



High Authority
for Transparency
in Public Life

Register of interest representatives

2021 assessment of declarations
of activities

July 2022

What is the purpose of the Register of Interest Representatives?

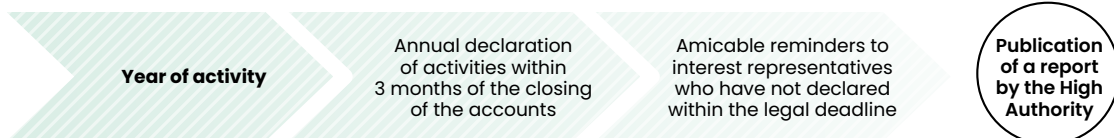
In a modern democracy, lobbying is a legitimate activity that contributes to informed public decision-making. Everyone can thus make their point of view heard or contribute expertise. The register of interest representatives aims to inform citizens of the relations between lobbyists and public officials 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 interest representatives?

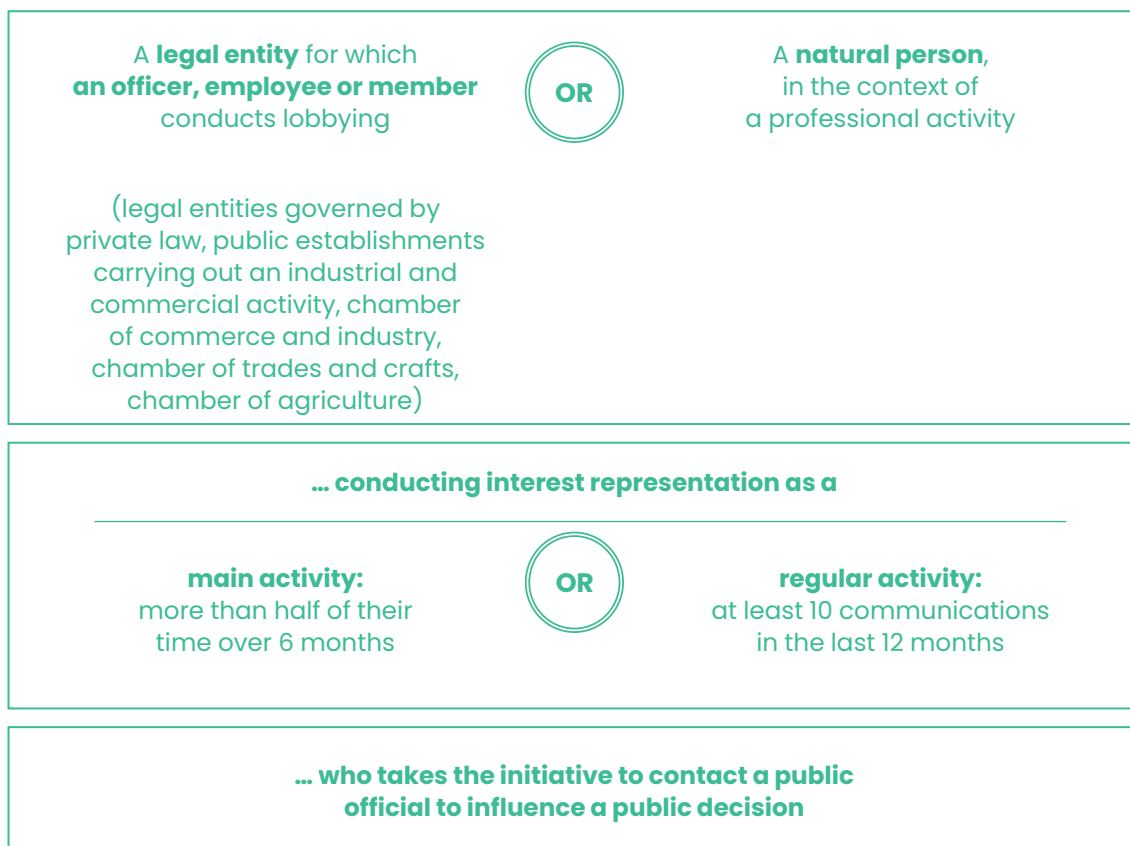
Lobbyists must register online at the address repertoire.hatvp.fr. They must provide information on their identity as well as the subjects relating to their lobbying. Once registered, lobbyists are required to make an annual declaration of activity to the High Authority in order to inform the High Authority 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 a friendly reminder from the High Authority.

The annual declaration of activities



Who must register in the directory?

There are three cumulative conditions:



The following do not have to register with the High Authority's register of interest representatives:

- 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;
- foreign states.

What information should interest representatives report?

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

- 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., a consulting 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 organising events, expert evaluation 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

1st May 2022



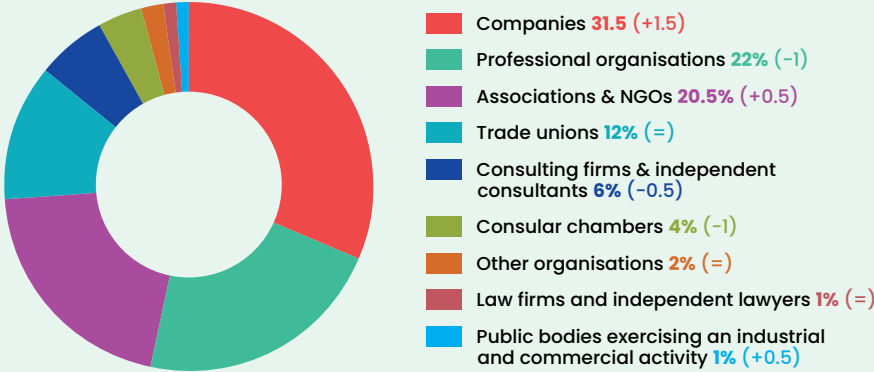
2,476

interest representatives
registered in the directory
of interest representatives

This is **an increase of 6%** since the last assessment made in June 2021.
2,333 lobbyists were then registered in the directory.

Distribution of registrants by type of organisation

() Change compared to 2020



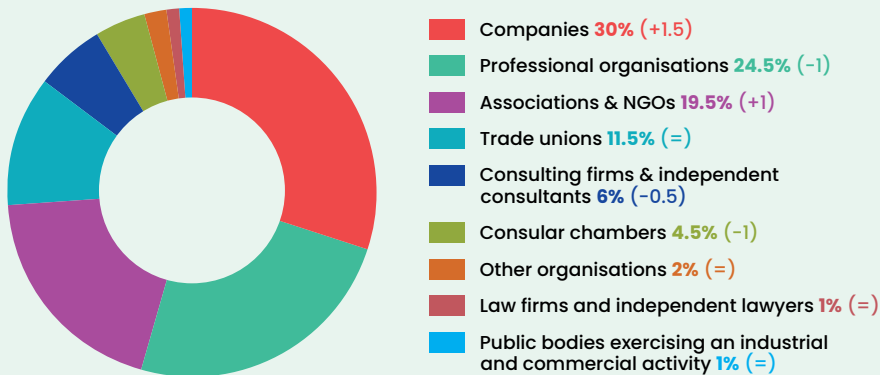


1,958
lobbyists have filed
a declaration*

In 2020, **1,570** had actually published information in the register.

Distribution of registrants who made a declaration by organisation type

() change compared to 2020



* These are interest representatives whose financial year ended on 31 December 2021. Among the entities listed in the register, 2,178 were concerned. As of 1st May 2022, **90% of the interest representatives who were required to make a declaration had complied with this obligation.**



THE PROCEDURE FOR DEREGISTRATION FROM THE DIRECTORY

The request for deregistration of an entity from the directory of interest representatives is assessed in light of Article 6 of Decree No. 2017-867 of 9 May 2017¹ and Article 7 of Deliberation No. 2017-236 of 20 December 2017 creating the “AGORA” teleservice².

There are several situations that may lead to deregistration at the initiative of the entity or the High Authority:

- the entity is not an interest representative and therefore did not have to register;
- the entity has ceased its interest representation activity, either because it has ceased all activity (e.g., in the event of judicial liquidation) or because it no longer meets the legal criteria on a permanent basis.

A form created for this purpose is available on the “AGORA” teleservice. Once the deregistration procedure has been validated, the declarations of the interest representative remain visible in the register for a period of five years.

1. “[...] When a person listed in the register ceases their interest representation activities, they shall inform the High Authority, via the teleservice mentioned in Article 5, which shall mention this information in the public register.”

2. “When an interest representative no longer meets the conditions set out in Article 18-2 of the aforementioned Act of 11 October 2013, they shall inform the High Authority by sending it a request using the template appended to this deliberation.”

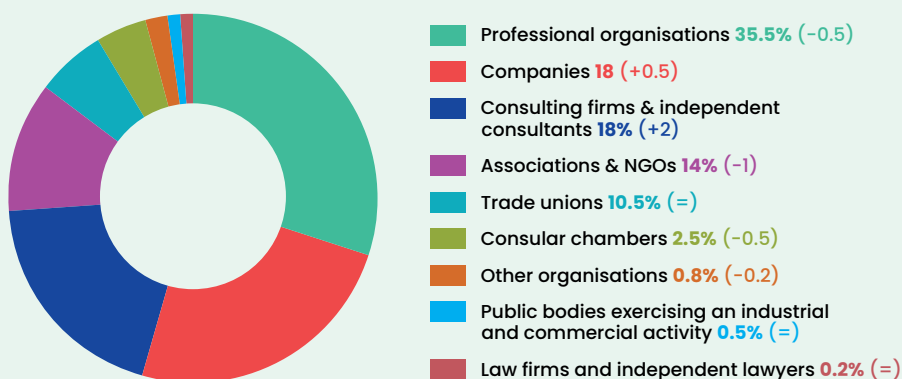


11,105
lobbying activities
were declared

During the previous financial year, the interest representatives had declared **10,780** activity sheets.

Distribution of activity sheets published by organisation type

() Evolution compared to 2020



5 most reported areas of intervention

- Health and medical-social system (**7.8%**)
- Agriculture (**7%**)
- Care and diseases (**3.6%**)
- Industrial policy (**3.4%**)
- SME/micro-enterprises (**3.1%**)

In 2020, the most reported areas of intervention were as follows: Health (**15.4%**); Agriculture (**6%**); Transport (**4.2%**); Budget (**3.5%**); Business Aid (**3.5%**); Energy (**3.5%**).



FOCUS ON THE OBJECT OF THE 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 “comments” box may be used if it appears difficult to express an object that clearly reflects the intended objective or to add additional information.

Quality of objects filled in by the interest representatives

According to the algorithm developed by the High Authority to assess the quality of the objects entered, 71% of objects declared comply with the minimum readability requirements specified by the High Authority (69% in 2020). This algorithm is currently being redesigned in order to enhance the relevance of its recommendations.

Use of the “Comments” section

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 six.

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
17%
of declarations
of activities
used the “Comments”
section
(20.5% in 2020).

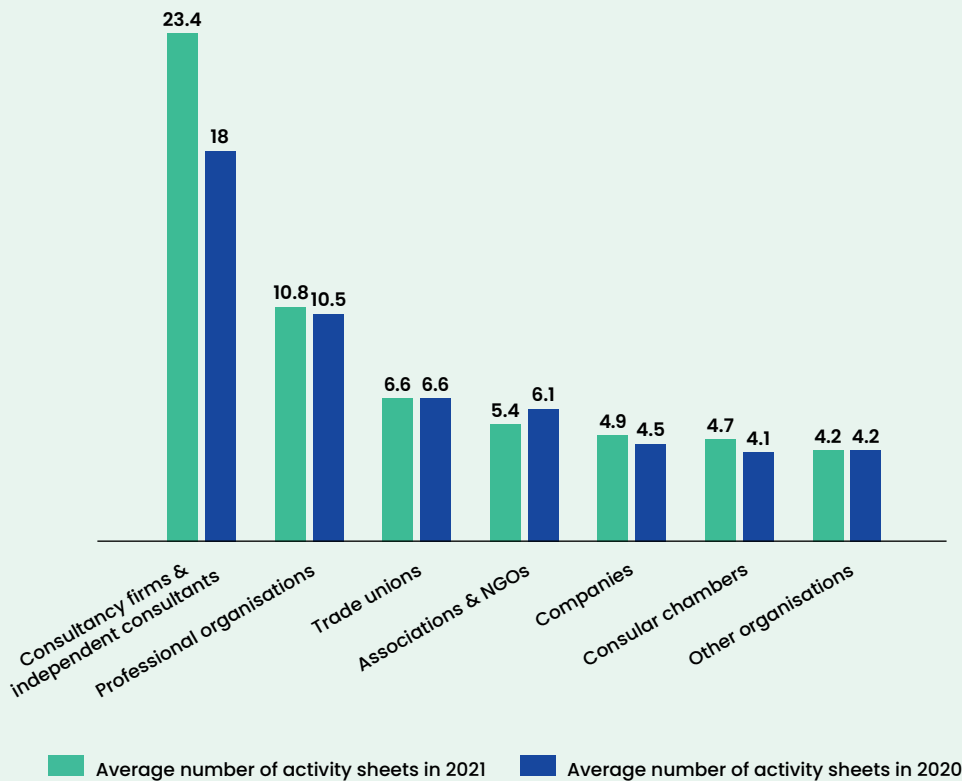


7.8

activity sheets declared
on average by interest
representatives

In 2020, the average number of activity sheets was **6.9**.

Average number of activity sheets by organisation type





62.5%
of the lobbying activities
mention Parliament

57.5%
mention the Government

2020 reminder: **62.5%** for Parliament and **58%** for the Government.

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



THE EXTENSION OF THE REGISTER TO 1ST JULY 2022

In addition to parliamentarians and members of the Government, lobbyists must declare activities aimed at **public officials** referred to in Article 18-2 of the Act of 11 October 2013 regarding transparency in public life.

As from 1st July 2022, this list is extended to certain local executive functions and other public officials. This is, for example, the case of regional or departmental council chairs, mayors of municipalities of more than 100,000 inhabitants, some of their assistants and employees, as well as heads of departments and central administration sub-directors, hospital directors or even officials of deconcentrated central government departments.

> Consult the summary table of the public decision makers concerned by the register of interest representatives (since 2017 and from 1st July 2022)

When an entry into communication is initiated by an interest representative with regard to one such public official, with a view to influencing one of the **public decisions** concerned by the mechanism, this information must appear on the register available on the website of the High Authority. This reporting obligation is incumbent on the interest representative himself (and not on the public officer).

On 3 June 2022, the High Authority published a **handbook** for the attention of interest representatives, intended to facilitate the appropriation of the extension by interest representatives and to guide them, particularly in the identification of the public officials concerned.

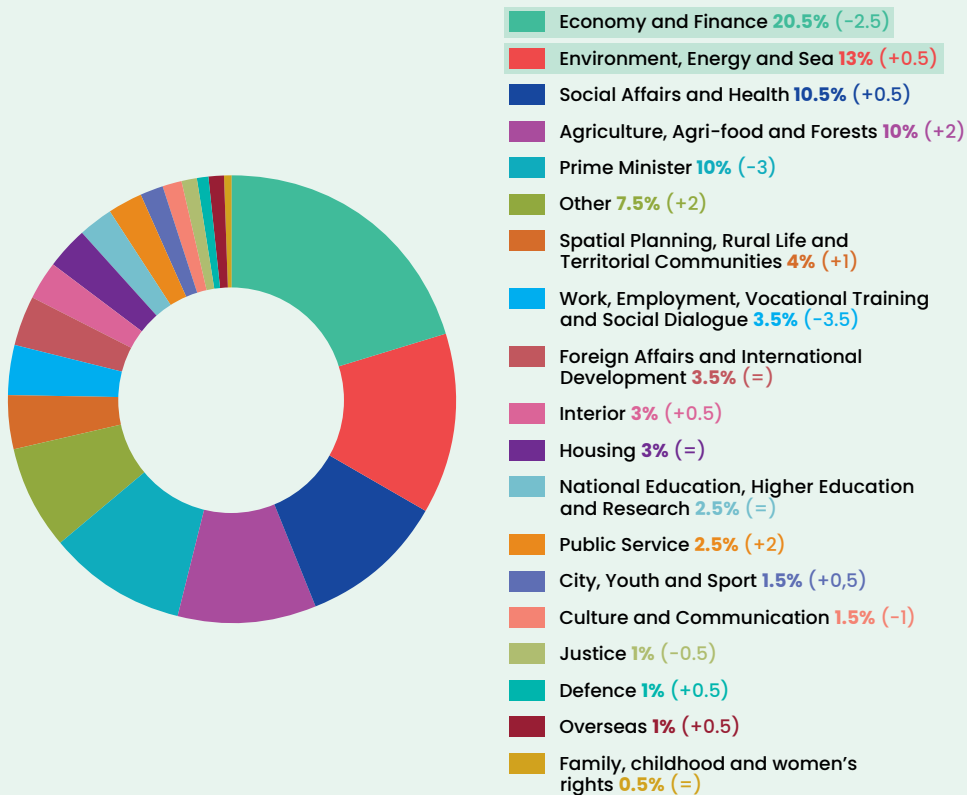

2
ministerial departments*
 concentrate
1/3 of the lobbying activities
 within the Government



These are the “Economics and Finance” and “Environment, Energy and Sea” departments. In 2020, **3** ministerial departments concentrated **half** of the lobbying activities: “Economics and Finance”, “Prime Minister”, “Environment, Energy and Sea”.

Breakdown of activities by ministerial department

() Evolution compared to 2020



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



Just
32.5%
of lobbying activities aim
to influence the law in 2021

2020 reminder: **60%**

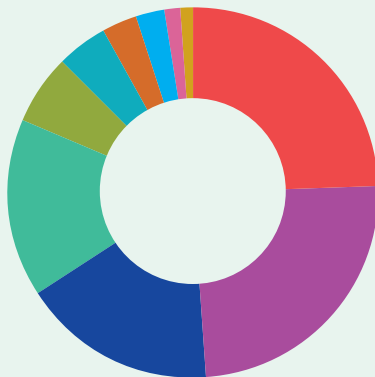
4
types of actions are preferred*

The same as in 2020.

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

Breakdown by type of action taken by interest representatives*

() Change compared to 2020

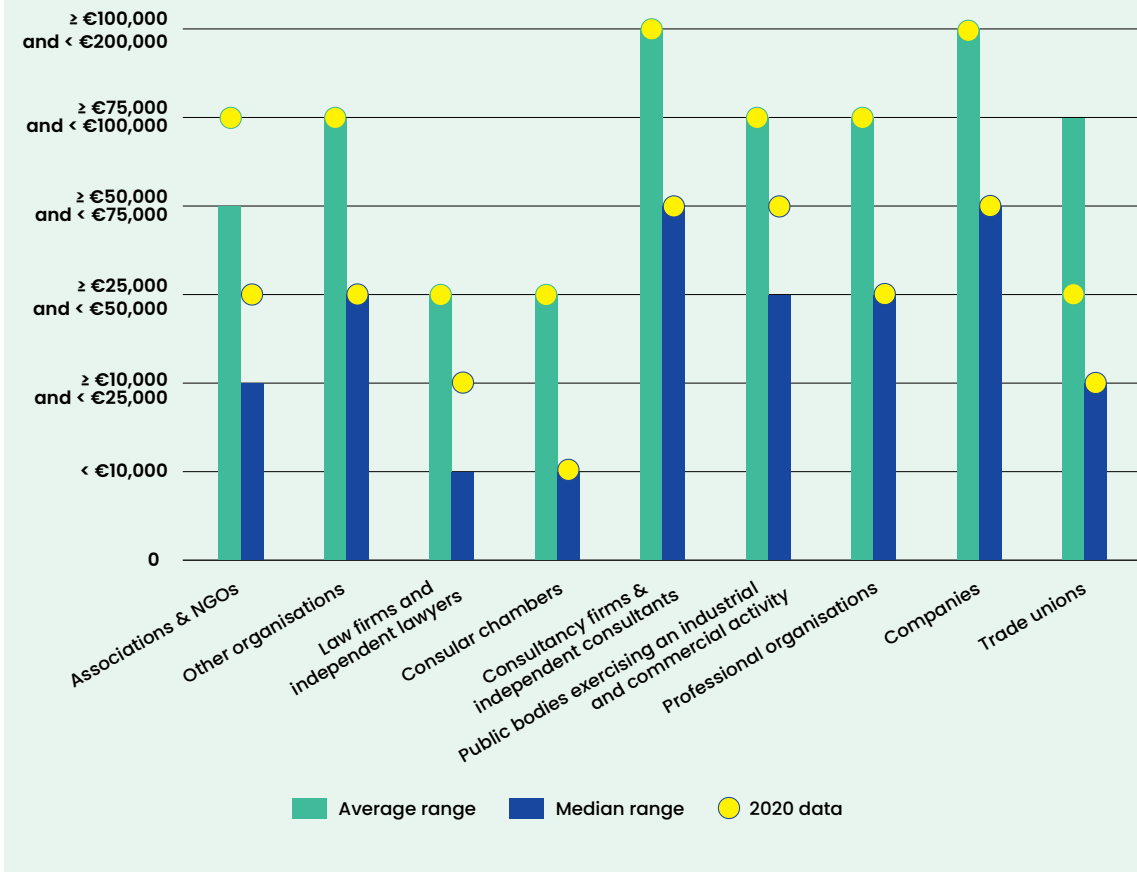


| | |
|--|---|
| | Holding informal discussions or face-to-face meetings 24.5% (+3) |
| | Passing on to public decision makers information, expertise with a view to swaying opinions 24.5% (-0.5) |
| | Providing suggestions to influence the drafting of a public decision 17% (-3.5) |
| | Establishing regular correspondence (by e-mail, by mail, etc.) 15.5% (-1) |
| | Inviting or organising events, meetings or promotional activities 6% (+1.5) |
| | Arranging for an interview with the public office holder for a third party 4.5% (+1) |
| | Holding hearings, formal consultations on legislative acts or other open consultations 3% (=) |
| | Sending petitions, open letters, tracts 2.5% (+0.5) |
| | Other: specify 1.5% (+0.5) |
| | Organising public debates, marches, strategies for influence on the internet 1% (=) |

* See list of lobbying action types set out in Decree No. 2017-867 of 9 May 2017.

Lobbying expenses

Average and median range of expenditure by organisation type*



* The list of expenditure ranges is set out in the Decree of 4 July 2017.



220

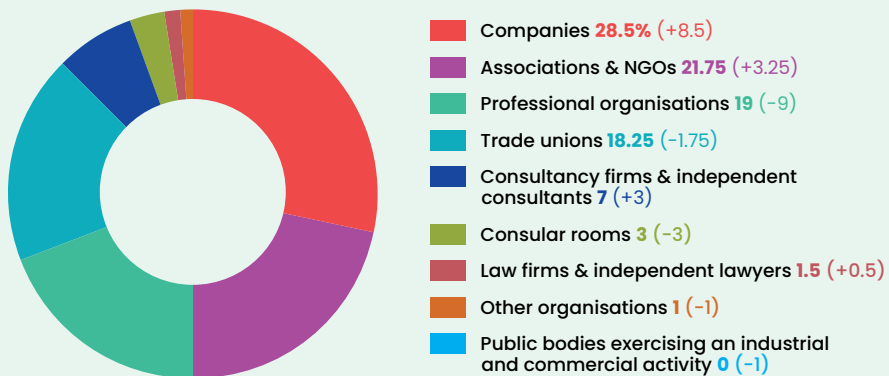
interest representatives registered in the register did not declare any of the information required by law for 2021*

Last year at the same period, **279** interest representatives were concerned for FY 2020.

Refer to the updated list of entities that did not declare any of the information required by law for the last financial year

Breakdown of lobbyists concerned by organisation type

() Change compared to 2020



*As at 1st May 2022.

3 sectors of activity most concerned

- Environment (**8%**)
- Economy (**7.7%**)
- Employment (**7%**)

In 2020, the activity sectors most concerned were: Employment (**19%**); Finance (**9.5%**); Environment (**9%**).



THE PROPOSALS OF THE HIGH AUTHORITY TO ADAPT THE LOBBYING REGULATORY SYSTEM IN ORDER TO MAKE IT MORE EFFECTIVE

Overall framework for the regulation of interest representation

- Provide in the law that the status of interest representative is to be assessed in light of all the activities of the legal entity concerned.
- For groups of companies, defined by reference to the notion of control set out in the French Commercial Code:
 - assess the interest representation activity at group level;
 - introduce an aggregate declaration obligation.
- Specify that the interest representative's obligation to declare applies when the influencing action is initiated by the latter, but also when communication is initiated by the public official.
- Specify in the legislation the criteria for public decision-making falling within the scope of the regulation of interest representation, according to their importance, because of their nature or their effects.
- Where representation activities are carried out on behalf of third parties, introduce an obligation to declare the turnover resulting from this interest representation activity for third parties during the previous year.
- Specify the information requested in the declarations of activity of interest representatives: the public decision targeted by the lobbying action; the precise functions of the public official(s) with whom the interest representation action was carried out.
- Move from annual submission of activity declarations to half-yearly submission.

Resources for oversight of interest representatives

- Provide the High Authority's officials, in the context of on-site checks, with the power to copy documents and any information medium.
- Provide for the presence of judicial police officers during on-site checks carried out by the High Authority's officials on the declaration and ethical obligations of interest representatives.



A DIGITAL PLATFORM DEDICATED TO LOBBYING

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

The directory of interest representatives is still little known to the general public, but it nevertheless provides civil society with a great deal of information to enhance transparency in the public decision-making process.

Thus, in June 2021, the High Authority launched a digital educational platform dedicated to lobbying. This platform centralises all information on lobbying: legal and ethical framework, diversity of stakeholders, documentary resources, proposals for improvement of the system, international comparisons, etc. The platform makes it possible to strengthen the readability of register's data and to ensure greater transparency of public decision-making through data visualisation tools and thematic analyses produced from the declarations of interest representatives.

Over the past few months, the High Authority has published analyses on lobbying, around:

- **the so-called "5G" Act:** establishing a legal framework designed to guarantee the security of telecommunications networks by regulating the methods for rolling out 5G in France, this law has been the focus of many debates, as shown by the involvement of 30 interest representatives registered in the register and the filing of 84 activity forms. 40% of the interest representatives identified were telecom operators and equipment manufacturers. The ministry most solicited, particularly by economic stakeholders, is the Ministry of the Economy and Finance, which piloted the project, in particular through its Directorate General for Enterprise.





- **the Mobility Orientation Act:** aimed at reforming the general mobility framework by taking into account the ecological transition, the law on the future of mobility has been the subject of intense lobbying strategies. 132 entities registered in the directory were involved, mostly professional organisations, commercial companies, consultancy firms and associations. 413 activity forms illustrate the actions carried out, with members of the Government, ministerial advisers and aides to the President of the Republic being the subject of the largest number of interest representation actions (590). The declarations highlight a clear distinction between interest representatives involved in promoting technological innovation as a lever for the development of new solutions for everyday mobility, while others are committed to promoting the deployment of cleaner, more environmentally friendly transport.
- **the “AGEC” Act:** this law aims to get out of the logic of the disposable society by stimulating the transition of a linear and productive economy to a so-called circular economy, favouring the re-use, repair and recycling of products for the green economy. The declarations of the entities in the register of interest representatives reflect a significant lobbying activity, from commercial companies and lobbying firms, as well as professional organisations, trade unions or associations operating in the agri-food, environmental services, trade and environmental protection sectors.

The launch of this platform is a continuation of the commitments made by the High Authority as part of the Open Government Partnership.

How are interest representatives 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.

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.

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.

bit.ly/espacedeclarant-rrl

Newsletters

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

Webinars

Information sessions in the form of a webinar are regularly organised for interest representatives, to inform them about their reporting obligations or news about the register. Two sessions were organised in 2021 and already two have been organised in 2022.

What is the applicable legislation?

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



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