

LOBBYING ACTIVITIES IN RELATION TO THE IMPLEMENTATION OF EU DIRECTIVE 91/477 / EEC ON THE CONTROL AND ACQUISITION OF WEAPONS

KATEŘINA BOČKOVÁ, GABRIELA GABRHELOVÁ,
MONIKA DOHNANSKÁ

ABSTRACT

Public affairs and lobbying support the dynamics of today's global business world, and are important as a result. Lobbying is not an industry that is well known and understood by many people. Only a few people have any real idea what lobbyists do and why. Therefore the aim of the paper is to explore this sphere of business, and to describe lobbying activities related to the process of the implementation of Directive 91/477/EEC in Czech legislation and the attitude of Czech society towards this directive. Our research showed that opinions are shared among the members of parliament, the government and interest groups regarding the implementation of this directive in Czech legislation, i.e. the directive violates current Czech legislation which restricts consumers and arms manufacturers. In addition, the adoption of this directive would significantly reduce the rights of citizens to carry weapons and limit the export of the products of arms manufacturers.

KEY WORDS

Public affairs, lobbying, EU Directive 91/477/EEC, weapons.

DOI: 10.23762/FSO_VOL6NO2_18_7

KATEŘINA BOČKOVÁ¹

e-mail: bockova@dti.sk

GABRIELA GABRHELOVÁ

e-mail: gabrheleva@dti.sk

MONIKA DOHNANSKÁ

e-mail: dohnanska@dti.sk

DTI University, Dubnica nad Váhom,
Slovakia

¹ Corresponding author

Introduction

Lobbying, persuasion, or interest representation is the act of attempting to influence the actions, policies, or decisions of officials - most often legislators or members of regulatory agencies - in their daily life. Lobbying is done by many types of people, associations and organised groups, including individuals in the private sector, corporations, fellow legislators or government officials, or advocacy groups (interest groups). Lobbyists may be among a legislator's constituencies,

meaning a voter or bloc of voters within their electoral district; they may engage in lobbying as a business. Professional lobbyists are people whose business is attempting to influence legislation, regulation, or other government decisions, actions, or policies on behalf of a group or individual who hires them. Individuals and non-profit organisations can also lobby as an act of volunteering or as a small part of their normal job (e.g. a CEO meeting with a representative about a project important

to their company, or an activist meeting with their legislator in an unpaid capacity). Governments often define and regulate organised group lobbying which has become influential.

The ethics and morality of lobbying are double-edged. Lobbying is often spoken of with contempt, the implication being that people with inordinate socioeconomic power are corrupting the law (twisting it away from fairness) in order to serve their own interests. When people who have a duty to act on behalf of others, such as elected officials with a duty to serve their constituents' interests or more broadly the public good, can benefit by shaping the law to serve the interests of certain private parties, a conflict of interest exists. Many critiques of lobbying point to the potential for conflicts of interest to lead to agent misdirection or the intentional failure of an agent with a duty to serve an employer, client, or constituent to perform those duties. The failure of government officials to serve the public interest as a consequence of lobbying by special interests that provide benefits to the official is an example of agent misdirection.

In a report carried by the BBC (BBC News 2008), an OED lexicographer has shown that the term "lobbying" has its roots in the gathering of Members of Parliament and peers in the hallways ("lobbies") of the UK Houses of Parliament before and after parliamentary debates, where members of the public can meet their representatives.

One story held that the term originated at the Willard Hotel in Washington, DC, where it was supposedly used by President Ulysses S. Grant to describe the political advocates who frequented the hotel's lobby to access Grant – who was often there in the evenings to enjoy a cigar and brandy – and would then try to buy the president drinks in an attempt to influence

his political decisions. Although the term may have gained more widespread currency in Washington, D.C. by virtue of this practice during the Grant Administration, the OED cites numerous documented uses of the word well before Grant's presidency, including use in Pennsylvania as early as 1808.

Governments often define and regulate organised group lobbying as part of laws to prevent political corruption and by establishing transparency as regards possible influences by means of public lobby registers.

Lobby groups may concentrate their efforts on the legislatures, where laws are created, but may also use the judicial branch to advance their causes. The National Association for the Advancement of Colored People, for example, filed suits in state and federal courts in the 1950s to challenge segregation laws. Their efforts resulted in the Supreme Court declaring such laws unconstitutional. They may use a legal device known as *amicus curiae*, literally "friend of the court," briefs to try to influence court cases. Briefs are written documents filed with a court, typically by parties to a lawsuit. *Amici curiae* briefs are briefs filed by people or groups who are not parties to a suit. These briefs are entered into the court records, and give additional background on the matter being decided upon. Advocacy groups use these briefs both to share their expertise and to promote their positions.

The lobbying industry is affected by the revolving door concept, the movement of personnel between roles as legislators and regulators and the industries affected by the legislation and regulation, as the main asset for a lobbyist is contact with and influence on government officials. This industrial climate is attractive for ex-government officials. It can also mean substantial monetary rewards for the lobbying

firms and government projects and contracts in the hundreds of millions for those they represent.

Given the deliberations presented, the aim of the paper is to present lobbying activities related to the process of the implementation of Directive 91/477/EEC in Czech legislation and the attitude of Czech society towards this directive. We focused on the way in which lobbying is being conducted in this case, and which subjects were involved in the process of influencing the implementation of this directive. The paper is structured as follows. Firstly, following this introductory part, there is a literature review devoted to the notion of lobbying. After this, the solutions implemented by the EU as well as the Czech Republic were presented. The next part of the paper concentrates on ethics in lobbying. This is followed by a case study analysis based on conditions in the Czech Republic. This sub-chapter (as well as the conclusion) is based on the synthesis, analysis, deduction and personal experience of the authors. Finally, there is a conclusion section where the possibility of the future development of a lobbying system in the Czech Republic was also presented.

The main materials and methods used are literature and electronic data research on European and Czech lobbying activities and qualitative analysis of this data, resources, as well as legal norms relating to lobbying.

1. Literature review

Both Thomson and John (2007: 23) and Parry (2017) claim that "public affairs is an evolving industry, which evolves along with the development and behaviour of business and politics". In turn, Haldane (2004) is of the opinion that public affairs is an extensive set of activities which involves identifying, evaluating, planning and re-

sponding to opportunities and risks arising from political and administrative decisions affecting business entities or other organisations. Public affairs management is regarded by Mearsheimer (2014: 129) as part of every business that is interested in the wider context of its business environment. The role of the public affairs of the agencies is to represent a business entity to contribute to the defence or enforcement of its interests in the legislative environment of the country or in any regulated business environment (e.g. OECD, European Union, region, city).

Public affairs activities are an integral tool for protecting the value of all successful companies (Lopéz-Guerra 2017). This is one of the benefits of public affairs – protecting a company from the perceived threat of a new policy or regulation. Thomson and John (2007: 28) also mention other benefits, e.g.:

- offering protection against adverse comment made by government or politicians;
- offering assistance in spotting new market opportunities;
- protecting and enhancing the reputation of the company;
- helping to build a greater network of contacts;
- raising the profile of the company;
- reducing the threat of adverse action made by government due to knowledge of company activities;
- increasing and enhancing the personal reputation.

All public affairs representatives need to have special skills which may help to achieve success. According to Weithman (2017: 399) these include language skills, a working knowledge of information technology, communication skills, writing skills, interaction with others, the ability to present ideas in front of people, and teamwork.

Public affairs representatives use tools and procedures to monitor legislative adjustments, provide expert advice, or plan information campaigns. According to Pallikkathayil (2017: 424) public affairs includes the following core activities: lobbying, legal expertise and legislative monitoring, reputation management, mediating contacts with stakeholders, the organisation of meetings and events, communication with public administration institutions, strategic planning, crisis communication, media relations and the implementation of communication strategies. Among these core activities, a special role is played by lobbying.

In a broader form, lobbying is considered part of public affairs, where professional lobbying is already carried out by agencies and consultancy companies (Fiala 2009: 59). Thomson and John (2007: 98) claim that "lobbying is an important part of the democratic process. Always has been. Always will be. There is nothing wrong with paying consultants for political advice. Businessmen, charities and trade association are not experts on the political system so they pay for people who are". One can also provide dictionary definitions of such terms. For example, "lobbying (also lobby) is a form of advocacy with the intention of influencing decisions made by the government by individuals or more usually by lobby groups; it includes all attempts to influence legislators and officials, whether by other legislators, constituents, or organised groups" (Merriam – Webster Dictionary). And "a lobbyist is a person who tries to influence legislation on behalf of a special interest or a member of a lobby" (Random House Unabridged Dictionary).

Although lobbying is perceived by the public as something suspicious, it is a common part of the functioning of liberal democracies, which brings many advan-

tages as well as potential problems to society. It is very closely related to issues of interest representation, interest groups and the functioning of civil society (Kupka et al. 2009: 154). The basic requirement for defining lobbying is a clear delimitation towards corruption (Šedivý and Medlíková 2012: 59). The "ideal" definition cited in Muller et al. (2010: 32) should further:

- distinguish lobbying from the promotion of interests through elected representatives;
- define lobbying as a source of information and expertise;
- clearly define lobbying actors – delimitation of this group is not limited to so-called commercial lobbyists, or lobbyists promoting their own interests, but also includes a group of lobbyists who lobby not only for their own interests, and
- define the objectives of lobbying.

It is worth emphasising that "lobbying offers companies the chance to procure information from politics which is an important and necessary basis for their own business decisions. Business is part of society and 'politics for the people' is inconceivable without 'politics with business'. In the same way, business relies on attractive economic conditions and has a vested interest in the abolition of unnecessary regulation. 'Business without politics' is thus also out of the question" (Bažantová 2007: 89).

2. Public affairs and lobbying in the EU and Czech Republic

According to the Austrian Member of the European Parliament ("MEP") Hans-Peter Martin, the value of lobby invitations and offers each individual MEP receives can reach up to €10,000 per week. In 2013 there were around 15,000 lobbyists (con-

sultants, lawyers, associations, corporations, NGOs etc.) in Brussels seeking to influence the EU's legislation. Some 2,600 special interest groups had a permanent office in Brussels. Their distribution was roughly as follows: European trade federations (32%), consultants (20%), companies (13%), NGOs (11%), national associations (10%), regional representations (6%), international organisations (5%) and think tanks (1%) (Petrillo 2013). In addition, lobby organisations sometimes hire former EU employees (a phenomenon known as the revolving door) who possess inside knowledge of EU institutions and the policy process. A report by Transparency International EU published in January 2017 analysed the career paths of former EU officials and found that 30% of Members of the European Parliament who left politics went to work for organisations on the EU lobby register after their mandate, and approximately one third of Commissioners serving under Barroso took jobs in the private sector after their mandate. The companies they began working for include Uber, ArcelorMittal, Goldman Sachs and Bank of America Merrill Lynch. These potential conflicts of interest could be avoided if a stronger ethics framework were established at the EU level, including an independent ethics body and longer cooling-off periods for MEPs. In the wake of the Jack Abramoff Indian lobbying scandal in Washington D.C. and the massive impact this had on the lobbying scene in the United States, the rules for lobbying in the EU – which until now consist of only a non-binding code of conduct – may also be tightened.

The number of lobbyists operating in the European Union is growing. In response, the European Commission has launched a system of voluntary entry into the register of lobbyists who influence European policy in the interests of their clients. The

introduction of the register is part of a long-term initiative to promote greater transparency in the decision-making processes of the European institutions. Lobbying organisations will be listed, not just individual lobbyists. Organisations have to follow certain rules, e.g. indicate what they are trying to do and which area of policy they are interested in, indicate how much money they invest in lobbying, make the list of their clients available, and adhere to the Code of Conduct.

The problem remains with the voluntary nature of membership of the registry. However former European Commission Vice-President Siim Kallas (2004-2014) believes that membership will be a matter of prestige which will appeal to individual organisations. Kallas is not afraid that lobbyists will ignore the index, as the Commission has agreed with the lobbying organisations themselves (Chylíková 2008). Among the international public affairs agencies that are active in the EU institutions and which are represented in the Czech Republic are Fleishman-Hillard and Weber Shandwick.

When analysing the Czech Republic, one should underline that lobbying is not regulated in the legislation of this country. There is no specific obligation for the registration of lobbyists or the reporting of contact between public officials and lobbyists (AALEP 2015). Transparency International is a NGO which maps the state of corruption in the Czech Republic and actively contributes to reducing it. At a press conference in 2015, Transparency International presented developments around lobbying and proposed legislative changes. At this conference, Transparency International mentioned that almost 90% of Czechs believe that the links between business and politics are too narrow, and more than two-thirds of them believe that the only way to succeed in doing busi-

ness is by means of political connections. "To gain all this information by the public, there must be legal regulation of lobbying - a register of lobbyists and the publication of list of contacts with these lobbyists by politicians and senior officials. The European Commission has taken a step forward in the right direction," said Radim Bureš, Program Director of Transparency International, on the website of Transparency International (2015). "Ethical codes of officials are not working, the Code of Ethics for Deputies and Senators is lacking, it is necessary to introduce the principle of the so-called legislative footprint and to better regulate conflicts of interest and the transition between private and public sectors," said Petr Vymětal, political scientist at the University of Economics (Transparency 2015).

There are many lobbyists in the Czech Republic whose activity is not legislatively modified. In the summer of 2009 there was an incentive for legislative regulation of lobbying in the Czech Republic. The Czech Socialist Democratic Party (CSSD) created and presented a draft law on lobbying, which defined lobbying and regulated the activities of lobbyists in the Czech Republic. The draft law, which envisioned the introduction of a list of lobbyists and recommended that sanctions be imposed on political advisers for violations of lobbying rules, was returned to the Chamber of Deputies in autumn 2009 for revision. Recently the previous government approved proposals for measures to regulate lobbying. Variants concerning the regulation of lobbying activities were submitted by the former Minister for Human Rights, Equal Opportunities and Legislation.

It is worth mentioning that draft measures to enhance the transparency of the legislative and decision-making process in relation to lobbying activities contain a proposal for possible legislative and non-legislative measures aimed mainly at enhancing the transparency of the legislative and decision-making process. This is the register of lobbyists, the code of ethics of deputies, senators and members of the Government, a register of donations of deputies, senators and members of the government, a legislative footprint, public diaries of deputies, senators and members of the government and other partial measures to enhance the transparency of the parliamentary legislative process. This document concerns the regulation of lobbying and related measures to promote the transparency of the lobbying sector and strengthen the integrity of the public sector.

The government has taken this step on the initiative of the Government Council for the Coordination of Corruption, which responds to the fact that lobbying in the Czech Republic and, in particular, non-transparent links between lobbyists and public officials are subject to public criticism (Chvojka 2017). However, the Government has not yet approved this material, nor has it been discussed by the Legislative Council of the Government.

Although there is no direct law in the Czech Republic regulating lobbying, there are certain associations which adhere to a so-called ethical code. On the other hand, it is necessary to state that regulation of lobbying in the Czech Republic is a relatively new topic. Public opinion considers lobbying to be something negative

¹ The Corruption Perceptions Index ranks countries based on how corrupt their public sector is perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean. A country's rank indicates its position relative to the other countries included in the index. The least corrupt countries in the world consistently include Denmark, Finland and New Zealand. In turn, Afghanistan, North Korea and Somalia are at the other end of the scale.

and often associated with corruption and bribery (Otáhal et al. 2013). The need to regulate lobbying is related to this serious problem. According to the Corruption Perception Index, which annually assesses 176 countries, the Czech Republic has for many years placed in around 54th position, which is the same result as countries like Latvia, Malaysia and Turkey¹ (Transparency 2012). Transparency International has consistently emphasised the poor functioning of government and political parties and ineffective anti-corruption policy.

Due to the high corruption rate and the negative perception of lobbying in the Czech Republic, a lobbying act would be highly appropriate, however sufficient political support is lacking. The possible regulation could use the model of the European Parliament, as well as some elements of the attitudes of the European Commission – notably to facilitate the access of non-governmental organisations and civil society actors to Parliament to take their opinions into consideration. In Brussels, the key to successful lobbying is to be visible, well-known and transparent. Lobbying is discussed daily as a matter of routine. In the Czech Republic lobbying is done more in the background, and many entrepreneurs do not even want to admit to lobbying activity.

3. Ethics of lobbying

All lobbyists should observe certain ethical principles in their activities. In general, lobbyists should always be able to answer the following three questions (Harden 2006; Hodges and Wood 1998): 1) who are you and whom do you represent?; 2) what is the structure of your organisation?; 3) what specifically do you want to change and how do you want to achieve it?

A number of countries and organisations have also created codes of ethics that lobbyists may have to apply for. Lobbyists,

registered with some European Union institutions, are committed to the following (Pitrová and Kubová 2010):

- general principles – lobbyists will behave honestly towards employees and competitors and avoid any action that might be considered corrupt;
- confidentiality – any information that a lobbyist acquires (not just confidential) will not be passed on to third parties unless strictly necessary;
- conflict of interest – any conflict of interest is totally forbidden in one's professional life. If he or she finds him or herself in such a situation, the lobbyist will resolve it immediately or abandon his or her lobbying activities;
- employing former EU institution staff
 - specific additions will determine which of them can be employed and under which conditions (but these conditions are generally perceived as strict);
- financial incentives – the lobbyist may not provide any official financial incentive, property or other benefit to an official. The only exception is refreshment of the standard quality and within the standard range.

As an example, APAA (a member of ICCO) has a code of ethics that mentions equality, professional and personal integrity, good manners, conflict of functions, a ban on providing financial benefits to elected representatives and officials, transparency in contacts with institutions, accuracy of information, adherence to institutions' laws, document acquisition, a ban on conflict of interest and abuse of information.

4. Practical use of lobbying in the Czech Republic

– a case study analysis

After the terrorist attacks in Paris, the EU Member States and representatives

of the European Parliament have agreed to tighten the rules on the acquisition and possession of firearms and envisage a ban on some semi-automatic weapons for civilians. The original version of the proposal came from the European Commission.

The European Parliament has approved a new directive ("Directive (EU) 2017/853 of The European Parliament and the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons") on the control of the acquisition and possession of weapons. The adopted version of the directive is a compromise between a rigorous Commission proposal and the efforts of MEPs (Members of European Parliament) to reduce its impact on the owners of legal weapons. The Commission presented the directive as one of the instruments for combating terrorism. However, the original proposal was made especially against the holders of legal weapons, which became the main target of criticism. According to Europol, however, terrorists buy weapons illegally via the Internet and the black market, which will not affect the new directive.

In the Czech Republic, a wave of resistance was observed last year; Czech MEPs were not satisfied with the revised wording and have prepared further amendments. Mrs. Dita Charanzová (ANO, ALDE) had forty-four amendments, and Mr. Tomáš Zdechovský (KDU-CSL, EPP) eight. However, most of the European Parliament did not want to vote on their proposals. Mrs. Charanzová points out that the EU also lacks clear rules for deactivating weapons. She mentions the terrorist attacks at the Bataclan club in Paris, where the weapons were officially ruled as non-functional. In 2008, the Commission was called upon to give instructions on the deactivation of arms. The Commission did so with a sev-

en-year delay, a few days after the shooting in Paris in November 2015 (Zachová 2017).

"The ANO political movement has long been of the opinion that the European Union is not doing the right thing," said Mr. Bohuslav Chalupa (ANO) for iDNES.cz. "What the EU wants ... is a step back for the Czech Republic because our legislation and the standards that we have for the possession of weapons are among the best in Europe, maybe even in the world – we would be very high in the ranking" (Kopecký 2017).

European Union bodies are discussing the directive to significantly strengthen the regulation of arms possession. The aim is to strengthen cooperation between countries in terms of the exchange of information on arms holders. The original proposal raised strong criticism of the restriction on legally-held weapons. The proposal was rejected by the Czech government but was overturned in the EU.

"Implementation of this EU Directive will affect not only the weapons and ammunition manufacturers in the Czech Republic, such as Česká zbrojovka, a.s., Sellier & Bellot, but also users such as more than 290,000 holders of arms licenses and about 736,000 legally held small arms in the Czech Republic", said Jiří Hynek, the President of DSIA (Defence and Security Industry Association of the Czech Republic) at the seminar "Do we need new regulation of the possession of weapons in the EU?" The DSIA, which mainly defends the interests of weapons and ammunition manufacturers, draws attention to issues with the implementation of this EU Directive in the Czech environment that violate the current, well-elaborated Czech legislation in this area.

The European Commission has long shown its indecision and incompetence when it comes to the security of EU citi-

zens. Its latest proposal, in response to terrorist attacks in Paris aimed at limiting the right of EU citizens to the legal possession of weapons, is not just a simple departure from reality, but goes directly against the security of citizens. Defenceless citizens, called "soft targets" by politicians, are easy targets for terrorist attacks. The increased threat of terrorism is therefore a challenge for citizens to strengthen their personal security, including the legal possession of weapons, as the presence of professional security forces in all places cannot be guaranteed. Instead of addressing the causes of terrorism and the liquidation of the black arms market, the Commission focuses mainly on the security of EU citizens through the proposed measures.

DSIA will not only inform its partner organisations from other EU member countries about this call, but also the ASD (AeroSpace and Defence Industries Association in Europe). We will demand support for our efforts to have a truly capable EU leadership. This also tries to explain what impact the implementation of this EU Directive can have. Implementation of this Directive can have an influence not only on the security of Czech citizens, but also on the economics of the country, especially in terms of limiting the export of weapons within the EU, but it can also affect the right of every ordinary person to hold a gun. DSIA also cooperates with the Association for the Protection of Rights of Weapons Owners (LEX), an independent association that defends the interests of all legal weapons holders and works very closely with all professional, legislative and parliamentary organisations, not only in the Czech Republic but also throughout Europe.

It is worth adding that the weapons and ammunition manufacturers themselves who are members of the DSIA are also

trying to lobby politicians. DSIA, LEX or weapons manufacturers are part of the interest groups in this case.

In addition, the Chamber of Deputies of the Parliament of the Czech Republic disagrees with the intention of the European Commission to limit the possibility of the acquisition and possession of weapons which are held and used legally in accordance with the national laws of the Member States of the European Union, and rejects the European Commission's involvement in a functional system of control, acquisition and possession of weapons and ammunition set up by the legislative body of the Czech Republic. It also expresses its support for the creation of all functional measures that will be in place to combat the illegal trade, acquisition, possession and other illegal dealing in arms, ammunition and explosives. Moreover, it recommends the Prime Minister of the Czech Republic take all legal and diplomatic steps to prevent the adoption of such a directive, which would violate the Czech legal order in the area of trade, control, acquisition and possession of weapons and thus improperly interfere with the rights of citizens of the Czech Republic.

By means of its Resolution No. 443 of 14 June 2017, the Government of the Czech Republic instructed the Minister of the Interior to submit an analysis of the legislative impact of Directive 91/477 / EEC to the Government by 31 August 2017. This analysis was also prepared taking into account the proceedings of the Czech action at the Court of Justice of the European Union regarding the invalidity of this Directive. One should add that Directive 91/477 entered into force on 13 June 2017 and EU members were obliged to implement it within 15 months. The deadline for bringing an action before the Court of Justice expired on 17 August 2017. The Czech Government brought this action before that date on the

basis of the aforementioned resolution.

We believe that ensuring the effective functioning of the state administration, the transparency of its internal structure and the mechanism of its operation could also lead to more transparent functioning in lobbying processes. Sufficiently functioning public control, not only by state control authorities, government or even international organisations but also by individual citizens, could also bring about the transparency of lobbying itself.

On the other hand, some improvements need to be made in a number of areas. Firstly, it is necessary to develop e-government services so that every citizen can manage the decision-making of a state official and monitor the work of his individual outputs. This can be done e.g. in the form of electronic communication between government and the weapon user – an electronic register of weapons applicants. Secondly, current Czech legislation should be modified so that corrupt practices are clearly described with a clear and effective deterrent. Often, the conduct that has the features of a corrupt act is, despite clear evidence (camera records, testimony of people, etc.) qualified as a fraud rather than as a corrupt act where the penalty rate is higher. This can be done, for example, by introducing an ethical code into the parliamentary order such that a deputy is obliged to keep all communication with lobbyists in writing in the form of minutes of proceedings, to be signed by a Member and a lobbyist and published in accordance with the Act No. 101/2000 Coll. Act on the Protection of Personal Data and on Amendments to Certain Acts. Thirdly, it is necessary to develop advanced political morals in the Czech Republic. In cases of professional misconduct, this shall be grounds for withdrawal from a political function. Also, the introduction of such an ethical code by the government of the

Czech Republic, or even the creation of a law that clearly defines the concept of lobbying, would help. Finally, one should improve the preparation of laws, as at present the implementation of laws is accompanied by the frequent amendment of these laws. This can be done through effective co-operation between lobbyists and members of parliament. Lobbyists can help with advice, precise analysis, information and best suggestions, which may speed up and refine the law-making process.

Conclusions

Lobbying is a natural part of the contemporary globalised world, where political interests merge intensively with economic and other private interests. In order to strengthen principles, especially of transparency and responsibility, some countries adopt lobbying regulations. The USA, Canada, Poland, Hungary, Lithuania and the EU institutions approach lobbying in the same way in some aspects, while in many other aspects their approach is highly divergent. The different historical and socio-economical experience of these entities often has a substantial influence on the differences in their regulatory approaches.

Our task was to describe lobbying activities related to the process of the implementation of Directive 91/477 / EEC in Czech legislation and the attitude of Czech society towards this directive. We focused on the way in which lobbying is being conducted in this case, namely what subjects were involved in the process of influencing the implementation of this directive.

We found out that there were similar opinions among the members of parliament, the government and interest groups in the implementation of this directive in the Czech legislation. This directive was clearly described as violating current

Czech legislation that restricts consumers and arms manufacturers. The adoption of this directive would significantly reduce the rights of our citizens to carry weapons and to limit the export of the products of our arms manufacturing companies. For example, non-profit organisations defending the interests of consumers or weapons manufacturers have fought for the repeal of this directive for the Czech Republic, mainly by organising public seminars and conferences with the participation of members of Parliament, representatives of the European Parliament, members of the government and others.

We also confirmed that weapons manufacturers themselves also individually influenced the attitude of the Parliament and the Government of the Czech Republic towards this directive, but only in terms of a narrower group of stakeholders. However, this option is not optimal as a wider group with a wider view of the issue will lead to the best solution. Although there was a consensus in the Czech Republic on the rejection of this directive, we discovered that there are no lobbying rules in the Czech Republic. The legal regulation of lobbying in the Czech Republic would help not only to provide transparency when establishing legal standards, but also to make the process of lawmaking more efficient. Transparency of lobbying in the Czech Republic can also be achieved by introducing a code of ethics for parliament members as well as for government representatives.

The Czech Republic shares with many of the abovementioned countries the status of a post-communist state, which has not long had a democratic political culture and which has many problems with corruption in the public decision-making process. The regulation of lobbying under Czech conditions is therefore necessary for raising the level of transparency and responsibility among politicians. During

the preparation of the future regulation, it will be necessary to respect the recommendations of international organisations and to thoroughly analyse the experience of other states. Necessary parts of the future law should be, in particular, a clear definition of lobbying and lobbyist, the area of lobbying and the list of public office holders who can be lobbied, duties of lobbyists (especially registry and disclosure reports) and of public office holders (especially a cooling-off period, or possibly public meeting schedules/diaries) and also an effective controlling and enforcing mechanism – an independent authority.

Due to the high corruption rate and negative perception of lobbying in the Czech Republic, a lobbying act would be highly appropriate, however sufficient political support is lacking. The possible regulation could use the model of the European Parliament, as well as some elements from the attitudes of the European Commission – notably to facilitate the access of non-governmental organisations and civic actors to Parliament so that their opinions are taken into consideration. In Brussels, the key to successful lobbying is to be highly visible, well-known and transparent.

The following conclusions emerge from the aggregate majority opinion of the politicians participating in our study in the context of the study done by Šebek (2005):

- politicians rely primarily on their own research and on the opinions of their colleagues;
- the public does not have sufficient information about the methods and utility of lobbying. The media do not refer to lobbying truthfully and without bias;
- lobbying is just one of many forms of communication. Ethical lobbying does exist;
- in their dealings with parliamentary deputies, senators or representatives,

lobbyists are always responsible for disclosing the identity of the parties whose interests they represent;

- politicians expect that lobbyists will behave transparently and will respect the needs of politicians;
- information from lobbyists is often distorted and biased. Despite this, lobbyists apparently provide qualified, detailed and professionally substantiated information;
- the information technology lobby is of high quality. It is also the most creative. The lobby for commercial chains is of low quality;
- the lobby for individual companies is considered better than the trade lobby and the NGOs' lobby;
- regional impact studies have a major influence on politicians' decisions;
- the preferred forms of communication with lobbyists are face-to-face meetings, written materials, conferences, on-site visits to factories, and email;
- Hospodarske noviny is the medium with the greatest influence on the decision-making of politicians.

The opinions of politicians cannot be generalised; each politician is an individual with her or his own personal approach to the issues surveyed. Lobbying is discussed as a matter of daily routine. In Czech Republic lobbying is done more in the background, and many entrepreneurs do not even want to admit that they are undertaking lobbying activities.

References

- Bažantová, I. (2007), *Lobbying a korupce při tvorbě veřejné politiky*, Praha: Prospektrum.
- BBC News. (2008), *Lobbying*, available at: http://news.bbc.co.uk/2/hi/uk_news/politics/82529.stm (accessed 27 March 2018).
- Fiala, P. (2009), *Evropeizace zájmů: politické strany a zájmové skupiny v České republice*. Brno: Masarykova univerzita, Mezinárodní politologický ústav.
- Haldane, J. (2004), *Values, education and the human world: Essays on education, culture, politics, religion and science*. Exeter: Imprint Academic.
- Harden, S.T. (2006), *Lobbying ethics and reform*, New York: Nova Publishers.
- Hodges, M. Wood, G.E. (1998), *Aby váš hlas byl vyslyšen: úvod do lobbování v České republice*, Praha: Informační centrum nadací a jiných neziskových organizací. Malá ediční řada ICN.
- Chvojka, J. (2017), *Vláda schválila návrhy na opatření k regulaci lobbying*, available at: https://www.vlada.cz/cz/clenove-vlady/pri-uradu-vlady/jan_chvojka/aktualne/vlada-schvalila-navrhy-na-opatreni-k-regulaci-lobbingu-153552/ (accessed 29 March 2018).
- Chylíková, J. (2008), *Evropská komise zavedla registr lobbyistů, zápis je dobrovolný. Hospodářské noviny*, available at: <http://zahranični.ihned.cz/evropa-slovensko/c1-25634310-evropska-komise-zavedla-registr-lobbistu-zapis-je-dobrovolny> (accessed 28 March 2018).
- Kopecký, J. (2017), *Budeme bránit držení zbraní, i kdyby od EU hrozily sankce, slibuje ODS*, available at: https://zpravy.idnes.cz/drzeni-zbrani-evropska-smernice-ods-d73/-domaci.aspx?c=A170117_131834_domaci_kop (accessed 28 March 2018).
- Kupka, P., Laryš, M., Smolík, J. (2009), *Krajní pravice ve vybraných zemích střední a východní Evropy: Slovensko, Polsko, Ukrajina, Bělorusko, Rusko*. Brno: Masarykova univerzita, Mezinárodní politologický ústav.
- López-Guerra, C. (2017), *Equal subjects*, *Philosophy & Public Affairs*, 45(4): 321-355.
- Mearsheimer, J.J. Walt, S.M. (2014), *Izraelská lobby a americká zahraniční politika*, Žďár nad Sázavou: Bodyart Press.
- Merriam – Webster Dictionary (2018), available at: <https://www.merriam-webster.com/> (accessed 20 March 2018).

- Muller, K.B., Laboutková, Š., Vymětal, P. (2010), *Lobbying v moderních demokraciích*, Praha: Grada.
- Otáhal, T., Wawrosz, P., Palát, M. (2013), What is the contribution of the theory of redistribution systems to the theory of corruption? *Národohospodářský obzor*.
- Pallikkathayil, J. (2017), Resisting Rawlsian political liberalism, *Philosophy & Public Affairs*, 45(4): 413-426.
- Parry, J. (2017), Defensive harm, consent, and intervention, *Philosophy & Public Affairs*, 45(4): 356-396.
- Pitrová, M., Kubová, R. (2010), Regulace procesu prosazování zájmů v Evropské unii: Lobbistické kodexy chování, available at: <https://mv.iir.cz/article/view/375> (accessed 28 March 2018).
- Petrillo, P.L. (2013), Form of government and lobbying in UE and UK, available at: <https://www.apertacontrada.it/2013/02/21/form-of-government-and-lobbies-in-uk-and-ue-a-comparative-perspective/> (accessed 22 March 2018).
- Random House Unabridged Dictionary (1966), *The Random House Dictionary of the English Language*, The Unabridged Edition.
- Šebek, J., J. (2005), A guide to effective lobbying in the Czech Republic. available at: http://www.dbm.cz/pfile/2how_to_lobby_en_lowres.pdf (accessed 3 June 2018).
- Šedivý, M., Medlíková, O. (2012), *Public relations, fundraising a lobbying: Pro neziskové organizace*, Praha: Grada.
- The Association of Accredited Public Policy Advocates to the European Union (2015), available at: <http://www.aalep.eu/lobbying-landscape-czech-republic> (accessed 25 March 2018).
- Thomson, S., John, S. (2007), *Public affairs in practice: A practical guide to lobbying*, Philadelphia: Kogan Page.
- Transparency International (2012), available at: <http://www.transparency.org/cpi2012/results> (accessed 25 March 2018).
- Transparency International (2015), available at: <https://www.transparency.cz/tisko-va-konference-lobbing-a-jeho-regulace-v-eu-a-v-cr/> (accessed 28 March 2018).
- Weithman, P. (2017), In defense of a political liberalism. *Philosophy & Public Affairs*, 45(4): 397-412.
- Zachová, A. (2017), Směrnice EU občany neodzbrojí, své zbraně si budou moci ponechat. available at: <http://euractiv.cz/clanky/cr-v-evropske-unii/smernice-eu-obcany-neodzbroji-sve-zbrane-si-budou-moci-ponechat/> (accessed 27 March 2018).

Kateřina Bočková, PhD is an assistant professor at DTI University, Department of Management and Economics, Dubnica nad Váhom (Slovakia). She specialises in theoretical and practical issues relating to project management. She is the author of numerous scientific papers on project management, the education of project managers, and soft competencies in project management published in both Slovak and international journals. Her research activities mostly include project management, project team creation, and project managers' competencies. She earned Ph.D. and M.Sc. degrees in Economics of Civil Companies at the Faculty of Civil Engineering, Technical University of Brno (Czech Republic), and her MBA degree at the Business Institute, Praha. Currently she combines her scientific activity with the determination of the correlation of Belbin's Team Roles and the 5F model of performance in the context of the identification of the performance factors of project managers. She has previously been employed in various project management positions.

Gabriela Gabrhelová, PhD is an associate professor at DTI University, Department of Management and Economics, Dubnica nad Váhom (Slovakia). She specialises in theoretical and practical issues relating to strategic management and coping with stress. She is the author of numerous scientific papers on strategic management, coping with stress, and the education of managers

published both in Slovak and international journals. Her research activities mostly include coping with stress. She earned D.Sc (habilitation), Ph.D., M.Sc. and B.Sc. degrees in Management at the Faculty of Management, Presov University (Slovakia). In turn, she earned her MBA, L.LM and DBA degrees at Warsaw Management University (Poland). Currently she combines her scientific activity with holding the position of director and statutory authority of DTI University.

Monika Dohnanská is an assistant at DTI University, Department of Didactics of Vocational Subjects, Dubnica nad Váhom (Slovakia). She specialises in theoretical and practical issues relating to personal management. She is the author of numerous scientific papers on personal management published in both Slovak and international journals. Her research activities mostly include personal management. She earned an M.Sc. degree in Management at the Faculty of Management, Presov University, and is a PhD student at the same institution. Currently she combines her scientific activity with work on the emotional intelligence of managers and its impact on their performance.