

## *Book Review*

**Liviu Mihăileanu and Aurelian Horja, *REGLEMENTAREA ACTIVITĂȚII DE LOBBY. ÎN ANTICAMERA INFLUENȚEI (LOBBYING – INFLUENCE, REGULATION AND DECISION – MAKING PROCESS)***

**C.H. Beck, Bucharest, 2009**

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The recently published book of Liviu Mihăileanu and Aurelian Horja – named “The Regulation of the Lobbying Activity. In the Antechamber of Influence” , is the result of the vast knowledge and experience that the two lobbying specialists have gained over time regarding this subject.

The main objective of the book, as stated by the authors, is concerned with the “de-mythization of the occult character of the lobbying activity” , through an exhaustive presentation of the lobbying activity. Therefore, the seven chapters of the book are used by the authors in order to: define the lobbying activity; present its instruments; and comparatively analyze the lobbying regulation developments in the USA, in the European Union’s institutions, in several European countries (Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Lithuania, Great Britain, Netherlands, Poland, Sweden, Hungary), and in one extra communitarian country – Georgia. On another side, all these theoretical, regulatory and practical aspects of the lobbying activity (from countries with a long regulatory tradition of the lobbying activity to the ones with a more recent one) are analyzed in order to reveal both examples of good practices and, also, the lacking aspects in the lobbying regulations of different systems, with the aim of elaborating a

proposal for the lobbying activity's regulation in Romania. Simultaneously, the authors analyze the post-communist Romania's context regarding the approach of the lobbying activity and its regulatory attempts.

From the first chapter, subsequent to a comparative analysis of the various definitions given to "lobbying", a definition created by the authors is used as a starting point for examining the lobbying activity, definition that is being adapted to the Romanian context in the following way: "a set of legal and transparent activities (of monitoring, analysis, documentation, direct communication and information providing) regarding their potential future effects on a decision, or concerning the support and promotion of some rights, opinions and interests, done with the express intent of influencing the opinion or action of the president or of a member of the legislative, executive, of an authority from the central or local public administration, or of a person with a decision-making power, from an organization or institution involved in the elaboration, modification or influence of the legislation or of a normative act with a local, regional, national or international effect, done by a person, firm, organization or a group of organizations, directly or indirectly, on its own name or on the name of other persons or groups, and that aims at the initiation, adoption, modification, rejection or repealing of a normative act, or the promotion, administration or implementation of a program or public policy. "

The analysis of Romania's situation regarding the approach of lobbying activity reveals several aspects, both positive and negative. Firstly, the presence of rights - in the Romanian body of laws - (the right to petition, freedom of expression, the right to information, the freedom of association and assembly, the right to legislative initiative - in the Constitution) and regulations (Law no. 52/2003 - regarding the decisional transparency) that create the framework not only for reactive but also for preventive lobbying activities. Secondly, the approach taken nowadays in the Romanian society, concerning the lobbying activity, is rather inconsistent: the definition

weaknesses the “lobbying” and “lobbyist” terms; a certain perception regarding an equality between the lobbying activity and the traffic of influence has been created; six legislative proposals concerning the lobbying activity exist but their formulations were not always impartial; and the opposition of some firms, organizations and persons practicing lobbying in the matter of a regulatory legislation in this regard.

In order to overcome this state of affairs in Romania and to foster an objective understanding of the lobbying activity, the authors explain the differences between lobbying (as an attempt to influence the decision-making process) and advocacy, or between lobbying (a transparent activity, based on a reasoned communication and solid technical and legislative knowledge) and traffic of influence. They also present the instruments of the lobbying activity (the contact of the relevant decision-makers on the subject; the establishing of long-term relationship with them and their teams; in time and relevant information providing; objective and reasoned approach of the problem; the rules governing an efficient contact - written or oral; the existence of a unitary message delivered to the decision-makers through various sources - coalitions making, media); or are identifying the benefits of the lobbying activity for the relation between the governors and the governed (the transparency of the decision-making process and the active participation of the civil society in it; the increased quality of the adopted decisions; the augmentation of the efficiency of the adopted decisions’ implementation; and a mentality change regarding the relation between those governed and their governors).

Therefore, in the context of expanding the tendency of regulating the lobbying activity (as it results from the comparative analysis on the USA, European Union and on the European states), and considering that the lack of regulation itself can make the lobbying to degenerate in corruption or traffic of influence, the authors affirm that this regulation becomes more and more the rule and not the exception, and that Romania should be part of this trend.

As a result, in the last chapter of the book, the authors formulate a legislative proposal for regulating the lobbying activity in Romania, this being considered the next step after the recognition of the lobbying profession (its inclusion in the Classification of Occupation in Romania - COR) and its inclusion in the CAEN Code. The proposal consists of five chapters, covering issues as: the definition of lobbying – what it represents and what it doesn't; the definition of the direct communication; the decision-makers targeted by the lobbying activity; the definition of the lobbyist, of the lobbying office, of the contract of lobbying and of the client; the registration of the lobbyists; the register of the lobbying activities; and the sanctions applied in case of law violation .

The book represents a reasoned attempt made in order to regulate the lobbying activity in Romania, an endeavor based on the comparative analysis of the lobbying regulations and practices in several democratic states with a higher or lower regulatory experience of the lobbying activity. At the same time, it is not only an useful instrument for the civil society's organizations and the decision - makers in their two-way communication process, but it is also an expression, at a small scale, of the citizens' right to legislative initiative. An initiative that is shared by the authors, on the book's site (<http://www.reglementare-lobby.ro/>), with all those that might be interested in it, either to further develop it or to promote it at the legislative level. And last, but not least, the action of regulating the lobbying activity might designate a new stage in Romania's democratic development of interests' representation, not only at national, but also at European level.