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## Conference

### ***Lobby, from theory to practice. Implications on the public policies, the business environment and NGOs in Romania***

(Intercontinental Hotel, Rapsodia Hall)

#### – EVENT REPORT –

The European Institute of Romania (EIR) organized a conference on 31 March 2015 to mark the launch of the study *Lobby in Romania vs. lobby in the European Union*, conducted under EIR auspices by a commendable research team including university professors from Bucharest and Cluj, experts in European Affairs, political science, ethics, economics and law. The study aims to respond to some concrete and genuine needs present in the Romanian society in order to identify the best solutions for regulating lobbying.

In the introductory session of the event, *Lobby: current trends and challenges*, the panel of speakers included Mrs **Gabriela Drăgan**, University Professor and Director General of the European Institute of Romania, Mr **Liviu Stancu**, State Secretary from the Ministry of Justice, Mrs **Alina Bărgăoanu**, University Professor, Pro-Rector of the National University of Political Studies and Public Administration (NUPSPA) and President of the Administration Board of the EIR. The study was presented by Mrs **Simina Tănăsescu**, University Professor, author and coordinator of the research team, whose activity was conducted during the second half of 2014 and the first quarter of 2015.

The thesis underlying the study is that the public policy process is becoming increasingly complex, as the role played by various interest groups in influencing political decision-making is more and more difficult to ignore, here in Romania as well. According to Mrs **Simina Tănăsescu**, the study reviews the **two different styles** of regulating lobby, *one specific to Europe and the other prevailing in North America*; these are based on *soft law* and *hard law* respectively. Irrespective of the approach, influencing the decision-making at public authority level, i.e. lobbying, *"must comply with a minimum set of rules in order not to become a burden on decision-makers and to cause a distortion of democracy"*, Mrs Tănăsescu explained, while warning against occasional voluntary or involuntary confusions made about the different fields of lobby, advocacy and public relations.

Since Romania lacks an express regulation on lobbying (with the exception of the Classification of Occupations in Romania), *"we set out to explore the existing options and to deduce the consequences that different regulations may have in Romania"*, Mrs Tănăsescu said. *"We do not seek to define lobbying and provide a guide for a future regulation, but ensuring transparency and complying with regulatory requirements are necessary. This is because lobbying does exist in Romania, irrespective of the paradigm under which we choose to understand it"*, Mrs Tănăsescu added.

*"Regulation options do exist, and our role is not to impose one version or the other. It is merely to highlight them"*, said Mrs **Gabriela Drăgan**, Director General of the EIR. *"The purpose of these debates is to provide the general public with access to pertinent studies,*



the results of the work of a reliable research team, and to invite them to reflection”, Mrs Drăgan said, underlining among other things that “at the European Union level, there are very few states that regulate lobbying; there are however some self-regulatory mechanisms”.

In support of the same idea, Mr **Liviu Stancu** noted that “at Community level, there is no unitary opinion on regulating this activity”. The study launched by the EIR is “a useful tool for the research area dedicated to lobbying”, being able to complement the contents of another document, *Documentary material on regulating lobbying in the legislations of other states*, drawn up under the auspices of the Ministry of Justice and distributed to the public on the same occasion. “*The two documents will underpin a vision that the Ministry of Justice will formulate with regard to lobbying in Romania*”, whose regulation attempts emerged in the context of the fight against corruption, the State Secretary said, while underlining the importance of the “social acceptability” of this activity.

Mrs **Alina Bârgăoanu** welcomed the launch of the study dedicated to a “*matter that incites passions*” in Romanian society, warning however of “the great danger that it may rather go unnoticed and, moreover, it may be involved in struggles of outside interests”. “This also applies to the other studies carried out under the auspices of EIR”, Mrs Bârgăoanu added, noting that “the imprecise use of terms may generate conflicts”.

The team of authors that contributed to the study (apart from the coordinator Simina Tănăsescu) was composed of: Mrs. **Miruna Andreea Balosin**, Lecturer at the Faculty of European Studies, Babeş-Bolyai University in Cluj-Napoca, Mr. **Cosmin Dima**, PhD candidate at the Faculty of Political Science of the University of Bucharest, Mr. **Cristian Ducu**, PhD in Moral Philosophy and, from 2008, General Manager of the *Centre for Advanced Research in Management and Applied Ethics*, Mrs. **Ramona Delia Popescu**, PhD, Lecturer at the Faculty of Law, University of Bucharest, and Mr. **Ştefan Ilie Oanţă**, PhD candidate at the Bucharest University of Economic Studies (BUES).

In the opening of the first thematic panel, *Lobby: from theory to practice. Implications for public policies*, moderated by the journalist **Ovidiu Nahoi**, Mrs. **Luminiţa Adam**, member of the Romanian Parliament and member of the Committee for Legal Matters, Discipline, and Immunities (Chamber of Deputies), emphasized that “*it is a fact that lobbying can improve the process of public policy making and can enhance accountability in governance*”. But we must be careful “not to allow this activity to become disguised influence peddling”, Mrs. Adam warned, advocating for transparency. “The more transparent we are about the decision-making process, the more difficult will be to commit unlawful acts”, the MP explained. When we talk about lobbying, it is important to be very clear. “*Influence peddling is a criminal act, while lobbying is a legitimate activity*”, declared Mr. **Cornel Călinescu**, Coordinator of the Technical Secretariat of the National Anti-Corruption Strategy within the Ministry of Justice. “The anti-corruption report issued by the European Commission concerning our country notes the lack of a legislation on lobbying in Romania”, the coordinator recalled.

“*The notion of influence peddling should not be confused with the offence of influence peddling*”, declared Professor **Bogdan-Nicolae Bulai**, Director of the Criminal Law Department of the Faculty of Law within the University of Bucharest, who mentioned the letter of recommendation (from a professor to a student) as an example of a perfectly acceptable influence peddling, which does not go beyond the framework of lawfulness as long as it does not involve financial costs for the beneficiary. In line with one of the observations made by the study, Mrs. **Loredana Radu**, Associate Professor at the Faculty of Communication of The National University of Political Science and Public Administration, noted that “*the concept of lobby bears a negative connotation, at least at the level of*



*perception, within the Romanian society'* and pleaded, in her turn, for *"the regulation and professionalisation of the field"*.

The second thematic panel, *Lobby: from theory to practice. Implications for the business environment and NGOs in Romania*, was moderated by the journalist **Dan Cărbunaru** and began with the intervention of Mr. **Adrian Moraru**, Deputy Director of the Institute for Public Policy. *"We are currently facing a lack of transparency in the area of the influence exercised on decision-makers and the representatives of the business environment should be involved more in this debate"*, Adrian Moraru declared. On the same note, Mr. **Cristian Pârvan**, Secretary General at the Businessmen's Association of Romania, stated that *"unfortunately, Romanian businessmen sometimes feel discriminated against in their own country"*. *"I am glad to see that there are many young people in the audience today, as they will most likely have the opportunity to witness a regulation of lobbying during their lifetime"*, Cristian Pârvan added, in an ironic register.

*"Lobby becomes a more and more complex form of communication, including when it concerns politicians, and transparency should be the watchword"*, declared Mrs. **Laura Florea**, President of the Romanian Lobby Registry Association. *"This dilemma between lobby and advocacy is present only in Romania. Nowhere else can this dichotomy be found"*, Mrs. Florea stated, defending *"the right of the society to know how public policies are made"*. Lastly, Mrs. **Oana Preda**, Executive Director of the Resource Centre for Public Participation, was the first and only speaker who **explicitly expressed her opinion against the regulation of lobby**, *"as this would eliminate from the process precisely those groups that encounter the most difficulties in making their way to the decision table"*, providing the example of simple citizens with only basic studies, who have unintentionally undertaken activities to the benefit of their communities, activities which, in a broader sense, may be associated with lobbying.

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