

The **International Diplomatic Advisory Commission** has decided to speak out strongly against all the various influences exerted by various lobbies, in all forms and in all areas. We therefore call on the Member States of the European Union to legislate to create a European regulation that will, on the one hand, purely and simply prohibit and, on the other hand, put an end to all forms of lobbies, whose actions should be requalified and prosecuted as **attempts at corruption**, with the legal penalties incurred, which will be defined by this regulation.

Lord Eastleigh  
President  
&  
Director of Information

## We present this dossier on

# The real influence of lobbies

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The term lobbying is defined by Transparency International as *"Any direct or indirect communication with public officials, political decision-makers or elected representatives for the purpose of influencing a public decision made by a public authority."*

In 2015, Transparency International (an anti-corruption NGO) published a report called *"Lobbies: hidden influence, privileged access"*. This report assesses the level of transparency, integrity and fairness in the relationship between lobbies and the European institutions. The aim is to highlight the possibility for the general public to have access to information exchanged between lobbyists and public officials (traceability/transparency); the existence of clear and strict rules for lobbyists and public officials (integrity); and the openness of public decision-making to multiple voices representing a wide spectrum of interests (equity of access). In other words, the reliability of the system for regulating lobbies and the efforts made to do so should be noted.

One of the conclusions of the report is that

***"In general, the results of this study indicate that the efforts undertaken to date by both governments and interest representatives to promote***

***by both governments and interest representatives to date to promote responsible and transparent lobbying rules are inconsistent and ineffective. Influencing strategies remain largely hidden and informal, serious conflicting interests exist and some groups have privileged access to decision-makers. The risks of undue influence remain high and***

***The risks of excessive influence remain high and occasionally result in serious consequences for the economy, the environment, social cohesion, public security and human rights. There is an urgent need for public authorities, but also all actors seeking to influence public decision making, to intensify their efforts."***

***The results of this survey :***

- In the 19 countries surveyed as well as the 3 European institutions (Council of Europe, Parliament and Commission), the average score including the 3 factors (transparency, fairness, integrity) is 31%.
- At the level of the institutions, the Commission is the best performer with an average score of 53%, far ahead of the Parliament with 37% or the Council of the European Union with 19%. This brings the average score for the quality of lobbying regulation within the institutions to 36%.
- Only 7 out of 19 countries have tools to regulate lobbying (Austria, France, Ireland, Lithuania, Poland, United Kingdom, Slovenia).
- 58% of EU citizens believe that the actions of their government are largely or entirely determined by vested interests.

This report raises the alarm about the lack of regulation of lobbies and it raises the question of how much influence lobbies can really have on future European policy.

**So are we really right to be concerned about the power of lobbies and the nature of their activities?**

**Is the lobby a counterweight to the institutions or an elite seeking to satisfy its own interests?**

### **Who are the lobbyists?**

If we take a closer look at the composition of the lobbies, we can see that of the lobbies registered by the Commission, 4, 879 act with the aim of defending corporate activities, i.e. defending the interests of a company. Exxon Mobil, Schell and Microsoft are the biggest spenders on lobbying, spending an average of €4.5 million on lobbying activities.

The share of NGOs is only 18%, Think Tanks 4% and local authorities 2%. So which areas are most affected by lobbying? It seems that the climate and energy sector is the sector with the most lobbying with 487 lobbying events. In second place we have jobs and growth (398), the digital economy (366) and financial markets (295).

In the financial markets category and according to the same study, 90% of the meetings are for corporate purposes and only 10% are for NGOs or think tanks. This asymmetry shows the importance of lobbies in the market, but especially the lobbies of the large multinational firms whose aim is to increase the value of their business. There is a great lack of equity of access when one sees the nature of the interests mainly defended during these famous "meetings". Only in the health and education sectors is there near parity between hardcore lobbying and NGOs.

### Lobby and politics: a thin line

The correlation between lobbying and politics came to light in 2011, when 3 MPs were tricked by Sunday Times journalists into accepting bribes in exchange for signing amendments.

In 2012, it was the Commissioner for Health, Mr John Dalli, who was suspected of having connections with the tobacco lobby. The world of politics and lobbying rub shoulders in a rather ambiguous way. In the same report, Transparency International underlines the inadequacy of lobbying regulations at the European level, which "*is proving unable to prevent the development of opaque strategies of influence*". Indeed, the vast majority of countries do not have specific regulations to govern these relations between private groups and elected representatives. Even if the European Union has decided to create the "transparency register" where interest groups must declare themselves as such, this is not enough to provide a sound framework for lobbying activities. As registration is not compulsory, only 7,821 lobbies are registered, whereas the number of lobbyists in the city of Brussels is close to 30,000 according to the Corporate Europe Observatory. The city is ranked second on the list of cities where lobbying is most present, after Washington.

### What techniques do lobbyists use?

There are three main tactics used by lobbyists to influence power. Firstly, they may attend public consultations which are open to all and whose purpose is to bring together interest groups to collaborate on the development of a law after it has been proposed by the Commission. These can also be direct consultations or grassroots campaigns.

While these communication tools are legal, the beneficiary(ies) and the process by which they are achieved are often unclear, concealed or incomplete.

In the worst cases, lobbyist organisations even resort to 'front organisations' (again according to the Transparency International report), clandestine strategies aimed at influencing public opinion (also called 'astroturfing').

For example, the tobacco lobby Philip Morris, currently the world's largest tobacco seller, operates 'under the radar' by instrumentalising protests. In September 2012/January 2013, Phillip Morris used the tobaccoists by organising protests to further their cause and influence policy. The publicity from the protests was used by Phillip Morris to make their case in Brussels against standardised tobacco packaging. They operate under the radar because instead of acting on their own behalf, they act under the radar by supporting protests by honest traders to get what they want. They have provided material such as banners, t-shirts, logos to the demonstrators and have also participated financially in the form of gifts. They have used the demonstrations to defend the interests of the multinationals for their own money and at the expense of public health. Such action is not an isolated fact among lobbyists, it is clear that only very large multinationals with a strong lobby budget can afford such expenses but these practices are still possible and feasible within the institutions that are supposed to guarantee our rights.

Indeed, the tobacco industry has great means to establish its lobbying strategies, it is currently one of the most powerful lobbies in the United States, but they are not the only ones, the pharmaceutical lobby is also extremely powerful. Do you remember the potbelly syndrome? That disease invented from scratch in order to sell a so-called miracle drug? The Sanofi laboratory financed the invention of a "metabolic" syndrome in order to sell more and more drugs. This famous drug, Accomplia, was supposed to treat patients suffering from diabetes, blood pressure and cholesterol. Studies later revealed that the drug was not only useless, but also had bad results in the test phase. It was said to cause serious psychiatric disorders. Sanofi ignored the results and marketed the drug. The result: 10 deaths (4 by suicide) and 385 cases of depressive disorders, 125 of them serious. The drug was finally withdrawn from the market after one year.

In the end, it is normal to wonder about the health, social, environmental, economic and political dangers that lobbies may pose through their sometimes extreme practices. Between bribes, gifts, use of the media and demonstrations, lobbies are not free of suspicion. Some lobbies contribute to the weakening of our institutions by operating "under the radar", making the line between political decision-making and the interests of the big lobbies of

less and less certain. More regulation of these lobbies is necessary and indispensable, as the Transparency International report points out. However, there is some hope, as countries such as Estonia, France, Italy and Lithuania are committed to proposing more regulation. The Council of Europe is also working on an international legal instrument on lobbying. At the same time, several lobbies are calling for more transparency and fairness in their dealings with the institutions, seeking to improve their reputation by establishing a level playing field.

### National Assembly in France: open door to lobbies?

Similarly, lobbies in France lack transparency and regulation. Indeed, according to the book published by **Vincent Nouzille and H  l  ne Constanty**, "*D  put  s sous influences : le vrai pouvoir des lobbies    l'Assembl  e nationale*", lobbies are welcomed with open arms while non-governmental organisations remain on the doorstep. The accessibility of the parliament for lobbies is made possible by the famous pass without which one cannot enter the National Assembly, the "salon de la paix" access card. According to the book, 50 lobbies hold this card, which allows them to enter and move around the Palais Bourbon

With some 10% of citizens' lobbies, the question of the representativeness of civil society in the debates is worrying, as the body is supposed to represent the French Parliament. This same parliament which is then composed of deputies elected by the people who have placed in them a hope of fair and equitable representation. These same deputies who, once in the hemicycle, are surrounded by Siemens, Microsoft and Apple, who wave their expertise, promises, invitations, temptations and communication campaigns worth millions of dollars... so what interests can they possibly defend?

One has to wonder...don't you think?

The lobbies are perceived by French parliamentarians in a positive way, their expert groups promising them an objective analysis in line with the values of the republic, their communication campaign also helping parliamentarians to remember them once in the hemicycle.

Only recently, the European Union has begun to show a desire for more transparency and regulation, and France may soon follow suit. Moreover, the multiplication of lobbying training centres is an incentive to act quickly. Also, the numerous lobbying scandals in the National Assembly and the gifts that are said to be circulating under the table are making elected officials question themselves.

### Business firms: great defenders of lobbies?

**Lora Verheecke**, journalist for the magazine *D  mocratie*, denounces in her article "**Les (trop) puissants lobbies de Bruxelles**" the practices of business lawyers established in the European quarter in Brussels. These lawyers, who specialise in defending the interests of lobbyists, have found a gold mine by specialising in lobbying services. **Akin**

**Grump Strauss Hauer & Feld**, a business law firm in Washington, D.C., had 2013 revenues of \$103.7 million.

In Brussels, **Alber & Geiger** succeeded in getting the plastic bag ban in working for Papier-Mettler, Europe's largest producer of plastic bags.

Having found a good lead, it is natural to protect the interests of its clients. This is how **White & Case** lobbied for the creation of the **TSIC** (Trade Secrets and Innovation Coalition) where its biggest clients (*Alstom, General Electric, Michelin, Intel, Nestlé, Dupont...*) are protected. Because when you do business, you don't want others to stick their noses into it, and that's what business lawyers have been able to do. Under the guise of protecting commercial data, these organisations close the door to those who are closely interested in their activities. So goodbye transparency, bye bye democracy and hello profits.

In order to gain influence, these law firms call on former employees of the European institutions such as **Wim van Velzen** (former president of the European People's Party - EPP). In order to further close the door to the curious, the names of the clients of these law firms are often kept secret, a guarantee that the big lobbies and powerful people of this world are delighted with.

In corporate law firms, there are also lawsuits, and not just any lawsuits, but private arbitrations between the law firm (or rather its clients) and the state. And this is how you get an average of \$30 million in fees and \$8 million in legal costs by suing the states. Also, thanks to the investor-state dispute resolution (**ISDR**) mechanism, business firms have a very prolific business. In order to secure their business, business firms have set up the **European Federation for Investment Law and Arbitration** (EFILA) to defend their interests in private arbitration. Business firms do not hesitate to take advantage of the war in Libya or the financial crisis in Cyprus to advise oil companies and banks to sue governments for compensation because, according to them, they have suffered heavy losses. To the gentle sound of these violins one would almost forget the disastrous effects of civil war and financial crises such as political instability, social instability, scarcity and, in short, the humanitarian crisis... which is happening before the eyes of the big industrial groups.

## Let's visit the lobbies

**Sandrine Warsztacki**, director of [Alter Echos](#), a newspaper renowned for its fine, in-depth and profound analyses, sheds light on the presence of lobbies in the Belgian capital in her article "**Let's visit the lobbies**". Indeed, in her article

In her article "Let's visit the lobbies", she tells us about the tour of Brussels she took with Martin Pigeon from [Corporate Europe Observatory](#) (CEO). Indeed, for some time now, the organisation that monitors lobbies has been offering a guided tour open to all in which you visit the location of the various lobbies by bus.

You will find the ECo brochure "**Lobby Planet**" where you can find the details of this tour (to see the google maps of the lobbies, click on this link: [Lobby tour](#)

[in Brussels](#)). It tells you all about where lobbyists and parliamentarians go out, where they meet and where they hold conferences and a lot of other information that might interest you. Do not hesitate to try it yourself, with the help of this booklet, which you can find on the OEB website or in the link below, go on an adventure and discover the underground world of lobbies. (<https://corporateeurope.org/sites/default/files/publications/ceolobbylow.pdf>)

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