EEC working group headed by an EEC Board member in charge of economy and financial policy. The opinion must be prepared within 15 days. On the basis of the opinion, the department can finalise the draft decision. Following the consideration, the EEC Council or the EEC Board (depending on which body considers the decision) may either adopt the decision, submit it for further amendments or refuse to adopt it.

Sending official enquiries to the EEC (Chapter III, article 7 of the EEC Rules and Regulations)
According to the regulation, legal entities may send enquiries to the EEC in written form or in the form of an electronic document. Enquiries are logged and processed by the relevant departments (this must be completed within 30 days). In addition, the EEC may request legal entities to provide additional information necessary for exercising its powers.

Cooperation with the EEC via the Advisory Board for Interaction between the EEC and the Business Council of the EAEU (Regulation on the Advisory Board for Interaction of the EEC and the EAEU Business Council)
The Advisory Board for Interaction between the EEC and the EAEU Business Council (an advisory body that includes cross-industrial business unions of the EAEU member states and represents their positions) provides interaction between the business community and the EEC representatives in certain spheres, including: entrepreneurship development; manufacturing; mutual and foreign trade; and technical regulation. Proposals of the Business Council submitted to the EEC are considered by the Advisory Board. The Advisory Board includes the chairman of the EEC Board, members of the EEC Board, members of the Presidium of the Business Council and business community representatives. Decisions of the Advisory Board are not binding, which means the Board does not have much influence on decision-making.

Interaction within the framework of advisory bodies and working groups under the EEC Board
According to Chapter III, article 44 of the Treaty, the EEC Board is entitled to form advisory bodies, which may include representatives of the government authorities of the member states and the business community. Narrow practical issues are discussed within the advisory bodies.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The EAEU Court is an independent body composed of 10 judges (two from each member state). The Court activities are governed by the Treaty and the statute of the EAEU Court.

Judges are appointed for nine years by the Supreme Council on the proposal of the member states. The court is located in Minsk (Belarus). The Court chairman and his or her deputy (who represent different states) are elected by the panel of judges for three years. Upon expiry of the term, the judges select the next chairman and his or her deputy from among the judges representing other member states (ie, the chairman and deputy cannot be elected from the same states that the former chairman and deputy represented).

The EAEU Court can prepare advisory opinions on interpretation of the sources and rules of EAEU law, and it can consider disputes related to enforcement of EAEU law. In case of disputes, claims may be filed by the member states or economic entities. Economic entities can apply to the Court if their rights and interests are affected by the actions or inaction of the EEC. However, a dispute can be examined by the Court only after the parties have tried to settle the dispute in a pretrial order through consultations, negotiations, etc (the parties are given three months to settle).

Court decisions on consideration of disputes are legally binding. However, in practice, the EAEU Court is an ineffective body to protect the interests of the private sector for the following reasons.

First, the Court is not entitled to consider issues of non-compliance with its decisions. These issues are considered by the Supreme Council. However, enforcement of a court decision can be blocked in the Supreme Council by any member state, since all decisions of the Supreme Council are passed on a consensus basis.

Secondly, the EAEU Court is not popular as a dispute resolution body as it is perceived as having little influence. In addition, the business community is insufficiently informed about the activities of the Court.

Thirdly, challenging statutory legal acts and actions of the EEC is possible in other international courts (eg, the World Trade Organization Dispute Settlement Body) and the national courts of the EAEU countries. Foreign investors frequently use international courts, rather than the EAEU Court, to challenge EEC decisions.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

There is no separate statutory legal act governing lobbying in the EAEU.

However, the Treaty, the EEC Rules and Regulations, and the Regulation on the Advisory Board for Interaction between the EEC and the EAEU Business Council provide certain mechanisms by which the business community can protect its interests in decision-making processes in the EAEU (see question 4).

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no definition of lobbying in EAEU law.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Owing to a lack of regulation on lobbying, there are no requirements in the EAEU for registering lobbyists or disclosing information on carrying out lobbying activities.

In practice, sending formal written enquiries is the preferred form of interaction with the EEC. It is also recommended to send written enquiries in case business community representatives have already discussed the issue with the EEC members at forums, etc, or within the framework of oral negotiations.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Oral negotiations with the employees of the EAEU bodies are not subject to disclosure or registration.

Official written enquiries and enquiries sent to the EEC by legal entities are registered by the EEC.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

There is no legal regulation of lobbying or requirements to disclose information about lobbying in the EAEU.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

There is no legal obligation to register or otherwise disclose information regarding lobbyists and the entities and persons they act for.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

There are no requirements in the EAEU to provide reports on lobbying.

13 Financing of the registration regime

How is the registration system funded?

There is no registration system for lobbyists in the EAEU.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

EAEU law does not regulate lobbying and does not specify the need to submit reports on lobbying. Therefore, such information is not disclosed and is not published in open sources.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

There is no code of conduct for lobbyists in the EAEU.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Media activities are not regulated in the EAEU.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

There are no legislative bodies or political parties in the EAEU because it is an economic, rather than a political integration organisation.

The activities of the EAEU bodies and their officials are financed by the EAEU budget, which is formed on the basis of contributions from the member states. According to the EEC Rules and Procedures, EEC Board members and officials are not entitled to receive remuneration from individuals or legal entities in connection with exercising their authority.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

According to the EEC Rules and Regulations, EEC Board members and other EEC officials are not entitled to combine their work in the EEC with any other work, except for scientific, creative and teaching activities. In particular, they may not participate in the activities of the management body of a commercial entity or carry out entrepreneurship activity. Members of the EEC Board and other EEC officials who are shareholders of organisations or who hold income-generating securities must transfer the securities or shares held by them to a trustee who will be responsible for their management.

In general, the regulation establishes that the EEC members must take measures to resolve and prevent conflicts of interest when exercising their powers in the EEC.

According to the Regulation on the provision by the EEC Board members and other EEC employees of income details, information on property and property obligations, the EEC employees and members of the EEC Board must annually provide the following information about themselves and their family members, including minor children:

- information on income from all sources (pensions, allowances, other payments);
- information on property;
- details of funds held in bank accounts or in accounts in other banking institutions; and
- information on shares and participation in commercial organisations, including grounds for obtaining a stake in organisations (acquisition, donation, inheritance, etc), and information on other securities.

Failure to provide information on income and property, or provision of false information, is subject to disciplinary action.

Judges from the EAEU Court cannot engage in any activities related to income generation, except for scientific, creative and teaching activities. In addition, judges are not entitled to represent the interests of commercial organisations.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

This issue is not applicable to the EAEU as there are no political parties.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

This issue is not applicable to the EAEU. All executive officials in the EAEU are appointed.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

This issue is not applicable to the EAEU as the registration of lobbyists is not provided for in EAEU law.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

According to the Treaty, EEC Board members are not entitled to use material resources, technical facilities and other resources and property of the Board for purposes not related to the exercise of authority. Use of the EAEU budgetary funds by Union bodies is monitored within the audit of financial and economic activities (which is conducted at least once every two years) and the annual external audit to monitor formation, management and disposal of the budget, property and other assets of the EAEU.

According to the EEC Rules and Regulations, members of the EEC Board and other EEC employees are not entitled to use their powers in the interests of any political parties, or public or religious associations. They are also prohibited from publicly expressing their attitude to such organisations or associations. In addition, Board members and other EEC officials are not allowed to create political parties or subdivisions of political parties, or public and religious associations in the EEC (with the exception of trade unions, associations of war veterans and other public activity bodies), or to contribute to the creation of such structures. Violation of the above-mentioned restrictions leads to early termination of powers. Such restrictions are related to the fact that the EAEU does not imply any political integration.

According to the statute of the Court, judges cannot represent the interests of any political parties and movements, social or religious groups, or individuals.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

According to the EEC Rules and Regulations, members of the EEC Board and other EEC officials are not entitled to receive any gifts, remuneration, services, payment for entertainment, leisure time activities, travel costs, etc, from individuals or legal entities in connection with the exercise of authority. Gifts received at events or during business trips are recognised as the EEC's property and are handed over to the Board under a certificate. A Board member may then buy this gift under the procedure approved by the EEC Council.

In addition, members of the EEC Board and its officials are not entitled to go on trips related to the exercise of authority at the expense of individuals or legal entities.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

There are no anti-corruption laws or regulations in the EAEU. Unlike the European Union, the EAEU is not a member of the United Nations Convention against Corruption. Measures on combating corruption and corrupt business practices are regulated by the EAEU member states at the national level.

Scholars and experts on anti-corruption issues from the EAEU member states noted the need for harmonisation of the anti-corruption laws in these states and the adoption of common documents (eg, a convention) in this field. The aim is to fight corruption more effectively within the EAEU.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

This issue is not governed by EAEU law.

In general, a revolving door practice among former EEC employees who used to hold management positions is not very common, though they may hold positions related to the private sector. The most well-known example is that of Viktor Khristenko who became president of the EAEU Business Council in 2016 after the end of his term as chair of the EEC Board.

As the activity of the EAEU bodies, including the EEC, is based on a rotational principle, the common practice is that former officials of the EAEU bodies continue their bureaucratic career in national state bodies. By way of example, Andrey Slepnev (Russia) used to be a member (minister) of the EEC Board in charge of trade issues from 2012 to 2016, and then served as Deputy Chief of the government staff of the Russian Federation and Director of the Department of Project Activities of the government of the Russian Federation. In May 2018, Mr Slepnev was appointed head of the Russian Export Centre, the state-run development institute (it was established by the government to support non-primary export).

The leading positions in the EEC are occupied by officials from the national executive authorities with bureaucratic experience. For example, Timur Suleimenov, who was previously the EEC Board member

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in charge of economy and financial policy, is currently the Minister of National Economy of Kazakhstan.

In addition, a political career for former EEC employees in their countries is possible but unlikely.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

This is not applicable as there is no regulation of lobbying in the EAEU.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

No such cases were registered.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

This issue is not applicable to the EAEU as there is no relevant regulation.

France

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

France is a civil law system, which means it places a greater emphasis on parliamentary laws and regulations, as found within various codes, than on case law. The primary source of law is the laws passed by Parliament. There are also regulations that are issued by the executive branch.

Parliament can only legislate on a limited number of subjects that are primarily listed in article 34 of the Constitution. All matters that are not explicitly reserved to Parliament fall within the responsibility of the executive branch.

Regarding the regulation of lobbying and government relations, Parliament has the power to pass laws and the government has the power to take implementing measures.

In any case, parliamentary laws and regulations must comply with the Constitution (which includes the 1789 Declaration of the Rights of Man and of the Citizen) and international treaties, including the European Convention on Human Rights.

French law ensures the right to petition the National Assembly and the Senate, the Economic and Social Council and the territorial collectivities.

2 Legislative system

Describe the legislative system as it relates to lobbying.

The Parliament is made up of the National Assembly and the Senate, and both chambers pass laws. Each chamber conducts legislative sessions at a separate location in Paris. The National Assembly (the lower house) includes 577 members who are elected by direct universal suffrage with a two-round system by constituency, for a five-year mandate, subject to dissolution. The Senate (the upper house) includes 348 senators who are elected by indirect universal suffrage by a panel of 'electors', for a six-year mandate.

Regulatory power is generally exercised by the Prime Minister, who may delegate the exercise of this power to his or her ministers. Regulatory agencies and territorial collectivities are also vested with regulatory powers.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

France is divided in territorial collectivities, which include regions (divided into departments and then into communes), overseas collectivities and other collectivities with a specific status. They have regulatory power in specific areas (mainly urbanism, housing and environment for the communes, social welfare for the departments, and economic development, planning and transport for the regions). They also collect local taxes.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

There are several consultation processes available under French law, the most significant being the referendum requiring the public to vote on a draft law or regulatory act (either at the national level for legislation or the local level for regulation), the consultation (the government, the territorial collectivities and the public institutions have the possibility to organise a public consultation on www.viepublique.fr prior to the adoption of a regulatory act) and receiving public enquiries on any major project in order to collect comments.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judiciary is deemed independent. The courts in France are divided into two types: the judicial courts (those dealing with criminal and civil law); and the administrative courts. Procedures for the appointment, promotion and removal of judges vary depending on whether it is for the judicial or the administrative courts. As an exception, there are elections for some specific courts, such as the commercial and labour courts, for which there is no significant campaign activity.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying activities towards public authorities are subject to transparency and control regulations under the Law on Transparency in Public Life (No. 2013-907 dated 11 October 2013), as amended by the Law on Transparency, Anti-Corruption and Modernisation of Economic Life (No. 2016-1691, known as Sapin II, dated 9 December 2016).

An independent administrative authority, the High Authority for Transparency in Public Life (HATVP) is in charge of enforcing ethical obligations, preventing conflicts of interests, counselling and advising public officials or administrations, and promoting transparency in public life.

Upon request of an association, a public official, a representative of interests (ie, a lobbyist) or, on its own initiative, the HATVP, has powers to force the production of any relevant document to accomplish its objective. Upon request to the liberty and custody judge of the Paris Court of First Instance, the HATVP may also carry out verifications on-site.

Whenever it finds that a representative of interests has violated its obligations (reporting, integrity, etc), the HATVP may summon the representative of interests to respect its obligations. The HATVP may also address to any public official who has been in contact with the

breaching representative of interests a confidential opinion advising him or her of the situation.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

Under the Law on Transparency in Public Life, as amended by Sapin II, the notion of lobbying derives from the definition of 'representatives of interests', which means any private legal person, public entity or public group exercising industrial and commercial activities, or any craftsperson, whose executives', employees' or members' main or recurring activity consists in influencing public decisions, in particular the content of a law or of a regulatory act, by making contact with any of the public officials listed in the Law on Transparency in Public Life (see question 9).

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

A representative of interests must register to a unique register (the Register) established by the HATVP, within two months of the date it fulfils at least one of the conditions set by the Law on Transparency in Public Life (ie, when lobbying accounts for more than half of its activity or when it has had at least 10 instances of contact with a public official over the past 12 months). If any of its information changes, the representative of interests shall update it on the Register within a month. The Register is common to the government, the Senate, the National Assembly and the territorial collectivities.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

The scope of activities subject to registration covered by the Law on Transparency in Public Life applies to any representative of interests who attempts to influence a public official mentioned in the list of specific persons, including, without limitation, government members, members of ministers' offices, Members of Parliament, collaborators of the President, political advisers and administrative entities' directors, and local public servants.

Pursuant to Decree No. 2017-867 on the Electronic Register of Representatives of Interests dated 9 May 2017, any representative of interests must disclose to the Register all the actions it has taken to influence a public official, in particular:

- organising informal discussions or face-to-face meetings;
- arranging an interview with a public officer at the request of a third party;
- inviting people to or organising events, meetings or promotional activities;
- establishing a regular correspondence (by email, mail, etc);
- sending petitions, open letters and leaflets;
- organising public debates, marches and strategies of influence on the internet;
- organising hearings, formal consultations on legislative acts or other open consultations;
- providing suggestions to influence the drafting of a public decision; and
- communicating information and expertise to public officials with the aim of convincing them.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

A representative of interests is considered to be any private legal person, public entity or public group carrying out industrial and commercial activities or any craftsperson, whose executives', employees' or members' main or recurring activity consists of influencing public decisions, including the content of one or more legislative or regulatory measures, by making contact with a public official listed in the Law on Transparency in Public Life (see question 9). The representative of interests may either lobby for itself or for a third party.

The Decree on the Electronic Register of Representatives of Interests further clarifies the practical scope of the representation of interests by providing that a representative of interests is considered as having a main or recurring lobbying activity when lobbying accounts for more than half of its activity or when it has had at least 10 instances of contact over the past 12 months with a public official mentioned in the Law on Transparency in Public Life.

The above-mentioned Law also applies to non-profit organisations, associations and professional unions. However, the Law excludes from its scope of application any elected persons, political parties, specific professional unions and any religious associations.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Any representative of interests must disclose specific information to the Register, including its identity if it is a natural person, or when it is a legal person: the identity of its executives and of the people in charge of the representation of interests within the entity; the field of its representatives of interests' activities; the actions taken towards the public officials mentioned in the Law on Transparency in Public Life and the amount of expenditure dedicated to these actions; the number of persons employed in the representation of interests; its sales revenue for the previous year; the professional federations or associations in relation to the interests represented and of which the representative of interests is a member; and, if it is representing a third party, the client's identity.

When the representative of interests is a natural person he or she must register on the HATVP's website. Whenever the representative of interests is a legal person, a natural person must be appointed as the operational contact to proceed with the registration. Upon the initial registration, the operational contact may then designate one or more other contacts responsible for the production of the relevant information required by the HATVP.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Any representative of interests must provide, at the latest three months after the end of its fiscal year by electronic means to the HATVP, specific information concerning the previous year, including:

- the nature of the public decisions that its actions were targeted towards;
- the type of actions taken;
- the subjects of the actions, identified by their object and field of intervention;
- the categories of public officials mentioned in the Law on Transparency in Public Life with whom it had contact;
- if applicable, the identity of the third parties for whom the actions were performed;
- the amount of expenditure it dedicated to representation activities for the year; and
- if applicable, the amount of the sales revenue of the previous year derived from its representation activities.

13 Financing of the registration regime

How is the registration system funded?

The Register is the responsibility of the HATVP, which is an independent administrative authority (ie, it acts on behalf of the state but is not subject to the government's authority). As such, it is affiliated to the government for budget matters but has financial autonomy. The registration system depends on public funding.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The Register is freely accessible on the HATVP's website to any user. For each representative of interests, the HATVP makes a document

available that includes all the information the representative of interests has provided. The information provided by a representative of interests to this Register remains public for five years.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

The Law on Transparency in Public Life provides guidelines that any representative of interests must commit to respecting during the course of its activity. In particular, it provides that it shall, in all circumstances, behave with probity and integrity, and, in particular, it must:

- declare its identity, the organisation for which it works and the interests or entities it represents in its relations with the public officials mentioned in the Law on Transparency in Public Life;
- refrain from proposing or giving to public officials any presents, gifts or benefits of any significant value;
- refrain from paying any remuneration to employees of the President, members of ministers' offices and employees of a member of the National Assembly, senator or parliamentary group;
- refrain from inciting these persons to violate the ethical rules applicable to them;
- refrain from engaging in any action with these persons to obtain information or decisions by fraudulent means;
- refrain from obtaining or attempting to obtain information or decisions by deliberately communicating to these persons erroneous information or by resorting to manoeuvres designed to deceive them;
- refrain from organising colloquia, demonstrations or meetings, in which the methods of speaking by public officials mentioned in the Law on Transparency in Public Life is linked to the payment of a remuneration in any form whatsoever;
- refrain from using, for commercial or advertising purposes, the information obtained from a public official mentioned in the Law on Transparency in Public Life;
- refrain from selling to third parties copies of documents from the government, an independent administrative or public authority, or from using the letterhead and the logo of these public authorities and administrative bodies; and
- strive to comply with all the rules provided by the Law on Transparency in Public Life in their relations with the direct entourage of public officials.

According to the Law on Transparency in Public Life, guidelines related to the conduct of representatives of interests may be further detailed within a code of deontology issued following a Decree of the Council of State. At the time of writing, no code of deontology has been set.

In addition, pursuant to the Law on Transparency in Public Life, on 31 May 2017, the Senate adopted a new code of conduct applicable to the relations between the representatives of interests and senators. The National Assembly's 2016 Code of Conduct applies to the relations between representatives of interests and a member of the National Assembly.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

The French media is diversified, primarily because of the end of the state monopoly in 1982. Most media outlets are owned by private economic interests.

The independence and the pluralism of the media are principles of French law. However, the law strictly regulates the advertising and communication developed in the media around products from specific industries, including tobacco, alcohol and medicine.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

In France, political parties are funded by private and public resources.

Private resources include subscriptions of political parties' members and private donations. These donations can only be made by individuals and are capped at €7,500 per individual (€15,000 per tax household) per year.

Public resources are subject to certain conditions, in particular to a certain amount based on the votes expressed for each political party whose candidates reach at least 1 per cent of expressed votes in a legislative election, as well as to a certain amount based on the number of parliamentarians from the relevant political party sitting in the National Assembly and the Senate (around €40,000 per elected representative).

Elected representatives' revenues (which include benefits in kind) are capped, no matter how many mandates they hold. In practice, elected representatives usually grant between 10 per cent and 30 per cent of their revenue to their political party.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

In France, members of the National Assembly and senators, ministers and elected representatives must solemnly, exhaustively and sincerely declare their financial situation, as well as the financial situation of their spouse and all assets held in joint tenancy.

They must also disclose their interests, which may arise in relation to their own or to their spouse's professional activity, to the shares they hold in any company, to the board of a company or to any volunteer activities likely to cause a conflict of interest.

This declaration is reviewed and published by the HATVP.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Political contributions to parties and political officials are regulated and limited (see question 17).

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

In France, funding comes from individuals' donations, political parties' donations and personal loans. Individuals' donations are capped at €4,600 per individual and per election. Political parties' donations are capped at €7,500 per year and per political party. Only personal loans are not capped.

For all elections, each candidate has to name a financial agent, who will hold an account register that lists every source of funding. This account register is then certified by a chartered accountant and verified by the French National Commission for Campaign Accounts and Political Financing.

See question 17.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

French law forbids any lobbyist participation in fundraising and electioneering.

According to the Electoral Code, legal entities, except political parties or groups, may not contribute to the financing of a political campaign by providing grants in any form or by providing goods, services or other direct or indirect benefits at prices lower than those usually applied.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

In France, individuals or groups not directly related to or controlled by a candidate or political party may operate a parallel media advertising

or grass-roots campaign to support (or oppose) a candidate, either by speaking online, writing a book or talking on a radio show. They can be political analysts, researchers, authors or journalists.

The main limitation results from the French Superior Council of Audiovisual, which regulates the amount of broadcast time that is provided to each candidate, and the speaking time of candidates and parties during the election period.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

According to the National Assembly's Code of Conduct, gifts that may cause a conflict of interest and whose value exceeds €150 received by members of the National Assembly must be disclosed to the Compliance Officer of the National Assembly, who may decide to put them in escrow.

According to the Senate's Code of Conduct, gifts, donations, benefits in kind and externally funded invitations whose value exceeds €150 received by senators must be disclosed either to the delegation in charge of the conditions governing the exercise of the mandate of the senator or to the delegation in charge of international activities.

All gifts received by the President during his or her term of office are kept in Paris, in a facility called Alma Storage. At the end of his or her five-year term, the pieces of art are disseminated in French museums. Each gift is registered with the name of the donor, the place where it was given and the circumstance of the gift.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

French anti-bribery regulations have been significantly strengthened by Sapin II, which provides for the expansion of French jurisdiction over acts of corruption committed abroad, the creation of an anti-corruption agency, whose role is to monitor the implementation of anti-corruption compliance programmes (now mandatory for certain companies), and the extension of whistle-blower protection.

Regarding the activity of representatives of interests, Sapin II has amended the Law on Transparency in Public Life by introducing guidelines that any representative of interests must commit to following during the course of its activity. These guidelines stipulate that a lobbyist shall refrain from proposing or giving to public officials any presents, gifts or benefits of any significant value and refrain from paying any remuneration to employees of the President, members of ministers' offices and employees of a member of the National Assembly, deputy, senator or parliamentary group.

In France, government contracts are strictly regulated. A transparent, fair, equitable and non-discriminatory process must be followed to select a government contractor. Depending on the purpose and estimated value of the contract, public procurement is subject to a specific process and advertising, in order to avoid bribery and comply with competition rules.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

The Law on Transparency of Public Life forbids any former government member to join private companies he or she worked with during his or her term of office. The HATVP ethically controls any departure to the private sector.

Working in the private sector after having served as a public agent for years is strictly regulated in France and controlled by the Ethics Commission of Public Service, which must first give its opinion on the compatibility of such career change.

Former public agents may not carry out a private activity, if the activity jeopardises the dignity of their previous functions, if it may call into question the regularity, independence and impartiality of the public service, if it does not comply with the ethical principles of public service, and if it can lead to illegal acquisition of interest.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

According to the Electoral Code, legislative representatives are barred from lobbying during their term of office.

There is no specific prohibition for senators, but they are barred from any consulting activity and from running certain companies (including those linked to the state) during their term of office.

See questions 6 and 15.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

To our knowledge, there have been no recent, relevant high-profile decisions.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

As of 1 January 2018, any violation of the reporting obligation may be sanctioned by a fine of up to €15,000 and one year of imprisonment.

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of German law is the constitution, the Basic Law for the Federal Republic of Germany (the Basic Law), which does not contain explicit regulations on lobbying. However, it contains a charter of fundamental rights, such as the freedom of expression, freedom of occupation, freedom of assembly and the right of petition, which protect, inter alia, relevant aspects of a lobbyist's professional activity, and that bind the legislature when creating new regulations, including those on lobbying and government relations. Furthermore, the Basic Law is the origin of the principle of proportionality, which applies to every legislative measure, stipulating that the measure must: have a legitimate objective; be suitable; be the only means necessary to achieve the intended legislative change (ie, that there is no less onerous alternative); and be reasonable, considering the competing interests of stakeholders.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Germany is a parliamentary, representative republic structured by the principle of federalism, which means that powers are shared between one central (or federal) government and a number of regional governments at two levels: the 16 federal states (the states); and the municipalities.

The members of the central parliament (the parliament) are directly elected by the German people in free, equal and secret elections for a period of four years. The same applies to the parliaments of the states (the state parliaments). The parliament is one of two legislative bodies, the other being the federal council. The members of the federal council are not elected, but are delegated by the state governments, also for a period of four years. The head of state is the President. He or she is elected by the federal convention, an institution consisting of members of the parliament and an equivalent number of state delegates. The President is invested primarily in representative responsibilities and powers. The second-highest German official is the President of the parliament, who is elected by the parliament and is responsible for overseeing the daily parliamentary sessions. The third-highest official and head of government is the Chancellor who is appointed by the President after being elected by the parliament. The competence to adopt regulations on lobbying is entirely with the parliament, as it has not delegated this authority to any other institution thus far.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

In line with the concept of federalism, the federal government, the states and the municipalities have different tasks and responsibilities ruled by a complex system of checks and balances. The allocation of competence between the federal government and the states falls into three categories.

- Exclusive legislative competence of the federal government applies to defence, foreign affairs, immigration, transport, communication and currency matters.
- The federal and the state governments share concurrent powers, meaning that states are free to legislate where the federal government has not done so, in areas such as civil law, refugee and expellee matters, public welfare, land management, consumer protection, public health, and the collection of vital statistics.
- In the areas of mass media, nature conservation, regional planning and public service regulations, the federal government provides a legislative framework, wherein the states are free to issue more specific and detailed regulations taking into account their specific situation and requirements, in order to balance the aim of appropriate state autonomy with the need for equivalent nationwide standards.

Municipalities have the constitutional right to regulate all local affairs, unless federal or state law provides otherwise. The guarantee of self-government implies significant financial autonomy, including the right of municipalities to levy specific taxes and to determine the corresponding tax rates, for example on land transfer or local businesses. Furthermore, municipalities have stringent planning autonomy, with regard to, for example, what kind of buildings and physical structures are permissible in specific local areas or to prohibit specific types of use in these areas for the sake of, among other things, nature or environment protection.

When purchasing goods or services, all public authorities, irrespective of whether it is at the federal, state or municipal level, act as public contractors and have to observe public procurement law. Consequently, contracts exceeding specific thresholds must not be awarded directly but have to be put out to tender in order to establish fair, transparent and non-discriminatory competition.

Lobbying activities may take place at each of the three administrative levels. Although most major decisions are made at the federal level, state and municipal authorities are also endowed with significant decision-making power, making them potential targets of influence groups.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

German law does not provide for Green or White Papers. However, the federal ministries' rules of procedure provide for the states, the leading municipal associations and the national associations to be heard on every draft bill affecting their interests. These institutions usually take the opportunity to address comprehensive statements to the parliament and to delegate experts to the hearings, trying to influence the legislative process in their favour.

Furthermore, there is some potential for informal influence on members of the parliament. German law does not prohibit lobbyists from approaching parliament members, nor does it require documentation of such contact. Accordingly, it is common practice for lobbyists

to communicate with parliament members in order to define their position on a specific draft bill.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judiciary as a whole, and every judge individually, are independent. Historically, this principle, firmly anchored in the Basic Law, has existed longer than German democracy itself. Almost every governmental action can be subjected to judicial review, giving the judiciary significant controlling power and an important role within the state. Judges are not elected by the people but chosen on their merits and appointed by the competent executive authority. An exception applies to judges of the Constitutional Court who are elected by the parliament and the federal council. There is no campaigning for candidates.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

There is very little regulation of lobbying in German law. The few existing provisions on lobbying have been set forth by the parliament and, as a means of voluntary self-regulation, by several lobby associations. However, the codes of conduct set forth by the latter contain only general principles rather than detailed rules. The sole power to set forth binding regulations on lobbying remains with the parliament, which, so far and subject to a few exceptions, has refrained from doing so.

However, German criminal law sets additional limits to the scope of lobbying, considering active and passive bribery a criminal offence (see question 24).

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

German law does not provide any definition of the term lobbying. However, in political and legal context, lobbying is usually described as the planned representation of interests of an association, organisation or enterprise by making and keeping contact with representatives of political or administrative institutions, such as the parliament, government and ministries, in order to gain or exercise influence on decisions made by these institutions.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

There is no compulsory lobby register. In 1972, the legislature introduced a voluntary registration of lobby associations and their representatives, however this register covers neither self-employed lobbyists nor entities governed by public law. Being registered is a necessary condition – but not a guarantee – for a lobbyist to be admitted to the premises and to sessions of the parliament. A maximum of two access passes are provided to each lobbying association, which are issued to representatives and are non-transferable (ie, only the specified representatives may use them).

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

There is no obligation to register communication. As to the disclosure of communication, a distinction must be made between legislative and executive officials.

Members of the parliament are not obliged to disclose their communications with lobbyists, and there is no such obligation for lobbyists.

Executive officials, as far as they are members of the government, can be subjected to enquiries based on the parliamentary right to question, usually initiated by opposition members or groups of parliament. The outcome of such enquiries varies greatly depending on the circumstances of a specific case, but it is a potentially suitable instrument for gaining a variety of information, including on lobbying.

Furthermore, all executive officials are subject to the obligation to disclose information under the Freedom of Information Act or corresponding state regulations, granting every citizen and organisation the right to request specific information from administrations at all three levels. Depending on the individual case, such a request can result in substantial information on lobbying, unless certain exceptions apply. Where authorities refuse to provide information, requestors can take legal action before the competent administrative court – an option that is proving to be increasingly successful. However, the requested information will not be disclosed to the public but only to the requestor, leaving it to his or her sole discretion whether to publish it.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Disclosure obligations apply to executive authorities, such as ministries. There is no such obligation for individuals or private associations.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

There is no obligation to register any information related to lobbying. An individual or an association may request such information based on the Freedom of Information Act, but owing to several exemptions, the prospects of success are usually quite poor. Enquiries to the government are likely to be more successful, however, owing to the parliamentary right to question. Depending on the individual case, a line of enquiry may lead to substantial information on lobbying activities.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

There is no obligation to submit reports on lobbying activities. The voluntary record of lobby associations kept by the President of the parliament used to be published annually in the Federal Gazette. Since 2012, the register is kept and published solely online where it is updated on a more frequent basis. The data registered includes an association's name and office location, telephone and fax number, email and internet address, members of the executive board and management, fields of interest, number of members and affiliated organisations, names of representatives, and address of branch offices at the parliament or Federal Council.

13 Financing of the registration regime

How is the registration system funded?

There is no binding lobbying register in Germany, but only a voluntary register kept by the President of the parliament. It is solely publicly funded, and there are no registration fees collected from the associations.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The voluntary register kept by the President of the parliament (the Public List of Associations registered with the parliament) is published on the internet in searchable PDF format, but without advanced database research features.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

There is no binding code of conduct that applies to lobbyists and their professional activity. Some associations, such as the German Society

for Policy Consulting, have established codes of conduct, committing their members to certain values such as truthfulness, discretion, non-discrimination and respect. However, all of these codes provide for general principles rather than detailed rules, none of which are legally binding.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

The Interstate Broadcasting Treaty bans political, ideological and religious advertising in German broadcast media. Therefore, lobbyists cannot directly use the media for influencing political decisions. The Treaty provides for two exceptions:

- Upon request, the Protestant Church, the Catholic Church and the Jewish communities have to be granted adequate broadcasting time for religious programmes.
- Political parties have to be granted adequate broadcasting time when campaigning for their election to the parliament.

In either case, broadcasters can request to be reimbursed at cost. Political, ideological and religious advertising in print media is generally permitted, but the media is not obliged to publish such content. According to German press law, advertisements must be clearly recognisable as such or have to be explicitly labelled 'advertisement'. As a consequence, all political advertisements in print and broadcast media are clearly designated as advertisements in order to avoid ambiguity between the party's electoral message and journalistic content.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Political parties in Germany have four main sources of funding:

- membership fees;
- donations from individuals or corporate entities;
- contributions from the party's office holders (who can be bound by the party's statutes to pass on parts of their remuneration to the party); and
- grants from public funds.

In 2009 (an election year), the total revenue of all parties represented in the parliament (CDU/CSU, Bündnis 90/Die Grünen, FDP and Die Linke) amounted to €394 million, of which 32.5 per cent was public funds, 30.7 per cent membership fees, 22.8 per cent donations, and 14 per cent contributions from office holders. Political parties are also entitled to carry out business activities; however, this source of revenue is of minor significance.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

Political parties, as well as members of the parliament, must, to a certain extent, disclose contributions received, which applies to money and cash-value benefits (see question 19). This is the only obligation that exists with regard to registering or declaring interests.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

There are no limits on political contributions or other disbursements to parties. However, for the sake of transparency, which is a key principle of German legislation on party funding, parties are subject to certain disclosure obligations. Contributions of more than €50,000 have to be reported immediately to the President of the parliament who subsequently publishes the amount and donor's identity on the internet. A contribution of €10,000 to €50,000 has to be published only in the party's annual report. Contributions below €10,000 do not have to be published. Political parties are not permitted to accept donations from specific entities, such as corporate bodies regulated by public law, party-related foundations or parliamentary groups, or donations that are granted as an anticipation of or compensation for economic or political favours or advantages. Donations from abroad are, in principle, permitted, however, exceptions apply, inter alia, to donations from the assets of German citizens living outside Germany or an EU citizen. The same exceptions apply to companies that are majority owned by German or EU citizens and to companies that have their main office in the European Union. A member of the parliament is, in principle, allowed to accept contributions, but only for his or her personal use and not on behalf of his or her party. Contributions exceeding €5,000 per annum have to be reported by the member to the President of the parliament, who, if the amount exceeds €10,000 per annum, will additionally publish the amount and the donator's identity. Members of the parliament are free to engage in external activities without limitation, but any income above €1,000 per month or €10,000 per annum has to be disclosed to the public, together with the identity of the principal or employer, whereas the amount does not have to be explicitly quantified but grouped in one out of 10 categories between €1,000 to €3,500 and more than €250,000.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Only political parties are entitled to public funding of their campaigns in Germany. All political campaigns run by other organisations or individuals are subject to private funding, which is neither regulated nor limited. There are also no reporting requirements and, therefore, no searchable database on this information.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

The registration as a lobby association is voluntary and does not entail any specific restrictions or disclosure requirements with respect to candidate fundraising.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

There is no specific regulation on political campaigning, independent of a candidate or a party. Such campaigning, as well as grass-roots campaigning, is, in principle, admitted.

In fact, there have been some examples of wealthy individuals organising and financing such campaigns. In 1998, the German entrepreneur Carsten Maschmeyer supported Gerhard Schröder's candidacy for chancellor with an advertising campaign in Lower Saxony. German law does not restrict such campaigns or provide for an obligation to coordinate them with the corresponding party's campaign. However, it is unclear whether such campaigning has to be qualified as a contribution to the party (by means of a cash-value benefit), which would entail the obligation to disclose it. Even if this is the case, such campaigning is, in principle, permitted and not subject to specific regulations.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

The regulations on the acceptance of gifts, travel and hospitality by executive officials are quite strict. Based on criminal law and other considerations, executive authorities have issued decrees prohibiting their employees, to a wide extent, from accepting such benefits. Exceptions apply only to low-value gifts like plastic ballpoint pens or socially

acceptable hospitality, such as providing a meal after a factory tour or during a conference.

The rules for parliament members regarding the acceptance of such contributions are less restrictive. They are, in principle, allowed to accept free entry to conferences and other events they have been invited to in the exercise of their function, including catering and the refund of travelling and accommodation expenses. These contributions may be subject to disclosure obligations, as they are to be treated as donations for personal use (see question 19). Members of the parliament are not permitted, under any circumstances, to accept contributions made in anticipation of or in return for a certain act that is part of their function.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Under the German Criminal Code it is deemed an offence to give or accept bribes or facilitation payments. Whereas some elements of criminal offences refer only to public officials, it is also deemed a criminal offence to give or accept bribes in trade where no office holders are involved. Executive managers can be held responsible for offences committed by representatives of their company they actively support or fail to stop acting. As of 2014, members of parliaments at all administrative levels are subjected to the criminal provisions of active and passive bribery in every aspect of their parliamentary mandate (see Update and trends). Active and passive bribery relating to medical professionals is considered a crime. Offenders convicted of bribery face long-term imprisonment, a criminal fine and the confiscation of benefits obtained from the offence.

Whereas the Criminal Code applies to individuals only, legal entities can be held responsible for corruption offences committed on their behalf under the Administrative Offences Act. Where a company owner or the management omit supervisory measures required to prevent criminal offences, maximum fines of €10 million for each intentional offence and €5 million for each negligent offence apply. However, the overall penalty can exceed these amounts without limitation as authorities are authorised to confiscate all benefits obtained from an offence. It is the public prosecutors' competence (and duty) to investigate any potential offence that is reported to them by an authority, a company or an individual, enjoying comprehensive investigation rights, such as interrogations, arrests and house searches. If a public prosecutor comes to the conclusion that a suspect is reasonably likely to be convicted, he or she will commence a trial before the competent criminal court.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

While the transition of public officials into the private sector (including lobbying) is not regulated in Germany, regulations exist regarding private--sector professionals being seconded to public bodies. Pursuant to the General Administrative Regulation, such secondments are permitted, but they are subject to some restrictions. Private-sector professionals are not permitted to be seconded to specific areas of the public sector or to accept positions that give them ultimate decision-making power or significant responsibility for, among others, drafting legislation or awarding public contracts. There is no obligation to disclose a secondment to the public, but the competent parliament committees can request to be informed on the secondment and its details. The General Administrative Regulation does not apply to fixed-term employment contracts, which some non-government organisations consider a loophole.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

It is not possible to be barred from lobbying or engaging lobbying services. However, a lobbyist can have their access to the parliament revoked in cases of misconduct, such as repeated violation of the house rules.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Until 2016, it was not mandatory for lobbyists to register with the record of lobby associations (see questions 8 and 12) in order to be granted access to the premises of the parliament (although it was considered helpful if they did so). In 2014, a citizen sued the parliament on the grounds of the Freedom of Information Act in order to obtain information on how many access cards had been issued and to which associations (including those not registered). The parliament had refused to supply this information because it considered the details to be confidential and wished to protect the independent exercise of its members' mandates. However, the Berlin Administrative Court ruled in 2015 that the information requested was of a purely administrative nature and therefore ordered that it be disclosed to the plaintiff.

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This decision is considered to be one of the main reasons the parliament changed its policy in February 2016, making the (still voluntary) registration with the record of lobby associations a mandatory prerequisite for being admitted to the premises of the parliament. This change helped increase transparency insofar as the record now provides a complete and fully public list of all lobbyists frequenting the parliament.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

As there are no obligations of lobbyists to register or report, no remedies or sanctions are provided for by law. However, associations that have failed to register with the list of lobbying associations will not be granted access to the parliament.

Greece

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law is the Constitution and the generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute. Lobbying is not regulated in Greece and, as such, no specific limitations or legislation exists for the activities of lobbyists.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Greece is a presidential parliamentary democracy. The head of state is the president, who is elected and has no effective powers. These are held by the government, which is elected by the people and is the central organ of the executive branch. Every four years the citizens elect their representative body, Parliament, which has the decisive authority to produce the rule of law and control the government. Despite the functional separation of powers, the competence of establishing rules of law is often transferred to parts of the executive branch in order to ensure the smooth and impartial action of each power. Substantive laws (ie, rules of law with general and abstract content) are regulatory administrative acts and facilitate the authorisation of formal laws.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Power is divided among decentralised administrations, peripheries and municipalities. These are considered self-governing bodies and have recognised rights and obligations, as well as administrative and financial autonomy and the right to exercise public authority over certain issues under the administrative supervision of the state. As independent bodies with legal personality, they have the jurisdiction to issue local regulatory decisions through their councils within the framework of the existing legislation. These decisions can relate to the natural, architectural or cultural environment and transportation. In order to develop direct democracy at a local level, citizen information centres were created alongside the Charter on Citizens' Rights and the Citizen's Guide. However, these bodies do not have the power to adopt independent rules of law except in the context of legislative authorisation to regulate matters of a specific nature.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

In recent years, the processes of citizen participation at national and subnational level have been strengthened in Greece with the introduction of public consultations on draft laws prior to their submission to Parliament for voting. At this early stage, the ministry or the interested public sector body sends the text of the draft law to the Documentation and Innovation Unit of the National Centre for Public Administration and Local Governance (NCPASG), together with an invitation by the relevant minister or the person in charge of the relevant body to involve citizens in the public consultation. In addition, the start and end date of the process is included, as well as the names of the staff responsible for the coordination of the communication and the comments section and any accompanying documents. These documents may be the explanatory report, other relevant legislation, the views and opinions of the social partners (ie, groups that represent the interests of the workers and employers, or other groups), etc. The NCPASG, in cooperation with partners of the respective ministry, prepares the website and the material of the consultation and ensures that the content is fully approved by the prime minister's office. Once approved, the consultation is published and open to citizens and organisations to submit comments, and post their suggestions and criticisms for each article. The relevant staff of each ministry read and approve the incoming comments (moderation). In order for the consultation to be successful, it is important that the relevant staff of each ministry, in cooperation with the NCPASG's Innovation Unit, actively participate in the process by responding to any comments and by publishing views and material with the aim of receiving constructive feedback. When the time limit for the consultation expires, the ministry processes the citizens' comments by drafting a report on the public consultation according to article 85, paragraph 3 of Parliament's Rules of Procedure. When the adopted law and the report on the results of the consultation are published, the consultation is considered complete.

Another opportunity to influence legislation is when the president calls for a decisive or legislative referendum concerning crucial national and social issues.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

In Greece there is a distinction of powers: executive, legislative and judicial, and they are considered equal to one another. Judicial authority consists of judges that are appointed by Presidential Decree, according to the relevant law defining the qualifications and the procedure for their selection, and have life tenure. The nominees must compete to qualify as a candidate to enter the Judicial School, after which they become regular judges. Throughout their term of office, they enjoy functional and personal independence in order to exercise their power without obstacles by applying the rules of law.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying in Greece is not regulated. However, there are business associations, various groups with private or business interests, public affairs divisions of advertising companies, public affairs companies and private individuals who effectively practise lobbying by representing their clients before public authorities at all levels of the administration, and promoting their clients' legitimate interests. This kind of activity is not regulated.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

No.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

No.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Not applicable.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Not applicable.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Not applicable.

13 Financing of the registration regime

How is the registration system funded?

Not applicable.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Not applicable.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

No.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

No.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

The funding of political parties and politicians is governed by Law No. 4,304/2014. The possible ways of financing a political party or a politician provided by law are state funding, financing by individuals through bank account deposits, bank loans, donations and party membership dues. This Law introduced the right of private entities to fund the country's political landscape, while a more recent statute abolishes funding through the purchase of coupons to support the political party.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

The Members' Code of Conduct obliges the members of Parliament to inform the president of the Parliament when taking up their duties or at any time during their term of office, about any change of their property status. The possible change should concern their own economic activity or the economic activity of their spouses and their relatives up to the first degree, and this change should be appropriate to cause a conflict of interest in the performance of their duties. An additional obligation to provide information and special justification exists in cases of accepting gifts and benefits of any kind worth more than €200.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Law No. 4,304/2014 regulates the contributions to political parties and political officials in general. All proceeds are traded through one to three bank accounts for political parties and through one account for political officials. These accounts are held in credit institutions in Greece, and all funds received must indicate the source in order to achieve transparency. When it comes to parties' funding by individuals, it is stipulated that the donated sum must not exceed €20,000 from the same person per year, and this amount should not exceed €5,000 per year when it comes to funding candidates. Political financing is further restricted by the law, which indicates categories of persons who are prohibited from financing the country's political factors. These categories are:

- natural persons who do not have Greek citizenship and legal entities that do not have their headquarters in Greece;
- legal entities governed by public law and legal entities that belong to the narrow or wider public sector;
- local authorities of every level; and
- natural persons who are owners or publishers of daily or periodical publications of national or local circulation, or who are owners of radio or television stations.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

The funding of political parties and politicians includes both funding to meet the party's operational needs and support for the campaigns. As mentioned in question 19, the funding comes from the state, private individuals, private entities, bank loans, etc. Any type of financing, whether through a bank account or by buying a party coupon, must indicate the name of the financier. The Audit Committee was established to check the financial statements of the parties and the candidates. This is a special body in accordance with article 29(2) of the Constitution. The Committee is also responsible for checking compliance with the obligations laid down in Law No. 4,304/2014.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Not applicable.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Parallel political campaigning independent of a candidate or party is not regulated. Individuals or groups not directly related to or controlled by the candidate or political party may operate a parallel media advertising or grass-roots campaign to support or oppose a candidate. There are no limitations on the coordination of this activity by the candidate's own political staff or party. The coordination of messaging via unpaid social media is not subject to different or less regulation.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

According to the Code of Ethics for Members of Parliament, the acceptance of any gifts and any benefits whose nature or monetary value compromises the exercise of their parliamentary duties is prohibited. A value of more than €200 is considered to raise issues of impartiality. Gifts worth up to €200 that are given as part of official visiting or hosting duties during a parliamentary activity are registered in a special list maintained by the secretariat of the Standing Committee on Parliamentary Ethics. In addition, any other gifts and benefits that have a monetary value of more than €200 must also be registered, providing that the member of Parliament can justify his or her acceptance of them.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Protection against bribery and corruption in Greece is mainly regulated by the Penal Code in articles 234–237, 237A, 237B and 239. Moreover, Greece has ratified the OECD Anti-Bribery Convention; the Convention on the fight against corruption involving officials of the European Communities or officials of member states of the European Union; the Convention on the protection of the European Communities' financial interests; the Criminal Law Convention on Corruption and Additional Protocol; and the United Nations Convention against Corruption. Law No. 4,412/2016 provides the terms and conditions for participation in a public tender and excludes from the procurement process candidates who have been the subject of a conviction by final judgment for corruption. Specific anti-bribery laws to restrict payments or otherwise control the activities of lobbyists do not exist, and these activities would fall within the general legislative framework on anti-bribery.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

No.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

No.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

There have been no such decisions.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Not applicable.

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Italy

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law in Italy is the 1947 Constitution. The section on rights and duties of citizens contains provisions equivalent to a bill of rights in common law jurisdictions, setting out basic principles on citizens' rights to freely assemble, freedom of association and free speech. The right to petition Parliament is enshrined in the section on political rights and duties (article 50), according to which any private citizen can petition Parliament to ask for legislation or for common necessities; this right of popular legislative proposal is subject to conditions as set out in enacting laws. By contrast, the Constitution does not provide for a right to petition the government.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Italy is a parliamentary republic whose legislative branch is composed of two chambers, the Chamber of Deputies and the Senate of the Republic. Both branches are elected by direct and universal suffrage every five years. A legislative proposal needs the approval of both chambers to become law.

While the 630 seats in the Chamber of Deputies are distributed in proportion to the population of electoral districts, the 315 Senate seats are allocated based on the population of the country's 20 regions. Importantly, the Senate also comprises a few unelected seats (senators for life) for former Presidents and outstanding individuals.

Legislative proposals can be introduced by a Member of Parliament (MP), by the government, by citizens (50,000 voters' signatures are required) or by other entities as established by constitutional laws. Bills may also be presented by regional councils (article 121 of the Constitution), or by municipalities on some administrative aspects.

The executive branch may also have delegated authority to approve legislation (legislative decrees) upon explicit and formal delegation by Parliament through a specific enabling act. Delegation of legislative power to the government is only possible in some fields not covered by formal 'reserve of law' for Parliament and within boundaries and deadlines identified by the enabling act. Delegation is often used to meet the needs of technical expertise and this procedure is well suited for particularly extensive pieces of legislation. A second type of delegated legislation is represented by legislative acts of a temporary nature that can only be enacted by the government in cases of urgency and necessity as laid down by the Constitution (articles 71–72).

These decrees must be converted into law by Parliament within 60 days of publication in the Official Journal.

Implementing decrees are another form of binding provisions adopted by the executive branch, within the limits set in legislation.

In addition, independent regulators can issue regulations of a general nature and engage in stakeholder consultation, however, in practice, only regulated entities routinely participate in this rule-making process.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

The Constitution provides that the regions have legislative powers in matters of concurring competence, including:

- international and EU relations of the regions;
- foreign trade;
- job protection;
- education;
- research and innovation;
- health protection;
- nutrition and sports;
- land-use planning;
- civil ports and airports;
- large transport and navigation networks;
- energy transport and distribution; and
- savings banks, rural banks and regional credit institutions (article 117 of the Constitution).

The Constitution also provides that the coordination of public finance and of the taxation system is a shared competence between the state and the regions. Finally, for all subject matters not expressly covered by state legislation, legislative powers are vested in the regions. As far as implementing rules are concerned, regions have the power to adopt such provisions for matters for which they enjoy shared legislative competence, within the boundaries of the fundamental principles laid down in state legislation.

As regards matters of exclusive competence at the state level, the Constitution lists the following:

- foreign policy and international relations; relations with the European Union; and right of asylum and legal status of nationals of non-member states of the European Union;
- immigration;
- relations between the state and religious groups;
- currency;
- competition;
- taxation; and
- budget (article 170).

Provinces, metropolitan cities and municipalities can only adopt measures whose scope is limited to their territorial borders and that are bound in their content by national and regional legislation. Consequently, these rules usually have very limited significance for lobbying activities.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

There are no binding provisions that impose a duty on Parliament to hold a formal consultation process prior to enacting legislation.

In practice, though, the analysis of proposed legislation is conducted through small committees of MPs. These committees are open to contact with interest groups. In particular, they often organise informal hearings. In addition, individual MPs within a committee can meet with interest representatives, for matters related to the work of the committee. The larger committees similarly arrange hearings with stakeholders and civil society interests to gather information on proposed legislative acts.

As regards the government, in 2011 Italy signed up to the Open Government Partnership (OGP), a multilateral initiative that aims to promote transparency, accountability and participation in public administration practices. Within the third national OGP Action Plan, Italy committed to adopting a series of guidelines on public consultations that were drafted with an inclusive process (in consultation with civil society) and adopted in March 2017. These guidelines, prepared by the Department of Public Administration, contain general principles aimed at helping the administration inform its consultation procedures and apply open government best practices.

The government also launched an online platform (www.partecipa.gov.it), which collects both open and closed public consultations on national policies. Moreover, some government departments such as the Ministry of Economy and Finance host dedicated sections on their websites.

Finally, there are also regional initiatives like Lazio's 2015 consultation on its digital agenda.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judiciary branch is independent from the executive branch and coequal in Italy. Judges are public officials and are selected through a national examination comprising written and oral tests, after which they are appointed for life. The exception is the fixed-term appointment (nine years) of Constitutional Court justices, who are nominated by different bodies pursuant to article 135 of the Constitution: one-third is appointed by Parliament; one-third is chosen by the President; and one-third is elected by selected higher courts. This mixed appointment procedure makes the composition of Italy's highest court impossible to control politically for any single body, and thus serves as the strongest guarantee for its independence.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Italy does not have any lobbying legislation at the national level. However, numerous proposals have been presented over the years by lawmakers. In 2007, the government sponsored one legislative proposal under Prime Minister Romano Prodi.

In 2016, the Chamber of Deputies adopted an addendum to its Rules of Procedure, by virtue of which it introduced a Regulation on interest representation (the Regulation). The Regulation disciplines lobbying conducted by interest representatives within the premises of this chamber only. The Regulation expired in late 2017, when the term of the then sitting Parliament expired. Following elections in March 2018, a new parliamentary term started. Even though the Regulation has not been readopted, the provisions therein are being complied with, in particular as regards registration and disclosure.

At the subnational level, the following six regions have adopted legislation on lobbying: Tuscany (2002); Molise (2004); Abruzzo (2010); Calabria (2016); Lombardia (2016); and Puglia (2017). Legislative proposals for Lazio and Sicily are under discussion.

These regional laws have a broadly similar structure, with varying degrees of comprehensiveness and slightly different scope. All but one comprise a definition of lobbying activities, establish a public register of interest representatives maintained by regional authorities, and set out requirements for registration and sanctions for violations. However, in practice, only Tuscany has implemented this legislation and created the above-mentioned public register, while none of the others have yet taken any significant steps towards implementation.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

The Regulation defines interest representation as 'every professional activity conducted on the premises of the Chamber of Deputies through proposals, requests, suggestions, studies, research, analysis or any other initiative or communication in oral and written form, aiming at pursuing a person's own legitimate interests or of third persons in relation to members of the Chamber of Deputies' (article 2). This definition explicitly excludes 'interventions made and material provided during hearings of parliamentary committees'.

As regards the regional laws, interest representation is generally defined as any activity aimed at pursuing legitimate interests (of an economic or non-economic nature) with decision makers in order to influence ongoing policymaking or to advocate for new policies.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

As regards the Chamber of Deputies, registration is mandatory in order to engage in lobbying activities on the Chamber's premises. Lobbyists must supply their personal data as well as their organisation's data, a description of the nature of the lobbying activity they foresee to engage in and details of the persons they intend to contact. Registered individuals obtain access to the Chamber through a special 'lobbyist badge'. In practice, however, it is still possible to have access to lawmakers in the Chamber of Deputies through a visitor's badge provided by MPs themselves.

Some government departments maintain meeting registers. In 2016, the Department of Economic Development had adopted an internal plan to regulate interest representation in the framework of the third OGP Action Plan. The department policy included a register of lobbyists, which explicitly mentions lobbyists' rights, a code of conduct and the possibility for citizens to signal incongruences and errors through a dedicated section of the web portal. In September 2018, the policy became law when Minister Di Maio signed a Directive providing for a register of lobbyists (http://registrotrasparenza.mise.gov.it/).

As regards the regional level, the applicable legislation foresees registration of lobbyists on a public register, with accompanying rights and duties. In practice, however, the only register that exists to date is the register maintained by the regional council of Tuscany.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Under the reporting requirements of the lobbying register of the Chamber of Deputies, registered entities must include information on the contact between registered lobbyists and MPs; further details on the nature of the contact or exceptions are not included.

Communications with officials of both the legislative and executive branch are not covered by any rule at the national level, whereas the most recent regional law from Puglia is advanced in this regard as it foresees a public agenda of meetings between registered lobbyists and decision makers, including heads of strategic regional (public) firms and of regional health service bodies.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

The lobbying register of the Chamber of Deputies distinguishes between entities and persons lobbying on behalf of themselves, and those lobbying for third parties (article 3 of the Regulation). In the latter case, the entity or subject intending to register must indicate on whose behalf he or she is exercising the lobbying activity and on what legal grounds, with a specification of the expiration of the mandate if relevant. However, a lobbyist may legitimately be bound by a non-disclosure agreement, in which case he or she will be exempted from disclosing the identity of the client at the stage of registration.

There are no specific provisions for non-profit entities in the register, but interest representatives of the 'most representative economic and social organisations at regional level' are automatically accredited according to some of the existing regional laws (eg, Lombardy).

Neither the Regulation nor any of the regional laws foresee thresholds for lobbyists' registration, including the amount of time or budget spent, number of contacts or fees earned; similarly, there are no specific provisions for lawyers when representing a client.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

The Regulation governing the register of the Chamber of Deputies mandates registration for entities and persons lobbying on their own behalf, and those lobbying on behalf of third parties.

Interest representatives must provide the following information prior to signing up:

(i) in the case of a natural person, his or her personal data;
(ii) in the case of a legal person, details of lobbying firms and entities (name and registered office) and personal data of lobbyists employed, including information on their contract;
(iii) a description of lobbying activities they intend to perform; and
(iv) an indication of the decision makers they plan to contact within the framework of such activities.

These registration requirements apply to both in-house lobbyists (category (i) above) and interest representatives lobbying on behalf of third parties such as lobbying firms and law firms (category (ii) above). In the case of representatives lobbying on behalf of third parties, registrants must additionally specify the name of their clients and the legal title on which basis the lobbying activity is performed (ie, the lobbying contract), unless bound by a non-disclosure agreement.

The registration can be carried out by a legal person or by a physical person. In the latter case, the individual lobbyist takes responsibility for the declarations submitted; in the former case, the responsibility falls on the authorised representative.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Lobbyists registered in the Chamber's registry must submit a yearly report providing information on: the nature of the communications held with lawmakers; pursued objectives; the members of the chamber with whom they met; and details on the collaborators and employees performing such activity.

If the lobbying activities carried out at the end of the period differ from the planned activities (as stated at the time of registration), these differences must also be described (eg, by specifying the names of the MPs that were contacted, in addition to those with whom contact was planned at registration).

The Office of the President of the Chamber of Deputies can contact registered entities and individuals and ask them to provide further details (eg, on the amount of budget spent (currently not subject to disclosure rules in the Regulation)).

Three of the six regional laws (Calabria, Lombardia and Puglia) include a general reporting obligation on lobbying activities conducted by registered entities. The Calabrian law provides more specific obligations on the content of the yearly report (eg, information on decision makers contacted, staff employed and budget spent).

13 Financing of the registration regime

How is the registration system funded?

The registration system for the Chamber of Deputies is funded from the budget of the presidency of the Chamber. The registration system of Tuscany is also funded through a public budget.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The registry of the Chamber of Deputies is freely available on the institution's website and is maintained by the office of the Presidency. Citizens can easily consult the list of registered entities, including full information on interest representatives' personal data and lobbying activities (www.camera.it/leg18/1306). The register currently includes around 200 interest representatives.

The same goes for the Tuscan register of accredited interest groups, which contains 130 entities with contact details and indications of the committees within the regional council (the lawmaking regional body) relevant for their lobbying activities (Tuscany's register can be found at http://econsiglio.consiglio.regione.toscana.it/webapp/commissioni_150529/report.php).

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

The only instance of lobbying legislation with dedicated provisions on a code of conduct is the Puglia law approved in July 2017. Under its terms the regional government is mandated to draft a code of conduct for lobbyists, which should become a mandatory requirement for registration.

The Ministry for Economic Development, which has a fairly advanced lobbying regulation system (see question 8), has its own code of conduct for entities and persons registered in its Transparency Register. The code is informed by the principles of loyalty, transparency and fairness and is accompanied by a similar code of conduct for the department's own employees.

Moreover, there are two professional associations for interest representatives and public affairs professionals that have adopted their own, non-binding code of conducts. The first of such professional associations is the Italian Federation of Public Relations, which broadly covers public relations professionals, while the association Il Chiostro is the specific organisation of Italian lobbyists. The ethics code of the latter includes rules of general behaviour as well as specific provisions on funding of politics, gifts and donations, and incompatibility.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Codes of conduct of print and broadcast journalists prescribe a number of rules that may limit commercial interests' ability to use the media to influence public policy outcomes. For instance, these codes prescribe compliance with the principle of transparency, whereby there must be a clear distinction between 'information' and use of the media for persuasion. Based on this principle, there must be a clear distinction between information and advertising, including not just commercial advertising, but also use of the media with a view to influence the audience on public policy matters.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Italy held referendums in 1993 and 1997 on financing of political parties. In 2014 legislation was passed to phase out the state financing of political parties (Decree Law No. 149/2013, as converted into Law No. 13/2014), with changes that happened gradually over the period from 2014 to 2017. This has represented a significant change in a political system that had relied on public financing since the first specific law was enacted in 1974. The reform makes Italy the second EU member state without a system of public party financing in place (the only other exception, Malta, is considering moving to state funding).

Phasing out of state financing has gone hand in hand with encouragement of both direct and indirect contributions by citizens and legal persons in favour of political parties, which are the cornerstone of current regulation (articles 10–12, Law No. 13/2014).

Update and trends

Following elections in March 2018, Italy elected a new Parliament. In the first few months of its term, the new Parliament has kept the preexisting rules on lobbying, which essentially provided for registration and disclosure. It is unclear if the new Parliament will step up transparency obligations or simply continue to observe the rules already in place.

For direct donations, the cap on voluntary contributions for both natural and legal persons is set at €100,000 annually. For indirect contributions, Law No. 13/2014 maintained the option for natural persons to devolve a compulsory 0.2 per cent of their annual income tax to political parties, after taxpayer contributions had first been introduced as a source of financing for political parties in 1997 (Law No. 2/1997).

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

According to Law No. 441/1982, elected MPs and government members must declare their financial interests within three months of their appointment. Attached to the declaration on personal income, lawmakers must disclose details on the financing of their campaign expenditure including information on individual donations received above €5,000 per calendar year (see question 20).

Together with the previously discussed lobbying register and dedicated Regulation, in April 2016 the Chamber of Deputies adopted a code of conduct for its elected members. This code of conduct reinforces the interest registration requirements already mandated by previous legislation and lays down detailed rules on legislators' declarations, which must include information on positions held, and on any professional or entrepreneurial activity performed.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

In order to receive direct contributions and voluntary tax-exempt indirect contributions, political parties must comply with the requirements of transparency and internal democracy as established by legislation, and be listed in a dedicated public register.

The annual upper limit for direct contributions is set at €100,000 for both individual citizens and companies or other entities. There is, however, a distinction between the two categories of donors. If the donor is a natural person, he or she can devolve up to €100,000 to a single party, but there is no cap on the total amount given. If, on the other hand, the donor is a legal person, the sum of €100,000 is an overall cap on the entity's contribution.

Donations to parties made by both natural and legal persons benefit from tax relief: taxpayers and legal persons can deduct as a tax credit (respectively for income taxation and corporate taxation) 26 per cent of their annual contributions between €30 and €30,000 (article 11, Law No. 13/2014).

Financial bookkeeping is mandatory for political parties and transparency is high, as parties must disclose donors' names whether they are natural or legal persons if the threshold of €5,000 per calendar year is exceeded (article 5, Law No. 13/2014). An exception to this disclosure requirement is foreseen for donors who have not given their explicit authorisation to treatment of personal data in compliance with data protection regulations.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

After public funding for campaign-related expenditure was phased out between 2014 and 2017, political parties now rely on direct and indirect voluntary financing.

First, direct private contributions are capped at €100,000 per year for both natural and legal persons and benefit from partial tax relief (see question 19). Secondly, parties benefit from the indirect two-per-thousand contribution, which allows a taxpayer to earmark 0.2 per cent of his or her taxable income as a contribution to one eligible political party. Thirdly, parties can resort to fundraising via campaigns coordinated by telecommunications providers (article 13, Law No. 13/2014). Fundraising campaigns conducted by telephone, text message, or other related telecommunications methods are self-regulated by authorised telephone operators, in accordance with the guidelines established by the telecommunications authority.

Reporting of direct contributions made by natural and legal persons is mandatory, as recipient parties must record the donation sums received. Once elected, MPs must declare their financial interests and income situation and this information is published on the institution's website. Elected legislators must, at the same time, communicate the details of every direct contribution received if the total amounts to over €5,000 per year and this information must be published on the party's and Parliament's internet portals.

Contributors who donate to registered parties through non-cash payments equivalent in value to less than €100,000 per year, who consent to guarantee the traceability of the operations and reveal their identity, are exempt from the requirement (faced by other contributors) to submit a joint declaration with the recipient party to the President of the Chamber of Deputies.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

The 2014 legislation on abolition of public financing for parties and on voluntary and indirect contributions in their favour does not contain any specific requirements on disclosure of lobbyists' donations, given the absence of any national legislation at the time of its approval. Equally, the Regulation does not include any specific provisions on interest representatives' donations to political parties and candidates. The general restrictions on physical and legal persons remain applicable.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Political campaigning independent of a candidate or party is not regulated in Italy, as there are no specific rules on individuals or groups not directly related to political parties wishing to operate a parallel media advertising or grass-roots campaign. Independent political campaigning is historically limited in Italy, both for cultural reasons and because the system of public financing for electoral campaigns was only recently abolished.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

According to the Chamber of Deputies' code of conduct, MPs shall refrain from accepting gifts or similar benefits other than those with an approximate value of less than €250. This provision does not apply to reimbursements of travel, accommodation and subsistence expenses when legislators attend any third-party events pursuant to an invitation and in the performance of their duties. The Office of the President of the Chamber of Deputies should adopt the necessary provisions to ensure transparency of such interests. There are no specific rules if the gift giver is a registered lobbyist or lobbyist's client.

One of the implementing decrees under the Anti-Corruption Law (see question 24), enacted in 2013, contains a Code of Conduct for Public Officials (Presidential Decree No. 62/2013) with detailed provisions on gifts (article 4). The Code, in compliance with overarching legislation, prohibits officials to ask for, accept or encourage gifts or similar benefits for themselves or others. The only permitted exception is represented by gifts of a modest value (less than €150) given in accordance with rules of courtesy and international habits. The Code foresees the possibility for individual government departments enacting their

own codes of conduct to lower this monetary value or even forbid any acceptance altogether. Legislation foresees no specific rule if the giver is a registered lobbyist or commercial enterprise.

At the subnational level, none of the six regional laws on lobbying contain specific provisions on gifts, travels and hospitality.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

As part of the efforts to implement the framework of the United Nations Convention against Corruption, the government adopted a wide-ranging legislative proposal to prevent and fight corruption within the public administration, known as the Severino Law (Law No. 190/2012). The Law established the National Anti-Corruption Authority, which called upon government departments to adopt corruption prevention plans and enabled the government to enact detailed implementing legislation. The Law contains, inter alia, measures to increase transparency of public administration practices, including public procurement procedures, and strict bans on ineligibility and incompatibility of functions. Moreover, the Severino Law introduced a new criminal offence, the 'traffic of influences' (article 346-bis of the Criminal Code), to punish both public officials and lobbyists for bribery and illegitimate intermediation for economic gain.

Article 14 of the Code of Conduct for Public Officials disciplines government contracts. While acting on behalf of the administration to stipulate and conclude deals, agreements and other transactions with private parties, officials must refrain from acting as intermediaries, unless the administration has decided to do so. Public servants cannot conclude any contracts (for financing or procurement of goods or services) with enterprises with whom they have stipulated contracts or from which they have received benefits in the previous two years. Conversely, if officials conclude personal deals with private parties with whom they had previously agreed on government contracts, they must inform their superiors. Moreover, public servants cannot accept any gifts or other benefits as compensation for advantages that givers may draw from decisions or activities linked or inherent to the public function (article 4).

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

At the national level, the Regulation establishes a 12-month cooling-off period for past holders of government positions or parliamentary mandate before they can sign up to the register of interest representatives and thus engage in lobbying activities on the institution's premises.

At the subnational level, three of the regional laws foresee cooling-off periods (12 months in the case of Lombardia and two years for Puglia and Calabria) for past holders of regional government positions. The scope of decision makers to whom this provision applies is particularly wide in the case of the Puglia law, which also established this prohibition for journalists, employees of the regional administration and external consultants who hold positions in collaboration with the public administration.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

At the national level, the Regulation prohibits registration on the lobbying register to whoever in the previous decade has been convicted by a final judgment of offences against the public administration, offences against public trust or crimes against property. The same prohibition applies for persons who have had a conviction entailing a ban from holding public office.

At the regional level, four of the lobbying laws contain similar prohibitions preventing inclusion in the (foreseen) lobbying registers. Abruzzo and Puglia have bans for persons convicted of the same crimes as those listed above, for persons banned from holding public office (even if temporarily) and for whoever has been declared bankrupt, unless rehabilitated. Calabria's law enlarges the scope of the lobbying ban to whoever benefits from privileged access to institutional bodies and the public administration (for professional or other reasons) and to persons having received interdictory sanctions under anti-mafia regulations. Lombardia's law, which includes the anti-mafia provision, lists the same criminal offences that constitute a ban on lobbying but only if such offences incur a custodial sentence above 12 months.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Given the lack of binding legislation on lobbying at the national level, with the exception of the Regulation, there is no case law that directly focuses on lobbying and government relations. The most relevant case law is linked to the Severino Law (see question 24). A brief judgment issued in September 2017 by the Supreme Court (No. 41,202) clarified the distinction between 'traffic of influences' and corruption.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

To date, no sanctions or remedies have been imposed for non-compliance. The register maintained by the Chamber of Deputies, which was set up in March 2017, foresees sanctions (suspension or cancellation from the register, with ensuing withdrawal of the dedicated access badge) but they have not been inflicted against any non-compliant lobbyist so far.

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All of the regional laws provide for sanctions for failure to comply with the provisions or for exerting undue pressure that may affect decision makers' freedom of judgment and to vote. Sanctions vary from a formal reprimand to suspension and cancellation from the register; in case of cancellation, interest representatives cannot apply for a new registration for two years following the event.

Kazakhstan

Natalia Malyarchuk and Yury Shikhov

Kesarev

Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The Kazakh Constitution guarantees the rights of citizens and organisations to access information and to interact with the government within the frameworks provided by the law (article 18, page 3 of the Constitution). However, it directly prohibits any interference of citizens and organisations in affairs of the state (article 5, page 2 of the Constitution).

On 25 March 2017, the President of Kazakhstan signed a decree on constitutional changes. This became the fourth constitutional reform in Kazakhstan since the current Constitution was approved by a national referendum in August 1995 and replaced the Constitution of 1993. In 1998 and 2007, reforms were focused on the strengthening and widening of presidential competence. Consequently, the reform of 2017 provides for a change from a presidential system to a de jure parliamentary system based on the checks and balances system, with the President focusing on strategic functions.

Within the new system, the government receives executive powers in the economic sphere, powers to approve state programmes, and the responsibility to manage reshuffles in the government and establish new governing bodies. The composition of the government will be approved by the national parliament. The President remains responsible for issues concerning national security and defence, and defining foreign policy.

However, these changes cannot be considered large-scale or particularly momentous. Despite constitutional reform in the past, Kazakhstan's political system is still dominated by the President. Amendments are technical in nature, and, therefore, the reform is unlikely to make any real difference.

On 5 July 2018, the President of Kazakhstan signed a new constitutional Law on the Security Council. The new Law changed the status of the Security Council of Kazakhstan, separating it from the structure of the presidential administration into an individual constitutional body.

The Security Council actually headed the hierarchy of state institutions. In addition to directly addressing external and internal threats to the country's security, its competence includes the approval of candidates for the positions of the first leaders of central and local authorities and structures directly subordinated to the President.

The right to chair the Security Council for life belongs to the first President, Nursultan Nazarbayev. In the event of an emergency, he has a right to make decisions without applying to the Constitutional Council.

The members of the Security Council are the President, the chairs of both houses of parliament, the Prime Minister, the State Secretary, the head of the presidential administration, the Secretary of the Security Council, the Attorney General, the Chairman of the National Security Committee and the foreign and defence ministers.

The adopted amendments indicate the beginning of the process of transit of power while maintaining control over all levels of government by the current first President of Kazakhstan.

2 Legislative system

Describe the legislative system as it relates to lobbying.

The Parliament of Kazakhstan is the bicameral legislature, which consists of the Senate and Majilis. It is the highest representative body exercising legislative power. There are also local parliaments (maslikhats) that are the representative bodies of local governments that have the right to represent the interests of, and make decisions on behalf of, the municipality.

The Senate is the upper house of Parliament with 47 seats. Fifteen senators are appointed by the President, 32 senators are elected by two candidates of each regional parliament. All former presidents are lifelong senators. The term of office of a Senate deputy is six years.

The Majilis is the lower house of Parliament with 107 seats. Ninety-eight deputies are elected through a party-list proportional representation system, where seats get distributed by the governing body of the political party after calculating the voting results in proportion to the number of votes the party receives. Nine deputies are elected by the Assembly of the People of Kazakhstan during the general session of the Assembly by secret ballot of members. (The Assembly is an advisory body under the President of Kazakhstan who is the chair. The Assembly consists of 394 members appointed by the President by the recommendation of cultural centres and non-governmental organisations.)

From a political perspective, parliaments of all levels are dependent on the executive authorities (ie, government ministries) and are included in the approval procedure for decisions made by the government. The majority of deputies at all levels are members of the ruling party, Nur Otan, chaired by the President. Government ministers are all Nur Otan party members.

In terms of relevance for lobbying, the classification of representative bodies where lobbying activities can be carried out is as follows (see M Shibutov, *Civic participation in the political system of Kazakhstan*):

		Functionality and capabilities of representative bodies	
		Permanent	**Interim**
Legislative regulation of representative bodies' work	**Mostly regulated by laws**	Parliament (both houses), local representative bodies, Assembly of the People of Kazakhstan	
	Partially regulated by laws or instructions	Public councils, inter-agency commissions under representative bodies	Working groups on legislation under representative bodies
	Not regulated		Consultations with, inter alia, working groups and government groups in different spheres (eg, agriculture, e-commerce and healthcare)

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Kazakhstan is a unitary state. All decisions are taken by the central government and filter down for execution by regional authorities. However, the regional legislatures (ie, maslikhats) have a fairly wide range of powers that allow them to sufficiently influence both the decision-making process at a regional level and control the regional executive branch's activities.

In particular, maslikhats can influence regional governments' staff policies, prosecute local government officials, approve regional budgets, express distrust to the head of the region and approve rates for local taxes (article 6 of the Law on Local Government and Self-Government in the Republic of Kazakhstan).

Maslikhats have between 25 and 50 seats, depending on the population in each electoral district. Maslikhats' deputies are elected by the population of the region by direct voting. There are three types of maslikhat: regional (16 in total); city (87 in total); and administrative district (175 in total). Any citizen of Kazakhstan who has reached the age of 20 may be elected as a deputy of a maslikhat.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

In Kazakhstan there are several systems and instruments that allow citizens and organisations to influence decision-making processes, including reforming, amending and adopting legislation on all levels of executive offices.

Public hearings

A public hearing, according to Kazakh legislation, is a procedure of public control in the form of a meeting of interested parties (citizens, business, government officials) and is a formalised process for making lawmaking decisions. Public hearings are conducted during the passage of legislative acts concerning ordinary matters, drafts of other types of act – for example, budget acts and tariffs.

The initiators of public hearings are public councils under executive bodies at all levels.

Public hearings are regulated by the Law on Public Councils (Law No. 383-V of 2 November 2015).

Public or social consultations

A public or social consultation is the procedure of gathering opinions, views and convictions on a given topic by an authorised body. The consultation is usually expressed in writing and does not require oral interaction between the participants. It may occur during work on the structure of a planned legislative initiative. Consultations are performed within different social environments, usually engaging those who may be potentially interested in the subject matter of a bill, and often through a relatively informal procedure via different forms of communication (eg, mail, email and internet polls).

The initiators of public or social consultations are non-governmental organisations authorised by an executive body.

Public or social consultations are regulated by the Law on Public Councils.

Public councils

Public councils are advisory bodies established by central executive bodies (ministries and agencies) and local governments. Public councils are formed from representatives of civil society, business organisations, citizens and public officials. Public councils' powers include the following: discussion and approval of budget programmes; strategic plans or development programmes, etc; consideration of applications from individuals and legal entities; development and introduction of proposals to public institutions on improving legislation; and exercise of public control.

Public councils are regulated by the Law on Public Councils.

Open government web portal

The open government web portal is designed to organise public discussions on normative legal acts prior to their issuance and adoption by the authorised authority. Any registered user of the portal has the right to comment and submit proposals (via the portal). It is obligatory for all authorised authorities to consider users' comments.

The web portal is regulated by the Law on Access to Information (Law No. 401-V of 16 November 2015).

Consultations with businesses

Private businessmen and enterprises are statutorily entitled to participate in lawmaking processes for drafting laws that concern regulation of private business. Central and local authorities submit the draft laws to accredited associations of private businesses and enterprises (represented by the National Chamber of Entrepreneurs, which was established by the government for the purpose of creating favourable conditions for the development of entrepreneurship and effective partnership between businesses and the government) for their expert opinion. The associations' opinions are seen as recommendations, and must accompany the draft law during the process of discussion and adoption.

The initiator of these consultations is the National Chamber of Entrepreneurs. The consultations are regulated by the Entrepreneurial Code (No. 375-V of 29 October 2015).

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The legal system of Kazakhstan is based on civil law. The judicial power is exercised only by the courts and on behalf of Kazakhstan. Courts are formed, reorganised, renamed and abolished solely by the President. The Supreme Court of Kazakhstan is the highest judicial body.

Judges are appointed by the Supreme Judicial Council of Kazakhstan, which is an autonomous state institution established to ensure the constitutional powers of the President, to establish courts, and guarantee the independence of judges and their immunity. The Council and its structure are approved by the President.

Kazakhstan's judicial system consists of three tiers of courts of general jurisdiction vested with general authority to hear criminal and civil matters. First-instance matters are heard by district and city courts. Appeals are heard in regional courts and the appeal courts of Astana and Almaty, and thereafter by the Supreme Court.

The Constitution permits the establishment of specialist courts. Several such courts have been established to date, including economic and administrative courts, economic courts, and a financial court of the Astana International Financial Centre based on English law and independent from the country's general judicial system.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying (and the profession of being a lobbyist), as it is generally understood, is not regulated by legislation in Kazakhstan. However, steps have been taken, through the adoption of special amendments in legislative acts, to include businesses in decision-making processes. These processes create the possibility for business advisers to have direct access to elected and appointed government officials on all levels, and are as follows:

- Business associations and private entrepreneurs, experts of various fields of knowledge, scientific institutions and scientists can be involved in drafting laws, regulatory legal decrees of the President and regulatory legal decisions of the government (article 18, page 3 of the Law on Legal Acts, No. 480-V of 6 April 2016).
- Central and local authorities submit bills and any amendments that affect the interests of private businesses to accredited associations of private business and the National Chamber of Entrepreneurs for their expert opinion (article 19, page 1 of the Law on Legal Acts).

- Parliamentary deputies can set up working groups when preparing for parliamentary hearings with the involvement of experts.
- Through the introduction of self-regulation in the economy, government agencies can delegate some of their functions to business associations, thereby providing an opportunity for business entities and their associations to independently develop appropriate sectors of the economy, including the formation of business standards, the exercise of control over economic sectors and proposals to amend legislation (Law on Self-regulation (No. 390-V of 15 November 2015), message of the President, '100 Concrete Steps', step 97).

Any type of lobbying activity that occurs will be dependent on the regulator's will and attitude to a particular business.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no specific law regulating lobbying in Kazakhstan, and no definition is provided. In 2009 the Ministry of Justice submitted a draft bill on lobbying to Parliament. The bill intended to formalise the activities of businesses in promoting their interests on a government level. In 2012 the Ministry withdrew the bill from Parliament; however, it is expected that it will be discussed again in 2018.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Not applicable.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Not applicable.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Not applicable.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Not applicable.

13 Financing of the registration regime

How is the registration system funded?

Not applicable.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Not applicable.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Not applicable.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There are no such restrictions in Kazakh law.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

The main sources of funding for political parties and politicians in Kazakhstan are membership fees for political parties, donations from Kazakh citizens and organisations, business income (eg, if the candidate also runs a business, he or she may use income from it (in the form of a donation) to finance the campaign) and state budget. The amount of electoral funds of political parties and politicians during the electoral period is limited by the Law on Political Parties (No. 344-II of 22 July 2002). Political parties represented in Parliament receive annual financial support from the state in proportion to the number of votes received in elections.

Funding of political parties and their election campaigns by international organisations, foreign legal entities and individuals is prohibited.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

Obligations to register interests arise only during the electoral period. Between electoral campaigns, political parties are required to publish their annual financial reports in the media.

Politicians and political parties are not obliged by the law to declare travel, hospitality and gifts, etc. At the same time, since 2017, Kazakhstan has introduced a system of general declaration of income, property and assets (including outside of Kazakhstan) for all individuals. Tax residents are obliged to declare possession of the following types of property:

- funds available in foreign bank accounts;
- real estate, registered with competent authorities of foreign countries (residential and non-residential buildings and premises, including apartments, houses, garages, country houses and lands);
- securities, whose issuers are registered outside of Kazakhstan; and
- participation interest in legal entities registered outside of Kazakhstan.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

There are no legislative and other restrictions on contributions or other disbursement to political parties and politicians if they are made by Kazakh legal entities and individuals. Any kind of support to political parties and politicians from foreign residents is prohibited.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

The main condition for financing the activities of politicians and political parties (including political campaigns and any other types of activities) is that the funds must originate in Kazakhstan. All funds raised during the campaign have to be declared and accounted for in the income tax declaration as well as published in the national media.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

According to legislation, fundraising for political purposes carried out by a political party or politician should be linked to a specially registered bank account. Third parties are not allowed to raise funds with respect to candidate fundraising.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Owing to the underdevelopment of Kazakh political culture, there is no direct ban on parallel political campaigning in the legislation. The right to conduct political and pre-election campaigning is available to all adult Kazakh citizens and public associations. The state guarantees them the possibility of unimpeded agitation for and against a particular candidate or political party. However, unlike political parties or politicians, they are not required to provide special financial statements.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Kazakh legislation imposes a number of restrictions on civil servants during their stay in office (Law on Civil Service, No. 416-V of 23 November 2015). Civil servants are prevented from:

- engaging in paid activities (eg, participating in conferences, business events), with the exception of pedagogical, scientific and other creative activities;
- engaging in business;
- using services provided by citizens and legal entities for personal reasons; and
- receiving gifts.

However, there are no limitations for judges or executive officials (excluding members of the government and Constitutional Council) with regard to participating in business and related activities. These officials are permitted to transfer their bonds and units of open and interval investment funds to a trustee who will be responsible for their management (trust management); lease property; and receive income from property transferred to trust management.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Not applicable.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Not applicable.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

Not applicable.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

There have been no relevant cases.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Not applicable.

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Mexico

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law in the United Mexican States (Mexico) is a written federal constitution dating from 1917 (the Constitution), which consists of 136 articles, many of which have been somehow amended throughout all these years.

Also, as a federal republic, Mexico's 32 federative states enjoy sovereignty and are free to issue their own laws. In this regard, all federative states have their own constitution and their own local laws and regulations (only certain specific matters are reserved to be legislated by the federation). Additionally, each federative state is divided into several municipalities. Each municipality is empowered to issue local rules, regulations, communications and administrative provisions of general observance.

The only limitation to the legislative freedom of the federative states is that no laws or regulations can be approved or passed if they oppose the federal Constitution and its principles.

Fundamental human rights, such as freedom of speech (as long as it does not attack the moral, private life or any third parties' rights, constitutes a crime or disturbs public order), freedom of assembly (as long as it is for legal purposes and unarmed) and the right to petition the government (as long as it is exercised in writing, in a respectful and peaceful manner), are contemplated in the Constitution. However there are no articles regarding any strict lobbying regulation.

2 Legislative system

Describe the legislative system as it relates to lobbying.

At federal level, the Mexican Congress of the Union is bicameral, dividing legislators into two separate assemblies: the House of Representatives and the Senate. The House of Representatives is composed of 500 congressmen, of whom 300 are elected by direct popular vote. The remaining 200 are elected by indirect vote, in connection to the voting percentage each political party gets. The Senate is composed of 128 senators, of whom 96 are elected by direct popular vote, and the remaining 32 are elected by an indirect vote.

At a local level, each federative state has its own House of Representatives, in accordance to its respective local constitution.

The President, the members of the Congress of the Union and the members of the House of Representatives of each federal state (only at local level) are entitled to issue laws or decrees. However, the President, as head of the executive branch, is entitled to issue secondary legislation in order to provide the specific rules and guidelines for the application of general and federal laws.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Mexico is a republic, and a democratic federation, and thus is divided into several states, which in turn are divided into many municipalities. The Constitution grants both the states and the municipalities the faculty to create and issue their own laws and regulations (including secondary regulation), but only for specific matters that are not expressively reserved to the federal authorities, such as federal taxation.

Since lobbying is not a topic expressively reserved to the federation, state and municipality governments are completely entitled to create their own laws and regulations regarding lobbying throughout the legislative process established in the Constitution. Nonetheless, lobbying is commonly regulated in the internal regulations of each local congress.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

Mexican citizens are entitled to vote in legal and binding referendums in terms of article 35 of the Constitution.

According to the above-mentioned article, referendums shall be summoned by: (i) the President; (ii) 33 per cent of the members of the House of Representatives or the Senate and; (iii) 2 per cent of the citizens registered in the Nominal List of Electors. The outcome of this voting shall be binding only in the event that 40 per cent or more of the citizens registered in the Nominal List of Electors participate in the corresponding referendum.

Likewise, human rights, form of government, electoral principles, state budget, national security and the organisation of the armed forces are matters that cannot be subject to referendum. The Mexican Supreme Court (the highest judicial authority in Mexico) shall consider the legitimacy of the referendum before it may be held.

Any referendum shall be organised by the National Electoral Institute (known as INE from its its acronym in Spanish).

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

As previously stated, at federal level, the Mexican government is divided into three different, independent and coequal powers: the executive branch (headed by the President); the legislative branch (made up of the House of Representatives and the Senate); and the judiciary branch (headed by the Supreme Court, and composed of different tribunals).

According to article 94 of the Constitution, all judges in the Judiciary branch are appointed, as follows.

- Judges from the Supreme Court are elected by the Senate (two-thirds of the Senators vote), from a three-person list proposed by the President.

Update and trends

During the past couple of weeks, Morena, Mexico's largest political party presented an initiative in the Senate to regulate lobbying activities.

- Circuit magistrates and judges are elected by the Federal Judicial Council, a government body in charge of supervising the judiciary branch.

At local level, each federative state has its own judiciary branch for matters reserved not to the federation but to local state government. Each local judiciary branch shall be integrated in accordance with local laws and provisions.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying activities are regulated in the rulings of the House of Representatives and of the Senate. The nature of these regulations result from an administrative procedure; in this specific case every state has its own House of Representatives, consequently every state has it own lobbying regulation.

All individuals interested in conducting lobbying activities must register in a lobbying registry valid for each legislature. The acceptance of any gift by lawmakers from lobbyists is strictly forbidden and shall be punished in accordance with the General Law of Administrative Responsibilities, and with the criminal code.

In order to procure transparency, all lobbying documents shall be published in the corresponding Congress' chamber web page. Also a non-profit association named PROCAB is deeply involved in lobbying activities. PROCAB is in charge of registering all working lobbyists in Mexico (lobbyists may affiliate or may not, it is not mandatory) in order for them to procure events, courses or any other activities that may contribute to their effort of lobbying on behalf the interests of their clients.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

Pursuant to article 298 of the Senate's Ruling, lobbying is defined as the act of attempting to promote third parties legitimate interests, before Senate's bodies and commissions, or before specific senators, with the purpose of influencing their decisions.

Article 263 of the House of Representative's Ruling provides a similar definition to the aforementioned one.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

It is mandatory to anyone who wishes to carry out lobbying activities to register in a specific lobbying registry (at the beginning of every legislative term).

This registration shall be published every six months in the Parliamentary Gazette and throughout the website of the House of Representatives. The registration will only be valid throughout the correspondent legislative term.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

None of the communications need to be disclosed or registered before any authority or disclosed to the chambers.

Nonetheless, in terms of article 266 of the House of Representatives' Ruling, all lobbying documents related to legislative proposals, minutes, projects and any other acts or resolutions issued by the House of Representatives shall be registered in a lobbying file. These documents must be published on the website of the House of Representatives for information and transparency purposes.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

All parties involved in lobbying activities (no matter if they lobby on behalf of themselves or for third parties, including non-profit entities) are subject to Mexican lobbying regulations. There are no thresholds for registration; all lobbyists must register in the applicable registry.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Anyone who wishes to practice lobbying activities shall provide the following information:

- full name and a valid official ID;
- proof of address; and
- Congress committees or areas of interests in which the lobbying activities will be practised.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

As mentioned in question 9, all lobbying documentation related to any legislative proposals, minutes, projects or any other acts or resolutions issued by the Congress must be submitted and published for information and transparency purposes.

13 Financing of the registration regime

How is the registration system funded?

Although free of charge, the registration system is funded by the economic prerogatives assigned to the Congress of the Union, in the National Budget for Income and Expenses.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Yes, as mentioned in questions 9 and 12, all lobbying documentation related to legislative proposals, minutes, projects and any other acts or resolutions shall be registered in a lobbying file, and published in the House of Representatives' web page. (www.diputados.gob.mx).

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Currently, there is no specific code of conduct that may apply to lobbyists and their practice.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There are no restrictions to limit commercial interests' ability to use the media to influence public policy outcomes. However, the Constitution does limit the time that the different government institutions shall allocate to radio and television broadcasting.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

All political parties are financed by public funds provided by the INE, which establishes how will these funds are distributed according to their specific activities.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

All political parties are public entities that must be registered as such before the INE, in terms of the General Law of Political Parties. In terms of article 72, all political parties must report all incomes and expenses for their ordinary activities. Among other interests, political parties must report incomes and expenses regarding the following activities:

- all campaign actions in electoral processes;
- internal expenses for candidate selection;
- personnel salaries, expenses for leasing of assets, stationery expenses, electric and fuel consumption expenses and travel expenses; and
- institutional propaganda expenses.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Since political parties are financed by public funding provided by the INE, in order to avoid corruption, political contributions or any other disbursements to political parties or officials are not permitted.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Campaigns for legislative positions are financed by public funding. Non-public fundraising is not allowed. The INE establishes how the funds will be distributed, as well as the restrictions and limitations that every political party should mandatorily adhere to with respect to the funds provided. All expenses should be reported. All political parties must provide the INE with the corresponding invoices of every expense incurred with connection to the corresponding political campaign. This report must be sent once the campaign is over.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

There are no special restrictions or disclosures that may apply to any of the registered or non-registered lobbyists (entity or individual).

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Political campaigning is regulated equally for both independent campaigns and political parties' campaigns.

Individuals or groups not directly related to any of the campaigns may support or oppose such campaigns; however, this type of activity will only be appreciated as opinions of those who intend to support or oppose either to the political party or specifically the candidate.

Likewise, there are no limitations regarding the coordination of the political campaigns, the coordination relays internally. Personal coordinators shall establish their own internal proceedings for managing and controlling the campaign. The candidate's staff shall oversee all activities.

The same rules apply for a registered lobbyist, a non-registered lobbyist and individual that may participate in the candidate's campaign.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Pursuant to the General Law of Administrative Responsibilities, and to the National Anticorruption System (SNA), which was published in July 2016, all public officials shall refrain from demanding, accepting and obtaining any kind of improper gifts, treats and handouts with respect to their activities. This prohibition is also applicable including to their immediate family members, all individuals with whom the public official maintains personal or professional relationships, as well as the public official's business partners and corporations of which the public official is a part.

The above-mentioned limitations apply to all public officials; there are no exceptions. Also, there are no exceptions for the giver, if he or she is a registered lobbyist, lobbyists' client or a commercial enterprise.

There is no difference with regard to any political parties as well.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

There are no specific laws that regulate anti-bribery in Mexico. However, the General Law of Administrative Responsibilities and the SNA rule and regulate all activities that may arise from any kind of bribery committed by or towards any public officials.

The SNA general principles and provisions are contemplated in article 113 of the Constitution, which make the SNA the coordination instance between the authorities of all government bodies for the prevention, detection and sanction of acts of corruption.

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25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Public officials are not allowed to practice any lobbying activities during the term of their office. This prohibition also applies to their immediate family members.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

Although there are no limitations or restrictions on engaging in lobbying activities, any infringement of the lobbying activities legal framework shall be punished according to the applicable law.

The suspension or revocation of the lobbyist's registry may proceed if the lobbyist fails to certify and prove the legitimate origins of the information provided to any member of Congress.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Recently there have been no high-profile cases in Mexico regarding lobbying. Nonetheless, the INE is the only authority entitled to issue resolutions regarding the financing of the political parties and their campaigns, the latter in order to ensure compliance with principles established in the Constitution.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

There are no remedies or sanctions for those who fail to properly register as a lobbyist, other than the prohibition on undertaking lobbying activities.

Peru

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law is the written Constitution of 1993.

Owing to the guarantees given by the Constitution, the following activities are not considered to be lobbying:

- statements, expressions, testimonies and comments made through written articles, publications and speeches;
- the dissemination of news or other material distributed to the general public or disseminated through any means of social communication;
- the information, in writing or by any other means that can be registered or provided to the public administration in response to a request made by it;
- the information provided in any means of social communication within the framework of the exercise of freedom of expression;
- affirmations, statements or comments made at any public meeting within the framework of the exercise of the right to freedom of expression, opinion and assembly;
- the free exercise of legal defence and advice, within the provisions of the legal system; and
- other similar efforts that do not lead to decision-making by the public administration.

However, the right to petition the government is also regulated by the Constitution of 1993 and it is outside the scope of lobbying regulation.

2 Legislative system

Describe the legislative system as it relates to lobbying.

The Peruvian legislative system is a unicameral parliament comprising 130 congressmen directly elected by legislative elections every five years. Under certain circumstances, the legislative system can delegate to pass laws on matters that have been approved by the Congress, through legislative decrees and for a specific period.

Congressmen cannot carry out lobbying activities during their term in Congress and for 12 months after they leave their position.

The structure of the legislative system could change as a result of a referendum convened for 9 December 2018.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Law No. 28,024, the Law that regulates the management of interests in public administration (the Lobby Law) and its Regulations approved by Supreme Decree No. 099-2003-PCM (the Regulations) are applied at all levels, including regional, provincial and municipal levels.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

Yes, the legislative process includes a representational period in which members of Congress return to their constituencies to hold public hearings or private meetings with their local communities to gather information on their needs or requirements. This information is taken back to Congress with the purpose of passing laws. The project planning also includes a prior consultation with the communities living in the areas that will be affected by the legislation in order to reach a social agreement with them regarding the particular project. Once the social agreement is obtained, the project will continue until fully executed.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judiciary system is deemed independent and coequal to the legislative and executive powers. The judges are appointed by the National Council of Magistrates, and their performance is supervised by the Office of Judicial Control.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying is regulated by the government through the Lobby Law published on 23 June 2003 and its Regulations published on 20 December 2018.

Originally, the entity in charge of supervising the correct registration and control of the lobbyists was the National Superintendence of Public Registries (SUNARP), based on the provisions of the Lobby Law, however, in 2017 this law was modified by Legislative Decree No. 1,353 published on 7 January 2017. In this regard, Title IV – Public Registry of Interest Management, where the control functions were established, was abrogated.

Currently, the Lobby Law establishes that each public entity must keep a record of electronic visits in which information is recorded about people who attend meetings or hearings with a public official. This information must be published on the website of each entity in a clear and complete manner.

Likewise, public officials, such as the President, first and second Vice Presidents, members of Congress, ministers, vice ministers, regional presidents and mayors, who detect an action of interest management by a person who has not been consigned in the registry of visits, have a duty to register the omission.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

The definition of lobbying is provided in article 3 of the Lobby Law, which establishes the management of interests as a legal activity through which natural or legal persons, national or foreign, transparently promote their points of view in the political decision-making process, in order to guide such decision in the direction they desire.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Originally the registration of lobbyists was mandatory, according to the Lobby Law. However, in 2017, the law was modified by Legislative Decree No. 1,353, published on 7 January 2017.

Title IV – Public Registry of Interest Management, in which it was established that in order to exercise interest management acts, professional managers should be registered in the Public Registry of Interest Management, was abrogated.

Evidently, the purpose of registering the lobbyists was to maintain transparency in the decision-making processes of the public administration in order to avoid acts of corruption.

At present, there is no rule that requires a lobbyist to identify him or herself as such, resulting in a voluntary act based on transparency in the management of interests in public administration. However, each public entity must keep a record of electronic visits in which information is recorded about people who attend meetings or hearings with a public official.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

According to the Lobby Law, public entities must keep a record of electronic visits in which information is recorded about people who attend meetings or hearings with a public official. This information must be published on the website of each entity in a clear and complete manner. This registration includes both oral and written communications. Finally, the level of the official in the hierarchy does not have a bearing on the duty to disclose communications.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

The Lobby Law is applied in the field of public administration, which encompasses entities that are included in article I of the Preliminary Title of Law No. 27,444 – the Law of General Administrative Procedure; it also includes companies involved in the business management of the state.

The Law does not include the jurisdictional functions of the judiciary, the constitutionally autonomous bodies and the authorities and courts before which the administrative processes are followed.

Consequently, the management of interests relates both to public officials included in article 5 of the Lobby Law, such as the President, Vice Presidents, members of Congress, ministers and mayors, as well as lobbyists, who may be natural or legal persons, national or foreign, who boost the development of acts of management of their own interests or of third parties.

The distinction of classes of interest managers was repealed by Legislative Decree No. 1,353, where it expressly established two classes: those that performed acts of management of their own interests; and those that were performed in representation of third-party interests.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

Article 22 of Supreme Decree No. 099-2003-PCM indicates the procedure and form of the management act. For this reason, it is important that a certificate be issued that determines the motive and purpose of the management act, identifies the specific public decision that is sought and provides a brief summary of the points discussed during the management act.

As a result of the amendment of the Lobby Law, the communication of this record is made through the electronic registry of visits held by public entities in which information is recorded on persons who attend meetings or hearings with a public official.

Therefore, it is the responsibility of each entity to publish on its website the information contained in the visitors' registry and in the official agenda of each public official belonging to the organisation.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Owing to the repeal of the article that created the Public Registry of Interest Management, the obligation of interest managers to semi-annually report their activities to SUNARP was also repealed, which potentially jeopardises the transparency and regulation of the management of interests in Peru.

13 Financing of the registration regime

How is the registration system funded?

The Lobby Law established a regulation for the registration of the fund system, controlled by SUNARP, where all the management acts were registered. However, the regulation was repealed. Currently, Peruvian legislation does not have regulation in that area.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The records of visits of interest managers is public information and should be disseminated through the transparency portals that each public entity has on its website, as specified in articles 6 and 16 of the Lobby Law, and in article 5 of Law No. 27,806 – the Law on Transparency and Access to Public Information.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Both the Lobby Law and its Regulations establish some legal and ethical duties. The lists are in article 10 of the Lobby Law and article 37 of the Regulations.

The Regulations set forth a list of ethical standards to be met by any private actor that engages in lobbying practices. These standards are:

- knowing and understanding the Lobbying Act and the Regulations;
- providing certain and updated information to the public officer;
- avoiding filing any petition or requirement that leads the public officer to breach any of its obligations;
- avoiding promising or offering any kind of illegal benefit, directly or indirectly, to an officer or any of its relatives;
- avoiding performing lobbying actions with public officers with whom the private actor has a kinship relationship;
- acting loyally and diligently;
- maintaining confidentiality over the information that has been handed to a representative;
- the individual representing other private actors shall avoid acting on behalf of different legal persons when there is a conflict of interest among them;
- attending meetings with public entities during work hours and at the institutional office; and
- reporting the breach or contravention of the Lobbying Act and its Regulations.

In addition, there is nothing impeding each public entity from establishing its own code of conduct according to its internal policies.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There are no such restrictions in broadcast and press regulation in Peru.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

According to Law No. 28,094 (the Law on Political Organisations), political parties receive financing from the public sector only if they obtain representation in Congress, and political organisations are allowed to receive financing from the private sector, provided that it does not come from a prohibited source.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

All income or contributions must be paid through the banking system and controlled by the National Office of Electoral Processes (ONPE).

According to the Law on Political Organisations, both political parties and politicians must declare their interests. Therefore, political parties, regional or departmental bodies, and political organisations of provincial and district scope must present to the Peruvian Tax Authority, every six months from the beginning of the fiscal year, a report detailing all of their financial transactions. Likewise, the Peruvian Tax Authority may require from the political parties a list of contributions, which must specify the amount of each contribution, and, where appropriate, the names and addresses of the persons who have donated them.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

According to the Law on Political Organisations, the verification and external control of the financial activity of political parties, regional or departmental bodies and provincial and district political organisations is exclusively the responsibility of the ONPE, through the Peruvian Tax Authority.

In addition, each political party must implement a system of internal control to ensure the proper use and accounting of the acts and documents from which rights and obligations of economic content are derived, according to the statutes of each political party.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Political campaigns for public office are financed by the public sector, as long as the political parties that are campaigning obtain representation in Congress. In that regard the state will allocate the equivalent of 0.1 per cent of the tax unit for each vote cast.

These funds are granted from the general budget and are received by the political parties to be used in training and research activities during the five-year period following the election, as well as for their ordinary operating expenses.

All political parties can receive private financing through:

- quotas and monetary contributions from their members;
- income from any additional business activities and the returns from their own assets. These may not exceed 30 tax units per year, if the contributors cannot be identified;
- income from other contributions under the terms and conditions provided for in the Law on Political Organisations;
- interest on loans owned by them;
- legacies they receive; and
- in general, any benefit in cash or in kind they obtain.

Update and trends

On 13 September 2018 Legislative Decree 1,415 was published in the Official Gazette, introducing certain amendments to the Lobbying Act and stating that new regulations will be enacted within 60 days of the publication of the Legislative Decree. These amendments are not yet into force, but 30 days after the enactment of the new regulations they shall be effective.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

There is currently no regulation on the information that the registry must contain or the reports that the interest manager must provide.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Parallel political campaigning independent of candidates or political parties is not regulated in Peru.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Public officials included in the scope of the Lobby Law are prohibited from accepting, directly or indirectly, any favour on the part of interest managers or third parties on whose behalf they are acting. The prohibition includes gifts, donations, free services, job offers and jobs.

This extends to the spouse of the public official, as well as his or her relatives up to the fourth degree of consanguinity and second degree of affinity.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Articles 393 and 394 prohibits any form of accepting or receiving by public officials any kind of donation, promise, advantage or economic benefit to perform or omit acts in violation of their obligations or to perform acts according to their positions. Also, the public officials are prohibited from requesting any kind of donation, promise, advantage or economic benefit.

Article 397 of the Criminal Code prohibits any form of offering, giving or promising a public official any kind of donation, promise, advantage or economic benefit to perform or omit acts in violation of their obligations.

Similarly, article 400 of the Criminal Code punishes those who invoke or have actual or simulated influence, or receive, make or promise for themselves or for a third party, a donation or promise or any other advantage or benefit with the offer to intercede before an official or public servant who is or was involved in a judicial or administrative case.

Likewise, article 401 of the Criminal Code punishes the public official who, abusing his or her position, unlawfully increases his or her patrimony with respect to his or her legitimate income.

In addition, Law No. 30,424, modified by Legislative Decree No. 1,352 and amended by means of Law No. 30,835, regulates the administrative responsibility of legal entities. This Law came into force on 1 January 2018 and applies only to the following crimes: (i) generic and specific bribery; (ii) money laundering; (iii) financing of terrorism; (iv) collusion; and (v) influence peddling.

Even though the mentioned law regulates the 'administrative responsibility of the legal entities', it has criminal consequences. It

also sets exemptions and mitigations for legal entities involved in the execution of the crimes referred to above.

Likewise, the Lobby Law includes a ban on public officers accepting, directly or indirectly, any generosity from interest groups. The prohibition includes gifts, donations, free services, job offers and jobs.

The Peruvian competition agency, utilities regulators, electoral entities and some ministries have issued regulations by which they prohibit their employees from accepting gifts or any other advantages offered by individuals or corporations involved in the duties of the public entity.

Some agencies have stated that in specific contexts a public officer may accept a gift, particularly under situation of protocol, or if the gift is an award for the academic performance of the public officer.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

According to article 9 of the Lobby Law, public officials may not perform the activities of interest managers during the exercise of their functions, and for up to one year after completing them, in the areas in which they had direct competence.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

There is no rule that directly prohibits lobbying or engaging in such services. However, the Lobby Law regulates how lobbying is carried out.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Former presidential candidate Keiko Fujimori, who is also the president of the majority party in Congress, is serving a 36-month term of preventive imprisonment. This measure was taken by the court because evidence linked to money laundering and undeclared campaign funding in her 2011 presidential campaign.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

There are no administrative sanctions for lobbyists in cases of non-compliance or failure to register or report. However, as we pointed out, the lobbyists could be investigated and accused by the district attorney in the event of the commission of a crime.

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Poland

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The Constitution is the supreme law of Poland and the normative basis of other legal acts. The sources of generally binding law are: the Constitution; statutes and regulations; ratified international agreements; and EU law. For the regulation of lobbying and government relations, there are also internally binding laws, such as the statute of the Sejm, which is the lower house of the parliament, even though it is disputed whether such internally binding laws should be applied.

The Constitution contains a broad catalogue of freedoms and civil rights. Everyone is guaranteed freedom of speech and freedom to organise and participate in peaceful assembly. Moreover, the right to submit petitions, proposals and complaints to organs of public authority, as well as to organisations and social institutions in connection with the performance of their prescribed duties within the field of public administration, is guaranteed.

Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by a statute, and only when necessary in a democratic state for the protection of its security or public policy, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations cannot violate the essence of freedoms and rights.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Poland is a parliamentary republic. The President has limited executive authority.

The Constitution entrusts principal legislative powers in the bicameral parliament consisting of the lower house (Sejm) and the upper house (Senate). The legislative competence of both chambers is not symmetrical as the Sejm has a dominant role. The basic function of the parliament is the adoption, through a legislative procedure, of statutes. In addition, the Sejm authorises the President, by way of an act, to ratify and terminate certain international agreements. The President has a right to veto a statute enacted by the parliament; however, the veto can be overruled by a three-fifths majority vote in the presence of at least half of the statutory number of members of the Sejm.

The Sejm is a participant in government formation, by granting the vote to a Council of Ministers appointed by the President or by appointing directly the Prime Minister and the cabinet members proposed by the Prime Minister. The Sejm also exercises control over the activities of the Council of Ministers, which is an executive body. Members of the government and the Council of Ministers bear full political responsibility to the Sejm. In order to establish the actual state of affairs in matters concerning the Council of Ministers and the subordinated administration, the Sejm may demand information on a given issue from a government member in written or oral form at a sitting of the Sejm or a committee.

According to the Constitution, there are 460 members of the Sejm elected in universal, equal, direct and proportional elections, conducted by secret ballot, and 100 senators elected in universal and direct elections by secret ballot. Members of the Sejm are elected for a four-year term of office. The mandate of the Senate begins and expires together with the mandate of the Sejm. The Constitution provides that parliamentary members are representatives of the nation and are not bound by the instructions of their electorate.

The right of legislative initiative belongs to a committee of the Sejm, 15 members of the Sejm, the Senate as a whole or 15 members of the Senate, the President, the Council of Ministers and 100,000 citizens. In practice, most legislative initiatives come from the Council of Ministers.

The secondary legislation (regulations) is issued by organs specified in the Constitution: the President; the Council of Ministers; the President of the Council of Ministers; ministers; and the National Broadcasting Council. A legal basis to issue a regulation is a specific authorisation contained in, and that has the purpose for implementing, statutes.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

The Constitution forms a basis for the law-making activity of communes, districts and provinces. Acts of local law issued by local government authorities are the sources of generally applicable law within the territory where the issuing organ exercises its powers. However, law-making activity of local government authorities is limited by an authorisation contained in the statutes.

The basic areas of legislative activity of the local government authorities include, inter alia, resolving the rules of managing property matters of local government, making decisions regarding the cooperation of territorial self-government units with other entities, or regarding local taxes and fees, which regulate matters relating to property taxes, taxes on means of transport, stamp duty, local fees, etc.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

At national level, there are two types of consultation process. There is a public consultation within the government legislative process and a public hearing, which can be part of both the legislative process in the Sejm and the Senate, and part of the government legislative process. In contrast to the public hearing, the public consultation is a mandatory procedure.

Public consultations are carried out for draft bills, regulations and guidelines for statutes. As a part of the public consultation a draft act is presented to different social organisations or other interested entities or institutions. The consultation process is carried out at every stage of the legislative process, commencing early on. The consultation process should be conducted in an open and universal way to provide citizens with access to consulted documents.

A government bill may be subject to a consultation process after it is entered in the list of legislative work of the Council of Ministers. The referral of a bill for a consultation process is mandatory, but the referral

of a bill to interested parties is decided on by the Council of Ministers. Opinions reported by the participants of the consultations are not binding on the government.

A public hearing can be conducted during the legislative process in the Sejm on the basis of a resolution of a committee. The date of the public hearing should be communicated at least 14 days (three days in some cases) before the hearing. All interested parties that confirmed their participation at least 10 days before the hearing, and entities that communicated their interest according to rules on lobbying activity, have the right to participate in the hearing. Public hearings can also be conducted by organs with the right to enact regulations, which should also announce the hearing at least seven days beforehand and allow the participation of all parties that communicated their interest at least three days before the hearing.

Public consultation at the local level relies on the consultation with residents of communes, districts and provinces. The results of consultation are not binding for local authorities. In some cases, at the level of communes and districts, there is an obligation to conduct consultations with residents, relating to, for example: zoning, merging, dividing and establishing the boundaries of communes, or abolishing them; giving the communes or towns the status of a city and establishing its borders; determining and changing the names of communes and the seat of their authority; and environmental impact assessments.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The Constitution sets forth the rule of the tripartite division of powers, which gives the judiciary a position independent of the legislature and the executive.

Judges, within the exercise of their office, are subject only to the Constitution and statutes. Judges are also irremovable. The dismissal of a judge from office, suspension from office, transfer to another office or to another position against his or her will may only take place by virtue of a court decision and only in circumstances specified in the law. Judges hold immunity, which means that they cannot be held criminally liable or deprived of liberty without the prior consent of a court. The Constitution requires judges to be apolitical; they cannot belong to political parties, trade unions or run a business that is incompatible with the principles of judicial independence.

Court judges in Poland are appointed for an unspecified period of time by the President on the motion of the National Council of the Judiciary. The Council is a constitutional organ safeguarding independence of courts and judges. The competence of the Council includes, inter alia, review and assessment of candidates for the post of judge of the Supreme Court, and judges of common courts, administrative courts and military courts.

Judiciary powers are also exercised by tribunals – the Constitutional Tribunal and the State Tribunal – whose members are appointed by the Sejm for a specified period of time.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying in Poland is regulated by statute. The Act on Lobbying Activities in the Legislative Process (the Lobbying Act) sets out the rules of transparency for lobbying activities in the legislative process, rules for the performance of professional lobbying activities and forms of control of lobbying activities. The Lobbying Act has also introduced rules for keeping a register of entities engaged in professional lobbying.

The Ministry of Interior has the power to impose a financial penalty, on the basis of an administrative decision, for performing activities falling within the scope of professional lobbying activities without having entered the register. The penalty may be imposed in the amount of 3,000 zlotys to 50,000 zlotys.

There is no guidance on lobbying. Apart from administrative liability, only activities prescribed in the Criminal Code (mainly bribery and influence peddling) are sanctioned.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

The Lobbying Act defines lobbying activity as any activity carried out by legally permitted methods aimed at influencing public authorities in the legislative process. This definition does not include activities affecting the application of law (issuing decisions, granting licences, permits, etc).

The Lobbying Act also defines professional lobbying activities as gainful lobbying activities carried out for third parties in order to include the interests of those persons in the legislative process. According to this definition, a professional lobbyist is a person performing activities qualified as lobbying, if he or she acts on behalf of and for third parties, and receives remuneration for the provided lobbying services. A professional lobbyist may be both a natural person and a legal person acting under a civil law contract.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Professional lobbying activities can be performed after obtaining an obligatory entry in the register. An entity that performs activities that fall within the scope of professional lobbying activities that has not entered into the register is liable to a monetary penalty. Entry into the register is made on the basis of an application; it is not possible for the entity to register ex officio. The entry is made for an indefinite period. The registration of lobbyists is a form of control over lobbying activities, but it also provides for transparency. As of 6 November 2018, there are only 23 lobbyists acting in Sejm disclosed in the register. It is now a standard that lobbing activity is carried out not by professional lobbyists disclosed by register, but by, inter alia, chambers of commerce, trade associations and trade unions.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

The Lobbying Act introduces an obligation for public authorities to immediately disclose in the Public Information Bulletin information on actions taken against them by entities engaged in professional lobbying, along with an indication of the manner of settlement expected by these entities. Lobbyists and their clients are not subject to the disclosure obligation.

The Lobbying Act requires public authorities to regularly report on the activities of entities that carry out professional lobbying activities. The Lobbying Act does not specify any rules on reporting contact with professional lobbyists, documentation of the contact or rules of behaviour of officials towards professional lobbyists. The obligation to prepare such regulations is delegated. Heads of offices serving public authorities, each within the scope of their activity, determine the detailed manner of conduct of the office's employees towards entities engaged in professional lobbying activities, and entities that are not considered to be engaged in professional lobbying, including documenting this contact. All ministries have adopted lobbying procedures, whereas such procedures at the local government level are rare.

The obligation to document contact refers only to meetings with professional lobbyists; it does not arise in case of a meeting, telephone conversation or other form of contact with occasional lobbyists.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

The disclosure rules, which oblige public authorities to report on lobbying activities, are applicable only to entities that carry out professional lobbying activities. Representation of third parties by legal advisers in the legislative process or their activities in the preparation of legislative proposals falls within the definition of professional lobbying activities.

Entities that do not conduct lobbying activities for third parties or do not receive remuneration for lobbying are not considered professional lobbyists. These entities are trade unions, employers' organisations, churches and religious associations, associations and organisations of economic self-government and other non-governmental organisations. These organisations are not subject to disclosure rules in the register, however, their participation in public hearings or public consultations is disclosed.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

An entity wishing to conduct professional lobbying activities should submit a notification of entry to the register with information required by the law. This information includes the name and registered address of the company or the individual lobbyist, whether they are registered as an entrepreneur or not. In the case of companies and entrepreneurs, the information must include a company registration number or a number from the register of entrepreneurs.

An entity engaged in professional lobbying is obliged to deliver to the public authority or an employee of the office serving a public authority a statement indicating the entities, for which it performs the activity.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Public authorities should regularly report on the activities of entities that carry out professional lobbying activities. Additionally, once a year, heads of offices servicing public authorities prepare information on actions taken against these bodies in the previous year by entities engaged in professional lobbying. This information should: identify cases in which professional lobbying was undertaken; identify entities that performed professional lobbying activities; determine the forms of professional lobbying activity undertaken, including whether it relied on supporting specific projects or opposing projects; and determine the impact of professional lobbying on the legislative process.

13 Financing of the registration regime

How is the registration system funded?

The registration system is funded by registration fees. Entry in the register is made on the basis of an application and is subject to a registration fee of 100 zlotys.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The register of entities engaged in professional lobbying is kept by the Minister of the Interior. The register is fully public and the information contained in it is subject to disclosure in the Public Information Bulletin, which is a system of websites created for the purpose of making information publicly available.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Currently, there is no code of conduct applicable to lobbyists or their practice. The Association of Professional Lobbyists in Poland, which issued the Code of Conduct, is no longer active.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Influence can be achieved through social campaigns classified as advertising (commercial communication).

Under the Press Law, a journalist must not conduct hidden advertising in order to achieve material or personal gains from a person or organisational unit interested in advertising.

With regard to television and radio, pursuant to the Broadcasting Act, the broadcaster enjoys full independence in determining the content of its programmes, and is liable for what is broadcast. Commercial communications should be easily recognisable, in particular, advertising should be readily distinguishable from editorial content. Thematic placement is prohibited.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Funding of political parties in Poland is subject to strict legal regulation, primarily by the Act on Political Parties. The Constitution states that political parties' sources of financing are made public. The Act on Political Parties identifies the main sources of financing: the income earned by the political party using its own assets; income from natural persons in the form of membership fees, donations, inheritances and bequests; and financing from the state budget in the form of subsidies or subventions. The political party also has the right to take out bank loans for its statutory activity. A political party cannot conduct a business activity or raise funds from public collections.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

The Sejm and Senate members are required to disclose the benefits obtained by them or their spouses. To this end, the Act on the Exercise of the Mandate of Deputy and Senator created the Register of Benefits, to which the following information should be reported:

(i) all positions occupied and general activities performed in both public administration and private institutions for which remuneration is collected, as well as professional work performed on a person's own account;
(ii) any financial or material support for public activity carried out by the Sejm or Senate member;
(iii) donations received from domestic or foreign entities, whose value exceeds 50 per cent of the statutory minimum remuneration of employees for work (which is calculated monthly);
(iv) domestic or foreign trips not related to the performed public function, if their cost has not been covered by the Sejm or Senate member or his or her spouse, or their employing institutions or political parties, associations or foundations of which they are members; and
(v) other benefits obtained, whose value is greater than that indicated in point (iii), not related to occupying positions, or carrying out general activities or professional work.

All political parties have a reporting obligation, which takes the form of an annual report on the sources of their funds, including bank loans and the terms and conditions of obtaining them, and expenses incurred from the electoral fund in the previous calendar year.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Polish law provides for the amount and limitations on transferring assets to a political party.

Membership fees may be paid to a political party only by its members, who must additionally have permanent residence in the territory of Poland. Donations may be paid to a political party by a natural person, who must also have permanent residence in the territory of Poland. Currently, donations are not accepted from legal entities. Donations may be made to the current account of the party and to the account of an electoral fund established to finance the party's participation in elections.

Update and trends

Currently, there is a pending legislative process on the bill for transparency of public life. The legislative process is pending, however, and there have been no new developments since January 2018. According to the statement of reasons accompanying the draft, its aim is to strengthen anti-corruption mechanisms in Poland.

The draft bill introduces an obligation to apply internal anti-corruption procedures by medium-sized and larger entrepreneurs. Additionally, the person controlling a public sector entity will be obliged to adopt internal anti-corruption procedures in subordinate units. Another novelty is the introduction of a general provision that a person performing a public function, while performing this function and in cases specified in the bill, is obliged to avoid a conflict of interest that would involve activities that could lead to suspicion of bias or acting in the interests of an entity in which it does not have a public function.

The draft provides for a new definition of lobbying activity, which is an action of entities that are not public authorities or representatives authorised by these organs, using legally permitted methods not regulated under statutory procedures before public authorities, aimed at influencing a decision taken by a public authority in a specific direction. The draft bill introduces broader disclosure provisions not limited only to professional lobbying. It is proposed to broaden disclosure obligations that will apply not only to professional lobbyists. The draft also proposes a new definition of professional lobbying, which is lobbying of a commercial nature for persons or entities to take into account the interests of these persons or entities. Another proposed change is increasing the maximum fee for registering a professional lobbyist from 100 zlotys to 1,000 zlotys.

Recent legislative changes in the judiciary were considered by the international community as contrary to the rule of law. In particular, shortening the term of office of the judges of Supreme Court, as well as changes in rules for appointment of member of the of the National Council of the Judiciary were criticised. In reaction to those developments, on 20 December 2017, the European Commission initiated the procedure under article 7 of the Treaty on European Union and issued a proposal for a Council Decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law.

The Commission brought an action against Poland for failure to fulfil obligations under EU Treaties before the Court of Justice (Case C-619/18) on 2 October 2018. The Vice President of the Court of Justice provisionally granted all the Commission's requests on 19 October 2018 and ordered Poland to adopt, inter alia, the following interim measures: (i) suspension of the application of the provisions of national legislation relating to the lowering of the retirement age for Supreme Court judges; and (ii) to take all necessary measures to ensure that the Supreme Court judges concerned by the provisions at issue may continue to perform their duties in the same post, while continuing to enjoy the same status and the same rights and working conditions as they did before the Law on the Supreme Court entered into force.

The contributions paid to the parties are limited. Contributions from one person to the current account of the party may not exceed 15 times the statutory minimum remuneration for work during the year. Additionally, a party member may pay membership fees not exceeding the minimum remuneration for work (from one member) in a year. In addition, natural persons, regardless of whether they are party members, have the right to make donations to a party's electoral fund of an amount not exceeding 15 times the minimum remuneration.

If the one-off payment is higher than the minimum wage, it must be made by cheque, bank transfer or credit card. If it does not exceed the amount of the statutory minimum remuneration for work, it may be made in cash. The above rules also apply to non-cash contributions. However, contributions to a party's electoral fund may be paid only by cheque, bank transfer or credit card.

A political party can only accumulate funds in bank accounts, with the exception of membership fees that do not exceed the minimum wage of one member in one year, which are accumulated by organisational units of the party for the purpose of covering expenses related to day-to-day operations.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Whether a source of political campaign funding is acceptable depends on the political party, coalition of parties or voters that create the election committee. In the case of party committees, money can only come from the electoral fund of the party. In the case of committees of organisations and voters, the funding can be sourced from contributions from Polish citizens residing permanently in Poland and from bank loans taken for electoral purposes.

Contributions to the electoral fund, which a party creates in order to finance elections, can only be made by the party itself, or by a natural person in the form of a donation, inheritance or bequest. The total amount of an individual's contribution to the electoral fund of a given political party in one year may not exceed 15 times the statutory minimum remuneration for work. If, however, in a given calendar year more than one election takes place, the sum is increased to 25 times the minimum remuneration.

A political party has the right to receive subsidies from the state budget for its statutory activities during the term of office of the Sejm if an electoral committee of the party participated in Sejm elections and received at least 3 per cent of valid votes on its district lists of candidates for deputies, or, in elections to the Sejm, the party became part of an electoral coalition, whose district lists of candidates for deputies were awarded with at least 6 per cent of the valid votes cast.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Registration as a lobbyist does not trigger any special restrictions or disclosure requirements with respect to the candidate fundraising.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Under the Election Code, an election campaign can only be conducted on the basis of permission given by the election proxy of the committee. Consequently, under the law, it cannot be claimed that the campaign is being conducted independently. However, the Election Code does not sufficiently regulate campaigns run online, which is considered to be a loophole that can be exploited contrary to the general principles of the Election Code.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

There is no catalogue of items that can be accepted. Polish law provides for the obligation to disclose the benefits received in the Register of Benefits. All gifts with a value exceeding 50 per cent of the statutory minimum remuneration for work are subject to entry into the register. The obligation to disclose received benefits applies to persons performing public functions as indicated by law.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The Polish Criminal Code provides for criminal liability both for the person accepting a bribe and for the person offering it in all types of corruption crimes provided for by law. In all cases of corruption, a bribe is a material or personal benefit. The minimum value of a material benefit, which is considered to be the profit gained by the person who accepts the bribe, is not defined by the law. Money and gifts of considerable material value will always be classified as material benefits. However, it is not only the giving and accepting of a material or

personal benefit that is considered a crime. The mere promise of giving such a benefit or demanding it constitutes a crime. Polish law also provides for criminal liability in the case of corrupt conduct in business relations, which means corruption of a person in a managerial position in a business entity, or in an employment relationship, in return for abusing the authority granted to him or her, or for failing an obligation.

The Criminal Code also penalises influence peddling. Anyone who, claiming to have influence in any state or local government institution, international organisation or domestic or foreign organisation with public funds at its disposal, or convincing another person or confirming a conviction concerning the existence of such influence, undertakes to intercede in settling a matter in exchange for a material or personal benefit, or a promise thereof, is liable to imprisonment for between six months and eight years. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Polish law restricts the freedom of employment or other activities for persons who have ceased to perform public functions or have left their position. These persons may not, within one year of leaving their position or performing a function, be employed or engage in other activities with a business, if they participated in issuing a decision in individual cases concerning that business. In justified cases, consent to employment before the end of the year can be granted by a commission appointed by the President of the Council of Ministers.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

It is possible to be barred from engaging in lobbying activities. Under the Criminal Code, a court may order that a person be prohibited from taking a position or pursuing a profession, including lobbying, if he or she abused that position or profession in the commission of an offence or proved that further occupation of that position or profession would endanger essential rights protected by law. In the event of a final ruling prohibiting the performance of professional lobbying activities, the registry-keeping authority deletes from the register the legal person or natural person involved in the decision.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

A recent case of the Supreme Administrative Court (Case I OSK 1333/15) concerned a lobbyist who filed a complaint against the Prosecutor General for alleged violation of a provision of the Lobbying Act. The complainant pointed to the inaction of the Prosecutor General, which consisted in failing to provide him with access to its office in order to conduct professional lobbying activities. The Supreme Administrative Court denied the appeal against the first instance court decision and concluded that such complaints are out of the scope of administrative court control. Granting access to the Prosecutor General's office, according to the Court, is not an act of public authority. Moreover, the Prosecutor General is not engaged in the legislative process and, therefore, is not obliged to provide access to its office (even though in Poland the office of the Prosecutor General is combined with the office of the Minister of Justice).

In Case III SW 7/16, the Supreme Court passed a judicial order in a case in which an electoral committee of one of the parties appealed against the resolution of the National Electoral Commission on the rejection of the financial statements. The Supreme Court pointed out that, according to the Electoral Code, the funds of a political party's electoral committee can come from the electoral fund of that party. The financial statements of the political party's electoral committee are not valid and subject to rejection if they contain false statements that the committee's revenue came from the party's electoral fund, although the committee received a large sum from the party's current account. Electoral fund resources may come from the party's own payments, but the separation of the electoral fund and the current account is important.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

The National Electoral Commission rejected a financial report of the Democratic Left Alliance party (SLD) from supplementary elections to the Oleśnica City Council, which took place on 29 May 2016. Based on the auditor's report, the National Electoral Commission considered that the SLD committee had accepted a donation of 120 zlotys from an individual after the election day, which was supposed to be used for election purposes. According to the provisions of the Electoral Code, such conduct is a basis for rejection of the report, since expenditure for purposes related to elections can only be made through the electoral fund. This case confirms that the rules of political finance do not recognise the de minimis rule.

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Russia

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The main source of law in Russia is the Constitution. The current Constitution was adopted in 1993 (two years after the collapse of the Union of Soviet Socialist Republics).

The Constitution defines the administrative and territorial division of the country, establishes the form of government, and identifies the main bodies of state power and the principles of local self-government. The Constitution also defines the basic rights and freedoms of 'man and citizen'. It has supreme legal force throughout the territory of Russia.

The Constitution establishes the separation of legislative, executive and judicial authorities and their independence. However, the scope of powers of executive authorities (the President and the government) makes Russia largely a super-presidential country (see question 2). The legislative branch and the judicial system have a relative influence and are mostly dependent on the executive branch (see question 5).

The Constitution confirms the rights of citizens to associate to protect their interests and guarantee freedom of activity of public associations. The rights of the business community are not separately reserved in the Constitution.

In respect of cooperation with the state, citizens have the following rights:

- the right to participate in state administration directly or through their representatives;
- the right to elect and to be elected to state authorities and local self-government authorities;
- the right to send individual or collective inquiries to state authorities and local self-government authorities; and
- the right to appeal in court the decisions and actions of state authorities, local self-government authorities and officials.

The Constitution describes the role and responsibilities of the President, the Federal Assembly (the parliament), the government, the judicial branch and the public prosecution service.

The Constitution also establishes the bodies and their members that possess the right of legislative initiative: the President; the Federation Council; Federation Council members; State Duma members; and the government and legislative bodies of constituent entities of Russia (regional parliaments). The Constitutional Court and the Supreme Court also have the right of legislative initiative with regard to the issues pertaining to their competence (see question 5).

In general, discussions about changing the Constitution take place infrequently. The last significant amendments were introduced in 2008 and in 2014, and were aimed at strengthening presidential power. In 2008, the term for which the President could be elected was extended from four to six years, and the term of the State Duma was extended from four to five years. In 2014, the Constitution enshrined the right of the President to appoint chosen representatives (known as senators) to the Federation Council, who may account for up to 10 per cent of the Council's members. This further increases the President's influence on the legislative process.

Certain provisions of the Constitution are further elaborated in the Federal Constitutional Laws, which occupy the second tier after the Constitution in the legal hierarchy. With regard to interaction with state authorities, the Law on the Government and the Law on the Judicial System are of importance. These laws define, among other things, the general powers, the procedure of formation and relations with other authorities.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Russia is both a presidential and a parliamentary republic. This means that the government and the Chair of the Government (the Prime Minister) are accountable to both the President and the Federal Assembly.

However, according to the current Constitution, the President has broad powers to control other authorities.

In particular, the President proposes the candidate for the position of Chair of the Government and must dissolve the State Duma in the event of triple rejection of the candidate. If the Chair raises an issue of no confidence in the State Duma, the President is entitled to dissolve the chamber. The President also confirms the appointment of the government ministers in their offices and appoints federal judges.

These factors have formed a super-presidential republic in Russia where the President and his subordinate institution (the Presidential Executive Office) consolidate the power.

Although a fairly wide range of bodies has the right of legislative initiative, the government is the initiator of most of the adopted laws. The President usually introduces draft laws on the most sensitive social issues. In most cases, draft laws have a chance to be passed, subject to approval by the government or the Presidential Executive Office (or both).

Draft laws introduced by State Duma members of oppositional factions, by legislative assemblies of constituent entities of Russia or those unapproved by the government or the Presidential Executive Office have almost no chance of being passed. All this leads to a less significant status of the State Duma and its somewhat technical role in the legislative process.

The Federal Assembly is the highest legislative body of the country. It consists of two chambers: the State Duma and the Federation Council.

The State Duma consists of 450 members who are elected for five years by direct national elections according to the mixed electoral system. Of these, 225 members are elected according to the proportional system with a threshold barrier of 5 per cent and 225 members are elected according to the majority voting system in single-member districts. The number of districts within the same constituent entity of the country depends on the size of the population of the constituent entity. Each constituent entity has at least one single-member district.

The system of election of State Duma members has changed more than once as a result of the political environment. The last change occurred before the election of 2016 when elections in single-mandate constituencies were reintroduced. The change was aimed at increasing the number of State Duma members from the pro-presidential party, United Russia.

Since 2003, the parliamentary majority has belonged to the United Russia party (from May 2008, President Vladimir Putin was the leader of the party; since May 2012, it has been headed by the current Prime Minister, Dmitry Medvedev); currently, the party has a qualified majority in the State Duma, which makes it possible to introduce amendments into the Constitution.

Currently, the Federation Council consists of 170 senators, who represent the constituent entities of Russia. Two senators are appointed per region: one is appointed by the head of the constituent entity; and the other is elected by the members of the legislative assembly of the constituent entity. In addition, the President may appoint representatives of the Russian Federation whose number may total up to 10 per cent of the total number of senators. So far, the President has not exercised this right.

The Federal Law on the Status of Member of the Federation Council of the Federation and the Status of a State Duma Member defines the rights, duties and responsibilities of the members of the Federal Assembly and their assistants.

Despite the relatively low status of senators and State Duma members, they have broad rights. In particular, the right to receive information from state authorities, which the state authorities must provide within 30 days, and the right to a parliamentary inquiry to state authorities, which must also be executed within 30 days.

The issue of delegating authority for the regulation of lobbying is on the table but there has been no discussion on the topic.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Russia is a federal state comprising 85 constituent entities (regions). Constituent entities have their own framework law (a Constitution or a Statute) and their own legislation.

The Constitution establishes a list of issues that are the responsibility of the government (ie, at the federal level) or that are the joint competence of the government and constituent entities. Constituent entities assume powers of the government on issues that are not included in this list.

For instance, regions can impose corporate property tax, gambling tax and transport tax. Regions also bear partial responsibility for health issues, the environment, etc.

Regional parliaments have the right of legislative initiative at the federal level. In addition, regional parliaments can prepare feedback for draft federal laws. However, their actual influence on the federal legislative process, except in a very limited number of regions headed by powerful governors (ie, Moscow, regions where the largest oil and gas fields are concentrated, and some national republics), is limited.

According to the Constitution, the local government provides for independent resolution by the population of the issues of local significance. Local self-government authorities may manage municipal property, form and execute the local budget, and establish local taxes and fees. Local taxes include land tax, sales tax and personal property tax.

At the beginning of the 2000s, a redistribution of powers commenced in favour of the government. As a result, the regions have lost their ability to significantly influence the decision-making process in Russia and in their own territory. This structure is the result of the following.

First, owing to unequal income distribution between the regions, most of the taxes go to the federal budget. This subsidisation means that regional economies have been weakened and there is a lack of incentive for their development.

Secondly, direct elections of governors were abolished in 2004. In 2012, gubernatorial elections were reintroduced but with a complex system of filtering candidates. However, the President retained the option to dismiss heads of regions. As a result, heads of constituent entities have become dependent on the government and make their decisions in light of this fact.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

Several basic methods and tools can be used by Russian citizens, the business community and public organisations to influence the decision--making processes of bodies of legislative and executive power, though the degree of real influence remains low.

Public councils, expert councils and working groups

Public councils, expert councils and working groups are advisory bodies established by legislative and executive bodies. They are comprised of representatives of civil society, the business community, scientific and expert communities, etc.

The powers of these bodies can include participation in the preparation of legislative and other statutory legal acts, participation in meetings and discussions of legislative and executive authorities, and ensuring public control over activities of the authorities.

In 2012–14, a reform of public councils under the authorities took place. The reform was aimed at reducing the councils' dependency on agencies. However, further monitoring of the councils' activities showed that these bodies performed a non-essential function and did not have any significant influence on the decision-making of state authorities.

Executive authorities establish public councils, expert councils and working groups.

Regulatory impact assessment of draft statutory legal acts and other public consultations

In general, any draft of a statutory legal act (SLA) developed by federal executive authorities must undergo regulatory impact assessment (RIA).

RIA is divided into two stages: departmental RIA; and RIA of the Ministry of Economic Development.

The first stage includes: placement of a notice of SLA development; development of a draft act; preparation of an executive summary and public discussion; and independent anti-corruption expertise.

At the first stage, the body that develops the act independently determines the extent of the regulatory impact of the draft SLA.

The minimum term for public discussion is 10 days and is directly proportional to the level of regulatory impact. Any user registered online at www.regulation.gov.ru may take part in the discussion. Proposals and comments received before the deadline must be mandatorily reviewed by the body that develops the SLA within 20 days, and a summary of the policy proposals specifying the position of the developer must be published on the portal.

The second stage is the preparation of the Ministry of Economic Development's opinion.

Draft SLAs that affect economic activity must mandatorily undergo RIA. Based on the results of an RIA, an opinion about the excessive pressure on business is prepared. In this case, the opinion is not mandatory (ie, the government can continue the development of the SLA even if a negative opinion is given).

A mandatory RIA procedure exists only for draft SLAs developed by executive authorities. SLAs issued by legislative or judicial bodies, or the President, are not required to undergo RIA.

In addition, RIA does not apply to draft SLAs of executive bodies that:

- contain confidential information or state secrets;
- are created on the basis of orders or instructions from the President or the Chair of the Government, which must be developed within 10 days;
- are considered to be priority projects (ie, of higher significance to the state); and
- are part of the National Technological Initiative.

The government regularly uses these exceptions as justification for adopting SLAs without RIA.

There is also a procedure to assess actual impact with regard to existing and previously adopted acts, to determine whether or not their use achieved the results expected at their development. Following the results of the assessment, the existing act may be revised or abolished.

At present, however, this procedure is poorly developed (it includes a very limited number of acts) and has no significant effect on the current regulation.

A public executive body implements RIA for SLAs.

Foreign Investment Advisory Council

The Foreign Investment Advisory Council (FIAC) is an advisory body under the government headed by the Chair of the Government. The FIAC is composed of the representatives of approximately 50 major foreign investors in the Russian economy.

The FIAC's activities are divided into two segments. The first includes annual meetings with the Chair of the Government where key problems of foreign investors are articulated and priority areas of the FIAC's focus are determined. Following the results of the meetings, a list of assignments and instructions of the government is prepared.

The second includes the ongoing activity of the FIAC's working groups. Proposals are prepared with regard to its framework for general improvement of the investment climate in Russia.

Meetings of the FIAC's executive committee under the chairmanship of the Minister of Economic Development can take place several times a year.

Parliamentary hearings

The Federation Council and the State Duma have the right to hold parliamentary hearings on issues within their competence. Members of the public have the right to participate in public hearings. Following the results of a hearing, materials are prepared that may include recommendations for legislative activities. Recommendations can be published and sent to the government.

In practice, parliamentary hearings play a minor role in the legislative process. They are usually held to generate media coverage and to draw stakeholders' attention to the topic under discussion.

Enquiries to state authorities

The Constitution enshrines the right of citizens to send individual or collective enquiries to state and local self-government authorities.

Citizens have the right of written enquiries and to a personal appointment with a member of a state authority. Written enquiries must be considered within 30 days of the date of their registration.

Such enquiries do not have any serious effect on the legislative process. For instance, there is a 'Russian public initiative' website (www.roi.ru) where citizens can advance various initiatives. Upon receipt of 100,000 signatures, the initiative must be considered by an expert working group under the government (within the Open Government system – see above), which decides whether or not to develop the initiative.

If an initiative has gained more than 35,000 votes, it can be submitted to the State Duma. In the autumn of 2017, 14 initiatives received 100,000 votes; of these, one has been implemented and one has been adopted with reservations. Ten initiatives have also been implemented that received less than 100,000 votes. Since introducing this system in March 2013, more than 11,000 initiatives have been submitted.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The Constitution identifies the judiciary as a separate, independent branch of government. The judicial system can be divided into several levels (authorities), and into several categories of jurisdiction: constitutional courts; courts of general jurisdiction, which are divided into military and civil courts; and arbitration courts. The federal and regional levels are represented by different courts within the judiciary: the regional level is represented by justices of the peace and constitutional (statute) courts (the powers of these courts are very limited); and the federal level is represented by the system of the Constitutional Court and the Supreme Court.

The Constitutional Court considers issues of interpretation of the Constitution, and the constitutionality of laws and regulations. The Supreme Court is the highest instance for cases within the general jurisdiction.

Since 2014, arbitration has also been included in the Supreme Court system.

Judges of the Supreme Court and the Constitutional Court are appointed by the Federation Council upon recommendation of the President. Judges of other federal courts are appointed by the President upon recommendation of the Chief Justice of the Supreme Court. However, the status of Federation Council members and judges is quite low. Prior to their appointment, the list of candidates undergoes a thorough filtering process in the Presidential Executive Office (Presidential Commission for Screening Candidates for Federal Judges).

In addition, interaction between the judicial and law enforcement systems has been registered in recent years. In particular, prior to retirement, representatives of law enforcement agencies can hold positions in the judicial system.

The Federal Law on the Judicial System establishes the principles of irremovability and inviolability of federal judges – the term of the judges' power is not limited. However, there are some exceptions to these rules. First, the age limit for tenure of a federal judge is 70 years. Secondly, the powers of judges can be terminated early for disciplinary offences if the respective decision is passed by the Qualification Board of Judges.

The operation of courts is financed exclusively by the federal budget to ensure independent administration of justice. Reduction of financing of the judicial system of more than 5 per cent is possible, subject to consent of the Judicial Council.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

There is no specific regulation of lobbying in Russia. There were repeated attempts to introduce it after the collapse of the Union of Soviet Socialist Republics. Thus, at different times, the State Duma considered at least three draft laws on the regulation of lobbying. Initiators of the draft laws were usually State Duma members from oppositional factions who did not have any significant political weight.

As mentioned in question 1, the Constitution formally provides citizens with the right of association to protect their interests, and guarantees freedom of activity of these associations. Thus, public associations – social organisations in particular – are the main bodies that will promote public interests. In practice, the most active lobbyists are industry and business associations (the Russian Union of Industrialists and Entrepreneurs, Business Russia, the Russian Grain Union and many others).

The regulator of public organisations is the Ministry of Justice. Public organisations are registered through the Ministry of Justice, which also maintains the register of public organisations.

In addition to public organisations voluntarily established by citizens, the law provides for the existence of the Chamber of Commerce and Industry (CCI) and the Public Chamber.

The CCI initially aimed to represent the interests of its members in state authorities. The Public Chamber is composed of the representatives of civil society, the scientific and expert community, business representatives, etc. It has the right to carry out examinations of draft laws, draft SLAs, etc, and to send its members and representatives to participate in the meetings of committees and commissions of the Federal Assembly.

The CCI and the Public Chamber have a low status and limited influence.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no formal definition of lobbying in the federal laws of Russia. However, a definition is enshrined in the Law on Lawmaking and Statutory Legal Acts of Krasnodar Krai.

Legislators of the region define lobbying as 'activities of designated persons on information interaction with the lawmaking body of the region for the purpose of expressing the interests of the relevant organisations in the regional lawmaking'.

Consolidation of this concept in regional legislation is unusual and is an exception for Russia.

In general, the topic of developing the law on lobbying and regulation of lobbying activities does not attract the attention of the relevant stakeholders (government agencies, large businesses, etc) and consequently has not led to the introduction of regulation in this sphere.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

There is no registration of lobbyists in the absence of regulation of lobbying activities.

Nevertheless, voluntary registration of public organisations with the Ministry of Justice is possible. Registration is required for an organisation to obtain legal capacity (ie, to receive all rights and benefits provided for by the Federal Law on Public Associations).

Registered organisations must:

- publish an annual report on the use of their property;
- inform responsible authorities about the continuation of their activities;
- inform responsible state authorities about the amount of money and other property received from foreign sources, and what the funds will be used for;
- maintain accounting and statistical reporting; and
- provide information about their activities to the responsible authorities.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Public organisations are not required to disclose information about interactions with representatives of authorities, the business community, civil society, etc.

In 2014, the Ministry of Economic Development prepared a draft law whereunder state and municipal employees holding positions in the senior management category or generally at a senior level were required to submit information on a monthly basis about their participation in meetings with representatives of public associations, the business community and non-profit organisations.

However, the draft law establishes the meetings for which certain information does not have to be divulged: in the framework of public services provision and state control; in the framework of coordinating, advisory, expert, working and other consultative bodies; press conferences, etc.

The draft law was subject to public discussion in late 2014 and was submitted to the government for review in November 2015 but has not been brought before the State Duma since then.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

There is no applicable law on this issue.

The draft law of the Ministry of Economic Development (see question 9) proposes introducing amendments to the procedure of citizens' enquiries to state authorities.

Citizens are required, during a personal appointment with a public officer, to produce an identity document and to provide information about whose interests the citizen is representing. This information must be recorded in a specific card designed for this purpose.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Not applicable.

13 Financing of the registration regime

How is the registration system funded?

No system of lobbyists' registration exists in the absence of regulation.

Public associations are registered by the Ministry of Justice. Registration is financed by the federal budget. Legal entities and entrepreneurs are registered by the Federal Tax Service, which is also financed by the federal budget.

No separate system for physical persons' registration exists.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

There are no official registers of lobbyists. However, the draft law of the Ministry of Economic Development proposes that information about the meetings should be published on the internet on a monthly basis.

The Ministry of Justice maintains the register of public associations that can be accessed online. Public organisations must also regularly publish the reports about their activities online, which are usually of a general nature and do not only relate to the issues of interaction with state authorities.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

There is no code of conduct enshrined in law; however, various public organisations have the right to adopt this type of document. Voluntary compliance with the code of conduct is independently regulated by each public organisation.

In addition, major companies (mostly foreign) have codes of conduct that take into consideration anti-corruption laws, including the Foreign Corrupt Practices Act and the UK Bribery Act in terms of interaction with state authorities and public officers. These codes are usually mandatory for employees and are applicable to the companies' business partners.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There is no legislation restricting the use of the media by lobbyists to influence stakeholders and public policy outcomes. However, the executive branch sends businesses clear messages that using the media is counterproductive, though businesses still try to publicise and promote their interests through media channels, despite the media having a limited impact on stakeholders.

The media has a limited impact on stakeholders. As a rule, the media becomes involved regarding initiatives that will have an impact on the public.

In addition, the state perceives attempts to use the media and other channels to influence public policy negatively, especially if these attempts look like interference in political processes.

For instance, in 2014 a law was passed limiting the proportion of shares owned by foreign shareholders in the Russian media to 20 per cent and prohibiting foreigners from establishing media companies in the country. In November 2017, a law was passed introducing foreign agent status for media outlets that receive foreign financing (see question 17).

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

The Federal Law on Political Parties allows for the formation of parties' budgets for joining and membership fees, donations, income from events and from entrepreneurial activities, and receipts from civil transactions.

State financing of political parties is also provided for: all parties with presidential candidates or candidates on a federal list for election

to the State Duma that gain over 3 per cent in the election are eligible to receive financing from the federal budget.

The amount of funds received by the party depends on the number of electors who voted for the candidates on the federal list or the presidential candidate. Before the last election to the State Duma, the share of state support in the budgets of the largest parties ranged from 68 per cent to 99 per cent. Currently, only four parties that are represented in the State Duma receive state funding.

Thus, large parties get an advantage over small parties because of additional financing from the budget, which reduces the possibility of small parties competing in elections. As a result, only the abovementioned group of four large parties that are loyal to the President receives state support.

Financing of politicians is only possible during election campaigns.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

Russian legislation does not regulate conflicts of interest for politicians and political parties.

However, the issue of conflict of interest is applicable to state employees. A conflict of interest is defined in Russian law as a situation in which the personal interest of a public officer affects or could affect the proper, objective and impartial performance of his or her official duties.

Personal interest is defined as income in the form of money, property, non-property rights, property-related services, work deliverables or any benefits received by a public officer or his or her close relatives (or both), citizens or organisations to which a public officer is connected by a familial, property, corporate or similarly close relationship.

Public officers must take measures to prevent any possibility of a conflict of interest. Such measures include warning his or her employer about a potential conflict of interest.

If a state employee holds securities or any other rights for equity participation in any organisation, he or she must transfer these rights to a trustee who will be responsible for their management (trust management) in order to avoid a conflict of interest.

The same requirements apply to municipal officers, employees of the Central Bank, employees in state corporations, the Pension Fund, etc.

The need to report about the conflict of interest is also formally applied to individuals occupying public office, including the President, the Chair of the Government, his or her deputies, federal ministers, State Duma members, Federation Council members, and judges of the Supreme Court and Constitutional Court.

These individuals are also subject to the requirement to transfer the rights to shares in various organisations to trust management.

The campaign on deoffshorisation of the economy has been actively promoted recently. Thus, a law was passed in 2013 to prohibit the use of foreign financial instruments by individuals holding public office and other high-level positions related to the state. It is also forbidden to use trust management for such instruments.

In practice, compliance with the requirements for registering a conflict of interest is not adhered to strictly. In particular, the practice of registering shares in businesses for adult children or the practice of fictitious divorces is widespread in order to preserve business management within the family. Many government officials actually own accounts and property abroad.

In addition to the registration of a conflict of interest, a number of other requirements for public officers is established by law. Thus, public officers and individuals holding public office are required to submit information on their income, property and property-related obligations on an annual basis. This information must also be provided with regard to his or her spouse and minor children.

For individuals holding public office, more severe restrictions are put in place. In addition to the declaration of income and expenses, it is established that they are not entitled to engage in entrepreneurial activities or other paid activities, except for, among others, teaching, creative activities and scientific work, and receiving speech fees.

Owing to the fact that Russia has not still ratified article 20 of the United Nations Convention against Corruption – which provides for punishment in the event of a significant increase in the assets of a public official that he or she cannot reasonably explain, in relation to his or her lawful income – unfortunately, public officials are still able to capitalise on conflicts of interest.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

According to the law, donations are not allowed from, among others: foreign individuals and legal entities; foreign citizens; Russian legal entities with foreign equity over 30 per cent; legal entities registered less than one year before the donation; and non-profit organisations receiving financing from abroad (foreign agents).

The maximum amount for annual donations is limited for different types of donors. The total maximum amount of annual donations is also limited.

Unofficial political organisations operate in Russia, despite the fact that unapproved financing by the private sector of political and electoral campaigns is prohibited.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Electoral campaigns of candidates for elective offices are financed through election funds. These funds are generated after the nomination of a candidate or a list of candidates by a party, or after individual nomination of candidates. The law establishes that the maximum amount of election funds must be directly proportional to the level of the elections (ie, regional or federal).

Electoral funds can be generated from:

- candidates' or electoral associations' own funds;
- funds allocated to a candidate by the electoral association that nominated him or her; and
- voluntary donations from citizens and legal entities.

In this case, restrictions can be established with regard to the maximum amount of money in the election fund obtained from various sources.

The following are prohibited from making electoral donations:

- foreign states, organisations and citizens;
- state authorities;
- Russian legal entities with foreign equity exceeding 30 per cent;
- Russian legal entities with state participation exceeding 30 per cent;
- anonymous benefactors;
- legal entities registered less than a year before giving the donation; and
- non-profit organisations receiving financing from abroad (foreign agents).

All activities related to the organisation of electoral campaigns must be financed from electoral funds. In practice, candidates form 'black cash funds', which are unregistered electoral funds through which the activities of employees, work, goods and services are traditionally paid for, the illegality of which can be hard to prove. In recent years, the formation of black cash funds has resulted in a number of criminal cases, mostly against opposition politicians.

At most levels of the elections, the Central Election Commission must publish information on the internet about major financial transactions of candidates or parties, legal entities that have given large donations and the number of citizens who have given large donations to the electoral fund. In practice, opportunities for obtaining legitimate and substantial donations for political campaigns are limited. Major financial channels are controlled by the ruling elite, which reduces the chances for the opposition to compete in equal conditions.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

There is no separate regulation for lobbyists. A unified procedure of disclosing information about the activities of legal entities exists, including information about the financing of political campaigns.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

The Federal Law on Basic Guarantees of Electoral Rights declares that candidates and electoral associations independently determine the contents, forms and methods of their campaigning, independently hold the campaign and have the right to involve other persons in it.

The same law says that citizens and public associations 'have the right to hold election campaigning in the forms permitted by law and by lawful methods'.

Thus, the law does not prohibit public organisations and individuals not affiliated with candidates and political parties to hold an independent campaign for or against a candidate or party. Restrictions are applied to the form and methods of campaigning, which are established by the Federal Law on Guarantees of Electoral Rights.

Payment for election campaigning is possible only through a candidate's electoral fund. This means that campaign materials must be produced free of charge. Representatives of the media are prohibited from engaging in campaigning.

The law does not regulate the coordination of parallel campaigning by representatives of candidates; however, because there is a ban on bribing voters, this activity must be carried out for free. In practice, an independent parallel campaign (ie, carried out by non-affiliated organisations or individuals) can be considered as bribery of voters, especially if evidence is found that this parallel campaign was deliberately orchestrated by the candidate's representatives.

In general, the state has a negative attitude to public manifestation of support of certain candidates. This mostly concerns the support of opposition candidates and campaigning held outside the candidates' headquarters.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

It is prohibited to receive gifts (except for simple gifts that do not cost more than approximately US$50 and gifts at hospitality events) in connection with the official capacity or the performance of the official duties of individuals who:

- occupy public office;
- occupy the public office of a constituent entity;
- occupy municipal offices;
- are public and municipal officers; or
- are employees of the Bank of Russia.

Members of the State Duma and the Federation Council are not banned from receiving gifts. Nevertheless, there is a ban set for them as well as for public officers on receipt of monetary rewards, loans, services, payment for entertainment, leisure activities, transport expenses and other compensations in connection with the performance of their official duties.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

There is no separate regulation for lobbyists but there is extensive general anti-corruption legislation. Most of the laws and regulations are aimed at minimising corruption among public employees and individuals holding public office.

The main law in this field is the Federal Law on Counteracting Corruption, which establishes the fundamental principles of corruption control, and the legal and organisational basis for preventing and fighting corruption.

Additionally, Russia has fully or partially ratified the following international conventions in the field of combating corruption:

- the United Nations Convention against Corruption;
- the Criminal Law Convention on Corruption;
- the United Nations Convention against Transnational Organized Crime; and
- the Organisation for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials.

Responsibility for corruption is established by various provisions of the Criminal Code.

However, anti-corruption laws are not effectively implemented, as evidenced by the corruption cases that have frequently arisen, and, when they are implemented, they are not enforced in a manner that is equal for all social groups. Forfeiture of property as a measure of restraint of corrupt practices is not frequently used in the field of fighting corruption.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Restrictions are established in this field in accordance with the law to avoid a conflict of interest. If a public officer managed any subordinate

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organisation within his or her authority, employment in this subordinate organisation is possible only subject to permission granted by a special commission on prevention of conflicts of interest.

Additionally, when entering employment, public officers are required to notify their future employer of the fact that they worked in public service, and the employer must notify representatives of the state of the previous place of employment about the conclusion of an agreement with the employee within 10 days.

All the above requirements apply to public officers for two years after their dismissal from public service.

The practice of employment of former public officers in private companies is widespread. Thus, upon leaving public service, public officers sometimes hold positions on the boards of directors of large companies, government relations units, etc.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

There is no specific regulation, but there are general rules regarding registration of legal entities if administrative or other offences are committed. In practice, entrepreneurs establish new legal entities if the original entities have been liquidated.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

In 2012, a law was passed that introduced the status of foreign agent for non-profit organisations receiving foreign financing or for those of foreign origin. The status of a foreign agent imposes a ban on financing of electoral campaigns.

At the end of November 2017, a law was passed that stipulates that media outlets receiving foreign funding are considered to be foreign agents. The law obliges these media outlets to submit a quarterly report to the Ministry of Justice on their activities, including receipts for all outgoing expenses. Any articles, etc, released by these outlets must be accompanied by a note stipulating that they were published by foreign agents.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

There is no separate regulation for lobbyists. General sanctions for violation of the laws on corporate reporting are applied. In particular, penalties are established for failure to submit reports or for serious errors in reporting.

Singapore

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law is the Constitution of the Republic of Singapore, which is a written document. In terms of article 4, the Constitution is the supreme law of Singapore and any law that is inconsistent with the Constitution is void. Part IV of the Constitution deals with fundamental liberties, which include the liberty of the person (article 9), prohibition from slavery and forced labour (article 10), protection against retrospective criminal laws and repeated trials (article 11), equal protection (article 12), prohibition of banishment and freedom of movement (article 13), freedom of speech, assembly and association (article 14), freedom of religion (article 15) and rights in respect of education (article 16). The High Court may be petitioned for the violation of any of the aforementioned rights.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Singapore has a unicameral legislature. The legislature consists of the President and the Parliament. The latter comprises elected members, non-constituency members and nominated members. The Prime Minister is the head of the cabinet. Along with the Constitution, the Parliamentary Elections Act (Chapter 218 2011 Rev Ed) (PEA) governs the conduct of elections in Singapore for electing Members of Parliament (MPs), and the Presidential Elections Act (Chapter 240A 2011 Rev Ed) governs the conduct of elections for electing the President.

There are three types of members and two types of constituencies. There are: MPs who represent their respective constituencies, who are elected directly during elections; up to nine non-constituency MPs who are not directly elected, but appointed among the losing opposition candidates who polled the highest votes (article 39); and nominated MPs. The two types of constituencies are: single-member constituencies; and group representation constituencies (GRCs).

A GRC is defined as 'a cluster of three single member constituencies grouped into a larger constituency run by a team of MPs. Under this system, the President of Singapore may declare any constituency a GRC and at least one of the three candidates in every group will be a person belonging to one of the racial minorities' (Kevin YL Tan and Thio Li-ann, *Constitutional Law in Singapore and Malaysia*, p. 310 (2010)).

The President is the constitutional head of the state, who is required to act on the aid and advice of the cabinet. The Constitution provides that the President is to be elected by the citizens of Singapore in accordance with any law made by the legislature (article 17A). The President is directly elected by the people, for a term of six years.

Delegated legislation is prevalent in Singapore. The parent legislation is enacted by Parliament and the rule-making functions may be delegated to the administrative bodies.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Singapore is a unitary state; Parliament has legislative competence over all subjects.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

A bill may be introduced by any MP or a private member. When a bill requires special consideration, it is sent to a select committee comprising selected MPs. The public is then given an opportunity to make written submissions to the select committee. The committee may also invite the public to give evidence on the matter. Typically, respondents from the public must identify themselves and the organisations that they represent (if any) and the relevant government bodies may follow up with the respondents to seek clarification.

These public consultations receive varying numbers of respondents, depending on the public interest in the bill at hand.

After public consultation, the bill is reported to Parliament to be read for a third time, which is when any amendments may be proposed. The bill is put to vote after the third reading.

The Presidential Council for Minority Rights (PCMR) has to draw attention to any bill, which it considers to be a differentiating measure (article 77, Constitution). After the bill has been given a third and a final reading and is passed by Parliament, it has to be sent to the PCMR before it receives presidential assent. The PCMR has to make a report to the Speaker if any provision in the bill would operate as a differentiating measure. If Parliament receives an adverse report from the PCMR, and carries out amendments to the bill, the amended version of the bill has to be sent back to the PCMR (article 78, Constitution).

A bill becomes legislation on receiving presidential assent.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judicial power in Singapore is vested in the Supreme Court and in the subordinate courts (article 93, Constitution). The Supreme Court consists of the Court of Appeal, which exercises appellate civil and criminal jurisdiction, and the High Court, which exercises original and appellate civil and criminal jurisdiction (section 3, Supreme Court of Judicature Act (Chapter 322 2007 Rev Ed)). The Court of Appeal consists of the Chief Justice and the judges of appeal, the High Court consists of the Chief Justice and the judges of the High Court (article 94, Constitution).

The Chief Justice, the judges of appeal and the judges of the High Court shall be appointed by the President if he or she, acting in his or her discretion, concurs with the advice of the Prime Minister (article 95, Constitution).

The judiciary is independent in Singapore. The High Court has a general supervisory and revisionary jurisdiction over all subordinate courts (section 27, Supreme Court of Judicature Act).

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying activity in Singapore is indirectly regulated through the Political Donations Act (Chapter 236 2001 Rev Ed) (PDA), the PEA and the Presidential Elections Act, along with the Election Advertising Regulations under the PEA and the Presidential Elections Act.

The PDA provides for mandatory disclosure of donations, and seeks to prevent foreign influence on local politics by prohibiting foreign donations. Summarily, only Singaporean individuals and Singapore-controlled companies are permissible donors as defined by section 2 of the PDA. The government is also able to keep track of donations made by companies and individuals. Sections 12 and 18 of the PDA mandate political associations and candidates to file an annual donation report. See questions 17–20.

The PEA and the Presidential Elections Act provide for a limit on the time for campaigning and the limit on campaign expenses (see question 20).

In relation to a limit on the time for campaigning, where more than one candidate is nominated, the returning officer will adjourn the election to a date when a poll will be taken (ie, polling day). The returning officer will then issue the notice of contested elections giving:

- the date of the poll (not earlier than the 10th day, and not later than the 56th day after publication of the notice);
- the names of candidates, their symbols, proposers and seconders; and
- the names and locations of all polling stations.

Candidates can start campaigning after the notice of contested election is issued, up to the start of cooling-off day (which is the day before polling day).

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no legislation in Singapore that expressly defines lobbying and there is also no legislation expressly governing the conduct of lobbying. Financial contributions by Singapore-controlled companies towards local politics are governed by the PDA (see questions 17–20).

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Apart from the mandatory annual donations report (see question 18), there is no mandatory registration or disclosure of lobbyists.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

There is no legislation in Singapore mandating disclosure and registration of communications with officials of the legislature or the executive.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

As stated in question 7, there are no lobbying rules and regulations in Singapore.

However, there are provisions generally prohibiting foreign influence on domestic politics. Examples of these prohibitions may be found in the Public Order Act (Chapter 257A, 2012 Rev Ed) (POA), the Newspaper and Printing Presses Act (Chapter 206 2002 Rev Ed) (NPPA), the Broadcasting Act (Chapter 28 2012 Rev Ed), the PDA and the PEA.

Under the POA, the Commissioner of Police may refuse to grant a permit for a public assembly or procession if he or she has reasonable grounds to believe that it is directed towards a political end and involves foreign entities and individuals (section 7(2)).

The NPPA and the Broadcasting Act empower the government to restrict and control the ownership of newspapers and broadcast media so as to prevent foreigners from manipulating Singapore media platforms to influence local politics.

Section 19(1) of the NPPA sets out that ministerial approval is required for a newspaper to receive funds directly or indirectly from a foreign source. Section 19(8) makes it an offence for any journalist to have received funds and failed to declare the receipt within seven days to the managing director of his or her newspaper.

Section 24(2) of the NPPA prohibits the sale, distribution or import or possession for sale or distribution of any declared foreign newspaper, unless ministerial approval is obtained. Section 25(1) also prohibits the reproduction for sale or distribution in Singapore of any copy of a declared foreign newspaper, unless ministerial approval is obtained.

Section 31(1) of the Broadcasting Act prohibits the rebroadcast of any declared foreign broadcasting service, unless ministerial approval is obtained. Section 43(1) prohibits the receipt of funds from any foreign source in order to finance a broadcasting service, unless consent from the Info-communications Media Development Authority (IMDA) is obtained. Section 44 also contains restrictions on foreign ownership of broadcasting companies.

Finally, the PEA prevents persons who have taken any oath or declaration or acknowledgement of allegiance, obedience or adherence to any foreign power or state from voting in Singapore's election process (section 6(1)). The PDA also prohibits election candidates and political parties from accepting foreign funding.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

There are no lobbying rules and regulations in Singapore.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

There are no lobbying rules and regulations in Singapore.

13 Financing of the registration regime

How is the registration system funded?

There are no lobbying rules and regulations in Singapore.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

There are no lobbying rules and regulations in Singapore.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

In a letter on Rules of Prudence from Prime Minister Lee Hsien Loong to the People's Action Party (PAP) issued to MPs on September 2015, the Prime Minister set out various guidelines that should be adhered to by PAP MPs in relation to lobbying and gifts.

PAP MPs are prohibited from lobbying any ministry or statutory board on behalf of anyone who is not their constituent or grass-roots activist. PAP MPs are not to use parliamentary questions as a means to lobby the government on behalf of their businesses or clients, and are not allowed to accept directorships that may result in them having to use their public position to champion the interests of the company, or to lobby the government on the company's behalf.

PAP MPs are not to accept gifts that may place them under obligations in conflict with their public duties. If gifts are received from persons other than close personal friends or relatives, they must be

declared to the Clerk of Parliament who will have them valued. If the PAP MP wishes to keep the gifts, he or she must pay the government for them at the valuation price.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Broadcast and press media in Singapore is subject to regulations and censorship by the IMDA.

Publishing and printing of newspapers in Singapore is governed by the NPPA. There can be no printing and publishing of newspapers unless the company is properly licensed as provided for by section 21(1) of the NPPA. Similarly, broadcasting in Singapore is governed by the Broadcasting Act and any broadcasting service must be properly licensed (section 3, Broadcasting Act). Licences are granted by the IMDA, and newspaper and broadcasting companies are subject to codes issued by the IMDA.

The codes restrict advertising content. For example, commercial interest groups may publish advertisements in the media, with the aim of influencing public policy. These advertisements are governed by the TV Advertising Code, which sets out restrictions on the type of advertisements allowed and the various subject matters that advertisers are prohibited from addressing in advertising.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

The PDA regulates funding for political associations, candidates and election agents. The PDA provides for the appointment of a registrar of political donations (the registrar) and assistant registrars, by notification in the Gazette.

Donations may be accepted only from permissible donors. A permissible donor is defined as:

- an individual who is a citizen of Singapore and is not less than 21 years of age;
- a Singapore-controlled company that carries on business wholly or mainly in Singapore; or
- in relation to a candidate, any political party he or she is standing for at an election (section 2).

According to section 3, a donation in relation to a candidate or political association includes the following:

> *[A]ny gift of money or other property, any money spent in paying any expenses incurred, directly or indirectly, by the candidate, election agent, political association, as the case may be or any person so authorised by them, any money lent to the candidate or his election agent or political association otherwise than on commercial terms, the provision otherwise than on commercial terms of any property, services or facilities (including the services of any person) or the provision of any sponsorship in relation to the candidate, which is given, spent, lent or provided (whether before or after he becomes a candidate) for the purposes of the candidate's election or in relation to the political association.*

A donation further includes any subscription or other fee paid for affiliation to, or membership of, the political association. Furthermore, any money or other property that is transferred to a candidate, election agent or political association for a consideration that is less than the value of the money or (as the case may be) the market value of the property shall be regarded as constituting a gift to the candidate, election agent or political association, as the case may be.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

The PDA mandates political associations and candidates to file an annual donation report with the registrar with all requisite details of donations including the identity of the donors (sections 12 and 18). Candidates are also required to make a declaration, in the prescribed form, that no other donations have been accepted during the relevant period, no donation has been accepted from other than permissible donors and no anonymous donations in excess of the prescribed sum have been accepted (section 18). Every donation that is accepted during the relevant period must be recorded:

- if it is a single donation of not less than S$10,000 or the prescribed sum; or
- if, when it is added to any other donation from the same permissible donor, the aggregate amount of the donations is not less than S$10,000.

Upon receipt of the donation report and declaration, the registrar will issue a political donation certificate to the person concerned, stating compliance. The PDA also mandates the filing of a post-election donation report and declaration by the candidate and his or her election agent or principal election agent, as the case may be.

Under the PDA, the value of any donation that is a gift to a candidate, election agent or political association is the market value of the property in question.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

As mentioned in question 18, political contributions to associations, candidates and election agents are regulated by the PDA. In terms of this Act, a donation is 'accepted' by a candidate or his or her election agent if it is received and retained by the candidate or his or her election agent for the purpose of the candidate's election; or by a political association if it is received and retained by the political association for its use and benefit (section 6).

Donations may be accepted from permissible donors only (sections 8 and 14). No donation should be accepted if the identity of the person offering the donation cannot be ascertained. However, during one financial year for political associations and during the relevant period for a candidate or election agent, anonymous donations less than a total sum of S$5,000, or such other prescribed sum, may be accepted.

If a political association receives any donation that it is prohibited from accepting, or that the association, candidate or election agent has decided that he or she should for any reason refuse, then the donation must be returned in accordance with the PDA (sections 9 and 15).

If any anonymous donation is made and it is prohibited under the PDA, the whole donation must be returned, either to the person (other than the donor) who transmitted the donation or to the financial institution, whose facility was used to transmit the donation. In all other cases, the whole donation must be sent to the registrar, who will, in turn, pay it into the Consolidated Fund (sections 10 and 16).

If any donation that is prohibited under the PDA is made and has been accepted by the association, candidate or election agent, a district court may, on the application of the public prosecutor, order the forfeiture of an amount equal to the value of the donation. Any amount forfeited by an order under the PDA shall be paid into the Consolidated Fund (sections 11 and 17).

Parties and political officials would also fall under the Prevention of Corruption Act (Chapter 241 1993 Rev Ed) (PCA). See questions 23 and 24.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

The PDA regulates donations to candidates, election agents and political associations, and mandates the filing of an annual donation report with the registrar.

Update and trends

The Public Sector (Governance) Act 2018 (PSGA) was passed by the Parliament on 8 January 2018 and assented to by the President on 7 February 2018. The objective of the PSGA is to strengthen corporate governance in the public sector. The PSGA seeks to provide for a consistent governance framework across public bodies in Singapore and to support a whole-of-government approach to the delivery of services in the Singaporean public sector. The PSGA requires the disclosure of conflicts of interests as soon as practicable where, for example, a member of a public body may derive a direct or indirect financial benefit from the relevant matter relating to the public body in question (sections 23, 24, 25 and 26). Such a member of the public body must also withdraw and refrain from voting or engaging in any meeting, discussion or decision of the public body pertaining to the matter.

On a separate note, a recent amendment to section 7 of the Public Order Act effective as of 1 October 2017 is that the Commissioner of Police is now expressly empowered to refuse to grant a permit for a public assembly or public procession if the Commissioner has reasonable grounds for apprehending that the proposed assembly or procession may be directed towards a political end and be organised by, or involves, the participation of a foreign person (section 7(2)(h) of the Public Order Act). The purpose of this amendment is to restrict the political space given to a foreign entity or a foreign individual who intends to further any political cause in Singapore.

The PEA limits the expenses that may be incurred by a candidate or his or her election agent at an election. Expenses in excess of the maximum (in relation to a candidate in an election in any GRC – an amount equal to S$4 for each elector on the register for that constituency divided by the number of candidates in each group nominated for that election; or in relation to any other candidate – an amount equal to S$4 for each elector on the register, as specified in the Third Schedule, PEA) are considered to be an illegal practice (section 69).

Similarly, under the Presidential Elections Act, expenses in excess of the permissible limit (S$600,000 or an amount equal to 30 cents for each elector on the register, whichever is greater), would be considered an illegal practice (section 50).

The PEA and the Presidential Elections Act mandate declaration and publication of election expenses. Within 31 days of the date of publication of the result of an election in the Gazette, the election agent or principal election agent, as the case may be, of every candidate, is required to transmit a return consisting of detailed statements with respect to the election expenses of the candidate, to the returning officer. The return should consist of detailed statements regarding every donation accepted by the election agent or by the candidate for the purpose of expenses incurred or to be incurred on account of the election, naming every person from whom the donation may have been received (section 74, PEA and section 56, Presidential Elections Act). Failure to comply with the declaration requirement constitutes an illegal practice.

The PEA and the Presidential Elections Act mandate the publication of the return of election expenses (section 75, PEA and section 57, Presidential Elections Act). The returning officer shall affix a notice displaying the date on which the return and statements were received, and of the time and place at which they can be inspected, in some conspicuous place in his or her office. The notice will also be published in the Gazette. The returning officer is also required to permit any person to inspect and make extracts of the returns and statements or obtain copies of any part of the returns, on payment of a prescribed fee, at all reasonable times during six months after the publication of the notice in the Gazette.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Singapore does not have a system of registration for lobbyists.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Political campaigning in Singapore is regulated by the PEA, the Presidential Elections Act, Parliamentary Elections (Election Advertising) Regulations and the Presidential Elections (Election Advertising) Regulations (the Regulations).

All election advertising in a print document, during the period beginning with the day the writ of election is issued for an election and ending with the start of the polling day, has to bear on its face, and if more than one side of printed matter, on the first and the last page of the document, the names and addresses of its printer, publisher and the person for whom or at whose direction the election advertising is published (section 61(c)(i), PEA). Section 78A of the PEA and section 60 AA of the Presidential Elections Act empower the relevant minister (ie, the Prime Minister) to make regulations for election advertising.

The Regulations prescribe that for non-print advertising, the particulars of any election advertising agency in any website shall be shown conspicuously on:

- the opening page of the website containing any election advertising; and
- the page first displayed for every subdirectory of the website if the relevant particulars of the election advertising in the subdirectory are not the same as the first page.

The Regulations prescribe the mode of display of the relevant particulars in election advertisements by electronic transmission, blog post, social networking service, electronic mail, chat-room discussion, text message, multimedia message, etc. Relevant particulars refer to:

- the name and address of the publisher of the election advertising; and
- the name and address of every person for whom or at whose direction the election advertising is published.

The Regulations prohibit the display of posters and banners without obtaining a permit to do so from the returning officer. The returning officer shall prescribe the permissible size of posters and banners and determine the maximum number of posters and banners that may be displayed during the campaign period of an election in respect of each candidate or group of candidates in their respective electoral divisions. No poster or banner may be displayed without affixing a stamp issued by the returning officer bearing his or her official mark.

During the campaign period of an election, election advertising through a television broadcast, exhibiting in a place where the public has access or through publication in any newspaper, magazine or periodical, may be carried out only by a person so authorised and acting in accordance with the written directions of the returning officer.

Publication or display of election advertising and canvassing in an electoral division is prohibited on the polling day and on the eve of the polling day (sections 78B and 80, PEA and sections 60A and 62, Presidential Elections Act).

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Legislative and executive officials in Singapore are subject to the PCA.

Sections 11 and 12 of this Act prohibit the bribery of domestic public officials such as MPs and members of a public body. Section 11(a) prohibits a person from offering gratification to an MP as an inducement or reward for the member doing or forbearing to do any act in his or her capacity as a member. Section 11(b) prohibits the member from accepting said gratification. Section 12 prohibits members of a public body from the same.

Gratification is very widely defined to include money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, any office, employment or contract, any payment, release, discharge or liquidation of any loan, obligation or other liability, any other service, favour or advantage including protection from any penalty or disability or from any action

or disciplinary or penal proceedings, and including the exercise or the forbearance from the exercise of any right or any official power or duty and any offer, undertaking or promise of any gratification.

Further sections 161 to 165 of the Penal Code (Chapter 224 2008 Rev Ed) make it an offence for public servants to accept bribery.

There is no legislation requiring government or legislative officials to declare or disclose any gifts received (as any receipt would be an offence in the first place under the PCA). However, legislative and executive officials would be subject to further codes of conduct published by the various ministries and statutory bodies. These codes of conduct might govern the receipt of small friendly gifts and business meals.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Sections 5 and 6 of the PCA prohibit bribery in general. Section 5 makes active and passive bribery by individuals and companies in the public and private sectors an offence. Section 6 makes it an offence when an agent is corruptly offered or corruptly accepts gratification in relation to the performance of the principal's affairs or for the purpose of misleading the principal.

There is no specific provision restricting payment or controlling the activities of lobbyists or holders of government contracts. Arguably, such people will be subject to sections 5 and 6 of the PCA.

In terms of international treaties, Singapore became a signatory to the United Nations Convention against Corruption (UNCAC) on 11 November 2005 (ratified on 6 November 2009) and to the United Nations Convention against Transnational Organized Crime on 13 December 2000 (ratification on 28 August 2007).

Singapore has been a member of the Financial Action Task Force since 1992. It was one of the founding members of the Asia-Pacific Group on Money-Laundering in 1997 and was admitted as a member of the Egmont Group of Financial Intelligence Units in 2002. Singapore is also a member of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, which it endorsed on 30 December 2001.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

There is no specific legislation regulating movement of individuals from public to private bodies and vice versa. However, government bodies carry out extensive background checks on their employees, and private-sector individuals being seconded to public bodies. Potential employees are required to fully disclose their previous employment background. Section 117 of the Penal Code makes it an offence to furnish false information to a public servant.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

As stated, there are no lobbying rules and regulations in Singapore, and foreigners are generally prohibited from being involved in domestic politics. Therefore, notwithstanding the lack of a specific statute prohibiting lobbying, if lobbying is conducted by foreigners it may seek to influence domestic politics, which would be contrary to legislative provisions as addressed in question 10.

Additionally, the state has the means and power to deny entry into Singapore, and to expel undesirable foreign individuals. The relevant provisions with regard to denying entry into Singapore can be found in the Immigration Act (Chapter 133 2008 Rev Ed) (IA).

Section 8(1) of the IA provides that any person who is not a citizen of Singapore, who is a member of any of the prohibited classes as defined in section 8(3) or who, in the opinion of the Controller of Immigration, is a member of any of the prohibited classes, is a prohibited immigrant. Generally, under section 8(2), no prohibited immigrant shall enter Singapore unless he or she is able to obtain a valid pass. A prohibited immigrant shall be prohibited from disembarking or he or she may be detained (section 31(1)) and shall be liable to be removed from Singapore (section 31(2)).

Section 5(1) of the Banishment Act (Chapter 18 1985 Rev Ed) provides that where the relevant minister is satisfied (in this case the Minister for Home Affairs), after an enquiry or from any written information that he or she considers necessary or sufficient, that the banishment from Singapore of any person who is not a citizen of Singapore would be conducive to the good of the country, her or she may order that person to be banished. If the minister thinks fit, in place of making a banishment order, he or she may order that any person whom he or she is not satisfied is a citizen of Singapore or is an exempted person leave Singapore before the expiration of a period of 14 days from the date of service of a copy of the order (section 8(1)).

In the past, there have been instances of individuals interfering with domestic politics, for example, E Mason Hendrickson and Huang Jing, who were both made to leave Singapore in the late 1980s and 2017 respectively.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

In 2011, under section 2(1) of the PDA, the internet content providers of the website 'The Online Citizen' were declared as a political association.

The Online Citizen is an independent website run by individuals in their private capacity, which posts online petitions and articles on a myriad of local issues. Therefore, under the Political Donations (Political Associations) Order, the individual persons responsible for the website were defined as a political association.

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This demonstrates that the Prime Minister has wide discretionary powers to determine what entity or even individuals can be a political association. By doing so, the government is able to keep a tab on vocal interest groups and individuals that lobby and petition for various causes that seek to influence public policy and legislation.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

As stated, there are no lobbying rules and regulations in Singapore. Lobbying by foreign individuals or commercial or interest groups may fall under legislative prohibitions on foreigners influencing domestic politics.

Taiwan

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law in Taiwan is the Constitution, including the Additional Articles of the Constitution, Constitutional Interpretations, and the International Covenant on Civil and Political Rights. The Constitution stipulates that people shall have, among other rights, freedom of speech, writing and publication, freedom of assembly and association, and the right to present petitions or lodge complaints. The Constitution further provides that all other freedoms and rights that are not specifically identified in the Constitution and that are not detrimental to social order or public welfare are guaranteed under the Constitution, and that none of the freedoms and rights enumerated in the Constitution shall be restricted by law except under conditions in which it may be necessary to prevent infringement upon the freedoms of other persons, to avert an imminent crisis, to maintain social order or to advance the public welfare. Constitutional Interpretations have also confirmed the freedom of speech and assembly, and the right to petition the government in many cases. In addition, there are pieces of legislation, such as the Assembly and Parade Act, the Petition Act and the Lobbying Act, which contain details regarding the aforementioned Constitutional freedoms and rights.

2 Legislative system

Describe the legislative system as it relates to lobbying.

The national government in Taiwan is a president-parliamentary system. The principal legislative body, the Legislative Yuan, is unicameral and chambers are elected, either directly or indirectly. Taiwan has a mixed-member election system, which combines a proportional representation system (30 per cent) with a plurality voting system (70 per cent). Eligible voters have two votes, one for a district representative candidate and the other for a political party. Candidates for district representative positions are elected if their votes rank first in their respective districts. Votes for political parties determine, through proportional distribution, the number of seats one political party can gain for allocation of the party's representatives in the Legislative Yuan (parliament).

Secondary legislation may be prescribed by units within the executive branch only if the primary legislation has given its authorisation to the executive units by law. Secondary legislation must not violate primary legislation. According to Taiwan's Lobbying Act (the Lobbying Act), the competent executive authority, the Ministry of the Interior, may enact regulations governing the implementation of the Lobbying Act as well as determine enforcement rules and charges regarding the matters of browsing, transcribing, photocopying or photographing registrations and financial statements of lobbyists.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

There are local governments in Taiwan for special municipalities, counties, cities and towns.

The Constitution provides non-exclusive lists for matters that must be dealt with by the central government and matters that may be delegated by the central government to the local government, as well as matters that can be dealt with by local government. The Local Government Act further stipulates, in detail, self-government matters. Local governments possess authority over matters in the counties and cities including but not limited to the election and recall of public officials, land registration and administration, press administration, management of income, expenditures and finances, taxes and levies, formulation, review, and implementation of urban planning, construction administration, environment protection and health administration, all of which interested parties may seek to influence through lobbying efforts.

According to the Local Government Act, disputes over the authority among the central government, special municipalities and counties and cities, shall be resolved by the Legislative Yuan.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process What opportunities or access points are typically available to influence legislation?

The legislative process at the national or subnational level generally includes three reading procedures. After the first reading, a draft bill will be handed to respective professional committees for review before entering the second reading stage. The committees may hold public hearings and invite proportional numbers of government officials and private persons to present affirmative and negative positions respectively, to express opinions and make a report or record for legislative reference.

5 Judiciary

Is the judiciary deemed independent and co-equal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The judiciary in Taiwan is generally deemed an independent and coequal branch of government. Judges are appointed according to the Taiwan Judges Act.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying in Taiwan is regulated by the Lobbying Act. According to the Act, lobbyists must, before lobbying, register with the government agency with which the lobbied party is affiliated through application on a case-by-case basis. The lobbied party may include the president, vice president, legislators of representative bodies at various levels, the chiefs and deputy chiefs of special municipalities, counties, cities or townships, and others specified by law. In addition to filing an application for registration before commencing any lobbying efforts, lobbyists must prepare financial statements for funding spent on lobbying and file a report to the lobbied government agency by 31 May of each year, and when managing the termination of their registrations.

While the Ministry of the Interior is designated as the authority for the Lobbying Act, each government agency to which a lobbied party is affiliated has the power, and is also obligated, to decline a registration application for lobbying and may refuse lobbying in the event that the activity is restricted by the Lobbying Act. Such restrictions cover lobbying aimed at formulation, enactment, modification or annulment of laws, government policies, or legislation by persons who do not have any involvement with the subject of the lobbying, except for individuals or for-profit corporations designated for lobbying. Additionally, if the lobbying, by its nature, is permitted by law but is not legally registered, the lobbied party must refuse the lobbying efforts. In the event that the lobbied party is unable to refuse the lobbying efforts in a timely manner, the lobbied party or its affiliated government agency shall notify the lobbyist to file for registration within a certain period of time.

Additionally, to avoid conflicts of interest from within the legislative body, according to the Lobbying Act, legislators of representative bodies at the various levels cannot lobby for an enterprise operated by themselves or parties related to them, or in which their total invested shares exceed 10 per cent, and they shall not commission other lobbyists to engage in lobbying efforts on their behalf.

According to the authorisation conferred by the Lobbying Act, the Ministry of the Interior may issue guidance on lobbying. The Ministry has issued the Enforcement Rules for the Lobbying Act, the format of registration application, and has determined the enforcement rules and charges for browsing, transcribing, photocopying or photographing lobbyists' registration and financial statements, which should be available to the public pursuant to Lobbying Act. The Ministry has also published guidance and frequently asked questions regarding the Lobbying Act.

In the event of a violation of the Lobbying Act, the regulators may penalise violators by imposing a fine ranging from NT$50,000 to NT$2.5 million, or if the proceeds or compensation of the lobbyist exceeds the highest amount of the penalty set forth, fines may be increased to the extent of the lobbyist's proceeds or compensation. In the event of a material violation owing to intentionally inconsistent registration content with actual lobbying or because of a failure to file financial statements or to deliberately providing fraudulent content in financial statements, the lobbied government agency may refuse the registration of said lobbyist for a period of one year.

Generally, the lobbied government agency investigates any breach of the Lobbying Act, provides sufficient evidence for penalties regulated by the Act, and submits the evidence to the Control Yuan, which is an investigatory agency that monitors the other branches of government, or to the Ministry of the Interior, depending on the professional capacity of the violator, for imposition of punishment. Notwithstanding the above, the Control Yuan and competent authority may also voluntarily conduct an investigation to impose the punishment under the Lobbying Act.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

Under the Lobbying Act, lobbying is defined as the actions of a lobbyist that aim to influence a lobbied party or its agency regarding the formulation, enactment, modification or annulment of laws, government policies, or legislation by any oral or written communication conveyed directly to the lobbied party or its designee.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

There is a mandatory registration requirement for lobbyists. As stated in question 6, the Lobbying Act requires lobbyists to file registration applications to the government agency to which the lobbied party is affiliated before conducting any lobbying activities. Additionally, in the event of any change of the particulars of the registration, lobbyists must file for modification of their registration within five days from the date of the change. The termination registration must also be filed within 10 days from termination of the lobbying activities. The primary purpose of these requirements is to ensure an open and transparent procedure for lobbying, and the participation of democratic politics, as well as to prevent the transfer of inappropriate interests. Moreover, as stated previously, lobbyists must file financial statements to the lobbied government agency by 31 May of each year, and when managing their termination registrations.

In addition to the above-mentioned registrations and financial statements filed by the lobbyists, the lobbied person or entity must also inform the government agency's responsible unit or individual of the name of the lobbyist, the date and time of the lobbying, the place and method of lobbying, and the content of the lobbying for registration within seven days after being targeted.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

According to the Lobbying Act, regardless of whether it is oral or written, all communication must be registered by the lobbied person, including details of the lobbyist, the date and time of the lobbying, the place and method of the lobbying and the content of the lobbying efforts within seven days of the lobbied person being targeted. The lobbied government agency must retain this registration for five years (there are no exceptions). Communication with officials of both the legislature and the executive are covered by this registration rule. The lobbied government entity must publicise the registration on the internet or in governmental notices or other publications, on a quarterly basis. However, a registration may be exempted from publication in the event that it concerns items for which publication is prohibited in accordance with other laws.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

All entities and persons are covered by the disclosure rules. There is no distinction between entities and persons that lobby on behalf of themselves and those who lobby for third parties. Non-profit entities are not exempted from the disclosure rules. Additionally, there are no thresholds for registration – no matter how much time is spent on lobbying, how many contacts, or what fees are earned or funds expended for lobbying activities, registration is required for the lobbying. Licensed lawyers cannot be exempted from such disclosure requirements when representing clients.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

As stated in question 6, lobbyists are responsible for filing registration applications for lobbying before they begin their activities and must file financial statements yearly and when managing their termination registrations. Additionally, the lobbied person shall inform the responsible unit or person of the lobbied government agency, with which he or she is affiliated, of the lobbying details to be recorded within seven days of being lobbied.

The registration application filed by a lobbyist must include certain information. If the lobbyist is an individual, it must include:

(i) the purpose and content of the intended lobbying;
(ii) the name and title of the lobbied person;
(iii) the duration of the lobbying activities;
(iv) the estimated expenditure for the lobbying;
(v) an explanation of the lobbyist's relationship with the formulation, enactment, modification or annulment of laws, government policies or legislation that he or she intends to influence, and documents for proof; and
(vi) the lobbyist's name, date of birth, residence address, ID number, telephone number or other contact information.

If the lobbyist is a legal person or organisation, the information in points (i)–(v) must be included, along with:
- the lobbyist's name;
- the lobbyist's registration or permit or filing certificate;
- the lobbyist's principal location; and
- the name, date of birth, residence address, ID number, telephone number or other contact information of its representative or chairman and the lobbying representatives.

For designated lobbyists, in addition to the above items, the registration should also include evidence of designation, agreed compensation, information sufficient to identify the designator, and, where the designated lobbyist is an individual, the certificate of qualification in the professional and technical special examination, and practising certificate number, or, where the designated lobbyist is a legal person or organisation, the articles of incorporation.

The financial statement must list the revenue, including service revenue and other revenue, the expenditure, including on personnel, operations, promotion or advertising, public relations, transportation and travel, as well as miscellaneous expenditure, and other items designated by the Ministry of the Interior.

Registrations made by the lobbied government agency after receiving notification by the lobbied party must include the name of the lobbyist, and the date and time, place and method, and content of the lobbying.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

See question 11.

13 Financing of the registration regime

How is the registration system funded?

The registration system depends on public funding. However, if a person wishes to view or photocopy the registration and financial statements filed by the lobbyist or the registration recorded by the lobbied government agency, he or she must pay for the hours spent viewing the documents or be charged for the photocopying costs.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Access to registry information and to reports is available to the public. The lobbied government agency must retain the registration and financial statements filed by lobbyists as well as the registration reports of the lobbied government agency's responsible unit or individual for five years, and must publish these on the internet or in a governmental notice or other publication, on a quarterly basis. The Ministry of the Interior also publishes statistical data every month on its website. However, this is not applicable to registration items prohibited from publication in accordance with other laws.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

The main regulation in Taiwan relevant to lobbyists is the Lobbying Act. There are several enforcement rules enacted by the Ministry of the Interior that supplement the Lobbying Act. However, there is no specific code of conduct promulgated by the government or any professional association that directly relates to lobbying.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Generally, there is no such restriction. However, the Tobacco Hazards Prevention Act specifically forbids any tobacco promotion, donations, and advertising using broadcast and other media, and the internet. The Tobacco and Alcohol Administration Act imposes restrictions on alcohol promotion methods, which, as a consequence, may be regarded as restrictions that indirectly limit commercial interests' ability to use the media to influence public policy.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Political parties and politicians are mainly funded by political donations received from individuals, political parties, civil associations and profit-seeking businesses. In addition, according to Political Party Act, the source of political parties' funds and income are limited to party membership dues, political donations received in accordance with the laws, grants for parties, income from publications, promotional materials, conferring rights, or income assignment for the purpose of promoting its ideas or engaging in promotional activities, other income received pursuant to the Political Party Act, or any interest generated from the above funds and income.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

According to the Political Donations Act, political parties, political associations and persons planning to participate in campaign activities must establish an accounting book of income and expenditure, recording, in each instance, the time of each receipt and disbursement, the person or entity relevant to such receipt or disbursement, and the address of said person or entity, as well as the purpose for and the monetary amount of, or the value of (if an economic benefit other than money), each donated item on a daily basis for reference, and they must compile an accounting report based on the aforesaid data. Political donations given as articles valued at less than NT$2,000 do not have to be recorded.

A political party or political association must declare the accounting report to the relevant authority within five months of the end of each year. A person planning to participate in a campaign must declare the accounting report to the authority within three months of the polling day. The authority receiving the declaration must, within three months of the deadline, collate the declarations in a volume for enquiry, publish the income and expenditure balance sheets in the accounting reports in the government bulletin or newspapers and publish them on the internet. It is worth noting that, pursuant to the latest amendment of Political Donation Act, which will become effective on 20 December 2018, the period for the authority to publish the report has been lengthened to six months.

In addition, according to the Act for Property-Declaration by Public Servants, certain public servants must declare their property, including: the President; Vice President; Premier and Vice Premier of the Executive Yuan; president and vice presidents of the Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan; political appointees; and certain senior advisers, policy consultants of the Office of the President, and others regulated by the Act. Property that must be declared includes real property, vessels, cars and aircraft, cash, deposits, securities, jewellery, antique articles, calligraphy and paintings, and other property exceeding certain values, rightful claims of creditors, debts and investments in various ventures over certain values. Moreover, such property owned by the spouses and underage offspring of public servants must be jointly declared.

Update and trends

On 3 January 2018, the Legislative Yuan passed a large-scale amendment of the Referendum Act. Among other things, this significantly lowered the minimum age to vote and lowered the requirement of proposing and passing a referendum. Before the amendment, the threshold was so high that it made it almost impossible to pass any proposal. After the amendment, nine proposals, including same-sex marriage and energy policies, were included to be voted on in the vote of 24 November 2018. As a result, the protection of same-sex marriage shall be provided by a special Act rather than general civil law according to the referendum. Also, the referendum directly rescinds article 95(1) of the Electricity Act, which provides 'The nuclear-energy-based power-generating facilities shall wholly stop running by 2025.' Thus, the referendum has now become another important way to affect government actions in Taiwan.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Political contributions or disbursements to parties and political officials are regulated in Taiwan.

According to the Political Donations Act, the total amount of donations contributed to a single political party or political association each year may not exceed the limits set out below.

By individuals	NT$300,000
By civil associations	NT$2 million
By profit-seeking businesses	NT$3 million

The total amount of all donations contributed to different political parties or political associations each year may not exceed the limits set out below.

By individuals	NT$600,000
By civil association	NT$4 million
By profit-seeking business	NT$6 million

In addition, the Civil Servants Election and Recall Act also stipulates the maximum amount of campaign funds for different elections, respectively. Nevertheless, the penalty for exceeding maximum amounts of campaign funds in this Act has been removed for the purpose of encouraging candidates to honestly report their campaign funds.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Public funds are provided to subsidise candidates who have received a certain number of votes, which are provided after the relevant election. Non-public fundraising is permitted. Nevertheless, according to the Political Donations Act, political parties, political associations and persons planning to participate in campaigns cannot collect political donations by issuing fixed-maturity bonds, indeterminate, interest-bearing or interest-free bonds or other securities to unidentifiable persons. The Political Donations Act regulates issues regarding such non-public fundraising for political events.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

There are no such special restrictions with respect to candidate fundraising.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

According to the Political Donations Act, the individuals or associations that may accept political donations are limited to political parties, political associations and the persons planning to participate in a campaign. Therefore, parallel political campaigning is generally not permitted.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

In addition to the restrictions on political donations referred to in questions 17 and 19, there is also an Ethics Code for Government Officials that provides rules for accepting gifts and hospitality. Government officials may only accept gifts valued under NT$500 (general) or NT$3,000 (special occasions such as marriage, promotion, moving house or changing jobs) from people with interests, including lobbyists. In contrast, government officials may accept gifts from people without interest and are obligated to report to their superior when a gift is worth more than NT$3,000.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The Anti-Corruption Act restricts payments and controls the activities of lobbyists or holders of government contracts. The Act identifies several actions that would be penalised, such as accepting bribes, seeking or making unlawful gains, or inflating prices and quantities of, or taking kickbacks from, public works or procurements. Pursuant to the Lobbying Act, a person who has committed any crime prescribed in the Anti-Corruption Act and is sentenced to a fixed term of imprisonment, which cannot be suspended, cannot be commissioned or assigned to serve as a lobbyist.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

There are regulations on public officials entering the private sector after ending their public service or becoming lobbyists. According to the Lobbying Act, within three years after leaving office, the President, Vice President, chief and deputy chief of special municipalities, counties, cities and townships and certain persons specified in other laws, cannot lobby the organisations in which they previously served within the period of five years prior to leaving office, regardless of whether such lobbying is conducted for themselves, or on behalf of a legal person or organisation, and they may not commission other lobbyists to do so.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

It is possible to be barred from lobbying in Taiwan to a certain extent. Apart from the condition listed in question 25, according to the Lobbying Act, there are other conditions (listed below) where an individual, legal person or organisation is barred from lobbying.

- Except for individuals or for-profit corporations designated for lobbying, people shall not lobby regarding the formulation, enactment, modification or annulment of laws, government policies, or legislation where such laws, government policies or legislation have no effect on such persons.
- Foreign governments, legal persons and organisations shall not lobby without commissioning Taiwanese lobbyists to engage in

lobbying on their behalf. Foreign governments, legal persons, organisations and natural persons also shall not lobby on matters of national defence, foreign affairs and China affairs related to national security or national secrets because of the special relationship between Taiwan and China.

- People, legal persons, organisations or other institutions from China, Hong Kong or Macau shall not lobby in person or commission other lobbyists to do so because of the ongoing tension between Taiwan and China.
- A person who has committed certain crimes (eg, related to corruption or organised crime) who has been sentenced to fixed-term imprisonment without probation being rendered, as prescribed by the Lobbying Act, cannot be commissioned or be assigned to serve as a lobbyist.
- Legislators of representative bodies at the various levels shall not lobby for an enterprise run by themselves or parties related to them, or in which their total invested shares exceed 10 per cent, and shall not commission other lobbyists to do so on their behalf.
- If there is a material violation as a result of intentionally inconsistent registration content related to lobbying or because of failure to file financial statements or making fraudulent content of financial statements, the lobbied government agency may refuse the registration of said lobbyist for one year.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

There is a case related to lobbying by the Taiwan Dental Association (TDA) in which nine legislators were prosecuted for taking money when lobbied by the TDA regarding national health insurance payments to dentists. The nine legislators were first found innocent owing to a lack of sufficient evidence in the first trial instance. The district court deemed the purpose of the lobbying to be to encourage the government to pay attention to general dental health matters and that the TDA did not intend to obtain special interests for dentists. However, the High Court rescinded the district court judgment and decided that the nine legislators were guilty of violating the Anti-Corruption Act and the Criminal Code. After the case was remanded by the Supreme Court, the High Court eventually found the legislators innocent owing to a lack of sufficient evidence to prove that they had actually received money from the TDA or to prove that they had received the money with the intent of taking bribes.

However, a legislator in another case that related to lobbying by the Chinese Medicine Association (CMA) to confer entitlement to Chinese medicine businesses to write and issue prescriptions was convicted by the High Court of bribery. The High Court found that the CMA gave the legislator's brother NT$5 million to expressly request that the legislator support an amendment to an Act that would favour Chinese medicine businesses, and that the legislator carried out this request by strongly supporting the amendment, which evidenced consideration in the relationship between the payment from the CMA and the legislator's behaviour, and thus the Court held that the legislator was guilty of taking a bribe. The legislator was sentenced to imprisonment of three years and 10 months and was deprived of his qualifications to serve as a public official and from being a candidate for public office for three years, and the proceeds of the crime received by him (NT$5 million) was confiscated.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

From 2008, when the Lobbying Act came into force, until now, the Ministry of the Interior has not imposed a fine on people who fail to register their lobbying. This might be because it has no way of knowing if lobbying is being conducted secretly and even if it learns of unregistered lobbying, the lobbyists may still remedy their mistake by filing a registration upon notification by the Ministry. It may also be a sign that the enforcement of the act is weak.

With regard to the Political Donations Act, in the event that a person planning to participate in a campaign accepts political donations from sources that are prohibited by law, fails to hand in donations to the declaration authority (to be deposited into the national treasury) that are not compliant with the law after having also failed to return the donations to the donation giver, or collects political donations by issuing fixed-maturity, indeterminate, interest-bearing or interest-free bonds or other securities to unidentifiable persons, he or she shall be condemned to fixed-term imprisonment of not more than five years; this shall also apply to agents or employees who accept or collect political donations for persons planning to participate in campaigns, as well as to the principals, representatives, agents, or employees of political parties or political associations.

In addition, according to the Political Donations Act, a person planning to participate in a campaign shall be sentenced to fixed-term imprisonment of not more than three years, and may be fined a sum of not less than NT$200,000 and not more than NT$1 million if he or she accepts political donations without obtaining permission to set up a dedicated account for acceptance of political donations, as required by law. This shall also apply to agents or employees who accept or collect political donations for a person planning to participate in campaign, as well as the principals, representatives, agents or employees of political parties or political associations.

Moreover, any individuals or associations that are not political parties, political associations or persons planning to participate in a campaign that accept political donations shall be fined a sum double the amount of the donations accepted. The same punishment applies to any person who accepts political donations that are contributed for or in the expectation of undue benefits, or who accepts political donations during periods prohibited by law. The spouse, children, relatives specified by law or dependants sharing property and living with people planning to participate in campaigns, who illegally accept political donations

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shall be fined a sum triple the amount of the donations accepted. The donations shall be confiscated, and if all or a part of the donations cannot be confiscated, a sum equal to the value shall be replevied.

Additionally, anyone who acts as a broker in or encumbers the contribution of political donations by utilising official power, an employment relationship or other factors shall be fined a sum of not less than NT$200,000 and not more than NT$1.2 million. If a civil servant commits one of the above acts, he or she shall be sentenced to fixed-term imprisonment of not more than one year.

Furthermore, anyone who contributes political donations for or in the expectation of undue benefits shall be fined a sum double the amount of the donations given. Any person who: contributes in the name of others; contributes an anonymous donation of more than NT$10,000; contributes a monetary donation in excess of NT$100,000 but fails to pay by cheque or bank transfer, except for donations contributed in his or her will; is not allowed to contribute political donations but still makes contributions; or contributes political donations exceeding the amount set by the law, shall be fined a sum double the amount of the donations accepted.

A recent notable sanction was imposed on a former City Council Speaker, the lead legislator at the city level. He was found to have received political donations prior to obtaining permission to set up a dedicated account for accepting political donations as required by law and he also failed to deposit the political donations into the dedicated account for specific use after he obtained permission for the account. Thus, he was found guilty and sentenced to imprisonment for six months, which can be converted into a fine.

In this case, the Control Yuan conducted an investigation and imposed a fine of NT$1 million on the donation giver based on the fact that the amount of the political donation made by the giver exceeded the maximum limitation, and that the giver violated the regulation stipulating that a monetary donation that exceeds NT$100,000 must be paid by cheque or bank transfer. Although the giver launched an appeal, the Taipei High Administrative Court upheld the Control Yuan's decision.

Ukraine

Mikhail Sokolov, Oleksandr Ilkov and Oleksandr Sakharenko

Kesarev

Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The Constitution is the main law of Ukraine, which, among other things: defines the basic rights, freedoms and responsibilities of a person, citizen, society and the state; defines the form of government and administrative-territorial structure of Ukraine; establishes the procedure and principles of the functioning of representative, executive and judicial authorities; and establishes principles of local self-government.

The Constitution has the highest legal force. Laws and other legal acts shall be adopted on its basis and must comply with it. International treaties in force agreed upon by the parliament shall be part of the national legislation.

The Constitution guarantees the right to freedom of thought, speech and peaceful assembly, and of free expression of views and beliefs. It enshrines the right to freedom of association to citizens and to parties and civil organisations for the realisation and protection of their rights and freedoms and the satisfaction of their interests. It guarantees the right of citizens to participate in the management of state affairs, to freely elect and be elected to bodies of state power and local self-government.

It also enshrines the right to send individual or collective written appeals, or personally apply to bodies of state power, local self-government bodies and officials and officers of these bodies, which are obliged to consider appeals and to give a substantiated answer within the time period established by law.

Every person is guaranteed the right to appeal against decisions, actions or inactivity of the bodies of state power and of local self-government, officials and officers in court.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Ukraine is a republic with a mixed form of government. The sole body of legislative power is the parliament – the unicameral Verkhovna Rada (the Rada), which has the exclusive right to pass laws. The constitutional composition of the Rada is 450 members of the parliament (MPs) elected on the basis of general and direct suffrage by the majority, proportional system by secret ballot for five years.

Of the 450 MPs, 225 are elected on a proportional system with a 5 per cent threshold barrier and 225 are elected according to the majority system in single-mandate constituencies (423 MPs are actually elected). To make decisions by simple majority, at least 226 votes of MPs are required.

The government is formed by the Rada on the basis of a coalition. The government is controlled by and accountable to the Rada; it is responsible to the President and the Rada.

The President is the head of state with broad powers in the field of national security, defence and foreign policy, and may issue binding decrees and orders.

In Ukraine, the only source of law is a normative legal act; judicial precedents and customs do not exist in Ukrainian legal practice. The hierarchical system of normative legal acts of Ukraine can be represented as follows:

- the Constitution;
- the laws of Ukraine;
- decrees and orders of the President;
- decrees and orders of the Cabinet of Ministers of Ukraine (CMU); and
- normative acts of ministries and agencies.

With regard to all of these acts, the procedure for agreement and public discussion shall be applied, and therefore advocacy and lobbying efforts can be directed towards them.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Ukraine is a unitary state with an autonomous unit, the Autonomous Republic of Crimea (ARC). The country includes the following territorial administrative units: 24 regions; two cities with special status (equal to a region); and the ARC (which has the special status of an autonomous region). All territorial administrative units of Ukraine have their representative (elected) and executive (appointed) bodies, which are empowered to adopt decisions that are effective within their territorial units. Such decisions may concern, in particular, local taxes and fees, development programmes, and limitations to and rules of trade.

In 2014–15, the process of decentralisation started with a large share of powers, especially in the area of public finance and budget, being transferred to the local level. This has resulted in significantly higher incomes received by local budgets leading to more extensive procurement programmes at the local level.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

After the events of 2013–14 in Ukraine, the list of tools and the degree of influence of business and the public on the processes of development of legal and regulatory acts and decision-making by the authorities has significantly increased. Today, these tools include:

- formal (provided by law) mechanisms of public consultation on public policy and draft legal acts drafted by executive authorities and the parliament; and
- informal platforms (discussion platforms that operate on a regular basis under business and industry associations, expert platforms, etc).

The mechanism of public consultation on state policy and draft legal acts

Consultations on policy and draft acts developed by the executive authorities

According to the CMU Resolution on Approval of the Procedure for Involving Citizens in the Development and Implementation of State Policies, consultations with the public are mandatory for drafts of: legal

acts that have great social significance and are related to the rights and obligations of citizens, as well as acts that provide for privileges, benefits to certain categories of economic entities and delegation of powers of executive bodies or local self-government bodies; regulatory acts; and state and regional programmes of economic, social and cultural development and decisions on the status of their implementation.

The organisation and conducting of consultations with the public is initiated by an executive body, which prepares proposals for the implementation of state policy in the relevant field, or is the main developer of the draft legal or regulatory act.

Public consultation should last for at least one month, and will be conducted in the form of:

- public discussion (direct form) – conferences, public hearings, roundtables, meetings, meetings with the public, public reception rooms, all forms of debate and discussions; or
- study of public opinion (indirect form) – conducting sociological research, analysis of media materials to determine the position of various social groups, analysis of comments and suggestions expressed in the appeals of citizens.

The public website 'Civil Society and Government' (http://civic.kmu.gov.ua/consult_mvc_kmu/news/article) and the websites of executive authorities are used for public consultation in the form of electronic consultations.

For coordination of public consultations and monitoring of consideration of public opinion, the permanent collegial elected consultative and advisory bodies – public councils – work under the executive bodies. They consist of public officials, representatives of non-governmental organisations (NGOs) and industry associations, experts, etc.

The results of the consultations shall be summarised and taken into account in the development of relevant policies and regulations, but they are not legally binding.

According to the Law on the Principles of State Regulatory Policy in the Field of Economic Activity, each draft regulatory act with an appropriate analysis of regulatory influence should be made public with the aim of obtaining comments and suggestions from individuals and legal entities and their associations.

Consultations regarding the draft acts developed by the Rada

The Rada's procedural regulation determines the following forms of public consultation: parliamentary and committee hearings; and functioning of working groups under Rada's committees.

Parliamentary hearings are held with the aim of studying issues of internal and foreign policy of the state, which are of public interest and require legislative regulation. Proposals for holding parliamentary hearings shall be submitted to the Rada by subjects, who are empowered with a right of legislative initiative.

Representatives of relevant executive bodies, leading specialists in a particular field, representatives of NGOs, business, etc, can be invited to participate in the hearings.

As a result of hearings, the Rada shall adopt resolution approving recommendations that should be taken into account by public authorities, enterprises, institutions and organisations irrespective of subordination and forms of ownership.

Committee hearings concern a narrower range of issues than parliamentary hearings – they can discuss specific issues and draft decisions. Representatives of the public, the expert community and business are more actively invited to participate in the committee hearings, which provides them with additional means of influence.

In order to harmonise the provisions of specific draft regulations, working groups can be set up under the Rada's committees, which may include various stakeholders (the public, businesses, experts, etc).

Informal platforms

A number of influential platforms function on a permanent basis that were created by business or expert communities, which are places for open discussion of certain draft legal acts with decision makers or other stakeholders. The official positions of these platforms with respect to various regulatory issues is an important factor in influencing the position of the state, as they represent a concentrated and consistent expression of the position of business, experts and opinion leaders.

These platforms include the American Chamber of Commerce, the European Business Association and the Reanimation Package of Reforms, which is an expert initiative.

In addition, in advocacy, the role of industry associations, which represent individual segments of production and service sectors, has grown significantly lately. The state is increasingly bringing industry associations into the discussion of relevant draft decisions.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

According to the Constitution, the judiciary is one of the three independent branches of government. The judicial system in Ukraine is based on the principles of territoriality and specialisation.

Justice is exercised by judges. In cases determined by law, justice shall be carried out with participation of jurors.

The Supreme Court is the highest court in Ukraine's judicial system. According to the law, higher specialised courts may function at this level (the Supreme Intellectual Property Court and Supreme Anti-corruption Court are being set up in Ukraine).

The Supreme Anti-corruption Court is the supreme specialist court that executes justice to protect persons, society and the state from corruption and relevant crimes and provide judicial control over pretrial investigation of these crimes. The Supreme Anti-corruption Court executes justice as the court of the first instance and the instance of appeal. Specifics of the court's formation is a right of the Public Council of International Experts, in addition to the High Council of Justice, to influence the decision on appointment of judges of this court. The court is in the process of being set up and should be operational by June 2019.

The protection of rights, freedoms and interests of a person in the field of public-law relations is the responsibility of the administrative courts.

A judge holds a position permanently. Appointment to the post of judge shall be exercised by the President upon the submission of candidates by the High Council of Justice (on a competitive basis).

The High Council of Justice consists of 21 members, who, in appropriate proportions, are elected or appointed by the Congress of Judges, the President, the Rada, the Congress of Advocates, the All-Ukrainian Conference of Prosecutors, and the Congress of Representatives of Legal Higher Educational and Scientific Institutions.

The Constitutional Court decides on whether laws comply with the Constitution and, in cases provided for by Constitution, other acts of public authorities. The Court also carries out official interpretation of the Constitution.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

There is no special regulation of lobbying and advocacy in Ukraine. However, for years this topic has been the subject of discussion in parliamentary, political and expert circles. Over the past 10 years, at least five draft laws on the regulation of lobbying and advocacy have been submitted to the Rada, of which three are currently officially registered; however, none of them is in the process of active consideration by the Rada at the moment.

To date, there are a number of public initiatives in Ukraine aimed at the development of relevant legislation. In addition, in spite of the lack of a formally recognised profession of lobbyist or government relations specialist, relevant associations exist and congresses that gather experts in this field to discuss industry issues are being held in Ukraine. Nevertheless, despite the urgency to regulate lobbying it should be stated that at the moment the level of public discussion over legalisation of lobbying is low, hence decreasing the probability of adoption of the respective legislation in the foreseeable future.

Currently, restrictions on lobbying are established at the level of anti-corruption legislation, which regulates conflicts of interest, and sets restrictions for civil servants, parliamentarians and employees of public enterprises.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no definition of lobbying in Ukrainian legislation.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

The registration of lobbyists is not envisaged by the current legislation because of a lack of regulation on lobbying and advocacy activities.

In this regard, the main subjects of advocacy for businesses and the public are business associations, industry associations of producers of goods and services, representatives of other NGOs and public initiatives. The regulation of their activities falls under the general legislative regulation of NGOs.

The Constitution and legislation guarantee the right to freedom of association in order to exercise and protect the rights and freedoms of citizens and to satisfy public interests in, among others, the economic, social, cultural and environmental spheres.

NGOs have the right to:

- apply to the bodies of state power and local self-government, and their officials and officers with policy proposals (remarks), applications (petitions) and complaints;
- receive public information from authorities and other administrators of public information; and
- participate in drafting legal and regulatory acts that are adopted by public authorities and local self-government and relate to the sphere of activity of a civil association and important issues of state and public life.

Registration of NGOs is conducted by the Ministry of Justice.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Civil associations are not obliged to disclose information about their interaction with representatives of authorities, businesses, etc.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Not applicable.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Not applicable.

13 Financing of the registration regime

How is the registration system funded?

Registration of NGOs is conducted by the Ministry of Justice.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

There are no lobbying registers because of a lack of regulation on lobbying. However, there is an open register of public associations, which can be accessed online at http://rgo.informjust.ua/.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Ukrainian legislation does not provide for the mandatory adoption of ethical codes by public associations, but these associations have the right to accept such documents and encourage their members to comply with them.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There is currently no legislation that regulates commercial interests' use of the media to influence public policy outcomes. According to the Law on Television and Radio Broadcasting, television and radio organisations can be financed by, inter alia, credit, investments and tranches from owners and co-owners, and by sponsors and charity organisations. This creates the possibility for businesses to finance, and therefore influence, the media.

However, from a political point of view, these possibilities are limited by the fact that the majority of influential media outlets are owned or controlled by large businesses or tycoons, which only allow friendly or affiliated interests to use their media for political purposes. Owners and co-owners also often use their own media outlets to pursue their political agendas.

The legislation does provide for regulation of relations between media outlets and their owners. In particular, the Law on Television and Radio Broadcasting stipulates that the owners of a television and radio organisation cannot interfere with its creative activities other than by introducing changes to its editorial statute. The obligatory editorial statute should contain, inter alia, requirements regarding the creation and distribution of information, including about politicians and political parties during and after the election process. In addition, it should provide for the creation of an editorial council, in which half the members are appointed by the organisation's owners and the other half by its creative staff. The above-mentioned obligations do not apply to print media.

There is also an ongoing discussion in Ukraine about stricter limitations on paid journalism.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

According to the Law on Political Parties, political parties are non-profit organisations. The provision of material and financial support to political parties shall be carried out in the form of contributions to support the parties and state financing of statutory activities of political parties.

The following can be considered as contributions in support of the party: money or property; benefits; privileges; services; loans; intangible assets and benefits, including party membership fees, sponsorship of activities or activities in support of a party; goods; work; and services provided or received free or on preferential terms, which are received by or given to political parties, their registered local organisations, to an associated person of a party or its local organisation, or to a candidate nominated by a party or its local election organisation (by transferring or remitting it to an election fund during the relevant election).

A political party has the right to receive state financing for its campaign activity if, during the parliamentary election, its list of candidates in the national multi-mandate constituency received at least 2 per cent of the votes.

The state budget may fund:

- parties' statutory activities, not related to their participation in elections, including the payment of employees of the statutory bodies of the political party and its local organisations; and
- reimbursement of expenses of political parties related to financing of their election campaign during the regular and extraordinary elections of MPs.

In reality, the majority of parties cover their expenses using alternative means to those provided by the law, which are subject to investigation by the National Agency for Prevention of Corruption (NAPC).

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

The Law on Prevention of Corruption defines the terms 'private interest', 'real conflict of interests' and 'potential conflict of interests'. The Law extends, in particular, to persons authorised to perform functions of the state or local self-government and candidates for deputies.

Persons subject to the Law have the following obligations:

- take measures to prevent the emergence of a potential conflict of interest;
- notify his or her immediate supervisor, the NAPC or the relevant authorities if he or she has learned or should have known of the existence of a real or potential conflict of interest;
- not to take action and not to make decisions when a real conflict of interest arises; and
- take measures to resolve a real or potential conflict of interest.

Persons authorised to perform state or local government functions may not, directly or indirectly or in any way, encourage their subordinates to undertake decisions, acts or omissions in contravention of the Law in favour of their private interests or the private interests of third parties.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

According to the Law, the following persons and entities are prohibited from making contributions in support of political parties:

- state authorities and local self-government bodies;
- state and communal enterprises, institutions and organisations, as well as legal entities, in which not less than 10 per cent of the authorised capital or voting rights belong to the state;
- foreign states and legal entities, foreigners and stateless persons, as well as legal entities, whose final beneficiaries are foreigners or stateless persons;
- unregistered public, charitable and religious associations;
- anonymous persons or those under a pseudonym; and
- other political parties.

The total amount of the contributions in support of a political party from a citizen of Ukraine, within one year, may not exceed 400 minimum wages (US$55,100 as of 2018) established on 1 January of the year in which contributions were made. For legal entities, this is 800 minimum wages (US$110,300 as of 2018) during one year.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Financing of election campaigns for candidates for elective positions shall be carried out only through election funds, which shall be created within 10 days after the nomination of a candidate in a single-mandate constituency or of the list of party candidates in the nationwide constituency.

The size of the party's election fund cannot exceed 90,000 minimum wages (US$12.4 million as of 2018), and the size of the electoral fund of an MP candidate in a single-mandate constituency is 4,000 minimum wages (US$551,000 as of 2018).

The party's election fund is formed at the expense of the party's own funds, as well as voluntary contributions from persons who are entitled to do so in accordance with the Law on Political Parties. The electoral fund of an MP candidate in a single-member constituency is formed at the expense of the candidate's own funds and voluntary contributions of persons who are entitled to do so in accordance with the Law on Political Parties.

To form the election fund, accumulate money and use it for election campaigning, the party should open two types of bank account: an accumulation account and a current account. Thus, the opportunity is provided to accumulate funds for the organisation of an election campaign in one account, and to finance the costs of the campaign in another.

The voluntary contributions of a person to the election fund of a party, an MP candidate in a single-member constituency, nominated by the party or by way of self-nomination, is limited by the size of the maximum contribution in support of the party during the year established by the Law on Political Parties.

The political party that was the subject of the election process or receives public funding is required to undergo an external independent financial audit. The parties submit a property, income, expense and financial report to the NAPC on a quarterly basis and make it public on their official websites.

During the election, parties and individual candidates must submit interim and final reports to the Central Election Commission and the NAPC on the receipt and use of the funds for the election.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Not applicable.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

There is no law that prohibits public associations or individuals that are not related to candidates or political parties from conducting political campaigns for or against a candidate.

However, the financing of election campaign activities or materials from sources not provided for by the law, regardless of whether there is an agreement with the parties taking part in the election process or with MP candidates, is prohibited.

Agitation through social media is not regulated by law.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Persons authorised to perform functions of the state or local government and MP candidates may accept gifts that correspond to generally accepted notions of hospitality, if the value of the gifts does not exceed one living wage (US$63 as of 2018), and the aggregate value of gifts received from one person or group of persons during the year does not exceed two living wages (US$126).

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Relevant provisions of the Criminal Code and the Law on Prevention of Corruption provide extensive regulation that restricts payment or provision of other types of material or non-material benefits to officials, public employees and other public decision makers.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Persons who were formerly authorised to perform state or local government functions, who have ceased such activities, are prohibited:

- from entering into employment contracts or business transactions with legal entities or individual entrepreneurs within one year of the day they ceased to exercise their functions, if in their former position they had exercised control, supervision or preparation, or

adoption of decisions regarding the activities of these legal entities or individual entrepreneurs; and

- from representing, within one year of the date of termination of the relevant activity, the interests of any person in cases (including those considered in the courts) in which the other party is the body, enterprise, institution or organisation for which they worked as a public official.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

Not applicable.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

Since the events of 2013–14, activities aimed at combating corruption have intensified in Ukraine. Despite the modest results of these activities, there have been several high-profile cases, in which top- and medium-level officials were accused of corruption and lobbying of private interests.

After the introduction of mandatory open-to-public e-declaration of property, the incomes and expenses of civil servants and candidates for civil service positions in 2016, a vast number of cases became known to the public, when the property and expenses of public officials did not correspond to their incomes and the origin of which could not be legitimately confirmed. A number of such instances became the subject of criminal cases and a matter of attention of society and anti-corruption activists and NGOs. As a response to the activities of the latter, a number of political forces 'pushed' through the Rada an amendment to the anti-corruption legislation obliging members of anti-corruption NGOs to provide e-declarations of their incomes and property as well. This amendment was heavily criticised by the West, which regarded this as retaliation by corrupt officials for attempts to uncover their proceeds of corruption.

In addition, in 2017 the NAPC opened 16 criminal cases against five political parties for inaccuracies in their financial statements.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Not applicable.

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The United Kingdom does not have a codified constitution. Rather, its constitutional arrangements are comprised in a set of statutes, judicial decisions, EU and international laws, principles and customary practices. These arrangements create the institutions of the state and regulate their interaction, both with each other and between themselves and citizens.

The UK does not have a constitutional court with an inalienable right to strike down laws that are unconstitutional. The UK Parliament is therefore unconstrained and can enact or repeal any law, which may then be amended by a future Parliament. This concept of parliamentary sovereignty lends a certain fluidity to the UK's constitutional arrangements, which can – and do – continue to develop over time as new legislation is enacted. Although the courts can set aside laws passed by Parliament that conflict with EU law, this is only because Parliament has previously legislated that this should be the case, and (subject to any transitional arrangements) that position will change following the UK's exit from the EU.

The power to regulate lobbying is constrained by the laws and conventions that are currently in force, with the proviso that any constraint can be removed by Parliament if it so chooses. At present the law protects freedom of speech and assembly, and provides a right to petition Parliament.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Legislative power formally resides in the Crown in Parliament. Bills are passed in the name of the Sovereign acting on the advice of Parliament. In practical terms, bills are passed by Parliament and sent to the Sovereign for his or her assent, though this assent is now a mere formality.

The UK has a bicameral Parliament comprised of a directly elected lower chamber (the House of Commons) and an upper chamber made up of a mix of hereditary and appointed members (the House of Lords). Legislation is passed where it secures the assent of both chambers, although there are some constraints in both law and custom as to the circumstances in which the House of Lords can block legislation.

The executive is drawn from, and accountable to, Parliament. After each parliamentary election the Sovereign will invite the leader of the political party that has won the most seats in the House of Commons to become Prime Minister and to form a government. The Prime Minister will then appoint Members of Parliament to a cabinet, which acts as the executive. Decisions made at cabinet level, and cabinet committee level, are usually binding on all members of the executive.

Although legislative power resides with Parliament, it may legislate to delegate lawmaking power to the executive. This delegated power must be exercised within the limits specified by Parliament in the enabling statute and will often be subject to some form of parliamentary scrutiny.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

During the 1990s, the UK Parliament devolved certain legislative powers to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly. Each of these legislatures is directly elected, and their legislative competence is set out in statute. There are some differences between them as to the scope of their legislative competence. However, in broad terms each of the devolved legislatures may legislate for the part of the UK for which it is responsible in the following areas:

- health and social care;
- education and training;
- local government;
- housing;
- transport;
- agriculture, forestry and fisheries;
- the environment and planning;
- tourism, sport and heritage; and
- economic development.

Some of the devolved legislatures also have competence in additional areas. Over time, there has been a tendency for more legislative power to be devolved, and this may continue in the future.

The UK Parliament retains the authority to legislate on any issue, whether devolved or not. However, by convention, it will not normally legislate with regard to devolved matters except with the agreement of the relevant devolved legislature.

Some decision-making and rule-making power has also been delegated to directly elected local councils at city, county or district level throughout the United Kingdom. Within the parameters set at the national and devolved level, local councils have the power to set local policy in matters such as policing, passenger transport, education, social services and planning. However, they have very limited revenue-raising powers that are independent of central government.

Some regions of England have combined authorities made up of constituent local councils that are empowered by legislation to take collective decisions across council boundaries. Each combined authority has a bespoke package of additional powers and resources devolved to it by government under the relevant legislation. Some combined authorities are chaired by a directly elected 'metro mayor' to whom particular powers can be devolved on a personal level, rather than to the combined authority itself. Examples of these powers include transport, housing and planning, education and skills, and health and social care.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

There is no requirement for the UK Parliament or the devolved administrations to undertake formal public consultation as part of the legislative process. However, where Parliament has delegated lawmaking

powers to the executive, it sometimes requires consultation to be undertaken before those powers are exercised.

In advance of introducing an important or controversial bill to Parliament, the executive will sometimes issue a Green Paper to seek feedback on policy or legislative proposals, or a White Paper setting out proposals in a more developed form.

Once a bill has been introduced to Parliament, it will normally be considered by one or more committees. Such committees will often undertake consultation through general calls for written evidence and invitations to specific persons to present oral evidence.

Less formally, and subject to the restrictions set out below, an interested party may approach a member of the executive, another Member of Parliament or a senior member of the Civil Service to discuss proposed legislation and suggest amendments. However, the decision on any amendment lies with Parliament.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

Along with the executive and the legislature, the UK judiciary is one of the three branches of state. There is an explicit statutory duty on the executive to uphold the independence of the judiciary and ministers are specifically barred from trying to influence judicial decisions through any special access to judges.

An independent Judicial Appointments Commission has effective responsibility for selecting judges, although formally the Commission makes recommendations to the Lord Chancellor (a member of the executive).

An independent Judicial Appointments and Conduct Ombudsman is responsible for investigating and making recommendations concerning complaints about the judicial appointments process, and the handling of complaints about judicial conduct.

Although independent, the judiciary is not coequal with Parliament. The power to make laws resides primarily with Parliament. The judiciary interprets and applies the laws that Parliament enacts but also has a lawmaking function through the common law. Parliament can, with some possible constitutional exceptions, legislate to override the common law. However, the only circumstance in which the UK courts can set aside an Act of Parliament is on the basis that it does not comply with EU law, a power unlikely to survive the UK's departure from the European Union.

The courts can, however, disapply delegated legislation made by the executive or a public authority where it offends certain principles of UK public law – for example, it is beyond the lawmaking power granted in the enabling statute or has been made for a purpose outside of, or contradictory to, the purpose intended by Parliament.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

In broad terms, direct lobbying of government or senior officials undertaken by third parties for payment (consultant lobbying) is regulated under the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (the 2014 Act) under which a Registrar of Consultant Lobbyists (the Registrar) is appointed to supervise and enforce certain registration and reporting requirements described below. The Registrar may give guidance about how he or she proposes to exercise his or her functions.

It is an offence to carry on the business of consultant lobbying if an individual or organisation is unregistered, or to fail to submit an accurate quarterly return. It is also an offence if an entry in the register is incomplete or inaccurate, although there is some leeway with regard to administrative errors.

Commission of an offence may result in a fine imposed by either a court or the Registrar. The maximum fine that may be imposed by the Registrar is £7,500.

For lobbyists who fall outside the narrow statutory regime, three professional bodies – the Chartered Institute of Public Relations (CIPR), the Public Relations Consultants Association (PRCA) and the Association of Professional Political Consultants (APPC) – operate separate voluntary registers of lobbying activity. Each of the voluntary bodies prescribes standards that its members must follow and investigates allegations of breaches.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

Under the 2014 Act, consultant lobbying is defined as communicating directly (whether orally or in writing – see question 9):

- with government ministers or certain senior civil servants;
- on behalf of another person; and
- for payment (directly or indirectly).

The CIPR, PRCA and APPC adopt a broader definition of lobbying for the purposes of their registers, which cover activities carried out in the course of a business for the purpose of influencing the government or advising others how to influence the government.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Under the 2014 Act, consultant lobbyists are required to be listed on the register of consultant lobbyists before making any relevant communications. Registration is achieved by application to the Registrar with details of:

- the company, partnership or individual undertaking the lobbying;
- the VAT registration number; and
- any relevant code of conduct with which the consultant lobbyist must comply.

The intention behind the Act is to enhance the transparency of those seeking to lobby government ministers and senior officials on behalf of a third party.

Lobbyists who are not caught by the requirements of the 2014 Act may voluntarily apply to be listed on the CIPR, PRCA or APPC registers. This involves submission of an online form to the relevant organisation with similar information to that required for the 2014 Act register.

In addition, the Code of Conduct for Members of Parliament requires members to register details of family members engaged in lobbying the public sector.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

To be caught by the 2014 Act, communications may be written or oral, and must relate to:

- the development, adoption or modification of any government proposal to make or amend primary or subordinate legislation;
- the development, adoption or modification of any other government policy;
- the government making, giving, issuing, or taking other steps in relation to any contract or other agreement, grant or other financial assistance, or licence or other authorisation; or
- the exercise of any other government function.

Communications must be made 'personally'. This means that where a person assists in the drafting of communications that are then sent by another party, or assists in the development of lines to take for a meeting which that person does not attend, then he or she will not be caught by the 2014 Act.

Communications must be made to:

- a minister of the Crown (the holder of an office in the government); or
- a permanent secretary (the most senior grade of the Civil Service) or a person of equivalent status. Equivalent roles include second permanent secretary, Cabinet Secretary, Chief Executive of Her Majesty's Revenue and Customs, Chief Medical Officer, Director

of Public Prosecutions, First Parliamentary Counsel, Government Chief Scientific Adviser, Head of the Civil Service or the Prime Minister's Adviser for Europe and Global Issues.

Communications to other persons, such as Members of Parliament who are not ministers, are not caught.

It does not matter whether the person making or receiving the communication is outside the UK when it is made (although see below for persons not registered for value added tax in the UK), or that the communication is irrelevant to the recipient's job or portfolio.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

The 2014 Act requires an individual or organisation carrying on the business of consultant lobbying to be entered in the register, unless they fall within one of the following exceptions:

- individuals and organisations not registered for VAT in the United Kingdom;
- persons lobbying on behalf of their own organisation;
- persons not conducting lobbying for payment;
- individuals undertaking consultant lobbying in the course of their employer's business (only the employer is required to be registered);
- officials or employees of, or the government of, countries other than the United Kingdom, or of an organisation falling within as defined by section 1 of the International Organisations Act 1968 (such as the United Nations);
- individuals and organisations that carry on a business that is mainly non-lobbying and only make relevant communications on behalf of third parties in a way that is incidental to the main course of their business; and
- individuals and organisations that represent a particular class or description of people and whose income is derived wholly or mostly from those people, and where the lobbying is incidental to their general activity.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

Under the 2014 Act a consultant lobbyist must supply the following information for the register before undertaking consultant lobbying activity.

Status	Information required
Company	Its name, its registered number and the address of its registered office. The names of its directors and of any secretary and any shadow directors.
Partnership	The names of all the partners and the address of its main office or place of business (this can be the address from which lobbying is conducted).
Individual	The individual's name and the address of the individual's main place of business (or, if there is no such place, the individual's residence).
All	VAT registration number. Any name or names, not included under paragraphs above, under which the person carries on business as a consultant lobbyist. Any other information regarding the identity of the person as may be determined by the Registrar. Details of any relevant code of conduct with which the consultant lobbyist must comply in relation to lobbying activities.

Responsibility for applying to be entered in the register of consultant lobbyists lies with the individual or organisation carrying on the business of consultant lobbying.

Similar details are required for the CIPR, PRCA and APPC voluntary registers.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Under the 2014 Act, a consultant lobbyist must submit quarterly information returns to the Registrar giving the names of persons on whose behalf consultant lobbying has been undertaken – or from whom payment for lobbying has been received – as well as updates to any information given at registration.

No information is required on the subject of any lobbying undertaken or the amount of payment received.

Where no such lobbying has taken place, or payment received, a statement to this effect is required.

Persons on the voluntary registers may also supply details of clients for whom lobbying is undertaking.

13 Financing of the registration regime

How is the registration system funded?

The registration system under the 2014 Act is funded through a mix of public funding, fees for registration and an annual fee to remain on the register.

The cost of the CIPR, PRCA and APPC registers are met through the membership fees of the relevant organisation.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The register under the 2014 Act and the CIPR, PRCA and APPC registers are published online and searchable by the general public at no cost.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Lobbyists are not under a legal obligation to subscribe to a specific code of practice.

Certain professional codes of practice – such as that for solicitors – may govern lobbying activities and the 2014 Act requires any such code to be listed in a person's entry on the register.

The CIPR, PRCA and APPC each specify codes of conduct by which their members must abide.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Under the Communications Act 2003 (the 2003 Act), television and radio services (broadcast media) must not carry advertisements, with the exception of party political broadcasts, which are:

- by or on behalf of a body whose objects are wholly or mainly political in nature;
- directed towards a political end (such as influencing elections, referendums, changes in law or policy, or public opinion on matters of public controversy); or
- in connection with an industrial dispute.

The 2003 Act also regulates some video-on-demand services.

Ofcom is responsible for enforcing the prohibition on political advertising in broadcast media.

There is no restriction on material that concerns political issues in non-broadcast media, such as posters or newspapers.

There is no specific regulation of political advertising on the internet apart from spending rules around elections and referendums (see question 22).

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Political parties in the United Kingdom are mainly funded through membership fees, donations and loans.

Public funding may also be available in the form of policy development grants or payments towards the administration costs of opposition parties in Parliament.

In practice, public funding is modest and party membership has declined significantly over the past few decades. Therefore, the main political parties in the UK have come to rely increasingly on donations.

Individual politicians may be funded by donations and loans, but public funding is not available.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

There are no requirements for political parties to register or declare their interests at an organisation level.

Under the Code of Conduct for Members of Parliament, individual members of the House of Commons are required to register their financial interests. Subject to some minimum financial thresholds, members must declare any relevant interest in any proceeding of the House or its committees, and in any communications with ministers, members, public officials or public office holders. Interests fall within the following categories:

- employment and earnings;
- donations and other support for activities as a Member of Parliament;
- gifts, benefits and hospitality from UK sources;
- visits outside the United Kingdom;
- gifts and benefits from sources outside the United Kingdom;
- land and property;
- shareholdings;
- any other financial interest or material benefit that might reasonably be thought by others to influence the member's acts or words;
- employed family members; and
- family members engaged in lobbying.

In addition, the Ministerial Code requires government ministers to disclose their interests for publication. This includes constituency interests, personal interests and connections and private interests whether financial or otherwise.

The Code of Conduct for Members of the House of Lords requires members to register all relevant interests – financial or otherwise – that might reasonably be thought to influence their parliamentary actions, and to declare any relevant interest when speaking in the House or communicating with ministers or public servants.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Under the Political Parties, Elections and Referendums Act 2000 (PPERA), the Electoral Commission regulates donations and membership fees in relation to registered political parties, members associations (groups of party members) and holders of relevant elected offices.

The Electoral Commission has the power to investigate potential breaches of the rules and to take action where any breach has occurred. Such action includes the imposition of fines or requirements to take or desist from specified action. The Commission may also pass on details of a breach to the police or prosecuting authorities where it believes the breach has a significant impact on confidence in the transparency and integrity of party, and election finance.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Political parties are not permitted to use any public funding for campaigning purposes. Campaigns are funded through donations and loans.

The PPERA regulates donations and loans to registered political parties, their members, members of the House of Commons and other elected officials. It requires that donations and loans over £500 are accepted only from 'permissible donors' – individuals on the UK electoral register or UK registered organisations – and are reported to the Electoral Commission for publication. Northern Ireland political parties may also accept donations from individuals and organisations in the Republic of Ireland.

The definition of a donation includes not only money but also goods or services provided without charge or on non-commercial terms. It should also be noted that the Electoral Commission considers hospitality to fall within the definition of a donation.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

There are no special fundraising restrictions or requirements related to registered lobbyists.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

The PPERA governs regulated campaign activity not aimed at a specific candidate in an election. This includes campaigning for or against political parties or categories of candidates, or policies or issues closely associated with a particular party or category of candidates. The types of activity caught include production or publication of material (including online), canvassing or market research, media events, transport with a view to obtaining publicity and particular public events.

For UK parliamentary general elections the rules usually apply within a regulated period beginning 12 months before polling day.

Any third party can spend up to £9,750 per constituency on regulated campaign activity within the regulated period. Those who wish to spend more than £20,000 in England, or £10,000 in Scotland, Wales or Northern Ireland, must register with the Electoral Commission. Once registered, a third-party campaigner must comply with rules on donations, spending and reporting. However, in general, only individuals on the UK electoral register or organisations registered in the United Kingdom can register with the Commission. Those that cannot register may not spend more than the applicable spending limits.

Third-party campaigning for or against one or more candidates in a particular ward or constituency is regulated under the Representation of the People Act 1983 (RPA), which imposes spending limits on activities such as leaflets, advertisements, meetings and websites. For parliamentary general elections the limit is £700 and applies from the date that Parliament is dissolved. Local campaigning is not regulated by the Electoral Commission and breaches of the RPA are handled by the police.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

The Ministerial Code requires that no minister should accept gifts, hospitality or services that would, or might appear to, place the minister under an obligation. Gifts valued over £140 become the property of the government and do not need to be registered. However, all hospitality received in a ministerial capacity should be registered. Gifts given to ministers in their capacity as constituency MPs or members of a political party fall under the separate rules discussed below.

Update and trends

The UK's vote to exit from the European Union has seen a spike in lobbying activity, with domestic and international organisations seeking to ensure that their opinions are reflected both in terms of the UK's future trade deal with the European Union and in any subsequent overhaul of the UK's domestic regulatory regimes. The devolved governments of Wales and Scotland are alive to this with Scotland passing its own Act, which came into force in March 2018, to regulate lobbying, and the Welsh government stating that it will continue to monitor developments.

Under their Code of Conduct, members of the House of Commons must register gifts, benefits or hospitality from any source with a value of over £300. They must also register multiple benefits from the same source if these have a value of more than £300 in a calendar year. The same threshold for reporting applies to the cost of overseas travel that is funded by a third party.

Under the Code of Conduct for Members of the House of Lords, members must register any gift to the member or their spouse or partner, or any other material benefit, with a value of over £140, from any source inside or outside the United Kingdom, which relates substantially to membership of the House. Under the Code, members should decline all but the most insignificant or incidental hospitality, benefit or gift offered by a lobbyist. Members must also register costs of overseas travel in excess of £500 that are funded by a third party.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The Bribery Act 2010 makes it an offence for a person to offer or pay a bribe, or to receive or agree to receive a bribe, either directly or indirectly. It applies to transactions that take place in the United Kingdom and abroad, and to both the private and public sector.

It is also an offence to bribe a foreign official, and for a commercial organisation incorporated or carrying on business in the United Kingdom to fail to prevent a person associated with it committing bribery with the intent to obtain or retain business for the organisation or an advantage in the conduct of its business. It is, however, a defence for the organisation to prove that it had in place adequate procedures designed to prevent such conduct.

In addition, the Honours (Prevention of Abuses) Act 1925 legislates to prevent the granting of honours in return for private gain.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

The Business Appointment Rules (BAR) prohibit ministers from lobbying government for two years on leaving office. The BAR also place a similar preclusion on senior civil servants and special advisers of equivalent standing. However, these restrictions may be modified by the Advisory Committee on Business Appointments (ACOBA) in an individual case.

More generally, the BAR require (former) public servants to seek advice from ACOBA – or, for junior civil servants, their former department – on the suitability of any new paid or unpaid appointment to be taken up within two years of leaving ministerial office or Crown service.

ACOBA (or the department) can recommend that an individual waits for up to two years before taking up an appointment, or restrict the types of activities that the former public servant may undertake (eg, using information to which the individual may have had access while in office). It can also advise that it considers a particular appointment 'unsuitable', but cannot prevent appointments being taken up.

Compliance with the BAR forms part of the ministerial codes for the UK, Scottish and Welsh executives, and is also part of the terms and conditions of appointment for civil servants and special advisers in those jurisdictions. However, the BAR have no statutory basis and there is no sanction for non-compliance.

Apart from security vetting procedures where necessary, there are generally no restrictions on private-sector professionals being seconded to public bodies.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

The Codes of Conduct for Members of Parliament and the House of Lords prohibit members from taking payment in return for advocating for a particular matter in Parliament. Furthermore, the Civil Service Code requires political impartiality.

Under the BAR, ministers, senior civil servants and special advisers of equivalent standing should not lobby government for two years after leaving office or the Civil Service. However, these restrictions can be modified by ACOBA upon application and there is no sanction for non-compliance.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

These issues arose in the case of *Cruddas v Calvert* [2015] EWCA Civ 171. This was an action alleging libel and malicious falsehood, brought by a former treasurer of the Conservative Party (Mr Cruddas), against two journalists who had posed undercover as international financiers. The journalists had published articles about discussions with Mr Cruddas regarding making large donations to the Conservative Party (which was in government at the time) in return for political influence.

In summarising the law and practice governing donations to political parties, the court stated as follows:

> *[A]s a matter of realpolitik it is acceptable, indeed inevitable, that donors will have access on social occasions to senior members of the party which they support. . . . What is not acceptable on such occasions is that (a) the politicians should reveal confidential information; (b) the views expressed by donors on policy issues should carry greater weight with politicians merely because the proponents are donors; (c) politicians should give any form of unfair commercial advantage or preference to donors during or after those social occasions.*

The court found that Mr Cruddas had effectively stated that significant donors to the Conservative Party would have an opportunity to influence government policy and to gain unfair commercial advantage through confidential meetings with the Prime Minister and other senior ministers. Although Mr Cruddas had not suggested any form of criminal offence under the PPERA, 'nevertheless, what he proposed was unacceptable, inappropriate and wrong'.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

The 2014 Act

In 2016, three companies were fined £300 each for undertaking consultant lobbying without paying the annual fee to stay on the statutory register.

The PPERA

The Electoral Commission seeks to work with those that it regulates to secure adherence to the relevant legislation and will often take informal action before resorting to its statutory enforcement powers. However, following the 2015 parliamentary general election, Greenpeace and Friends of the Earth were fined £30,000 and £1,000 respectively for spending in excess of their controlled expenditure thresholds under the PPERA without having first registered with the Commission. In July 2018, Best For Britain, a third-party campaigner, was given two fines by the Electoral Commission totalling £1,250 for failing to return an impermissible donation and failing to deliver an accurate spending return for the 2017 general election.

The Bribery Act 2010

In February 2016, the Sweett Group PLC was ordered to pay £2.25 million for failing to prevent an act of bribery to secure a contract in the United Arab Emirates.

In January 2017, Rolls-Royce entered into a deferred prosecution agreement with the Serious Fraud Office (SFO) under which it will pay £497,252,645 plus interest over a period of up to five years, plus a payment in respect of the SFO's costs, in return for the suspension of prosecution of a number of offences, including the making of corrupt payments (under a pre-2010 Act bribery law) and failure by a commercial organisation to prevent bribery under the 2010 Act. The prosecution related to claims regarding payments to intermediaries to secure a number of high-value export contracts in various overseas markets.

The Code of Conduct for Members of Parliament

In July 2018, members of the House of Commons voted to suspend Ian Paisley Jr for breaching the Code by failing to declare a personal benefit and hospitality in the form of family holidays to Sri Lanka in 2013 paid for by the Sri Lankan government, and for breaching the rule against paid advocacy by writing to the Prime Minister following those holidays to lobby against a UN resolution in relation to alleged human rights abuses by Sri Lanka.

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The United States is ruled through a federal system of government, where the central government and local governments share lawmaking power. As a result, the United States has several basic sources of law, including the United States Constitution (the Constitution), state constitutions, federal and state statutes, common law, case law and administrative law. Although the Constitution protects lobbying as free speech and a way to petition the government under the First Amendment, there are limitations to these rights. Therefore, while lobbying is a constitutionally protected right, it is subject to federal and state regulation.

Because regulatory powers are split between the federal government and state governments, the United States has complex lobbying rules that require extensive public disclosure on lobbying activities. Generally, federal regulations are created by Congress and signed into law by the President. These regulations govern federal lobbying activities, including lobbying before Congress and federal agencies. In recent years, some presidents have issued executive orders to limit or prohibit their appointees' lobbying activities. Similarly, state and local governments regulate state and local lobbying activities within their jurisdictions. Consequently, different rules and regulations may apply depending on what government entity is being lobbied and whether it is a federal or local government entity.

2 Legislative system

Describe the legislative system as it relates to lobbying.

As stated, the United States is ruled through a federal system of government, where the Congress, the President and the federal courts share powers reserved to the federal government, in accordance with the Constitution. Any powers not expressly reserved to the federal government fall within states' power. As a result, both the federal government and each of the 50 states have independent legislative systems that vary in structure and scope. For the sake of simplicity, only the federal legislative system is discussed here.

As noted, the federal government shares governance power equally between the legislative, executive and judicial branches. The legislative branch is charged with making laws. It is made up of the Congress and government agencies that support the Congress. Congress is a bicameral legislature, consisting of the House of Representatives and the Senate. The House of Representatives is made up of 435 representatives, five delegates and one resident commissioner, and the Senate is made up of 100 senators. Both chambers are elected directly, but governors may fill Senate vacancies through appointment. House vacancies are filled only by special election.

While Congress is the primary legislative body, Congress has delegated rule-making authority to many federal, quasi-independent and independent agencies. As a result, these agencies, which are generally under the President's control, are able to legislate by promulgating regulations.

Unlike members of Congress, agency officials are either appointed by the President or career civil servants.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

While the Supremacy Clause of the Constitution provides that states may not enact laws in direct conflict with the Constitution or federal law, the 10th Amendment of the Bill of Rights states that: '[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.' Therefore, the federal government has limited and enumerated powers, and the states have the presumption of power unless the Constitution expressly states otherwise. In addition, the federal and state governments have concurrent authority over taxing, procurement, infrastructure and environmental issues.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

State and local legislatures have their own legislative rules and procedures. With the exception of the state of Nebraska, every state has a bicameral legislature. Ten states have full-time legislatures and 26 states have legislatures that are considered to be more than part-time but not quite full-time. The remaining 14 states have part-time legislatures. Depending on the size and scope of state legislatures, there may be opportunities to influence legislation through interaction with government or parliamentary staff. However, most of the legislative work in state legislatures is done through the committee process. Similar to Congress, proposed legislation is examined and reported out by the committee of jurisdiction before the full legislature acts. Typically, interested parties can influence legislation through the committee process.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

In the United States, the judiciary is deemed independent and coequal. The President nominates federal judges for lifetime appointments and they are confirmed by the Senate. The federal bench has more than 600 district court judges, almost 200 court of appeals judges and nine Supreme Court justices. However, most cases are resolved by state judges. The majority of state judges do not have lifetime appointments and in 39 states judges are elected by the public. In recent years, spending in judicial election campaigns has risen dramatically and most campaigns depend on candidate fundraising. Two states offer public financing for Supreme Court candidates, but candidates must agree to a single-donor contribution limit to qualify for funding.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

In the United States, lobbying is regulated by federal and state governments in attempt to balance the tension between the right to petition the government and the regulation of access to and power over policymakers. At the federal level, lobbyists must report lobbying activities to the Secretary of the Senate and the Clerk of the House of Representatives, who refer acts of non-compliance (or suspected non-compliance) to the Department of Justice, specifically the US Attorney for the District of Columbia. The law does not allow the Secretary or the Clerk to write substantive regulations or make definitive opinions on the interpretation of the law, but they have occasionally issued guidance on registration and reporting requirements. The US Attorney's Office for the District of Columbia has the power of enforcement as in other matters, and, in general, it offers lobbying registrants the opportunity to take corrective action before taking further action. If a registrant fails to correct the non-compliance issue, prosecutors can levy civil penalties of up to US$200,000 per violation and up to five years' imprisonment.

At the state level, all states require lobbyists to report on certain activities, but have a range of different rules relating to reporting requirements, campaign finance rules and ethics. For example, in some states lobbyists can give certain gifts to lawmakers whereas in other states (and the federal government), gifts are highly limited. To lobby a state legislature, it is typically necessary for an individual to register with the state entity that oversees state lobbying activity. In addition, states levy a variety of different penalties for non-compliance or violations of lobbying regulations.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

The United States does not have a single definition for lobbying. For federal lobbying, the Lobbying Disclosure Act of 1995 (LDA), which governs federal lobbying, defines lobbying activities as any oral, written or electronic communication made to an executive or legislative branch official on behalf of a client with regard to:

- the formulation, modification or adoption of federal legislation;
- the formulation, modification or adoption of a rule, regulation, executive order or any other programme;
- the administration or execution of a federal programme or policy; and
- the nomination of a person subject to confirmation by the Senate.

Any preparation or planning activities and research that is intended to be used in lobbying activities is also included in the definition.

The same statute defines a lobbyist as an individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities make up less than 20 per cent of the time engaged in the services provided by such individual to that client over a three-month period.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

The lobbying reporting requirements have changed historically based on the way lobbying has been practised and perceived in US society. In general, reporting requirements have been implemented to allow Congress to enhance transparency and disclosure of lobbying activities while avoiding infringing on Americans' right to petition their government. Federal law mandates that lobbying firms and organisations must register and file reports of lobbying activities with the Secretary of the Senate and the Clerk of House of Representatives. Lobbyists are required to register a client and each registrant must file a quarterly activity report disclosing the amount of income from a client. The report must provide specific details of which governmental bodies were lobbied, and on what issue and topic. Lobbyists and special interests are also required to report political donations on a semi-annual basis. Lobbyists representing the interests of a foreign country or entity must also make periodic disclosures regarding the relationship, related activities and finances to the Department of Justice.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Oral and written communications are not disclosed on an individual basis, but lobbyists are required to report quarterly which offices of the executive and legislative branches of government have been lobbied. As a result, there is a growing concern, including from the non-partisan Office of Congressional Ethics, that 'shadow lobbying' exists under the currently regulatory scheme. Shadow lobbying is where lobbyists might choose not to register under the LDA or to report discussions with governmental officials despite their active attempts to influence public policymaking.

Documents controlled by the federal government are subject to disclosure in certain circumstances. Under the Freedom of Information Act, the public has the right to request access to federal agency records and information unless the records are exempt from disclosure. Exemptions exist for sensitive information that may be classified, invade a person's privacy, or cause other harm. The Freedom of Information Act only applies to the executive branch of the federal government. Congress and private citizens are not subject to the statute. Therefore, communications made to executive branch agencies may be subject to disclosure if a person files a Freedom of Information Act request with that agency.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

In general, the lobbying rules in the United States are crafted to capture professional lobbyists and to not include grass-roots lobbying efforts and other lobbying activities that are done on a pro bono basis. There is no distinction in terms of reporting requirements between persons that lobby on behalf of themselves and for those that lobby third parties. Lobbying firms are required to file a separate registration for each client. A lobbying firm is exempt from registration for a particular client if its total income from that client for lobbying activities does not exceed US$3,000 during a quarterly period. The registration requirement is triggered when either: (i) the date the employee or lobbyist is employed or retained to make more than one lobbying contact (and meets the 20 per cent threshold for time engaged); or (ii) on the date the employee or lobbyist makes a second lobbying contact.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

Lobbyists are required to file a quarterly lobbying report that discloses a number of different items, including information about the client, income or expenses, specific lobbying issues, governmental bodies lobbied and the name of each individual who acted as a lobbyist that quarter. In addition, individuals are required to disclose whether they served in a official position prior to working as a lobbyist. Separate to a lobbying disclosure report, lobbyists, lobbying firms and organisations are required to report any federal campaign contributions of US$200 or more to organisations or candidates including candidate committees, leadership political action committees (PACs) and party committees. Lobbyists who act on behalf of foreign countries or entities must also file periodic disclosures with the Department of Justice.

12 Content of reports

When must reports on lobbying activities be submitted, and what must they include?

Lobbyists must report their activities on a quarterly basis, and lobbying firms adopt different reporting practices depending on their internal procedures and controls. Lobbying reports require lobbyists to identify the general issue lobbied on through a lobbying issue code

Update and trends

During the 2016 presidential election, questions arose regarding the influence of foreign countries in the United States' elections. In response to these questions, Congress has held hearings and is looking into disclosure requirements for political advertisements that are placed on social media. Concerns regarding foreign interference in the 2016 election also resulted in an independent counsel investigating the role that Russia may have played in the election. To date, the independent counsel has issued indictments based on lobbyists failing to file FARA disclosures. The independent counsel has exposed loopholes in FARA, which may result in updates and changes being made to it.

and to elaborate on specific lobbying issues by writing a description of their activities. Lobbying reporting does not require lobbyists to report which officials were contacted, only the overall body they are a part of, such as the chamber of Congress or an executive agency. Some lobbying firms make an effort to be overly inclusive in reporting their activities by listing specific issues and legislation that were lobbied on, where as other firms might provide a summary that makes their activities opaque. Lobbyists are required to report income or expenses rounded to the nearest US$10,000 of all lobbying-related income from the client over the amount of US$5,000.

13 Financing of the registration regime

How is the registration system funded?

The United States' lobbying registration system, the Lobbying Disclosure Act Database, depends on public financing and is managed by the Secretary of the Senate and the Clerk of the House of Representatives.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

The Senate and House Offices of Public Records receive, process and maintain lobbying reports received through the Lobbying Disclosure Act Database. The Database is internet-accessible and the public can look up quarterly lobbying reports based on a number of different criteria including client, lobbying firm and lobbyist. Separately, the Federal Election Commission maintains a database that keeps track of political donations. Consequently, some non-profit organisations, such as OpenSecrets, have successfully created a platform that allows the public to view a companies' lobbying activities and the donations made by a given company's PAC or employees in one searchable database.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

The code of conduct that applies to lobbyists and their practice more generally is established by the House and Senate Committees on Ethics. The Committees establish a mandatory code of conduct that members, officers and employees of Congress must adhere to and, by extension, the lobbyists who interact with them. For example, under both the House and Ethics rules, members and employees are not allowed to accept any gift from a registered lobbyist, foreign agent or an entity that employs or retains a lobbyist. In addition, members and employees are unable to attend events or meals held by lobbyists unless it meets certain criteria, which are established by the Ethics Committees.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There are no restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

Most political campaigns are privately funded. Qualifying presidential candidates can receive public funding, if they agree to abide by certain spending limitations. Although public funding is indexed for inflation, the spending caps have not kept up with private campaign spending and the rules are difficult to abide by. As a result, very few qualifying presidential candidates choose to accept public funding. For example, in addition to the overall spending limitation, there are spending limits set for each individual state based on the voting-age population rather than where the state's primary date falls in the election year.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

Political candidates must register with the Federal Election Commission as soon as they receive contributions or make expenditures of at least US$5,000. Candidates must file a Statement of Candidacy to authorise a principal campaign committee to raise and spend funds on their behalf. Thereafter, the campaign must report its receipts and disbursements regularly.

Congressional candidates, members of Congress and certain congressional staff must file periodic financial disclosure reports that include information about the amount and source of income, and certain financial transactions. These documents are accessible through the Senate and House websites.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Individuals may contribute up to: US$2,700 per election to a political candidate; US$5,000 per year to a federal political action committee; US$10,000 per year (combined) to local, district and state party committees; US$33,900 per year to national party committees; and US$101,7000 per account per year to additional national party committee accounts, which include the presidential nominating convention, election legal proceedings and national party headquarters buildings. Individuals may make unlimited contributions to independent expenditure-only political committees, which are often called super PACs.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Public funding is available for qualifying presidential candidates, but spending caps that have not kept up with abundant private campaign donations and a rigid regulatory framework have led to very few candidates opting to use public funding. Candidates for congress do not have access to a public funding system.

Most presidential candidates and all congressional campaigns are funded from individual donations, political action committee donations and party donations. Super PACs can also spend money on behalf of a candidate's campaign, provided that the spending is not coordinated with the campaign. There is disagreement on whether super PAC spending is helpful to candidates. Some candidates have reached agreements with their opponents to discourage outside spending in their races in an attempt to combat uncontrolled and sometimes radical super PAC advertising.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Registered lobbyists must report aggregate contributions of US$200 or more to any federal candidate or officeholder, leadership PAC or

political action committee semi-annually. Registered lobbyists must also report the names of all political committees established or controlled by them semi-annually.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Parallel political campaigning independent of a candidate is generally unlimited, provided that the communications are not coordinated with the candidate. If an individual or political committee pays for a coordinated communication, the communication is considered an in-kind contribution and is subject to federal campaign finance law. Public communications that qualify as an independent expenditure must display a disclaimer that contains the full name of the sponsoring committee along with any abbreviated name used by the committee. Communications that are not authorised by a candidate must contain a disclaimer to that extent. Social media messaging has been subject to little regulation, but since the 2016 election, Congress has started to look into social media advertising disclosure requirements.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

Federal ethics rules prevent House and Senate members and staff from accepting gifts from lobbyists, foreign agents or organisations that retain lobbyists unless the gift meets a very narrow set of criteria. In addition, members and staff are strictly limited in terms of the travel and hospitality they may accept from the public. The ethics rules are generally interpreted to allow members and their staff to accept free attendance at receptions and events widely open to the public. The ethics committees approve attendance at 'widely attended events' if it fits the following criteria:

- there is a reasonable expectation that at least 25 people will attend the event;
- the event is open to individuals throughout a given industry of professionals or those who represent a range of individuals interested in a given matter;
- the invitation came from the sponsor of the event; and
- the attendance of the member of their staff is related to his or her official duties.

For the executive branch, the Office of Government Ethics also establishes standards of conduct for the executive employees.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The United States has a number of laws geared towards the prevention and prosecution of public corruption. The statutes differ in jurisdictional elements and generally require evidence of a quid pro quo agreement taking place to successfully prosecute a public official on bribery charges. The United States legal code prevents lobbyists from being able to bribe policymakers on an individual level through a quid pro quo arrangement. Furthermore, US law ensures that executive branch officials are not influenced when determining how to award federal contracts.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

Public officials and staff entering the private sector after their public service are subject to a number of controls and restrictions under federal law. Federal personnel are subject to conflict-of-interest restrictions. Beyond matter-specific prohibitions or cooling-off periods, senior officials from the executive branch and some congressional staff are prevented from making contact with their former offices, departments or agencies for one year regardless of the matter. Members of Congress are required to undergo a two-year cooling-off period where they are unable to engage in lobbying activity.

Presidents have also imposed lobbying bans on administration officials by issuing executive orders. President Barack Obama banned all of his administration officials from contacting their former agencies for two years after they leave. President Trump extended the ban to five years and imposed a lifetime ban from lobbying for foreign governments for his administration officials. President Obama also blocked registered lobbyists in the preceding year from taking administration jobs. President Trump revoked this executive order and issued a restriction on allowing lobbyists to join his administration as long as they do not work on issues on which they lobbied on in the previous two years.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

There are no measures that ban individuals from lobbying or engaging in lobbying services permanently. However, as previously discussed, some executive and legislative branch employees are subject to a temporary lobbying ban after they leave government service. In some cases, individuals may agree to be barred from lobbying in return for receiving a political appointment to serve in the executive branch. Such

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rules have been established by executive order under the Obama and Trump administrations. See question 25.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance.

In 2010, the Supreme Court held that the Constitution's First Amendment prohibits the government from restricting independent political spending by corporations and unions in *Citizens United v Federal Elections Commission*. This landmark case reversed decades of precedent by allowing corporations and unions to finance campaign advertising. The decision led to the creation of super PACs, which can accept unlimited contributions and fund mostly political advertising without having to disclose their donors. Super PACs are not allowed to coordinate with candidates, but they can make independent expenditures in favour of or to oppose a candidate.

Four years later, in *McCutcheon v Federal Elections Commission*, the Supreme Court held that the government cannot set an aggregate campaign contribution limit for individuals. While this decision further weakened campaign finance laws, it only affected major political donors. It did not have a large impact on campaign spending because relatively few people had the motivation and means to spend more than the pre-*McCutcheon* campaign contribution limits.

In 2015, the Supreme Court held that the First Amendment does not bar states from prohibiting judicial candidates from making personal appeals for campaign contributions, as long as the restriction on speech was narrowly tailored to serve a compelling interest in *Williams-Yulee v The Florida Bar*. In this decision, the Supreme Court stressed that judicial elections are different and that judges are not politicians.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Under the LDA, civil penalties of up to US$200,000 may be imposed for each violation and up to five years' imprisonment may be sought for knowing and corrupt violations. The Secretary of the Senate and Clerk of the House of Representatives make referrals to the US Attorney's office for lobbyists that fail to file lobbying disclosures. The US Attorney's office offers lobbyists opportunities to take corrective action, but after four unsuccessful attempts, prosecutors may seek civil or criminal penalties.

Lobbyists who represent foreign entities and countries must make periodic public disclosures to the Department of Justice, as required by the Foreign Agents Registration Act (FARA). Failure to register or file periodic disclosures, if done wilfully, is punishable by a fine of up to US$10,000 or imprisonment of up to five years.

While LDA and FARA penalties are rarely issued, there have been high-profile non-compliance cases that have been exposed since the 2016 election cycle. Most recently, Paul Manafort the former campaign chairman of President Trump's campaign, was indicted for failing to file FARA disclosures related to his representation of Ukraine. Tony Podesta, a prominent democratic lobbyist, was also implicated. Prior to these developments, one lobbying firm made headlines in 2015 when it agreed to pay US$125,000 for violating the LDA repeatedly.

* *The information in this chapter is accurate as of February 2018.*

Vietnam

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Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law in Vietnam is the Constitution, the current version of which was promulgated by the National Assembly in 2013. The following are also sources of law in Vietnam: laws, resolutions and ordinances promulgated by the National Assembly; decrees, decisions and circulars issued by the government, the Prime Minister and ministers; resolutions and circulars issued by the Supreme Court and Chief Justice; and decisions and orders from the President.

Under the Constitution, the following rights are enjoyed by every Vietnamese citizen:

- inviolability of privacy, personal secrets and family secrets, and the vested right to protect his or her honour and reputation as guaranteed by the law;
- privacy of correspondence, telephone conversations, telegrams and other forms of private communication;
- freedom of belief and religion, which are considered equal before the law;
- freedom of speech and the press, assembly, association and demonstration provided that they are within the confines of the law; and
- to participate in the management of the state and management of society, and to discuss and propose issues to state agencies about his or her base units, localities and the whole country.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Vietnam has a single-party socialist republic framework, where the President is the head of state and the Prime Minister is the head of government. It is a one-party system led by the Communist Party of Vietnam (CPV). The principal legislative body is the unicameral National Assembly, whose members are elected every five years.

The cabinet is entitled to issue decrees while government ministries and the Chief Justice are entitled to issue circulars. Decrees provide detailed guidance on implementing laws and can also regulate issues not yet featured in the laws. Circulars provide more detailed guidance than decrees and also regulate specific matters under the administration of each ministry or the Supreme Court.

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

At provincial and municipal levels, people's assemblies are entitled to issue resolutions and people's committees are entitled to issue decisions. These resolutions and decisions are generally more particular as they fill in certain gaps in the major laws. These resolutions and decisions may cover any aspect, including environmental and taxation issues, provided that they are promulgated within the bounds of existing laws and are only applicable in the locality in which they are issued.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

Under the law and in practice, formal consultations with the public are carried out during the legislative process. For the technical aspects of the law, specialised associate organisations and individuals are entitled to provide opinions on the formulation of legislative documents affecting the specific sector they specialise in. Although the law does not stipulate a detailed consultation process, it is possible for members of the public to contribute to and influence legislation. This can be done through interaction with members of the National Assembly or communication with their offices.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The Chief Justice of the Supreme People's Court is elected by the National Assembly on the recommendation of the President, while the deputy chief justices are appointed by the President from among the existing judges of the Court.

A committee is established comprising the Chief Justice, deputy chief justices and representatives from the Ministry of National Defence and Ministry of Home Affairs to appoint judges in the lower courts.

The judiciary is deemed coequal but not independent. Under the Constitution, state power is unified and the judiciary is delegated to exercise judicial power.

Regulation of lobbying

6 General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying is not yet a common or recognised practice in Vietnam. Occasionally, some industrial associations, such as automobile associations, may carry out activities to influence regulations in their industries. However, no regulations on lobbying have been implemented by the government, regulators or industries. For this reason, the questions in this section are not applicable.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no definition available.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Not applicable.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Not applicable.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for ? Who has responsibility for registering the information?

Not applicable.

12 Content of reports

When must reports on lobbying activities be submitted , and what must they include?

Not applicable.

13 Financing of the registration regime

How is the registration system funded?

Not applicable.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Not applicable.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

Not applicable.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

There are laws and regulations on the press and on publications, but they do not cover commercial interests' ability to use the media to influence public policy outcomes. Also, in practice, the state keeps a strong hold on the media and the Ministry of Information and Communications may control the press and determine what is broadcast.

Political finance

17 General

How are political parties and politicians funded in your jurisdiction?

The CPV is the only political party in Vietnam, as stated in the Constitution. It is funded by the state budget.

In Vietnam, the term 'government official' is more widely used than politician. Almost all political activities are confined to the scope of official activities. There is a clear absence of political campaigns, fundraising or even debates. Activities of government officials are also funded by the state budget.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

The following persons must declare property:

- officials from the divisions under the people's committees that have the rank of deputy and those with the equivalent rank in other government organs;
- officials managing the state budget and properties;
- officials directly engaging with the public; and
- candidates for the National Assembly and local people's assemblies.

The property subject to declaration includes:

- houses and land-use rights;
- precious metals and gemstones, as well as any capital, valuable papers and other property worth 50 million Vietnamese dong or more;
- property (as defined above) and accounts in foreign countries; and
- taxable income.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Political contributions are not yet recognised by any regulation. Disbursements to the CPV and political officials come directly from the state budget and not from members of the public, which includes individuals and organisations.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

Political campaigns for legislative positions and executive offices are funded by the state budget. Public funding or fundraising (public or private) are not yet recognised by any regulation.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Not applicable.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Given the lack of political campaigning in Vietnam, parallel political campaigning is also not a practice in Vietnam. There is no regulation in this regard.

Ethics and anti-corruption

23 Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

The Penal Code and the Anti-Corruption Law prohibit public officials (including legislative or executive officials) from accepting any bribe from the public. However, a public official may receive gifts that have a value of less than 500,000 Vietnamese dong when ill or for certain occasions, such as a wedding, funeral, traditional ceremony or the Lunar New Year holiday. To incur criminal liability, a monetary threshold of 2 million Vietnamese dong is provided under the law.

The following are considered to be gifts:

- Vietnamese currency, foreign currencies, savings certificates, stocks, bonds, cheques and valuable papers;
- material items, goods and assets;
- services of domestic or overseas sightseeing tours, travel, healthcare, education training, internships, and refresher training and other kinds of services; and

- rights to buy assets, houses, land-use rights and equipment use rights; non-state-prescribed privileges; and use of assets, houses, land and equipment of other persons, free of charge or at a reduced cost.

The same set of rules applies to a commercial enterprise and an individual.

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

The new Penal Code of 2015 explicitly provides that giving a bribe worth 2 million Vietnamese dong or more, or an intangible benefit, to an officer who has power or authority in an enterprise or organisation (other than a state-owned enterprise or organisation), is punishable by six months' to 20 years' imprisonment, plus a fine of 30 million to 250 million Vietnamese dong. If the purpose of the bribe is to influence a person of authority, even if the receiver is not that person, the same punishment applies. This means that giving bribes to individuals in the private sector is now a criminal act in Vietnam.

Vietnam is a member of United Nations Convention against Corruption.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

The law states that public officials entering the private sector after service may not have dealings in a domain that they had previously managed as part of their responsibilities for six months to three years from the termination of his or her position in government (depending on the position). There are circumstances where public officials are seconded to the private sector, such as state capital representatives in a joint venture between a state-owned enterprise and a private enterprise. However, there have been no instances of private-sector professionals being seconded to public bodies.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

Not applicable.

Recent cases and sanctions

27 Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

There are no recent decisions of this nature.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Not applicable.

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ISBN 978-1-912228-88-1