

The Austrian Lobbying – and Interest Representation- Transparency Law | Impact assessment after 17 months

Peter Köppl

President Austrian Public Affairs Association

PACE 4th annual meeting

Berlin | May 22, 2014



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

Mandatory Register with many exemptions I

- Mandatory registration for “all direct, structured and organized contacts to officials”, aimed at influencing political decision making (including administration) in Austria
- “officials” means “political decision makers”, including their employees and civil servants on federal as well as regional level
- The online-register was implemented on January 1, 2013 and is administered by the Federal Ministry of Justice



Mandatory Register with many exemptions II

- Registration charges are Euro 600,- for agencies, Euro 200,- for companies and Euro 100,- for associations
- Sanctions for not registering or misleading registering are: administrative fines up to Euro 60.000 and / or to be removed from the register – for agencies and companies only
- As of May 15, 2014, 241 companies, agencies and associations were listed (~ 700 individuals)



Exemptions I

- Exempted from the requirement to register are:
 - Lawyers, as long as they do not lobby (lawyers interpret this as an overall exemption to register)
 - Members of Parliament, if they lobby on their respective policies
 - Political parties, Churches
 - Organizations representing communities (Städtebund, Gemeindebund)



Exemptions II

- Limited requirements for registering are in place for:
 - all chambers, including Federal Chamber of Commerce, Federal Chamber of Unions, Federal Chamber of Employees, Federal Organization of Agriculture (including their regional as well as their technical sub-organizations)
- Registration has to be made **before** lobbying activities can begin
- Companies and agencies have to comply to a code of conduct, which has to be communicated via their websites



The four sections of the Austrian Lobby-Register

- Section A1 and A2 – Lobbying-companies and their clients

Required information in A1:

- Basic information about the lobbying-company plus website
- Description of their scope of activities
- Code of conduct they comply to
- Names and dates of birth of all employed lobbyists
- Number of lobbying-clients and annual total turnover regarding lobbying-contracts

- Required information regarding clients in A2 (not public):

- Names of and relevant information about each lobbying-client
- The scope of lobbying activities



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

The four sections of the Austrian Lobby-Register

- Section B – Companies employing in-house-lobbyists

Required information:

- Basic information about the company, plus website
- Description of their scope of activities
- Code of conduct they comply to
- Names and dates of birth of all employed lobbyists
- Annual expenditures for lobbying more than Euro 100.000, Yes or No



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

The four sections of the Austrian Lobby-Register

- Sections C and D – Self-governing bodies and associations

Required information:

- Website
- Number of employees, engaged predominantly in interest representation
- Estimate of annual costs of interest representation



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

The Austrian Register

http://www.lobbyreg.justiz.gv.at/edkte/ir/ired18.nsf/listeOpenFor

JUSTIZ Lobbying- und Interessenvertretungsregister

Liste, alphabetisch

Einfache Suche
Erweiterte Suche
Liste nach Registerabteilung
Liste, alphabetisch
Eintrag erfassen
Leitfaden
Hinweise

[A] - [B] - [C] - [D] - [E] - [F] - [G] - [H] - [I] - [J] - [K] - [L] - [M] - [N] - [O] - [P] - [R] - [S] - [T] - [U] - [V] - [W] - [Z]

[\[Alle Einträge\]](#)

Ihre Suche vom 13.05.2014 um 09:53:18 MESZ (Edkte131) hat **8 Einträge** gefunden.
Sie haben nach W gesucht. [\[Alle drucken\]](#)

Nr.	Bezeichnung/Firma	Registerzahl	Registerabteilung	Details	Letzte Änderung
1.	Wacker Chemie AG, München	LIVR-00311	B	Dr. Christian Westemeier Dr. Ralf Widmer	19.08.2013
2.	WIEN ENERGIE GmbH, Thomas-Kleist-Platz 14, AT-1030 Wien, (215854h)	LIVR-00282	B	Mag. Johannes Jungbauer Kathrin Brunner MA Mag. Gabriele Maderbacher-Brock Mag. Rainer Anzböck	09.09.2013
3.	Wiener Börse AG, Wien, (334022i)	LIVR-00085	B	Dr. Judith Kast Mag. Birgit Kuras MMag. Dr. Michael Buhl	05.02.2014
4.	Wienerberger AG, Wien, (77676f)	LIVR-00101	B	DI Gerhard Koch Dr. Heimo Scheuch Jürgen Habenbacher MSc	12.11.2013
5.	wikopreventk GmbH, Innsbruck, (140317z)	LIVR-00329	A1	Ulrich Müller Harald Schiftl Dieter Bitschnau	01.04.2014
6.	Wirtschaftsforum der Führungskräfte, Wien	LIVR-00257	D		29.04.2013
7.	Wirtschaftskammer Österreich (gem § 8 Abs 1 WKG), Wien	LIVR-00106	C	Gemäß § 12 Abs 3 und 4 LobbyG gibt die für sich selbst und für sämtliche Organisationen der gewerblichen Wirtschaft (§ 3 Abs 1 WKG) einschreitende Wirtschaftskammer Österreich in das Register Abteilung C zur Eintragung den elektronischen Link https://www.wko.at/Content.Node/wir/oe/LobbyG.html bekannt. Dieser führt zu einer Website, auf der die von § 12 Abs 1 LobbyG geforderten Daten veröffentlicht sind.	17.12.2013
8.	Wörter PR GmbH, Salzburg, (293728d)	LIVR-00148	A1	Mag. Wolfgang Wörter	02.04.2013

[Kontakt](#) [Impressum](#) [zum Seitenanfang](#)

09:53
13.05.2014



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

Points of critique and required improvements I

(1) Too many vague formulations in the law make room for various ways of interpretations, leading to inconsistent forms of registrations (some do / some do not register)

(2) Four sections with highly different levels of transparency requirements are neither logic nor useful – all lobbyists have to be treated equal

(3) Same transparency requirements for companies, agencies, associations and non-governmental organizations as well as all chambers are crucial to be implemented



Points of critique and required improvements II

- (4) Registration for lawyers who lobby, should have to be mandatory
- (6) Associations, that do not employ a lobbyist, should not be exempted from the mandatory register anymore
- (7) Current scheme of fines should be re-designed



Requested improvement

- “Pass for Parliament” for all registered lobbyists should be made a permanent pass, for Parliament and all ministries



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

Conclusion

- Heated media-debate on „lobbying = corruption“ ended after register was enacted
- Politician's drive to adapt the law is zero
- Through out the first year, **not a single politician /not a single civil servant** looked inside the register (A2)! (source: Federal Ministry of Justice, January 2014)





For more information:

www.oepav.at



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG

Dr. Peter Köppl, M.A.
Managing Director

Mastermind Public Affairs Consulting GmbH
Garnisongasse 3|3a
1090 Vienna | Austria

T: +43 (0) 1 355 20 96-0

peter.koeppel@mastermind.cc
www.mastermind.cc



ÖSTERREICHISCHE
PUBLIC AFFAIRS
VEREINIGUNG