

de'ge'pol – German Association of Political Consultants –
Response to the Green Paper “European Transparency Initiative”

The German Association of Political Consultants (de'ge'pol) is the first association of German-speaking professionals who are active in the field of political consultancy in Germany and in Europe. Founded in May 2002, de'ge'pol considers itself a part of the European and international profession of political consultants.

Do you agree that efforts should be made to bring greater transparency to lobbying?

According to the Green Book (p. 5), lobbying is a legitimate part of the democratic system. It undertakes the crucial task of mediating between policy-makers, civil society and the economy. De'ge'pol's code of conduct is the expression of our commitment to consider the common good as the overall objective of political consulting as well as of our awareness of the particular sensitivity and transparency required to carry out our work.

All of de'ge'pol's members are committed to transparency and sincerity in their professional conduct, this being a requirement of the de'ge'pol code of conduct as well as a matter of professional honour. De'ge'pol does not tolerate impermissible or deceptive means to influence political decision-makers and is committed to denouncing members of its profession who use such means.

De'ge'pol thus considers transparency an important issue. It supports the European Commission's initiative for more transparency in lobbying. De'ge'pol's aim is to contribute to furthering the professionalisation of political consulting and to communicating to the public a clear profile of political consulting. Greater transparency is important to ease widespread reservation and suspicion about our profession.

Do you agree that lobbyists who wish to be automatically alerted to consultations by the EU institutions should register and provide information, including on their objectives, financial situation and on the interests they represent? Do you agree that this information should be available to the general public? Who do you think should manage the register?

The definition of lobbying can only be broad, including lawyers, public affairs consultants, trade associations, trade unions, think-tanks and NGOs. De'ge'pol thus agrees with the Green Book's broad definition of “lobbyists” (p. 5). De'ge'pol holds the view that the same requests for and requirements concerning transparency should apply to all those who influence or attempt to influence policy-making and decision-making processes in European institutions.

De'ge'pol endorses the current procedures of registration on a voluntary basis. We expect an increase in registration numbers as registration becomes more widely known and acknowledged as a professional distinction.

At the same time, de'ge'pol believes that a stronger incentive is desirable to motivate more lobbyists to register voluntarily. Such an incentive would have to be connected to a right or privilege that is granted only to those who register. This is the idea behind the current procedure at the European Parliament as well as at the German Bundestag, where de'ge'pol is registered.

However, it is difficult to implement a form of registration for all lobbyists that includes objectives and interests. Particularly public affairs consultants and lawyers represent the interests of different clients. Therefore de'ge'pol considers as more suitable a code of conduct where lobbyists announce the interest group represented at every instance of contact with EU-institutions.

De'ge'pol objects forms of regulation that require the disclosure of financial lobbying expenses. The concern in making clear whose interest a consultant represents is safeguarded by the disclosure of the client's name. This demand is part of most of the existing codes of conduct, and should be included in a consolidated version of a code of conduct. Any other profession would consider further disclosure an undue interference into its company secrets. Moreover, it should be considered that in most cases a budget is not solely dedicated to lobbying activities. In all these cases, it would be misleading to ask for a disclosure of the financial conditions.

Do you agree to consolidating the existing codes of conduct with a set of common minimum requirements? Who do you think should write the code?

De'ge'pol has developed a code of conduct for professional political consultants in a lengthy and thorough discussion process. This code of conduct, which can be found at <http://www.degepol.de/eng/downloads/>, covers –besides a ban on financial incentives – commitments to sincerity and avoidance of misinformation, as well as to a strict separation between professional activities and further political positions, mandates and functions.

De'ge'pol has no objections to consolidating the existing codes of conduct. In drafting our code of conduct, de'ge'pol has closely worked together and continues to cooperate with other associations of political consultants, such as the Society of European Affairs Professionals (SEAP) or the Austrian Lobbying and Public Affairs Council (ALPAC). All these professional associations have almost identical codes of conduct.

De'ge'pol considers it important that a code of conduct is drafted by members of the profession itself. We believe that a high level of legitimacy of a code of conduct can only be achieved by a self-given code. At the same time, the problem arises that “in house”-consultants feel committed to their own company's code of conduct at most, if existent. Therefore it would be desirable to establish a binding code of conduct for these professionals.

Do you agree that a new, inclusive external watchdog is needed to monitor compliance and that sanctions should be applied for any breach of the code?

De'ge'pol trusts that the self-regulation of the profession is the best way to ensure that impermissible means of influence remain a rare exception at most. As “black sheep” pose a danger to the reputation of a whole profession every professional is interested in effectively excluding them. Our profession is strongly cross-linked and maintains strong personal ties. It is thus in a better position to monitor compliance and to exert pressure on colleagues than an external institution.

De'ge'pol is open to discussion regarding other means of control, including sanction systems of associations, as that established by SEAP. However, membership in one of these sanctioning institutions has to be on a voluntary basis. We trust that the good reputation of membership in an association that has a demanding code of conduct and possibly an internal sanctioning system provides a strong enough incentive to abide by the rules.

Informal sanctions, together with market mechanisms, are all that is needed to safeguard against improper practices. An external watchdog institution would generate excessive red tape and infringe upon privacy rights.