TRANSPARENCY INTERNATIONAL SLOVENIA

LIFTING THE LID ON LOBBYING: SLOVENIA

CALL FOR TRANSPARENT AND ETHICAL LOBBYING

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November 2014

Transparency International Slovenia (TI Slovenia) is a non-governmental, independent and non-profit organisation. The purpose of TI Slovenia is to develop and implement preventive measures and raise awareness of the terms, needs and consequences of promoting integrity in politics, government, business and civil society. It also assesses current levels and attitudes towards ethics, integrity and corruption. TI Slovenia is an official chapter of Transparency International.

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LIFTING THE LID ON LOBBYING - CALL FOR TRANSPARENT AND ETHICAL LOBBYING

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EXECUTIVE SUMMARY

Lobbying is essential to democracy, providing relevant information to policy makers, expertise on complex issues and giving an opportunity to those affected by public decisions to be a part of their making. However, lobbying also frequently results in the collision of public and private interests, and if left unregulated and opaque, can lead to undue influence and the skewing of public decisions for private ends.

The report analyses the lobbying landscape in Slovenia and evaluates the extent to which the regulatory framework promotes transparency of lobbying efforts, the integrity by both lobbyists and lobbied, and the equality of access to public decision-making for the various interest groups. It finds that although the Slovenian lobbying regulation represents a good start, it does not fully safeguard public decision making against undue influence. Measured against 65 indicators of international best practice standards, Slovenia comes out with an overall score of just 55%, representing a poor overall record.

Given that most European countries have failed to regulate lobbying in any meaningful way, Slovenia is actually comparatively quite well advanced in this area.[1] Progress was made with the introduction of lobbying regulations under the *Integrity and Prevention of Corruption Act* in 2010. However, the regulation remains inadequately detailed and incomprehensive. The current system does not provide sufficient transparency of all lobbying contacts and makes insufficient use of information technology and its potential to facilitate better supervision and control over lobbying, despite the development of a new way to publish data online. In addition, the bureaucracy of reporting on lobbying contacts by lobbied persons is vast, and difficult to follow given that lobbying activities are not proactively disclosed in a machine-readable format. While a Register of Lobbyists and a reporting system exist, a lack of transparency in all stages of decision-making processes remains, especially in the preparation of legislation. Lobbying cannot be effectively regulated without tackling issues of political financing. Due to the strong connections between political parties and the private sector, there is insufficient transparency and supervision of political parties and election campaign financing. Furthermore, unbalanced and ad-hoc expert and advisory groups hinder the participation of the public in decision-making processes; and there is also inadequate information on the members of these groups. This enables excessive influence of political elites and interest groups on the shape of public policies and agendas.

Transparency

Sub-Category	Value
Access to Information	67
Registration and Disclosure by Lobbyists	60
Oversight of Register and Sanctions	56
Legislative Footprint	50
Total	58

Integrity

Sub-Category	Value
Post-employment and pre-employment Restrictions	67
Code of conduct for Public Sector Employees	75
Code of Conduct for Lobbyists	60
Self-regulatory Code(s) of Ethics	30
Total	58

Equality of access:

Sub-Category	Value
Consultation and Public Participation in Decision-making	75
Advisory/Expert Group Composition	20
Total	48

1 This report is part of a regional project, which evaluates lobbying policies and practices in 19 EU countries. Transparency International Secretariat will publish a regional report compiling and comparing the national findings in early 2015.

As a result, most lobbying in Slovenia continues to take place in the shadows, and the majority of lobbying contacts remain unreported. While the report is focused on national level lobbying, there are significant risks at the local level too, since at this level civil servants and public officials do not report on lobbying contacts. Indirect lobbying is also problematic with the abuse of media to influence the decision-makers and public opinion, resulting in a negative impact on decision-making, as well as financial consequences for the public purse.

Given the opacity of transparency, there is an even greater importance for robust integrity measures, guiding the behaviour of both lobbyists and lobbied in their interactions, and reinforced by strong training, oversight and sanctions. While self-regulation of lobbying groups could fill some of the gaps in the inadequate government system of regulation by promoting responsible lobbying, it is currently insufficiently developed. The Association of Professional Lobbyists has established a Code of Ethics, but self-regulation initiatives by private sector companies and other professional associations and interest groups have been minimal.

A positive two-year post-employment 'cooling off' period is in place before the public officials can lobby their former colleagues, but this is poorly monitored and enforced. Ex-officials frequently conduct various lobbying activities during the moratorium either directly, or through advising those who will seek to exert influence. There is no active debate on ethical and transparent lobbying as the lobbying profession is not well developed and other interest groups do not identify themselves as lobbyists – either because they do not want to or because they use legal loopholes to cover their lobbying intentions.

Despite a certain number of positive developments, the overall situation in regulating the relationship between the government and third parties is inadequate. The risk of undue influence is high, as is that of policy and institutional capture for private ends. There is a need for further education, empowerment and training of civil servants, public officials, journalists, professional and non-professional lobbyists, as well as general public, in order to achieve transparent and ethical lobbying in Slovenia. This needs to be underpinned by regulatory reforms, as well as a greater measure of political leadership and will.

RECOMMENDATIONS

In order to improve regulation of lobbying in Slovenia, Transparency International Slovenia recommends:

1. **Changes to legal regulations are necessary in order to achieve satisfactory transparency and oversight of lobbying in practice.**
   - The government and the Commission for the Prevention of Corruption (CPC) must prepare a thorough assessment of the effects, advantages and weaknesses of the present lobbying regulations.
   - The government and the CPC should include lobbying measures in the national anti-corruption strategy and action plan, with detailed measures to be taken by respective ministries and public institutions against illegal lobbying, and to ensure adequate control and follow up mechanisms.
   - The government must ensure a comprehensive lobbying regulation through a dedicated stand-alone law.
   - The government in cooperation with public institutions must implement and ensure effective mechanisms to guarantee greater transparency for professional, non-professional lobbyists and representatives of civil society, trade unions and interest associations.
   - All public employees should report on all lobbying contacts including representatives of civil society, trade unions and other interest associations in a unified and adjusted electronic form, to ease civil servants of the administrative burdens and prevent illegal lobbying and enable control over external influences.
   - The government, the CPC and public institutions bound by legislation must implement effective control on illegal lobbying activities and implement sanctions for breaches of legislation.
   - The government, ministries and public bodies must implement a comprehensive legislative footprint as an annex to each piece of new legislation, so that it is clear which interest groups have contributed to consultations on legal developments.
   - The government must enhance the rules on "revolving doors" and ensure effective implementation and supervision.

2. **Transparent functioning and financing of political parties must be established and effective control mechanisms need to be implemented in a timely manner.**
   - Legislation of financing of political parties and election campaigns needs to be amended in line with international standards, focusing on provisions governing transparency, supervision and sanctioning by the government, the Ministry of Interior and the Ministry of Public Administration.
   - Common mechanisms for the effective supervision of financing of political parties and election campaigns needs to be implemented by the government.
   - Political parties need to be included in the Public Information Access Act, as they are publicly financed, and access to information on political parties needs to be proactive. The political parties and institutions that control them must widen the accessibility of data in accordance with the standards of a representative democracy, transparency and the rule of law.

3. **Self-regulation policies and rules of lobbying need to be established.**
   - In addition to complying with the mandatory statutory rules, lobbying professionals and associations should establish and implement comprehensive mechanisms for self-regulation and control for the promotion of ethical behaviour. Codes of conduct, codes of ethics, rules of procedures and other relevant tools for transparency and ethics should be effectively implemented in a timely manner.
   - Private sector companies must implement tools for self-regulation, which should be an integral part of their compliance mechanisms in order to ensure ethical and transparent lobbying. This should also apply for non-professional lobbyists and in situations where companies hire external professional lobbyists.
   - Professional associations, civil society, trade unions, and other interest associations should implement mechanisms for self-regulation, such as codes of conduct, codes of ethics, rules of procedures and other relevant tools for transparency and ethics to achieve ethical and transparent lobbying.

4. **Develop a comprehensive ethics and transparency policy and awareness-raising programme and systematic training on lobbying for all stakeholders and include it in the national anti-corruption resolution, strategy and action plan.**
   - The CPC and the government should establish a working group of stakeholders (state bodies, local communities, other relevant institutions in the public sector, professional and non-professional lobbyists, private sector, media, trade unions, CSOs, NGOs, interest groups and the public) to develop and implement a strategy and prepare awareness-raising programmes, and include them in the national anti-corruption resolution, strategy and action plan.
   - Private sector companies should take responsibility for implementing tools to ensure integrity in their lobbying activities, and should raise awareness within their organisations of the importance of transparent lobbying.
   - State bodies and local communities need to take active measures in order to guarantee that non-profit organisations are able to provide lobbying services – especially for socially excluded individuals and active citizens, allowing them to participate in the democratic consultation process, management and control of public affairs.
   - Public institutions should provide awareness-raising activities for employees on a regular basis and training on existing lobbying measures, rules and values that need to be enhanced in the system of governance, internal controls and ethical infrastructure.
   - The CPC, lobbying associations and NGOs should provide periodic, systematic training and ensure awareness-raising activities for journalists, CSOs, NGOs and lobbyists.

INTRODUCTION

Transparency International's (TI) European National Integrity System regional report *Money, Power and Politics* (2012) found that in most European countries, the influence of lobbyists is shrouded in secrecy and a major cause for concern.[2] When undertaken with integrity and transparency, lobbying is a legitimate avenue for interest groups to participate in the decisions that affect them. However, problems arise when lobbying is non-transparent and unregulated and where privileged access is granted to a select few, while others are excluded from decision-making processes. Corporate lobbying in particular raises concerns because it often involves companies with vast sums at their disposal developing close relationships with law-makers and thus gaining undue and unfair influence in a country's politics and policies.[3]

The European Commission's Anti-Corruption Report 2014, reveals that lobbying in Slovenia is regulated reasonably well, but in practice civil servants rarely reported on lobbying contacts with unregistered lobbyists.[4] A Eurobarometer on corruption revealed that 81% of Europeans agree that overly close links between business and politics in their country has led to corruption and more than a half believe that the only way to succeed in business in their country is through political connections.[5] This corroborates the data from TI's Global Corruption Barometer 2013 (GCB), which found that in many European countries more than 50% of people believed that their country's government was to a large extent or entirely run by a few big interests.[6] In Slovenia, people also strongly believed that connections between business and politics shape agenda of the government. Lobbying is generally perceived as strongly negative phenomenon.

The "Lifting the Lid on Lobbying" national research report on Slovenia is part of a regional project involving the assessment of lobbying regulations and practices in 19 European countries.[7] This report begins by mapping the lobbying landscape in Slovenia, giving a contextual analysis of the national historical, socio-political and legal situation with regard to lobbying. Slovenia is ahead of many other European countries in having tried to tackle undue influence through the anti-corruption legislation, but increased efforts are needed. The report also discusses the intensity and scale of lobbying efforts and the various cultural understandings of the term 'lobbying' and perceptions of lobbying practices in the country, where it is generally perceived in highly negative way. Other relevant issues such as self-regulation of lobbying activities and the role of the media and civil society as watchdogs in monitoring and reporting on lobbying activities are also discussed. The second part assesses the degree to which national regulation (public law and private self-regulation) adequately provides for transparency of lobbying activities and public decision-making, *integrity* in lobbying and conduct by public officials and *equality of access* to public decision-making processes, using a series of 65 assessment questions.

The Commission for the prevention of corruption announced new way of publication of information on lobbying contacts. A new way of publication of data does not affect the findings of this report.[8]

The purpose of this report is to begin a public debate on the issues of lobbying and the corruption risks arising from this complex phenomenon. Due to the perception on lobbying among Slovenian public this report wants to show the positive aspects of lobbying and divide between ethical and transparent lobbying and misuse of lobbying for personal gain, resulting in corrupted behaviour. The report presents important findings and highlights emerging issues that need to be addressed as soon as possible, as well as areas for additional analysis.

2 Transparency International (2012) Money, *Power and Politics: Corruption Risks in Europe*, Berlin: Transparency International. A National Integrity System regional report: Available from: www.transparency.org/enis/report [5. 5. 2014].

3 Ibid.

4 European Commission (2014) *Report on the Fight against Corruption in the EU*, Brussels: European Commission. The chapter on Slovenia is available from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_slovenia_chapter_sl.pdf [5. 5. 2014].

5 European Commission (2014) *Special Eurobarometer 397*, Brussels: European Commission. Available from: http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf [5.5. 2014].

6 Transparency International (2013) *Global Corruption Barometer 2013*: Report, Berlin: Transparency International. Available from: www.transparency.org/gcb2013/report [30. 4. 2014].

7 The participating countries are Austria, Bulgaria, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, and the United Kingdom.

8 Commission for the Prevention of Corruption (2014) *Nov način objave podatkov o lobističnih stikih [New way of publishing data on lobbying contacts]*, Ljubljana: Commission for the Prevention of Corruption. Available from: www.kpk-rs.si/sl/komisija/medijsko-sredisce/novice/11/2014/nov-nacin-objave-podatkov-o-lobisticnih-stikih [11. 11. 2014].

MAPPING THE LOBBYING LANDSCAPE

In Slovenia, compared with most other European countries, there is relatively good law for the regulation of lobbying.[9] However, implementation of this legislation is weak. The understanding of and perceptions of lobbying through political decision-making processes has gradually improved, but lobbying continues to be viewed negatively. One of the reasons for this is low levels of trust in political parties and in-transparent functioning and funding of political parties, which have failed so far to publicly live up to the established standards of a representative democracy.

POLITICAL PARTIES PULLING THE STRINGS

In the 1980s, Slovenia was among the states that encouraged the development of a democratic culture and civil society movements. This was despite problems with the Socialist regime of the time. With the transition into a new democratic era, political parties took centre stage as agents of the democratic process, as citizens' information channels to the centres of political power, as well as establishing transparent and responsible governance.

Despite this, political parties are recognised as one of the main causes of corruption, system deviations and other inconsistencies in the public and private sector. They substantially violate the established standards of representative democracy. Following elections and after taking power, they tend to dominate also lower levels of public functions both in the legislative and the executive branches of power. This "takeover of positions" enables them to improperly and directly influence the recruitment, management and functioning of all state and local government sub-systems.[10] Professional lobbyists believe that political parties are a competition to lobbying professionals.[11] The excessive influence of political elites and interest groups on political decision-making processes has resulted in poor management of public affairs and public property. The state holds significant capital shares in companies and the processes of managing of those is in-transparent. This misuse of power has undermined strategically important areas of society, such as the economy, energy, health, transport infrastructure and others.[12]

Therefore public trust in political parties, public institutions and in the rule of law has been undermined, as demonstrated by the Eurobarometer,[13] and TI's Global Corruption Barometer 2013, where 78 per cent of Slovenians believe that political parties are corrupt or extremely corrupt.[14] The 2013 annual report of the Commission for the Prevention of Corruption shows that Slovenia regressed in every international corruption, transparency or integrity indicator or index.[15] This research shows that as political parties are strongly connected with the private sector, lobbying is also perceived as a corrupt practice and influences the development of the "legitimate" and democratic lobbying culture. This presents serious obstacles for the effective implementation of lobbying regulation.

POLITICAL WILL FOR ESTABLISHING EFFECTIVE LOBBYING REGULATION IS ESSENTIAL

The first public debates on the regulation of lobbying in Slovenia began it the early 1990s. Studies of the development of interest ("policy") networks and groups and lobbying show that political parties dominated over political decision-making and the management of public affairs.[16] Consultation politics was only practiced with the private sector. Broader consultation only took place in areas where there was a particularly strong element in civil society with sufficient economic means.[17]

When the first discussions on the legal regulation of lobbying began there were objections to it on both ethical and legal grounds.[18] The right to lobby is one of the key components of the democratic process and protected by the Constitution.[19] It was argued that such limitations would oppose constitutional provisions providing for the freedom of expression (Article 39), the right to assembly and association (Article 42), the right of citizens to participate in the management of public affairs (Article 44), the right to petition and other initiatives of general significance (Article 45) and the freedom of trade unions (Article 76).[20] These discussions had a strong impact on the regulation of lobbying in Slovenia and influenced the legal definition of lobbying, the definition of categories of lobbyists, and the development of the control and supervision provisions for specific categories of lobbyists.

On the initiative of the National Assembly, a special working group[21] prepared a draft Lobbying Act in 1997 and submitted

9 Transparency International (2012) *Money, Power and Politics: Corruption Risks in Europe*, Berlin: Transparency International. A National Integrity System regional report: Available from: www.transparency.org/enis/report [5. 5. 2014].

10 Habič, S. in Doria, V. (eds.) (2014) *Transparency in the Funding of Political Parties in Slovenia*, Ljubljana: Transparency International Slovenia. Available from: crinis.integriteta.si/images/pdf/porocilo/knjiga_INTEGRIRETA_2014_ANG.pdf [25. 8. 2014].

11 Doria, V. (2014) *Interview with Miheal Cigler, President of Association of Lobbyists.* Ljubljana [17. 9. 2014].

12 Habič, S. ed. (2012) *National Integrity System Study – Slovenia*, Ljubljana: Transparency International Slovenia, p.25. Available from: nis.integriteta.si/images/pdf/knjiga_integriteta_2012.pdf. [5. 5. 2014].

13 European Commission (2014) *Special Eurobarometer 397*, Brussels: European Commission. Available from: http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf [5. 5. 2014].

14 Transparency International (2013) *Global Corruption Barometer 2013: Report*, Berlin: Transparency International. Available from: www.transparency.org/gcb2013/report [30. 4. 2014].

15 Commission for the Prevention of Corruption (2014) *Annual report 2013*, Ljubljana: Commission for the Prevention of Corruption, p.14. Available from: www.kpk-rs.si/download/t_datoteke/9353 [5. 5. 2014].

16 Igličar, A. (2004) *Sociologija prava [Sociology of Law]*. Ljubljana: Faculty of Law and Cankarjeva založba, p.273-289; 280.

17 Fink-Hafner D., (1998) *Raziskovanje policy omrežij.Teorija in praksa, [Research of policy networks. Theory and practice].* št. 5/1998, p.823.

18 Fink-Hafner D. (2007) *Lobiranje in njegova regulacija. [Lobbying and its regulation].* Ljubljana: Faculty of Social Science.

19 National Assembly (2014) *Constitutional System*, Ljubljana: National Assembly. Available from: www.dz-rs.si/wps/portal/en/Home/PoliticniSistem/UstavaRepublikeSlovenije [15.5.2014].

20 Fink-Hafner D. (2007) *Lobiranje in njegova regulacija [Lobbying and its regulation].* p.44-45.

21 Albin Igličar (1997) *Pravna ureditev lobiranja – raziskovalna naloga [Legal regulation of lobbying - research work].* Ljubljana: National Assembly Archives.

the Lobbying Act in 1998,[22] which was meant to regulate the lobbying processes and define the rights and duties of lobbyists and lobbied persons. The proposal intended to legalise lobbying by civil society on general state decisions, which occurred without the involvement of political parties and to make lobbying processes transparent and rational.[23] The legislative procedure for adopting the proposal was never completed, however, as there was no political will to pass the Act, although it was later reintroduced in 2003.[24]

After the failed attempts to regulate lobbying with a specific act, only certain provisions on lobbying, based on previous proposals,[25] were implemented in Chapter VIII of the Integrity and Prevention of Corruption Act (ZIntPK) in 2010.[26] The most important provision were: [27]

- the organisational and technical aspects of lobbying,
- the establishment and maintenance of a lobbyist register,
- reporting and identification of lobbyists and lobbying contacts,
- provisions about prohibited lobbyist actions,
- the sanctions stipulated for such actions.

The Commission for the Prevention of Corruption (CPC) acts as the registration and monitoring body for lobbyists, and is also responsible for imposing sanctions in cases where violations of lobbying regulations are determined.[28]

By 2010, professional lobbyists had already called for a special lobbying act, but there was no political will to pass the regulation, while international obligations pushed the government to regulate lobbying in the anti-corruption law ZIntPK.[29] They called for similar regulation, which would also apply to the legal profession, with a representative body such as the Bar Association, but were unsuccessful.[30]

In 2011, amendments to the ZIntPK 2010 introduced exceptions to the defining categories of lobbyists. **Professional lobbyists and non-professional/ in-house lobbyists or individuals employed in the private sector interest organisations, were still under the supervision of the CPC. However, individuals, informal groups and interest groups that influence the public decision-making with the intention of achieving a systemic enhancement of the rule of law, democracy, protection of human rights and fundamental freedoms (NGOs, trade unions, ethnic minorities, faith-based organisations, academics, etc.) were excluded from the supervision and reporting.** This means that not all lobbying contacts need to be reported by the lobbied person, and not all lobbyists have to register in the lobbying register and with the CPC.[31]

BAN ON DONATIONS TO POLITICAL PARTIES BRINGS IN-TRANSPARENT FINANCING UNDER THE TABLE

New regulations on political parties (Political Parties Act / ZPolS)[32] and election campaign financing (Elections and Referendum Campaign Act/ ZVRK)[33] were passed in 2013. These are in line with GRECO recommendations and other international recommendations, introducing a complete ban on contributions from legal entities, such as companies and other private organizations. Contributions from individuals cannot, in total, exceed 10 times the average gross monthly wage of employees in Slovenia. Information about a donor who contributes more than one average gross monthly wage must be provided to the public through annual reports. Supervision has also been enhanced, as the Court of Audit[34] conducts audits on the financial operations of political parties.[35]

The law can be considered a step forward on transparency, supervision and sanctioning, but deficiencies still exist, since loopholes in the law still allow donations "under the table". In practice political parties are closely connected with strong interest groups and lobbyists. Due to these strong ties political parties are predominantly seen as pursuing narrow party (political) interests, which lead to the perception that the Slovenian government is under the influence of political elites and their interests. This lowers public trust in the rule of law and politics.[36]

After the government proposed minor changes of the Political Parties Act, the deputies to the National Assembly proposed additional amendments to legislation in June 2014, which softened transparency and decreased sanctions for legislative breaches and passed them through fast and urgent procedure.[37] Equality of access to the stakeholders was not guaranteed since deputies

22 National Assembly (1999) *The Lobbying Bill – EPA 0888-II* Poročevalec Državnega zbora RS, No. 57/99, Ljubljana: National Assembly Archives.

23 Igličar, A. (2004) *Sociologija prava [Sociology of Law]*. p.283-289.

24 The Lobbying bill – EPA 0888-II (1999, 2002) National Assembly Archives.

25 Ibid.

26 Official Gazette (2010, 2011) *The Integrity and Prevention of Corruption Act, 45/10, 69/11*. Available from: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523 [15.5.2014]; English translation available from: www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [15. 5. 2014].

27 Habič, S. ed. (2012) *National Integrity System Study – Slovenia*, Ljubljana: Transparency International Slovenia, p.25. Available from: http://nis.integriteta.si/images/pdf/knjiga_integriteta_2012.pdf [15. 5. 2014].

28 Official Gazette (2010, 2011) *The Integrity and Prevention of Corruption Act, 45/10, 69/11*. Available from: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523; an English translation available from: https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [15. 5. 2014].

29 The regulation of lobbying was in the process of preparation of the ZIntPK recognised as one of the main objectives in the conceptual documents of the European Union. Lobbying regulation in Slovenia is based on the OECD report "Lobbyists, Governments and Public Trust: Building a Legislative Framework for Enhancing Transparency and Accountability and Lobbying". Available from: www.oecd.org/corruption/ethics/lobbyistsgovernmentandpublictrustvolume1.htm. The documents of the EU Commission and the OECD are taken into account as the international obligations of the state to implement anti-corruption regulation on lobbying is evident from the introductory explanation of the ZIntPK. See Government of the Republic of Slovenia (2010) Proposal of the Law on Integrity and Prevention of Corruption, EVA 209-3111-0031(first reading): Objectives, principles and main solutions of the bill, p. 7. Available from: www.vlada.si/fileadmin/dokumenti/si/sklepi/seje_vlade/70_seja/70sv6.DOC [12. 5. 2014].

30 Doria, V. (2014) *Interview with Miheal Cigler, president of Association of lobbyists*. Ljubljana. [17. 9. 2014].

31 This exception was introduced as an interpretative provision, which derives from the principles of democracy and the related rights of participation in public affairs, laid down in Article 44 of the Constitution of the Republic of Slovenia. This is the constitutional basis for active citizenship and public control over the exercise of official authority and a public interest.

32 Official Gazette (2014) Political Party Act. 99/13. Available from: www.uradni-list.si/1/objava.jsp?urlurid=20141917 [15. 5. 2014].

33 Official Gazette (2013) T*he Elections and Referendum Campaign Act99/13*. Available from: www.uradni-list.si/1/objava.jsp?urlurid=20133490 [15. 5. 2014].

34 Court of Audit of the Republic of Slovenia (2014). Available from: www.rs-rs.si/rsrs/rsrseng.nsf/uvod?openForm

35 Official Gazette (2013) *Political Party Act*. 99/13. Available from: www.uradni-list.si/1/objava.jsp?urlurid=20141917 [12.5.2014]; and Official Gazette (2013) The Elections and Referendum Campaign Act. 99/13. Available from: www.uradni-list.si/1/objava.jsp?urlurid=20133490 .[12.5.2014].

36 Žerdin, A. (2012) *Omrežje moči: epicentre slovenske politične in gospodarske elite [Network of Power: epicenter of Slovenian political and economic elite]*, Ljubljana: Mladinska knjiga.

37 Habič, S., Doria V. (eds.) (2014) *Transparency in the Funding of Political Parties in Slovenia*. Ljubljana: Transparency International Slovenija – Društvo Integriteta. Available from: http://crinis.integriteta.si/images/pdf/porocilo/knjiga_INTEGRIRETA_2014_ANG.pdf [3. 5. 2014].

breached the Resolution on Legislative Regulation, which requires broad public consultation on the changes of legislation.[38] These amendments were passed after GRECO had sent a response report on the success of the implementation of its recommendations from 2007 to the government.[39]

ACCESS TO INFORMATION IS A CRUCIAL CONTROL MECHANISM

Slovenia has a robust and comprehensive access to information legal framework. It is ranked second, with the score of 129, in the Global Right to Information Rating,[40] but implementation of the framework is insufficient.[41] The right of access to information is regulated in the Public Information Access Act (ZDIJZ),[42] which with new amendments in 2014 includes state and municipality owned companies and companies where state or municipality has a significant share, but does not cover political parties.

Reports on lobbying contacts fall under the provisions of Act on Public Information Access Act (ZDIJZ) and are accessible for the citizens through the CPC, which is responsible for the lobbying register, including access and breaches. The main problem is that public civil servants and public officials do not report contacts and lobbyists do not enter their details into the register, so the data does not present the full picture. The public, the media and other watchdogs use this instrument for oversight rarely, while at the same time these data does not enable them to use the instrument effectively.

HIGH PROFILE CASES OF TRADING IN INFLUENCE SHOW MISUSE OF LOBBYING

Slovenia has ratified United Nations Convention against Corruption,[43] the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,[44] the Civil Law Convention on Corruption,[45] and Criminal Law Convention on Corruption.[46] Provisions on trading in influence were incorporated in the Criminal Code.[47] However, GRECO's Third Evaluation Round, Compliance Report on Slovenia (Incriminations and Transparency of Party Funding) recommends that the requirement of dual criminality, which requires that an act of corruption committed abroad should be an offence in the country where it was committed before sanctions can be brought in Slovenia, should be excluded from legislation. Instead, the law should allow for the exercise of jurisdiction over bribery and trading in influence offences committed abroad by (or involving) Slovenian public officials and members of domestic public assemblies who are not Slovenian citizens.[48]

It has been demonstrated in reported cases and in interviews that trading in influence in connection with illegal lobbying and bribery, presents one of the most typical forms of corruption in Slovenia, as strong connections and acquaintances in the political and economic sphere are common.[49] In the last couple of years the Police and Special Prosecutors Office made advances in the prosecution of trading in influence, as can be seen in the Table 1 below.

Cases concluded by the Slovenian courts involve high-level officials, who were connected with illegal lobbying. In one case a Slovenian member of the European Parliament, Zoran Thaler, agreed with undercover journalist to file a legislative amendment to an EU directive in exchange for a monetary reward. The suspect agreed to plead guilty in exchange for a reduced sentence. He received a prison sentence of two years and a six months and a fine of 32,250 euro.[50] Another case concerned an arms deal for Finnish armoured vehicles Patria, involving high-ranking public officials, including the former prime minister, Janez Ivan Janša, and representatives (lobbyists) of the Patria company. All accused were found guilty of giving or accepting gifts/benefits for illegal intermediation and were imprisoned.[51] Janez Ivan Janša received two years imprisonment and 37,000 euro fine.[52] However, the proceeding before the Constitutional Court is still open.

Year	Reports of offences received[53]	Indictments filed	Verdicts	Convictions
2010	186	39	22	3
2011	205	24	18	5
2012	192	84	33	24
2013	161	58	57	39
Total	744	205	130	71

Table 1: *Criminal statistics on corruption related offences.*[54]

38 Official Gazette (2009) *Resolution on Legislative Regulation, 95/2009*. Available from: www.stopbirokraciji.si/zakaj-boljsi-predpisi/resolucija-o-normativni-dejavnosti/ [15. 5. 2014].

39 Ministry of Internal affairs (2014) *Vlada se je seznanila z Dodatkom k drugemu poročilu Greco o Republiki Sloveniji in njenemu izpolnjevanju priporočil v tretjem krogu ocenjevanja [The government acknowledges GRECO's second amendment to the report on Slovenia and its compliance with the recommendations]*. Ljubljana: Ministry of Internal Affairs. Available from: www.mnz.gov.si/si/novinarsko_sredisce/novica/browse/3/article/12208/8909/7ee80d0949a66a7fb9d38871daaec3a7/ [16. 5. 2014].

40 Global Right to Information Rating (2014). Available from: www.rti-rating.org/ [15. 5. 2014].

41 Habič, S. ed. (2012) *National integrity System Study – Slovenia*. Available from http://nis.integriteta.si/images/pdf/nis_report_english.pdf [29. 4. 2014].

42 Official Gazette (2014) *Public Information Access Act*, UR.l.RS 51/06, 50/14. Available from: www.uradni-list.si/1/objava.jsp?urlid=200651&stevilka=2180 [15. 5. 2014].

43 Official Gazette (2008) *Act Ratifying the United Nations Convention against Corruption, 5/08 and 13/09*. Available from: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5343 [15. 5. 2014].

44 Official Gazette (2001) *Act Ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 1/01*. Available from: www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/PDF/Mednarodne_pogodbe/Original/82-2001-001.pdf.

45 Official Gazette (2003) *Act Ratifying the Civil Law Convention on Corruption, 8/03*. Available from: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3191 [15. 5. 2014].

46 Official Gazette (2000) *Act Ratifying the Criminal Law Convention on Corruption, 7/00*. Available from: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2342 [17. 5. 2014].

47 Official Gazette (2012) *Criminal code of the Republic of Slovenia*, KZ-1-UPB2, 50/2012. Available from: www.uradni-list.si/1/content?id=109161 [18. 5. 2014].

48 Greco (2010) *3th Evaluation Round. Compliance Report on Slovenia – Incriminations and Transparency of Party Funding*, Strasbourg: GRECO, p.3. Available from: www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2009)1_Slovenia_EN.pdf [20. 6. 2014].

49 Commission for the Prevention of Corruption (2014) *Response and Opinion to the Conviction in the Patria Case*, Ljubljana: Commission for the Prevention of Corruption. Available from: www.kpk-rs.si/sl/komisija/medijsko-sredisce/arhiv-novic/06/2013/odziv-kpk-na-sodbo-v-zadevi-patria. [20. 6. 2014]

50 District Court of Ljubljana (2014) *Judgement in the Case No. X K 44660/2012*.

51 Higher Court of Ljubljana (2014) *Judgement in the Case No.* II Kp 2457/2010. Available from: www.rtvslo.si/files/Slovenija/sodba_-_patria.pdf [15. 6. 2014].

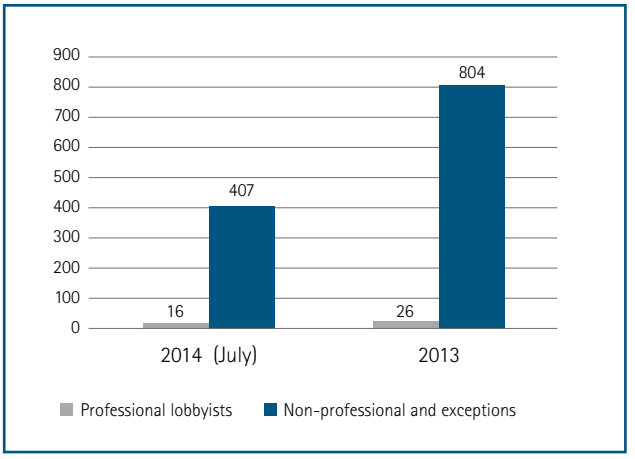
52 Ibid.

53 However, data does not allow us to specifically define how many cases of trading in influence are connected with illegal lobbying as cases vary from trading in influence to more conventional cases of corruption (for example bribery of police officers).

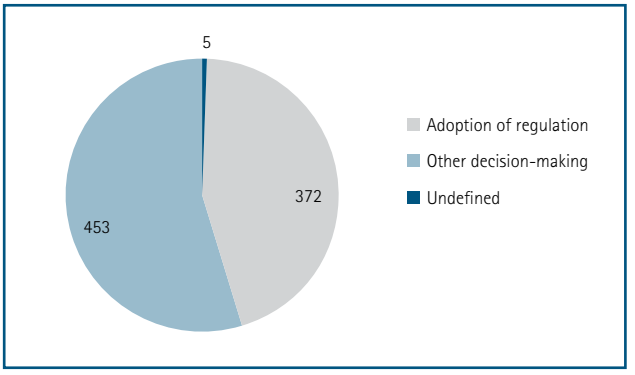
54 Supreme Prosecutor's Office (2014) *Annual Report for 2013*, Ljubljana: Supreme Prosecutor's Office. Available from: www.dt-rs.si/uploads/documents/letno%20porocilo/porocilo-2013.pdf [15. 5. 2014].

INTENSITY AND SCALE OF LOBBYING

Official data gathered from the CPC and information gathered from interviews illustrate that the culture of reporting of lobbying contacts is improving, but is still not satisfactory. By law, lobbied persons need to regularly submit reports on lobbying contacts to the CPC, and lobbyists (only professional ones) report annually.[55] Lobbyists mostly targeted the Ministry of Finance, the Ministry of Education, Science, Culture and Sport and the Ministry of Agriculture. The Ministry of Infrastructure and Spatial Planning, Ministry of Labour, Family, Social Affairs and Equal Opportunities, which regularly introduce strategically important legislation did not report contacts with lobbyists as frequently. Some deputies to the National Assembly groups reported a number of lobbying contacts, others not. Local authorities did not report lobbying at all, but that of course does not mean that lobbying does not exist. In fact, it is quite the opposite; the local level is laced with strong interest groups, supported by the findings of the CPC, Court of Audit and TI Slovenia. Graph 1 and the findings of the interviews show that lobbying is quite underdeveloped as professional lobbyists represent a minority of lobbying contacts, while many lobbying contacts stay outside of the reported contacts.



Graph 1: *Number of reported lobbying contacts.*



Graph 2: *Reasons given for lobbying.*

Lobbied persons from Ministry of Finance reported most lobbying contacts (29) along with the Ministry of Education, Science, Culture and Sport (14). The political parties or deputy groups most often reported as targets of lobbying included the Social Democrats *(Socialni Demokrati)* (25), New Slovenia *(Nova Slovenia)* (16) and Positive Slovenia (*Pozitivna Slovenija* (PS)) (9). The CPC also received a number of reports from the Public Agency of the Republic of Slovenia for Medicinal Products and Medical Devices (32), the Government of the Republic of Slovenia (18) and the president of the National Assembly (9). There were 60 registered lobbyists in that year.

Most reported lobbying contacts occurred in the fields of economics, the energy industry and entrepreneurship, as well as the audio-visual industry and the media.[56] In 2012, the CPC issued 18 warnings and three decisions on minor offences, including two warnings and a fine.[57]

OFFICIAL DATA ON LOBBYING DOES NOT COVER ACTUAL LOBBYING IN PRACTICE

The analysis of official lobbying data and the activities of decision-makers in the legislative process, supported by interviews, suggest that lobbying takes place outside of the reported contacts; so called "shadow lobbying". The undercover practice of lobbying has a number of systemic causes, resulting in a "grey area" where unpermitted influence on decision-making is exercised. The evaluation of lobbying leads to a wide network of narrow interests and corruption risks within the public sector, including the economic, fiscal, health care, administrative and legislative sub-systems. It is not possible to determine exactly who the most active (shadow) lobbyists are and who has significant influence on the political decision-making process.

The statistics,[58] the CPC, conducted interviews,[59] and opinions by the members of the advisory group all suggest that the implementation of legal provisions on lobbying is inadequate. Public officials and civil servants are generally unfamiliar with their responsibilities, and fail to report lobbying contacts or illegal lobbying.[60] The Ministry of Health is an example of this bad practice, with an extremely low number of reports. Although a target of strong interest groups, which was publicly announced by the previous Minister of Health Tomaž Gantar (in office between 2012–2013) and a number of public whistleblowers,[61] the Ministry reported only eight lobbying contacts in 2013 while the health reform was being prepared.

In addition, analysis of media reports shows that individual journalists regularly report on shadow lobbyists, who influence the decision-making processes. There is also evidence that with the

55 Official Gazette (2010, 2011) *Integrity and Prevention of Corruption Act, 45/10, 69/11*. Available from: www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [15. 5. 2014].

56 The Commission for the Prevention of Corruption (2013) *Annual Report 2012*. Available from: www.kpk-rs.si/sl/komisija/letna-porocila [15. 6. 2014].

57 Ibid.

58 Please see above, Intensity and Scale of Lobbying.

59 Please see the list of interviews in Annex 4 of this report.

60 The Commission for the Prevention of Corruption *(2012) Systematic Principle Opinion and Recommendation, nr. 1/2012*. Available from: www.kpk-rs.si/upload/datoteke/Sistemsko_naaelno_mnenje___048_pdf[1].pdf [21. 6. 2014]; and see the list of interviews in Annex 3 of this report.

61 MMC RTV SLO (2014) *Igor Šoltes: Različni lobiji imajo po Sloveniji veliko strank [Igor Šoltes: Various lobbies have a lot of customers in Slovenia]*. Available from: www.rtvslo.si/slovenija/igor-soltes-razlicni-lobiji-imajo-po-sloveniji-veliko-strank/327781 [11. 4. 2014].

creation of this grey area for lobbying, lawyers are also acting as lobbyists. Lawyers have categorically rejected lobbying regulation and consider that the lobbying provisions in ZIntPK do not apply to them, referring to the role and legal regulation of attorneys.[62]

While shadow lobbying is a big problem at the national level, it is an even bigger challenge in local government. Since there is no reporting of lobbying at the local level all lobbying at local level can be considered "grey" lobbying.[63]

As stated, the official data of lobbying contacts reported to the CPC are not reliable. This is additionally backed up with the example of good practice lobbying by CNVOS.[64] They transparently communicate with the government and the National Assembly about upcoming legislative and policy proposals on a daily basis, resulting in a couple of hundreds contacts each year.[65] The same applies for trade unions.[66]

The research shows systemic deviations,[67] reflected in the misapplication or even abuse of legal exceptions to lobbying regulation. These usually apply to individuals or groups influencing legislation with the intention of strengthening the rule of law or protection of human rights. This abuse of the exception facilitates lobbying in the shadows, which goes unregistered and unreported. As a result it is clear that transparency in decision-making and lobbying contacts, including ones made in the public interest, needs to be enhanced.[68]

There is a lack of data on the exact level of expenditure of lobbying in Slovenia (professional lobbyists). The Information Commissioner has issued a final decision, that the value of lobbying contracts should not be made public, as it could enable a competitive advantage for the interest groups in the market.[69]

PROFESSIONAL ASSOCIATIONS NEED TO IMPLEMENT SELF-REGULATION MECHANISMS

Attempts at self-regulation were begun when the first lobbyist organisation in Slovenia was founded in 1994. A lobbyist section was founded as part of the Public Relations Society of Slovenia. A special Code of Ethics was adopted, including provisions that lobbyists cannot use false or misleading information, and are obliged to reveal the intent of their lobbing and that they may not offer lobbied persons monetary or other awards.[70]

The legal framework for self-regulation and ethical mechanisms of lobbying activity was established through ZIntPK in 2010. The provisions on freedom of establishing an association and the adoption of an ethical code and code of conduct allows lobbyists to assume control over their activity, as well as raise awareness and advocate for more ethical lobbying.[71] Based on these provisions, the Association of Slovenian Lobbyists was established in 2010. After the initial excitement and the adoption of the code, the Association of Slovenian Lobbyists activities decreased. It still has 20 members, but it is rather passive and inoperative in public. While the members supposed to be aware and educated about ethical behaviour, the Association does not provide additional training as a precondition for membership. The decrease of activities is connected with the stigmatisation of lobbying Association and connection of the Association with corruption in the media.[72] The lobbying profession needs to be more active to improve the reputation of the profession and establish rules. Since they know their profession best, supervision and reporting of illegal lobbying needs to be a priority for the professional lobbyists to minimise the "grey area" and shadow lobbying.

Today, the codes of conduct and codes of ethics of other related organisations, for example lawyers,[73] do not contain provisions on lobbying. They perform lobbying services as defined in ZIntPK and they should without exceptions follow this regulation. However, practice shows that lawyers, individuals and various consultative agencies actively lobby, but as their activities are not seen as lobbying they are not regulated and consequently the lobbying law is not respected.[74]

While some professional associations, like the Chamber of Commerce and Industry of Slovenia[75] have their own lobbying department,[76] they do not have specific mechanisms for ethical and transparent lobbying. Other professional associations, like the Managers' Association of Slovenia and United Nations Global Compact Slovenia (Ethos Initiative) have their own internal rules for its members, but none of them directly relates to lobbying.

Self-regulation of lobbying is still under-developed and mechanisms need to be recognised as an opportunity for greater transparency and control. **Much more has to be done to ensure proper ethical standards and control mechanisms for transparent and ethical lobbying among all categories of lobbyists, including professional, for-profit companies, professional associations and NGOs.**

62 Velkavrh, G. (2011) Odvetnik v registru lobistov? [*A Lawyer in the Lobbyists Register?*]. *Odvetnik magazine* 53, pp.24-25. Available from: www.odv-zb.si/upload/revija/ODVETNIK%20st%2053.pdf; and Kečanović, B. (2014) *Interview with Gregor Simoniti, lawyer,* [11. 4. 2014].

63 Igličar, A. (2014) *Interview with dr. Matjaž Andrejašič, director of EPIK* [15. 4. 2014].

64 The national NGO umbrella body, discussed in Case Study: Positive example of equal participation in decision-making process and transparent lobbying by civil society.

65 Doria, V. (2014) *Interview with Goran Forbici, director of CNVOS* [10. 9. 2014].

66 Doria, V. (2014) *Interview with Andrej Zorko,* Confederation of Free Trade Unions [15. 9. 2014].

67 By systemic deviations we mean: deficiencies of the regulation and practice of the functioning and financing of political parties, issues connected with the meaning and application of the definition Čpublic sector«, systematic violations of statutory provisions on lobbying and systemic reasons for the ineffectiveness of control over these violations, as further explained in individual sections of the report below.

68 Additional explanation is provided below in "Weaknesses in the Lobbying Regulation".

69 Information Commissioner for Access to Public Information (2012) *Decision of the Commissioner for Access to Public Information, number* 090-86/2012/2, 28.5.2012. Available from: www.ip-rs.si/informacije-javnega-znacaja/iskalnik-po-odlocbah/odlocbe-informacije-javnega- znacaja/?tx_jzdecisions_pi1%5BshowUid%5D=1697ftcHash=d669f1d689a35299b9f4a1429feb3ab9 [20.6.2014]; see also Delić, A, (2012) 'Lobiranje: Kdo si podaja kljuke funkcionarjev' *[Lobbying: who is lobbying the most]. Delo,* 23.01.2012. Available from: www.delo.si/zgodbe/ozadja/lobiranje-kdo-si-podaja-kljuke-funkcionarjev.html [20. 6. 2014].

70 Public Relations Society of Slovenia (1994) *The Lobbyist Professional Code of Conduct,* Ljubljana: Public Relations Society of Slovenia. Kovač, B. (2002) *Lobiranje v neprofitnem sektorju [Lobbying in the NGO sector].* Available from: www.fm-kp.si/zalozba/ISBN/961-6268-67-8/213-230.pdf [25. 6. 2014].

71 Commission for the Prevention of Corruption (2011) *Integrity and Prevention of Corruption Act,* Article 57. Available in English from: www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [30. 6. 2014].

72 Doria, V. (2014) *Interview with Mihael Cigler, president of the association of lobbyists* [17.9.2014].

73 Bar associations of Slovenia (2011) *Code of Professional Ethics*. Available from: www.odv-zb.si/predpisi/odvetniska-poklicna-etika [20. 6. 2014].

74 Kečanović, B. (2014) *Interview with Gregor Simoniti, lawyer* [11. 4. 2014].

75 Chamber of Commerce and Industry of Slovenia (2014). Available from: http://eng.gzs.si/slo/ [30. 6. 2014].

76 Legislation and Policies Lobbying Centre at the Chamber of Commerce and Industry of Slovenia. Available from: http://eng.gzs.si/slo/about_us/organisation/departments [30. 6. 2014].

MEDIA AND CIVIL SOCIETY AS WATCHDOGS

The Reporters Without Borders Index shows a consistent decline in the freedom of the press in Slovenia. Since 2005 Slovenia dropped in ranking from 9 to rank 46 in 2010, and slightly improved in 2014 on the 34th place among 180 countries.[77] The media landscape in Slovenia is unique due to the complex social, economic, legal and political circumstances of the past two decades. Economic growth, political and economic changes and transition have also influenced the ownership of the media, increased hidden political influence and control and undermined the role of journalism. The state still has a significant indirect share and influence in media companies; in addition political and business elites guide media content.[78]

The Slovenian media cannot be considered a particularly "healthy", stable and developing industry. The National Integrity System analysis by Transparency International Slovenia highlights profound problems with the independence of the media and reporting.[79] Media independence and freedom is seriously endangered due to political and economic pressures, lack of transparency, the impacts of media ownership and the amount of advertising.

Investigative journalism is still underĐdeveloped; journalists often work under immense pressure and do not focus on thorough investigation, articles often published without any additional evaluation of data authenticity.[80] The media are a popular target for "lobbyists", as they provide information to a number of individual journalists, who predominantly serve a narrow circle of private interests.[81] This is additionally reflected in the case study Corporate lobbying with strong interest networks and financial inputs – lobbying or trading with democracy and the rule of law?.

There is inadequate civil society monitoring of lobbying activities. The CPC received only 24 demands for access to information on lobbying between 2010 and July 2014.[82] There were 20 demands from journalists and four demands made by citizens. Despite the positive exceptions of some investigative journalists, there has been no great interest in lobbying in the media; only a few in-depth investigative news articles have been produced. There is a weak watchdog culture in both the media and civil society, resulting in a poorly informed society.

This research supported by interviews,[83] has revealed that journalists and media outlets who have engaged in monitoring lobbying activity, and have uncovered cases of "grey areas" or illegal practices, have been subjected to pressure, including dubious offers, pressure and threats. Lobbying and whistleblowing legislation is powerless in uncovering illegal and unethical practices, or in providing protection for investigators in the face of sophisticated and secretive networks that use improper influence, pressure and threats. Slovenian journalists are being prosecuted for reporting on wrongdoings of politicians and misuse of power in Slovenia.[84] However, the condemnation of this by the European Court of Human Rights in the case of the journal Mladina,[85] is likely to have a positive effect on the reporters' self-confidence and courage when critically reporting on the statements made by politicians. It should also have a positive effect on judicial decision-making, recognising reporters as guardians of an open democratic dialogue and becoming aware of the negative consequences of the unjustified sanctioning of critical journalists.[86]

Interest organisations with strong economic backgrounds have a dominant influence of political parties and strong interest groups.[87] However, according to the National Integrity Study analysis, NGOs are underdeveloped and do not have the resources to influence important social and political decision-making processes.[88] They are therefore also incapable of monitoring lobbying.[89] The development and the influence of NGOs on social progress is hindered by the power and interests of the major political parties.[90] Since the political party elite never sought public consensus about the equality and balance of various sectors and activities and their role in citizen welfare,[91] NGOs are perceived to be the weakest sector of the Slovenian National Integrity System. The Slovenian NGOs' funding is predominantly based on the government funds, which compromises their independence and enables influence on their activities. This presents corruption risks in the civil society sector, which have not been addressed as a CIVICUS[92] report shows. However, despite this there are a number of civil society organisations that deal with corruption issues and uncover the consequences of illegal or hidden lobbying especially in the health,[93] energy[94] and environment sectors.[95]

77 Reporters without Borders (2014) *World Press Freedom Index 2014*. Available from: http://rsf.org/index2014/ [30. 6. 2014].

78 Milosavljević, M. and Vobič, I (2014) *Media Landscapes – Slovenija,* Maastricht: European Journalism Centre. Available from: http://ejc.net/media_landscapes/slovenia [22. 5. 2014].

79 Habič, S. ed. (2012) *National Integrity System Study – Slovenia*. Ljubljana: Transparency International Slovenia – Društvo Integriteta, p. 132. Available from: http://nis.integriteta.si/publikacija/national-integrity-system-slovenia [22. 5. 2014].

80 Habič, S. ed. (2012) *National Integrity System Study – Slovenia*. Ljubljana: Transparency International Slovenia – Društvo Integriteta, p. 132. Available from: http://nis.integriteta.si/publikacija/national-integrity-system-slovenia [22. 5. 2014].

81 Doria, V. (2014) *Interview with Vasja Jager, journalist of daily newspaper Večer,* [18. 9. 2014].

82 Commission for the Prevention of Corruption (2014) *Official Note of the Transmission of Public Information*, Ljubljana: Commission for the Prevention of Corruption.

83 Kečanović (2014) I*nterview with Tatjana Pihler, journalists of daily newspaper Dnevnik* [14. 4. 2014], and analysis of media articles and the decision of the Journalists' Court of Honour of a breach of the code of journalistic ethics represented in the Case Study Corporate lobbying with strong interest networks and financial inputs – lobbying or trading with democracy and the rule of law?

84 Greenslade, Roy (2014) 'Slovenian Journalist Facing Jail for Revealing Party's Neo-Nazi Links' *Guardian*. Available from: www.theguardian.com/media/greenslade/2014/sep/15/press-freedom-slovenia [22. 5. 2014].

85 European Court of Human Rights (2014) *Case of Mladina d.d. Ljubljana v. Slovenia*. Available from: http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-142424#{Čitemid«:[Č001-142424«]} [22. 5. 2014].

86 The Constitutional Court had, less than a month after its adoption, already referred to the ECtHR judgment in the Mladina case, in the decision in which it repealed the judgment against the comedian Aleksander Hribar (Up-584/12-12, from 22. 5. 2014).

87 Fink-Hafner D. (1998) *Raziskovanje policy omrežij. Teorija in praksa [Research of policy networks. Theory and practice]*, št. 5/1998.

88 Habič, S. ed. (2012) National Integrity System Study – Slovenia. Ljubljana: Transparency International Slovenia – Društvo Integriteta, p. 132. Available from: http://nis.integriteta.si/publikacija/national-integrity-system-slovenia [22. 5. 2014].

89 Jelovac, D. ed. *Jadranje po nemirnih vodah menedžmenta nevladnih organizacij [Sailing in the troubled waters of management of NGOs]*. Ljubljana: Radio Študent, ŠOU, pp.213-31. Available from: www.fm-kp.si/zalozba/ISBN/961-6268-67-8/213-230.pdf [22. 5. 2014].

90 Ibid.

91 Ibid.

92 Civicus (2011) *Civil Society Profile: Slovenia*. Available from: http://socs.civicus.org/2011/CountryCivilSocietyProfiles/Slovenia.pdf [16. 6. 2014].

93 Iniciativa zdravnikov (2014) Available from: www.iniciativa-zdravnikov.si [16. 6. 2014].

94 Focus, Association for Sustainable Development (2014) Available from: www.focus.si/index.php?node=35 [16. 6. 2014].

95 Greenpeace (2014) TEŠ 6: *Moratorij na odločanje, etično razsodišče ter trajnostni energetski scenarij kot bistveni elementi katerekoli koalicijske pogodbe [Moratorium on the ruling, the ethical committee and sustainable energy scenario as essential elements of any coalition agreement]*. Available from: www.greenpeace.org/slovenia/si/Medijsko-sredisce/zadnje-objave/_odprto_pismo/; [16. 6. 2014] Umanotera (2014) *Zakon o poroštvu TEŠ 6 zrel za protikorupcijsko komisijo [The Act Regulating the Guarantee for TEŠ 6 mature for the revision of the Commission for the prevention of corruption]*. Available from: www.umanotera.org/upload/files/PR_prijava_protikorupcijska_komisija_20110928.pdf [16. 6. 2014].

Corporate lobbying with strong interest networks and financial inputs – lobbying or trading with democracy and the rule of law?

In 2010, the public was alerted to controversial economic, political and other circumstances surrounding biogas energy production from renewable sources. In 2011, an open letter by a group of intellectuals[96] drew attention to the unorthodox and suspicious avoidance of environmental impact assessments and the effects of some changes in legislation. The group called for an immediate public discussion on the production of biogas,[97] as it was mostly financed by the state.

Attention was drawn to the pressures and controversial lobbying by the biogas lobby, Keter Group. The group of intellectuals informed the Commission for the Prevention of Corruption, as this type of lobbying was systemic. The Keter Group ordered paid advertisements in the biggest daily newspapers, often without explicitly stating the content was a paid advertisement (by law all advertisements need to be labelled as such to distinguish them from news content) or by making it seem it was written by an independent journalist and authorised by the newspapers' editors. Boris Vezjak with co-signatories issued a complaint against a journalist to the Journalists' Ethics Committee of the Slovenian Journalist Association to evaluate the professional and ethical dimensions of such conduct by media representatives. The Journalists Ethics Committee issued an opinion that the journalist violated the Journalists Code of Ethics by falsely presenting the advert paid for by the Kester Group as an article.[98]

Other journalists who reported on the issues rising on producing biogas and followed professional standards, had received inappropriate messages and threats to change their reporting. A legacy of the Kater Group remains in the tens of millions of euro in outstanding loans that were transferred from the state owned banks to the bad bank, therefore a debt that will be covered by the state budget. Some of the farmers and businesses that used the Group's project design and biogas plant construction services also went bankrupt due to outstanding loans.

This case study represents a form of indirect lobbying where the lobbyists abused the media to influence decision-makers and public opinion. The consequence of this particular lobbying strategy was financial support by the state to not previously assessed projects that not only had a dubious environmental impact, but now also represent a huge burden to public finances.

96 Vezjak B. Flajšman B, Plut D. Kajfež Bogataj L. Hanžek M. Omladič L., (2011) *Bioplinarne so v Sloveniji za zdaj zlorabljen energetski project [Biogas plants in Slovenia are currently seen as an abused energy project]* Available from: www.dnevnik.si/mnenja/pisma-bralcev/1042431999 [19. 06. 2014]

97 Ibid; See also: Pihlar, T. (2010) *Bioplinske naprave - energetska priložnost ali velika grožnja okolju in pridelavi hrane [Biogas plants - energy opportunity or a great threat to the environment and food production]*. Available from: www.dnevnik.si/slovenija/1042400032; Pihlar, T. (2011) *Absurdno je bioplin proizvajati iz koruze [It is absurd to produce biogas from corn]*. Available from: www.dnevnik.si/slovenija/1042441491; [30. 06. 2014]; Pihlar, T. (2011) *Bioplinarji: Panika zaradi bioplina prihaja le s kmetijskega ministrstva [Bio gas producers: Stampede on biogas comes only with the Ministry of Agriculture]*. Available from: www.dnevnik.si/slovenija/1042428499. [30.06.2014]; OKOLJSKI CENTER ČAlpe Adria Green int. org.« (2013), *Zaradi vabljivih subvencij so se v Sloveniji razbohotile megalomanske bioplinarne [Due to the subsidies the megalomaniac biogas plants flourish in Slovenia]*. Available from: http://alpeadriagreen.wordpress.com/2013/11/17/zaradi-vabljivih-subvencij-so-se-v-sloveniji-razbohotile-megalomanske-bioplinarne/[30.06.2014].; OKOLJSKI CENTER ČAlpe Adria Green int. org.« (2014) *Razlitje gnojnice v Radmožancih [Slurry spill in Radmožanci]*. Available from: http://alpeadriagreen.wordpress.com/2014/08/28/razlitje-gnojnice-v-bioplinarni-radmozanci/ [30. 06. 2014]

98 Journalists' Ethics Commission (2011) *Boris Vezjak s sopodpisniki proti Vlasti Tifengraber [Boris Vezjak with a co-signatory against Vlasta Tifengraber]*. Dnevnik. Available from: http://www.razsodisce.org/razsodisce/arhivb4e8.html?nid=283 [19. 06. 2014]

REGULATING LOBBYING: TRANSPARENCY, INTEGRITY AND EQUALITY OF ACCESS

This section provides a more detailed assessment of the regulation of lobbying and related activities in Slovenia, focusing on *transparency, integrity measures* and *equality* of access to decision-makers. Each section provides shortcomings and highlights the weaknesses of regulation and its implementation. It also indicates recommendations for improvements in the area of lobbying.

THE INTEGRITY AND PREVENTION OF CORRUPTION ACT

The statutory definitions in Slovenian law enable even those not proficient in law to understand the meaning of terms such as "lobbying", "lobbyists", "lobbied persons" (targets of lobbying), "interest groups" (contractors of lobbying), "lobbyist contacts" and "acts of lobbying". In particular, "lobbying contact" and "acts of lobbying" are defined based on the practice of lobbying.

"Lobbying is defined as work of lobbyists who are engaged on behalf of interest organisations 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".[99]

The legislation defines two categories of lobbyists, while the third category is characterised as an exception to lobbying and thus does not fall under the regulation of ZIntPK:

a) Professional lobbyists
b) Non-professional lobbyists or 'in-house lobbyists' – persons who lobby in the name of the organisation in which they are employed, but are not professional lobbyists, for example the CEO of a company.

Exceptions to lobbying:

c) Individuals, informal groups and interest groups that influence public decision-making with the intention of achieving a systemic enhancement of the rule of law, democracy, protection of human rights and fundamental freedoms

The regulation systematically divides the different categories of lobbyists, resulting in the need for precise assessments of particular cases in practice. Each case needs to be assessed to identify when a concrete situation complies with the definition of lobbying. If the assessment shows that a case demonstrates the elements of lobbying, identification of the lobbied person (the target, a public official etc.) and the lobbyist is necessary.

Weaknesses in the lobbying regulation

The research identified a number of weaknesses in the lobbying regulation. The first derives from the **unclear and uncoordinated legal definitions of civil servants**, as ZIntPK and Civil Servants Act define "civil servants" differently. The definition of the "lobbying targets" therefore does not include external consultants, who do not have the status of a public official or a civil servant. The constitutional lawyers in the analysis of the anti-corruption legislation have also highlighted this problem.[100]

The ZIntPK also covers the entire public sector, with the exception of public institutes and state and municipally owned companies. However, due to huge sums of (public) money flowing into these entities, they are popular targets for lobbyists. All professionals interviewed in this research, together with the research group agreed that the health sector provides a perfect example of the strong influence of intermediaries and suppliers providing its services to hospitals and healthcare institutions, primarily seeking to enforce their private interests. The regulation does not cover public entities that manage state-owned properties and assets and are actively involved in privatisation. The lack of transparency in the operations of the Bank Assets Management Company or the so-called "bad bank" and Slovenian Sovereign Holding is problematic and needs to be addressed.[101]

A number of questions arise from the **issues connected with exceptions of lobbyists.** These exceptions include lobbying by individuals and informal groups in the public interest, to strengthen the rule of law and protect human rights. Such lobbying does not fall under the lobbying supervision and reporting obligations. This is a consequence of already constitutionally guaranteed right of participation in public affairs. The opinions of experts from various fields are divided, with some of them believing that the

99 Commission for the Prevention of Corruption (2011) *Integrity and Prevention of Corruption Act Article* 4. In English. Available from: https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [18. 6. 2014].

100 The issue of unclear and legally insufficient definitions of the "public sector" in the preliminary definitions of the ZintPK Act, which also affects the shortcomings of the legal definition of lobbying targets, was raised by a group of constitutional experts. See Ribičič, C. Pirnat, R. Đebulj, J. (2014) *Ustavnopravna analiza predlogov za spremembe zakonodaje s področja preprečevanja korupcije [The constitutional analysis of proposals for changes to the legislation in the field of prevention of corruption]*. Ljubljana: Inštitut za ustavno pravo. Available from: http://ustava.si/wp-content/uploads/2014/02/Ustavnopravna-analiza-novele-ZINTPK_Pravno-mnenje-IUP_14-2-2014.pdf [16. 6. 2014].

101 STA (2014) *Razsipna slaba banka: v letu in pol zunanjim sodelavcem kar 12 milijonov evrov [Wasteful bad bank: in a year and a half outsource for as many as 12 million euros]*. Siol. Available from: www.siol.net/novice/slovenija/2014/11/razsipna_slaba_banka.aspx [24. 11. 2014].

regulation represents a good systematic breakdown of categories of lobbyists, while others believe that the regulation is insufficient and does not follow international practice, where civil society is subject to the same regulations professional lobbyists.[102] It is clear that there are opportunities for abuse, however:

- Representatives under this legal exception may take the opportunity to influence public officials for personal or other individual interests. Reports on lobbying contacts show that public officials sometimes report on these contacts, but the lobbyists in these cases should be listed in the register as professional lobbyists. In addition, the opinion of business representative is that some entities, for example trade unions, sometimes exceed their jurisdiction and abuse the systemic regulation for influencing and pushing for change in areas on which they are not registered and operative.[103]
- Business representatives stated that professional and non-professional lobbyists (referred as first and second category in this report) misuse the exception for illegal lobbying. The tactic is used as a pretext, it would be seen as they lobby in public interest.

These exceptions to lobbying have their roots in the constitution, but it is necessary that in the face of emerging corruption risks these lobbying contacts are addressed appropriately. **Transparency in lobbying contacts, even those carried out for strengthening the rule of law and protecting human rights, needs to be enhanced.** The interpretation of provisions regulating the exceptions needs to be restrictive, recognising that not every lobbying action from civil society is committed in the public interest.[104] This supports the finding that each lobbying contact must be analysed individually. In addition, the regulation should in this case allow the use of the "public interest test" (similar mechanisms are used by the Constitutional Court or Information Commissioner). This would have a positive impact on reducing the "grey area" lobbying.

Should lobbying be regulated in a special act?

With few exceptions, there is a general opinion among the interviewees and advisory group that lobbying needs a special act. The need for a clear distinction from other related activities calls for comprehensive regulation and definition. A special act would regulate the status, registration and control mechanisms of lobbying. Professional lobbyists believe that regulating lobbying in the Anti-Corruption Act does not contribute to a realistic public image of lobbying and is as such inappropriate.105 However, supervision and control over lobbying needs to be done by an independent, specialised anti-corruption institution. The only reason that comprehensive regulations on lobbying have not been adopted in the past is lack of political will. **It is therefore a justified recommendation of this report for the government and National Assembly to adopt a special act on lobbying.**

102 Transparency International Slovenia – Društvo Integriteta (2014) *Second Advisory Group Meeting*, [4. 9. 2014].

103 Ibid.

104 Doria, V. (2014) *Interview with Goran Forbici, director of CNVOS* [10. 9. 2014].

105 Doria, V. (2014) *Interview with Mihael Cigler*, president of Association of lobbyists [17. 9. 2014].

TOWARDS TRANSPARENCY

The aim of this research on transparency has been to answer questions on the extent to which the public have sufficient knowledge of lobbyists, the issues they are lobbying for or against, when and how lobbying takes place, how much is being spent in the process, and the results of these lobbying activities. The study also sought to investigate the extent to which the onus is placed on lobbyists and public officials to make these facts known transparently.

Slovenia achieved a score of 58 out of 100 for transparency of lobbying, showing that the picture is far from perfect: 'Access to information' was the best performing category (67/100), followed by 'Registration and disclosure by lobbyists' (60/100), 'Oversight of register and sanctions' (56/100) and 'Legislative footprint' (50/100).[106]

Transparency is an objective of the institutional regulation of lobbying: enabling the regulation of all activities, from the oversight of assets and accepting of gifts to the prevention and elimination of conflicts of interest, to the management of corruption risks and the establishment of control over lobbying.[107] The regulation demands that the process of providing and achieving transparency is executed in such a manner that it encourages good and limits unlawful and unethical practices.[108]

Access to information

The Public Information Access Act – ZDIJZ regulates access to information.[109] According to the RTI rating[110] it is one of the best in the world and is an example of a good practice.[111] In 2014 the amended Act (ZDIJZ-C) expanded the obligation to reveal public information about public enterprises and companies or other legal entities, in which the state, local community or other public entities have a majority share. This is an important provision for transparent lobbying in the public sphere.

This provision is important for transparent lobbying in public sphere. The counter of violations of the Resolution on Legislative Regulation by an NGO organisation CNVOS,[112] the Information Commissioner cases on violations of public information access, case studies and individual interviews indicate regular violations of public information access in law-making both at the state and local level. Also testing of access to public information (field tests) carried out as part of the National Integrity System study in 2012 showed severe anomalies.[113]

The CPC website tries to ensure equal access of information and transparency of lobbying by providing open access to information with detailed explanations on lobbying. It is possible to access the Register of Lobbyists, and review and use of forms and applications, which are an integral part of the administrative technical support of the registration and oversight of lobbying. The register only covers professional lobbyists. There are instructions for reporting violations of lobbying at the users disposal, which are accompanied with systemic and particular explanations regarding concrete cases of lobbying, annual reports, promotional and learning material. Employees of the CPC are, during their working hours, available to interested parties, so that individuals can personally or through other means of communication engage in conversations, send their application or post questions about lobbying.[114]

Mandatory register only for professional lobbyists

To obtain the status of a professional lobbyist and start lobbying one must register in the Register of Lobbyists. Lobbying prior to such registration is not permitted. To enter the Register, one should not be employed in the public sector, have not been deprived of the capacity to enter into contracts, and have not been convicted by a final judgment for a period of more than six months in prison for an intentionally committed a criminal offence, which is prosecuted ex officio. In addition, a public official cannot lobby for two years after the termination of a public function. **The mandatory Register of Lobbyists exists only for professional lobbyists, which includes only a small number of lobbyists or interest groups. "Non-professional" lobbyists do not register.**[115]

In order to register as a professional lobbyist, it is necessary to send an application that includes information about the eligibility for a registration into the Register of Lobbyists to the CPC.[116] These include personal name; tax ID number; the address to which the lobbyist wishes to receive notifications about public events and consultations related to the registered field of lobbying; the company or the name and the place of establishment of the corporation, private entrepreneur, or interest group if the lobbyist is employed with them; and information on the areas in which the lobbyist wishes to lobby. All information included in the Register, except for the tax ID number, is public and is published on the official page of the CPC.[117] Publicly available data in the register

106 See Annex 1 for the questionnaire and overall scores.

107 Commission for the Prevention of Corruption (2011) *Integrity and Prevention of Corruption Act*, Article 1 and 2. In English. Available from: https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [16. 6. 2014].

108 Ibid.

109 Official Gazette (2006) *Public Information Access Act – ZDIJZ, Ur. l. RS 51/06*. Available from: www.uradni-list.si/1/objava.jsp?urlid=200651&stevilka=2180

110 *Global Right to Information Rating* (2014). Available from: www.rti-rating.org/

111 Banisar, D. (2011) *The Right to Information and Privacy: Balancing Rights and Managing Conflicts*. Washington: The World Bank. Available from: http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Right%20to%20Information%20and%20Privacy.pdf [19. 6. 2014].

112 CNVOS (2014) *Števec kršitev resolucije o normativni dejavnostih [The counter of violations of the Resolution on Legislative Regulation]*. Available from: http://stevec-krsitev.si/ [15. 6. 2014].

113 Transparency International Slovenia - Društvo Integriteta (2012) *Test dostopa do informacij javnega značaja [Field tests on Access to information]*. Available from: http://nis.integriteta.si/images/stories/pdf_dokumenti/field_tests.pdf [16. 6. 2014].

114 Commission for Prevention of Corruption. Available from: www.kpk-rs.si/en [6. 6. 2014].

115 Commission for the prevention of Corruption (2011) *Integrity and prevention of corruption Act in English*. Articles 56-58, 70. Available from: https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [16. 6. 2014].

116 Instructions with the e-form are available on the official page of the Commission for the Prevention of Corruption https://www.kpk-rs.si/sl/eobrazci/eobrazci/41 [20. 6. 2014].

117 Commission for Prevention of Corruption. Available from: https://www.kpk-rs.si/en [6. 6. 2014].

do not provide sufficient insight and transparency of lobbyists' activities. However, the latter are accessible from the reports of lobbyists, available on request via Access to information Act.

Although the register applies only for professional lobbyists, expanding the register to other categories of lobbyists is questionable.[118] As a systematic approach to regulating lobbying it represents a good starting point. Transparency of lobbying would need to be guaranteed with different tools, the most comprehensive being the legislative footprint and the reporting of all lobbying contacts by public officials and functionaries. IT tools can support these administrative processes and relieve the bureaucratic burden.

Transparency, visibility and openness of data about the activities of professional and un-professional (first and second category) lobbyists is ensured with the obligation of the lobbyists to provide the lobbied person (target of lobbying) identification information, information about the organisation on behalf of which the lobbying is being performed and information about the subject of the lobbying. The provision of false and misleading information is considered illegal. The lobbied person has to make a note of the contact with information on persons name; identification; area of lobbying; the name of the interest group, or other organisation, for which lobbyist performs lobbying; possible attachments (additional reports for example) and the date, place of visit of the lobbyist and the signature of the lobbied person.[119] Information on the lobbying contact needs to be forwarded within three days to his supervisor and to the CPC.

On the other hand, only professional lobbyists need to report annually to the CPC. The report must include:

- The tax ID number.
- Information about the interests on which it has lobbied.
- The payment received from organisations for which it has lobbied for each matter. If the lobbying was part of a service contract that includes other activities and the value of lobbying cannot be defined clearly, then the report should include the value of the service contract, where the payment of the amount of the share in percentages for lobbying should be specified.
- A statement on the intention and objective of the lobbying performed for a particular interest group.
- A statement of the state bodies and persons lobbied.
- A statement of the type and method of lobbying used.
- A statement on the type and value of donations made to political parties and organisers of electoral and referendum campaigns.

The CPC verifies if the lobbyists' reports include all the obligatory data, if not CPC demands amendments to the report in 20 to 30 days. The validity of the data in the report can be checked with the access to these data and records by:

- Checking all data, which are regulated as obligatory contents of the report.
- Queries in interest organisations, for which the lobbyist has lobbied.
- Queries at state authorities and those for which the lobbyist has lobbied.
- Queries at political parties and organisers of election and referendum campaigns.
- Suggestions to competent authorities to do operational audits of the lobbyist or company, private entrepreneur or interest group, where the lobbyist is employed or in interest groups for which the lobbyist has lobbied.[120]

In practice there is evidence of deficiencies in the law concerning reporting of professional lobbyists. ZIntPK addresses lobbyists as individual entities meaning they cannot report specific lobbying contacts collectively. Challenges arise in recording revenues of lobbyists when two lobbyists meet together with decision-makers. Annual reporting also cannot provide sufficient cross-reference of lobbied persons' and lobbyists' reports. **To remedy this, lobbyists should be required to report at least quarterly.**

Data on lobbying activities are not proactively disclosed

All data about lobbyists and their activities are considered public information, but the reports of lobbyists and records of lobbied persons about lobbying contacts and activities of lobbyists are not publicly announced and published. The CPC summarises these activities in their annual reports. The information disclosed by the lobbyists and the reports from lobbied persons are not publicly available online in machine-readable format, which hinders the transparency of the lobbying activities. It is available only upon request according to the Access to Information Act.[121] The CPC publishes a weekly updated list of reported lobbying contacts, but only aggregated data on incoming reports are available – who reported, number of reports and if the lobbyists were professional or unprofessional.[122] The CPC will develop an online application for electronic reporting of lobbying contacts by lobbyists and by public servants, which will allow extraction of data on lobbying contacts, enable review and compile statistics.[123]

118 Doria, V. (2014). *Interview with Goran Forbici*, director of CNVOS [10. 9. 2014].

119 Commission for the prevention of Corruption (2011) *Integrity and prevention of corruption Act* in English. Article 68, paragraph 4. Available from: https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf [20. 6. 2014].

120 Ibid. Article 64-66.

121 A practical example: a journalist from the newspaper Delo requested copies of the annual report from the Commission for Prevention of Corruption. It forwarded the requested material in such a manner that in the report all the personal information about the lobbyist, intentions and objectives of lobbying and the amount of earnings for a particular case of lobbying were shaded. The Information Commissioner estimated in the appeal procedure, that the information about the intentions and objectives of lobbying does not represent an exception from the freedom of access to information. Information Commissioner (2012) *Decision of the Commissioner for Access to Public Information, number 090-86/2012/2*, 28.5.2012. Available from: www.ip-rs.si/informacije-javnega-znacaja/iskalnik-po-odlocbah/odlocbe-informacije-javnega-znacaja/?tx_jzdecisions_pi1%5BshowUid%5D=1697&cHash=d669f1d689a35299b9f4a1429feb3ab9; [20.6.2014]. See also Delić, A, (2012) 'Lobiranje: Kdo si podaja kljuke funkcionarjev' [Lobbying: who *is lobbying the most*], Delo, Available from: www.delo.si/zgodbe/ozadja/lobiranje-kdo-si-podaja-kljuke-funkcionarjev.html [20. 6. 2014].

122 Commission for the Prevention of Corruption (2014) *Lobbying Contacts*. Available from: www.CPC-rs.si/sl/projekt-transparentnost/lobisticni-stiki [20. 6. 2014].

123 Commission for the Prevention of Corruption (2014) *Komentarji na poročilo Lifting the lid on lobbying* [Comments on the report *Lifting the lid on lobbying*].

Transparency of lobbying is hindered by indirect lobbying

One of the biggest problems in the regulation of lobbying and ensuring transparency of lobbying activities is that of indirect (grass-roots) lobbying. Suspicions of illegal lobbying in concrete cases cannot be confirmed or refuted. For example in the case of state owned company, there is evidence that public official interfered at the level of the president of the Management Board to include a third party for resolving the company's financial problems.[124] The CPC highlights that indirect lobbying cases are not dealt with in current Slovenian legislation[125] and has considerable negative consequences (see Case Study Corporate lobbying with strong interest networks and financial inputs – lobbying or trading with democracy and the rule of law?).

In general, there are cases where an individual has a financial or other interest as a lobbyist, but instead turns to friends, political supporters, journalists or other related parties to begin a public campaign, or otherwise exert pressure on the public authority to adopt expected decisions. It seems that pressure manifests itself as the public interest, but in fact represents indirect lobbying in the private interest.

In justifying influence over a change in the law as in the "public interest", links to private interests can be hidden.[126]

While legislation does not cover all cases of indirect lobbying, there are some cases where the law applies, unfortunately they are rarely effective in practice. Proper modes of conduct in this respect are regulated with legislation governing financing of political parties and electoral campaigns. For example, each service provided from a lobbyist (individual) to a political party is stipulated as donation by the Political Party Act[127] and Elections and Referendum Campaign Act,[128] and should be reported to the CPC.[129] It is necessary to draw attention to the reporting rules and prohibition of the political funding from private sector (audited by the Court of Auditors). Among typical methods of indirect lobbying is through opinion-forming and voters' mobilisation where public campaigns, mass media, written and electronic means of communication and other techniques are used to influence political decision-makers.[130] Case study 'Corporate lobbying with strong interest networks and financial inputs – lobbying or trading with democracy and the rule of law?' demonstrates how indirect lobbying can be hidden in the form of a journalistic article.[131]

124 Commission for the Prevention of Corruption (2014) Annual report 2013, p.92. Available from: www.kpk-rs.si/sl/komisija/letna-porocila [21. 6. 2014].

125 Ibid.

126 An example may be seen in the Case Study Undue influence during the drafting of legislation and attempts to hinder equality of access.

127 Official Gazette (2014) Political Party Act. 99/13. Available from: www.uradni-list.si/1/objava.jsp?urlurid=20141917 [15. 5. 2014].

128 Official Gazette (2013) *The Elections and Referendum Campaign Act 99/13*. Available from: www.uradni-list.si/1/objava.jsp?urlurid=20133490 [15. 5. 2014].

129 See, ZIntPK, article 64, item 7.

130 Fink-Hafner D. (2007) *Lobiranje in njegova regulacija [Lobbying and its regulation]*. Ljubljana: Faculty of social science, p.20.

131 See also Media landscape and Civil Society in Monitoring Lobbying; Case Study Corporate lobbying with strong interest networks and financial inputs – lobbying or trading with democracy and the rule of law?.

Undue influence during the drafting of legislation and attempts to hinder equality of access

This case shows how supporters of amendments, the government and deputies tried to circumvent the existing law (in fraudem-legisagere) on spatial planning (Spatial Planning Act).[132] With the proposed amendment[133] they tried to evade the existing ban on expanding the land for construction, where it was not allowed.

Supporters of this amendment took a position that changes are necessary in order to facilitate industrial, farming, production, touristic, sporting and other needs. However, when carefully examining the changes to the Waters Act[134] and other acts,[135] proposed at the same time, one could see that the amendments to the Spatial Planning Act were proposed in order to enable the energy lobby to further its use of water resources in electricity production process. The parliamentary debate showed that the initiative first came from local communities, indicating a high possibility of typical indirect lobbying. Lobbies, instead of lobbying directly by themselves, mobilised a variety of different interests groups, and through these groups' exerted pressure and influence on decision-makers in the legislative process.

The legislative procedure with the amendment to the Spatial Planning Act (ZPNačrt-B) was started by the National Assembly initiative in June 2012. The legislative body used an urgent procedure in this case, supposedly to exclude the public from the process of decision-making. Just a month after the amended ZPNačrt-B entered into force, a group of deputies initiated a new proposal to again amend the Spatial Planning Act (ZPNačrt-C)[136] with different provisions. Both proposals (ZPNačrt-B and ZPNačrt-C), deviate from the established standards of spatial planning, land management and use. The amendments were unsuccessfully opposed by representatives of civil society, non-governmental organisations, spatial and environmental experts, the Human Rights Ombudsman, the Commission for the Prevention of Corruption, as well as by the Office of Legislation in the National Assembly.

Efforts of the NGOs to ensure a fair legislative procedure were backed by 1,700 attendees to voice their opinion on the proposed legislative changes.[137] Civil society organisations[138] agreed that the act, despite introducing some necessary changes, proposed highly controversial solutions, such as legalising illegal buildings and abolishing the obligatory secondary project audit for "questionable buildings", which would push the requested conditions for the construction and spatial development of Slovenia entirely outside the framework of European tradition and culture.

In February 2013, a group of non-governmental organisations[139] filed a motion to the Slovenian Constitutional Court[140] to assess and suspend the implementation of the disputed provisions, arguing that the legislative procedure as a whole was abused to serve the interests of individual investors to the detriment of the public interest. The Constitutional Court suspended the implementation of the provisions with Decision No. U-I-43/13-8 (11/4/2013), by ruling that a temporary suspension could prevent adverse consequences from arising that would be difficult to redress.

The Constitutional Court in Decision U-I-43/13-8[141] on the suspension of challenged legal provisions revealed that irreversible damage was already done by passing the act. Controversial cases of unauthorised land use and illegal buildings, of high-profile people[142] were widely believed to be the result of close family, political or other ties. This demonstrates that the legislative process and law changes were passed to benefit few selected individuals, while the public was excluded from or disregarded in the legislative process. The Constitutional Court issued a final decision[143] on this matter and found that the contested provision (Article 29 ZPNačrt-B) was inconsistent with the Constitution.

The problem of non-transparent spatial planning and illegal construction on restricted or in non-construction areas is widespread in Slovenia. Different interest groups and lobbies on natural resources were involved in the process of solving the problems and issues on this topic.

This case study shows the difficulties of detecting and uncovering indirect lobbying. Its consequence was an abuse of political authority that excluded the public from the law-making process. The urgent procedure for passing the law was used in this case, and is often used as a tool to stop the public (experts, civil society and others) from participating in the legislative process despite the formally granted access, making the playing field unequal to all interested subjects. On the other hand the case also shows the extent of "grey area" lobbying and other illegal influences on the decision-making processes. It highlights the need for a holistic, multidisciplinary approach towards lobbying, corruption and other illegal practices in politics and the private sector.

132 Business directory of the republic of Slovenia. *Spatial Planning Act* (ZPNačrt; Uradni list RS, št. 33/07 z dne 13.04.2007; ZPNačrt-A, št. 108/09 z dne 11.07.2008). Available from: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4675 [30. 06. 2014].

133 *The draft law amending the Law on Changes and Amendments to the Spatial Planning Act EPA: 712-IV* (ZPNačrt –B), 17.10.2012. Available from: http://bit.ly/1yayhj4 [30. 06. 2014].

134 *The Law Amending the Water Act* (ZV-1B; Uradni list RS, št. 57/12 z dne 27.07.2012); Available from: www.uradni-list.si/1/objava.jsp?urlurid=20122418 [30.06.2014]; The draft law amending the Law on Changes and Amendments to the Spatial Planning Act EPA: 712-IV (ZPNačrt-C), 17.10.2012. Available from: http://imss.dz-rs.si/imis/adc5fe4333ab3a80569b.pdf [30. 06. 2014].

135 *Predlog zakona o spremembah in dopolnitvah Zakona o prostorskem načrtovanju EPA 473-VI* (ZPNačrt-B), 28.06.2012. Available from: http://imss.dz-rs.si/imis/0afacbb9874a91f6e745.pdf; See also: Commission for the Prevention of Corruption (2012) *Mnenje glede neustreznosti spreminjanja zakonodaje s področja okolja in prostora v luči pomanjkanja transparentnosti in (ne) obvladovanja korupcijskih tveganj [Opinion regarding the inadequacy of changing legislation in the field of environment and spatial planning in the light of the lack of transparency and (failure to) control corruption risks] št. 0071-18/2012/1.* Available from: http://bit.ly/1HFLF1y.

136 *Predlog zakona o spremembi zakona o spremembah in dopolnitvah Zakona o prostorskem načrtovanju EPA: 712-IV* (ZPNačrt-C)

137 "Odgovorno do prostora!" and "Mreža za prostor" (2012), *Vlada posega v prostorsko zakonodajo z ukrepi, ki ne bodo dosegli ciljev [Government interfered in spatial planning legislation with measures that will not achieve the objectives]*, Ljubljana. Available from: http://bit.ly/1tt8xGU [19. 06. 2014]

138 Ibid.

139 "Mreža za prostor" (2013) *Možnost širitve stavbnih zemljišč na Ustavnem sodišču [The possibility of expanding urban land in the Constitutional Court]*. Available from: http://mrezaprostor.si/moznost-siritve-stavbnih-zemljisc-na-ustavnem-sodiscu/; Pobuda za začetek postopka za oceno ustavnosti in predlog za zadržanje izvršitve *[The appeal to initiate proceedings to review the constitutionality and the proposal for suspension of enforcement]* (2013). Available from: http://ipop.si/wp/wp-content/uploads/2013/02/Pobuda-US-29.-clen-koncna-verzija.pdf.

140 Republic of Slovenia Constitutional Court. Available at: www.us-rs.si/en/.

141 Republic of Slovenia Constitutional Court (2013) *Sklep št. U-I-43/13-8*. Available from: www.us-rs.si/media/u-i-43-13.pdf. [27. 06. 2014];

142 24UR (2014) *Türkova črna gradnja še stoji, saj ni med prednostnimi objekti za rušenje [Türk's illegal building still stands, as it is not among the priorities for the demolition]*. Available from: www.24ur.com/novice/slovenija/turkova-crna-gradnja-se-stoji-saj-ni-med-prednostnimi-objekti-za-rusenje.html [27.06.2014]; 24UR/V.L. (2012) *Đeprav so hišo brata premierja Janše označili za črno gradnjo, še vedno stoji rušenje [Although the house of Prime Minister Janša's brother was flagged as illegal building, it still standing demolition]*. Available from: www.24ur.com/novice/slovenija/crnagradnja.html; Hanc, Marjana (2014) *Rušenje bioplinarne v Pirničah bomo plačali vsi [Everyone will pay for the demolition of the biogas plant in Pirniče]*. Available from: www.delo.si/novice/slovenija/rusenje-bioplinarne-v-pirnicah-bomo-placali-vsi.html [27. 06. 2014].

143 Republic of Slovenia Constitutional Court (2014) *Sklep št. U-I-43/13-19*. Available from: http://odlocitve.us-rs.si/usrs/us-odl.nsf/0/1a074a4a18550e0dc1257d78003d3b40/$FILE/U-I-43-13.pdf [4. 11. 2014].

OVERSIGHT, VERIFICATION AND SANCTIONS

The oversight of lobbying is divided into external and internal supervision.

Internal supervision

Internal supervision demands that the public official or civil servant prepare a report on lobbying contacts and transmit it to a superior officer, acting as an internal supervisory authority. Since the superior officer is in this capacity responsible for the overall functioning of the system of internal controls, the role of the internal supervision of lobbying is twofold. First, officers are responsible for monitoring concrete cases, whereby they may authorise another employee (e.g. head of the legal department) to act on their behalf. Second, they are also responsible for ensuring effective measures within the internal controls systems, including the proactive monitoring of the behaviour of all employees, to recognise and manage risks of illegal and unethical conduct when engaged in lobbying contacts.

In the broader context of anti-corruption protection, lobbying is included in the internal control mechanism in the same way as it applies to the handling of gifts, preventing conflict of interests, training and examination of knowledge in the fields of ethics and integrity. An integrated approach in training and awareness-raising on lobbying in the context of the internal controls system is necessary.

External supervision

The Slovenian registration, supervision and prosecution body for lobbying is CPC. It informs the public of its findings.

Activities that are prohibited by law are penalised with administrative measures[144] and fines.[145] The administrative measures include investigations and sanctions for the violation of legal provisions regarding the conditions and limits of lobbying, registration, reporting and relation between the lobbyists and lobbying targets.

The lobbyist must not provide inaccurate, incomplete or deceptive information to the lobbying target, or act against the regulations, which determine a ban on receiving gifts in relation to the lobbyists' function or public assignments. The following sanctions are written warning; prohibition on further lobbying in a certain matter; prohibition on lobbying for a short amount of time, which should not be shorter than three months or longer than 24 months; exclusion from the register.[146] Lobbyists are excluded and lose their lobbyist status if they provide false information to the register and if they have been convicted by a final judgment to more than six months in prison, for an intentionally committed criminal offense in Slovenia.[147]

The CPC can also fine those acting as professional lobbyists even if they are not registered for a sum spanning from 400 euro to 1,200 euro.[148]

The interest organisations, for which lobbyists have lobbied during the violation (unlawfully or in violation of the provisions about gift receiving and the relationship between the lobbyists and the lobbying targets), can also be held responsible for lobbyist violations and be fined by the CPC from 400 euro to 100,000 euro. The same penalty is predicted for the interest organisation that consciously employs an unregistered lobbyist.[149]

The CPC has other jurisdictions, with which it can administratively investigate a suspicion of unlawful or unethical behaviour when informed by a third party or the public. This includes every measure for prevention and control of the violations of integrity, corruption or other deviant behaviours and risks, detected by public officials and public employees acting as lobbying targets. After the finalised procedure, the CPC can issue a fine or other sanction for breaches of the law or issue a report, an opinion based on a single case or a systemic opinion.[150] Unfortunately, the CPC does not have a special employee working on the issues of lobbying.

Formally, the measures of supervision, scrutiny and sanctioning of forbidden actions in the field of lobbying and other related influences are clear and well organised. The CPC has wide jurisdiction, proactive, supervisory and punitive power. In practice these measures and the power of the CPC are not fully exercised, due to insufficient staff and other resources. Also the anti-corruption report of the European Commission in 2014 in its section on Slovenia reports that the regulation provisions on lobbying are not followed entirely.[151]

Six months after the new anti-corruption law ZIntPK came into force, public officials and civil servants were still not familiar with the provisions on lobbying (and the Act itself), did not exercise their duties and did not report lobbying contacts or illegal actions by lobbyists. Local governments did not report any lobbying at all, which is concerning and there was evidence that unregistered individuals were lobbying.[152]

In 2011 lobbied targets did not report lobbying contacts and did not refuse lobbying by unregistered lobbyists. The CPC fined and penalised two then MPs and 12 members of the municipality local councils. On the other hand, in 2011, the CPC did not detect any wrongdoings in reporting or functioning of the registered lobbyists, although there was an increase of the number of reports by lobbied targets and at the same time deviations regarding reports of lobbyists. The CPC therefore issued 18 official warnings, 15 to lobbied targets and two to lobbyists who violated the law, two reprimands and one fine. The increase in

144 Commission for the Prevention of Corruption (2011) *Integrity and Prevention of Corruption Act*, Article 70-4. In English. [3. 6. 2014].

145 Ibid. Article 77-9.

146 Ibid. Article 73-4.

147 Ibid. Article 62.

148 Ibid. Article 77.

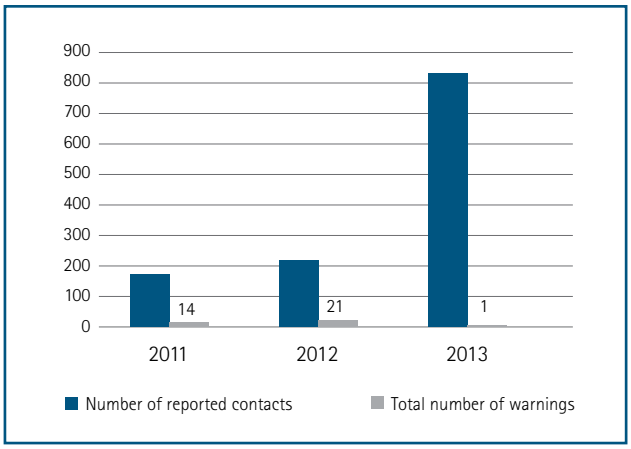
149 Ibid. Article 79.

150 Commission for the Prevention of Corruption (2014) *Lobiranje je... [Lobbying is...]*. Available from: www.kpk-rs.si/sl/lobiranje-22 [3. 6. 2014].

151 European Commission (2014) *Anticorruption Report in the EU Countries*. Available from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_slovenia_chapter_sl.pdf [15. 6. 2014].

152 Commission for the Prevention of Corruption (2011) *Annual Report 2010*. Available from: www.kpk-rs.si/download/t_datoteke/9349 [15. 6. 2014].

reporting of lobbied targets in 2013 continued. Based on 830 reports on lobbying contacts, only 3 per cent of lobbying in 2013 was made by registered professional lobbyists and 97 per cent by persons that lobbied as legal representatives of an association or organisation. Only one violation by an unregistered lobbyist was reported. On the other hand, the media also exercise little control over lobbying contacts.



Graph 3: *Reported contacts and total number of warnings.*

In addition to the CPC, the Information Commissioner, the Court of Audit and the law enforcement authorities (the police and the Office of the State Prosecutor General) are, according to their jurisdiction, covering supervision, prevention, control of illicit acts and prosecutions connected to lobbying.

Journalists, the media and the public also have a key role in uncovering the "grey areas" of lobbying and external supervision. However, as our findings demonstrate,[153] political and economic pressures and influences of the owners and advertising are too vast and undermine independence and objective reporting.[154]

The highly complex field of lobbying does not allow for effective supervision and consequent sanctioning of illegal lobbying. The inability of the CPC and the media to reveal shadow lobbying together with the monopoly of political parties creates the conditions for corruption and other forms of crime in the public sector.[155]

The reporting culture and integrity of civil servants and public officials, which are required to protect the public interest at all time, needs to be strengthened.

153 Habič, S. (2012) *National Integrity System – Slovenia*. Ljubljana: Transparency International Slovenia - Društvo Integriteta. Available from: http://nis.integriteta.si/images/pdf/knjiga_integriteta_2012.pdf [15.6.2014].

154 See case study Corporate Lobbying with Strong Interest Networks and Financial Inputs – Lobbying or Trading with Democracy and the Rule of Law?

155 Habič, S. in Doria, V. (eds.) (2014) T*ransparency in the Funding of Political Parties in Slovenia*. Transparency International Slovenia - Društvo Integriteta, Ljubljana. Available from: http://crinis.integriteta.si/images/pdf/porocilo/knjiga_INTEGRIRETA_2014_ANG.pdf [25.8.2014]

LEGISLATIVE FOOTPRINT

A legislative footprint is a document that details the time, person and subject of a legislator's contact with a lobbyist or other stakeholder. Published as an annex to legislative reports, it could potentially provide insight into who gave input into draft legislation. It helps to ensure that interest groups' influence on policy-making is not disproportionate, which could otherwise lead to undue influence and state capture.[156] In Slovenia, there is no specific systemic solution that would ensure a legislative footprint, as it is not obligatory to report such contacts. **The implementation of a system for ensuring effective legislative footprints is urgently needed.**

There is some public information available on request, such as lobbying reports and drafts of legislation undergoing obligatory public debate before the passing of law. Participation of stakeholders is public and ensures some traceability of the influence, which is also guaranteed with open access to normative plans and documentation on drafting and passing regulation. These are available on the government's, the municipalities' and the ministries' web pages,[157] on the online portal E-Uprava (e-administration),[158] and finally, the documentation of the legislative procedure on the web page of National Assembly (the parliament).[159]

However, in many cases the government hires external services, including private actors and interested associations to draft regulations. This process is often opaque and does not undergo the required public consultations.[160] Although including external experts when proposing legislation can contribute to better solutions, it opens the door to potential irrational spending of public financial resources and the danger of illegal lobbying.[161] This problem is also recognised by political decision-makers. A retired representative reported that the information of an external expert preparing a certain law is an important warning that the law needs to be thoroughly examined.[162] An active MP similarly confirmed that the traceability of law needs to be established as laws are mostly prepared by the government, but the most important ones are written by law firms and companies that can intentionally add certain loopholes in favour of business and to the detriment of public assets. None of the parliamentary groups have reacted to the multiple warnings of the CPC and TI Slovenia about the important weaknesses in the

156 Transparency International (2013) *Legislative Footprint*. Available from: www.transparency.org/files/content/corruptionqas/legislative_footprint.pdf [15.6.2014].

157 Kamnik Municipality. Available from: www.kamnik.si/obcinski-svet/vsebine-naslednje-seje-obcinskega-sveta; Archive of Former Readings. Available from: www.kamnik.si/obcinski-svet/arhiv-zasedanj-obcinskega-sveta; and Video Recordings of Readings. Available from: www.kamnik.si/video-vsebine [25. 6. 2014].

158 The web portal e-administration is designed as a simple communication tool, so that everyone and anyone can openly access materials, comment on the content, write propositions and send them to the ministry in charge of drafting the law directly. See: E-uprava. Available from: http://e-uprava.gov.si/e-uprava/edemokracija.euprava [26. 6. 2014].

159 National Assembly of the Republic of Slovenia (2014) *Legislative Procedure*. Available from: www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/ZakonodajniPostopek [25. 6. 2014].

160 Commission for the Prevention of Corruption (2012) *Systematic Principle Opinion and Recommendation, nr. 1/2012*. Available from: https://www.kpk-rs.si/upload/datoteke/Sistemsko_naaelno_mnenje___048_pdf[1].pdf [21. 6. 2014].

161 Vukelić, M. (2014) 'Po sledi tistih,ki pišejo zakone'*[Following those who write laws']*. Delo. Available from: www.delo.si/novice/politika/po-sledi-tistih-ki-pisejo-zakone.html.

162 Vukelić, M. (2014) 'Miran Potrč: Sled je lahko zelo pomembna' *[Legislative footprint may be really important]*. Delo. Available from: www.delo.si/novice/politika/miran-potrc-sled-je-lahko-zelo-pomembna.html [20. 6. 2014].

legislative process, which calls for immediate implementation of the legislative footprint.[163]

In practice, lack of transparency in decision-making is greater when passing regulations in local self-governing bodies, where illegal influences and interests are enabled under the pretext of technical amendments or explanations of already passed regulations. This problem stands out particularly in relation to spatial planning and intervening in the environment with illegal construction. The European Commission's report about the fight against corruption in the EU also warns about the problem of local self-government, due to a low number of reports on lobbying contacts.[164]

The government made a first step toward a legislative footprint, with updating its Rules of Procedure[165] and expanding the range of information that ensures transparency of the preparation of legislation. They now include the information of who participated in the preparation of the law. The information on where, when and who lobbied and what information was included in to the law because of the lobbying contact is not included. The issue of an effective legislative footprint still exists because the Ministry do not obey the rules, while no sanctions are prescribed.[166] The same legislative footprint does not apply for the members of the National Assembly.

There is a need for a simple legislative footprint that would apply for the executive and legislative branch, including all information together with the names of all people or organisations included in the preparation of the legislation, when the meetings were held and what kind of input was given to the law or document from stakeholders and lobbyists. A legislative footprint is a crucial and important tool since lobbying in practice is extremely difficult to control, and the effects of it are usually visible only after the adoption and implementation of the law.[167]

163 Jančič, P. (2014) 'Zakonodajna sled: nihče ni nič predlagal' *[Legislative footprint: no one has proposed anything]*. Delo. Available from: www.delo.si/novice/politika/zakonodajna-sled-nihce-ni-nic-predlagal.html [19. 6. 2014].

164 European Commission (2014) *Anticorruption Report in EU Countries*. Available from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_slovenia_chapter_sl.pdf [15. 6. 2014].

165 Vlada RS (2014) Rules of procedure (št. 10), člen 8. Available from: www.pisrs.si/Pis.web/pregledPredpisa?id=POSL32 [19. 6. 2014].

166 Doria, V. (2014) *Interview with Goran Forbici,* director of CNVOS [10. 9. 2014].

167 Doria, V. (2014) *Interview with Vasja Jager, journalists at daily newspaper Večer* [18. 9. 2014].

FOSTERING INTEGRITY

Transparency of lobbying must be embedded within a broader public sector integrity framework, which mitigates the risks of conflicts of interest when important decisions are taken. The analysis considered the extent to which a robust ethical framework for lobbyists (and companies) and lobbying targets exists, and whether it is working. It also examined whether the onus for integrity is placed on either lobbyists or public officials, or both.

Although rules exist, the main issues lies in their implementation and the lack of oversight of breaches and anomalies. The overall score for Integrity of lobbying is 58/100. The assessment on 'Self-regulatory code(s) of ethics' reveals an entirely unsatisfactory situation (30/100). More encouraging signals stem from the 'Code of conduct for public sector employees' and lobbyists' self--regulation (respectively 75/100 and 60/100). 'Post-employment and pre-employment restrictions' with the score 67/100 highlights the need for additional work on the prevention of revolving doors.[168]

Integrity is defined by law as a principle and standard of:

> ... expected action and responsibility at the prevention of risks that the public authority, function, authorization or other jurisdiction to make decisions in matters of public nature is used in violation of the law, legally permitting goals and ethical codes.[169]

An organisation or institution's management is responsible for ensuring integrity. All employees in the public sector are bound to contribute to the realisation, protection and encouragement of integrity, in particular when they are targeted for lobbying activities.[170] The principle of integrity also binds lobbyists and interested organisations to act in accordance with the legal regulation of lobbying,[171] the special laws on economic subjects,[172] ethics and codes in different sectors and in the case of lobbyists the Ethical Code of the Slovenian Association of Lobbyists from 2010.[173]

POST-EMPLOYMENT AND PRE-EMPLOYMENT RESTRICTIONS

Lobbying by public officials and public employees is not allowed in Slovenia. Public officials are prohibited from lobbying for two years after they cease their public function.[174] These prohibitions are not enforced for in house lobbying functions, or where the form of influence falls under the exception to lobbying, as a means of furthering human rights and rule of law etc.

The analysis showed that despite these restrictions, former public officials have acted as lobbyists within the lobbying "grey area", working without supervision and despite the so-called cooling off period. Ex-public officials have also been involved in unauthorised lobbying, without meeting the conditions for entering the register and approval for lobbying, set out in the Integrity and Corruption Prevention Act.[175]

In practice "cooling off periods" are not really efficient, as a number of previous public officials act as lobbyists, but do not register as such. There is no effective supervision and the moratorium rarely applies. Also restrictions which would prevent the "revolving doors" phenomenon do not exist, since the regulation only stipulates that former public officials cannot act as professional lobbyists, while it does not prevent them from being employed in a private multinational company who lobby for their interests. A good example is a high profile case of the employment of former secretary of state in the Ministry of Finance Mitja Mavko at the European Bank of Reconstruction and Development (EBRD),[176] who was one of the key authors of the measure of expropriation of bondholders at state-owned banks on the request of the European Commission.[177]

There is no statutory moratorium in place to regulate the post-term employment of public sector employees. There are certain forms of oversight to supervise post- and pre-employment restrictions, such as inspections and oversight by the CPC, but the legislation does not provide sufficient legal power to effectively supervise and investigate breaches and anomalies.

CODE OF ETHICS FOR PUBLIC SECTOR EMPLOYEES

The Code of Conduct for Public Officials from 2001 applies to those employed in the public sector that act as public officials in the executive branch of the government.[178] The Code was passed based on the Council of Europe's recommendations, and binds the ministries to take ethical standards into account when preparing legislative and regulatory acts. Then the Officials Council, which holds the position of a professional and advisory body in employing and managing an administrative system and position, passed the Ethics Code for Public Officials in state bodies and local administrations.[179] There are a number of other ethics codes, standards and the ethical infrastructure according to the peculi-

168 See Annex 1 for the questionnaire and overall scores.

169 Commission for the Prevention of Corruption (2011) Integrity and Prevention of Corruption Act, Paragraph 3, Act 3. In English.

170 Ibid.

171 Ibid.

172 Official Gazette (2006) Companies Act ZGD-1. 42/2006. Available from: www.uradni-list.si/1/objava.jsp?urlid=200642&stevilka=1799.

173 Lobbying Section of the Public Relations Society of Slovenia (1994) The Lobbyist Professional Code of Conduct, Ljubljana: Public Relations Society of Slovenia.

174 Commission for the Prevention of Corruption (2011) *Integrity and Prevention of Corruption Act*, Article 56, Paragraph 3. In English.

175 Ibid.

176 24ur (2014) *Služba v tujini čaka tudi Mavka in Špurovo z ministrstva za finance [Employment abroad awaits Mavko and Špur from the Ministry of Finance]*. Available from: www.24ur.com/novice/slovenija/sluzba-v-tujini-caka-tudi-mavka-in-spurovo-z-ministrstva-za-finance.html [14. 9. 2014]; Borut Mekina (2014) *Salonski bojevniki [Saloon warriors]*. Mladina. Available from: www.mladina.si/160175/salonski-bojevniki/ [14. 9. 2014].

177 Doria, V. (2014) *Interview with Vasja Jager, journalists from daily newspaper Večer* (18. 9. 2014).

178 *Official Gazette (2001) The decisions of the Government*. 8/2001. Available from: www.uradni-list.si/1/objava.jsp?urlid=20018&stevilka=474.

179 Ministry of Public Administration (2007) *Code of Ethics of Public Servants*. Available from: www.arhiv.mju.gov.si/si/delovna_podrocja/uradniski_svet/kodeks_etike_javnih_usluzbencev_v_drzavnih_organih_in_upravah_lokalnih_skupnosti.

arities and internal conditions of individual institutions or public sector organisations.[180]

The officials of the legislative branch of the government, the National Assembly and the National Council do not have a specific ethics codes. GRECO has warned that this affects the regulation of conflict of interests, gifts and other benefits, misuse of information and public funds, contacts with third parties, including lobbyists and maintaining the code of conduct standing.[181] The Integrity and Prevention of Corruption Act regulates integrity or anti-corruption ethics' principles and standards. Public sector employees have a legal duty to respect them. Besides that, the Code of Conduct of Public Officials binds them to follow its principles and standards in an ethical and moral way.

SELF-REGULATION FOR LOBBYISTS

According to the ZIntPK, lobbyists can freely unite in interest associations and adopt a code of professional ethics. Thus, in 2010 professional lobbyists established the Slovenian Association of Lobbyists, which adopted a Code of Ethics and published it online. Meanwhile, the website was removed and the ethical infrastructure that normally supports the realisation of the ethics code and solving ethical dilemmas in practice is not operative. The Association was stigmatised by the media in connection with corruption. The cases highlighted in the media did not relate to lobbying, however, but the misuse of regulations and other criminal acts.[182]

Despite the legal framework and the passed Code of Ethics, self-regulation of the lobbying has not developed at any level. Self-regulation in general among private sector companies does not apply to lobbying or how their employees act in the process of influencing on decision-makers. The same applies for professional associations like the Chamber of Commerce and Industry of Slovenia,[183] which have their own department for lobbying.[184] Civil society organisations also need to implement rules and procedures on ethical lobbying.

180 For example: *Code of Military Ethics of the Slovenian Military.* Available from: www.uradni-list.si/1/content?id=93244; *Police Ethics Code.* Available from: www.policija.si/index.php/component/content/article/113-predstavitev/203-kodeks-policijske-etike.

181 GRECO (2012) *Preprečevanje korupcije pri poslancih, sodnikih in tožilcih [Corruption prevention in respect of members of parliament, judges and prosecutors].* Available from: www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4(2012)1_Slovenia_SLO.pdf [30. 6. 2014].

182 Doria, V. (2014) *Interview with Mihael Cigler,* president of Association of lobbyists (10. 9. 2014).

183 Chamber of Commerce and Industry of Slovenia (2014) Available from: http://eng.gzs.si/slo/ [30. 6. 2014].

184 Chamber of Commerce and Industry of Slovenia. *Legislation and Policies Lobbying Centre at the Chamber of Commerce and Industry of Slovenia.* Available from: http://eng.gzs.si/slo/about_us/organisation/departments [30. 6. 2014].

EQUALITY OF ACCESS: LEVELLING THE PLAYING FIELD

When regulating lobbying, implemented transparency and integrity measures are crucial. They must be accompanied by rules that allow equality of access to decision-makers, which is essential for fairness and pluralism in the political system.

This research quested whether there is enough space in the system to allow for diverse participation and the contribution of ideas and evidence by a broad range of interests to shape policies, laws, and decisions which best serve society and broad democratic interests.

The findings of the assessment are mixed and show insufficient access to decision-making processes, with the score of 48/100. This represents the lowest-scoring category in this research for Slovenia. While the results on 'Consultation and public participation in decision-making' (75/100) are encouraging and represent a good stepping-stone for further strengthening, the score for 'Advisory/Expert Group Composition' (20/100) suggests a need for radical change.[185]

The equality of access and collaboration of the public in the decision-making in matters of public nature is guaranteed by the Constitution, which refers to the binding international standards when it comes to principles of democracy, rule of law, equality and the right to collaborate in matters of public nature. Legally, the equality of access of vulnerable groups and individuals is regulated with regulations of the prohibition of discrimination and ensuring equal opportunities. The legislation process in the formulation and adoption of public policies in the parliament, government, ministries and bodies of local self-government is governed by their rules of procedure. The equality of access to public information is specifically regulated with the Access to Public Information Act that implements international and EU standards of this field into internal law.[186]

Formally, equal opportunities for inclusion and the diversity of interests in the preparation of public policy are broadly guaranteed. The procedural provisions do not expressly require the decision-maker to explain why and how different views are respected in the consultation process, however. While the legal framework gives broad opportunities to everyone, in practice decision-making is not open to the public enough.

Political parties, lobbyists and the executive branch with its representatives or officials, dominate the decision-making environment and the shape of public policy. The situation is similar in the relationship between local and state authorities, where in the process of the preparation of public policies the influence of political parties, lobbyists and officials also prevails. The influence of European Union increased the possibility of equal opportunities in the political process, but the influence of political parties and hidden interests still prevails in the economic, financial, energy, health and other relevant policies.

The corruption scandals, mismanagement of the state and political corruption, together with the financial crisis, has additionally shaken the elements of political involvement and consultation process in Slovenia, resulting in several mass protests.[187]

The underdevelopment of Slovenian NGOs and the lack of financing of civil society prove problematic in ensuring equality of access and inclusion in public policy.[188] Despite some visible efforts to improve civil dialogue, especially on local level, it remains poor. Politics in general does not show any interest in cooperation with NGOs and other civil society organisations in the legislative process. On rare occasions when this interest exists the voice of the civil society is not respected.[189]

PUBLIC PARTICIPATION IN DECISION-MAKING PROCESS

The public nature of parliamentary work is specifically regulated in the National Assembly's Rules of Procedure. Discussions, meetings and materials of the parliament are generally public; the public debate is ensured by the law so that stakeholders, interest groups, experts and others can participate in the parliamentary procedures of passing legislation.

Everyone has the right and opportunity to address a proposal, petition or opinion to the body in charge, to which the body in charge has a duty to reply. The possibility of influencing the content and the procedure of passing regulation and policies is also ensured online, through a special portal called e-Uprava (e-administration) or e-Demokracija (e-democracy), and comments and proposals may also be send by post.

While there is a guaranteed right to send in a proposal, there are no rules in place for a balanced composition of advisory and expert groups. There are more than 160 permanent working groups in different areas and civil society has representatives in around 80 per cent of them. The lack of balance of the working group composition is seen in the working groups relating to economy, business and investments, where corruption risks are highest.

When ad-hoc expert and advisory groups are formulated, the composition of members of these groups is rarely balanced. No prohibition exists forbidding lobbyists or corporate executives to participate in the expert or advisory groups in an individual or

185 See Annex 1 for the questionnaire and overall scores.

186 See above "Access to Information".

187 Stanojević, M. (2014) *Socialni dialog v Sloveniji v preteklem desetletju: kaj se je spremenilo? [Slovenian social dialog in the past decade: what has changed?]*; and Kavčič, F. Berlec N. (ed.) *Ekonomsko-socialni svet 2004–2014 [Economic and Social Council of Slovenia:* 2004-2014]. Ljubljana: Javno podjetje. Uradni List Republike Slovenije, pp.7-16. [10. 7. 2014].

188 See above, "Media and Civil Society as Watchdogs".

189 Doria, V (2014) *Interview with Goran Forbici, director of CNVOS* [10. 9. 2014].

professional capacity. While it would not be wise to forbid lobbyists as experts to be members of advisory or expert groups, as they are a valuable source of information, it is necessary to ensure a balanced composition of these groups, preferably with majority of civil servants.[190]

The information on members of working groups is available on request, but is not made public. In practice it is impossible to know if and when a particular group has been created. It would be necessary for ministries to publish their legislation plans and programmes online. Also information on the formation of working groups and the names and the positions of the groups' members should be publicly available. It would also be useful if the government would adopt measures committing ministries to ensuring a balanced composition of working expert groups.[191]

Positive example of equal participation in decision-making process and transparent lobbying by civil society

This case study illustrates a good example of equality of access in legislation decision-making processes, as sessions of the working bodies of the National Assembly were open and public.

The umbrella network CNVOS (more than 600 non-governmental organisations) issued a transparent campaign against some provisions in the Real Property Tax Act.[192] They were able to ensure an exemption for humanitarian organisations acting in the public interest from paying the taxes.[193] This case shows a positive influence on the legislative procedure. The material of the legislative procedure[194] shows that a variety of bodies took an active part in the procedure with their comments and opinions, ranging from deputy groups and individual deputies to individuals and their interest groups, advisory bodies, as well as business and civil society representatives. While the proposals from the CNVOS were denied in the procedure of drafting the law at the governmental level, the lobbying campaign was successful in the National Assembly.

The report of the National Assembly Committee on Finance and Monetary Policy (competent parliamentary working group) on the proposal of the Real Property Tax Act, proves that the Committee discussed the material provided by all interested parties, including the CNVOS amendments. The interested parties were also invited to attend and participate in the discussion at their session. The Committee and afterwards the National Assembly approved the proposed CNVOS amendments.[195] Available data on the procedure, the contents of the process and the CNVOS website demonstrates this was a continuous dynamic process, which lasted for a few months.

The process sought to exert direct influence on a legislative procedure and to ensure a tax exemption to humanitarian organisations acting in the public interest due to their contributions to protecting human rights and fundamental freedoms of socially disadvantaged individuals and vulnerable groups. CNVOS also provided a summary of activities of lobbying on their webpage, which is a good example of lobbying, even though under the ZintPK they are not obliged to report on their lobbying activity.

This case study shows a good practice of transparent lobbying carried out by civil society with guaranteed equal participation from different stakeholders in the legislative process. The collective action shows that civil society positively contributed to the debate and balanced out more prevalent interests, usually involved in the decision-making processes. This is a solid case of so called "inclusive democracy" where the political process involves a wide public debate, insures participation and consequently strengthens legitimacy and transparency. This kind of lobbying and transparent process is beneficial for a democratic political system and society as a whole.

190 Ibid.

191 Ibid.

192 *Real Property Tax Act* (2013), No. 435-04/13-4/74. Available from: www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/izbranZakonAkt?uid=C12565D400354E68C1257C080043AAD0&db=kon_zak&mandat=VI [19.06.2014].

193 *Uspeli: Humanitarne organizacije oproščene davka na nepremičnine! (s kronologijo dogajanja) [Succeeded: Humanitarian organizations are exempt from tax on real estate! (chronology of events)].* Available from: http://nevladna.zavodpip.si/node/164 [19. 06. 2014]

194 *Real Property Tax Act* (2013), No. 435-04/13-4/74. Available from: www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/izbranZakonAkt?uid=C12565D400354E68C1257C080043AAD0&db=kon_zak&mandat=VI [19.06.2014].

195 National Assembly (2013), Committee for Monetary Policy, *Report to the draft law on property tax* (ZDavNepr), Urgent Procedure, EPA 1543-VI, p.2-3, 5 [30. 06. 2014]

ANNEX 1: DATA COLLECTION QUESTIONNAIRE

DEFINITIONS

1. To what extent does the law clearly and unambiguously define 'lobbyists' to capture all who lobby professionally including professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics?

0 – No definition/Wholly inadequate definition covering a small proportion of lobbyists

1 – Partially but inadequately/too narrowly/too broadly defined

2 – The law clearly and unambiguously defines lobbyists to include professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics.

Check all categories covered by law:

☒ Professional lobbyist
☒ Private Sector Representatives
☐ Public affairs consultancies
☐ Representative from NGO
☒ Representative from a for-profit corporation
☒ Representative from industry/professional association
☐ Trade unions
☐ Think tanks
☐ Law firms
☐ Faith-based organisations
☐ Academics
☐ Other, please specify _____

2. To what extent does the law/regulation define 'lobbying targets' in a sufficiently broad manner to include members of national and subnational legislative and executive branches (including advisors) and high level officials in national and subnational public administration, regulatory bodies and private bodies performing public functions?

0 – Lobbying targets are not defined in law/Wholly inadequate definition covering a small proportion of lobbying targets

1 – Lobbying targets are inadequately defined in law (including some but not all of the above-mentioned targets)

2 – Lobbying targets are broadly and adequately defined in law to include members of national and subnational legislative and executive branches (including advisors) and high level officials in national and

Check all categories covered by law:

☒ National Legislators
☒ Subnational Legislators
☒ National Executive
☒ Subnational Executives
☐ Executive Advisors
☒ High-level public officials
☒ Regulatory bodies
☒ Private bodies performing public functions
☐ Other, please specify _____

3. **To what extent is the term 'lobbying'/'lobbying activities' clearly and unambiguously defined in law/ regulation to include any contact (written or oral communication, including electronic communication) with lobbying targets (see above) for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position?**

0 – No definition/Wholly inadequate definition covering a small proportion of lobbying activity

1 – Partially but inadequately/too narrowly defined

2 – Definition is clear and unambiguous and is comparable to the following international standard[196]: any contact (written or oral communication, including electronic communication) with lobbying targets for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position.

TRANSPARENCY

Access to Information

4. **To what extent is there a comprehensive access to information law that guarantees the public's right to information and access to government data?**

0 - No law exists

1- Law exists but with inadequacies[197]

2 – Comprehensive law in place

5. **In practice, to what extent do citizens have reasonable access to information on public sector activities and government data?[198]**

0 - In practice, citizens face major problems in accessing information and/or frequent violations of the law

1- In practice, access is not always straightforward/citizens often face obstacles to access

2 – In practice, it is easy for citizens to access to information on public sector activities and government data

6. **Do access to information laws apply to lobbying data?**

0 - No law exists/Law does not apply to lobbying data

1- Some but not all lobbying data accessible under access to information laws

2 – Access to information laws cover lobbying data

Registration and Disclosure by Lobbyists

7. **Is there a lobbyist register in the country?[199]**

0 - No register exists

1- Voluntary register exists/ A register for a particular institution exists but does not apply to all lobbying activity

2 – A mandatory register exists

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196 See Keserű J., Rosenberg L. And Brown G.. (2013) *Announcing Sunlight's international lobbying disclosure guidelines.* Available at: http://sunlightfoundation.com/blog/2013/12/03/announcing-sunlights-international-lobbying-guidelines [21.6.2014]. The OECD Draft Report on Progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying (2014, forthcoming) and Council of Europe Parliamentary Assembly Recommendation 1908 (2010) on lobbying in a democratic society.

197 The most comprehensive attempt to rate the quality of access to information laws is the RTI Rating, which is not a perfect rating system but is worth consulting. *RTI Rating Country Data.* Available at: http://www.rti-rating.org/country_data.php [16.5.2014].

For Bulgaria, France and Spain see also Open Society Foundation (2006) *Transparency & Silence: A Survey of Access to Information Laws and Practices in Fourteen Countries.* Available at: http://www.opensocietyfoundations.org/sites/default/files/transparency_20060928.pdf [18.6.2014]. Further sources include National Integrity System Assessments & Global Integrity reports.

198 A useful source for most countries will be the Open Data Barometer. *See Open Data Barometer.* Available at: http://www.opendataresearch.org/project/2013/odb [15.6.2014].

199 These questions refer in the main to a public lobbyist registry which would apply to a broad range of lobbying targets across a range of public institutions (see Definition questions for 'best practice' scope of institutions and targets that should be covered be a registry). Where individual institutions have adopted their own registries, these should be assessed using the framework but the narrative should explicitly state the limitations in scope of the institutions covered. Furthermore, in such cases, scoring should be discussed with TI-S, as there are comparability issues to consider.

8. Where a register exists, to what extent does it capture all who lobby professionally including professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics in the country?

0 – Wholly inadequate scope covering only a small proportion of lobbyists

1 – Register captures may of the categories of lobbyists mentioned above but there are still some gaps

2 – The register clearly captures professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics.

Check all categories covered by register:

☒ Professional lobbyist

☐ Private Sector Representatives

☐ Public affairs consultancies

☐ Representative from NGO

☐ Representative from a for-profit corporation

☐ Representative from industry/professional association

☐ Trade unions

☐ Think tanks

☐ Law firms

☐ Faith-based organisations

☐ Academics

☐ Other, please specify _____

9. To what extent are lobbyists required to register in a timely (within 10 days of beginning of lobbying activity) manner?

0 - No compulsory registration

1 - Lobbyists required to register, but with significant time lag (more than 10 days)

2 – Lobbyists required to register within 10 days of beginning lobbying activity

10. To what extent are lobbyists required to report regularly on their lobbying activities and expenditures in a timely manner (max real-time – min quarterly)?

0 – No requirement to report/Reporting less often than annually

1 – Reporting requirement less often than quarterly but more often than annually

2 - Real-time - Quarterly reporting required

11. To what extent are lobbyists and organizations that lobby required to publicly disclose relevant personal and employment information: name of the organization (if applicable); address and contact information; names of all active lobbyists working on behalf of the organization (if applicable)?

0 - No information required to be publicly disclosed by lobbyists

1 – Only basic information required to be publicly disclosed

2 - Sufficient information required to be publicly disclosed

Check all categories covered by law:

☒ Name (of individual or organisation)

☒ Address and contact details

☐ Names of all active lobbyists working on behalf of organisation

☒ Other

12. To what extent are lobbyists and organizations that lobby required to publicly disclose relevant information on lobbying objectives and clients: name of the persons or organizations paying for the lobbying activities; names of the lobbyists' clients; specific subject matter lobbied?

0 - No information required to be publicly disclosed by lobbyists

1 – Only basic information required to be publicly disclosed

2 - Sufficient information required to be publicly disclosed

Check all categories covered by law:

☒ Name of the persons or organizations paying for the lobbying activities

☒ Names of the lobbyists' clients

☒ Specific subject matter lobbied

☒ Specific legislative proposals, bills, regulations, policies, programmes, grants, contributions or contracts sought

13. To what extent are lobbyists and organizations that lobby required to publicly disclose relevant information on who they are lobbying and what they are advocating: name and title of the public representative or public body with whom the lobbyist engaged and the date and type of such engagement as well as any information and/or supporting documentation communicated to policymakers?

0 – No requirement to report

1 – Only basic information required to be publicly disclosed

2 - Sufficient information required to be publicly disclosed

Check all categories covered by law:

☒ The name of the public representative or public body with whom the lobbyist engaged

☒ Date of engagement

☒ Type of engagement (personal visit, accepted invitation to event, official hearing)

☐ Supporting documentation communicated to policymakers

14. To what extent are lobbyists and organizations that lobby required to publicly disclose lobbying expenditures, including spending on efforts to support lobbying, loans, sponsorships, retainers, or the purchase of tickets for fundraising events?

0 - No information on expenditures required to be publicly disclosed by lobbyists

1 – Only basic information on expenditures required to be publicly disclosed

2 - Sufficient information on expenditures required to be publicly disclosed

15. To what extent are lobbyists and organizations that lobby required to publicly disclose political donations to parties and candidates?

0 - No requirement for public disclosure of political donations

1 - Insufficient requirements for public disclosure of political donations

2 – Sufficient information on political donations required to be publicly disclosed

16. To what extent are lobbyists required to publicly disclose 'in kind' contributions: In-kind contributions may include advertising, use of facilities, design and printing, donation of equipment, or the provision of board membership, employment or consultancy work for elected politicians or candidates for office?

0 - No information on 'in-kind' contributions required to be publicly disclosed by lobbyists

1 - Insufficient information on 'in-kind' contributions required to be publicly disclosed by lobbyists

2 – Sufficient information on 'in-kind' contributions required to be publicly disclosed

17. Is information disclosed by lobbyists publicly available online in a searchable machine-readable open--data format?

0 – Information not available online

1 - Information available online but not in a searchable machine-readable open-data format (eg. Hand-written and scanned documents used)

2 - Information publicly available online in a searchable machine-readable open-data format

18. To what extent do the lobbyists register and provide sufficient/timely information in line with legislative obligations?

0 - Little or no compliance with legal obligations

1 – Some lobbyists comply but there are many cases of non-compliance

2 - Broad compliance with legal obligations

Oversight, Verification and Sanctions

19. To what extent is there an independent, mandated and well-resourced oversight entity charged with managing registration of lobbyists, offering guidance to individuals and organisations, monitoring returns, and investigating apparent breaches or anomalies (this includes powers to investigate complaints made but also to instigate investigations even where no complaint has been lodged)?

0 - No oversight entity exists

1 – Oversight agency exists but it is under-resourced and/or insufficiently mandated to provide meaningful oversight

2 - A fully mandated and resourced oversight entity is in place

20. To what extent is there a pro-active verification mechanism to audit disclosures and reports and detect anomalies?

0 - No verification mechanism exists

1 – Verification exists but is inadequate

2 - Adequate verification mechanism exists

21. In practice, to what extent are anomalies detected and followed up on by the oversight body?

0 - Little or no detection of anomalies

1 – In general, the oversight body is somewhat active in following up on anomalies detected

2 - In general, the oversight body is active in following up on anomalies detected

22. In practice, to what extent are anomalies detected and reported by others (e.g. investigative journalists) followed up on by the oversight body?

0 -Little or no detection of anomalies

1 – In general, the oversight body is somewhat active in following up on anomalies detected and reported by others

2 - In general, the oversight body is active in following up on anomalies detected and reported by others

23. To what extent does the law provide for penalties for knowingly filing a false lobbying registration return or failure to file a return?

0 - No penalties exists

1 - Penalties exist but they are inadequate

2 – Adequate penalties exist in law

24. To what extent are penalties for knowingly filing a false return or failure to file a lobbying registration return implemented in practice?

0 - Never

1 – Sometimes

2 – Always

25. To what extent are oversight bodies required to publicly disclose the names of all individuals or organizations found to have violated lobbying rules or regulations?

0 - No requirement to publicly disclose names of those who violate rules

1 – Disclosure of names of those who violate rules is at the discretion of the oversight body

2 - Mandatory disclosure of names of those who violate rules and details of the violation

26. To what extent are the names of all individuals or organizations found to have violated lobbying rules or regulations published in practice?

0 - Never

1 – Sometimes

2 - Always

Legislative Footprint

27. To what extent does the law require the publication of a 'Legislative Footprint' (document that details the time, event, person, and subject of legislators' and senior public officials'[200] contact with a stakeholder) as an annex to all legislative records?

0 - No legislative footprint foreseen in law

1 – Piecemeal requirements to indicate who has sought to influence legislative or policy making processes in place

2 - The law requires publication of a legislative footprint as an annex to all legislative records

28. In practice, do legislators/public officials publish a legislative footprint including details of the time, person, and subject of contacts with stakeholders?

0 - No information on contacts publicly disclosed by legislators/public officials

1 – Some but insufficient information on contacts publicly disclosed by legislators/public officials

2 - Sufficient details of legislators' contact with stakeholders published

29. To what extent are senior public officials required to pro-actively publish documentation related to meetings: calendars, agendas, documentation received from lobbyists etc?

0 - No requirement to make documentation related to meetings public

1 – Piecemeal requirements to make documentation related to meetings public

2 - The law requires publication of comprehensive documentation related to meetings: calendars, agendas, documentation received from lobbyists

30. To what extent are public representatives (national and subnational legislators) required to pro-actively publish documentation related to meetings: calendars, agendas, documentation received from lobbyists etc.?

0 - No requirement to make documentation related to meetings public

1 – Piecemeal requirements to make documentation related to meetings public

2 - The law requires publication of comprehensive documentation related to meetings: calendars, agendas, documentation received from lobbyists

200 Generally senior public officials are considered as those in management positions with decision-making authority.

INTEGRITY

Post-employment and Pre-employment Restrictions

31. To what extent does the law provide proportionate moratoria or 'cooling off periods' before former members of parliament, senior public servants, ministers and advisers can work as lobbyists?

0 - No cooling off period in place

1 - Less than 2 year cooling off period in place

2 - Cooling off period of at least 2 years in place

32. To what extent do 'cooling off periods' for those who wish to work as lobbyists apply to former members of parliament (national and subnational levels), senior public servants (including in regulatory bodies), members of executive (national and subnational levels) and advisers?

0 - No cooling off period in place

1 - Cooling off period is in place but does not apply to all categories above

2 - Cooling off period applies to all categories above

Tick categories covered:

☒ Former members of parliament (national)

☒ Former members of parliament (sub-national)

☒ Former members of national Executive

☒ Former members of subnational Executives

☐ Advisors

☐ Senior Public Servants

☐ Senior staff of regulatory bodies

☐ Other

33. In practice to what extent do former members of parliament, senior public servants, members of the executive and advisers move easily and directly into the lobbying sector?

0 - There have been a significant number of cases of former members of parliament, senior public servants, ministers, ministerial advisers moving directly into the lobbying sector

1 - There have been a number of cases of former members of parliament, senior public servants, ministers, ministerial advisers to moving directly into the lobbying sector

2 - Former members of parliament, ministers and ministerial advisers rarely move directly into the lobbying sector, usually respecting a cooling off period

n/a – not applicable

34. To what extent does the law require former members of parliament (national and subnational levels), senior public servants (including in regulatory bodies), members of executive (national and subnational levels) and advisers to receive permission from a designated ethics office/agency before taking up an appointment in the private sector where they could lobby their previous employer?[201]

0 - No permission required

1 - Insufficient Restrictions (Insufficient coverage)

2 - Permission required and applies to all above-mentioned categories

n/a – not applicable

201 A good source of information for this indicator is the OECD Draft Report on Progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying, p. 59-62.

35. In practice, to what extent do former members of parliament (national and subnational levels), senior public servants (including in regulatory bodies), members of executive (national and subnational levels) and advisers seek permission from a designated ethics office/agency before taking up an appointment in the private sector where they could lobby their previous employer?[202]

0 - Never

1 - Sometimes

2 - Always

n/a – not applicable

36. To what extent is there an independent, mandated and well-resourced oversight entity charged with managing post and pre-employment restrictions, offering guidance to individuals and organisations, and investigating apparent breaches or anomalies?

0 - No oversight entity exists

1 – Oversight agency exists but it is under-resourced and/or insufficiently mandated to provide meaningful oversight

2 - A fully mandated and well-resourced oversight entity is in place

Codes of Ethics for public sector employees

37. To what extent is ethical/responsible lobbying addressed in public sector codes of conduct (e.g. do they specify standards on how public officials should conduct their communication with interest groups, specify a duty of documentation of contacts, duty to report unregistered or unlawful lobbying to superiors?)

0 - No code of conduct exists for public officials and/or codes of conduct do not reflect ethical lobbying guidelines

1 – Codes of conduct address ethical lobbying in a piecemeal or insufficient manner

2 - Codes of conduct comprehensively address ethical lobbying

38. To what extent do public sector codes of conduct specify standards on how public officials should deal with conflicts of interest issues?

0 - No code of conduct exists for public officials and/or codes of conduct do not adequately reflect conflict of interest issues

1 - Codes of conduct address conflict of interest issues in a piecemeal or insufficient manner

2 – Codes of conduct comprehensively address conflict of interest issues

39. To what extent do public sector codes of conduct specify standards on how public officials should deal with gifts and hospitality issues?

0 - No code of conduct exists for public officials and/or codes of conduct do not adequately reflect gifts and hospitality issues

1 – Codes of conduct address reflect gifts and hospitality issues in a piecemeal or insufficient manner

2 - Codes of conduct comprehensively address reflect gifts and hospitality issues

40. To what extent do public sector codes of conduct deal comprehensively with interest and asset declaration issues?

0 - No code of conduct exists for public officials and/or codes of conduct do not adequately reflect asset declaration issues

1 – Codes of conduct address asset declaration issues in a piecemeal or insufficient manner

2 - Codes of conduct comprehensively address asset declaration issues

202 A good source of information for this indicator is the OECD Draft Report on Progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying, p.63

41. To what extent is there a complaint mechanism allowing any public official or citizen to report violations of the public sector code of conduct?

0 - No complaints mechanism exists

1 - Complaints mechanism exists but is limited in scope

2 – Robust complaints mechanism exists

42. To what extent are there training and awareness-raising programmes for public officials on integrity issues, including lobbying rules and guidelines?

0 - No training/awareness-raising programmes exist on integrity issues

1 – Piecemeal and irregular approach to training/awareness-raising on integrity issues

2 - Comprehensive and regular training/awareness-raising on integrity issues

Codes of Ethics for Lobbyists

43. To what extent is there a statutory code of conduct for lobbyists including clear sanctions for failure to adhere to lobbying regulations?

0 - No code of conduct exists

1 – Code of conduct exists but it is inadequate

2 - Statutory code of conduct including sanctions exists

44. In practice, to what extent are sanctions applied for failure to adhere to lobbying regulations?

0 – Sanctions rarely/never applied

1 - Sanctions applied, but inconsistently

2 - Sanctions consistently applied

45. To what extent does the law and/or the lobbyists' code of conduct require disclosure regarding and provide restrictions on lobbyists being hired to fill a regulatory, financial decision-making or advisory post in government?

0 - No disclosure requirements or restrictions in place

1 – Insufficient Restrictions and disclosure requirements (e.g. lobbyist must deregister but no further restrictions)

2 - Sufficient disclosure requirements and restrictions in place (e.g. potential veto of appointment and/or restriction in types of decisions the employee would be involved in making)

46. To what extent does the law and/or codes of conduct prohibit simultaneous employment as a lobbyist and a public official?

0 - No mention of prohibition of simultaneous employment as a lobbyist and a public official

1 - Law/Code of conduct discourages but does not explicitly prohibit simultaneous employment as a lobbyist and a public official

2 – Law/Code of conduct explicitly prohibits simultaneous employment as a lobbyist and a public official

47. To what extent is there a complaint mechanism allowing any policy-maker or citizen to report violations of the lobbying regulations?

0 - No complaints mechanism exists

1 - Complaints mechanism exists but is limited in scope

2 – Comprehensive complaints mechanism exists

Self-regulatory Codes of Ethics for Lobbyists

48. To what extent are there self-regulatory code(s) of ethics managed by professional association(s) for lobbyists or by companies themselves?*

0 - No code of ethics exists

1 - Code of ethics exists but it is inadequate

2 - Code of ethics including sanctions exists

49. To what extent do existing self-regulatory codes of ethics for lobbyists include specific behavioural principles that steer lobbyists away from unethical situations?*[203]

0 - Codes do not provide any behavioural principles that steer lobbyists away from unethical situations

1 - Codes mention behavioural principles but are vague and/or incomplete

2 - Codes of ethics for lobbyists include specific behavioural principles that steer lobbyists away from unethical situations

Check all categories covered by codes:

☒ Requiring honesty and accuracy of information provided to public officials

☒ Requiring early disclosure to public officials of the identity of client and interests being represented

☐ Refraining from using information obtained in violation of the law

☒ Refraining from encouraging public officials to violate the law

☒ Banning gifts above a de minimis value, fees, employment or any other compensation from a lobbyist to a public official.

☒ Requiring speedy disclosure of any conflict of interest and management of such conflicts of interest or recusal

☐ Making ethics training a condition of membership in the association.

☐ Establishing a reasonably independent mechanism for monitoring and enforcing compliance to the ethics code.

☐ Others, please specify _____

50. To what extent do existing self-regulatory codes require lobbyists to publicly disclose the identity of who they are representing and what they are lobbying for?*

0 - No information required to be publicly disclosed by lobbyists

1 - Only basic information required to be publicly disclosed and/or the information is not public

2 - Sufficient information required to be publicly disclosed (name of the persons or organizations paying for the lobbying activities; names of the lobbyists' clients; specific subject matter lobbied)

51. To what extent do existing self-regulatory codes prohibit simultaneous employment as a lobbyist and a public official?*

0 - No mention of prohibition of simultaneous employment as a lobbyist and a public official

1 - Code of conduct discourages but does not explicitly prohibit simultaneous employment as a lobbyist and a public official

2 - Code of conduct explicitly prohibits simultaneous employment as a lobbyist and a public official

n/a – not applicable

52. To what extent is there a complaint mechanism allowing any member or non-member of the association to report violations of the lobbying code of ethics?*

0 - No complaints mechanism exists

1 - Complaints mechanism exists but is limited in scope

2 - Robust complaints mechanism exists

203 Based on OECD (2009) Lobbyists, government and public trust: Promoting integrity by self-regulation, p.33 http://search.oecd.org/officialdocuments/displaydocumentpdf/?doclanguage=en&cote=gov/pgc%282009%299

53. To what extent are there reasonably independent mechanisms for the monitoring and enforcement of compliance with the ethics code(s)?*

0 – No monitoring and enforcement mechanisms exists

1 – The monitoring mechanism exists but is not independent, or is limited in scope

2 – A robust and reasonably independent monitoring and enforcement mechanism exists

EQUALITY OF ACCESS – THE LEVEL PLAYING FIELD

Consultation and Public Participation in Decision-making

54. To what extent is the Parliament required by law to allow citizens and the public (corporations and civic organizations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input?

0 - The legal framework does not consider the provision of input to the legislative process.

1 - The legal framework allows for citizens and the public (corporations, civic organizations) to provide input to parliament, but it does not make any provisions regarding equal access, sufficient notice and time to receive this input

2 – Parliament is required by law to allow the citizens and the public (corporations and civic organizations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input.

55. To what extent does the legal framework lay out in a law or a group of laws the varied means for public participation in the formulation, implementation, and evaluation of policies, including timeframes and specific mechanisms to disseminate public meeting information, attendance and participation rules, instruments and tools to submit comments and opinion on specific policies?

0 - There are no procedures and rules for participation in policy discussions and decision making processes, or they are ad hoc to each policy and decision making process.

1 - There are some provisions for making public the means of participation in policy, but they are not specific, or they are relegated to policy directives.

2 – Yes, there is a specific regulatory framework that clearly lays out in a law or a group of laws the varied means for public participation in the formulation, implementation, and evaluation of policies, including timeframes and specific mechanisms to disseminate public meeting information, attendance and participation rules, instruments and tools to submit comments and opinion on specific policies.

56. To what extent does the legal framework explicitly require public authorities to ensure equal participation by all affected groups and stakeholders in decision-making processes?

0- There are no provisions regarding the consultation of groups and stakeholders affected by policy.

1- Some provisions regarding the equal participation of affected groups exist, but they are not specific, or they are relegated to policy directives.

2- The legal framework explicitly requires public authorities to ensure equal participation by all affected groups and stakeholders in decision-making processes.

57. In practice, which of the following forms of public participation are routinely used?

☒ Informal consultation with selected groups

☐ Broad circulation of proposals for comment

☒ Public notice and calling for comment

☐ Public meeting

☒ Posting proposals online

☒ Advisory/Expert Groups

☒ Preparatory Public Commission/committee

☒ IT support for monitoring and commenting regulations, submitting proposals and initiatives as early as the drafting phase: the portal e-uprava[204]

58. In practice, to what extent are consultations open to participation from any member of the public?

0 - Consultations are rarely/never open to any member of the public

1 – Consultations are sometimes but not always open to any member of the public

2 - Consultations are generally open to any member of the public

59. In practice, to what extent are the views of participants in the consultation process made public?

0 - The views of participants in the consultation process are rarely/never made public

1 – The views of participants in the consultation process are sometimes but not always made public

2 - The views of participants in the consultation process are always made public

60. To what extent does the legal framework explicitly require public authorities to provide a detailed justification on why and how various submissions have or have not been taken into account in policy and decision-making processes after consultation?

0 - There are no provisions requiring public authorities to explain whether and how they have considered participation, or there is no participation provided for.

1 – There are some provisions requiring public authorities to explain whether and how they have considered submissions, but they are not specific, or they are relegated to policy directives.

2 - The law explicitly requires public authorities to provide a detailed justification on why and how submissions have or have not been taken into account in policy and decision-making processes after consultation.

Advisory/Expert Group Composition[205]

61. To what extent is there a legal obligation to have a balanced composition (between private sector and civil society representatives) of advisory/expert groups?

0 – No requirement to have balanced composition

2 - The law requires meaningful balanced composition between private sector and civil society representatives

62. In practice, to what extent is there a balanced composition (between private sector and civil society representatives) of advisory/expert groups?

0 - Advisory groups are generally biased towards particular interests

1 – Advisory groups are sometimes balanced, sometimes not

2 - There is a meaningful balance between private sector and civil society representatives on advisory groups

204 The web portal e-uprava is designed as a simple communication tool enabling everyone to access content freely and without charge, comment on the content, write suggestions and send them directly to the competent ministry. *E-uprava, Državni portal Republike Slovenije.* Available at: http://e-uprava.gov.si/e-uprava/edemokracija.euprava. See also: *Nacionalni interoperabilnostni okvir.* Available at: http://nio.gov.si/nio/asset/informacijska+podpora+postopkov+priprave+predpisov+ipp-372 [22.6.2014].

205 Following the OECD definition, here an advisory or expert group refers to any committee, board, commission, council, conference, panel, task force or any subcommittee set up by government (executive, legislative or judicial branch) or any of its subgroups to provide it with advice, expertise or recommendations. In some countries, advisory groups will be regulated differently depending on which sector/institution is concerned. If this is the case, we suggest the focus should be on *parliamentary* advisory group involved in the process of legislating. A good source of information for this set of indicators is the OECD Draft Report on Progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying, p. 66-68. The indicator questions draw heavily on the OECD draft report.

63. To what extent are lobbyists prohibited from sitting on advisory/expert groups in a personal capacity?

0 – Lobbyists can freely sit on advisory groups in a personal capacity

2 - Lobbyists are prohibited from sitting on advisory/expert groups in a personal capacity

64. To what extent are corporate executives prohibited from sitting on advisory groups in a personal capacity?

0 – Corporate executives can freely sit on advisory groups in a personal capacity

2 - Corporate executives are prohibited from sitting on advisory/expert groups in a personal capacity

65. With regard to advisory/expert groups, to what extent is membership information, agendas, minutes and participants' submissions required to be made public?

0 - Information not publicly available

1 – Information available, but only on request

2 - Information publicly available online or in print form

ANNEX 2: METHODOLOGY

This report is part of the European Commission funded "Lifting the Lid on Lobbying" project, which sees 19 European countries assess the situation with regard to lobbying and its regulation in their country.[206] The report on Slovenia aims to:

- Assess existing lobbying regulations, policies and practices
- Compile evidence about corruption risks and incidences related to the lack of lobbying control
- Highlight promising practice on lobbying
- Provide recommendations and solutions for decision-makers and interest representatives in the public and private sector

DEFINITIONS

The definition of lobbying in this project is "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".[207]

The definition of 'lobbyists' includes professional lobbyists, and also private sector representatives (in-house lobbyists), public affairs consultancies, representatives from NGOs, corporations, industry/professional associations, trade unions, think-tanks, law firms, faith-based organisations and academics.[208]

We believe that regulation should capture all who lobby and our definition purposefully excludes individual citizens lobbying on their own behalf as this is considered part of a normal healthy democratic process and not something that should be unduly regulated.

A number of case studies are included that highlight incidences of undue lobbying in the spatial planning and environmental sector, clearly showing there are risks for society at large, when shadow lobbying is allowed, there is lobbying without supervision or where it is not regulated. More positively, we also include some promising practices identified in our research.

DATA COLLECTION AND VALIDATION

The Institute of Constitutional Law and Transparency International Slovenia carried out the qualitative research between March and October 2014.

The desk research included the review of primary and secondary sources (legislation, official data, studies and research, books, expert journals, media reports etc.). The researchers also used qualitative unstructured in-depth interviews. Seven in-depth interviews with policy-makers (and/or former policy-makers), lobbyists and experts in the field of lobbying were carried out. They were particularly useful for gathering additional information on lobbying in practice. A list of interviewees is available in Annex 4.

Valuable input was provided by the members of project advisory group, who reviewed and critically assessed the report. A list of advisory group members in available in Annex 3.

A quantitative element was also included in the research in order to evaluate the robustness and efficacy of national regulations and self-regulation mechanisms around lobbying and to allow for comparison across the project countries. A set of 65 indicators were scored by the researcher, based on the qualitative information gathered through the research. A 3-point scale was used to score the indicators, with a minimum score of 0 and a maximum score of 2.[209] In order to calculate the overall scores for the country, and for the three dimensions of transparency, integrity and equality of access, a simple aggregation was performed. Specifically, a total score (as a percentage)

206 The participating countries are Austria, Bulgaria, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, and the United Kingdom.

207 This definitions draws heavily on the Sunlight Foundation Lobbying Guidelines (http://sunlightfoundation.com/blog/2013/12/03/announcing-sunlights-international-lobbying-guidelines/), the OECD Draft Report on Progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying (2014, forthcoming) and Council of Europe Parliamentary Assembly Recommendation 1908 (2010) on lobbying in a democratic society.

208 See Transparency International (2012) Regional Policy Paper 'Lobbying in the European Union: Levelling the Playing Field', accessible online at http://www.transparency.de/fileadmin/pdfs/Themen/Politik/ENIS_Regional_Policy_Paper_Lobbying.pdf

209 In a limited number of cases, where no logical intermediary position exists, only a minimum value of 0 and a maximum value of 2 are offered.

was calculated for 10 sub-dimensions (Access to information; Lobbying registration systems; Verification and oversight of register; Legislative footprint; Pre- and post-employment restrictions; Codes of conduct/ethics for policy--makers; Codes of conduct/ethics for lobbyists; Self-regulation of the industry; Consultation and participation mechanisms in public-decision-making; and Expert and advisory group composition). A simple average was then calculated to provide an overall score for the three key dimensions of transparency, integrity and equality of access. The country score was calculated by averaging these three dimensions.

The fully completed questionnaire and scores are published online at:

www.transparency.si/images/publikacije/lobiranje/report_lobbyinginslovenia.pdf

This report provides a detailed insight on the lobbying in Slovenia and highlights key loopholes and deficiencies in the approach to regulate lobbying. Due to lobbying, society is exposed to the risks of unclear and unfair decisions taken by public officials and representatives. Our aim is to bring attention to the issue and promote positive changes. To this end, the report puts forward a set of key recommendations and solutions suggesting how the weaknesses identified should be tackled.

ANNEX 3: ADVISORY GROUP MEMBERS

Name	Function	Organisation
Drago Šketa	Higher State Prosecutor	State Public Prosecution Office
Jurij Giacomelli	The Secretary-General	Nova Ljubljanska Banka d.d.
Drago Kos	Head of the Working Group on Bribery in International Business Transactions	OECD
Andrej Zorko	Executive Secretary	Confederation of Free Trade Unions of Slovenia
Goran Forbici	Director	Center nevladnih organizacij Slovenije (Centre for NGOs of Slovenia)
Dr Damjan Lajh	Associate Professor	Faculty of Social science, University of Ljubljana
Dr Igor Šoltes	Member of European Parliament	European Parliament
Vasja Jager	Journalist	Večer d.d.
Marjan Podgoršek	Director	DSU, Consulting and Management, d.o.o.
Mihael Cigler	President	Association of Lobbyists
MA Matej Tonin	Head of the parliamentary group and MP	New Slovenia - Christian Democrats
Dr Andrej Možina	President	Medical Chamber of Slovenia
Jaka Kosmač	Advisor for Prevention and Integrity	Commission for the Prevention of Corruption

ANNEX 4: INTERVIEWS

Name and Surname	Function	Organization
Tatjana Pihlar	Journalist	Dnevnik d.d.
Franc Dolenc	Director	Agency for Communication Networks and Services of the Republic of Slovenia
Matjaž Andrejašič	Director	EPIK d.o.o.
Tanja Fajon	MEP	European Parliament
Goran Forbici	Director	Centre for NGOs Slovenia
Tone Kristan	Associate Professor	Civil Society Initiative Malečnik for the control of public institutions of economic importance
Vasja Jager	Journalist	Večer d.d.
Mihael Cigler	President	Association of Lobbyists

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