

**ACT  
of July 7, 2005**

**on Lobbying in the Legislative Process<sup>1</sup>**

Prepared on the basis of:  
2005 Dz.U. No. 169, item 1414

**Chapter 1  
General Provisions**

**Article 1**

This Act specifies the rules of lobbying openness in the legislative process, the rules of performing professional lobbying activities, the forms of control over professional lobbying activities as well as the rules of maintaining the register of entities performing professional lobbying activities.

**Article 2**

1. Within the meaning of the Act, lobbying shall mean each lawful activity intended to influence public authorities in the legislative process.
2. Within the meaning of the Act, professional lobbying shall mean gainful lobbying carried out on behalf of third parties in order for their interests to be considered in the legislative process.
3. Professional lobbying may be carried out by an entrepreneur or individual who is not an entrepreneur pursuant a civil law agreement.

**Chapter 2  
Rules of Transparency in Lobbying in the Legislative Process**

**Article 3**

1. The Council of Ministers shall prepare, at least once in every six months, the legislative work schedule of the Council of Ministers concerning proposed bills.
2. The schedule referred to in sec. 1 shall include in particular:
  - 1) concise information on the reasons and need to introduce solutions planned to be included in a bill;
  - 2) indication of the essence of solutions planned to be included in a bill;
  - 3) specification of the body responsible for the preparation of a bill;

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<sup>1</sup> This Act amends the following acts: Act of May 9, 1996 on Acting Pursuant to the Mandate of the Deputy (*Poseł*) and the Senator; Act of August 8, 1996 on the Council of Ministers; and the Act of September 4, 1997 on Government Administration Branches

- 4) full name and title or function of the person responsible for the preparation of the bill;
  - 5) the web address of an official IT guide, i.e. Public Information Bulletin, hereinafter referred to as the “Public Information Bulletin”, where documents specified in Art. 5 and 6 are to be made available.
3. The schedule referred to in sec. 1 shall also take account of the fact that work on a given bill is renounced giving the reasons of such renouncement.
  4. The schedule referred to in sec. 1 shall be made available in the Public Information Bulletin.
  5. The schedule referred to in sec. 1 shall be immediately presented to the Sejm by the Council of Ministers.

#### **Article 4**

The Council of Ministers, the Prime Minister and Ministers shall prepare their legislative work schedules for draft ordinances. The provisions of Art. 3 sec. 2 to 4 shall apply *mutatis mutandis*.

#### **Article 5**

Bills and draft ordinances shall be made available in the Public Information Bulletin upon their submission for consultation with members of the Council of Ministers.

#### **Article 6**

At the time of making legislative work schedules referred to in Art. 3 and 4 available in the Public Information Bulletin or, if the bill was not included in a legislative work schedule, at the time of making such bill available in the Public Information Bulletin, all documents connected with work on the bill shall also be made available in the Public Information Bulletin.

#### **Article 7**

1. Upon making legislative work schedules referred to in Art. 3 and 4 available in the Public Information Bulletin or, if the bill was not included in a legislative work schedule, upon making such bill available in the Public Information Bulletin, each person shall be entitled to express an interest in the bill or draft ordinance.
2. The notification referred to in sec. 1 shall be submitted on an official form to the body responsible for the preparation of the bill or draft ordinance.
3. The notification referred to in sec. 1 shall be made available, except addresses of individuals, in the Public Information Bulletin as a document connected with work on the bill or draft ordinance.
4. The notifying entity as mentioned in sec. 1 shall include in the notification:
  - 1) first names and last names as well as addresses of the persons entitled to represent this entity in work on the bill or draft ordinance;
  - 2) when acting on behalf of a legal person, the name and registered seat of such person;

- 3) when acting on behalf of an entity other than a legal person, the full name and address or, respectively, the name and registered seat of such entity;
  - 4) interests to be protected with reference to the planned regulation and legal solution to be lobbied for.
5. The following shall be enclosed to the notification referred to in sec. 1:
- 1) if the notifying entity acts as a professional lobbyist, then the confirmation of its entry into the register specified in Art. 11 sec. 8 hereof;
  - 2) if the notifying entity acts on behalf of a legal person registered in the National Court Register, then the excerpt from the National Court Register for such legal person.
6. Entities that notified the body responsible for the preparation of a bill or draft ordinance of their interest in work on the bill or draft ordinance shall be required to notify this body of any changes in data subject to notification within 7 days of their occurrence.
7. The Council of Ministers shall specify, by way of an ordinance, the procedure for the notification of interest in work on a bill or draft ordinance, including a sample notification form, guided by the need to facilitate notifications.

#### **Article 8**

1. When the bill is submitted to the Sejm, a public reading of this bill may be held in accordance with the Standing Orders of the Sejm.
2. The entity that notified the relevant body of its interest in work on a bill may participate in a public reading of this bill as provided for in the Standing Orders of the Sejm.

#### **Article 9**

1. The body responsible for the preparation of a draft ordinance may held a public reading of such draft ordinance.
2. Information on the date of the public reading of a draft ordinance shall be made available in the Public Information Bulletin at least 7 days before such date.
3. Each entity that notified the relevant body of its interest in work on a draft ordinance at least 3 days before the public reading date shall have the right to participate in the public reading referred to in sec. 1.
4. If due to accommodation or technical conditions, in particular due to the number of persons willing to participate in a public reading, the public reading of a draft ordinance cannot be held, the body authorized to hold such reading may:
  - 1) change the date or place of the public reading stating the reasons of such change and a new date or place of the public reading in the Public Information Bulletin;
  - 2) cancel the public reading stating the reasons of its cancellation in the Public Information Bulletin.
5. The body holding a public reading shall in particular:
  - 1) manage its course;

- 2) ensure an uninterrupted flow of the public reading;
  - 3) give the floor to participants of the public reading.
6. The Council of Ministers shall specify, by way of an ordinance, the procedure for a public hearing of draft ordinances and the method of its documentation with a view to ensure the identification of its participants, their freedom to present reasons and arguments as well as its efficient flow.

### **Chapter 3**

#### **Register of Professional Lobbyists and the Rules of Conduct for Lobbyists**

#### **Article 10**

1. The register of professional lobbyists, hereinafter referred to as the “Register” shall be established.
2. The Minister relevant for public administration shall maintain the Register in the form of a database stored on data carriers within the meaning of the Act of February 17, 2005 on Informatization of Entities Performing Public Tasks (Dz. U. No. 64, item 565).
3. The Register shall include the following data:
  - 1) the business name, registered office and address of an entrepreneur engaged in professional lobbying activities or the first name, last name and address of an individual who is not an entrepreneur but performs professional lobbying activities;
  - 2) in the case of entrepreneurs engaged in professional lobbying activities, the relevant number in the National Court Register or the register of businesses.
4. The Register shall be open.
5. Information included in the Register shall be made available in the Public Information Bulletin, except addresses of individuals.

#### **Art. 11.**

1. An entry into the Register shall be made upon an application.
2. The application referred to in sec. 1 shall be made on an official form including:
  - 1) the business name, registered office and address of an entrepreneur engaged in professional lobbying activities or the first name, last name and address of an individual who is not an entrepreneur but performs professional lobbying activities;
  - 2) in the case of entrepreneurs engaged in professional lobbying activities, the relevant number in the National Court Register or the register of businesses.
3. The application referred to in sec. 1 shall be appended with documents confirming the accuracy of data provided in the application.
4. If any formal defects are found in the application referred to in sec. 1, the body maintaining the Register shall request the applying entity to remove such defects.
5. If the application is evidently unfounded or the formal defects are not removed

within 7 days despite the request of the body maintaining the Register then the body maintaining the Register shall refuse an entry into the Register. The entry refusal shall be made by way of an administrative decision.

6. An entry into the Register is subject to the payment of a fee. The fee for an entry into the Register shall be paid upon an application. The fee cannot exceed PLN 100.00.
7. Registered entities shall be obliged to notify the body maintaining the Register of any changes in data subject to entry into the Register within 7 days of their occurrence.
8. The body maintaining the Register shall issue, upon request of a registered entity, a registration certificate. The certificate shall be valid for 3 months of its issuance.
9. The body maintaining the Register shall delete the registered entity upon its request.
10. The Minister relevant for public administration shall specify, by way of an ordinance, as follows:
  - 1) the procedure for application and making entries into the Register as well as their update, including a sample application form;
  - 2) types of documents confirming the accuracy of data provided in the application;
  - 3) a specimen registration certificate;
  - 4) fee for entry into the Register at a level not limiting applications for entry of professional lobbyists into the Register;guided by the need to facilitate applications.

### **Article 12**

Professional lobbying activities may be performed upon entry into the Register.

### **Article 13**

If pursuant to Art. 41 of the Criminal Code or Art. 9 sec. 1 item 5 of the Act of October 28, 2002 on Responsibility of Collective Entities for Punishable Acts ((Dz.U. No. 197, item 1661, as amended<sup>2</sup>), a final and binding decision is issued to prohibit the performance of professional lobbying activities, the body maintaining the Register shall delete the entrepreneur or individual to whom such decision applies. The deletion from the Register shall be made by way of an administrative decision.

### **Article 14**

1. A professional lobbyist shall be entitled to perform their activities also in the premises of an office that serves public authority bodies.
2. The manager of the office referred to in sec. 1 shall provide registered professional lobbyists with access to the office he/she manages in order to enable them to represent properly the interests of entities on behalf of which they lobby.

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<sup>2</sup> Amendments to the foregoing Act were published in 2004 Dz. U. No. 93, item 889, No. 191, item 1956 and No. 243, item 2442 as well as 2005 Dz. U. No. 157, item 1316.

3. The rules of conduct of professional lobbyists in the Sejm and the Senate shall be specified by the Standing Orders of the Sejm and the Senate, respectively.

### **Article 15**

The professional lobbyist shall be obliged to provide the public authority body or the employee of the office serving the public authority body before which they act with a registration certificate and a written statement specifying the entities on behalf of which they lobby.

## **Chapter 4**

### **Supervision over Professional Lobbying Activities**

### **Article 16**

1. Public authorities shall be obliged to make immediately available, in the Public Information Bulletin, any information on actions pertaining to them and initiated by professional lobbyists with a description of the solution expected by these lobbyists.
2. Managers of offices serving public authorities, each in his/her own capacity, shall define the detailed rules of conduct for their subordinated employees with reference to professional lobbyists as well as to entities performing professional activities in the area of professional lobbying without registration, including the procedure for documentation of commenced contacts.

### **Article 17**

If it is found that activities in the area of professional lobbying are carried out by the entity not entered into the Register, the relevant public authority body shall immediately inform the Minister relevant for public administration of the same in writing.

### **Article 18**

1. Once in a year by the end of February, managers of offices serving public authorities shall prepare information on activities commenced by professional lobbyists with reference to these authorities in the previous year.
2. The information referred to in sec. 1 shall include the following:
  - 1) specification of matters professionally lobbied for;
  - 2) indication of entities that carried out professional lobbying;
  - 3) forms of professional lobbying with annotation whether specified projects were lobbied for or against;
  - 4) description of the influence exerted by a professional lobbyist in the legislative process regarding the matter in question.
3. The information referred to in sec. 1 shall be made available immediately in the Public Information Bulletin.

## **Chapter 5**

### **Sanctions for Contravention of the Act**

#### **Article 19**

1. The entity that performs activities in the area of professional lobbying without registration shall be liable to a fine from PLN 3,000.00 to 50,000.00.
2. The fine specified in sec. 1 shall be imposed by the Minister relevant for public administration by way of an administrative decision.
3. The amount of a fine shall be decided taking into consideration the extent of influence of the entity referred to in sec. 1 on the decision of a body of public authority in the legislative process as well as the scope and nature of activities in the area of professional lobbying commenced by the entity.
4. The fine may be imposed repeatedly if activities in the area of professional lobbying are continued without registration.

#### **Article 20**

1. Funds from fines specified in Art. 19 shall constitute the revenue of the State Treasury.
2. The fine shall be paid to the bank account of the office serving the relevant body within 14 days of the day when the decision of the Minister relevant for public administration becomes final and binding.
3. Any costs associated with the payment of the fine shall be covered by the payer.

## **Chapter 5**

### **Amendments of Valid Regulations, Transition and Final Provisions**

#### **Article 21**

The Act of May 9, 1996 on Acting Pursuant to the Mandate of the Deputy (*Posel*) and the Senator (2003 Dz.U. No. 221, item 2199; 2004 Dz.U. No. 116, item 1202 and No. 210 item 2135; and 2005 Dz.U. No. 48, item. 446) shall be amended as follows:

- 1) In Art. 18, sec. 3a and 3b shall be added as follows:
  - „3a. The Chairman of a club or group shall be obliged to provide the Speaker (*Marszałek*) of the Sejm or the Senate, respectively, with the following data regarding each employee as well as voluntary associate of the club or group office:
    - 1) first name(s) and last name;
    - 2) date of birth;
    - 3) employment in the period of three years preceding the day when the person became an employee or voluntary associate of the club or group office;
    - 4) sources of income in the period of three years preceding the day when the

person became an employee or voluntary associate of the club or group office;

5) information on business activities carried out in the period of three years preceding the day when the person became an employee or voluntary associate of the club or group office.

3b. Data specified in sec. 3a, is open and made available to the public by the Speaker of the Sejm or the Senate, respectively, in the form of an electronic record.”;

2) In Art. 23, sec. 4a and 4b shall be added as follows:

„4a. The deputy or senator shall be obliged to provide the Speaker of the Sejm or the Senate, respectively, with the following data regarding each employee as well as voluntary associate of his/her office:

1) first name(s) and last name;

2) date of birth;

3) employment in the period of three years preceding the day when the person became an employee or voluntary associate of the office;

4) sources of income in the period of three years preceding the day when the person became an employee or voluntary associate of the office;

5) information on business activities carried out in the period of three years preceding the day when the person became an employee or voluntary associate of the office.

4b. Data specified in sec. 4a, is open and made available to the public by the Speaker of the Sejm or the Senate, respectively, in the form of an electronic record.”.

## **Article 22**

In the Act of August 8, 1996 on the Council of Ministers (2003 Dz. U. No. 24, item 199 and No. 80, item 717 and 2004 Dz.U. No. 238, item 2390 and No. 273, item 2703), Article 39a shall be added as follows:

„Art. 39a. 1. The Minister shall provide the Prime Minister with the following data regarding each employee of the Minister’s political office:

1) first name(s) and last name;

2) date of birth;

3) employment in the period of three years preceding the day when the person became an employee of the Minister’s political office;

4) sources of income in the period of three years preceding the day when the person became an employee of the Minister’s political office;

5) information on business activities carried out in the period of three years preceding the day when the person became an employee of the Minister’s political office.

2. Data specified in sec. 1 shall be made available in the Public Information Bulletin.”.

### **Article 23**

In the Act of September 4, 1997 on Government Administration Branches (2003 Dz.U No. 159, item 1548, as amended<sup>3</sup>), in art. 6 sec. 1 item 6 a full stop shall be replaced with a semicolon and item 7 shall be added as follows:

„7) maintenance of the register of professional lobbyists.”.

### **Art. 24.**

The Act shall come into force following 6 months from the date of its promulgation.

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<sup>3</sup> Amendments to the consolidated text of the foregoing Act were published in 2003 Dz.U. No. 162, item 1568, No. 190, item 1864, 2004 Dz.U. No. 19, item 177, No. 69, item 624, No. 91, item 873, No. 96, item 959, No. 116, item 1206, No. 141, item 1492, No. 238, item 2390, No. 240, item 2408 and No. 273, item 2702; and 2005 Dz.U. No. 17, item 141, No. 33, item 288 and No. 155, item 1298.