

# Lobbying – a short guide



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**REPUBLIC OF CROATIA**  
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# Lobbying – a short guide

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# INTRODUCTION



Lobbying is a widespread practice of advocating interests before decision-makers that has decades of history and has become an indispensable factor in public policy making, and thus an indispensable part of the democratic process. A high level of openness and transparency in public policy development and the decision-making process is considered the starting point of ensuring an effective public administration.

Efforts to make lobbying activities i.e. the ability to influence the process of adoption and the effectiveness of public policies as transparent as possible, and thus to increase public trust in decision-makers, are also aimed at limiting the undue influence of (interest groups representing) private capital investors on public policy, encouraging accountability and integrity of both lobbyists and decision-makers, raising public trust in institutions and strengthening the possibility of citizens to participate in public policy making.



It is legitimate and reasonable for individuals and organisations to want to influence decisions that can greatly affect them.

The state, in turn, gets access to lobbyists' knowledge, experiences and perspectives on possible ways to resolve an issue. Lobbying can provide decision-makers with valuable insights, information, policy prospects and dialogue around different policy options. This role of lobbying is important given the complexity of public policies and decision-making in a state and can make a wide impact on political processes.

Evidence-based lobbying and thorough and detailed research and analysis can enhance the quality of decision-making. On the other hand, the potential harmfulness of these effects to the public interest, especially when disguised, is the main reason for the efforts to regulate lobbying by law.

**The Croatian Parliament adopted the Lobbying Act on 14 March 2024 (Narodne novine No 36/24).**

For the first time in Croatia, lobbying is regulated by law as a legitimate activity with clear definitions, principles, rights, obligations and sanctions, in accordance with the recommendations of the Council of Europe, the Organisation for Economic Co-operation and Development (OECD), taking into account the comparative practices of EU Member States and other countries. The adoption of the Act is an important step forward in the implementation of anti-corruption policy and preventive action.

**The Lobbying Act will enter into force on 1 October 2024.**

As of the date of entry into force, stakeholders in lobbying – primarily lobbyists and lobbied persons – will have to align their interaction with the rules of communication defined by the Act. At the same time, the Commission for the Resolution of Conflicts of Interest will become responsible for keeping the Register of Lobbyists.



## INTRODUCTION

# Lobbying Act

The Lobbying Act defines the concepts of lobbying, lobbyists, lobbied persons and the beneficiaries of lobbying.

It defines activities in public and political life that are not considered lobbying, such as public consultations, referenda, petitions or citizens' initiatives, various forms of public communication, disclosure of information, views and opinions in the media, and various forms of social and other dialogue.

It regulates the principles of lobbying, as well as unauthorised lobbying activities, i.e. unethical procedures subject to measures (sanctions).



## Register of Lobbyists

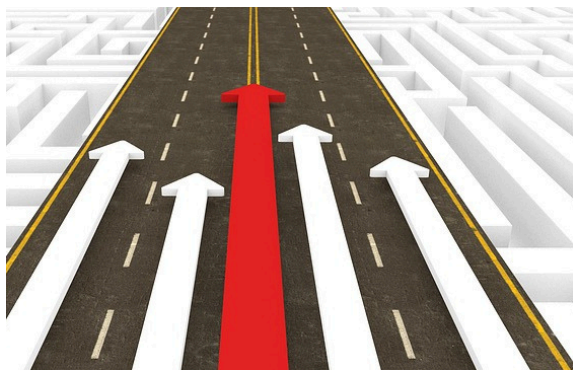
An important provision is related to the establishment of a Register of Lobbyists in the Republic of Croatia, which will be maintained electronically by the Commission for the Resolution of Conflicts of Interest.

It will not be possible to perform lobbying activities without registration in the Register of Lobbyists.

# INTRODUCTION

The Commission for the Resolution of Conflicts of Interest is also responsible for providing opinions to lobbying persons who address the Commission in case of doubt whether specific conduct is considered as lobbying.

Measures for violating the provisions of the Act will be imposed by the Commission for the Resolution of Conflicts of Interest, while sanctions for misdemeanours will be imposed by the competent court in misdemeanour proceedings.



The adoption of the Lobbying Act is part of the activities carried out under the Anti-Corruption Strategy 2021-2030 and represents an important step forward in the implementation of anti-corruption policy and preventive anti-corruption action.

# LOBBYING

## 01 What is lobbying?

The Lobbying Act defines lobbying as any form of oral or written communication to a lobbied person as part of a structured and organised promotion, advocacy or representation of specific interests or the transmission of information relating to public decision-making for the purpose of pursuing the interests of the beneficiaries of lobbying.

Lobbying is communication relating to public decision-making, which involves the preparation, drafting and adoption of laws and other regulations or general acts as well as other strategic and planning documents by legislative or executive authorities, state administration bodies, other state bodies, bodies of local or regional self-government units, including their administrative bodies, or other legal persons and bodies vested with public powers.

Lobbying is based on the principles of openness, transparency, accountability, conscientiousness, and integrity.

## 02 Who is a lobbyist?

A lobbyist is a domestic or foreign natural or legal person who lobbies and is registered in the Register of Lobbyists. The legal concept of a lobbyist includes in particular:

- persons lobbying on behalf of the beneficiaries of lobbying, including consultant lobbyists and professional lobbyists;
- persons lobbying on behalf of their employer (in-house lobbyists);
- lobbyists representing professional, business or other sectoral interests, including professional, sports, economic and interest associations, non-governmental organisations and civil society organisations.

## LOBBYING

### 03 Who is a lobbied person?

Any person who is elected, appointed, employed or otherwise engaged as a public official, special adviser or managerial civil servant:

- in legislative or executive authorities,
- state administration bodies,
- other state bodies,
- bodies of local or regional self-government units, including their administrative bodies, or
- other legal persons and bodies vested with public powers,

who participates or is responsible for public decision-making and has agreed to communicate with a lobbyist.

### 04 Who are the beneficiaries of lobbying?

Beneficiaries of lobbying are legal or natural persons and other legally regulated forms of association of natural or legal persons, including their branches, on whose behalf the lobbyist performs lobbying activities.



## LOBBYING

# 05 What activities are not considered as lobbying?

The following is not considered as lobbying:

- the democratic right of the individual to express their opinion to public officials, bodies or institutions, either collectively or individually through public consultations, referendums, petitions or citizens' initiatives, or to advocate political or legislative change, change of policies or practices within the framework of legitimate political activities, either collectively or individually;
- communication with the authorities of other countries, including their diplomatic and consular representations, institutions of the European Union, international intergovernmental organisations, including agencies and bodies arising from them, or communication relating to security matters;
- activity of persons when participating as experts in meetings, sessions or consultations on matters relating to the preparation of draft laws, regulations, general acts and strategic and planning documents on the invitation or initiative of legislative or executive authorities, state administration bodies, other state bodies, bodies of local or regional self-government units, including their administrative bodies, or other legal persons and bodies vested with public powers, whether paid or unpaid;
- activities of participants in public meetings, sessions, debates, other public events and/or broadcast events;
- publication of information, views and opinions on laws, regulations, general acts and strategic and planning documents, as well as on proposals or drafts of such acts in the media;
- activity of social partners acting as participants in social dialogue in accordance with special regulations;
- activities of political parties, with the exception of organisations established by political parties or associated with political parties.



## LOBBYING

# 06 What are the obligations of lobbyists during lobbying?

Before they begin lobbying, the lobbyist is obligated to introduce themselves to the lobbied person, prove that they are registered in the Register of Lobbyists, and state the objective and the beneficiary of their lobbying.

The lobbyist may provide the lobbied person with information and materials on matters in which they lobby for the beneficiary of lobbying. A lobbyist must not lobby for two or more beneficiaries of lobbying with conflicting interests.

It is forbidden to lobby in violation of the Lobbying Act. This means that a lobbyist must not provide inaccurate, incomplete or misleading information to the lobbied person or resort to undue pressure, inappropriate behaviour or offensive language. If the lobbyist subsequently finds that the information they provided to the lobbied person is inaccurate or incomplete, they must inform the lobbying person thereof without delay and provide accurate and complete information.

When lobbying, the lobbyist must not encourage any violation of the regulations, rules and standards of conduct applicable to the lobbied person. It is forbidden to offer or give gifts or any other benefits to a lobbied person.



# 07 What are the obligations of lobbied persons?

A lobbied person may agree to communicate with a lobbyist only after prior verification of the lobbyist's registration in the Register of Lobbyists.

Lobbied persons must refuse further communication with the lobbyist if they assess that the subject matter of lobbying concerns an interest contrary to constitutional principles or public interest, or entails unlawful conduct or omission, or if the lobbyist's conduct is unlawful.

Lobbied persons must exercise due diligence in relation to information representing a professional secret or other confidential information that they learn during lobbying.

In case of doubt whether specific conduct constitutes a violation of the provisions of the Lobbying Act or other prohibited or prescribed conduct envisaged by the Act, lobbied persons may request the opinion of the Commission for the Resolution of Conflicts of Interest.

If a lobbyist acts contrary to the provisions of the Lobbying Act, lobbied persons must refuse further communication with the lobbyist and immediately notify the Commission for the Resolution of Conflicts of Interest thereof. If a person engages in lobbying, and is not registered in the Register of Lobbyists, lobbied persons must refuse to communicate further with the lobbyist and notify the Commission thereof immediately upon knowledge, in writing or orally on the record before the Commission.

# LOBBYING





# 08 What is the Register of Lobbyists?

The Lobbying Act stipulates that lobbying may be performed by a lobbyist registered in the Register of Lobbyists. Registration in the Register of Lobbyists is a prerequisite for lobbying.

The Commission for the Resolution of Conflicts of Interest is responsible for the setup and maintenance of the Register of Lobbyists in a machine-readable electronic format.

A natural person lobbying on behalf of a legal person must also be registered in the Register of Lobbyists, together with the legal person engaged in lobbying.

# 09 How to register in the Register of Lobbyists?

Registration in the Register of lobbyists is carried out upon application by a natural or legal person, submitted to the Commission for the Resolution of Conflicts of Interest electronically on a prescribed form.

Requirements for registration in the Register of Lobbyists for a natural person:

- legal adulthood,
- the fact that the person has not been convicted by a valid final decision of criminal offences against official duty, criminal offences against the economy or the criminal offence referred to in Article 339 of the Criminal Code (Bribery of Members), or the criminal offences against the security of payment and business operations referred to in the Criminal Code (*Narodne novine* Nos 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11 and 77/11), or sentenced by a valid final decision to a term of imprisonment of over six months for other offences for which the criminal procedure is initiated *ex officio*.

# LOBBYING

Requirements for registration in the Register of Lobbyists for a legal person:

- registration in the relevant register of legal persons,
- the fact that the legal person has not been convicted by a valid final decision of criminal offences against official duty, criminal offences against the economy or the criminal offence referred to in Article 339 of the Criminal Code (Bribery of Members), or the criminal offences against the security of payment and business operations referred to in the Criminal Code (*Narodne novine* Nos 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11 and 77/11), or convicted by a valid final decision of other offences for which the criminal procedure is initiated *ex officio*.

The requirements for registration in the Register of Lobbyists apply *mutatis mutandis* to a foreign natural or legal person, who will be required to prove they have not previously been convicted of the relevant criminal offences stipulated by the national regulations of the country of citizenship or the country of establishment, respectively.

The application for registration in the Register of Lobbyists should contain:

- the name and surname and the domicile or residence of the natural person i.e. the name and registered seat of the legal person, personal identification number (OIB), contact details, including e-mail address, name and surname and the address of the person lobbying on behalf of the legal person, as well as the field of activity and interest. The application must be accompanied by documentation proving the fulfilment of requirements for registration in the Register of Lobbyists.

A lobbyist is required to re-register in the Register of Lobbyists every 24 months from the day the last decision on registration in the Register of Lobbyists became enforceable.

The application for registration in the Register of Lobbyists is to be submitted to the Commission no later than 60 days before the expiry of 24 months from the date of enforceability of the last decision on registration in the Register of Lobbyists.

# 10 What does the Register of Lobbyists contain?

The Register of Lobbyists contains the following information about the lobbyist:

- name and surname for natural persons i.e. name and registered seat for legal persons, contact details, field of activity and interest, status of lobbyist's activities and removal from the Register of Lobbyists, as well as any measures imposed for violating the provisions of this Act.

Data from the Register of Lobbyists are publicly available and are published on the website of the Commission for the Resolution of Conflicts of Interest in an open-source, machine-readable and easily searchable format.

Data from the Register of Lobbyists will remain available to the public for two years in regard to a natural person and five years in regard to a legal person from the date of removal of the person from the Register of Lobbyists, with a note that the lobbyist has been removed from the Register of Lobbyists.

The processing of personal data in the Register of Lobbyists is subject to regulations governing personal data protection. The Commission for the Resolution of Conflicts of Interest is the data controller for the Register of Lobbyists.

# 11 Is there an obligation to report on lobbying activities?

A lobbyist registered in the Register of Lobbyists is obligated to submit a lobbyist activity report to the Commission for the Resolution of Conflicts of Interest

- **once a year, by 31 March of the current year for the previous year.**

A lobbyist removed from the Register of Lobbyists is to submit a report on all the lobbying activities performed and not previously reported no later than 30 days of the day the decision on removal becomes enforceable.

A natural person employed as an in-house lobbyist of a legal person does not have to submit a separate report if their activities have been included in the lobbyist activity report of the legal person concerned.

## LOBBYING

# 12 How to submit a lobbyist activity report?

The lobbyist activity report is submitted electronically to the Commission for the Resolution of Conflicts of Interest on a prescribed form, which contains information on the content of lobbying in terms of the area of targeted policies or legislation, the manner of lobbying, an indication of the objective of their lobbying for each beneficiary of lobbying, information on the beneficiaries of lobbying, an indication of the lobbied person, including the name of the body and the function of the person contacted, and the information and materials provided by the lobbyist to the lobbying person. A lobbyist who has submitted the report is obliged to keep the documentation that is the basis for reporting to the Commission for five years from the date of submission of the report.

Upon receipt, the Commission examines whether the lobbying activity report contains all the necessary information. If it finds that the required information is missing from the report, the Commission will invite the lobbyist to supplement the report within a specified period, which may not be shorter than 15 days or longer than 30 days.

The Commission may, on its own initiative, verify the veracity of the data and statements in a lobbying activity report.

At the request of the Commission and within the time limit set by it, the lobbyist will be obligated to submit supplements, explanations and evidence for the statements made in the submitted lobbyist activity report.

For the purpose of verifying data and statements from the lobbyist activity reports, legislative or executive authorities, state administration bodies, other state bodies, bodies of local or regional self-government units, including their administrative bodies or other legal persons and bodies vested with public powers are obligated, at the request of the Commission, to submit the requested information and evidence without delay.

A lobbyist cannot refuse to provide information for the purpose of the verification of their report by invoking a professional or trade secrecy.



### 13 What restrictions are there for a lobbied person?

A lobbied person is prohibited from lobbying in relation to the legislative or executive authority, state administration body or body of a local or regional self-government unit, including its administrative bodies, or other legal person or body vested with public powers in which they held a public office or served, for a period of 18 months upon termination of office or service - the 'cooling off' period.

A lobbied person who is subject to the law governing the prevention of conflict of interest and who is obliged by the provisions of that law may under no circumstances engage in lobbying while in office or service, nor be registered in the Register of Lobbyists.



# 14 Are there sanctions for non-compliance with the Lobbying Act?

Measures due to non-compliance with the provisions of the Act are imposed by the Commission for the Resolution of Conflicts of Interest, while misdemeanour sanctions may be imposed by the competent court in misdemeanour proceedings.

The Commission may impose the following measures:

- a written warning,
- a ban on lobbying for a limited period of time,
- a pecuniary sanction, and
- removal from the Register of Lobbyists.

Measures may be cumulated and imposed depending on the gravity of the violation, the consequences arising from it and whether it is the first or a repeated violation. A written warning may be issued if, according to the conduct and responsibility and the consequences caused, it is evidently a minor violation of the provisions of the Act.

The procedure for imposing measures is initiated *ex officio*. Where appropriate to the nature of the violation, the Commission may, during the procedure, order the person against whom the procedure has been initiated to remedy the causes of the violation within a specified time limit and, if the person complies, may issue a decision discontinuing the procedure or may complete it taking into account the compliance with the order when imposing a measure. When the decision on imposing a measure becomes enforceable, the imposed measure is entered in the Register of Lobbyists if imposed against a lobbyist registered in the Register of Lobbyists.

When the Commission finds a violation of Articles 9(2), 22(1) or 22(2) of the Lobbying Act, it will notify the competent state attorney's office without delay, for the purpose of initiating misdemeanour proceedings.





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