

Unclassified

GOV/PGC/ETH/RD(2007)3

Organisation de Coopération et de Développement Economiques
Organisation for Economic Co-operation and Development

04-Jun-2007

English - Or. French

**PUBLIC GOVERNANCE AND TERRITORIAL DEVELOPMENT DIRECTORATE
PUBLIC GOVERNANCE COMMITTEE**

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MOTION FOR A RESOLUTION ON LOBBYING

**Expert meeting on conflicts of interest with a special session on lobbying:
Enhancing transparency
6- 8 June 2007, Château de la Muette, Paris**

This document provides a Motion for a Resolution on Lobbying (No.3399 of 21 November 2006) by the French National Assembly.

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JT03228399

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FRENCH NATIONAL ASSEMBLY
MOTION FOR A RESOLUTION No. 3399
21 November 2006

For a number of years, there has been growing concern about the loss of French influence in European institutions. This issue was the subject of Information Report No. 1594 on France's presence and influence in European institutions, submitted in 2004 by the National Assembly Delegation for the European Union, presented by the Deputy Jacques Floch. Consequently, the question of French influence via Community lobbying has been clearly addressed by successive Ministers for European Affairs. At the national level, however, the fact is that there is little interest, but rather mistrust, among public opinion regarding the organisation of lobbying activities inside our institutions, which is detrimental to a proper understanding of the practice of lobbying and the rules that must define it. This has been shown by the excesses that occurred during previous legislatures, and recently in the National Assembly itself, in December 2005, at the time of the bill on copyright and similar rights in the information society (Virgin Ltd. case law, Conference Room).

The National Assembly is continually adapting to the changes in the modern world and quite often acts as a stimulus to democratic, sound and effective policies. Today lobbying is a widespread activity and a form of expression of civil society used by businesses, trade unions, professional groups, NGOs, associations, etc.

However, to prevent abuse, these lobbying activities must be regulated in the National Assembly and be governed by a code of ethics, along the lines of the rules in force in European institutions and in particular in the European Parliament. This is a necessary prerequisite for effective, transparent and constructive communication between parliamentarians and the country's stakeholders.

Certain provisions of the General Instruction of the Bureau of the National Assembly govern access to the Assembly: persons holding special cards issued by the President or by Quaestors may have access to the *Salon de la Paix*. As was pointed out in Information Report No. 1594, these cards concern "*in practice some twenty persons responsible for public relations or solely for the 'parliamentary' side of these relations in a few large publicly-owned enterprises [...], in a few 'institutional' bodies [...] or in representative bodies of the professional organisation.*"⁽¹⁾ Article 23 and Article 79 of the Rules of Procedure of the National Assembly rightly address the issue of interest groups so as to comply with Article 27, Paragraph 1, of the Constitution, according to which "*any binding instruction shall be void*". However, there are no provisions in the Rules of Procedure specifically governing the access of representatives of interest groups wishing to present their positions and their expertise to parliamentarians, as is currently the practice prior to the preparation and discussion of each bill.

As was recently pointed out by Mr. Bernard Accoyer, President of the UMP group in the National Assembly and Deputy for Haute-Savoie, there is a need to open a discussion of "*the role and place of lobbies*". "Clearly," he said, "*rules of transparency and ethics should enable private interests to present their views to parliamentarians, who would then make their decisions on the basis of the public interest*"⁽²⁾.

Established French lobbyists are in fact in favour of a registration system, as is pointed out by researcher Emiliano Grossman in the book *Lobbying et vie politique* (Lobbying and Political Life) recently published by Documentation Française⁽³⁾.

The advantage of such a system is that it ensures the accountability of all parties involved, and even punishes those who infringe the code of conduct, while ensuring that parliamentarians are able to deal with clearly identified, monitored and recognised representatives.

In this way, with fuller, more reliable and clearer information, parliamentarians theoretically preserve and strengthen their full and inalienable right to act as the ultimate arbiters solely on the basis of the public good.

These rules have already been widely tested in most Western democracies. For example, systems to register and accredit interest groups are used in the U.S. Congress (Lobbying Disclosure Act). In Quebec, the “*loi sur la transparence et le lobbyisme*” (Transparency and Lobbying Act) has introduced similar measures. This is also the case in the Bundestag (Annex 2 of the Bundestag Rules of Procedure) and in the European Parliament (Article 9, Paragraph 4, of the Rules of Procedure of the European Parliament and Code of Conduct in Annex IX, Article 3).

Consequently, the purpose of this Motion for a Resolution is to introduce, in line with Rule 9, Paragraph 4, of the Rules of Procedure of the European Parliament, standards of conduct and access to the National Assembly for representatives of interest groups.

Through the use of a register, these standards of conduct and access will enable the Assembly:

- to identify and maintain a list of the representatives of interest groups who follow legislative activity;
- to supervise fully the access of those representatives to the National Assembly.

Such a register would have no real legal significance. It would be kept chiefly in order to ensure the identification and transparency of the representatives of interest groups wishing to gather or provide information regarding the work of the Assembly, its commissions and parliamentarians.

The Bureau of the National Assembly would be responsible for making the register available on the Internet, like the register of interest groups accredited to the European Parliament, which may be consulted freely by citizens who visit the Parliament’s website. Similarly, as the present Motion for a Resolution specifies, the Bureau of the National Assembly shall be responsible for preparing a code of conduct to be included in its General Instruction.

On 23 March 2006, the European Commission launched a draft Green Paper on the European Transparency Initiative. In this draft, the Commission states that “compliance with the highest standards of transparency is an essential condition for the legitimacy of any modern administration”. France has every interest in embracing this principle and applying it to the regulation of its own institutions, starting with the National Assembly. The introduction of mandatory registration for representatives of interest groups who wish to have access to its premises, as in the European Parliament, can only contribute to meeting the transparency requirement, which is a key principle for preserving modern democracy.

MOTION FOR A RESOLUTION

Single Article

Article 23 of the Rules of Procedure of the National Assembly shall be supplemented by eight paragraphs reading as follows:

“The Quaestors shall be responsible for issuing nominative passes valid for a maximum of one year to persons who wish to enter the National Assembly’s premises frequently with a view to supplying information to members within the framework of their parliamentary mandate in their own interest or those of third parties.

“In return, these persons shall be required to:

“1. respect the code of conduct published in the General Instruction of the Bureau of the National Assembly;

“2. sign a register kept by the Quaestors.

“This register shall be made available to the public on request in the Bureau of the National Assembly. It may be consulted freely on the National Assembly’s Internet site.

“Access to the Palais Bourbon shall exclude the right to enter or be present in areas reserved exclusively for deputies, as designated by the Bureau of the National Assembly.

“The provisions governing the application of the preceding five paragraphs shall be laid down in the General Instruction of the Bureau of the National Assembly.

“The Bureau of the National Assembly reserves the right to suspend the validity of the nominative passes mentioned in §3 if the pass holders fail to comply with the code of conduct. Such suspension shall be recorded in the register.”

¹ () “*Présence et influence de la France dans les institutions européennes*”, Information Report No. 1594 submitted in 2004 by the National Assembly Delegation for the European Union, presented by Deputy Jacques Floch, p. 72.

² () Cited by *La Revue parlementaire*, February 2006, p. 9.

³ () *Lobbying et vie politique, Problèmes économiques et sociaux*, November 2005, La Documentation française, p. 10.