

Definicions de lobbies o grups d'interès

Consell d'Europa

Définitions

Aux fins de la présente recommandation et de ses principes :

- a) « Lobbying » désigne la représentation d'intérêts spécifiques par le biais d'une communication auprès d'un agent public et qui fait partie d'une action à la fois structurée et organisée visant à influencer la prise de décision publique.
- b) « Lobbyiste » désigne toute personne physique ou morale qui se livre à des activités de lobbying.
- c) « Prise de décision publique » désigne la prise de décision au sein du pouvoir législatif ou exécutif, que ce soit au niveau national, régional ou local.
- d) « Agent public » désigne toute personne exerçant une fonction publique, qu'elle soit élue, employée ou autre, au sein des pouvoirs législatif ou exécutif.
- e) « Réglementation juridique » désigne un encadrement législatif et réglementaire, un système d'autoréglementation ou une combinaison des deux.

OCDE. Organització per a la Cooperació i el Desenvolupament Econòmic

Definition of Lobbying

Recommendation of the Council on Principles for Transparency and Integrity in Lobbying: Lobbying, the oral or written communication with a public official to influence legislation, policy or administrative decisions, often focuses on the legislative branch at the national and sub-national levels. However, it also takes place in the executive branch, for example, to influence the adoption of regulations or the design of projects and contracts. Consequently, the term public officials include civil and public servants, employees and holders of public office in the executive and legislative branches, whether elected or appointed.

Transparency International

Lobbying is any direct or indirect communication with public officials, political decision-makers or representatives for the purposes of influencing public decision-making, and carried out by or on behalf of any organised group.

Lituània. Law on lobbying activities

Article 2. Main Definitions of this Law

1. "Lobbying activities" means lobbyists' activities subject to compensation in an attempt to influence the amendment, supplementing of legal acts or declaring them invalid, the passage or defeat of new legal acts. Such activities shall be intended for the implementation of lawful interests of a client, without violating person's rights or public and State interests.
2. "Lobbyist" means a natural person or an undertaking, agency, organisation (hereinafter referred to as an undertaking) who enjoys the right to engage in lobbying activities and is recorded in the Register of Lobbyists in a manner prescribed by this Law.
3. "Client of lobbying activities" means a natural person or their group, undertaking, agency, organisation (except the persons specified in Article 7 of this Law) who conclude with a lobbyist a contract of mandate by onerous title or another contract in compliance with the requirements of the Civil Code of the Republic of Lithuania or other laws of the Republic of Lithuania.
4. "Lobbyist's report" means an official report on lobbying activities, income and expenditure, which must be filed in a manner prescribed by this Law.
5. "Lobbyist's income" means lawful compensation received for lobbying activities from a client of lobbying activities.
6. "Lobbyist's expenses" means lobbyist's expenditure incidental to lobbying activities.

Quebec

Le lobbying désigne « toute communication, écrite ou orale, entre un représentant ou un groupe d'intérêts et un décideur public dans le but d'influencer une prise de décision » (définition inscrite dans la loi sur le lobbying du Québec).

Regne Unit. Cambra del Comuns

Lobbying can be broadly defined as seeking to influence decisions made by public office holders; such decisions can include the scope or content of legislation, the letting of a contract, or the broad direction of public policy. Lobbying can therefore involve a wide variety of activities and motivations. Many organisations lobby on their own behalves, others employ multi-client lobbying firms to seek to influence on their behalf. Such firms may also offer other services under the banner of 'public relations' or 'public affairs' such as media monitoring or media strategies. Bodies which lobby or employ lobbyists can include companies, charities, public bodies, trade associations and professional membership organisations as well as individuals who may 'lobby' their MP.

Difficulties associated with providing a definition of what it is 'to lobby' are seen by some as creating difficulties in any proposed regulation of lobbying. In particular, questions are raised about who would be subject to regulation, all those who try to exert an influence, or just those who are paid to lobby or advise on how to influence.

The UK Public Affairs Council (UKPAC) defines lobbying as follows:

Lobbying means, in a professional capacity, attempting to influence, or advising those who wish to influence, the UK Government, Parliament, the devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence.

Lobbyists are those who, in a professional capacity, work to influence, or advise those who wish to influence, the institutions of government in the UK, in respect to:

the formulation, modification or adoption of any legislative measure (including the development of proposals for legislation);

the formulation, modification or adoption of a rule, regulation or any other programme, policy or position;

the administration or execution of a governmental or other public programme or policy within the UK (including the negotiation, award or administration of a public contract, grant, loan, permit or licence).

Institutions of government means the UK Government, Parliament, the devolved legislatures or administrations, regional or local government or other public bodies.¹

They then define 'public affairs services' as the provision of:

lobbying or advice on lobbying as defined above;

services with intent to assist lobbying, including the provision of monitoring, public affairs and programme support, strategic communications advice, profile raising, decision-making analyses and perception auditing services.

Public Affairs practitioner means any individual who, in a professional capacity, provides, as a substantive and sustained part of their responsibilities, public affairs services as defined above.²

The use of the term "in a professional capacity" excludes private individuals from the ambit of UKPAC. Also excluded under these terms are those who engage with institutions of government as a purely incidental part of their role, such as heads of not-for-profit organisations.

Itàlia

"Any direct or indirect communication with public officials, political decision-makers or representatives for the purposes of influencing public decision-making carried out by or on behalf of any organised group."

Lobbying and democracy. Representing interests in Italy.
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Eslovènia

ZIntPK (14th point of Article 4): (Llei sobre els *lobbies*)

"Lobbying" means work of lobbyists who are engaged on behalf of interest organizations in non-public influence on decisions of government bodies, the local authorities and holders of public powers in discussing and adopting regulations and other general documents as well as on decisions of government bodies, the local authorities and holders of public powers in matters other than those subject to judicial or administrative proceedings and procedures carried out in line with the regulations governing public procurement and other procedures deciding on rights and obligations of individuals. Lobbying shall mean any non-public contact of a lobbyist with lobbied persons that has the aim to influence the contents or procedure concerning adoption of the decisions referred to above hereunder."

Estats Units d'Amèrica

How States define lobbying and lobbyist?

<http://www.ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx>