

through peer-pressure or exclusion from the professional association⁸, but there is typically no external or independent control of the quality of the standards and their implementation. Apart from the general problems associated with voluntary standards of self-regulation, one particular problematic aspect in the context of lobbying concerns the lack of a coherent professional organization. For example, the Society of European Affairs Professionals (SEAP) which claims to be the relevant professional organization has only about 300 members⁹ compared to about 15.000 to 20.000 lobbyists estimated to be active in Brussels.¹⁰

An OECD publication on lobbying concluded that “the open nature of the business and public ignorance of professional codes has rendered their efforts [i.e. the efforts of self-regulation] largely ineffective.”¹¹ Furthermore, the same study suggested binding governmental regulations have a better chance of securing compliance than voluntary codes of conducts of professional organisations.¹²

Institutional registers require registration of lobbyists wishing to access the premises of parliaments or other institutions and / or wishing to engage with representatives or officials of that institution. Usually, these registers are based on the competence of the respective institutions to regulate their own internal affairs, to control access to their buildings and to regulate the behavior of their members or staff. The oldest example of this type of lobbying regulation are the rules of the German Federal Parliament (Bundestag) on lobbyists which provide that representatives of interest groups will only be heard and issued badges if they are included in the register.¹³ In practice, this register has been of little relevance as it contains merely minimal information, only applies to associations, does not contain sanctions and has been circumvented in Parliamentary practice.¹⁴

Institutional registers contain the requirement to register in exchange for access to the institution and sometimes also include standards of conduct. Compliance with the registration requirement and the standards is not strictly mandatory, because lobbyists are not formally bound by these rules. However, if they intend to interact with staff or members

⁷ Rogier Chorus, Lobbying ethics versus corruption, in: Council of Europe Octopus Programme (ed), Corruption and democracy, 2008, p. 151 (152-153).

⁸ Jablonski, above note 6, p. 378

⁹ Information taken from SEAP's website <http://www.seap.be/index.php/home/members>.

¹⁰ Dieter Plehwe, Measuring European relations of lobby power, February 2012, <http://www.arbeiterkammer.at/bilder/d179/MaterialienMuG113.pdf>.

¹¹ OECD, Lobbyists, Governments and Public Trust, Volume 1 - Increasing Transparency through Legislation, 2009, p. 80.

¹² OECD, op. cit., p. 92

¹³ See Geschäftsordnung des Deutschen Bundestages, Anlage 2 - Registrierung von Verbänden und deren Vertretern, available at http://www.bundestag.de/bundestag/aufgaben/rechtsgrundlagen/go_btg/anlage2.html. See also Tilman Hoppe, Transparenz per Gesetz – Zu einem künftigen Lobbyisten-Register, Zeitschrift für Rechtspolitik (ZRP) 2009, 39 (39). The rules originate in 1972.

¹⁴ Hans-Jörg Schmedes, Mehr Transparenz wagen? Zur Diskussion um ein gesetzliches Lobbyregister beim Deutschen Bundestag, Zeitschrift für Parlamentsfragen 2009, 543 (544 et seq).