

Lobbying – Economic and Legal aspects

Abstract

The diploma thesis deals with lobbying and its economic and legal aspects. The aim of the thesis is to present lobbying from a broad perspective in the context of other regulations by using descriptive, comparative and analytical methods and to provide a comprehensive overview of the development of efforts to regulate lobbying in the Czech Republic. Particular attention is paid to the analysis of the last governmental regulatory initiative where I am testing a hypothesis of whether the underway regulation is systemically correct in light of examples in other countries. I also conducted two surveys aimed at finding out the attitudes of members of the law academia and members of the lower house of the Parliament of the Czech Republic to the regulation of lobbying in the Czech Republic. The data serve both to (i) illustrate the interpretation of lobbying across the work, (ii) but also because of the specific proposed variant of lobbying within the framework of the approved substantive intent of the lobbying law (the deadline for submitting a paragraph to the government is set to end 2018), and (iii) I believe that they can be useful even when finalizing the bill, or other later proposed measures under the *de lege ferenda* considerations on lobbying.

The thesis is divided into three parts, chapters, subchapters, and sub-sections. The first part deals with the phenomenon of lobbying and its inclusion in the economic and political context. Part of the first part is an overview of lobbying in selected states – the United States of America, Canada, and Hungary. In the second part, I deal with the instruments of regulation of lobbying and their description, indicating their specific parameters in relation to the approved substantive intent of the Lobbying Act. The last part is devoted to the analysis of the material intention and an especially specific variant, which its authors propose to project into the forthcoming bill. At the same time, a survey is carried out between members of the academic community and members of Parliament (see above).

The thesis shows, yet the Czech Republic is still without legal regulation of lobbying, its absence is not a key factor of corruption level in the country. At the same time, adopting lobbying law is unlikely to solve the problem with the political culture in the Czech Republic. However, the implementation of such legislation could increase the transparency of the legislative process and possibly other (partial) processes – such as the process of generating

government conceptual documents and strategy papers. In this respect, it can help to reduce the use of undue influence.

According to the results of the conducted analysis, the proposed underway legislation has been systemically correctly drafted; in spite of the fact that in some of the critical areas of the regulation there are minor changes towards malfunction practices within the selected measures, the Czech legislator, however, does so on purpose and tries to regulate lobbying in a compromise way. Analyzed governmental documents as a basis for the regulation do not show any major mistakes, surprising solutions or illegitimate aspects.

Key words: lobbying, lobby, regulation, lobbying regulation, a draft law on lobbying, register of lobbyists, legislative footprint