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REGULATION OF LOBBING POLICY

1. INTRODUCTION

The Regulation of Lobbying Policy reflects GNI’s core values of collaboration, performance, customer service, safety and integrity. These values define the character of the organisation, guide our actions and decisions and provide a framework for how we interact with our colleagues, customers and stakeholders. We expect all personnel working on behalf of GNI to maintain the highest ethical standards and to report any suspicions of wrongdoing.

The application of this policy is fundamental to the integrity value in GNI. It is one of a number of policies that have been put in place to help inform the ethical behaviour that GNI expects from its staff and from contractors and agents who do business on behalf of GNI. It should be read in conjunction with the Code of Business Conduct (PD 16), the Protected Disclosures Policy (PD 9), and the Anti-Fraud Policy, Anti-Bribery and Anti-Corruption Policy (PD 107).

2. POLICY STATEMENT


This Policy aims to give effect to the obligations and provisions of the Regulation of Lobbying Act 2015 (as amended)(hereinafter referred to as the “Act”) whose intention is to bring about significantly greater openness and transparency about lobbying activities. The Act was commenced on 1 September 2015 and, once a commencement order is issued, shall be amended by the Regulation of Lobbying (Allowances to Members) (Amendment) Act 2023 that was passed into law on 22 June 2023 (the “2023 Act”). The 2023 Act broadens the application of the Act, strengthens the administrative sanctions and enhances provisions which limit the activities of Designated Public Officials (“DPO”)s once they leave office.

3. PURPOSE

The purpose of this Policy is to:

- (a) provide a framework for understanding and creating awareness of what constitutes “lobbying activities” and “relevant communications”;
- (b) provide for the establishment and maintenance of a register of lobbying;
- (c) document internal procedures for the reporting of lobbying activities to the Standards in Public Offices Commission.

4. SCOPE

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This Policy covers GNI and its operating companies and businesses (GNI (UK) Limited, GNI (IOM) and Aurora). It applies to all Board Members and employees of GNI including consultants, contractors, volunteers, trainees, work experience students, interns, part-time, full-time, casual workers and agency workers.

Employees are required to comply with this policy. Further, employees should have regard to the principles of the Code of Conduct for Persons carrying on Lobbying Activities as published by the Standards in Public Office Commission 2018 to ensure that their lobbying activities are carried out ethically and transparently. The Code is available on the Lobbying website www.lobbying.ie/about-us/code-of-conduct/

5. LOBBYING ACTIVITIES

For the purposes of the Act, a person carries on lobbying activities if the person

(a) makes, or manages or directs the making of, any relevant communications on behalf of another person in return for payment (in money or money’s worth) in any of the circumstances in which subsection 5(2) of the Act applies to that other person,

(b) makes, or manages or directs the making of, any relevant communications in any of the circumstances in which subsection 5(2) of the Act applies to the person, or


(c) makes, or manages or directs the making of, any relevant communications about the development or zoning of land under the Planning and Development Acts 2000 to 2021.

GNI falls within the scope of the Act under section 5(2)(a) as a “person” in circumstances where the person has more than 10 full-time employees and the “relevant communications” are made on the person’s behalf.

Consultants employed by GNI may also fall within the scope of the Act as professional lobbyists being paid to communicate on behalf of a client (where the client is an employer of more than 10 full time employees).

6. COMMUNICATIONS

6.1 Relevant Communications

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A relevant communication is a communication (whether oral or written), other than “excepted communications”, made personally (directly or indirectly) to a “designated public official” in relation to a “relevant matter”.


Examples of relevant communications are set out at Appendix 1 hereof.

It is the content, not the method of communication that determines whether it should be recorded as a lobbying activity. Written communication via social media could potentially be considered lobbying if the communication is directed at an individual recipient (e.g. if a designated public official is tagged in a tweet).

6.2 Excepted Communications

The following “excepted communications” (as prescribed in section 5 of the Act) are relevant to GNI and, therefore, are not regarded as lobbying (i.e. they are not relevant communications):

- (a) **Factual information:** Communications requesting factual information or providing factual information in response to a request for the information.
- (b) **Published submissions:** Communications requested by a public service body and published by it.
- (c) **Trade union negotiations:** Communications forming part of, or directly related to, negotiations on terms and conditions of employment undertaken by representatives of a trade union on behalf of its members.
- (d) **Safety and security:** Communications the disclosure of which could pose a threat to the safety of any person or to the security of the State.
- (e) **Oireachtas committees:** Communications which are made in proceedings of a committee of either House of the Oireachtas.
- (f) **Communications by designated public officials or public servants:** Communications by a designated public official in his or her capacity as such; communications by public servants (or those engaged on contract by a public service body) made in that capacity and relating to the functions of the public service body.
- (g) **Communications by a political party to its members:** Communications by a political party to its members who are designated public officials and which are made exclusively as members of the political party concerned. ‘Political party’ is defined under the Act to mean a political party

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registered in the Register of Political Parties in accordance with section 25 of the Electoral Act 1992.


- (h) **Governance of commercial State bodies:** Communications by or on behalf of a commercial State body made to a Minister of the Government who holds shares in, or has statutory functions in relation to, the body, or to designated public officials serving in the Minister’s department, in the ordinary course of the business of the body.
- (i) **Policy working groups:** Communications between members of a relevant body appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it. A relevant body is one whose members are appointed by a Minister or by a public service body and the members include one or more designated public officials and one or more who are not public servants nor engaged for the purposes of a public service body provided it conducts its activities in accordance with the Transparency Code.
- (j) **Private affairs:** Communications by or on behalf of an individual relating to his or her private affairs about any matter other than the development or zoning of any land apart from the individual’s principal private residence. This exemption will mean that a significant amount of constituency office communications will be exempt where the matter relates to an individual’s private affairs or is communications by a micro-business with less than 10 employees.
- (k) **Diplomatic relations:** Communications by or on behalf of a foreign country or territory, the European Union, the United Nations or other international intergovernmental organisations.

6.3 Designated Public Officials

Designated public officials include:

- (a) Ministers of the Government and Ministers of State;
- (b) Other members of Dáil Éireann and Seanad Éireann;
- (c) Members of the European Parliament for the three constituencies in Ireland;
- (d) Members of local authorities;
- (e) Special advisers appointed under section 11 of the Public Service Management Act 1997;
- (f) Secretaries-General and Assistant Secretaries-General of Government Departments, Chief Executive Officers and Directors of Services in local authorities; and
- (g) Any other public servants prescribed by the Minister for Public Expenditure and Reform over time.

6.4 Relevant Matter

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A relevant matter is any matter relating to:

- (a) the initiation, development or modification of any public policy or of any public programme;
- (b) the preparation or amendment of any law (including secondary legislation such as statutory instruments and bye-laws);
- (c) the award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds;

APART FROM the implementation of any such policy, programme, enactment or award or any matter of a technical nature.

7. PROCESS FOR REPORTING OF RELEVANT COMMUNICATIONS

7.1 Registration

Ervia/GNI and have each registered as a lobbyist on the Lobbying Regulator’s web-based register (www.lobbying.ie). Any registered person whose entry on the register has been marked under section 11(4) of the Act as ceased is prohibited from carrying on lobbying activities.

7.2 Returns and Reporting Periods

Ervia and Gas Networks Ireland are required to submit returns to the Lobbying Regulator every four months via the web-based register. These returns must be submitted within 21 days of the end of each four-month period; for example for period 1 January – 30 April, the return must be submitted no later than 21 May.


7.3 Reporting of Relevant Communications to the Compliance Officers

Compliance Officers have been appointed in GNI (please see contact details below for each).

A secure on-line portal enables:

- (a) the recording of all relevant communications for each reporting period;
- (b) the notification of all relevant communications for each period to the relevant Compliance Officer in a timely fashion;
- (c) review of relevant communications by the Compliance Committee.

Anyone carrying on lobbying activities from 1 September 2015 is responsible for:

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- (a) keeping a record of these activities and providing the relevant Compliance Officer with the particulars of each relevant communication as they arise via the secure on-line portal for review and inclusion on the return for each relevant period. A Lobbying Compliance Checklist has been included at Appendix 2 hereof;
- (b) confirming to the relevant Compliance Officer that the details provided are comprehensive, correct and accurate.

The Compliance Officer shall be responsible for:

- (a) promoting awareness of lobbying and the requirements of the Act within their respective business division;
- (b) the collation of input from the business divisions in relation to relevant communications for each relevant period. For avoidance of doubt, the Compliance Officer is not responsible for investigating the extent of lobbying activities within their business division. It is a matter for individual lobbyists to provide this information to the Compliance Officer once they have engaged in any lobbying activities;
- (c) presenting their business division's register to the Compliance Committee for discussion and debate and the submission of returns to the Lobbying Regulator for each relevant period in accordance with the prescribed timelines.


The Compliance Committee is comprised of Chief Legal Officer, the Company Secretary, the business divisional Compliance Officers and/or their nominees and any other members that may be appointed from time to time. The Compliance Committee is responsible for:

- (a) the review of returns from each business division and
- (b) ensuring a standardised definition of lobbying is applied across ~~Ervia~~/GNI.

The Compliance Officers are entitled to rely on the presumption that the details provided by the business divisions in respect of all lobbying activities are comprehensive, correct and accurate.

If uncertainty exists about the application of the Act, the advice of the relevant Compliance Officer should be sought.

8. ENFORCEMENT

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Enforcement provisions for ‘relevant contraventions’ are provided for in Part 4 of the Act.

Relevant contraventions, as set out in Section 18 of the Act, include (but are not limited to):

- carrying on lobbying activities without being registered,
- failing to make a return by the deadline
- the taking of any action by a person that has as its intended purpose the avoidance or circumvention of the person’s obligations to register or make returns; and
- providing to the Standards in Public Office Commission under this Act any information known to be inaccurate or misleading.

Under the Act, a registered person who is late submitting their lobbying return, including a late ‘nil return’, may be issued with a Fixed Payment Notice of €200. If the Fixed Payment is not paid within 21 days the person may be prosecuted for an offence under section 20(1) of the Act.

Failure to submit a return, including a ‘nil return’, by the relevant deadline is a contravention of the Act. Such contraventions may be prosecuted under section 20(2) of the Act and are liable on summary conviction to a class C fine (maximum €2,500) or on indictment, to a fine or imprisonment for a term not exceeding 2 years or both. Part 4 also provides that if a registered person does not submit any lobbying return for a particular lobbying period the person may be investigated and prosecuted by the Standards in Public Office Commission under section 20(2) of the Act.

It shall be a defence in proceedings for an offence under section 20 of the Act for the person charged with the offence to prove that the person took all reasonable steps to avoid the commission of the offence.


The 2023 Act also introduces a process for imposing a minor sanction (i.e. a caution) or major sanction (which can include a prohibition on registering as a lobbyist and a financial sanction not exceeding €25,000) where former DPOs breach their cooling off period or where a person has taken any action that has as its intended purpose the avoidance or circumvention of the person’s obligations to register or make returns.

9. COMMUNICATION, MONITORING AND REVIEW

This Policy will be communicated directly to all employees upon commencement of employment. A copy of the Policy can be also found on the Zone or by contacting Secretariat directly.

This Policy will be reviewed annually.

CONTACT DETAILS

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GNI Compliance Officer

Emily Kelly

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GNI Compliance Officer

Mary O'Mahony

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APPENDIX 1

The following are examples of relevant communications which are registrable:

DESIGNATED PUBLIC OFFICIAL	RELEVANT COMMUNICATION
Minister for Environment, Climate & Communications and Minister for Housing, Local Government and Heritage	Submissions made in relation to the Planning and Development Regulations 2001-2020 (exempted developments)
Minister for Housing, Local Government and Heritage	Observations submitted in relation to the proposed Marine Planning and Development Management Bill
European Commission	Communications made in relation to the grant application in connection with the Projects of Common Interest
Ministers for State	Communications made by Ervia/GNI in relation to the application of FOI to commercial state bodies
Secretaries General	Communication in relation to Climate Action Plan and the role of gas in decarbonising the economy/Communication in relation to objectives within the Programme for Government/Communication in relation to hydrogen/LNG/CNG/retrofit targets, in each case with the intention of influencing policy.
Minister for Environment, Climate & Communications	Communications in relation to the Green and White paper on energy policy

The following are examples of non-registrable communications:

DESIGNATED PUBLIC OFFICIAL	COMMUNICATION
Ministers for State	Governance related communications i.e. Requirements under the Code of Practice for the Governance of State Bodies, Companies Acts requirements

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Ministers for State	Responses to Public Consultations (to the extent that these are published by the body initiating the consultation)
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APPENDIX 2

LOBBYING COMPLIANCE CHECKLIST		Y/N
Is the Communication made to a Designated Official on Your behalf?	• Communication - written or oral, personally (directly or indirectly)	<input type="checkbox"/>
	• To a Designated Official - Ministers, TDs, Senators, MEPs, Local Councilors, special advisers, and designated public officials e.g. Sec Gen/ Assistant Sec., or those listed by a public body.	<input type="checkbox"/>
	• Made On Your behalf - As a paid officer/agent/employee, as directed or managed by you	<input type="checkbox"/>
Is it a Relevant Communication?	• It relates to the initiation, development or modification of any public policy or programme,	<input type="checkbox"/>
	• The preparation or amendment of legislation, OR	<input type="checkbox"/>
	• The award of any grant, loan, or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds etc.	<input type="checkbox"/>
Apart from matters relating only to <i>implementation</i> of any such policy, programme, enactment, award, etc. or matters of a <i>technical nature</i> .		

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Is the Communication
Excepted?

**See list of Excepted Communications in Section 5(a-o) of the Act -
For example:**

- Published submission to a public consultation process;
- Requesting or providing factual information to a request for that information;
- Made to a shareholder Minister/Dept in the ordinary course of business;
- trade union negotiation on terms and conditions of employment of members;
- disclosures of which could pose a threat to the safety of any person or security of the State.

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PARTICULARS OF THE RELEVANT COMMUNICATION:

Include details of:

- *Who was lobbied i.e. the designated public official and the body in which they are employed/hold office in;*
- *Subject matter of the communications and the results they intended to secure;*
- *Type and extent of lobbying activities;*
- *Name of person with the primary responsibility for carrying on lobbying activities.*

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