

# Draft concept about regulation of lobbying developed

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The Corruption Prevention and Combating Bureau (KNAB) has submitted to the Meeting of the State Secretaries the draft concept on regulation of lobbying developed by the working group led by KNAB.

The objective of the working group was to evaluate the necessity of legal regulation for lobbying in Latvia and gather experience of other countries with the final aim to ensure transparency in cases when public decisions are made in the interest of certain persons or their groups.

The working group has determined that lobbying is a legal activity, since everyone has rights to provide suggestions to public and municipal institutions and to be heard. The lobbying is legal as far as it is not linked with bribery or acceptance of undue benefits or privileges.

However, unless lobbying is fully transparent, for the public perception it remains linked with corruption and undue influence on decision-makers. In cases when influence on public decision-making is hidden from the public and is done through influential friends to ensure that decisions are taken in the interest of a restricted group or individual persons, the interests of the society are not respected. Therefore, lack of transparency in the preparation of decisions, as well as unequal access to the dialogue with decision-makers creates doubts in the public that allegedly the public decision-making process is out of sight and not fair. Citizens in Latvia often consider lobbying as something negative; there is a mistaken opinion that lobbying is an element of corruption.

Drawing on foreign experience and current situation in Latvia, the working group has identified several important problems of lobbying in Latvia:

- Unequal access to public officials and public information;
- Restricted information about activities of lobbyists;
- In certain cases, lack of clarity of legal requirements;
- Problems to make difference between lobbying and the criminal offence of trading in influence.

The working group proposes to increase transparency in activities of lobbyists given that the public has rights to know, which individuals or groups have made proposals that served to adopt certain legal acts or policy documents developed, i.e. there should be written documentation about the activities of lobbyists.

The draft concept contains the three following versions as how to regulate lobbying:

Develop a special law regulating such aspects as what is and what is not lobbying, who are the lobbyists, what are the basic principles of lobbying. It is planned to develop a register of lobbyists and procedure for making information public;

Include basic principles of lobbying and its legal regulation in the existing legislation related to submission and review of proposals. It is planned to develop a register of lobbyists and procedure for making information public;

Include basic principles of transparency, equity and integrity of lobbying in state and municipal institutions' codes of ethics and relevant normative acts. According to this version, the public official shall deliberately inform about persons who contacted the institution with the aim to influence the decision-making. Public officials have the duty to ensure equity in access to information and the decision-making process.

All three versions call for improving access to information and add a requirement that a justification should be provided for all proposals submitted to Saeima (Parliament) and the municipalities, as well as amendments to the Criminal Code clarifying the concept of trading in influence to separate the legal forms of lobbying.

The development of the concept is foreseen in the National Corruption Prevention and Combating Programme 2004-2008 approved by the Cabinet of Ministers on 4 August, 2004.

The working group includes KNAB, Saeima, the State Chancellery, Ministry of Justice and the "Centre for Public Policy PROVIDUS".

To read the full text (in Latvian only), click [here](#).

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