







Lobbying regulation practices in Slovenia

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REPUBLIKA SLOVENIJA

MINISTRSTVO ZA ZDRAVJE



Projekt je sofinanciralo Ministrstvo za zdravje Republike Slovenije v sklopu projekta »Brez izgovora 2020 – 2022«.





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Legal officer/Project manager

Transparency International Slovenia



TRANSPARENCY INTERNATIONAL SLOVENIA

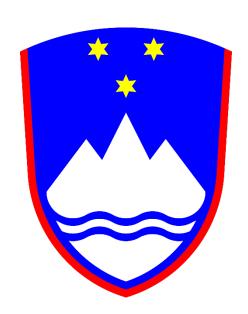
- Founded in 2009, full accredited national chapter of Transparency International since 2012.
- Center Spregovori! Advocacy and legal advice centre (ALAC) established in 2014.
- Focus on transparency, integrity, Anti-Corruption.





- Population: 2.094.060
- GDP: 56 billion € (nominal, 2020 estimate, data before COVID)
- Rand institute: cost of corruption
 3.5 bn. €/year
- Trust in government and parliament is below EU average.







SLOVENIA - LOBBYING REGULATION BACKGROUND

- Lobbying has only become a more clearly definable activity in the 1990s.
- 1993: more than 52.000 organizations, only 24 political, very few interest groups.
- Relatively low density of interest groups influence on the national policy-making process.
- 1996: Survey shows 2/3 of 70 interest groups were in favour of formulating written rules on lobbying.



SLOVENIA – LOBBYING ACT

- Initiative for <u>Lobbying Act</u> originated in National assembly in 1996.
- The proposed act aimed mostly to regulate the influence of civil society on public matters, introducing a new level of transparency and predictability in the processes that were already happening in real life.
- The proposed act focused on lobbying of executive and legislative officials.
- Draft law filed in parliament legislative procedure in 1999 for first time, in 2002 for second time, procedure ended in 2004 with act not adopted.

SLOVENIA – INTEGRTIY AND PREVENTION OF CORRUPTION ACT



- Integrity and Prevention of Corruption Act (IPCA) was adopted in 2010, amended in 2011 and 2020.
- Lobbying regulated in Chapter VIII (Articles 56- 74).
- Chapter further divided into subchapters: Lobbying, Lobbyists associations, Registration of lobbyists, Reporting obligations from lobbyists, Providing information, Prohibitions.
- Data records on lobbying (Article 76): Register of Lobbyists, List of reported lobbying contacts



DEFINITION OF LOBBYING

"Lobbying" means the activities carried out by lobbyists who, on behalf of interest groups, exercise non-public influence on decisions made by State and local community bodies, and holders of public authority in discussing and adopting regulations and other general documents, as well as on decisions made by State bodies, the bodies and administrations of local communities, and holders of public authority on matters other than those which are subject to judicial and administrative proceedings and other proceedings carried out according to the regulations governing public procurement, as well as proceedings in which the rights and obligations of individuals are decided upon. Lobbying means any non-public contact made between a lobbyist and a lobbied party for the purpose of influencing the content or the procedure for adopting the aforementioned decisions;

DEFINITION OF LOBBYIST

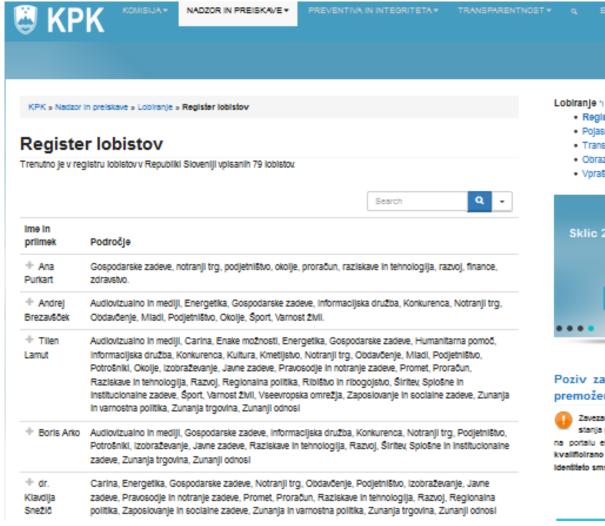
- Defined in IPCA Article 4.
- "Lobbyist" means any person who is engaged in lobbying and who is entered into the register of lobbyists, or a person who is engaged in lobbying and is employed in an interest group and lobbies on its behalf, or a person who is an elected or otherwise legitimate representative of this interest group;

Article 56a (Exceptions to lobbying)

Actions taken by individuals, informal groups or interest groups for the purpose of influencing the decision-making of State bodies, bodies of self-governing local communities and the holders of public authority in the consideration and adoption of regulations and other general documents in the area directly relating to the systemic issues of strengthening the rule of law, democracy and the protection of human rights and fundamental freedoms is not considered lobbying under the provisions of this Act.



REGISTER OF LOBBYISTS



- Register lobistov
- Pojasnila
- Transparentnost
- Obrazci
- Vprašanja in odgovori



Poziv zavezancem za prijavo premoženjskega stanja

Zavezance za prijavo premoženjskega stanja prosimo, da si za oddajo obrazca na portalu eUprava pravočasno zagotovijo kvalifioirano digitalno potrdilo ali mobilno Identiteto smsPA 8 8.



REPORTS OF LOBBYISTS

Article 64 (Content of the report)

The report referred to in the preceding Article shall contain the following:

- the lobbyist's tax ID number;
- data on interest groups for which the lobbyist has lobbied;
- data on the amount of payment received from these organisations for each matter in which the lobbyist has lobbied; if lobbying is a part of a service contract that also includes other activities and the value of lobbying cannot be clearly determined, the lobbyist shall state the value of the service contract and the percentage of payment for lobbying;
- the statement of the purpose and objective of lobbying for a particular interest group;
- the names of State bodies in which the lobbyist has lobbied and persons lobbied by the lobbyist;
- types and methods of lobbying for a particular matter in which the lobbyist has lobbied; and
- the type and value of donations made to political parties and the organisers of electoral and referendum campaigns.

DEFINITION OF LOBBIED PERSONS AND INTEREST GROUPS



Defined in IPCA Article 4.

"Lobbied persons" means officials and public servants who are employed in State bodies and local community bodies or who work with the holders of public authority responsible for decision making, or who participate in the discussion and adoption of regulations, other general documents and decisions pursuant to paragraph 14 of this Article, and with whom lobbyists communicate for lobbying purposes;

"Interest groups" means legal persons governed by private law, and other legally regulated forms of association of natural or legal persons, on behalf and for the account of which a lobbyist performs a lobbying activity;



LOBBYING RECORDS

Article 68 (Informing persons lobbied and lobbying record)

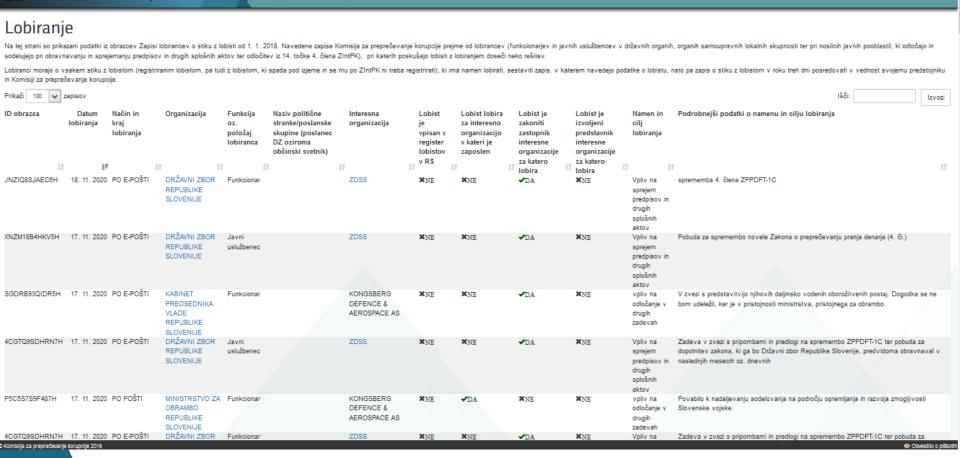
- (1) A lobbyist may submit to lobbied persons any verbal or written information and material on matters in which the lobbyist carries out lobbying activities for interest groups.
- (2) In carrying out lobbying activities, a lobbyist may meet the persons lobbied. At every contact with the lobbyist, the person lobbied shall make a record containing the following data on the lobbyist: the personal name, information on whether the lobbyist has identified himself in accordance with the provisions of this Act, the area of lobbying, the name of the interest group or any other organisation for which the lobbyist is lobbying, any possible enclosures, the date and place of the visit by the lobbyist, and the signature of the person lobbied. The person lobbied shall forward a copy of the record to his superior and the Commission within three days. The obligation of persons lobbied to keep a record shall also apply in the event of contact arising as referred to in paragraph 3 of Article 69 of this Act. The Commission shall keep lobbying records for a period of five years.



LIST OF REPORTED LOBBYING CONTACTS

🔍 Iskalnik 🔌 Dolžniki 🚍 Omejitve 🟥 Darila 🧳 Lobiranje 🔛 Podatki 🗯 Zanimivosti 🗐 Navodila -

Published on Erar.si and Integrity Watch Slovenia.





REPORTING CONTACTS TO AUTHORITY

Form for reporting contacts is <u>published</u> online.

Lebist je zakoniti zastopnik intercane organizacje za katero lobine	
Lebisi je izveljeni predstavnik inferezne organizacije za katero lebira	
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2.6 Identifikas)e lekiste Labirance je predhedno preveril (sz. lebiranci so prehedno preverili), ali je lebist vpisan v register lebistav:	
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2.8 Sazia/sopratiku: (runkgonari) o sergebih darilih perelaje same, de je vrednest denile prezeje višne 25,00 EUR.	
Javni uzlužbenci o prejetih darilih poročajo samo, če je vrednost darila presegla višino 20,86 EUR.	
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	Oodaj lobista
3. Navedba morebitnih prilog, ki jih je kobist pri stiku posredoval kobirancu (kopije prilog lahko priložite obrazcu)	O Dobaj rosta
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REPORTING CONTACTS TO AUTHORITY





V skladu z 68. in 69. členom Zakona o integriteti in preprečevanju korupcije (Uradni list RS, 8t. 69/11 - uradno prečiščeno besedilo; v midaljevanju: ZlmPK) sporočam/sporočamo podatke o stiku z lobistorin'lobisti, ki je vpisan/so vpisani v register lobistov oziroma se ni dolžan/niso dolžni vpisati v register lobistov (proverite na spletni strani: https://www.kpk-es.ni/sl/lobirarje-22/register-lobistov oziroma v javno dostopnih evidencah poslovnih subjektov).

1. Podatki o lobirancih

1. Lehiranec

MÖDERNDORFER Primek

JANI

DRŽAVNI ZBOR REPUBLIKE SLOVENUE, Šubičeva ulica 004, 1000 Ljubliana. Orean

Status: Funkcionar

2. Podatki o lobistih

1. Lobist

Primek: Probivališče:

Interesno ali druga organizacija:

Namen in cilji, zaradi katerih

Statusi lobisto: lobist lobira:

Sprememba tobačne zakonodaje.

Identifikacija lobista:

Lobiranec JE predhodno preveril, ali je lobist vpisan v register lobistov. Lobist se NI identificiral lobirancu în se izkazal s pooblastilom înteresne

JT INTERNATIONAL LJUBIJANA, TRGOVSKO PODJETJE, D.O.O., OGRINČEVA

ULICA 004, 1000 LJUBLJANA, MŠ: 8111952000 DŠ: 26379694 Lobist lobira za interesno organizacijo v kateri je zaposlen.

Voliv na sprejem predpisov in drugih splošnih aktov.

organizacije za lobiranje v določeni zadevi ter navedel namen in cilj za

Pri stiku lobiranca z lobistom NI prišlo do nasprotja interesov.

Ali je pri stiku lobiranca z lobistom prišio do nasprotja

interesov?

Darilo/pogostitev

Lobist me ob lobiranju Ni obdaril ali pogostil.





3. Navedba morebitnih prilog, ki jih je lobist pri stiku posredoval lobirancu (kopije prilog lahko priložite obrazcu)

Prilagam skenirano zloženko in brošuro, ki sem ju prejel v fizični obliki.

4. Datum/kraj in način lobiranja

11. januar 2019; OSEBNO (DRŽAVNI ZBOR RS)

5. Opombe

6. Opozorilo

Vsak lobirance ima pravico sprejeti lobistični stik, vendar mora pred tem preveriti:

- Ali gre za registriranega lobista (register je dostopen na galetnem mestu komislje) ter zahtevati, naj mu predloži pooblastilo interesne organizacije, za katero lobira. Če lobist tega pooblastila nima, mora lobiranoc stik zavrniti.
- Ali gre za neregistriranega lobiata in prav tako zahtevati, naj mu predloži pooblastilo interesne organizacijo, za katero lobira: (razen, če je to pooblastilo samournevno, ker gre za zakonitega zastopnika ali izvoljenega prodstavnika). Neprofesionalni lobist lahko lobira zgolj za interesno organizacijo, v kateri je zaposlen, je njen zakoniti zastognik ali izvoljeni predstavnik, kur mora lobiranca na ustrezen način izkuzati. Če ugotovi, da neregistritani lobist poskuša lobirati za "tretjo" interesno organizacijo, je lobinanec takšen stik dolžan zavrniti in o tem poročati komisljí.

Podatki o vpisu posameznega lobista v register se nahajajo na spletni strani Komisije za preprečevanje korupcije (v nadaljevanju:

V primeru, da je pri vašem stiku nastalo nasprotje interesov, ste dolžni stik odkloniti in tudi o tem izdelati ta zapis.

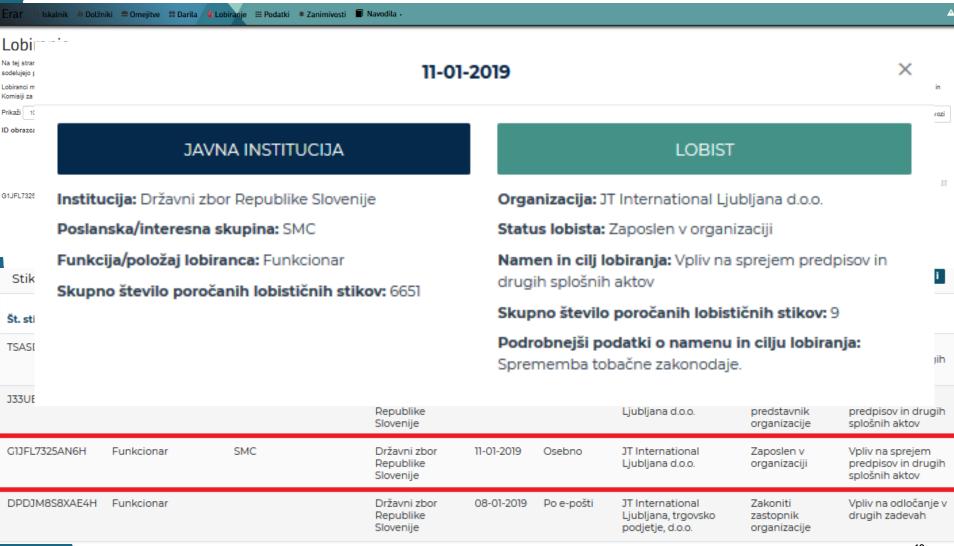
Na podlagi drugega odstavka 68. člena ZIntPK morate naveden izpolnjen obrazec oziroma zapis posredovati v roku treh dni, v vednost svojemu predstojniku in komisiji.

Poročilo o prepovedanih ravnanjih lobistov morate komisiji posredovati v roku desetih dni (Glej obrazec: prijava lobirancev o prepovedanih ravnaniih lobistov)

Ne glede na določbe ZIntPK, ki urejajo lobiranje, se osebi/lobistu, ki lobira za interesno organizacijo, v kateri je zaposlen, za ta namen ni treba vpisati v register. Enako velja za zakonitega zastopnika ali izvoljenega predstavnika interesne organizacije.



CONTACT INFORMATION PUBLISHED









CASE STUDY: AMENDING TOBACCO ACT

- Case study on 2019 attempt to amend the <u>Restriction on the Use of Tobacco Products and</u> <u>Related Products Act</u> to halt introduction of uniform packaging of tobacco products until 2023.
- CPC <u>started</u> an investigation: suspicions of undue influence, opaque process of drafting the amendments.
- TI used published lobbying contacts data for analysis, additional information accessed through FOIA requests.

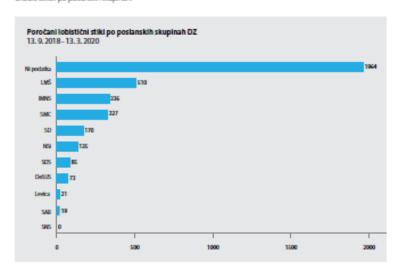
CASE STUDY FINDINGS

- In the decision-making process there are risks of powerful interest groups influencing regulations at the expense of the public interest and using privileged access to decision makers.
- Current revolving door regulation is inadequate.
- Shortened legislative procedure is not used restrictively enough.
- Published data on reported lobbying contacts may not be consistent enough to trace all relevant influences on drafting of regulation (e. g. data on affiliation to parliamentary groups not published)
- Tobacco industry financed a NGO in Slovenia. This NGO actively lobbied in support of amending the tobacco act (astroturfing).



DRŽAVNI ZBOR

Pri podatkih o lobiranch Državnega zbora je zaradi zagotavljanja zakonodajne sledi izjemno pomemben podatek o pripadnosti poslanskim skupinam. A kar 53,9% poročanih stikov Državnega zbora nima tega podatka, kar onemogoča segmentirano analizo stikov po poslanskih skupinah.



FUNKCIJA OZIROMA POLOŽAJ LOBIRANCEV

FUNKCIJA OZ. POLOZAJ LOBIRANCEV	STEVILO POROCANIH LOBISTICNIH STIKOV	V ODSTOTICH
Punkdonar	4163	56,46%
Javni uslužbenec	3210	43,54%

Preglod podatkov pokaže razmeroma uravnoteženo porazdelitev med obema kategorijama lobirancev, funkcionarji in javnimi uslužbenci, nekoliko v prid prvim (56,46 %: 43,54 %).

A ob ločenem progledu poročanih lobističnih stikov vlade in Državnega zbora je moč ugotoviti, da je pri vladnih institucijah razmenje obrnjeno: lobisti skužajo bolj vplivati na javne uslužbence kot na funkcionanje (56,47 % : 43,53 %). To pomeni, da je pri Državnem zboru razmenje še bolj v prid funkcionanjem oziroma da so pri stikih z Državnim zborom v več kot dveh tretijnah primerov lobirali pri funkcionanjih (60,73 % : 30,27 %).

FUNKCIJA OZ. POLOZAJ LOBIRANCA	STEVILO POROCANIH LOBISTICNIH STIKOV VLADE	V ODSTOTKIH	STEVILO POROCANIH LOBISTICNIH STIKOV DRZAVNEGA ZBORA	V ODSTOTKIH
Funkcionar	1625	43,53%	2538	69,73%
Javní uslužbenec	2108	56,47%	1102	30,27%



RECOMMENDATIONS REGARDING LOBBYING

- Publish registry of lobbyists in machine readable format.
- Publish contents of annual lobbyists reports.
- Include data on affiliation to parliamentary political groups for contacts reported by MPs (Deputies of National Assembly) to allow better monitoring of influence on decision-making.
- Include data on affiliation to parliamentary interests groups for contacts reported by members of National Council, more awareness-raising activities for them to raise the number or reported contacts.



EFFECTS OF LOBBYING REGULATION?

- Very few registered lobbyists (79 persons in 2020).
- About 1 2 % of reported lobbying contacts by registered lobbyists.
- Trust in government and parliament is low.
- A huge grey area of unchecked lobbying remains.
- Lobbying contacts underreported and overreported.
- Very few contacts reported from local (municipal) level, very few contacts reported by National council.



EFFECTS OF LOBBYING REGULATION?

- Data can be inconsistent due to suboptimal IT solutions, administrative procedures, legal standings.
- 2014: 1118 reported lobbying contacts.
- 2019: 4968 reported lobbying contacts.
- Amendments of IPCA in 2020 likely to improve data on lobbying.





Thank you!





