



# Perspectives on the regulation of lobbying in Bulgaria

A Sociological study

Summary  
2024

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## SUMMARY

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The topic of lobbying and its regulation has been sporadically popping on the surface in public debates and discussions in Bulgaria for decades. Attempts in creating a legislative framework for lobbying activities over the years have failed for various reasons<sup>1</sup>. Bulgaria is one of the European Union countries that has not introduced legal regulation of lobbying. Foreign partners – such as the European Commission (in the 2021 and 2022 annual reports on the Rule of Law), the Group of States fighting against Corruption (GRECO) with the Council of Europe, the Organization for Economic Cooperation and Development, among others – have repeatedly recommended the Bulgarian state should introduce a legal framework on the regulation of lobbying activities.

The National Strategy for the Prevention and Counteraction of Corruption (2021 – 2027) and the Roadmap to it provided for the proposal of a legislative solution for the regulation of lobbying. Bulgaria has undertaken to "*Enforce legislative measures for the regulation of lobbying activities*" through Reform C10.R2: Counter-acting corruption within the National Recovery and Sustainability Plan, the implementation of which was linked to financial resources under the NextGenerationEU<sup>2</sup>. On 17 Nov 2023, the Ministry of Justice published a Draft Concept on the Regulation of Lobbying Activities in the Republic of Bulgaria – for public discussion<sup>3</sup>. The Bulgarian Institute for Legal Initiatives, together with other civil organizations, provided an opinion on the draft concept<sup>4</sup>.

There is no generally accepted definition of what lobbying is. Broadly speaking, it can be seen as any communication carried out by or on behalf of an organized group with certain common interest(-s) aiming to influence the political decision-making process. Lobbying has always aimed at public bodies and its intention is to achieve regulatory amendments

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<sup>1</sup> There have been four bills on lobbying until 2024, yet not one of them has been passed. (1) Bill No. 254-01-66 on publicity and registration of lobbyists and lobbying activities, dated: 23 July 20021; (2) Bill No. 854-01-50 on publicity of lobbying activity, dated: 16 May 2008; (3) Bill No. 853-16-13 on lobbying activity, dated: 24 Oct 2008; (4) Bill No. 554-01-53 on publicity of lobbying, dated: 19 Mar 2015.

<sup>2</sup> See more about it here: [https://next-generation-eu.europa.eu/index\\_bg](https://next-generation-eu.europa.eu/index_bg)

<sup>3</sup> The concept is available on the Public Communications Portal, last accessed in April 2024: <https://www.strategy.bg/publicconsultations/View.aspx?lang=bg-BG&Id=7969>

<sup>4</sup> The opinion is available on the BILI website: [http://www.bili-bg.org/12/1172/news\\_item.html](http://www.bili-bg.org/12/1172/news_item.html)

in favor of a lobbying party. Lobbying is heterogeneous in its scope, subject and object; there are also different forms of it – directly (e.g. personal meetings, conversations, written or oral communication, via the Internet, etc.) or indirectly (publications, organizing events, advertising campaigns, etc.)

Contemporary democratic standards require lobbying to be regulated – in order to ensure transparency over the decision-making process, to create accountability for lobbyists on the issues they lobby for, and the resources they invest in this activity. Unregulated lobbying poses ethical risks as it creates unequal access to public resources and decision-making. Lobbying is a legitimate activity that expands on and creates guarantees of equal access to institutions in defense of interests or causes. There needs to be a normative definition of both the types of lobbying activities (NGOs, for example, advocate for non-profit goals and causes), and a clear distinction between lobbying and illegitimate/illegal activities such as corruption and influence peddling. The quality of the future normative regulation of lobbying is of fundamental importance, as **initially ineffective texts could achieve the opposite effect – preventing citizen participation, using institutions as bats against critical voices, increasing governance distance**, replacing the prosecution of corruption crimes with lighter (smaller) penalties for unregulated lobbying activities, etc.

At the Bulgarian Institute for Legal Initiatives, we strive to provide useful information to institutions and society, firmly believing legislation in Bulgaria should be "shaped" on the basis of data and scientific achievements.

The sociological study entitled "Perspectives on the regulation of lobbying in Bulgaria" is the first comprehensive look at the perception of the general public and the expert community on the essence of lobbying and the possible options for its regulation. It turns out Bulgarians are generally very poorly informed about lobbying; they associate it mostly with pejorative (i. e. critical and disapproving) connotations, have low trust in institutions and are skeptical of the effect of its regulation. However, the research finds pockets of opinions (or perspectives) that hold positive potential for enforcing the understanding lobbying is a legitimate activity in the democratic political process with its significant benefits for the society as a whole.

The study was carried out by the Global Metrics research agency under the request of the Bulgarian Institute for Legal Initiatives (BILI). A range of quantitative and qualitative research methods was used. The analysis would be of interest to lobbying specialists, representatives of the executive and public administration, politicians, representatives of the academic community, the civil sector, business, media and anyone eager to understand more about lobbying.

### **Key highlights, insights and observations from the conducted in-depth interviews with experts and stakeholders**

- Lobbying in Bulgaria is associated with backstage games and corruption. These feelings are the results of both lack of regulation of lobbying activities and the public's "*deep suspicion*" in the ways political processes are conducted;
- Lobbying activities are carried out mainly in relation to public procurement procedures, concessions, preferences, subsidies, stating a given sector is a priority, creating a monopoly in certain sectors, etc.;
- It is widely accepted lobbying is done mostly in serving the "attractive private and group interests" found in the sectors of influence of the executive power rather than the legislative power;
- In general, the experts are definite: there is a lack of trust – among the Bulgarians – in the political elite, as well as a general misunderstanding of the functioning of democracy at large;
- Broadly speaking, there are moderate views the regulation of lobbying activity could play the role of an anti-corruption measure. The prevailing standpoint is that the Law on Lobbying "*will not fight*" over corruption;
- Respondents share the fear if the Act on Lobbying is not well drafted – specifically and in details, it will turn into a "*poor imitation*" or an "*indulgence*";
- There are various examples of lobbying bills representing the interests of certain groups or professional sectors, obtaining a specific advantage for themselves – at the expense of representatives of other sectors or other classes in society.
- The need for a clear definition of the conceptual gear is well emphasized – lobbying activities, stakeholders and their roles and functions – an object, an intermediary, a subject, scope of the lobbying activity;
- The majority of respondents stress out on the need to be able to distinguish between corporate lobbying and cause/mission/idea advocacy;

- The need to regulate the transparency and publicity of the financing of the entities/subjects and intermediaries of a given lobbying activity has also been highlighted;
- In addition, it is necessary to clearly define and regulate the role of the media in their role as mediator of lobbying activities;
- Lobbying opportunities for big business are significantly greater than for other public groups. In order to avoid this imbalance, it is emphasized it is necessary:
  - To regulate the interactions between the state and the large-scale business in order to stop unregulated practices that ensure monopoly;
  - To promulgate an Act on regulation of lobbying activities as to ensure transparency and publicity of contacts, interactions, subjects, intermediaries, objects and scopes of lobbying;
- There is a lack of clarity (a single direction) whether or not to have a separate law to regulate all issues related to lobbying or to add special texts to existing laws to regulate lobbying activities. There is a preponderance of opinions it is better to have a separate Act on Lobbying – arising from the standpoint of the regulation of lobbying activity;
- The opposite pole upholds views stating the implementation of a separate law on lobbying would be "impossible" in Bulgaria. Efforts should be rather focused on drafting supplements to already existing acts. If the regulation of the lobbying activity is implemented in norms and not in the entire acts, it must clearly indicate the acts it will be implemented in;
- The following is highlighted: a number of key acts are not related to lobbying activities, yet this is in fact necessary in order to regulate lobbying as well as achieve the transparency principles in the implementation of lobbying activities. Such, for example, are the Public Procurement Act, the Competition Protection Act, the Concessions Act, the Political Parties Act, among others;
- Looking from the point of view of the future regulation of lobbying in Bulgaria, it is necessary to ensure transparency regarding the financing of political parties;
- The majority of respondents believe it is necessary to introduce a regulation of lobbying activities aimed at all institutions, not at the National Assembly only;
- The mandatory steps in introducing the regulation of lobbying activities are the following – creating a public register, specifying the information therein and regulation of the activity;

- The majority of respondents are explicit on the following: there is a need for keeping a public register of organizations and individuals carrying out lobbying activities. However, there is no unanimous clarity as to whether or not this register needs to be mandatory;
- When drafting the Act on the Regulation of Lobbying Activities, the following should be taken into account: to what extent this will favor true civil participation in policy making and how relevant the norm will be in relation to the needs and interests of the civil society;
- It is believed if citizens begin to perceive lobbying as a means of influencing policy-making in support of the public interest, lobbying activities could acquire a positive meaning in the public minds;
- The need to regulate lobbying activity is related to the possibility of civil society seeking liability/accountability from politicians for the commitments the latter have undertaken earlier;
- Raising awareness on the benefits of lobbying and the regulation of lobbying activities could be achieved through:
  - A suitable approach in explaining the meaning of lobbying as a democratic practice in a state of law;
  - Examples of results of lobbying activities that have brought particular benefits to the civil society in Bulgaria.

### **Key highlights and observations from a quantitative survey of the general public**

- A significant share of Bulgarian citizens (44%) find it difficult to make any association with the concepts of lobbying and a lobbying activity;
- The awareness of Bulgarian citizens regarding the content of the concepts of lobbying and lobbying activity is relatively poor;
- Just over 40% of citizens state a clear position towards lobbying practices, with a strong preponderance of negative opinions (34.8%);
- Citizens agree lobbying by business representatives can lead to policies not in the public interest (78.3%). Only 4.7% of citizens adhere to the opposite opinion;
- Although citizens have a distinctly negative attitude towards lobbying in favor of various business interests, a very large percentage of people assume lobbying activity is still part of the legitimate practices in representing interests within the

contemporary democratic process of formulating policies and governing decisions (45.2%);

- Just over a third of members of the general public admit they cannot say whether or not lobbying is part of the modern democratic process of formulating policies and governing decisions;
- A widely spread is the opinion lobbying in the public space is associated with manifestation of clientelism, corruption, mediation – to name a few (79.3%)
- Among Bulgarian citizens, there is a strong feeling of the presence of lobbying practices in the country;
- All age groups unite around this statement: lobbying activities are most often directed at Members of the Parliament, the National Assembly staff members and Central State Executive bodies;
- The main information source citizens learn about cases of lobbying activities are TV shows (63.6%);
- The most widespread opinion is the following: lobbying activities are carried out most often in awarding/assigning and execution of public procurement contracts (63.8%), followed by the construction sector (54.5%). Nearly 47% of the people believe lobbying practices take place in the health care sector, and about 45% in the business sector. The share of citizens who believe lobbying practices are implemented in the judicial system is similar (42.8%);
- The data obtained clearly shows citizens more often place politicians in the role of exercising lobbying activity, and not as objects of such activity. A little over 73% of citizens believe representatives of political parties most often carry out lobbying activities in Bulgaria. Nearly 53% believe this is exercised by the representatives of state bodies. Separate individuals and business organizations show relatively equal shares – of about 44%;
- Just over two-thirds of Bulgarian citizens recognize regulation of lobbying activity in Bulgaria is necessary (35.5% are firm, while 40.2% are rather supporting similar position)
- Shining light on people trying to influence decision-making (56.7%), curbing corruption (55.9%) and limiting influence peddling (55.6%) are the three main positive changes that would occur from the normative regulation of lobbying, pointed out by the majority of citizens who consider the need for such a regulation;

- In total, about two-thirds of the adult residents of the country believe there is a need for a public register of people/entities exercising lobbying activities;
- Among people who fully or somewhat support the idea there should be a public register of lobbyists, approximately one in two (48.3%) share the opinion the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission<sup>5</sup> should be the institution to keep such a register;
- Bulgarians relatively rarely interact with institutions on important topics. Nearly 71% of the citizens have never sought assistance from an institution on a matter important to them;
- Citizens most often turn to municipal mayors for assistance, whose functions cover a large part of the powers on issues important to the lives of citizens. About a third of those who sought assistance from an institution had contact with the mayor of a municipality (33.7%). The support of the police (16.5%) and the Central Administration (15.8%) are also relatively more frequently mentioned.

The full text of the study (in Bulgarian) can be found [HERE](#).

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<sup>5</sup> With the latest amendments in the law, the body is now called the Anti-Corruption Commission. See Act on Combating Corruption, promulgated in State Gazette, issue No. 84 of 06 Oct 2023, in force as of 06 Oct 2023, amended and supplemented in issue # 13, dated: 13 Feb 2024, in force from 13 Feb 2024.