



Recommendation of the Council on Principles for Transparency and Integrity in Lobbying



**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

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

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council on Principles for Transparency and Integrity in Lobbying*,
OECD/LEGAL/0379

Series: OECD Legal Instruments

Photo credit: © optimarc / Shutterstock.com

© OECD 2021

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Background Information

The Recommendation on Principles for Transparency and Integrity in Lobbying (hereafter “the Recommendation”) was adopted by the OECD Council on 18 February 2010 on the proposal of the Public Governance Committee. The Recommendation is the first international set of guidelines to address transparency and integrity risks related to lobbying practices.

The need for an international standard on lobbying

Lobbyists, as well as advocates and all those influencing governments, represent valid interests and bring to policy makers’ attention much needed insights and data on all policy issues. Such an inclusive policy-making process provides opportunities for more informed and ultimately better policies. However, evidence has shown that policy-making is not always inclusive. At times there may be monopoly of influence by those that are financially and politically powerful, at the expense of those with fewer resources. Evidence has also shown that policies may be unduly influenced through the provision of biased or deceitful evidence or data, as well as by manipulating public opinion. Public policies that are misinformed and respond only to the needs of a special interest group result in suboptimal policies.

As such, the Recommendation was part of a broad set of OECD initiatives triggered by the 2008 financial crisis to set standards for a stronger, cleaner and fairer economy, and to avoid making policy choices in the interests of the more financially and politically powerful.

The Recommendation was developed by the Public Governance Committee (PGC) on the basis of reviewed data and experiences of government regulation and self-regulation by lobbyists. It also reflects the views of a wide range of OECD bodies and stakeholders consulted by the PGC, including legislators, representatives of the private sector, lobbying associations, civil society organisations, trade unions, think tanks and international organisations.

Scope of the Recommendation

The Recommendation recognises that lobbying is a legitimate act of political participation, grants stakeholders access to the development and implementation of public policies, and allows policy makers to learn about options and trade-offs. It provides Adherents with directions and guidance on how to promote equal access to policy discussions for all parties concerned, how to enhance transparency and foster a culture of integrity

The Recommendation is based on 10 principles and four main objectives:

- Building an effective and fair framework for equal access to policy discussions for all parties concerned;
- Enhancing transparency;
- Fostering a culture of integrity;
- Creating mechanisms for effective implementation, compliance and review.

Impact of the Recommendation and future work

The Recommendation has been key in raising awareness and promoting the relevance of lobbying standards among Adherents and beyond them, encouraging them to use it in their efforts to enhance transparency and integrity in public decision making. It has proved to be a valuable instrument in shaping policy debates at national and supranational levels and guiding the many Adherents and selected non-Adherents that since 2010 have adopted regulations or policies on lobbying. For example, Austria, Chile, the European Union, France and Ireland reported having used the Recommendation as a source for their regulations. It has proven influential in framing and informing debates in Adherents currently designing or revising lobbying regulations. Similarly, business representatives as well as non-governmental organisations have built on the Recommendation in their efforts related to lobbying.

The key role of lobbying as a legitimate tool to influence public policies and concerns on transparency and integrity risk associated with it, remains as high as ever. As governments worldwide design and implement significant stimulus packages as well as new policies to deal with the effects and aftermath of the COVID-19 pandemic, the Recommendation helps Adherents to prioritise the public interest and enhance transparency and safeguard integrity in the public decision making process. It can also guide them in protecting stimulus packages and post-COVID policies from undue influence, unfair competition or regulatory capture, which will undermine public trust in government and thus be detrimental to an efficient and quick COVID-19 recovery.

While the Principles embedded in the Recommendation remain relevant, the monitoring of their implementation in 2021 reveals that they are not entirely adequate, as the focus is largely confined to lobbying registries, with little consideration given to the whole spectrum of practices, risks and options that countries can use and have used for mitigation. A more comprehensive consideration of lobbying activities may be needed. The PGC, through the Working Party of Senior Public Integrity Officials (SPIO), will review and prepare for Council an update of the Recommendation within two years, to reflect the evolving lobbying and influence landscape, and to guide efforts by all actors, across government, business and civil society, in reinforcing the frameworks for transparency and integrity in policymaking.



Relevance to COVID-19 Response and Recovery

As governments worldwide design and implement significant stimulus packages as well as new policies to deal with the effects and aftermath of the COVID-19 pandemic, the Recommendation helps Adherents to prioritise the public interest over private interests. It can help them to enhance transparency and safeguard integrity in the public decision making process. It can also guide them in protecting stimulus packages and post-COVID policies from undue influence, unfair competition or regulatory capture, which will undermine public trust in government and thus be detrimental to an efficient and quick COVID-19 recovery.

For further information please consult: <https://www.oecd.org/corruption/ethics/lobbying/>.
Contact information: julio.bacioterracino@oecd.org.

Implementation

2014 Report on the implementation of the Recommendation

The [2014 Report](#) took stock of progress made in implementing the Recommendation. It concluded that although there was emerging consensus on the need for transparency to shed light on lobbying, new regulations were often scandal-driven instead of forward looking. In countries that had regulations in place, the degree of transparency in lobbying varied considerably across Adherents. The Report encouraged Adherents to focus efforts on the implementation of the Recommendation, in order to strengthen confidence in the public decision-making process and restore trust in government.

Publication available at: OECD (2014), *Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264214224-en>.

2021 Report on the implementation, dissemination and continued relevance of the Recommendation

More than ten years after the adoption of the Recommendation, the [2021 Report](#) highlights the main trends and developments concerning the implementation of the Recommendation across Adherents and selected non-Adherents (Brazil, Romania). It concluded that Adherents and selected non-Adherents have advanced in providing transparency, integrity, and access, but at different speeds and

in a continuously evolving lobbying landscape. In particular, the Report reflects on new challenges and risks related to the many ways special interest groups attempt to influence public policies, including through political finance, and reviews tools adopted by governments to effectively safeguard impartiality and fairness in the public decision-making process. It concludes that a more comprehensive consideration of lobbying activities is needed and proposes a review of the Recommendation by the PGC, through SPIO, within two years.

Publication available at: *OECD (2021), Lobbying in the 21st Century: Transparency, Integrity and Access, OECD Publishing, Paris, forthcoming.*

THE COUNCIL,

HAVING REGARD to Articles 1, 2 c), 3a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council on Enhancing Integrity in Public Procurement [C(2008)105], the Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service [C(2003)107], and the Recommendation of the Council on Improving Ethical Conduct in the Public Service [C(98)70/FINAL];

HAVING REGARD to the Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information [C(2008)36], and the Recommendation of the Council on Improving the Quality of Government Regulation [OCDE/GD(95)95];

HAVING REGARD to the Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions [C(2009)159/REV1], the Recommendation of the Council on Guidelines on Corporate Governance of State-Owned Enterprises [C(2005)47], the OECD Principles of Corporate Governance [C(2004)61], and the OECD Guidelines for Multinational Enterprises [C(2000)96/REV1];

RECOGNISING that lobbying may support informed decision making by providing valuable data and insights for effective public policies;

RECOGNISING that transparency, integrity and fairness in the decision-making process are crucial to safeguard the public interest and promote a level playing field for businesses;

RECOGNISING that public officials and lobbyists share responsibility to apply the principles of good governance, in particular transparency and integrity, in order to maintain confidence in public decisions;

On the proposal of the Public Governance Committee:

I. RECOMMENDS that, in establishing or reviewing their rules, policies or practices for fostering transparency and integrity in lobbying, Members take into account the Principles for Transparency and Integrity in Lobbying (hereafter the Principles) which are contained in the Annex to this Recommendation of which it forms an integral part.

II. FURTHER RECOMMENDS that Members disseminate the Principles to legislators, the private sector and other constituencies, which play a key role in lobbying.

III. INVITES the Secretary-General to:

- (1) Support, as appropriate, Members in taking steps to foster transparency and integrity in lobbying, and
- (2) Disseminate the Principles to non-Members and to promote good governance through encouraging them to use the Principles in their efforts to enhance transparency and integrity in public decision making.

IV. INVITES non-members to adhere to this Recommendation.

V. INSTRUCTS the Public Governance Committee to report to the Council on progress made in implementing this Recommendation within three years of its adoption and regularly thereafter, in consultation with the Regulatory Policy Committee and other relevant Bodies.

ANNEX**PRINCIPLES FOR TRANSPARENCY AND INTEGRITY IN LOBBYING****Aim of the Principles**

1. The Principles provide decision makers with directions and guidance to foster transparency and integrity in lobbying. Decision makers may use all available regulatory and policy options in order to select measures, guidelines or rules that meet public expectations for transparency and integrity.

Scope of the Principles

2. The Principles are primarily directed at decision makers in the executive and legislative branches. They are relevant to both national and sub-national level.

Definition of Lobbying

3. Lobbying, the oral or written communication with a public official to influence legislation, policy or administrative decisions, often focuses on the legislative branch at the national and sub-national levels. However, it also takes place in the executive branch, for example, to influence the adoption of regulations or the design of projects and contracts. Consequently, the term public officials include civil and public servants, employees and holders of public office in the executive and legislative branches, whether elected or appointed.

I. Building an Effective and Fair Framework for Openness and Access

1. Countries should provide a level playing field by granting all stakeholders fair and equitable access to the development and implementation of public policies.

4. Public officials should preserve the benefits of the free flow of information and facilitate public engagement. Gaining balanced perspectives on issues leads to informed policy debate and formulation of effective policies. Allowing all stakeholders, from the private sector and the public at large, fair and equitable access to participate in the development of public policies is crucial to protect the integrity of decisions and to safeguard the public interest by counterbalancing vocal vested interests. To foster citizens' trust in public decision making, public officials should promote fair and equitable representation of business and societal interests.

2. Rules and guidelines on lobbying should address the governance concerns related to lobbying practices, and respect the socio-political and administrative contexts.

5. Countries should weigh all available regulatory and policy options to select an appropriate solution that addresses key concerns such as accessibility and integrity, and takes into account the national context, for example the level of public trust and measures necessary to achieve compliance. Countries should particularly consider constitutional principles and established democratic practices, such as public hearings or institutionalised consultation processes.

6. Countries should not directly replicate rules and guidelines from one jurisdiction to another. Instead, they should assess the potential and limitations of various policy and regulatory options and apply the lessons learned in other systems to their own context. Countries should also consider the scale and nature of the lobbying industry within their jurisdictions, for example where supply and demand for professional lobbying is limited, alternative options to mandatory regulation for enhancing transparency, accountability and integrity in public life should be contemplated. Where countries do opt for mandatory regulation, they should consider the administrative burden of compliance to ensure that it does not become an impediment to fair and equitable access to government.

3. Rules and guidelines on lobbying should be consistent with the wider policy and regulatory frameworks.

7. Effective rules and guidelines for transparency and integrity in lobbying should be an integral part of the wider policy and regulatory framework that sets the standards for good public governance. Countries should take into account how the regulatory and policy framework already in place can support a culture of transparency and integrity in lobbying. This includes stakeholder engagement through public consultation and participation, the right to petition government, freedom of information legislation, rules on political parties and election campaign financing, codes of conduct for public officials and lobbyists, mechanisms for keeping regulatory and supervisory authorities accountable and effective provisions against illicit influencing.

4. Countries should clearly define the terms 'lobbying' and 'lobbyist' when they consider or develop rules and guidelines on lobbying.

8. Definitions of 'lobbying' and 'lobbyists' should be robust, comprehensive and sufficiently explicit to avoid misinterpretation and to prevent loopholes. In defining the scope of lobbying activities, it is necessary to balance the diversity of lobbying entities, their capacities and resources, with the measures to enhance transparency. Rules and guidelines should primarily target those who receive compensation for carrying out lobbying activities, such as consultant lobbyists and in-house lobbyists. However, definition of lobbying activities should also be considered more broadly and inclusively to provide a level playing field for interest groups, whether business or not-for-profit entities, which aim to influence public decisions.

9. Definitions should also clearly specify the type of communications with public officials that are not considered 'lobbying' under the rules and guidelines. These include, for example, communication that is already on public record – such as formal presentations to legislative committees, public hearings and established consultation mechanisms.

II. Enhancing Transparency

5. Countries should provide an adequate degree of transparency to ensure that public officials, citizens and businesses can obtain sufficient information on lobbying activities.

10. Disclosure of lobbying activities should provide sufficient, pertinent information on key aspects of lobbying activities to enable public scrutiny. It should be carefully balanced with considerations of legitimate exemptions, in particular the need to preserve confidential information in the public interest or to protect market-sensitive information when necessary.

11. Subject to Principles 2 and 3, core disclosure requirements elicit information on in-house and consultant lobbyists, capture the objective of lobbying activity, identify its beneficiaries, in particular the ordering party, and point to those public offices that are its targets. Any supplementary disclosure requirements should take into consideration the legitimate information needs of key players in the public decision-making process. Supplementary disclosure requirements might shed light on where lobbying pressures and funding come from. Voluntary disclosure may involve social responsibility considerations about a business entity's participation in public policy development and lobbying. To adequately serve the public interest, disclosure on lobbying activities and lobbyists should be stored in a publicly available register and should be updated in a timely manner in order to provide accurate information that allows effective analysis by public officials, citizens and businesses.

6. Countries should enable stakeholders – including civil society organisations, businesses, the media and the general public – to scrutinise lobbying activities.

12. The public has a right to know how public institutions and public officials made their decisions, including, where appropriate, who lobbied on relevant issues. Countries should consider using information and communication technologies, such as the Internet, to make information accessible to the public in a cost-effective manner. A vibrant civil society that includes observers, 'watchdogs', representative citizens groups and independent media is key to ensuring proper scrutiny of lobbying activities. Government should also consider facilitating public scrutiny by indicating who has sought to influence legislative or policy-making processes, for example by disclosing a 'legislative footprint' that indicates the lobbyists consulted in the development of legislative initiatives. Ensuring timely access to such information enables the inclusion of diverse views of society and business to provide balanced information in the development and implementation of public decisions.

III. Fostering a Culture of Integrity

7. Countries should foster a culture of integrity in public organisations and decision making by providing clear rules and guidelines of conduct for public officials.

13. Countries should provide principles, rules, standards and procedures that give public officials clear directions on how they are permitted to engage with lobbyists. Public officials should conduct their communication with lobbyists in line with relevant rules, standards and guidelines in a way that bears

the closest public scrutiny. In particular, they should cast no doubt on their impartiality to promote the public interest, share only authorised information and not misuse 'confidential information', disclose relevant private interests and avoid conflict of interest. Decision makers should set an example by their personal conduct in their relationship with lobbyists.

14. Countries should consider establishing restrictions for public officials leaving office in the following situations: to prevent conflict of interest when seeking a new position, to inhibit the misuse of 'confidential information', and to avoid post-public service 'switching sides' in specific processes in which the former officials were substantially involved. It may be necessary to impose a 'cooling-off' period that temporarily restricts former public officials from lobbying their past organisations. Conversely, countries may consider a similar temporary cooling-off period restriction on appointing or hiring a lobbyist to fill a regulatory or an advisory post.

8. *Lobbyists should comply with standards of professionalism and transparency; they share responsibility for fostering a culture of transparency and integrity in lobbying.*

15. Governments and legislators have the primary responsibility for establishing clear standards of conduct for public officials who are lobbied. However, lobbyists and their clients, as the ordering party, also bear an obligation to ensure that they avoid exercising illicit influence and comply with professional standards in their relations with public officials, with other lobbyists and their clients, and with the public.

16. To maintain trust in public decision making, in-house and consultant lobbyists should also promote principles of good governance. In particular, they should conduct their contact with public officials with integrity and honesty, provide reliable and accurate information, and avoid conflict of interest in relation to both public officials and the clients they represent, for example by not representing conflicting or competing interests.

IV. Mechanisms for Effective Implementation, Compliance and Review

9. *Countries should involve key actors in implementing a coherent spectrum of strategies and practices to achieve compliance.*

17. Compliance is a particular challenge when countries address emerging concerns such as transparency in lobbying. Setting clear and enforceable rules and guidelines is necessary, but this alone is insufficient for success. To ensure compliance, and to deter and detect breaches, countries should design and apply a coherent spectrum of strategies and mechanisms, including properly resourced monitoring and enforcement. Mechanisms should raise awareness of expected rules and standards; enhance skills and understanding of how to apply them; and verify disclosures on lobbying and public complaints. Countries should encourage organisational leadership to foster a culture of integrity and openness in public organisations and mandate formal reporting or audit of implementation and compliance. All key actors – in particular public officials, representatives of the lobbying consultancy industry, civil society and independent 'watchdogs' – should be involved both in establishing rules and standards, and putting them into effect. This helps to create a common understanding of expected standards. All elements of the strategies and mechanisms should reinforce each other; this co-ordination will help to achieve the overall objectives of enhancing transparency and integrity in lobbying.

18. Comprehensive implementation strategies and mechanisms should carefully balance risks with incentives for both public officials and lobbyists to create a culture of compliance. For example, lobbyists can be provided with convenient electronic registration and report-filing systems, facilitating access to relevant documents and consultations by an automatic alert system, and registration can be made a prerequisite to lobbying. Visible and proportional sanctions should combine innovative approaches, such as public reporting of confirmed breaches, with traditional financial or administrative sanctions, such as debarment, and criminal prosecution as appropriate.

10. *Countries should review the functioning of their rules and guidelines related to lobbying on a periodic basis and make necessary adjustments in light of experience.*

19. Countries should review – with the participation of representatives of lobbyists and civil society – the implementation and impact of rules and guidelines on lobbying in order to better understand what

factors influence compliance. Refining specific rules and guidelines should be complemented by updating implementation strategies and mechanisms. Integrating these processes will help to meet evolving public expectations for transparency and integrity in lobbying. Review of implementation and impact, and public debate on its results are particularly crucial when rules, guidelines and implementation strategies for enhancing transparency and integrity in lobbying are developed incrementally as part of the political and administrative learning process.

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, Colombia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 480 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body, and are not legally binding. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.