The Austrian Lobbying – and Interest Representation-Transparency Law | Impact assessment after 17 months

Peter Köppl President Austrian Public Affairs Association PACE 4th annual meeting Berlin | May 22, 2014



Mandatory Register with many exemptions I

- Mandatory registration for "all direct, structured and organized contacts to officials", aimed at influencing political decision making (including administration) in Austria
- "officials" means "political decision makers", including their employees and civil servants on federal as well as regional level
- The online-register was implemented on January 1, 2013 and is administered by the Federal Ministry of Justice



Mandatory Register with many exemptions II

- Registration charges are Euro 600,- for agencies, Euro 200,- for companies and Euro 100,- for associations
- Sanctions for not registering or misleading registering are: administrative fines up to Euro 60.000 and / or to be removed from the register – for agencies and companies only
- As of May 15, 2014, 241 companies, agencies and associations were listed (~ 700 individuals)



Exemptions I

- Exempted from the requirement to register are:
 - Lawyers, as long as they do not lobby (lawyers interpret this as an overall exemption to register)
 - Members of Parliament, if they lobby on their respective policies
 - Political parties, Churches
 - Organizations representing communities (Städtebund, Gemeindebund)



Exemptions II

- Limited requirements for registering are in place for:
 - all chambers, including Federal Chamber of Commerce, Federal Chamber of Unions, Federal Chamber of Employees, Federal Organization of Agriculture (including their regional as well as their technical sub-organizations)
- Registration has to be made before lobbying activities can begin
- Companies and agencies have to comply to a code of conduct, which has to be communicated via their websites



The four sections of the Austrian Lobby-Register

Section A1 and A2 – Lobbying-companies and their <u>clients</u>

Required information in A1:

- Basic information about the lobbying-company plus website
- Description of their scope of activities
- $\circ~$ Code of conduct they comply to
- $\,\circ\,$ Names and dates of birth of all employed lobbyists
- Number of lobbying-clients and annual total turnover regarding lobbying-contracts
- <u>Required information regarding clients in A2 (not public):</u>
 - Names of and relevant information about each lobbyingclient
 - $\circ\,$ The scope of lobbying activities



The four sections of the Austrian Lobby-Register

 Section B – Companies employing in-houselobbyists

Required information:

- Basic information about the company, plus website
- \odot Description of their scope of activities
- $\,\circ\,$ Code of conduct they comply to
- $\,\circ\,$ Names and dates of birth of all employed lobbyists
- Annual expenditures for lobbying more than Euro 100.000, Yes or No



The four sections of the Austrian Lobby-Register

Sections C and D – Self-governing bodies and associations

Required information:

- Website
- Number of employees, engaged predominantly in interest representation
- Estimate of annual costs of interest representation



The Austrian Register

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Nr.	Bezeichnung/Firma	Registerzahl	Registerabteilung	Details	Letzte Änderung
1.	Wacker Chemie AG, München	LIVR-00311	В	Dr. Christian Westermeier Dr. Ralf Widmer	19.08.2013
2.	WIEN ENERGIE GmbH, Thomas-Klestil-Platz 14, AT-1030 Wien, (215854h)	LIVR-00282	В	Mag. Johannes Jungbauer Kathrin Brunner MA Mag. Gabriele Maderbacher-Brock Mag. Rainer Anzböck	09.09.2013
3.	Wiener Börse AG, Wien, (334022i)	LIVR-00085	В	Dr. Judith Kast Mag. Birgit Kuras MMag. Dr. Michael Buhi	05.02.2014
4.	Wienerberger AG, Wien, (77676f)	LIVR-00101	В	DI Gerhard Koch Dr. Heimo Scheuch Jürgen Habenbacher MSc	12.11.2013
5.	wikopreventk GmbH, Innsbruck, (140317z)	LIVR-00329	A1	Ulrich Müller Harald Schiffl Dieter Bitschnau	01.04.2014
6.	Wirtschaftsforum der Führungskräfte, Wien	LIVR-00257	D		29.04.2013
7.	Wirtschaftskammer Österreich (gem § 8 Abs 1 WKG), Wien	LIVR-00106	С	Gemäß § 12 Abs 3 und 4 LobbyG gibt die für sich selbst und für sämtliche Organisationen der gewerblichen Wirtschaft (§ 3 Abs 1 WKG) einschreitende Wirtschaftskammer Österreich in das Register Abteilung C zur Eintragung den elektronischen Link https://www.wko.at/Content.Node/wir/oerLobbyG.html bekannt. Dieser führt zu einer Website, auf der die von § 12 Abs 1 LobbyG geforderten Daten veröffentlicht sind.	17.12.2013
8.	Wörter PR GmbH, Salzburg, (293728d)	LIVR-00148	A1	Mag. Wolfgang Wörter	02.04.2013

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Points of critique and required improvements I

(1) Too many vague formulations in the law make room for various ways of interpretations, leading to inconsistent forms of registrations (some do / some do not register)

(2) Four sections with highly different levels of transparency requirements are neither logic nor useful – all lobbyists have to be treated equal

(3) Same transparency requirements for companies, agencies, associations and non-governmental organizations as well as all chambers are crucial to be implemented



Points of critique and required improvements II

(4) Registration for lawyers who lobby, should have to be mandatory

(6) Associations, that do not employ a lobbyist, should not be exempted from the mandatory register anymore

(7) Current scheme of fines should be re-designed



Requested improvement

 "Pass for Parliament" for all registered lobbyists should be made a permanent pass, for Parliament and all ministries

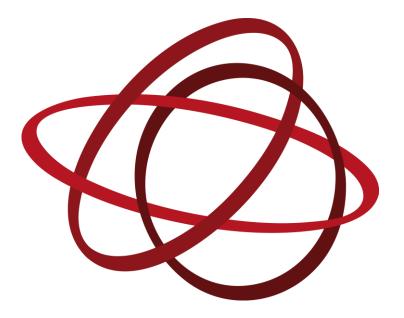




Conclusion

- Heated media-debate on "lobbying = corruption" ended after register was enacted
- > Politician's drive to adapt the law is zero
- Through out the first year, not a single politician /not a single civil servant looked inside the register (A2)! (source: Federal Ministry of Justice, January 2014)





For more information:

www.oepav.at



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