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MOLDOVA
Preventing Undue Influence in Public Decision-Making

A Framework for Transparency of Influence in Moldova

Discussion Paper

Prepared in the context of the implementation of the National Integrity and Anti-Corruption Programme 2024-2028

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This discussion paper was prepared to support policy reflections on transparency of influence in public decision-making in the Republic of Moldova.

Contents

Main Findings and Policy Implications

- Interactions between public authorities and external stakeholders are a normal component of democratic policymaking and administrative decision-making. However, the transparency and traceability of such interactions are not systematically ensured in Moldova's current legal framework, particularly where influence occurs outside formal consultation procedures.
- Moldova has developed a number of integrity and transparency mechanisms, including legislation on public consultations, conflicts of interest, asset declarations and whistleblower protection. These instruments provide important safeguards but primarily regulate the conduct of public officials rather than the activities of actors seeking to influence public decisions.
- Nevertheless, lobbying activities are not specifically regulated. International monitoring reports and EU accession assessments highlight the absence of rules governing contacts between public officials and actors seeking to influence policymaking.
- As a result, the main governance challenge concerns the transparency and traceability of influence. Lawful influence activities may remain insufficiently transparent, making it difficult to trace how external actors contribute to legislative or administrative decisions.
- Policymakers may therefore consider two main regulatory approaches to strengthening transparency of influence in public decision-making: introducing targeted amendments to existing legislation or adopting a dedicated legal framework regulating lobbying transparency. Comparative experience suggests that a standalone framework may provide a more coherent solution by clarifying acceptable interactions between public officials and interest representatives and improving transparency of influence.

Background

Transparency of interactions between public authorities and external stakeholders has become an increasingly important governance issue in the Republic of Moldova. International monitoring reports have repeatedly highlighted risks related to the influence of private interests on public decision-making in Moldova and the need to strengthen safeguards ensuring integrity and transparency in these interactions. In particular, in its 2023 report, the European Commission has noted that independent and regulatory agencies continue to be susceptible to influence from private interests and the entities or industries they are meant to regulate. The report stressed the need for further efforts to safeguard these agencies from third-party influence, specifically by bolstering accountability and introducing measures to foster integrity.[1] Subsequent reports reiterated this assessment, emphasising the necessity to strengthen measures promoting integrity and transparency in interactions between public officials and external actors seeking to influence public decision-making.[2] The European Commission has also highlighted the need to

[1] European Commission, page 15 of COMMISSION STAFF WORKING DOCUMENT Republic of Moldova 2023 Report, at https://enlargement.ec.europa.eu/document/download/d8ef3ca9-2191-46e7-b9b8-946363f6db91_en?filename=SWD_2023_698%20Moldova%20report.pdf

[2] European Commission, page 23 of COMMISSION STAFF WORKING DOCUMENT Republic of Moldova 2024 Report, at https://enlargement.ec.europa.eu/document/download/858717b3-f8ef-4514-89fe-54a6aa15ef69_en?filename=Moldova%20Report%202024.pdf. European Commission, pages 22 and 34

strengthen transparency and integrity safeguards in Moldova's policymaking processes. In its 2024 Enlargement Report, the Commission noted that "measures to promote integrity and to regulate lobbyist activities should be strengthened."[3] This observation indicates that the transparency of influence in public decision-making remains an area requiring further policy attention in the context of Moldova's EU accession process. Similarly, the Council of Europe's Group of States against Corruption (GRECO) has recommended introducing clearer rules regulating the interaction of parliamentarians with third parties seeking to influence legislative processes.[4]

OECD indicators on public integrity also highlight the absence of mechanisms addressing transparency in lobbying and prevention of undue influence (2023).[5] Moldova currently has no dedicated legal framework regulating lobbying activities.

A previously proposed law on de-oligarchisation was eventually abandoned in favour of a comprehensive plan of measures adopted in May 2023 aimed at addressing systemic risks related to excessive influence of private interests in political and economic life. The Action Plan for the Implementation of the National Integrity and Anti-Corruption Programme for 2024–2028 includes the preparation of a study on the need to regulate lobbying activity in Moldova and, if required, to amend the regulatory framework (Activity 1.2.7).[6] This plan seeks a more systematic and robust approach to anti-corruption by combining several initiatives.

In the broader governance context, Moldova has adopted measures aimed at limiting the excessive influence of private interests on economic, political and public life. These initiatives reflect ongoing concerns regarding the potential impact of private influence on public decision-making and the need for stronger transparency and accountability mechanisms.[7]

Although the legislative initiative on "de-oligarchisation" was not pursued, legacy oligarchic influence and newly emerging undue influence practices continue to pose major hurdles to democratic governance and the rule of law in Moldova, as shown in the above-mentioned international monitoring reports, including those of the European Commission and GRECO. Moldova's recent history has also highlighted significant governance challenges related to the concentration of private influence in public decision-making.[8]

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of COMMISSION STAFF WORKING DOCUMENT Republic of Moldova 2025 Report, at https://enlargement.ec.europa.eu/moldova-report-2025_en

[3] European Commission (2024), *Republic of Moldova 2024 Report*, p. 23.

[4] Council of Europe – GRECO (2023), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments – Evaluation Report: Republic of Moldova.

[5] https://oecd-public-integrity-indicators.org/countries/MDA/1000097

[6] https://www.legis.md/cautare/getResults?doc_id=141920&lang=ro).

[7] Council of Europe – GRECO (2023), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments – Evaluation Report: Republic of Moldova.

[8] Hellman and Kaufmann (2001): *Confronting the Challenge of State Capture in Transition Economies*, in Finance and Development, a quarterly magazine of the IMF, September 2001, Volume 38. Number 3. At https://www.imf.org/external/pubs/ft/fandd/2001/09/hellman.htm . In this study, Moldova appeared as the most captured state by vested interest, second only to Azerbaijan. See also Matthew Jenkins and Ortrun Merkle (2022): *Moldova: Overview of Corruption*, at https://www.u4.no/publications/moldova-overview-of-corruption . However, Kerry Longhurst (2023) puts into question that state capture is in remission in Moldova, in Contemporary Southeastern Europe, 2023, 10(2), 1 -21, at

In this context, discussions on transparency of influence in public decision-making should take into account Moldova's past experience with concentrated private influence and the broader governance objective of strengthening institutional resilience against undue influence. The influence of powerful economic and political interests has historically extended across multiple sectors and institutions: political parties, judiciary, parliament, national and subnational governments, law enforcement bodies, banking, media, energy, mining, real estate, transportation and so forth. This fact would be an initial indication of the large scope that a policy and regulation on the matter would need to have.

The National Anticorruption Centre (NAC) of Moldova requested CIDS assistance in preparing a study in the form of a discussion paper to ensure better means for integrity in public decision-making at the regulatory level and at the level of decision-making by public authorities.

In order to assess whether additional regulation may be required, it is first necessary to examine the existing legal framework governing transparency and integrity in public decision-making in the Republic of Moldova. It is also important to understand the different channels through which influence may occur in policymaking processes and to evaluate the extent to which current mechanisms allow citizens and stakeholders to trace such influence. The following sections therefore analyse the current transparency framework, the channels of influence in policymaking, and the traceability of external input in legislative, regulatory and administrative processes carried out by public authorities.

One of the venues for addressing the problem of reducing undue influence in public decision-making and regulation is the enactment of lobbying legislation. According to the NAC, such a study should:

- clarify the concept of lobby, the existing types of lobbies and the role of lobbying in a democratic system
- analyse existing practice of European states and regulatory models, while considering their economic and social consequences.
- formulate some conclusions and recommendation regarding the advantages and risks of such a mechanism for influencing political decisions or decision-making processes in the current context of the Republic of Moldova.
- identify the categories of subjects that would be appropriate and balanced to be invited or involved in the process of legislating lobbying activity.

This study follows international standards and guidance developed by organisations such as the OECD and the Council of Europe, as well as relevant European practices in the regulation of lobbying and influence activities.

Before examining international standards and comparative practices in the field of lobbying regulation, it is necessary to assess the current legal and institutional framework of the Republic of Moldova. Such an assessment helps clarify the extent to which existing transparency, integrity, and anti-corruption legislation already addresses influence activities and where potential regulatory gaps may exist. As recommended by the OECD Principles for Transparency and Integrity in Lobbying, lobbying regulation should be consistent with the wider legal framework and

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https://contemporarysee.org/allfiles/documents/file-141-state-capture-in-remission-reflections-on-the-moldovan-business-environment.pdf socio-political context of the country.[9] The following section therefore provides an overview of the relevant domestic legislation and its interaction with the possible introduction of a dedicated lobbying framework.

Problem Definition: Transparency of Influence in Public Decision-Making

Although Moldova has developed an extensive legal framework addressing transparency in decision-making and integrity in public administration, the current system does not systematically ensure transparency of influence activities.

However, interactions between decision-makers and external stakeholders often occur outside formal consultation mechanisms. Such interactions may be legitimate and may contribute valuable expertise to policymaking and administrative processes. At the same time, when they are not accompanied by transparency safeguards, it becomes difficult for citizens and stakeholders to trace how external input may influence legislative or administrative decisions.

As a result, the main governance challenge concerns the traceability of influence. Lawful influence activities may remain insufficiently documented, particularly when they occur through informal meetings or interactions that are not subject to disclosure requirements.

Addressing this transparency gap does not necessarily require restricting interactions between public officials and stakeholders. Rather, it may involve introducing mechanisms that ensure such interactions are transparent and traceable.

Existing Legal Framework in the Republic of Moldova

Before assessing the need for a dedicated law on lobbying, it is necessary to examine the existing legal framework governing transparency, integrity, and prevention of undue influence in the Republic of Moldova.

Law No. 239/2008 on Transparency in the Decision-Making Process[10]

Law No. 239/2008 establishes procedural obligations for public authorities to ensure transparency in the drafting, consultation, and adoption of normative acts. It requires:

- publication of draft decisions;
- organisation of public consultations;
- consideration of proposals received from stakeholders;
- publication of adopted acts and justification of urgent procedures.

This law provides an important framework for participatory governance. However, its scope is limited to **formal consultation procedures**. It does not regulate:

[9] OECD (2010, revised 2024), *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, OECD Legal Instruments No. 0379.
[10] https://www.legis.md/cautare/getResults?doc_id=142655&lang=ro

- bilateral or informal meetings between public officials and interest representatives;
- pre-consultation influence on draft legislation;
- disclosure of lobbying contacts outside formal consultation settings;
- obligations for private actors seeking to influence decision-makers.

Therefore, while Law No. 239/2008 ensures transparency of procedures, it does not ensure transparency of **influence activities** occurring outside formal consultation mechanisms.

Law No. 82/2017 on Integrity[11]

Law No. 82/2017 establishes the legal framework for ensuring integrity in the public sector. It regulates, inter alia:

- conflicts of interest;
- gifts and undue benefits;
- incompatibilities and restrictions;
- the "revolving door" phenomenon;
- reporting of undue influence;
- integrity warnings and institutional safeguards.

The law focuses primarily on the conduct of public officials and institutions. It addresses situations where influence becomes **illegal or improper**, such as corruption or abuse of office. However, it does not regulate lobbying as a **legitimate but transparent activity**.

In particular, the Integrity Law does not establish:

- a definition of lobbying or lobbyists;
- registration obligations for interest representatives;
- systematic disclosure of lobbying activities;
- a public register of influence activities.

Thus, the Integrity Law targets corruption and integrity violations, but not structured, lawful influence conducted transparently.

Law No. 158/2008 on Public Office and the Status of Civil Servants[12]

This law regulates the professional status, rights, obligations, and ethical standards applicable to civil servants. It establishes general duties of impartiality, legality, and professionalism.

However, it does not provide a comprehensive framework governing interaction between civil servants and interest representatives, nor does it require systematic disclosure of meetings or influence attempts.

[11] https://www.legis.md/cautare/getResults?doc_id=153004&lang=ro#
[12] https://www.legis.md/cautare/getResults?doc_id=149785&lang=ro#

Law No. 133/2016 on the Declaration of Assets and Personal Interests[13]

The legislation on asset and interest declarations aims to ensure transparency of public officials' financial interests and prevent conflicts of interest. While this contributes to integrity safeguards, it does not enable citizens to trace influence exerted over specific public decisions.

Assessment of the Existing Framework

The Republic of Moldova has developed a relatively comprehensive integrity and anti-corruption framework. Nevertheless, the current legislation:

- regulates corruption and conflicts of interest,
- ensures transparency of formal decision-making procedures,
- imposes duties primarily on public officials,

but does not create a dedicated transparency mechanism for lawful and structured lobbying activities. Existing laws primarily regulate the conduct of public officials and address situations where influence becomes illegal, such as corruption or abuse of office.

As a result, influence activities that do not amount to criminal conduct may remain opaque. This gap raises the question of whether a specific regulatory framework addressing lobbying activities could complement existing legislation and strengthen transparency in public decision-making.

While these laws provide important safeguards regarding integrity and transparency, influence activities may also occur in administrative and executive decision-making processes, which are examined in the following section.

Influence in Administrative and Executive Decision-Making

While the present analysis focuses primarily on transparency in legislative and policy-making processes, influence activities may also occur in administrative and executive decision-making. Such decisions include licensing and authorisation procedures, regulatory approvals, public procurement processes, allocation of public funds or subsidies, and supervisory decisions taken by ministries, agencies, or other public authorities in the implementation of public policies.[14]

Interactions between stakeholders and administrative authorities in these contexts are often legitimate and may contribute valuable expertise or information. However, in the absence of systematic transparency safeguards, such interactions may remain largely undocumented, making it difficult to trace how external input may influence administrative decisions.

Moldova's existing integrity and administrative legislation provides safeguards against corruption, conflicts of interest and abuse of office in these areas. However, similar to the legislative process, the current legal framework does not establish systematic transparency

[13] https://www.legis.md/cautare/getResults?doc_id=152995&lang=ro#

[14] In many countries, influence activities in administrative decision-making frequently arise in sectors subject to licensing, regulatory supervision or significant public procurement, such as energy, telecommunications, financial services, defence or construction.

mechanisms for interactions between external stakeholders and public officials involved in administrative decision-making.

As a result, contacts between interest representatives and administrative authorities may remain largely undocumented even when they are legitimate and part of normal stakeholder engagement. This limits the traceability of influence across the full range of public decision-making processes.

In many jurisdictions, lobbying transparency frameworks therefore cover both legislative processes and relevant forms of executive and administrative decision-making. Any future regulatory approach in Moldova may similarly consider how transparency of influence can be ensured across the full spectrum of public decision-making.

Influence Channels in Public Decision-Making

Public policymaking and administrative decision-making involve interactions between public authorities and various stakeholders, including businesses, civil society organisations, professional associations and other interest groups. Such interactions can improve policy quality by providing expertise and feedback. However, their transparency depends on the mechanisms through which they occur.

Formal Influence Channels

Several institutional mechanisms allow stakeholders to contribute to policymaking processes in a structured and transparent manner.

Public consultations

Public authorities are required to organise consultations on draft normative acts and policy initiatives in accordance with the Law on transparency in the decision-making process. Draft acts are published on official websites and on the public consultation platform, allowing interested stakeholders to submit comments and recommendations.

Public consultations may take different forms, including:

- written consultations on draft acts;
- public hearings and debates;
- participation in working groups or advisory councils;
- consultations organised through the **Particip.gov.md platform**.

These mechanisms are intended to ensure stakeholder participation in policymaking and to increase transparency regarding the formulation of public policies.

Participation in advisory structures

Stakeholders may also participate in consultative platforms or advisory councils established within public institutions or parliamentary committees. These mechanisms allow representatives of civil society, academia and the private sector to provide expertise on specific policy areas.

Informal Influence Channels

In addition to formal consultation mechanisms, interactions between stakeholders and decision-makers may also occur through informal channels.

Such interactions may include:

- direct meetings between representatives of interest groups and public officials;
- participation in policy discussions or conferences;
- communication through professional networks or personal contacts;
- interactions during political or electoral processes.

While these interactions are common in policymaking environments, they are **often less transparent** because information about such contacts is not systematically disclosed.

International monitoring reports note that Moldova currently lacks specific rules governing disclosure of contacts between senior public officials and actors seeking to influence public decision-making.[15]

Risks Associated with Non-Transparent Influence

When interactions between decision-makers and external actors are not sufficiently transparent, several governance risks may arise. These may include:

- unequal access to decision-makers for different stakeholders;
- limited transparency regarding the origin of policy proposals;
- potential conflicts of interest;
- risks of undue influence in the formulation of public policies;
- reduced public trust in policymaking.

These risks do not necessarily imply wrongdoing but highlight the importance of ensuring that interactions between public authorities and stakeholders occur within a transparent and accountable framework. Addressing these risks requires mechanisms that allow the public to trace how influence is exercised during policy development.

Transparency Gap

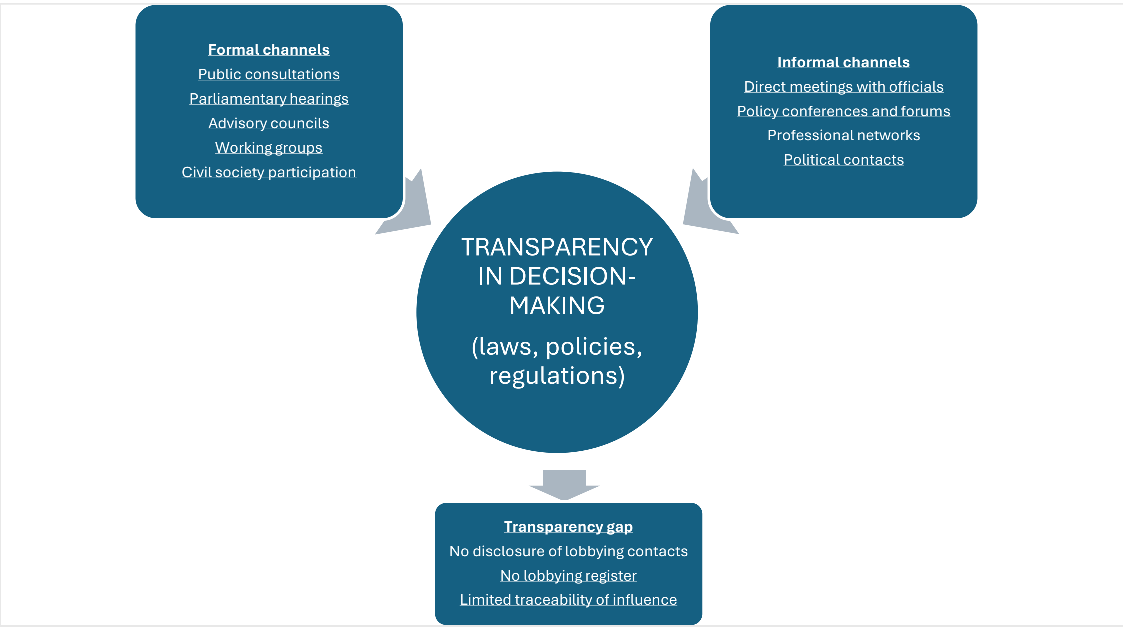
Although Moldova's legal framework includes mechanisms promoting transparency in policymaking – such as public consultations and integrity safeguards – interactions between public officials and external stakeholders occurring outside formal consultation procedures are not systematically disclosed. In particular, there are no requirements for the disclosure of meetings between decision-makers and interest representatives, nor mechanisms for documenting lobbying contacts during the policy development process.

As a result, it may be difficult for citizens and stakeholders to fully trace how external input contributes to legislative or administrative decisions. Strengthening transparency mechanisms in this area – for example through disclosure of meetings, reporting of lobbying activities or the

[15] Council of Europe – GRECO (2023), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments – Evaluation Report: Republic of Moldova.

establishment of transparency registers – could improve the traceability of influence while preserving legitimate stakeholder participation in public decision-making.

Figure 1. Channels of Influence and Transparency Gaps in Public Decision-Making



Policymaking processes involve interactions between public authorities and external stakeholders through both formal and informal channels. While formal channels are generally governed by transparency rules, informal interactions may remain less visible. In the absence of mechanisms such as lobbying registers or disclosure requirements for meetings with interest representatives, it may be difficult to trace how external actors influence public decisions.

These transparency gaps highlight the importance of understanding how influence on public decisions can be traced throughout the policymaking process. The following section therefore examines the extent to which existing transparency mechanisms in Moldova allow citizens and stakeholders to identify who participates in policy development and how external input may shape legislative or administrative outcomes.

Traceability of Influence in Public Decision-Making

An important aspect of transparency in legislative and administrative decision-making is the ability of citizens, journalists and civil society organisations to trace how external actors may influence the formulation of public policies and legislation. This concept is often referred to as the **"traceability of influence"** or the **"legislative footprint"**.[16]

Traceability mechanisms allow observers to understand:

- which stakeholders participated in consultations,
- which actors sought to influence specific policy decisions,
- how their inputs were reflected in the final legislative outcome.

[16] OECD (2021), *Lobbying in the 21st Century*, OECD Publishing.

Assessing the traceability of influence in Moldova requires examining the transparency of the policymaking process across several stages.

Publication of Draft Legislative Acts

Draft laws and government decisions are generally published on official websites and on the public consultation platform, allowing stakeholders to review proposed measures and submit comments. The legal framework requires public authorities to publish draft normative acts and supporting documentation before adoption.

However, international assessments note that draft legislative acts are not always accompanied by comprehensive explanatory materials describing the policy development process or the stakeholders involved in shaping the proposal.[17]

Transparency of Public Consultations

Public consultations allow stakeholders to submit recommendations on draft policies or legislation. These consultations are intended to ensure participatory policymaking and increase transparency regarding the development of legislative initiatives.

In practice, consultation processes may vary across institutions. While draft acts are increasingly published through the government's consultation platform, the publication of consultation results and summaries of received comments remains inconsistent.

As a result, it may not always be possible to determine:

- which stakeholders submitted recommendations,
- how these recommendations were evaluated,
- which suggestions influenced the final text.

Disclosure of Meetings with External Stakeholders

A key component of traceability is the disclosure of meetings between public officials and external actors seeking to influence policymaking.

Currently, Moldova does not have a system requiring the disclosure of such meetings. International monitoring bodies have noted that **there are no rules governing the disclosure of contacts between senior public officials and third parties seeking to influence public decision-making processes**.[18]

As a result, interactions that occur outside formal consultation mechanisms are generally not visible to the public.

Traceability of Legislative Influence

Another element of transparency concerns the ability to trace how external input may have influenced the final legislative outcome.

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[17] Council of Europe – GRECO (2023), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments – Evaluation Report: Republic of Moldova.
[18] Council of Europe – GRECO (2023), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments – Evaluation Report: Republic of Moldova.

Some jurisdictions address this issue through mechanisms known as **"legislative footprints,"** which document:

- external stakeholders consulted during policy development,
- meetings held with interest representatives,
- written submissions received during consultations.

In Moldova, no systematic legislative footprint mechanism currently exists. International assessments have suggested that introducing such mechanisms could improve transparency and public understanding of how draft legislation evolves during the policymaking process.[19]

Overall Assessment

The analysis suggests that Moldova's existing transparency framework allows citizens to follow certain stages of the policymaking process, particularly through public consultations and the publication of draft legislative acts.

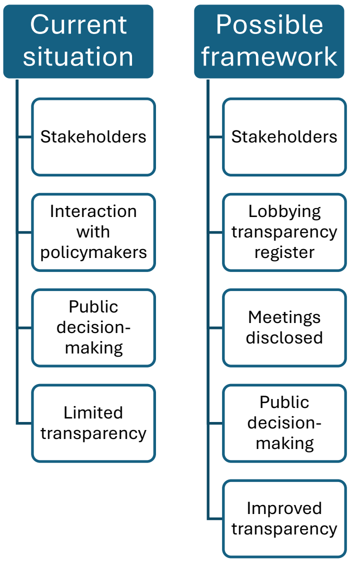
However, several elements of the influence process remain difficult to trace, including:

- informal contacts between stakeholders and decision-makers;
- meetings held outside formal consultation procedures;
- the extent to which external recommendations influence final policy outcomes.

These limitations do not necessarily indicate misconduct but highlight the absence of mechanisms designed to systematically document and disclose interactions between public officials and actors seeking to influence policymaking.

Strengthening transparency in this area may therefore contribute to improving public trust in decision-making processes and enhancing accountability in governance.

Figure 2. Transparency of Influence



[19] Council of Europe – GRECO (2023), Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments – Evaluation Report: Republic of Moldova.

International Standards on Lobbying Regulation

It is important to consider whether a universally accepted definition of lobbying exists. Although there is no single standard definition, several similar concepts are recognised. In continental Europe, lobbying often carries negative connotations, associated with corruption and undue influence, whereas in the Anglo-Saxon context, it is viewed more positively as a legitimate profession within politics. In all cases, the need for transparency in lobbying is acknowledged. In fact, the core goal of lobbying legislation is to promote and ensure the maximum degree of transparency of the lobbying activities and their actors.

As lobbying has increasingly been recognised as a legitimate form of participation in democratic systems, many countries have introduced rules to ensure transparency in lobbying activities. In this regard, some international regulatory standards have emerged to guide regulatory efforts by individual countries. Those standards come from experience of countries pioneering lobbying regulation.

Comparative international experience shows that lobbying regulation is an important component of a country's transparency framework. While laws on access to information oblige governments to disclose what they are doing, laws on lobbying oblige private influence seekers to disclose what they are looking for, with what means and under which accountability mechanisms. The more robust is the legislation on lobbying, the more and higher are the transparency requirements demanded from lobbyists and the more severe the legal sanctions for non-compliance.

Accordingly, the primary emphasis of lobbying regulation should be on defining the standards of transparency in the conduct for lobbyists. Lobbyists are thus the main target of the regulation. The responsibilities of public officials constitute a secondary focus, as their transparency obligations are generally addressed through civil service statutes, conflicts of interest rules, government-functioning regulations, administrative procedure laws, and parliamentary rules. This perspective suggests that transparency requirements for lobbying and lobbyists may warrant a distinct, separate legislative framework, whereas similar obligations for public officials – encompassing both elected politicians and career public servants – can be governed by existing provisions.

Most of the countries that have introduced legislation on lobbying have used specific legislation. In 2022, 18 countries in the world had regulated their lobbying industries through dedicated pieces of legislation.

The Council of Europe Recommendation of 2017 defines lobbying as "promoting specific interests by communication with a public official as part of a structured and organised action aimed at influencing public decision-making".[20]

The 2010 OECD Recommendation, as revised in 2024, states that "lobbying and influence activities refers to actions, conducted directly or through any other natural or legal person, targeted at public officials carrying out the decision-making process, its stakeholders, the media

[20] Recommendation of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making. CM/Rec 2017)2, adopted on 22 March 2017. At https://rm.coe.int/0900001680700a40

or a wider audience, and aimed at promoting the interests of lobbying and influence actors with reference to public decision-making and electoral processes".[21]

Despite the many risks associated with lobbying, and the frequent abuse of it in terms of policy or state capture and corruption, the notion of lobbying as a democratic right which allows citizens and interest groups to present their views on policy-regulatory decisions and even in administrative public decision-making is gaining ground in continental Europe. Also, because, while lobbying, interest groups may provide governments with valuable insights and data on complex policy issues.[22]

Regulating lobbying is a relatively recent tendency in OECD countries. In most of them the regulation on lobbying is under 30 years old. According to the OECD, "only a minority of countries globally have addressed lobbying risks in their governance arrangements through transparency and integrity frameworks. For example, in 2020, 23 of the 41 countries analysed provided some level of transparency over lobbying activities, either through a public registry with information on lobbying activities, and/or by requiring certain public officials to disclose information on their meetings with lobbyists through open agendas, and/or by mandating ex-post disclosures of how lobbyists' contributions were taken into account in public decision-making processes ("legislative footprint")".[23]

Therefore, the standards for a strong lobbying regulation indicate that:[24]

- Rules adequately address public concerns, conform to the socio-political context, consistent with the wider regulatory framework. In the case of Moldova, this would imply addressing the vulnerabilities stemming from legacy oligarchic influence.
- Definition of lobbyist and lobbying activities being targeted by regulation are clear and unambiguous.
- Disclosure requirements provide pertinent information on key aspects of lobbyists and lobbying such as its objective, beneficiaries, funding sources and targets.
- Rules and guidelines set standards for expected behaviour, for example to avoid misuse of confidential information, conflict of interest and prevent revolving door practices. This would imply forbidding questionable lobbying techniques such as astroturfing (see below).
- Procedures for securing compliance are framed in a coherent spectrum of strategies and mechanisms, including monitoring and enforcement. Concrete mechanisms make it operational, such as:
    - mandatory registration before contact,
    - periodic reporting,
    - cross-checking with public officials' meeting disclosures,

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[21] Recommendation of the Council on Transparency and Integrity in Lobbying and Influence. OECD Legal Instruments/0379. At https://legalinstruments.oecd.org/public/doc/256/256.en.pdf OECD 2025.
[22] OECD (2021), Lobbying in the 21st Century: Transparency, Integrity and Access, OECD Publishing, Paris, https://doi.org/10.1787/c6d8eff8-en.
[23] See Key Findings in OECD (2021), *Lobbying in the 21st Century: Transparency, Integrity and Access*, OECD Publishing, Paris, https://doi.org/10.1787/c6d8eff8-en.
[24] OECD, 2013 https://democraticoversight.ge/images/Best-Practices/Publications/2013-Principles-for-Transparency-and-Integrity-in-Lobbying-212x300.pdf For criteria to measure the robustness of the lobby regulation, see Chari, Hogan. Murphy and Crepaz (2019, 2nd edition): Regulating Lobby: a Global Comparison. Manchester University Press.

- administrative sanctions (fines),
- suspension from register,
- criminal liability for false declarations,
- public naming for non-compliance,
- audit powers of oversight authority.

The organisational leadership promotes a culture of integrity and transparency in daily practice through regular disclosure and auditing to ensure compliance. Without genuine commitment from the top, no law on lobbying is likely to be transformative.

In summary, the robustness of lobbying regulation is understood as “the level of transparency and accountability that the lobbying regulation can guarantee”.[25]

Practical Impact of Lobbying Legislation: Lessons from Selected Countries

While international standards provide guidance on the design of lobbying regulation, comparative experience demonstrates that the effectiveness of such legislation depends significantly on institutional capacity, scope of regulation, and enforcement mechanisms.[26]

Observed Benefits in Countries with Lobbying Legislation

In countries such as Germany, France, Lithuania, Finland, and North Macedonia, the introduction of transparency registers has produced several measurable and structural benefits:

- **Increased visibility of influence activities** through public registers.[27]
- **Improved traceability of decision-making (“legislative footprint”)**, particularly where disclosure of meetings is mandatory.[28]
- **Clarification of legitimate lobbying**, distinguishing it from corruption or undue influence.[29]
- **Regulation of revolving doors**, including cooling-off periods and reporting obligations.[30]

For example, France’s *Haute Autorité pour la transparence de la vie publique (HATVP)* publishes annual reports detailing the number of registered interest representatives and declared lobbying activities.[31] Germany’s Federal Lobby Register, introduced in 2021 and strengthened in 2024, significantly expanded the scope of mandatory disclosure vis-à-vis the Bundestag and Federal

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[25] See Crepaz, M. (2016). Investigating the robustness of lobbying laws: Evidence from the Austrian case. Interest Groups & Advocacy, 5, 5–24 . https://doi.org/10.1057/iga.2015.12 ; At https://pureadmin.qub.ac.uk/ws/portalfiles/portal/249852003/Preprint_Crepaz_Investigating_the_Robustness_of_Lobbying_Laws.pdf
[26] OECD (2021), *Lobbying in the 21st Century: Transparency, Integrity and Access*, OECD Publishing, Paris.
[27] Act Introducing a Lobby Register for Interest Representation vis-à-vis the German Bundestag and the Federal Government (Germany, 2021, amended 2024).
[28] Ridao, J., & Araguàs, I. (2025). *Lobbying in the EU: Prospects and Challenges of the Mandatory Transparency Register*, Frontiers in Political Science.
[29] Council of Europe (2017), *Recommendation CM/Rec(2017)2 of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making*.
[30] OECD (2024), Recommendation on Transparency and Integrity in Lobbying and Influence.
[31] Haute Autorité pour la transparence de la vie publique (France), Annual Activity Reports.

Government.[32] Finland's Transparency Register Act (2024) introduced systematic reporting obligations for long-term lobbying targeting Parliament and ministries.[33]

Identified Challenges and Limitations

Comparative research also reveals recurring challenges:

- **Under-registration or narrow scope**, as observed in the United Kingdom's consultant-lobbyist model, which applies only to third-party consultant lobbyists.[34]
- **Enforcement difficulties** where oversight bodies lack adequate resources.[35]
- **Administrative burden**, particularly if reporting requirements are complex or disproportionate.[36]
- **Circumvention risks**, including shifting influence to informal or indirect channels.[37]

The Polish experience, frequently cited in comparative analyses, illustrates that fragmented oversight and limited enforcement capacity may reduce the effectiveness of lobbying legislation.[38]

Relationship Between Lobbying Laws and Corruption Indicators

The existence of lobbying legislation does not automatically translate into higher rankings in the Corruption Perceptions Index (CPI). Countries with lobbying laws display varying CPI scores, suggesting that lobbying regulation should be understood as a transparency mechanism within a broader integrity ecosystem rather than as a standalone anti-corruption solution.[39]

Its primary added value lies in increasing transparency and accountability of influence activities, not in directly eliminating corruption.

Lessons for Moldova

Comparative analysis suggests several lessons relevant for the Republic of Moldova:

- The scope of regulation must be sufficiently broad to avoid loopholes.[40]
- The oversight authority must be clearly designated, independent, and adequately resourced.[41]
- Reporting requirements should be proportionate and feasible.[42]
- Integration with existing integrity and transparency laws is essential.[43]

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[32] German Bundestag, Lobbyregister Act (LobbyRG), 2021, amended 2024.
[33] Finland, Transparency Register Act (2024), National Audit Office of Finland.
[34] Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (UK).
[35] OECD (2010/2024), Recommendation X – Oversight Function.
[36] Crepaz, M. (2016). "Investigating the robustness of lobbying laws." *Interest Groups & Advocacy*, 5, 5–24.
[37] Bitonti, A., & Hogan, J. (2022). "Lobbying Regulation." In *The Palgrave Encyclopedia of Interest Groups, Lobbying and Public Affairs*.
[38] European Parliament (2016), Briefing on Lobbying Regulation in Poland.
[39] Transparency International, Corruption Perceptions Index (various years).
[40] OECD (2021), *Lobbying in the 21st Century: Transparency, Integrity and Access*, OECD Publishing, Paris.
[41] OECD (2010/2024), Recommendation X – Oversight Function.
[42] Crepaz, M. (2016). "Investigating the robustness of lobbying laws." *Interest Groups & Advocacy*, 5, 5–24.
[43] OECD (2010, revised 2024), *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, OECD Legal Instruments No. 0379.

- Political commitment and enforcement culture are decisive factors.[44]

These lessons should inform any future consideration of lobbying regulation in Moldova. These comparative experiences highlight that lobbying legislation can enhance transparency when accompanied by effective oversight and proportionate reporting requirements. They also illustrate the importance of adapting regulatory models to national institutional capacity.

Key Design Elements of a Lobbying Transparency Framework

Scope of the lobbying

The scope of a lobbying law should be broad and cover both the actors involved (who qualifies as a lobbyist) and the relevant matters (public decision-making in legislative and executive contexts). Judicial decision-making could also be considered, although influence over adjudicating judges or courts is generally considered as a criminal offence.

A clear distinction should be made between:

1. **Influencing adjudication in individual cases**
    - always illegal;
    - falls under criminal law;
    - excluded from lobbying regulation.
2. **Influencing administrative decisions of judicial governance bodies**
    - e.g., Judicial Council decisions on appointments, regulations;
    - may fall under lobbying transparency regime.

Lobbying legislation must not interfere with the principle of judicial independence or the judge's inner conviction in adjudicating cases.

It is crucial for the law to define "lobbying" and "lobbyist" in clear, comprehensive, and explicit terms to prevent misinterpretation and close any loopholes. The OECD and Council of Europe recommend that lobbyist targets should be public officials – elected or appointed – in legislative and executive branches at both national and subnational levels

The law should also specify activities that do not constitute lobbying, such as communications already in the public domain or those occurring through standard public consultation mechanisms. When defining lobbying activities, it is important to consider the capacity of state institutions to enforce the law, as monitoring and sanctioning all non-compliance may not be feasible in terms of budget funding and political and managerial capabilities.

Legal lobbyists and non-lobbyists

Lobbyist may include a large variety of actors and entities with wide variation of resources and capacities at their disposal. The legal definition of lobbying activities should be broad and include

[44] OECD (2021), *Lobbying in the 21st Century: Transparency, Integrity and Access*, OECD Publishing, Paris.

interest groups of any kind, whether business or not-for-profit, which aim to influence public decision-making in the legislatives or the executives.

The OECD Recommendation (article II) offers guidance on who may be the lobbyists: “legal persons, domestic or foreign, that engage in lobbying and influence activities on their own behalf, as well as natural or legal persons, domestic or foreign, who engage in lobbying and influence activities on behalf of or under the direction or control of other natural or legal persons, or foreign state interest actors”. Lobbyists may also be foreign state interest actors, including foreign governments and their related entities or individuals, foreign political organisations, or foreign state-owned and controlled entities, representing foreign commercial and political interests.

The definition does not consider as lobbyists diplomatic and consular officials, natural persons acting in a strictly personal capacity and not in association with others, journalists or contributors publishing content under the editor-in-chief’s responsibility of any print or digital publication, public officials acting in their official capacity, as well as political parties acting within the framework of political party regulations. In some countries, churches are not considered lobbyists (e.g. Austria[45], France[46], Lithuania[47]).

The OECD and Council of Europe advise regulating "revolving doors" in lobbying by imposing a two-year cooling-off period after public service. Norway has comprehensive regulations, introduced in 2005 with further amendments to the Public Administration Act in 2022. These require political appointees and high civil servants to report potential conflicts when moving to the private sector and outline specific prohibitions, restrictions, and sanctions. A government committee reviews cases involving transitions to related private companies.

Matters which usually are the object of lobbying regulations

The definition of lobbying activities should be broad, covering all interest groups – business or not-for-profit – seeking to influence legislative or executive decision-making.

Article II of the OECD Recommendation mentions the development, implementation, evaluation or modification of any public policy or of any public programme, at all levels of government (e.g. federal, national, regional or local) and branches of government (executive, legislative and judicial); the preparation or amendment of any law or regulation, including secondary legislation such as statutory instruments and by-laws; the award, modification or withdrawal of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds; and the nomination of key public officials.

Both the OECD and Council of Europe Recommendations encompass not only the legislative process through parliaments, but also the administrative decision-making by administrative authorities, elected or appointed, and high civil servants.

It may be appropriate to refine the reference to judicial authorities mentioned in Article II of the OECD Recommendation. A distinction should be made between influencing individual judges in the adjudication of specific cases – which should be strictly prohibited – and influencing the decision-making processes of bodies that govern the judiciary, such as Judicial Councils, when

[45] Article 1 (3) of the Austrian Law on Transparency in Lobbying and Interest Representation. At https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007924
[46] Article 18 of the Law on the Transparency in Public Life https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028056315/?isSuggest=true
[47] Article 7 Law on Lobbying

they are engaged in administrative functions like adopting internal regulations or appointing certain judicial officers (e.g., court presidents) at their discretion. As these bodies exercise administrative rather than jurisdictional authority, such matters should fall under the scope of lobbying legislation and be subject to appropriate regulation.

A key challenge is deciding whether professional and scientific advice to governments counts as lobbying or should be exempt. Policymakers may lack subject matter expertise, and lobbyists sometimes fund research to sway future regulations. The OECD (article V-d) advises making information on lobbying and influence – such as involvement by trade associations, think tanks, research bodies, charities, and experts – publicly accessible and subjected to the lobbying legislation.

Types of Lobbying

Lobbying can be categorised into several distinct types, each with different characteristics and methods of influencing public decision-making. The identification of these types is important when determining which activities should be included within, or exempted from, the scope of lobbying legislation. Two types are especially relevant, direct (inside) and indirect (grassroots) lobbying. Terms such as "off-site" or "external lobbying" are used in literature as synonyms for indirect lobbying.

Inside (or Direct) Lobbying

Inside, or direct, lobbying encompasses a range of activities intended to influence policymakers through direct engagement. This form of lobbying typically involves holding meetings with decision-makers, where lobbyists can present their positions and advocate for specific outcomes. It also includes providing information or expert advice to decision-makers, committees, and government officials, thereby contributing to policy discussions with relevant insights and data.

Active participation in public hearings, where policy or other significant matters are debated, is another common method of inside lobbying. During these hearings, lobbyists may present their perspectives, offer expert opinions, or clarify the interests they represent. In addition, lobbyists frequently send reports or letters to officials, clearly stating their positions and defending the vested interests of those they represent. Utilising petition rights to advocate for these interests is also a recognised method within this category.

Direct lobbyists are often valued for providing comprehensive data, research findings, case studies, and testimonials. These materials are designed to persuade policymakers to consider and support the lobbyist's position or cause, offering evidence-based arguments for their preferred policy outcomes.

Given the nature and influence of these activities, direct or inside lobbying should be explicitly included within the scope of lobbying legislation. Including these practices ensures appropriate regulation and transparency in the interactions between lobbyists and public officials.

Outside Lobbying (Grassroots Lobbying)

Outside lobbying, also referred to as grassroots lobbying, encompasses a variety of activities designed to engage the broader public in influencing government decisions. This form of lobbying relies on mobilising citizens to participate actively in the lobbying process and typically includes media campaigns, coalition-building among interest groups, and organising public rallies or demonstrations.

Grassroots lobbying can take several different forms. Common methods include organising rallies and protests to draw attention to specific issues, launching awareness campaigns to inform and educate the public, and encouraging individuals to contact their elected representatives directly. The essential characteristic of outside lobbying is its emphasis on public mobilisation, aiming to influence policymakers by demonstrating widespread support or concern among the population.

In a democratic society, outside or grassroots lobbying is recognised as part of civic freedoms. Given its role in enabling citizens to express their views and participate in the political process, such activities may be considered for exclusion from the scope of formal lobbying regulation.

Grassroots lobbying differs from “astroturf” lobbying, which involves creating or funding groups to falsely present widespread public support or opposition – actions directed by hidden organizations or corporations. Astroturfing is common on social media in disinformation or misinformation campaigns and should be addressed through broader regulations targeting misinformation. It is doubtful that this problem can be properly addressed through lobbying legislation, but some sort of administrative sanctions could be envisaged in the law.

Expected Behaviour from Lobbyists and Public Officials

Behavioural Standards for Lobbyists

The law on lobbying may establish explicit behavioural standards for lobbyists, aiming to ensure openness, transparency, honesty, and integrity in all lobbying activities. In line with Recommendation 14 of the Council of Europe, lobbyists are required to provide accurate information concerning their lobbying assignment to the relevant public official. Furthermore, lobbyists must always act honestly and in good faith, refrain from exerting improper or undue influence, and avoid any conflicts of interest during their activities.

The Organisation for Economic Co-operation and Development (OECD), under Recommendation VI, advocates that all organisations engaged in lobbying – such as companies, business and trade associations, consultancies, law firms, non-governmental organisations, think tanks, and research bodies – should comply with recognised standards of integrity.

Additionally, lobbyists must disclose annual information about their lobbying-related expenditures as well as on the beneficial ownership of the activities of the lobbying organisations. When regulating the disclosure of the beneficial owner of the lobbying activities, the case law of the European Court of Justice (judgement of 22 November 2022) should be considered to respect the privacy of personal data guaranteed by articles 7 and 8 of the European Charter of Fundamental Rights. In a nutshell, the access to data of the beneficiary owner should be limited to what is strictly necessary and proportionate to the goal of the lobbying regulation.[48]

The law on lobbying may include a code of conduct for lobbyists that summarises the behavioural standards expected from them.

[48] See summary of the judgement in Press Release 188/22 at https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-11/cp220188en.pdf

Duties of Public Officials Regarding Lobbyists

Where such matters are not already addressed by existing legislation (for example, civil service law or conflicts of interest law), lobbying legislation may impose specific obligations on public officials in their interactions with lobbyists. These duties include the disclosure of any gifts, gratuities, and hospitality offered by lobbyists, clear guidance on how to communicate with lobbyists, reporting any breaches of the rules of conduct, and the disclosure of conflicts of interest. Such obligations should be especially stringent for those in at-risk positions.[49]

Particularly important are requirements for due diligence when engaging with lobbyists and the observance of cooling-off periods following public employment. Additionally, public officials are prohibited from using any insider information gained during public service for lobbying purposes.

Lobbyist Registration

Registers of Lobbyists are also called Transparency Registers, for example in the 2021 EU Interinstitutional Agreement (IIA) between the Parliament, the Commission and the Council on a mandatory transparency register.[50] The register shall contain a specified data set from the lobbying activities. One major aim of the register is to follow the "legislative footprint" or "decision-making process footprint", which refers to a comprehensive list of meetings that a lead author or person responsible for a piece of legislation has held with interest representatives. It includes the documentation that details the stakeholders who sought to influence the decision or were consulted in its development and shows what inputs were submitted into the particular public decision-making process.[51]

At the national levels, the Austrian Law (section 9) organises the Register into four directorates. The Federal Minister of Justice shall maintain an automated register of lobbying and representation of interests in which must be entered:

1. Lobbying companies (Department A1) and their areas of responsibility (Department A2),
2. Companies employing corporate lobbyists (Division B), and
3. Self-governing bodies (Department C) and
4. Interest Groups (Department D)

In the Lithuanian Law the Register is called the Lobbying List under the responsibility of the Chief Official Ethics Commission within the Parliament. Concerning lobbying in the legislative process, the lobbyist activities must be recorded in the Transparent Legislative Processes Information

[49] In Moldova, Law no 82/2017 on integrity regulates some of these issues for public officials.
[50] See Ridao and Araguàs (2025): *Lobbying in the EU: Prospects and Challenges of the Mandatory Transparency Register*, in Frontiers Political Science, Vol 6, 2024.
https://doi.org/10.3389/fpos.2024.1508017
See also Silvia Kostanidis (2023): Briefing EU Transparency Register: 2021 Interinstitutional Agreement, in European Parliamentary Research Service, at
https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/751434/EPRS_BRI(2023)751434_EN.pdf
[51] See Bitonti, A., and Hogan, J. 2022. 'Lobbying Regulation.' In Phil Harris, Alberto Bitonti, Craig S. Fleisher and Anne Skorkjær Binderkrantz (Eds), The Palgrave Encyclopaedia of Interest Groups, Lobbying and Public Affairs. Basingstoke: Palgrave. DOI: 10.1007/978-3-030-13895-0_105-1. At
https://arrow.tudublin.ie/cgi/viewcontent.cgi?article=1031&context=totalarcscbk

System, also under the Chief Official Ethics Commission. The law of Latvia obligates lobbyists to register in the Enterprise Register. In North Macedonia lobbyists shall register in the Register of Lobbyists, Lobby Organisations and Lobbying, which is managed by the State Commission for Preventing Corruption.

In Germany, the title of the Law is about the Register: Act Introducing a Lobby Register for Interest Representation vis-à-vis the GermanBundestag and the Federal Government. Section 3 of the act regulates in a detailed manner the information that lobbyist shall provide to the Register.

Oversight Function

The law should create an oversight function, which refers to the public institution dedicated or with broad competences, adequately resourced and empowered to investigate and enforce policies and regulations concerning lobbying and influence activities, usually including the management and maintenance of a Register of Lobbyist. Oversight functions are meant to ensure impartial enforcement and provide adequate responses to sanctions, rulings and formal advice (see table in the Annex on the oversight function in a selection of European countries).

OECD Recommendation X suggests that national legislations should ensure there is an oversight function on lobbying and influence activities with the capacity to enforce policies and regulations and monitor and promote their implementation. The main responsibilities of the oversight authority are to:

- Ensure that the oversight function reviews the completeness, adequacy and timeliness of all the information disclosed for public scrutiny and the effectiveness of integrity standards;
- Provide for fair, objective, proportionate, timely and dissuasive sanctions for non-compliance with policies and regulations concerning lobbying and influence, through disciplinary, administrative, civil and/or criminal processes;
- Provide training on and raise awareness of the risks and policies and rules on lobbying and influence activities.

The OECD and the Council of Europe also recommend to periodically review, in consultation with relevant stakeholders, the functioning and impact of their legal framework, public policies, procedures and guidelines to ensure alignment with evolving lobbying and influence practices, and to make necessary improvements, strengthen their enforcement systems and seek convergence towards best practices.

Consultations during the preparation of the law on lobbying

It is important to consult with the lobbying industry when developing lobbying regulations considering the views of practitioners to strike a balance between the goals of the regulator and the needs of the lobbyists to ensure a higher degree of implementation of the future regulation. However, care should be taken of the current situation of excessive influence of vested interest in the Moldova's governance system while organising the public consultation process.

Therefore, in addition to the lobbyist, consultations should be extended to transparency and anticorruption activists and academia, as well as to all the state institutions dealing with anticorruption.[52]

The recommendations of international organisations such as the OECD and the Council of Europe are very valuable insights on the lobbying issue. They should be taken on board as much as possible.

The 2022 OECD guidelines for public participation can be a useful tool to organise the consultation on the law on lobbying.[53]

Impact Assessment of a Potential Lobbying Regulation

In line with principles of good legislative practice, any proposal to introduce lobbying regulation should be accompanied by an assessment of its administrative, budgetary and governance implications. International experience shows that lobbying transparency frameworks are most effective when they are proportionate, enforceable and aligned with institutional capacity.

Administrative and Institutional Impact

The adoption of a lobbying law would require the designation or establishment of an oversight authority responsible for:

- maintaining and administering a public Lobbying Register;
- reviewing the completeness, accuracy, and timeliness of disclosures;
- monitoring compliance and investigating potential breaches;
- applying administrative sanctions where appropriate;
- issuing guidance and conducting awareness-raising activities.

OECD Recommendation X stresses the importance of a dedicated oversight function with sufficient investigative and enforcement powers.[54] Comparative experience (e.g., France's High Authority for Transparency in Public Life, Lithuania's Chief Official Ethics Commission, Germany's Bundestag administration, Finland's National Audit Office) demonstrates that effective oversight is a decisive factor in ensuring compliance.[55]

Institutional implications for Moldova may include:

- development or adaptation of an electronic reporting platform;
- allocation of trained legal and compliance personnel;
- coordination mechanisms between Parliament, Government, and anti-corruption institutions.

[52] In Moldova, Law no 239/2008 on transparency in decision-making process and Law no 100/2017 on normative acts contain regulations on public consultations that should be born in mind and amended if need be.
[53] OECD (2022), OECD Guidelines for Citizen Participation Processes, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/f765caf6-en.
[54] OECD (2010/2024), Recommendation X – Oversight Function.
[55] HATVP (France), Annual Reports; Germany, Lobbyregister Act (2021, amended 2024); Finland Transparency Register Act (2024); Lithuania Law on Lobbying (2000).

International experience suggests that where oversight functions are entrusted to existing integrity or anti-corruption bodies, marginal institutional expansion may be more efficient than creating entirely new structures.[56]

Budgetary Impact

Budgetary implications will depend on the regulatory model adopted (minimal registration model vs. comprehensive disclosure model).

Typical cost components include:

- development and maintenance of an electronic transparency register;
- recruitment or reassignment of specialised staff (legal experts, compliance officers, IT administrators);
- training for public officials and registered lobbyists;
- public communication and awareness campaigns.

According to OECD comparative assessments, digital transparency registers can significantly reduce long-term administrative costs once established.[57] In several European countries, lobbying registers are administered by relatively small dedicated units (often between 3 and 10 staff members, depending on reporting volume and enforcement model).[58]

If the oversight function is integrated within an existing authority, incremental costs may remain moderate, particularly where IT systems are interoperable with existing integrity or disclosure platforms.

Economic Impact

A lobbying law would introduce compliance obligations for interest representatives, including:

- mandatory registration prior to engaging in covered lobbying activities;
- periodic disclosure of lobbying objectives and clients;
- reporting of financial expenditures related to lobbying.

For businesses, professional associations, and consultancies, such obligations generate administrative compliance costs. However, comparative studies indicate that these costs are generally limited and predictable when reporting requirements are proportionate.[59]

At the same time, increased transparency may contribute positively to:

- strengthening investor confidence;
- improving Moldova's international governance reputation;
- enhancing predictability and fairness in public procurement and regulatory processes.

The OECD has noted that transparent influence frameworks can reduce risks of regulatory capture and improve policy quality by clarifying stakeholder engagement.[60]

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[56] OECD (2021), *Lobbying in the 21st Century: Transparency, Integrity and Access*.
[57] OECD (2021), ibid., Chapter on Digital Registers and Oversight Models.
[58] Crepaz, M. (2016). "Investigating the robustness of lobbying laws." *Interest Groups & Advocacy*.
[59] Chari, R., Hogan, J., Murphy, G., & Crepaz, M. (2019). *Regulating Lobbying: A Global Comparison*, 2nd ed., Manchester University Press.
[60] OECD (2021), *Lobbying in the 21st Century*.

Social and Governance Impact

Potential positive governance effects include:

- greater transparency of interactions between public authorities and external stakeholders may also improve accountability in administrative decision-making processes, including areas such as licensing, regulatory approvals, public procurement procedures, allocation of public funds and supervisory decisions by public authorities;
- increased public trust in public institutions;
- clearer differentiation between legitimate lobbying and corruption;
- improved accountability of both public officials and interest representatives;
- enhanced traceability of influence in legislative and administrative processes ("legislative footprint").[61]

Comparative research suggests that transparency in lobbying contributes to strengthening democratic legitimacy by enabling public scrutiny of influence activities.[62]

Potential risks should also be acknowledged:

- overregulation that may discourage legitimate civic advocacy;
- disproportionate administrative burdens affecting smaller civil society organisations;
- strategic adaptation or circumvention of formal reporting channels.

Therefore, proportionality, clarity of definitions, and enforceability must guide the legislative design, in line with OECD good governance principles.[63]

Overall Assessment

Comparative evidence indicates that lobbying legislation, when carefully designed and adequately enforced, does not impose excessive financial or administrative burdens relative to its transparency benefits.[64]

However, the effectiveness of such a law depends less on its formal adoption and more on:

- institutional capacity and resources;
- political commitment to enforcement;
- coherence with existing integrity and transparency legislation;
- accessibility and usability of disclosed information for the public.

A full Regulatory Impact Assessment (RIA) would be required at the stage of drafting specific legislative provisions, in accordance with Moldovan legislative drafting standards. The present section provides a preliminary analytical overview to inform policy discussions.

[61] Ridao, J., & Araguàs, I. (2025). *Lobbying in the EU: Prospects and Challenges of the Mandatory Transparency Register*.
[62] Council of Europe (2017), *Recommendation CM/Rec(2017)2 of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making*.
[63] OECD (2010, revised 2024), *Recommendation on Transparency and Integrity in Lobbying and Influence*.
[64] OECD (2021), ibid., Chapter on Digital Registers and Oversight Models.

Problem Tree – Transparency of Influence

The analysis presented in this paper suggests that the main governance challenge concerns the limited transparency surrounding interactions between decision-makers and external stakeholders seeking to influence legislative and administrative decision-making. While existing legislation provides several safeguards related to transparency, integrity and public consultations, it does not systematically regulate lobbying activities or require disclosure of contacts between public officials and interest representatives. Addressing these transparency gaps may therefore contribute to strengthening accountability and public trust in policymaking processes.

The main governance challenge identified in this analysis can be summarised through a simplified problem tree linking structural causes, governance risks, policy objectives and possible regulatory responses.

Table 1. Problem Tree: Transparency of Influence in Public Decision-Making

Level	Key Elements
Root Causes	Absence of lobbying regulation; lack of disclosure requirements for meetings; fragmented transparency mechanisms; limited traceability of legislative influence
Governance Risks	Unequal stakeholder access to policymakers; limited transparency of influence; perception of conflicts of interest; reduced public trust
Policy Objective	Strengthen transparency and accountability in interactions between public authorities and external stakeholders involved in decision-making
Policy Options	Option 1 – Targeted amendments to existing legislation; Option 2 – Standalone law regulating lobbying transparency

Policy Options for Regulating Transparency of Influence

Based on the analysis of the legal framework, international standards and comparative practice, policymakers may consider two main approaches to strengthening transparency of influence in public decision-making in Moldova.

Option 1 – Amendments to Existing Legislation

One possible approach would consist of introducing targeted amendments to existing legal instruments governing transparency, integrity and decision-making processes.

Relevant legislation that could potentially be amended includes:

- the **Law on transparency in the decision-making process**,
- the **Law on integrity**,
- legislation governing **conflicts of interest**,
- regulations concerning **public consultations and access to information**,
- relevant provisions in the **Law on Government** or **Parliamentary rules of procedure**.

Under this approach, additional provisions could be introduced to regulate interactions between public officials and external stakeholders seeking to influence public policies. Such amendments could include:

- disclosure of meetings between decision-makers and interest representatives;
- publication of agendas or summaries of such meetings;
- rules clarifying acceptable interactions between public officials and external stakeholders;
- ethical guidelines regarding lobbying contacts;
- reporting obligations for public officials regarding contacts with interest groups.

Potential advantages

This approach could offer several advantages:

- **lower legislative complexity**, as it builds on existing legal instruments;
- **faster adoption**, since amendments may be easier to introduce than entirely new legislation;
- **integration with existing transparency mechanisms** already applied by public authorities.

Potential limitations

However, this approach may also present several limitations.

First, integrating lobbying-related provisions into multiple pieces of legislation could lead to **fragmentation of the regulatory framework**, making the rules difficult to understand and apply.

Second, this approach would primarily regulate the conduct of **public officials**, while leaving **lobbying actors themselves largely outside the regulatory framework**.

Third, amendments alone may not provide a sufficiently **systematic framework for transparency of influence activities**, particularly if they do not include mechanisms such as lobbying registers, reporting requirements or oversight arrangements.

Option 2 – Adoption of a Standalone Law on Lobbying Transparency

A second policy option would consist of adopting a **dedicated legal framework regulating lobbying activities and transparency of influence in public decision-making processes**.

Such legislation could establish a coherent regulatory framework defining:

- lobbying activities and interest representation;
- categories of actors subject to regulation;
- disclosure obligations regarding lobbying activities;
- transparency mechanisms for interactions with public authorities;
- oversight and enforcement arrangements.

Many European countries have adopted similar legislation, often combining **lobbying registers**, **disclosure obligations**, and **rules governing contacts between lobbyists and public officials**.

A standalone law could include elements such as:

- a **public lobbying register**;

- **disclosure of lobbying objectives and clients**;
- **reporting obligations regarding lobbying activities**;
- rules governing **contacts between lobbyists and public officials**;
- publication of **meetings between public officials and interest representatives**;
- oversight by a designated public authority.

Potential advantages

First, it would establish a **clear and coherent regulatory framework** specifically addressing transparency of influence activities.

Second, such legislation could regulate both **public officials and lobbying actors**, thereby ensuring a more balanced approach to transparency.

Third, a dedicated law could facilitate the establishment of **systematic transparency mechanisms**, such as lobbying registers or reporting requirements.

Fourth, it could contribute to improving **traceability of influence in policymaking**, which is often referred to as a "legislative footprint".

Potential challenges

At the same time, adopting a standalone lobbying law may also present certain challenges.

- the need to clearly define lobbying activities and actors;
- the risk of introducing excessive administrative burdens;
- the need for institutional capacity to ensure monitoring and enforcement.

These challenges are common in jurisdictions introducing lobbying regulation and can generally be addressed through **proportionate reporting requirements and clear institutional responsibilities**.

The two policy approaches differ primarily in their level of regulatory coherence, institutional clarity and scope of transparency mechanisms. While targeted amendments may improve transparency within existing legal instruments, a standalone lobbying framework would provide a more systematic approach by establishing clear definitions, disclosure obligations and oversight mechanisms within a single regulatory architecture. The comparative overview below summarises the main differences between the two approaches.

Table 2. Comparative Assessment of Policy Options

Criteria	Amendments to existing laws	Standalone lobbying law
Regulatory clarity	Medium	High
Institutional coherence	Medium	High
Coverage of lobbying actors	Limited	Comprehensive
Administrative complexity	Low	Medium
Transparency of influence	Moderate	Strong
Alignment with international practice	Partial	Strong

Preferred Policy Direction

Based on the analysis above, including international standards, comparative practices and Moldova's governance context, the adoption of a **standalone legal framework regulating lobbying transparency appears to offer the most comprehensive approach** for addressing existing gaps related to transparency of influence in policymaking.

At the same time, such legislation should be designed in a **proportionate and balanced manner**, ensuring that transparency objectives are achieved without imposing unnecessary administrative burdens on public authorities, civil society organisations or economic actors.

A possible regulatory approach could therefore combine:

- a **basic transparency register for lobbying activities**,
- **disclosure of meetings between public officials and interest representatives**,
- **clear ethical guidelines for interactions with lobbyists**,
- **oversight mechanisms integrated into the existing integrity framework**.

This approach would allow Moldova to strengthen transparency in public decision-making while maintaining consistency with existing integrity and anti-corruption mechanisms.

Box 1. Relevance for Moldova's EU Accession Process

Transparency and integrity in public decision-making constitute core elements of the European Union's governance standards, particularly within **Cluster 1 – Fundamentals**, which covers rule of law, democratic institutions, and anti-corruption policies.

Recent European Commission assessments note that while Moldova has developed a comprehensive integrity framework – including legislation on conflicts of interest, asset declarations, whistleblower protection and public consultations – **lobbying activities remain unregulated**, and measures to regulate lobbyist interactions and strengthen transparency of influence should be further developed.[65]

In addition, international monitoring bodies have recommended introducing rules governing contacts between senior public officials and third parties seeking to influence public decision-making, as well as disclosure of such interactions.[66]

In this context, strengthening transparency mechanisms related to influence in policymaking may contribute to improving accountability, reinforcing integrity safeguards and aligning governance practices with European standards.

Addressing these issues may also help strengthen public trust in policymaking processes and improve the traceability of external influence on legislative and policy decisions.

[65] European Commission (2024), *Republic of Moldova 2024 Report*, SWD(2024) 698 final.
[66] Council of Europe – GRECO (2023), *Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies – Evaluation Report: Republic of Moldova*.

Recommendations

Moldova has developed a number of mechanisms promoting transparency and integrity in public administration. However, the transparency of influence activities in public decision-making remains only partially addressed by the current legal framework.

1. A properly designed and implemented regulatory framework on lobbying and influence activities may constitute an important instrument for increasing transparency and preventing undue influence in public decision-making in Moldova.
2. The analysis presented in this discussion paper suggests that policymakers may consider two main approaches for addressing transparency gaps related to lobbying and influence activities:
   - introducing targeted amendments to existing legislation governing transparency and integrity in public administration;
   - adopting a dedicated legal framework regulating lobbying activities and transparency of influence in public decision-making.

   While both approaches could contribute to strengthening transparency, a standalone legislative framework may provide a more coherent and comprehensive solution.
3. Any regulatory framework addressing lobbying activities should follow international standards on transparency and integrity in lobbying regulation developed by organisations such as the OECD and the Council of Europe.
4. When designing a lobbying transparency register, relevant international models and standards may provide useful guidance, including the EU Inter Institutional Agreement on the Transparency Register and similar registers established in several European countries.
5. The scope of the definition of lobbying activities should be sufficiently broad to avoid loopholes that could undermine the effectiveness of the regulatory framework, while remaining clear and proportionate to ensure practical implementation.
6. Exceptions to lobbying regulation should be carefully designed so as not to undermine the objective of ensuring transparency in interactions between public officials and actors seeking to influence public decision-making.
7. A code of conduct for lobbyists should be established, setting clear behavioural standards regarding transparency, honesty, and avoidance of conflicts of interest in lobbying activities.
8. Rules addressing “revolving doors” situations between public office and lobbying activities should be carefully designed and regulated, including appropriate cooling-off periods where necessary.
9. The oversight function should be entrusted to an adequately resourced institution in terms of funds and staff, with the capacity to manage transparency registers, monitor compliance and enforce applicable rules.
10. The preparation of any regulatory framework on lobbying should be subjected to wide public consultation, including representatives of business associations, civil society organisations, transparency and anti-corruption experts, academic institutions and relevant public authorities.
11. As a next step, policymakers may consider initiating an inclusive policy discussion on the appropriate regulatory approach for Moldova, including whether transparency gaps should be addressed through targeted amendments to existing legislation or through the development of a dedicated lobbying transparency framework. Such discussions could

involve relevant public institutions, civil society organisations, business associations and academic experts in order to ensure that any future regulatory solution is proportionate, effective and adapted to Moldova's institutional context.

12. Strengthening transparency in interactions between public authorities and external stakeholders should not be understood as restricting legitimate participation in democratic decision-making. On the contrary, clearer rules governing lobbying and influence activities may help ensure that such interactions take place within a transparent and accountable framework. By improving the transparency and traceability of influence in both legislative and administrative decision-making, such measures may contribute to reinforcing integrity safeguards, strengthening public trust in public institutions, and aligning Moldova's governance practices with emerging international standards.

Annex – Comparative Table on Lobbying Legislation across some European Countries

Country	Legislation	Enforcement authority
Austria	Law on **Transparency in Lobbying and Interest Representation** of 2012 in force since 1-1 2013	Federal Ministry of Justice
Croatia	The **Lobbying Act** came into effect on October 1, 2024. This law establishes lobbying as a legal activity with new rules, including a mandatory public register of lobbyists and sanctions for non-compliance. The law aims to increase transparency and combat corruption.	Commission for the Resolution of Conflicts of Interest
France	Article 18 Law on the **Transparency in the Public Life** of 2016, in force since 1 July 2017	High Authority for Transparency of the Public Life (an independent administrative authority)
Germany	**Act Introducing a Lobby Register for Interest Representation** vis-à-vis the German Bundestag and the Federal Government of April 2021, in force since 1 January 2022, last amended in 2024	Director of the German Bundestag. An agreement between the Bundestag and the Federal Government is signed for the maintenance of the Register.
Latvia	Law on **Transparency of Interests Representation** of 13 October 2022, into force on 1-1-2023 Representatives of interests must register in the Enterprise Register of the Latvian Republic	Cabinet of Ministers: The enforcement and details of this new system, including penalties for non-compliance, will be assessed after the permanent register and declaration system is fully implemented, which is expected to happen after September 2028.
Lithuania	Law on Lobbying of June 2000, in force since 2001	Chief Official Ethics Commission (COEC), a collegial authority accountable to the Parliament (Seimas) that ensures ethical conduct and integrity in public institutions. Its responsibilities include coordinating official ethics policy, supervising private interest declarations, managing conflicts of interest, and preventing corruption within state and municipal bodies. The COEC is an independent body with a five-member commission appointed by the Seimas, and its activities are subject to parliamentary scrutiny. https://vtek.lt/en/about-us/members-of-the-commiss
Finland	The **Transparency Register Act,** entered into force on January 1, 2024, and requires long-term or systematic lobbying that targets the Finnish Parliament or ministries to be disclosed in an online register. Organizations must register if they have more than five contacts per year with these targets and disclose topics, methods, and lobbying targets like ministers and parliamentary members. While lobbying itself is not banned, the law mandates transparency and	The Register is under the authority of the National State Audit Office https://www.vtv.fi/en/audit-and-oversight/transparency-register/

	reporting, improving public monitoring of the decision-making process. From July–August 2026, the website will also show how much money and working time the lobbyists have spent for lobbying.	
Greece	**Lobbying Law of 2021**: Greece introduced its first lobbying law in 2021 with Law 4829/2021, which established a Transparency Register for lobbyists and requires registration for those who wish to interact with public officials. The law includes restrictions, such as prohibiting current legislators and executives and their spouses from acting as interest representatives and imposing an 18-month cooling-off period for former officials. Both lobbyists and officials must submit annual activity reports.	National Transparency Authority (NTA) is responsible for monitoring compliance and imposing sanctions for violations
North Macedonia	**Law on Lobbying** of June 2021, in force since June 2022	State Commission for the Prevention of Corruption
Poland	The **Lobbying Act** (2006) entered into force on 7 March 2006. It aims to increase the transparency of lobbying in three ways: 1) an obligation for the government and ministries to publish their legislative agendas; 2) the creation of a lobby register of professional lobbyists; 3) requiring all public authorities participating in the law-making process to declare their lobby contacts.[67]	No clearly establish authority exist. There are 3 registers: one in the parliament lower chamber, one in the senate and one for the government.
United Kingdom	**Transparency of Lobbying, Non-party Campaigning and Trade Union Administration** Act 2014, which introduced a statutory register for consultant lobbyists. This requires those who are paid to lobby to register with the Registrar of Consultant Lobbyists, declare their client activities quarterly, and can face criminal or civil penalties for non-compliance. There are also specific codes of conduct for Members of Parliament, which prohibit bribery and require them to act in the public interest.	The Registrar of Consultant Lobbyist
Ukraine	On September 1, 2025, the Law "On Lobbying" and a related law on administrative liability entered into force. Key aspects include mandatory registration in a public "Transparency Register" administered by the National Agency on Corruption Prevention (NACP), requirements for regular reporting, and defined rules for how lobbyists can interact with government officials. The new law distinguishes between commercial lobbying and other activities like advocacy, and it includes administrative sanctions for violations.	National Agency on Corruption Prevention (NACP)

OECD and EU Countries without a specific law on Lobbying are, among others: Belgium, Bulgaria, Denmark, Netherlands, Norway[68], Portugal, Romania, Spain, Sweden, and Switzerland.

[67] The Polish Law has gathered many criticisms and is considered ineffective (see, among others, European Parliament briefing of December 2016: https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/595848/EPRS_BRI(2016)595848_EN.pdf)

[68] In Norway a Handbook for Political Leadership, updated in 2024, exist which provides guidance on lobbying for high level decision-makers. In addition, the Norwegian regulation on revolving doors is very strict.