

LOBBYING IN THE UNITED STATES AND THE EUROPEAN UNION: NEW DEVELOPMENTS IN LOBBYING REGULATION

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Abstract. *The paper compares lobbying in the United States and in the European Union taking into account the specific environments in the two areas. It is focused on recent developments (2006 – 2008) in lobbying regulation in the US, at the federal level, and in the EU, at the level of the European institutions. The compulsory system typical of the American approach is compared to the lower regulated system specific to the European Parliament, as well as to the self-regulatory approach that is still proper to the European Commission, even though its recent decisions indicate a departure from it. The main conclusions highlight the increasing similarities between the American and European approaches, as well as the differences that still exist, mainly in the framework of the pluralist – corporatist dichotomy. Having in view this background, the concluding remarks also stress the need to intensify the debates on lobbying regulation in Romania.*

Keywords: *corporatism; European Union; interest groups; lobbying regulation; pluralism; United States.*

Terms and definitions: lobbying and lobbyist

‘Lobbying’ and ‘lobbyist’ are controversial terms. Quite often their negative or pejorative connotations and poor reputation are underlined, especially when the terms are associated with allegations of corruption and influence trafficking. Not surprisingly, many lobbyists prefer to use other terms to describe their work, like: ‘parliamentary relations’, ‘government relations’, ‘public affairs’, ‘political PR’, ‘parliamentary counseling’ etc.

However, the legitimacy of lobbying has often been emphasized. In the US, this legitimacy is widely accepted, since it derives from the First Amendment to the Constitution, which asserts the freedom of speech, the right

of people to assemble and to petition the government. This is the reason why, following the tradition inaugurated by James Madison, the US has chosen not to limit the lobbying practice and, generally speaking, the interest groups activities, but to regulate them in order to assure more fairness, transparency, and responsibility. As far back as in 1946 the Federal Regulation of Lobbying Act was adopted, then other regulations followed, the most recent one dating from 2007.

Traditionally, Europeans have been more skeptical towards the legitimacy of lobbying and most European countries have not adopted formal regulations. However, as a consequence of the lobbying explosion in the recent decades, the EU institutions have started to pay attention to this matter. The European Parliament decided on the ‘Rules of Procedure’ referring to lobbying in 1996-1997. The European Commission adopted measures for improving the framework for the activities of lobbyists only in 2007, as part of

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the so-called 'European Transparency Initiative' (ETI). It is worthy mentioning that the documents recently adopted by the Commission as well as by the Parliament use the term 'interest representatives' as an equivalent for 'lobbyists'.

Beyond the terminological aspects, definition of lobbying and lobbyists is particularly important, not only from the academic perspective, but also for practical reasons. This paper will not approach the variety of scholarly definitions, but will focus instead on the legal or official definitions that are at the basis of recent regulations. The OECD document, aimed at providing a 'practical point of reference' for the policy makers who are considering regulation of lobbying, stresses the critical importance of clear definitions of those who are 'in' and, equally, those who are 'out': 'Experience has shown that vague or partial definitions of who is to be covered by legislation, or what activities are encompassed leads to non-compliance or inadequate compliance' (OECD 2007: 32).

Definitions have proved to be quite difficult, since various perspectives and experiences are involved. Even in the US, where these terms are used so much (even abused), there is no consensus in this respect. Traditionally, the term referred mainly to the influence exerted on the legislative institution. Now, the term describes the activity aimed to influence the policy-making not only in the legislature, but in the executive branch as well, and sometimes in the courts. In addition to this 'direct' lobbying, focused on governmental institutions, more and more attention is given to the so-called 'grassroots' lobbying, which seeks to influence the decision-making process indirectly, through mobilizing public opinion. No doubt, the legal provisions on this matter are relevant. The Lobbying Disclosure Act of 1995 (LDA)

defines 'lobbying activities' as 'lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work [...]'; further down it defines 'lobbying contact': 'any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official [...]'. Obviously, this definition is much narrower than many scholarly definitions: it does not include the influence exerted on the courts, nor the grassroots lobbying.

Coming back to Europe, it is to be remembered that controversies on the definition of lobbyist and lobbying were one of the major difficulties experienced by the European Parliament in the process of developing its strategy towards this activity in the early 1990s. The adoption of the present rules was possible only when the terminological confrontations were avoided. When the Commission decided to approach this issue a very broad definition was chosen, as compared to the very specific, even technical American legal definition. The ETI documents defined lobbying as 'activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions' and lobbyists as 'persons carrying out such activities, working in a variety of organizations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units ("in-house representatives") or trade associations' (Commission 2006: 5). It is worth mentioning that the European Parliament agreed with this definition of lobbying, considering it 'to be in line with Rule 9(4) of its Rules of Procedure' (European Parliament 2008).

A comparison of the American and European definitions reveals a basic difference between the two approaches: professionalization of lobbying. Clive Thomas,

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in his remarkable comparative approach, stated: 'While there are emerging lobbying professions in Canada, Australia, and Britain, in the United States the profession has made major advances in the last thirty years, both in numbers and in its level of professionalism' (Thomas 1993: 39). Although a necessary connection between professionalization and regulation of lobbying cannot be ascertained the experience has proved that the adoption of certain rules of conduct (statutory or even voluntary) for the practitioners has had beneficial influence on the status of this activity.

EU and US – specific environments for lobbying activities

It is well known that the 'United States of Europe' was launched more than fifty years ago as a possible future counterpart of the USA and, since then, the federalist paradigm came in the forefront of political debates in some crucial moments of the European integration. However, what the EU is now and seems to be in the near future is very different from the American settlement.

First of all, comparison of the EU with the US as specific environments for lobbying has to stress an essential difference from the historical point of view. The American settlement has been dynamic but stable for more than two centuries, under the provisions of the oldest constitution in the world. Unlike it, the EU is a system in-the-making that have evolved over the last half century through successive extensions and institutional changes, and therefore 'the persistence of the provisional' (Wallace, W. 2000: 537) can be identified as its defining feature.

Also, it is very significant that the EU is not a nation-state. Although the multiculturalism has substantially affected the traditional 'melting pot' paradigm, most Americans place

identification with their national traditions and symbols among the core values. Unlike them, most Europeans prefer to preserve the national identity of their own people (language, cultural traditions) and to cooperate inside the EU for developing certain common values and projects.

In a way, the EU institutional system seems to have more in common with the US federal government than with the government of some EU member states, especially of those having unitary systems. The American federalism means the division of sovereignty between the national and state governments, characterized by a strong decentralization. In part, it is similar to the relationship between the EU and its member states in a system characterized by subsidiarity. This relationship is based on the division of sovereignty too, but the EU is a very complex organization which consists in a mixture of the attributes of a state and those of an international organization. In other words, it is an expression of the preference for the 'deliberate ambiguity of this semi-confederation' instead of a 'full federation' (Wallace, W. 2000: 531). Rules and policies are decided and executed by many actors at different levels: the European institutions, characterized by a certain tension between supranational and intergovernmental features; the governments of the member states, which are so different in terms of size, wealth, culture, political systems and many other respects; also, local and regional authorities, having specific problems and interests; even more than that, the actors from the public sphere have a word to say in various stages of policy-making. Therefore, this complex system, in which power is even more dispersed than in the American federation, has been characterized as a 'multi-level governance' (Wallace, H. 2000: 31).

Also significant, the EU has a more limited jurisdiction, as compared with the national governments, including the American federal government. The EU has exclusive competency in very few policy areas; most of its competencies are shared with the member states; in certain areas, the states are the main actors, the European institutions only facilitating a kind of coordination. Accordingly, the EU budget is much smaller than the US federal budget, as well as the size of the European institutions administration is much smaller than the American government.

The differences are prominent not only regarding the government or governance but also regarding the party systems and activities. Unlike the parties in the European countries, the American parties do not have either strong political ideologies or the ability to dominate the policy agenda. When comparison takes into account the European level it cannot reveal more similarities. Although we could say that the internal heterogeneity characterizes both the American and the European parties, it is to be underlined that the last ones are mostly umbrella organizations comprising very different parties as members of the same 'family'. Considering that the European parties could be characterized in terms of a 'party system' we have to take into account the differences between this multi-party system and the American two-party system. While the US politics tends to be polarized around the two major parties, the EU politics involves numerous political 'families' (7 political groups in the European Parliament) and wide array of parties having various national traditions.

Also, there are relevant consequences of the differences in the way of electing the people's representatives. The American plurality system makes the candidates in Congressional elections particularly attentive to the demands coming from their constituencies,

at the state and local levels. The members of the European Parliament are elected, in most countries, through a system of proportional representation defined at the national level; once elected, they are focused on the European agenda and are trying, sometimes quite hard, to make the national agenda consistent with it.

Important differences follow from the specific involvement of corporations and civil society in the election process. This participation characterizes, in a way or another, all democracies. However, the US developed an original organization by which corporations and various interest groups collect and spend money for the candidates' campaigns: Political Action Committees (PACs). Unlike the US, in the European countries, as well as at the European level, such a practice is neither recognized nor regulated.

The characteristics of interest groups systems and their activity are particularly relevant for defining the two specific environments. The differences do not consist in the groups' number and diversity, or the propensity of people to join them, as there are significant similarities in these respects (Thomas 1993: 31). Traditionally, the nature of the relationship between interest groups and government has made the difference between the US and the European countries. The US is characterized by the existence of a competitive system of interest groups, without peak associations that could speak on behalf of an entire sector. On the contrary, the existence of peak associations at the national level, regular consultations between government and interest groups, especially unions and business associations, often concluded by tripartite pacts, are seen as being a significant dimension of a genuine European tradition. Usually, the differences between these two systems are described in terms of pluralism vs. corporatism (Lijphart 1999).

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Is this dichotomy relevant for comparing the presence and activity of the interest groups in the US and in the EU? While the American system is described as having one of the highest degrees of pluralism in the world, the EU case reveals a much more complex reality, in spite of those opinions that had anticipated eurocorporatism as a natural outcome of the European corporatist traditions. The best expression of this view was the establishment of the Economic and Social Committee (ESC, later EESC) in 1957, as a consultative body representing the European interest organizations, but this has not become the expected influential actor in the policy-making (Wallace 2000: 25).

Various characterizations of the European system of interest intermediation have been formulated. The corporatist interpretations usually refer to the argument that the social dialogue is stipulated by the European Treaties and its role has been validated in the policy-making process. But arguments for an emerging pluralism seem to be more often identified, as an increasing number of various interest groups compete with each other for influence over policy-making and benefit by an open access to the institutions. Philippe Schmitter, although having a crucial role in redefining the concept of corporatism in the 1970s-1980s, concluded that the 'emerging interest system' at the European level 'was much more likely to be pluralist than corporatist' (Schmitter 1997: 294). Jeremy Richardson was even more firm in considering pluralism the defining characteristic of the EU interest group system (Richardson 2001).

However, according to Justin Greenwood, neither corporatism nor pluralism is a proper label for characterizing the interest representation at the European level (Greenwood 2003: 266, 276). This ambiguity can also be described in terms of the 'co-existence and complementarity of pluralism and

neocorporatism' as a specific feature of the EU uniqueness (Michalowitz 2002: 51). This 'mixed' character of interest representation seems to become even more prominent as a consequence of the Eastern enlargement. Unlike most Western European countries that have solid corporatist traditions, based on the collective bargaining between autonomous associations, for the countries of Central and Eastern Europe corporatism is still problematical, in spite of the progress that have been made in the dialogue between interest organizations and the government. On the other hand, for the people in this area pluralism is highly evaluated, being perceived as an alternative to their recent past, but the term has been used mostly to define a multi-party system, not a system of interest groups (Mihuț 1994).

Lobbying in the US and the EU. Developments in lobbying regulations

Development of lobbying activities has been identified as one of the 'basic similarities in strategy and tactics in all Western interest group systems' (Thomas 1993: 37). However, the comparison between the US and the EU can reveal significant differences, mostly as a consequence of the specific environments.

First of all, the tradition of lobbying (particularly of the professional lobbying) is much longer in the US than in the EU. It seems that the term was first used in the US by the early 1830s and the practice became usual in the following decades of the nineteenth century. Some types of interest groups emerged at the EU level in the 1960s, but most of them developed even later. Lobbying has become a basic tactic only since the second half of the 1980s, in connection with the single European market.

Secondly, the cultural environment matters. In spite of the important differences among the states in the American federation,

in terms of size, wealth, economic development, social structure, political culture, or even legal provisions, the lobbyists act in an environment characterized by common values and traditions and a common official language (even in the areas where Spanish is widely used). For lobbyists acting around the European institutions it is important to know the specificity of the cultural contexts in the member states, and it is useful to speak more than one language, even if English has become a kind of *lingua franca* in Brussels.

Third, the European institutionalized multi-level governance created a system of multiple access points, even more than the American federal government. This is not necessarily an advantage as successful lobbying often requires having in view multiple targets because of the limited jurisdiction of the European institutions. On the other hand, the smaller size and budget of these institutions proved to be advantageous to the European lobbying. The European Parliament, for example, has nothing similar to the prestigious and well-funded Congressional Research Service; therefore, those who are able to provide and disseminate reliable expertise and information are highly evaluated (see Watson and Shackleton 2006: 93). Also, the Commission welcomes outside inputs especially at the drafting stage of the policy-making; in fact, 'the Commission has been extremely active in developing the landscape of EU level interest groups' (Greenwood 2003: 14).

Forth, the way of collecting and using money in the electoral campaigns also makes a difference. Although PACs contributions and lobbying activities are usually seen as two distinct pathways of influencing politics and policy-making in the US, they are often described as supporting each other. The absence of PACs in the European politics is relevant for comparison, but it doesn't mean the absence of the scandals regarding the involvement of money in the electoral campaigns.

Fifth, the dichotomy pluralism – corporatism induces certain differences, even if the EU mostly has a 'mixed character' from this perspective. The example of the business interests is significant, since corporations and companies, as well as business associations are among the top actors of the lobbying community. Unlike the European countries, where the consultation of companies by the government is assumed, the American companies must invest substantial resources, mostly in lobbying, if they wish to affect public policy decisions, as they do not benefit by the official channels to communicate their positions to public officials. (Vogel 1996: 131-32).

The comparison reveals a more complex picture at the EU level. The EU business associations, which account for about two-thirds of all EU groups (Greenwood 2003: 75), are mainly federated, including federations and confederations from the member states. Some of them are involved in the activity of the EESC, the consultative body expected to be developed on the grounds of the European corporatist traditions. However, in the recent decades, mainly in connection with the development of the single European market, other associations have been established, and the pluralist shape has been strengthened. The business associations, as well as the large individual companies have identified other channels of influencing policy-making, including more and more sophisticated techniques of lobbying. Not surprisingly, they have mostly learnt in this respect from the American Chamber of Commerce to the EU (AmCham EU), which is one of the most effective lobbying forces in the EU.

Comparisons between lobbying in the US and the EU have revealed various characteristics of this practice. Quite often the scholars draw attention to the different styles required for lobbying in Brussels and Washington: more discreet and informal vs.

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more aggressive and professional (Watson and Shackleton 2006: 93; Greenwood 2003: 94). Clive Thomas identified two variations regarding lobbying, namely the use of contract lobbyists and the rise of new techniques in lobbying. The US is the most advanced system under both aspects: the number and the professionalism level of contract lobbyists and lobbying firms have increased substantially; also, the rise of new techniques, like mobilizing grassroots support networking, targeted mass mailing, public relations and media campaigns, etc is unparalleled in other countries (Thomas 1993: 39-40).

The most significant differences seem to derive from the ways of regulating this activity. Lobbying regulation has entered the political agenda in various areas of the world, but mostly in North America, some of the EU countries, and more recently the EU institutions. A.P. Pross identified two opposing aspects of the trend toward heightened lobby regulation: 'Globalization has diffused modes of lobbying across nations, creating common problems and raising similar issues in diverse societies. But, at the same time each political system values the objectives of regulation differently and varies legislative provisions accordingly' (Pross, 2007: 40).

This diversity has already been described in other documents. A report published by the Irish Institute of Public Administration revealed that formal regulation of lobbying is 'more the exception than the rule' (Malone 2004: 3). US and Canada were identified as the most notable exceptions, while within the EU looser formal regulations were found in Germany, where Bundestag had adopted rules regarding the registration of lobbyists, and in the UK, where the House of Commons had introduced rules relating the conduct of its members, that is 'to regulate the lobbied rather than the lobbyists' (Malone 2004: 23).

A subsequent report, based on the first one, but more comprehensive, classified the regulatory systems into three categories: 'Lowly regulated systems in essence detail who is engaged in lobbying government officials and elected representatives and getting paid for it. Intermediately regulated systems go further and report on what activity lobbying takes place in and has significant spending disclosures. Highly regulated systems go further again and state who employ lobbyists while having spending disclosure, which are open to the public' (Chari and Murphy 2006: 89). According to the authors of this report, only about half of the American states can be classified as highly regulated; the remaining states and also the American federal level, as well as Canada, both at the federal and provinces levels come into the intermediately regulated category, while Germany and the European Parliament belong to the lowly regulated category.

When we refer to the US in a comparative perspective it seems that Thomas's assertion is still valid: regulation of lobbying is 'far more developed in the United States than in any other democracy' (Thomas 1993: 46). As this paper tackles only the developments at the federal level, it is to be mentioned that as far back as in the second and the third decades of the last century the US Congress paid attention to this practice and its regulation. However, the first attempt to impose legal control on lobbying was The Federal Regulation of Lobbying Act of 1946, which required registration of those involved in influencing the lawmaking process and filing reports on their activity. It was an important step, but the provisions proved not to be clear enough, so that many organizations and lobbyists avoided registering; also, the law had other loopholes, like referring only to the legislative lobbying and ignoring the actions aimed at the executive.

In the years that followed, Congress periodically tried to strengthen the regulation of these activities, and in 1995 a new law was passed. According to the Lobbying Disclosure Act of 1995 (LDA), as amended by the Lobbying Disclosure Technical Amendments Act of 1998, lobbyists had to register with the Secretary of the Senate and the Clerk of the House, and to make semiannual reports on their activities. They had to report who their clients were, what house of the Congress or what agencies they lobbied, how much they were paid. Moreover, the law restricted gifts to officials. Despite the more restrictive requirements the provisions of the 1995 law proved to be insufficient to avoid the abuses.

Other attempts followed and, finally, as a response to some corruption scandals, such as the one involving 'super lobbyist' Jack Abramoff, the Honest Leadership and Open Government Act of 2007 was passed, amending the LDA and other pieces of legislation. Title I of the new law is significant: 'Closing the Revolving Doors'. According to its provisions, the departing members of the Senate must wait now two years, instead of one, before lobbying former colleagues (the former members of the House of Representatives must wait one year). Title II, 'Full Public Disclosure of Lobbying', provides quarterly reports, rather than semiannual ones, and other detailed disclosures. Also, the Act prohibits giving of gifts by lobbyists and their clients to members of Congress and their staff. The law strengthens certain former provisions regarding the sanctions for failure to comply with LDA requirements: civil penalties are raised from \$50,000 to \$200,000, and, for the first time, criminal penalties are provided, namely imprisonment for up to five years or a specified fine, or both (see Library of Congress THOMAS 2007).

The regulation of lobbying is an even more complex issue at the EU level, as there are

important differences among institutions in this matter. Although the Council of Ministers is very powerful in the decision-making process, it remains difficult for lobbyists to obtain access to this institution, which is representative not so much for the supranational character of the EU, but for its intergovernmental character. The key targets of lobbying are the Commission and the Parliament. Being the initiator of legislation the Commission has often been the first target. However, the Parliament has become increasingly attractive to lobbyists as a result of its increased legislative power, mostly in connection with the use of the co-decision procedure with the Council of Ministers.

Not surprisingly, the Commission and the Parliament are the only institutions that tackled the regulation of lobbying, but in a different manner, although signals for a common approach have been launched recently. The differences have been explained through the specific role of these institutions: while the Commission as the agenda-setter wishes to keep an open dialogue and provides only minimum standards of self-regulation, the Parliament, as a pluralistic institution, requires structures and regulations to secure transparency and the building of stable majorities (Schaber 1998: 219-220).

The Parliament was the first European institution that put the proposals for regulating lobbying on the agenda, back in 1989. A number of reports were drafted and discussed, but it proved to be very difficult to reach consensus regarding certain problems, the most substantive one being the definition of lobbying (European Parliament 2003: 37). Only in 1996 – 1997 did the Parliament adopt certain rules, which were annexed to its Rules of Procedure. Actually, there are two sets of rules: one of them is a code of conduct for the Parliament members (Annex I refers to the 'Transparency and members' financial

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interests'; the other concerns 'Lobbying in Parliament' (Annex IX). According to this document, the lobbyists have access to the Parliament using nominative passes issued by quaestors; in return, they are required to observe a ten-point code of conduct, and to sign a register, which is published on the Parliament website. It follows that the Parliament has adopted an accreditation system for lobbyists, but the register provides only the names of the pass-holders and of the organizations they represent, without giving information about the interests for which the lobbyists act.

Unlike the Parliament, the Commission has consistently rejected the idea of accrediting the organized interests on the grounds that it may create a barrier to the open consultation with civil society. The first notable references to the lobbying activity were in the context of the Communication regarding the dialogue with the so-called 'special interest groups' (Commission 1992). The Commission was consistent with its 1992 approach for more than one decade: not accreditation, registration or code of conduct since all groups must be treated equally; but a voluntary directory was set up and the groups were encouraged to draw up their own voluntary codes of conduct.

A new relevant document for the consultation process was adopted in 2002 (Commission 2002). A more neutral term is used in the title of this document: 'interested parties', but a special credit is given to the concept of civil society, which benefits now by a distinct site of the Commission. Again, a very broad view is involved, as a large range of organizations are included in the definition of civil society, from the private and public sectors as well. The document defines the 'general principles', as well as the 'minimum standards' for consultations. Although the lobby organizations or the lobbyists are not

specifically mentioned, obviously they are supposed to follow the established principles and standards. However, the relationship between the Commission and the lobbyists remained 'largely informal and ad hoc' (Watson and Shackleton 2006: 100).

A significant change occurred only in 2005, when the Commission launched the ETI in order to review the framework for 'interest representation (lobbying)'. Based on the Green Paper (2006) that opened a debate with the stakeholders on this matter, the Communication that followed set up a new voluntary register of interest representatives coupled with a binding code of conduct. Those who register certain information about themselves will be alerted in return to consultations in their specific areas of interest. 'In line with the self-regulatory approach', it will remain the responsibility of registrants to disclose how they are funded; however, when reference is to the Code of Conduct, 'Self-regulation of lobbyists is not seen as a viable option' (Commission 2007: 4, 5). We can identify here a relevant departure from the Commission's traditional approach to lobbying regulation: subscribing to the Code of Conduct is now a requirement for lobbyists wishing to be included in the Register of interest representatives, a provision characterized as being 'in line with the example set by the European Parliament'. Moreover, the Commission launched the invitation to the Parliament to examine the possibility of closer cooperation in this area and to consider the feasibility of 'one-stop-shop' registration, where the lobbyists could register with all the European institutions.

The European Parliament had a favorable reaction to this initiative. The 'one-stop-shop' proposal was welcomed, and the Commission and the Council were called to set up a joint working group to consider, by the end of 2008, the implications of a possible common

register; also, the Commission was asked to negotiate a common code of conduct (European Parliament 2008). In spite of these important signals for a stronger cooperation, differences are still notable. While the Commission decided to maintain its formula of a voluntary register, the Parliament called for a common mandatory register. Also, while the Commission concluded to request registrants selected budget figures and budget sources, the Parliament called for 'full financial disclosure'.

A further communication from the Commission provided clarifications of its position regarding the activities and entities which are expected to be registered. The clarifications are very useful, especially those regarding the exclusion from this category of social partners acting in the specific framework of the social dialogue (Commission 2008). In June 2008, when the 'Register of interest representatives' was opened, the Commission stated that it will experiment this instrument for one year. It remains to be seen if the automatic alert will provide a sufficient incentive for voluntary registration and if the sanctions consisting in temporary suspension or exclusion from the Register will be strong enough to prevent non-compliance.

Since both the Commission and the Parliament declared their openness to dialogue on the issues that make the difference it seems that a common or a similar approach could be set up in the near future.

The question arises whether these recent developments that have occurred in the US and the EU at about the same time are a common trend. In September 2007, Siim Kallas, Vice-President of the Commission who had a crucial role in launching and implementing the ETI, gave a brief comparison of its provisions and of those comprised by the Honest Leadership and Open Government Act. According to his

evaluation, both documents have in essence the same purpose: to increase transparency in lobbying. There are, however, notable differences: the American law provides by far more details in definitions and rules of lobbying activities; also, it imposes greater administrative burden for reporting them and higher potential penalties. Briefly, the documents reflect the traditional differences between the American and the European view on lobbying regulation: while the US has reinforced the mandatory approach, the Commission has maintained the self-regulation one (Kallas 2007). Nevertheless, further developments at the EU level have diminished the relevance of this difference. Particularly the position of the European Parliament gave more credit to the mandatory system, and, consequently, similarities with the American approach have chances to be strengthened through an increased inter-institutional cooperation on this matter.

Concluding remarks

We can conclude that the recent developments have strengthened some similarities between the American and the European ways of approaching lobbying regulation: transparency or open government, as well as honesty, integrity or accountability are the key words in the laws or other documents adopted either in the US or in the EU in the recent years. It essentially means that they have sprung from similar problems, and therefore have targeted similar goals, in a world where globalization has diffused lobbying practices.

However, as this paper has pointed out, the approaches remain different. The corporatist tradition in Europe, although declining, is still relevant in making the difference. Social dialogue is an important channel for communication between trade

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unions, employers associations and public officials. On the contrary, the lack of official channels through which organizations can influence policy-making in the US explains why substantial resources are spent on lobbying and strict regulations for it are enforced.

Although this paper has not approached the case of the Eastern and Central European countries it follows from the analysis that the issue of lobbying regulation is challenging for these new EU members too. As there are no specific requirements relating to the development of a regulatory framework for lobbying, and since the examples in 'old' Europe are not very encouraging in this respect, each new member state has to decide how to approach it. Some countries in the region already adopted specific legislation on lobbying: Lithuania (2000), Poland (2005), Hungary (2006).

Unlike them, Romania has not yet decided in this matter. The first debates on lobbying started in the late 1990s; they were followed

by public hearings organized by civil society associations during the 2000s. A legislative proposal registered with the Chamber of Deputies in 2001 was rejected three years later on the reasons that there are many theoretical and practical questions needing to be cleared up first, and a more rigorous regulation is necessary. However, starting with 2000, all the Romanian programs of government, including the program for 2005-2008, provided for the adoption of a law upon lobbying in order to support the anti-corruption strategy. On the other hand, the lack of regulation doesn't mean that lobbying itself is not practiced in this country, although the 'active players are less visible' (Vass 2008). No doubt, Romania doesn't need to hurry in adopting lobbying regulation only to be in line with other countries in the region. But when the issue is on the agenda of relevant institutions, in Europe and elsewhere, the debates need to be revived, not only in the Romanian civil society, but also in the academic literature.

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