



High Authority
for transparency
of public life

Register of interest representatives: review of activity declarations

2020

June 2021

What is the purpose of the register of interest representatives (lobbyists)?

In a modern democracy, lobbying is a legitimate activity that contributes to informed public decision-making. Everyone can thus make their point of view heard or contribute expertise.

The register of interest representatives aims to inform citizens of the relations between lobbyists and public officials when public decisions are made. It makes it possible to better understand and measure the impact of lobbying on the regulatory process.

It also allows lobbyists to see their activity recognised, raise their concerns, and show how they defend their interests.

To view the register: www.hatvp.fr/le-repertoire/

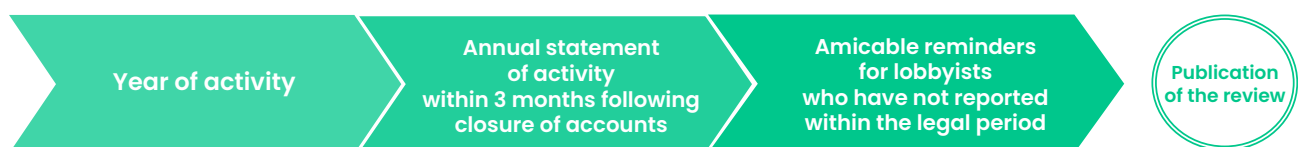
What are the obligations of lobbyists?

Lobbyists must sign up with the register online at the address **repertoire.hatvp.fr**. They must provide information on their identity as well as the subjects relating to their lobbying.

Once registered, lobbyists are required to make an annual declaration of activity with the High Authority in order to inform the High Authority of the actions they conducted in the previous year.

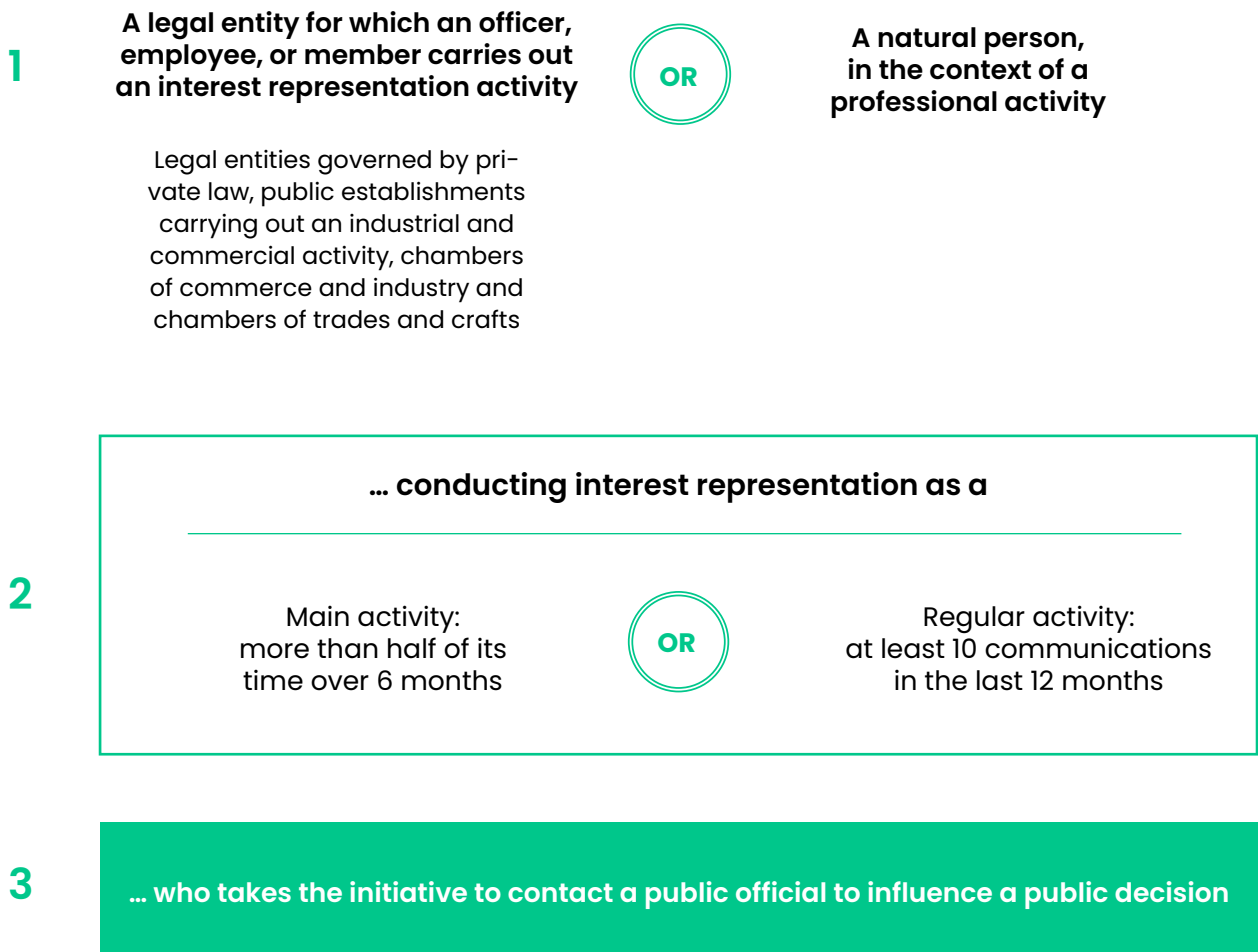
This annual declaration must be made by lobbyists within three months of the close of their financial year. Failing this, they are subject to an amicable reminder by the High Authority.

The annual activity declaration



Who must sign up with the register?

Three cumulative conditions:



The following do not have to sign up with the register of interest representatives of the High Authority:

- elected officials in the exercise of their term of office
- political parties and groups
- citizens who send requests to their representatives
- employee unions and employers' professional organisations (in the framework of the negotiation provided for in Article L. 1 of the French Labour Code) and civil service unions
- representative associations of elected officials
- cultural associations
- the Chambers of Agriculture
- foreign states

What information should they declare?

In their annual statement of activities, representatives of interest must indicate:

- the subjects covered by the lobbying actions, in particular **their purpose (i.e., the objective sought by the action)** and the area of intervention (117 possible areas);
- the type of public decision (laws, regulatory acts, so-called "jurisdiction" decisions, certain public contracts and concession contracts, etc.);
- the type of lobbying actions (sending leaflets, organising meetings, sharing expertise with a view to swaying opinions, etc.);
- the categories of public officials with whom the lobbyist has entered into communication (government member, parliamentary member, person employed at the decision of the Government, etc.);
- where applicable, third parties on whose behalf the lobbying was carried out (e.g. an advisory firm acting on behalf of its client or a parent company acting on behalf of a group of companies);
- lobbying expenses (remuneration, expenses related to the organisation of events, appraisal fees, gifts and benefits granted to public officials, etc.).

If the lobbyist has not carried out any interest representation actions over the year, they must also report that.

What is the code of ethics for interest representatives?

Ethical rules make it possible to govern relations between lobbyists and public officials and develop "responsible lobbying". Pursuant to Article 18-5 of Act No. 2013-907 of 11 October 2013 on transparency of public life, interest representatives must comply with these rules, particularly when they come into contact with public officials, when requesting official information or documents, when they distribute them, or when organising conferences to which they agree with public officials.

In particular, the law provides that "*interest representatives shall carry out their activity with probity and integrity. They are required to:*

[...] 2° Refrain from offering or giving such persons any gifts, donations, or benefits of significant value;

[...] 4° Refrain from any approach toward such persons with a view to obtaining information or decisions by fraudulent means [...]."

Key figures

as at 31 May 2021



2,333 lobbyists are registered in the register of interest representatives

This is an increase of 7% since the last assessment made in November 2020. 2,179 lobbyists were signed up with the register.

Breakdown of lobbyists registered by organisation type

() Change compared to 2019

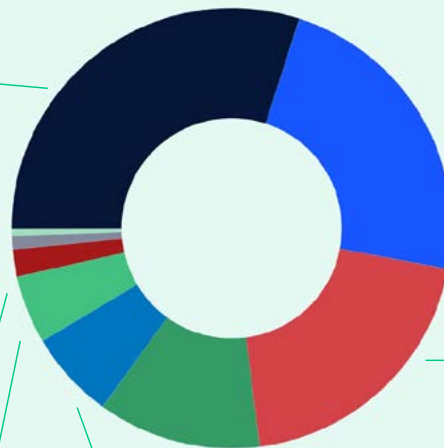
Companies
30% (=)

Public organisations performing an industrial and commercial activity
0.5% (=)

Law firms & independent lawyers
1% (=)

Other organisations
2% (=)

Consular chambers
5% (=)



Professional organisations
23% (-0.5)

Associations & NGOs
20% (+1)

Unions
12% (-1)

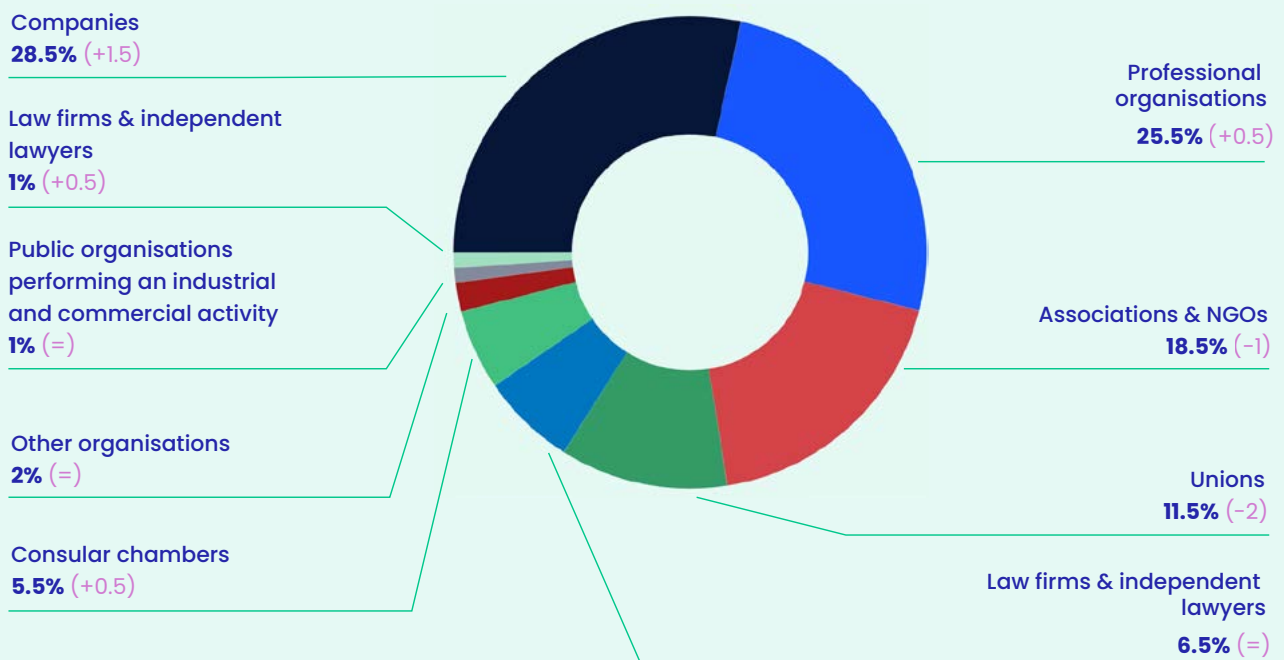
Consulting firms & independent consultants
6.5% (+0.5)

1,570 lobbyists have filed a declaration*

In 2019, 1,567 effectively published their declaration.

Breakdown of lobbyists registered and having submitted a declaration, by organisation type

() Change compared to 2019



*These are lobbyists whose financial year ended on 31 December 2020.



Of the 2,333 entities currently listed in the register, 1,849 of them were concerned.

85% of the lobbyists who were required to file a declaration complied with that obligation.



Lobbying during the pandemic

The unprecedented health measures implemented by the public authorities from March 2020 to cope with the Covid-19 pandemic have had very significant economic and social consequences, with some business sectors having been shut down for several months. Against this highly uncertain backdrop, private and public players have naturally mobilised to defend their interests (requests for economic aid, proposals for economic recovery, etc.) by intensifying their lobbying efforts.

Several lessons can be learned from this crisis regarding its impact on lobbying:

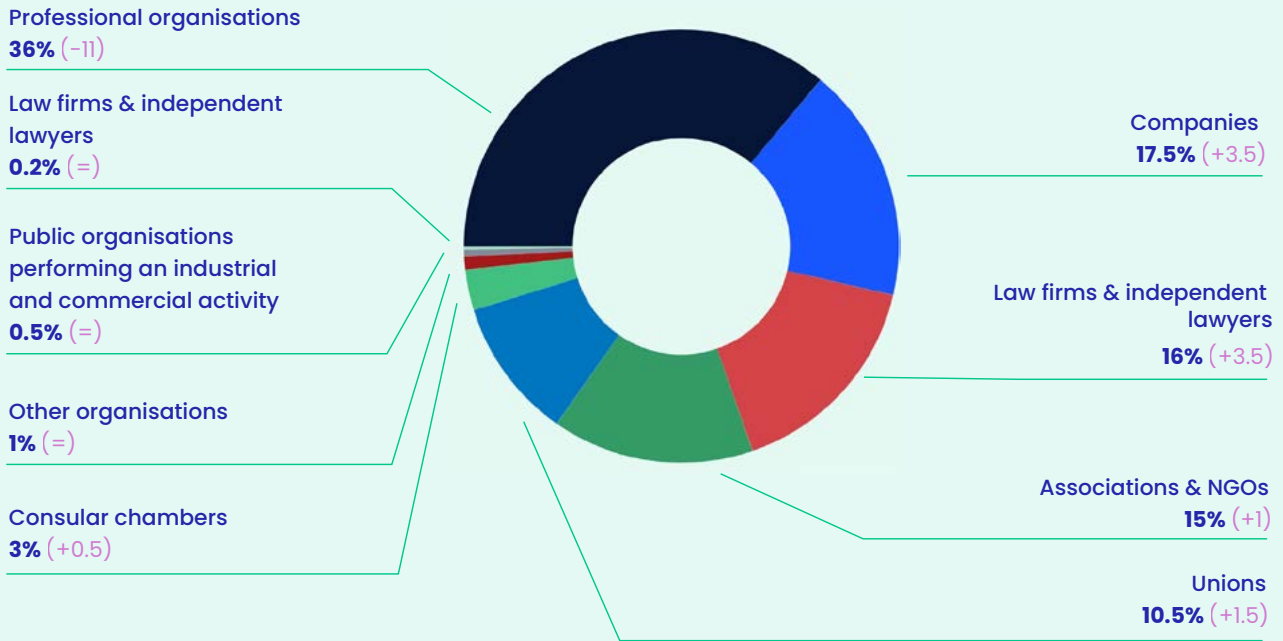
- The influence activities of lobbyists mainly concerned the economic sectors most greatly affected: transport (due to the closure of land and air borders as well as travel restrictions imposed), health (financing innovative Covid-19 treatments, vaccine availability, Social Security financing act), as well as the environment and energy;
- The use of paperless exchanges between lobbyists and public officials, particularly via digital platforms such as "Zoom" or "Telegram", has increased with regard to the limitation of physical meetings, resulting in "e-lobbying" which may or may not be lasting;
- Since the crisis has intensified the need to speak with a single voice in order to carry more weight, membership organisations (e.g., professional federations) seem to have become preferred points of contact for public officials, with a view to working together.

10,780 lobbying activities have been declared

In the previous fiscal year, they declared **12,909** activities.

Breakdown of activity forms published, by organisation type

() Change compared to 2019



6

areas of intervention most declared

- Health (15.4%)
- Agriculture (6%)
- Transport (4.2%)
- Budget (3.5%)
- Business aid (3.5%)
- Energy (3.5%)

In 2019, the most reported areas of intervention were as follows: Health (21%); Agriculture (6%); Transport (4.4%); Energy (4.1%); Taxes (2.7%).



Focus on the "object" of activity sheets

For the sake of clarity and understanding for citizens, the object on each activity sheet must be sufficiently precise to report on the subject of the lobbying activity, the expected results and the public decisions targeted by the activities concerned:

- The object must be understood as an "objective pursued" and not as a "subject addressed"; the High Authority therefore recommends describing the object using an action verb;
- It is recommended to indicate the public decision concerned in the object, thus making it possible to contextualise the lobbying action and make it more intelligible, particularly when it is legislation or regulations known to the general public;
- The "observations" box may be used if it appears difficult to express an object that clearly reflects the intended purpose or to add additional information;

According to the algorithm developed by the High Authority to assess the quality of the objects entered, **69% of objects declared comply with the minimum readability requirements specified by the High Authority** (70% in 2019).

The "**comments**" section, which may be used to provide clarifications or additional explanations, in addition to the information legally required (e.g., indicating the position of the public official interviewed), was used only in one case in five.

This section should be used more by lobbyists to supplement their declarations of activity, as it helps explain a lobbying action and thus facilitates the understanding of lobbying by citizens and potential subsequent exchanges with the High Authority.

Only

20.5%

of declarations of activities used the "Comments" section

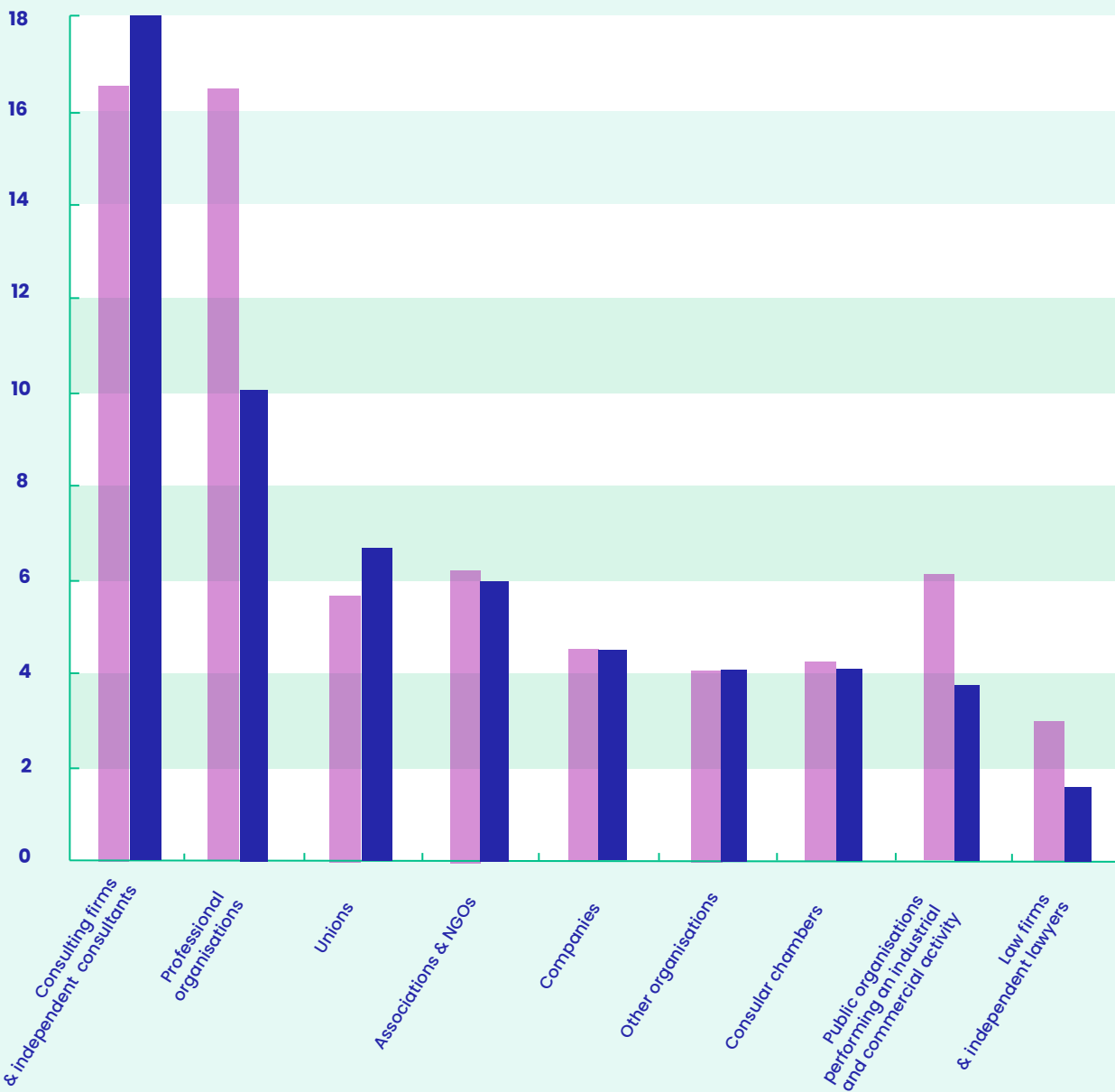
(20% in 2019)

Lobbyists declare an average of 6.9 interest representation activities

In 2019, the average number of activities was 8.3.

Average number of activities, by organisation type

■ Average number of activities in 2020
■ Average number of activities in 2019



Parliament is concerned by **62.5%** of interest representation activities, and the Government is concerned by **58%**

2019 reminder: **73%** for Parliament and **43%** for the Government

Note: a single interest representation activity may concern several categories of public officials.

In addition to parliamentarians and members of the Government, lobbyists must also declare activities aimed at public officials referred to in Article 18-2 of Act No. 2013-907. It should be noted that at this stage, local elected officials and local authorities do not fall within the scope of the Act (an extension is planned for July 2022).

Within the Government, **three** ministerial departments* account for **half** of all interest representation activities

In 2019, **two** ministerial departments concentrated more than **one-third** of interest representation activities: "economy and finance", "environment, energy and sea".

Breakdown of activities by ministerial department

() Change compared to 2019

Family, childhood, and women's rights
0.5% (-0.5)

Overseas
0.5% (=)

Public Service
0.5% (-0.5)

Defence
0.5% (-0.5)

City, youth, and sport
1% (-0.5)

Justice
1.5% (=)

Culture and communication
2.5% (+0.4)

National education, higher learning, and research
2.5% (-0.5)

Interior
2.5% (-0.5)

Land-use planning, rural life, and local authorities
3% (-0.5)

Housing
3% (+0.6)

Economy & Finance
23% (+3)

Prime Minister
13% (+2.5)

Environment, energy, and the sea
12.5% (-1.5)

Social affairs & health
10% (+0.5)

Agriculture, agrifood, and forests
8% (-2)

Labour, employment, professional training, and social dialogue
7% (+2)

Other
5.5% (-3)

Foreign affairs & international development
3.5% (+1)

* See list of ministerial departments set out in Decree No. 2017-867 of 9 May 2017

60% of interest representation activities aim to influence the law

2019 reminder: 73%

Lobbyists favour four types of actions*

The preferred types of actions were similar in 2019.

Note: several types of actions may be declared on the same activity sheet.

Breakdown of type of action performed by lobbyists

() Change compared to 2019

Other: to be specified
1% (=)

Organising public debates, marches, online influencing strategies
1% (=)

Sending petitions, open letters, leaflets
2% (+0.5)

Organising hearings, formal consultations on legislative acts or other open consultations
3% (+0.5)

Agreeing on behalf of a third party to an interview with a public office-holder
3.5% (+0.5)

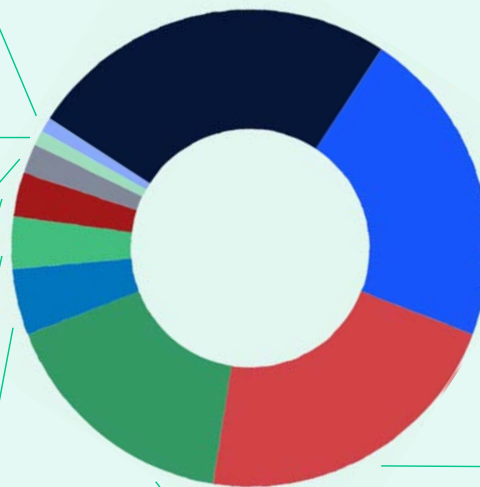
Inviting or organising events, meetings, or promotional activities
4.5% (=)

Sending information, expert appraisals to public decision-makers for the purpose of convincing them
25% (-2.5)

Organising informal discussions or one-on-one meetings
21.5% (-4.5)

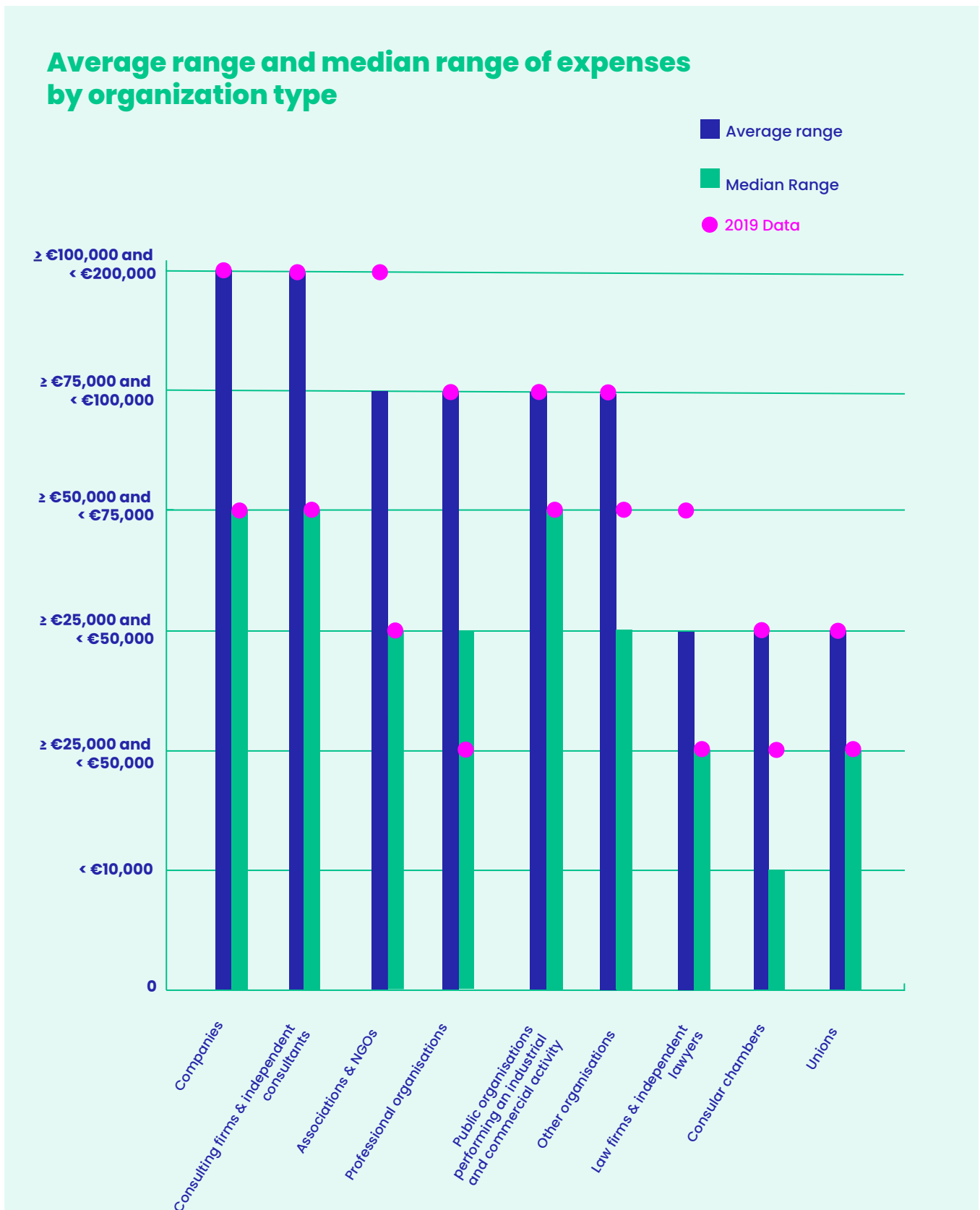
Sending suggestions in order to influence the drafting of a public decision
21.5% (+1)

Establishing regular correspondence (by mail, by email, etc.)
16.5% (+4.5)



* See list of types of interest representation actions set out in Decree No. 2017-867 of 9 May 2017

Lobbying expenses*:



* See list of expenditure ranges set out in the Decree of 4 July 2017

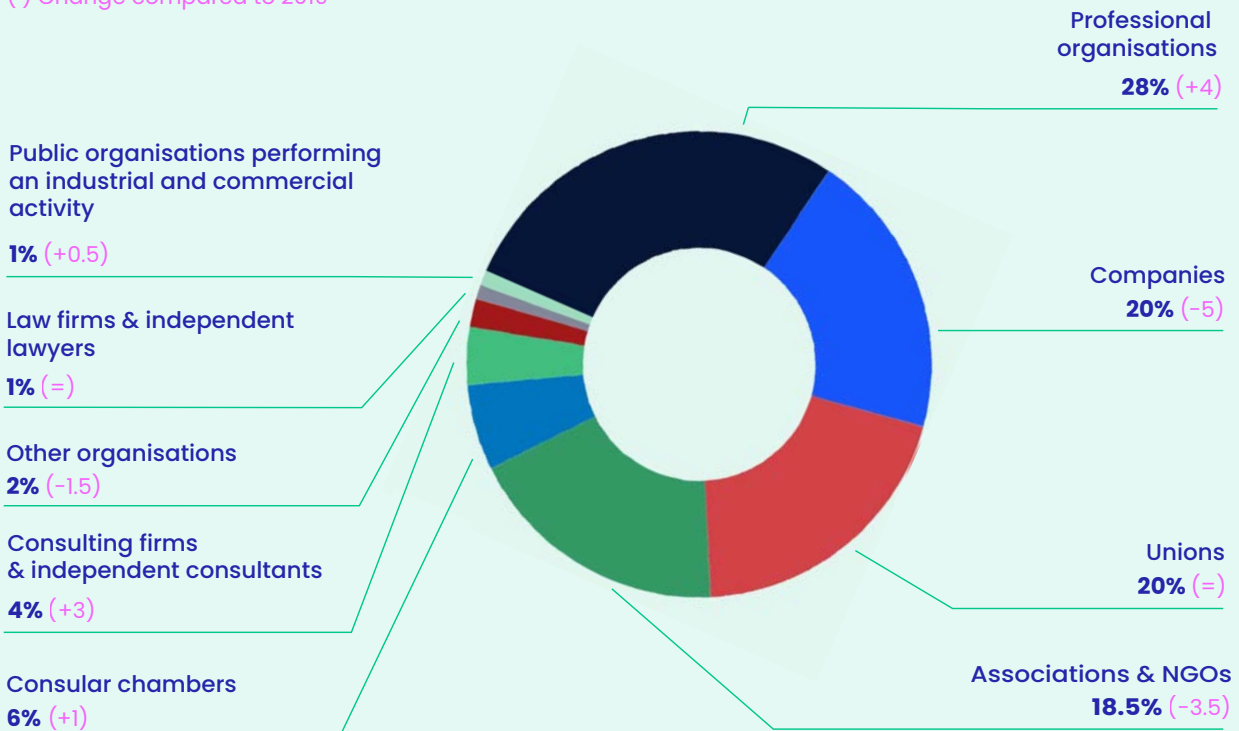
279 lobbyists listed in the register do not declare any of the information required by law*

In the previous financial year, 167 lobbyists were concerned.

* data as at 24 June 2021

Breakdown of lobbyists concerned by organization type

() Change compared to 2019



To view the list: bit.ly/aucune-declaration

3

sectors of activity
most concerned

- Employment (19%)
- Finance (9.5%)
- Environment (9%)

In 2019, the areas of intervention most concerned were:
Economy (10%); Agriculture (9.5%); Environment (9%).



The proposals of the High Authority to improve the framework for Lobbying

Developing the legal framework for managing lobbying:

- Eliminating the initiative criterion;
- Simplifying the thresholds triggering a registration requirement, assessing the minimum threshold of ten actions at the legal entity level;
- Specifying the information to be declared regarding the position of the public officials met and the public decision concerned when it is identified;
- Clarifying the scope of the public decisions targeted;
- Moving from an annual to a semi-annual declaration of activities;
- Adapting the register extension to local authorities (a specific study will be published by the High Authority in September).

Encouraging, in stages, *open data* publication of meetings of public officials (in particular members of the Government, parliamentarians, rapporteurs on a text, chairpersons of committees in both houses of parliament) **with lobbyists in order to make their relations more transparent.**

As part of controlling the reporting and ethical obligations of lobbyists, **introducing an administrative sanction for interfering** with the duties of officers of the High Authority.

Providing the High Authority with **its own authority to impose administrative sanctions** in cases of failure to file a declaration of activities by a lobbyist.

How are lobbyists informed of their obligations?

Guidelines

They assist lobbyists in complying with their legal obligations and inform them of the elements that may be subject to an audit.

To access them: bit.ly/LignesDirectrices

Fact sheets

They detail certain concepts and propose best practices to be put in place to ensure compliance with obligations, e.g., concerning the object and traceability of lobbying actions

To consult them: bit.ly/fichespratiques-rrl

A reporting area

This has been online on the High Authority website since July 2017. It provides the necessary information and documents to understand the new system. For example, interest representatives can find information about their reporting obligations, the use of the Agora teleservice, ethical rules, the procedures for referral to the High Authority, etc.

To access it: bit.ly/espacedeclarant-rrl

Newsletters

Sent to operational contacts, i.e., people who manage the registration of their organisation in the interest representatives register, newsletters inform them of new developments, deadlines to be complied with, changes in the teleservice, etc.

What are the applicable texts?

- Act No. 2013-907 of 11 October 2013 on transparency of public life
- Decree No. 2017-867 of 9 May 2017 relating to the digital register of interest representatives

A DIGITAL PLATFORM DEDICATED TO LOBBYING

The High Authority is launching an educational digital platform dedicated to lobbying and aimed at meeting several objectives:

- Publishing educational content on lobbying (reminder of the legal and ethical framework, diversity of stakeholders, lobbying abroad, etc.);
- Making the register's data more readable and thus ensuring the transparency of public decision-making, using data visualisation tools and frequent publications (articles, thematic notes);
- Promoting the High Authority's proposals in terms of lobbying;
- Continuing the commitment made by the High Authority as part of the 2018-2020 Open Government Partnership action plan.

To access the platform: www.hatvp.fr/lobbying

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contact.presse@hatvp.fr

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