

Olejnuk, Maciej

Article

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THE LAW ON LOBBYING IN THE REPUBLIC OF POLAND. THEORY AND PRACTICE (2006 - 2010)

Maciej Olejnik*

Abstract: *Effective functioning of the lobbying phenomenon facilitates economic development for every country. However this form of political participation can weaken economic growth if it is not properly controlled. In order to do that the Polish Parliament passed the Law on lobbying. This act introduced new legal terms (lobbying activity, professional lobbying activity) and new institutions (the Polish Lobbying Register, the Legislative Work Programme, a public hearing). It turned out that this statute had been a total failure in practice. Although many entities entered into the Polish Lobbying Register, there were few professional lobbying activities exercised in the Chancellery of the Prime Minister, the Ministries, the Sejm and the Senate between 2006 and 2010. Other new institutions were used rarely as well. The Law on lobbying hinders development of lobbying phenomenon in the Republic of Poland and should be changed immediately.*

Keywords: lobbying; the Law on lobbying; Poland; professional lobbying activity.

JEL Classification: K40; Z18.

INTRODUCTION

Lobbying should be mentioned as a form of political participation, which is not fully understood by the society, politicians and the government in the Republic of Poland. Lobbying is usually perceived as a kind of activity that is connected with corruption and nepotism (Wenzel, 2009, p. 6). Does it mean that this type of political participation is not efficient and should be avoided or even eliminated from the process of making political decisions in the Republic of Poland? In my opinion, no. The better such an institution as lobbying becomes, the stronger democracy is in the state. Furthermore, if this phenomenon is adopted in the political culture of the society properly, the economy of the state will grow faster and in a more balanced way. I treat lobbying as a very important instrument which can facilitate economic development of the country.

*Maciej Olejnik, Phd Student at the University of Wrocław, Poland, e-mail: maciejolejnik001@wp.pl

It should be underlined that there is no general work summing up the results of operating of lobbying between 2006 and 2010. Due to the fact that such a recapitulation is essential, I decided to focus on and analyse the functioning of this phenomenon in the Republic of Poland in my article. The decision to analyse this particular period was determined by two reasons: firstly, the most significant legal documents concerning lobbying, especially *the Law on lobbying*, has been functioning since 2006 and, secondly, three governments and two coalitions of political parties were ruling the country within these 5 years. Alternation of power allowed to find out how certain Polish political parties treat this phenomenon. Basing on the examination of the legal acts that directly establish procedures of operating of lobbying (*The Law on lobbying, the Statute of Sejm RP, The Statute of the Senate RP*) I will present how this form of political participation functions in practice.

1. LEGAL REGULATIONS CONCERNING LOBBYING IN THE REPUBLIC OF POLAND

The Law on lobbying is the most important Act that concerns the discussed form of political participation because it defines rules of functioning of lobbying phenomenon in the Republic of Poland in a direct and precise way. This bill was passed by both Chambers of the Parliament and signed by the president in the second half of 2005. The new solutions entered into force in March 2006, after 6 months of *vacatio legis*. The main goal of the statute is to promote *good governance through enhancing transparency of the legislative process* (Bertók, 2009, p. 147). There are attempts to achieve this aim via such means as defining *the principle of openness in lobbying activity in the law making process, specifying the principles of professional lobbying activity and its regulation* (Wiszwaty, 2006, p. 48), and implementation of the lobbyists' register. Owing to this statute, two significant legal terms were introduced into Polish law: lobbying activity and professional lobbying activity. The former term should be understood as *every action carried out by means of official methods aimed at influencing public authorities or bodies during the process of law making*, the latter one as *profit making lobbying activity for the benefit of third parties with the view of considering the interest of the said parties in the process of law making* (Wiszwaty, 2006, p. 48). There are some clear-cut differences between these two notions. Firstly, contrarily to the professional lobbying activity, which is conducted on behalf of someone else in

exchange for money and on the basis of a civil law contract, lobbying activity is conducted by pressure groups and associations for free in order to realise their own interests. Secondly, professional lobbyists are allowed to perform their activity after they enter into the Polish Lobbying Register that was established by the legislator. It shall be added that only professional lobbyists can conduct their activity in such public offices as the Sejm, the Senate and other (The Law on lobbying 2005).

The Polish Lobbying Register is kept by the Minister responsible for the public administration (between 2006-2010 Minister of the Interior and Administration performed this function). It should be emphasized that the register is electronic and available to every interested person. It consists of the following data: *serial number entry, date of entry into the Register and dates of any further modifications; company of the entrepreneur conducting the professional lobbying activity or the first name and last name of a physical person who is not an entrepreneur conducting such activity; corporate seat and address of the entrepreneur or address of the physical person; national Court Register number in the Register of Entrepreneurs or, in the case of entrepreneurs conducting professional lobbying activity, the number in the Register of Economic Activity; date and grounds for removal from the Register; file reference number; and comments* (Bertók, 2009, p. 157). All information, except for addresses of natural persons, is published in the Public Information Bulletin of the appropriate Ministry. In order to be entered into the Polish Lobbying Register, one has to prepare and file a special application to which these data are attached, and pay an obligatory fee amounting to PLN 100 to the suitable department of the Ministry.

The heads of public offices are responsible for the transparency of the relations between professional lobbyists and the public authorities. All representatives of public authorities are obliged to publish a report concerning lobbying activities that were executed upon them by professional lobbyists in the Public Information Bulletin immediately (The Law on lobbying 2005). Secondly, the heads of public organisms must prepare annual reports, which *provide details on the lobbyists, matters concerned, specification on whether or not their activities were aimed at backing or contradicting statutes, (...) the methods used by the lobbyists and the result that gave* (Wiszwaty, 2006, p. 53) and publish it in the PIB by the end of February. The Legislative Work Program is another significant element of the statute which improves the transparency of the process of establishing acts and ordinances, and facilitates lobbyists' work. According to *the Law on lobbying*, the Council of Ministers is required to publish a legislative work program consisting of a draft bill in the Public Information Bulletin once every six months (The

Law on lobbying [2005]). Moreover, the Council of Ministers, the Prime Minister and all Ministers are obliged to publish their own programs of legislative work concerning draft bills and ordinances in the PIB (The Law on lobbying 2005). It shall be added that these projects are available in the PIB just after they were sent for coordinating consultations to other Ministers. The Legislative Work Program explains why a particular statute should be introduced or changed, and indicates new solutions of some significant public issues that are proposed by the government. The following data are also pinpointed in this program: the public organ that is proposing the bill, the name, surname and position of the person responsible for preparing the statute or the ordinance, and the PIB's website on which these documents are available. When the government withdraws from a particular project, it must also present all reasons which caused this decision in the Legislative Work Program. It should be stressed that, everyone has the right to submit "notification of interests" (...) to the draft laws or ordinance to the body responsible for such a draft (Bertók, 2009, p. 149) after publication of elaborated materials in the PIB. In such an announcement, which is also published in the PIB, the citizen is obliged to inform what interests he would like to protect and to present legal amendments that, according to him, should be covered by the statute.

The Law on lobbying establishes a new institution in Polish law – the public hearing. It can be conducted either to work on a draft statute by the public body responsible for preparing this document, or on a statute introduced to the Sejm. The statute describes procedures of performing the former type of the public hearing precisely. Firstly, *information concerning the timing of the public hearing on a draft ordinance shall be made available in the PIB at least seven days prior to the date of the public hearing. Secondly, everyone which has submitted its interest in the work on the draft ordinance at least three days before the date of the public hearing shall be entitled to participate in the public hearing* (Bertók, 2009, p. 149). If some technical problems appear (for instance, too many people want to take part in the public hearing), the organizer of the public hearing might postpone the public hearing, change its place, or cancel it (The Law on lobbying [2005]). The procedures of conducting the latter type of public hearing are presented in *the Statute of Sejm RP*.

According to *the Statute of Sejm RP* a committee which considers a particular bill has the right to pass a resolution about performing the public hearing. It shall be added that such a resolution can be proposed only by a deputy. The piece of information about the timing and the place of the public hearing

must be published in the Sejm's Information System (SIS) at least 14 days before the date of the public hearing unless the analyzed statute does not refer to the budget, other financial matters of the state, reports that concern their implementation or other bills classified as urgent by the Council of Ministers. In such cases, the basic information about the arrangement of the public hearing are published at least 3 days prior to the date of the public hearing in the SIS. Deputies can apply to this institution after the first reading of the bill and until the statute is not considered in details (the Statute of Sejm RP [1992]). Everyone who makes use of *the Law on lobbying* and submits a notification of interests to the draft law when it is drawn up by the Minister or the Council of Ministers has the right to participate in a public hearing. Other citizens can also take part in the public hearing if they file an application in which they indicate the interests that they would like to protect and the legal amendments that, according to them, should be covered by a particular statute. The application should be filed to the Sejm at least 10 days prior to the public hearing. The public hearing can be postponed or cancelled by the organizer if some technical problems emerge. It should be added that it can be conducted only during one meeting of the committee. Professional lobbyists also possess another privilege. They are allowed to attend these committee meetings during which draft bills are considered. Moreover they can take part in discussion during such sessions. They mustn't take part only in the sessions of the Sejm sub-commissions (the Statute of Sejm RP [1992]).

In order to perform the professional lobbying activity effectively, all professional lobbyists have the right to enter buildings that are managed by the Chancellery of the Sejm. Professional lobbyists file an application containing information concerning, for instance, the interests they protect in the Sejm. Then they obtain a temporary entrance card which authorizes them to work for particular time in the buildings administered by the Sejm Chancellery. Professional lobbyists are obliged to pin this card to their clothes (the Statute of Sejm RP [1992]). In this way deputies can easily get information with whom they are talking. All documents and every information (legal opinions, amendments) given to the deputies are made available in the Sejm's Information System.

Professional lobbying activity can be also carried out in the buildings managed by the Chancellery of the Senate. *The Statute of the Senate RP* allows for participation of the professional lobbyists in the sessions of the standing committees of the Higher Chamber of the Parliament. They are allowed to present their expert's opinions, arguments and legal amendments during the meetings of the particular

committee, if they follow all principles of conducting professional lobbying activity established by the chairman of this committee (they mustn't participate in the sessions of the Senate sub-commissions) (The Statute of the Senate RP [1990]). When members of the committee finish their work on a bill or on a draft statute, they are obliged to choose a reporter from themselves. Then this person informs other Senators and the public opinion about the activities that were performed by professional lobbyists. In particular, he is obliged to check what kind of and how many legal amendments and propositions suggested by professional lobbyists were accepted and introduced to the considered document by members of this committee. In order to achieve full transparency in the process of passing acts in the Senate, all professional lobbyists' expert's opinions, legal opinions, and amendments that were given to the committees are published in the Public Information Bulletin. All the information about the activities performed by professional lobbyists and the annual report concerning professional lobbying activity is available online in the PIB as well.

2. LOBBYING IN PRACTICE IN THE REPUBLIC OF POLAND

The most important institutions and rules concerning lobbying were established by *the Law on lobbying*, so it is obvious that the way of implementation of these principles determines the fact whether this form of political participation functions transparently and effectively in the Republic of Poland. Firstly, it is essential to discuss how the Polish Lobbying Register functions in practice. Table 1 presents the number of entities performing professional lobbying activity which were entered into the Register from 2006 to 31st December 2010.

Table 1 - Data concerning the amount of entities that carry out professional lobbying activity and had to be entered into the Polish Lobbying Register under the applicable law.

Year	Number of entities carrying out professional lobbying activity
2006	77
2007	108
2008	132
2009	155

2010	187
Total volume as of 31 December 2010	182 (there were 187 entities altogether but 5 of them were removed from the Register)

Source: Own processing after the official Register of entities engaged in professional lobbying activities

It should be underlined that the number of entities performing professional lobbying activity between 2006 and 2010 seems to be really small. The amount of participants registered and exercising this work becomes larger and larger, and reached the number of 182 entities at the end of 2010. However, in order to be able to state whether this register truly controls the most influential lobbyists, it is necessary to analyse how many activities were conducted by them, for instance in relation with the Chancellery of the Prime Minister and the Ministers. In Table 2, professional lobbying activity there is understood as submitting notifications of interests to draft statutes or ordinances, taking positions and appealing in particular matters or proposing legal amendments to statutes and resolutions.

Table 2 - Amount of professional lobbying activities performed in individual Ministries from 2006 to 2010.

Ministries	Amount of professional lobbying activities carried out in 2006	Amount of professional lobbying activities carried out in 2007	Amount professional lobbying activities carried out in 2008	Amount of professional lobbying activities carried out in 2009	Amount of professional lobbying activities carried out in 2010	Total amount in the period of 2006-2010
Chancellery of the Prime Minister	0	1	6	0	0	7
Ministry of Health	1	1	1	0	1	4
Ministry of the Environment	0	0	1	0	0	1
Ministry of Interior and Administration	0	0	1	0	2	3
Ministry of Justice	0	0	0	0	2	2
Ministry of Sport and Tourism	0	0	0	0	1	1
Ministry of the Treasury	0	0	0	0	1	1

Ministry of Regional Development	0	0	0	0	0	0
Ministry of Agriculture and Rural Development	0	0	0	0	0	0
Ministry of Labour and Social Policy	0	1	0	2	0	3
Ministry of National Defence	0	0	0	0	0	0
Ministry of Science and Higher Education	0	0	0	0	0	0
Ministry of Culture and National Heritage	0	0	0	0	0	0
Ministry of Finance	1	5	3	8	9	26
Ministry of National Education	0	0	0	0	0	0
Ministry of Foreign Affairs	0	0	0	0	1	1
Ministry of Economy (including the Ministry of Marine Economy, which was incorporated after 2007)	1	2	0	1	0	4
Ministry of Infrastructure (before 2008 it consisted of: Ministry of Construction and Ministry of Transport)	1	0	1	2	11	15

Total of professional lobbying activities	4	4	7	13	27	68
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Source: Own processing after Bulletins of Public Information of all the Ministries and the Chancellery of the Prime Minister, private correspondence with the employees of all the Ministries and the Chancellery of the Prime Minister

The results from table 2 indicate that only 68 professional lobbying activities were carried out in the Polish Ministries and the Chancellery of the Prime Minister between 2006 and 2010. Apart from the professional lobbying activities above indicated, subjects entered in the Register of entities engaged sometimes in professional lobbying activities and e.g. drew up the invitations to conferences, presented reports or requests for coverage of conferences under the patronage of the Chancellery of the Prime Minister and the Prime Minister himself. Due to the fact that there is no information about possible reaction of the representatives of the government to this proposal, and its little effectiveness, these activities were not included in table 2. The data from table 2 show that a majority of professional lobbying activities took place in two Ministries: the Ministry of Infrastructure and the Ministry of Finance (altogether 41). There are several Ministries in which no professional lobbying activities were carried out within the analyzed period of time, for instance in the Ministry of National Education, Ministry of Culture and National Heritage, the Ministry of Agriculture and Rural Development, the Ministry of National Education, the Ministry of Regional Development. Some Ministries have not fulfilled their duties (The Law on lobbying 2005) and have not published all materials concerning professional lobbying activities that were conducted (or not) in their Ministries on time (for example the Ministry of Foreign Affairs). In many cases, such information was obtained upon official requests, by the use of the suitable articles from *the Law on availability to public information*. It is astonishing that only 10 of the activities mentioned in table 3 influenced the decision of the authorities – in these cases particular Ministries accepted the amendments proposed by the professional lobbyists. As it can be seen easily, the effectiveness of professional lobbyists is very small. Some doubts emerge whether the most influential and strongest lobbyists decided to enter the Polish Lobbying Register or they would rather stay outside this institution and attempt to exert influence on the authorities in another, nontransparent way. It is difficult to believe that there are so few contacts between lobbyists and representatives of Ministries or the Chancellery of the Prime Minister. Probably, the obligations that are imposed on professional lobbyists discourage many people from entering the Register. The transparency of professional lobbying

activities seems to be artificial because the most important lobbying activities are performed rather beyond the control imposed by statute. According to *the Law on lobbying*, the Chancellery of the Prime Minister and all Ministries are obliged to publish information about the citizens who submit notifications of interests to the draft laws or ordinances in their PIB (The Law on lobbying [2005]). Some of the Ministers reveal information concerning lobbying activities (not performed by professional lobbyists) in the Public Information Bulletin. In the period of 2006-2010, one could witness more than 170 examples of notification of interests or attempts of carrying out lobbying activities in the Ministries. The largest amount of them took place in the Ministry of Finance (102). It shall be added that these numbers are not that large as well, they confirm the fact that the citizens have no knowledge, motivation and trust to the discussed institutions, and they do not want to spend their time in order to try to influence any decisions of the public authorities.

According to *the Law on lobbying*, the Council of Ministers, the Prime Minister and all Ministers are obliged to prepare their own Legislative Work Program on the bills and ordinances at least once every 6 months and publish them in the Public Information Bulletin (The Law on lobbying 2005). The beginnings of implementation of this institution were tough for the government. The first Legislative Work Program prepared by the Council of Ministers in March 2006 consisted of 257 titles of bills and ordinances but it did not reveal the intention of changes. Even the experts were not able to state what content particular statutes could have. It is understandable that lobbyists having no access to some general information about particular acts could not prepare properly or influence the public authorities efficiently. Moreover, many Ministries have not started creating their own Legislative Work Programs since 2006 although they were obligated to do that by *the Law on lobbying*. In table 3, some information concerning the time of implementing this procedures by particular Ministers, the Council of Ministers and the Prime Minister can be found.

Table 3 - The time of launching publication of Legislative Work Programme by the Chancellery of the Prime Minister, the Council of Ministers and various Ministers.

Ministries	The year when publishing of the Legislative Work Programme started
The Chancellery of the Prime Minister	the first half of 2006
The Council of Ministers	the first half of 2006

Ministry of Health	the first half of 2006
Ministry of the Environment	the first half of 2011
Ministry of the Interior and Administration	the first half of 2006
Ministry of Justice	the first half of 2011
Ministry of Sport and Tourism	the first half of 2008
Ministry of the Treasury	the second half of 2007
Ministry of Regional Development	the first half of 2006
Ministry of Agriculture and Rural Development	the first half of 2006
Ministry of Labour and Social Policy	the first half of 2008
Ministry of National Defence	the first half of 2008
Ministry of Science and Higher Education	the second half of 2009
Ministry of Culture and National Heritage	the first half of 2006
Ministry of Finance	the second half of 2008
Ministry of National Education	the second half of 2007
Ministry of Foreign Affairs	the first half of 2006
Ministry of Economy	the first half of 2006
Ministry of Infrastructure	the first half of 2010

Source: Own processing after Public Information Bulletins of all the Ministries and the Chancellery of the Prime Minister

Among the 19 examined institutions, only 9 introduced and published the Legislative Work Program on time, in the first half of 2006. Two Ministries started preparing the Legislative Work Program in 2011. Many of the discussed Ministries began fulfilling this duty 2-3 years ago. On the other hand, it must be added, that after publication of the first Legislative Work Program, all these programs prepared by the Prime Minister, the Council of Ministers or the Ministries have covered all essential information, such as the title of the statute, the causes and the need for planned introduction of solutions, the aim of the project, the name and the position of the person responsible for preparing the bill and the webpage where the content of the act can be found. Summing up, there were many Ministries that were not publishing the Legislative Work Program from 2006 to 2010. There even were two Ministries which were not publishing the Legislative Work Program at the end of the period of functioning lobbying

phenomenon analyzed by this article. However, it must be emphasized that the quality of prepared programs (without including the exception that occurred at the beginning of 2006) is relatively high as they contain all the information that is required under the statute.

Public hearing is another important institution introduced by *the Law on lobbying*. It should be underlined that this body seems to be disregarded and underestimated by the majority of Polish Ministries. Most of them did not even publish any information about the possibility to organize a public hearing in their Public Information Bulletins. From 2006 to 2010, there were only 4 public hearings arranged in the Ministries, 3 of them in the Ministry of Environment and 1 in the Ministry of Economy.

As it was mentioned earlier, *The Statute of Sejm RP* regulates the procedures of performing lobbying activities and professional lobbying activities in the Sejm of the Republic of Poland, including organization of public hearings in the parliament. In Table 4, data about the amount of public hearings arranged from 2006 to 2010 there are presented.

Table 4 - Number of public hearings organized from 2006 to 2010.

Year	Number of organized public hearings
2006	2
2007	4
2008	3
2009	3
2010	5
Total number of public hearings in the period of 2006-2010	17

Source: Own processing after the official site of the Sejm and archives

It should be added that a resolution about arranging the third public hearing was passed in 2006 but the public hearing was cancelled due to the acceleration of works on this particular Act. In the period of 2006-2008, professional lobbyists did not participate in public hearings. Since 2009, they have been present during 4 public hearings (two in 2009 and two in 2010). A professional lobbyist took part in the discussion in the public hearing only once (in 2010). Based on these data, it can be claimed without any doubts that the discussed institution is neglected and underestimated by deputies and professional

lobbyists. Moreover, these statistics do not indicate that members of the parliament have gained any trust to this instrument because the number of arranged public hearings has not increased significantly lately.

Owing to *the Statute of Sejm RP*, professional lobbyists are allowed to participate in meetings of the Sejm committees. Table 5 analyses the use of this privilege by professional lobbyists in the period of 2006-2010.

Table 5 - Number of professional lobbyists participating in meetings of the Sejm committees in the period of 2006-2010.

Year	Number of registered entities which pledged to take action in the Sejm	Number of professional lobbyists authorized to represent entities which pledged to take action in the Sejm	Number of professional lobbyists who participated in the meetings of the committees	Number of committee meetings in which professional lobbyists took part
2006	11	31	2	4
2007	19	35	2	7
2008	17	29	8	35
2009	21	33	10	48
2010	19	31	7	31

Source: Own processing after Fidelus-Ninkiewicz, 2007; Fidelus-Ninkiewicz, 2008; Fidelus-Ninkiewicz, 2009; Czapla, 2010; Czapla, 2011.

Some information shall be added to this data. First, one professional lobbyist was invited to the meeting of the committee as an expert in 2006 so he was not included to the statistics presented above (Fidelus-Ninkiewicz, 2007). Secondly, it is worth mentioning that professional lobbyists did not give speeches at the meetings of the committees and did not provide any documents or expert's opinions at the Sejm committees in the period of 2006-2008 (Fidelus-Ninkiewicz, 2007; Fidelus-Ninkiewicz, 2008; Fidelus-Ninkiewicz, 2009). In 2009, professional lobbyists took part in discussions, proposed amendments or submitted documents to the deputies during 11 meetings of the committees (Czapla, 2010). In 2010, professional lobbyists gave speeches at 4 meetings of the committees, they did not submit any documents to the deputies (Czapla, 2011). Thirdly, apart from the session of the committees, the only meeting between professional lobbyist and the deputy took place in 22nd January 2010. It should be added that this meeting did not have any impact on the decisions of legislative power (Czapla, 2011, p. 8). The

data presented in table 5 indicate that only few professional lobbyists are interested in exerting influence on the decisions of the deputies. However, the number of entities that entered the Polish Lobbying Register is becoming larger every year (see table 1). There have not been any significant shifts concerning participation of the professional lobbyists in the committees since 2008. From 2007 on, the number of entities which pledged to take action in the Sejm has remained at the same, very low level and amounts to 17-21 per year. On the other hand, the number of committee meetings in which professional lobbyists take part has enlarged several times since 2006 although the number of professional lobbyists authorized to represent entities which have pledged to take action in the Sejm did not change in the discussed period of time. Still, only a small group of professional lobbyists generally attempt to influence the behaviour of the deputies. Moreover no effects of this activity have been noticed up to the end of 2010. It turned out that in fact *the Statute of Sejm RP* did not facilitate the lobbyists' work.

The Statute of the Senate establishes the functioning procedures for professional lobbying activities in the Senate in Poland. Some data about professional lobbying activities conducted during meetings of the Senate committees in the period of 2006-2010 are presented in table 6.

Table 6 - Professional lobbyists in the Senate committees from 2006 to 2010

Year	Number of professional lobbyists who participated in meetings of the committees	Number of committee meetings in which professional lobbyists took part	Type of action taken by professional lobbyists	Impact which professional lobbyists exerted on the Senators
2006	0	0	No actions	No impact
2007	1	2	Professional lobbyist participated in the works on the act and took part in the discussion	No impact
2008	3	4	Professional lobbyists were only present during meetings of the committees	No impact
2009	5	10	Expert's opinion was given to the Senators one. Moreover, professional lobbyists were present during meetings of the committees.	No impact
2010	9	14	Written proposals for amendments were presented to the Senators once,	One time amendments were

			professional lobbyists spoke three times during meetings, apart from that professional lobbyists were only present during meetings of the committees.	approved by Senators, apart from that – no impact
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Source: Own processing after Polkowska, 2007; Polkowska, 2008; Polkowska, 2009; Polkowska, 2010; Polkowska, 2011

These data show that professional lobbyists are not interested in exerting influence on the Senators. Only few of them participated in the meetings of the Senate committees. It can be stated that the level of involvement of professional lobbyists' into the works at meetings of the Senate committees is very low – it is similar to the involvement of professional lobbyists into the work at sessions of the Sejm committees (see table 5). At the beginning (2006-2007), professional lobbyists saw no point in cooperation with the Senators. This tendency has been slightly changing within the last 3 years although their work does not seem to be effective. In 2010, nine professional lobbyists participated in 14 meetings of the committees but the Senators accepted the amendments proposed by professional lobbyists only one time. It is hard to state that it is a breakthrough but, on the other hand, there were no propositions of professional lobbyists from 2006 to 2009 which the higher chamber of the parliament approved. The changes made in the Statute of Senate concerning lobbying did not improve the situation of lobbyists in the Polish Senate. Table 6 clearly confirms that politicians still do not want to take lobbyists' proposals into consideration in most of the cases.

CONCLUSIONS

There are problems with efficient implementation of all statutes (*The Law on lobbying, the Statute of Sejm RP, The Statute of the Senate RP*) that apply to the lobbying phenomenon in the Republic of Poland. The most significant statute concerning lobbying – *the Law on lobbying* – functions very poorly. On the one hand, the Polish Lobbying Register was created, and on the other, this institution seems to be useless because professional lobbyists that entered this institution hardly ever take advantage of their privilege and attempt to influence the public authorities. Even though professional lobbyist were given the right to influence decisions of the government, only 68 examples of professional lobbying activity in the Ministers or the Chancellery of the Ministers were found in the period of 2006-2010. Another

significant institution – the Legislative Work Programme – started functioning well in 2009-2010. Before that, nearly half of the institutions that were obliged to publish their Legislative Work Programme failed to fulfil this duty. The politicians gave up the possibility of creating dialogue with the professional lobbyists and other citizens voluntarily. In the analysed period of time, there were only 4 public hearings organized in the Ministries. The implementation of *the Statute of Sejm RP* and *the Statute of Senate RP* does not look any better as there were only 17 public hearings organized by the deputies. Moreover, cooperation between professional lobbyists and deputies or Senators in the committees takes places very rarely and usually brings no effects. All the above mentioned data suggest that legal acts analysed in this article should be changed significantly. First, it seems obvious that Polish law does not cover all relevant institutions, for instance the President, local governments or the National Bank of Poland. Potential lobbying activities performed in these institutions should also be transparent. Second, it turned out that lobbyists have not obtained enough rights and because of that most of them have not been registered in the Polish Lobbying Register, which has become a facade institution. Third, changes concerning facilitation of arranging public hearings should be made. Theoretically, this institution could strongly influence the process of establishing law but the tool is definitely used by politicians too rarely. This opinion is shared by some social and political researchers (Makowski and Zbieranek, 2009, p. 4-5) who criticize the fact that in Sejm public hearing can be organized only between the first reading and the moment when a particular statute is considered in details. They indicate that the bill might be completely changed during the following readings and, therefore, there should be some possibility to make use of this institution at least before the end of the third reading (Makowski and Zbieranek 2009, p. 5). Moreover, the article concerning the right to cancel the public hearing due to organizational and technical reasons seems to be too general and should be removed from the statute. Fourth, the legal term *lobbying activity* was defined too broadly and also requires to be amended. According to Polish law, this activity may include social consultation and even submitting petitions (Makowski and Zbieranek, 2009, p. 2). Fifth, professional lobbyists ought to get the right to take part in the sessions of the parliamentary sub-commissions because deputies and senators very often decide about the final shape of the statute during such meetings. Sixth, professional lobbyists have also experienced huge difficulties while organizing meetings with politicians. On the other hand, it would not be easy to compel politicians by law to meetings with lobbyists. Perhaps, Polish political culture should be changed with regard to that. However,

this process may take a very long time, and the concept of introducing some legal amendments referring to the personal relations between politicians and professional lobbyists cannot be rejected totally. Finally, it should be underlined that although the law on lobbying was created wrong and needs some huge amount of legal amendments, the studied form of political participation does not operate correctly also because of the fact that politicians do not trust professional lobbyists. It is astonishing that lobbying activities brought some positive results and influenced political decisions only few times (for instance only 1 time in 5 years in Senate).

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