

The current debate on lobbying in Germany

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The lobby register debate

1. National

- There is no mandatory lobby register in Germany
- Voluntary „Verbändeliste“ from 1972 only for associations that lobby in the Bundestag: the register contains their contact data, heads and representatives, general interests and the number of members
- The register is limited to associations and there is no data about self-employed lobbyists, lawyers, think tanks and NGOs
- There is no financial data and the registration is voluntary
- Several debates in the Bundestag since 2011

The lobby register debate

- The Bundestag opposition parties Die Linke and Bündnis 90/Die Grünen have brought forward an initiative for a mandatory lobby register and other regulations for lobbyists
- 19th March 2015 , 1st reading in the Bundestag – motions of the opposition parties (Die Linke: [18/3842](#) and Bündnis 90/Die Grünen: [18/3920](#)) requesting the launch of the mandatory lobby register ([Minutes of the 94th Plenary](#), item 10, p. 121-129)

The lobby register debate

Main points

- Obligatory entry into the registry (subjected to sanctions) for all lobbyists, including expenditures for lobbying services, specification of lobbying topics and their beneficiaries
- If not dealing in their own interest, the lobbyists should specify the name of a client, expenditures and lobbying topics
- Additionally, the lobby register should include data such as: issuance of the Bundestag badge, time frame and the name of the person to whom the badge was issued
- The register containing lobbying expenditures should be made public in Internet

The lobby register debate

Outcomes of the debate

- The CDU/CSU is clearly opposed to an obligatory register with the argument of an over-regulation of the work of parliamentarians and the decision-making process
- SPD (a part of the ruling coalition) and the opposition parties are in favor
- As long as the CDU/CSU is a part of the ruling coalition, introduction of a mandatory lobby register in Germany is very unlikely

The lobby register debate

2. Regional

- No register for all lobbyists in any of the 16 federal states
- Voluntary list for associations who lobby in the parliaments of Rhineland-Palatinate (since 2011), Brandenburg (since 2013) and Saxony-Anhalt (since 2015)
- In November 2014, in the course of parliamentary reform in Saxony-Anhalt the Landtag revised its Rules of Procedure introducing a lobby register => the participation of stakeholders will continue only after their registration to the lobby register

The lobby register debate

3. Interest Groups

- Associations, companies, labor unions, churches and other political stakeholders in Germany do not show serious interest in a lobby registration debate
- Lobby-critical players demand complete transparency and do not show serious interest in a fair dialogue about lobbying
- Lawyers refer to obligation of professional secrecy
- Legal experts disagree about the constitutionality of a mandatory lobby register

DRAFT LAW ON RESTRICTION PERIODS FOR POLITICANS

A draft law amending the Act on Federal Ministers and the Act on the Legal Status of Parliamentary Secretaries of State, [18/4630](#)

- February 4th, the Cabinet has approved a draft law to regulate restriction periods for members of the Federal Government and Parliamentary Secretaries
- The bill is to set a waiting period for members of the government who wish to accept a job outside of the public service within 18 months after leaving office. Whoever intends to do so, should be obliged to provide a written notice to the Federal Government. If the Government finds a “problematic overlap” with the previous tasks, it may prohibit the job change - usually for a period of up to one year. In exceptional cases, a period of up to 18 months is considered.

DRAFT LAW ON RESTRICTION PERIODS FOR POLITICANS

- The guidelines will apply to current and former government officials as well as to parliamentary secretaries.
- The de'ge'pol warmly welcomes this decision, the clarity and bindingness in dealing with former members of the government.
- The draft law is acceptable as regards its content: clearly defined target groups, specified restriction periods, inclusion of all employment types, transparent decision-making.
- Significant need for improvement exists in dealing with freelance employments: same as in the debate on lobby register, there is a need to include companies, consultancies and law firms.
- It is now up to the Bundestag to discuss the draft law, make the necessary changes and to decide upon it as quickly as possible.

DRAFT LAW ON RESTRICTION PERIODS FOR POLITICIANS

Debate in the Bundestag and its outcomes

- April 23rd 2015, 1st reading of the draft law in the Bundestag, [Minutes of the 100th Plenary](#) (item 9, p. 106-112)
- CDU/CSU, SPD and Bündnis 90/Die Grünen have welcomed the bill
- For the first time a law would regulate **operating methods of lawyers** within the framework of representation of interests => this is the first signal that a future lobby register would include lawyers

DRAFT LAW ON RESTRICTION PERIODS FOR POLITICANS

- The draft bill states: “If only a breach of public interests in some aspects of the intended engagement is suspected, a partial ban can be exercised as a milder measure, e.g. instead of prohibiting employment of an attorney in a law firm, a ban can be imposed only in connection to certain clients or certain areas of law.”