

CORPORATE INFLUENCE IN COMPETITION POLICYMAKING

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Corporate influence in competition policymaking

This note focuses on various dimensions of corporate influence in competition policy, outlining the benefits of legitimate corporate engagement, the risks when influence becomes undue and the challenges in distinguishing between the two. It outlines some key mechanisms through which influence can occur and potential responses that policymakers could employ to address the potential harms of undue influence while preserving the benefits of legitimate corporate engagement.

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Executive Summary

Corporate engagement in policymaking is beneficial but can risk creating undue influence. Policymaking operates within a system of stakeholders, and corporations have legitimate interests in shaping the rules that govern markets. Engaging with corporations therefore benefits policymakers by providing essential perspectives and technical expertise. However, it can also introduce risks when corporate engagement becomes excessive, opaque, or manipulative, potentially distorting policy outcomes away from the public interest.

Distinguishing between legitimate corporate engagement and undue influence in policymaking is challenging, but several considerations could help policymakers in making this distinction. Several mechanisms for corporate engagement exist, and such mechanisms can have both beneficial applications and be misused to create undue influence.

There appear to be three principal areas where the risks to competition policymaking are highest:

- **Legislative and regulatory frameworks** – competition laws and institutional structures.
- **Enforcement policy** – competition authority enforcement approaches or priorities.
- **Public perception and policy discourse** – narratives, evidence bases, and research agendas that shape competition policy discourse.

Effective safeguards need to balance transparency, integrity, and proportionality, and be carefully designed to preserve beneficial corporate engagement in policymaking, while reducing the risk of undue influence. Several responses are available to policymakers to help them minimise the risk of undue influence whilst not eliminating corporate engagement. These include transparency frameworks, prohibition policies and institutional integrity responses. An effective approach likely involves combining multiple responses across all three categories.

By implementing proportionate, well-designed safeguards, authorities can maintain the integrity of competition policy while benefiting from the valuable insights that legitimate corporate engagement provides.

1 Introduction

Policymaking operates within a dynamic system of influences and stakeholders. Corporate engagement can be beneficial to policymaking; however, it also carries risks of translating into undue influence if it becomes opaque or manipulative, potentially distorting policy outcomes and effectiveness, and eroding public trust.

Firms can exert influence on policymakers through various mechanisms, for example lobbying or funding research. In many domains, such as competition policy, the risk of undue influence may be heightened by factors such as the economic stakes involved, the complexity of the legal frameworks, and the potential for market power to translate into political influence.

Distinguishing between legitimate corporate engagement and undue influence is challenging, as influence can operate incrementally and through multiple channels, often shaping decisions in subtle, cumulative ways. Even disclosed conduct may shape policy decisions, while some opaque practices may not necessarily result in harm. Moreover, harm is often difficult to measure, as policy outcomes are shaped by a complex interplay of political, economic, and international forces, making it challenging to isolate undue corporate influence as the causal factor.

While policy domains operate differently, competition policy is no exception to these challenges. The possible risk of undue corporate influence in competition policy is a topic that appears to be increasingly discussed in competition policy arenas.¹ While there appears to be limited empirical research on the extent or impact of undue corporate influence in competition policy, the theoretical risks justify ongoing vigilance and warrant reflection on the potential harms corporate influence may introduce in competition policy.

Against this backdrop, two key questions arise:

- How can one distinguish between legitimate corporate engagement in competition policymaking versus undue corporate influence?
- How might competition policymakers, including competition authorities, mitigate the risks of undue corporate influence while preserving the benefits of engaging with corporates in policymaking?

This note examines these two questions in the context of undue corporate influence in competition policymaking. It outlines the various mechanisms through which corporate influence can occur and the range of responses available to mitigate undue influence. Many of these, such as lobbying regulations, transparency frameworks or codes of conducts, are set at government level and serve to protect policymaking in general from undue influence, including competition policy. Other measures can be adopted directly by competition authorities, either to safeguard their own decision-making processes (e.g. ex-post assessments or post-public employment rules) or to uphold the integrity of competition policy within broader government frameworks (e.g. advocacy or international co-operation).

The OECD Competition Committee has not directly considered this topic before. Related issues were however discussed in 2024 during the roundtable on the Interaction between Competition and Democracy (OECD, 2024^[1]). These included the various mechanisms that firms might use to transfer economic power to political power. Related issues were also discussed in 2021 during the Roundtable on News Media and Digital Platforms (OECD, 2021^[2]). This roundtable noted the importance of diverse media markets for preventing undue political influence from media owners. Further back in time, in 2008 the Committee

discussed the Potential Pro-Competitive and Anti-Competitive Aspects of Trade/Business Associations, which discussed issues relating to lobbying and associations (OECD, 2008^[3]). More generally, the OECD has been a global leader on promoting transparency and integrity in lobbying (OECD, 2017^[4]) (2021^[5]), including through its work on the Recommendation on Transparency and Integrity in Lobbying and Influence, adopted in 2010 and revised in 2024 (See Box 2).² In addition, the OECD's Product Market Regulation (PMR) indicators include metrics that consider lobbying regulations, including evaluating the transparency and accountability of interactions between public officials and interest groups, and the OECD Public Policy Integrity Indicator includes a measure on Accountability of Public Policy Making.³

1.1. Working definitions and scope of the note

Given the complexity of the topic, and the lack of a single definition of corporate influence, this note adopts the following definitions:

- **Corporate engagement in policymaking**⁴ – Reflects the broad spectrum of activities through which firms seek to influence policy, ranging from legitimate contributions to more opaque or potentially harmful strategies that may distort policymaking.
- **Undue corporate influence** - Corporate influence in policymaking that seeks to prioritise the interest of the influencer over public interest, or that undermines democratic accountability, regulatory impartiality, or public interest through outsized influence. This includes through deceptive or manipulative tactics that deliberately seek to deceive decision-makers.
- **Competition policymaking** – Policymaking refers to the process by which public authorities design, implement, and regulate policies that address societal challenges and guide economic, social, and administrative functions. For the purposes of this note, competition policymaking includes the design, and implementation of laws, regulations, and frameworks that promote fair competition and market efficiency. This includes legislative processes, regulatory guidelines, and enforcement priorities or guidelines.⁵
- **Corporates** - refers to private economic entities, encompassing firms, industry groups, and other private-sector entities that engage with policymaking processes. This definition does not focus on legal status or structure. For focus, this note will not consider other actors and their role in political outcomes, including media, academics, civil society, NGOs (apart from trade associations or other lobbying groups) or state-owned enterprises.

1.2. Structure of the remainder of the note

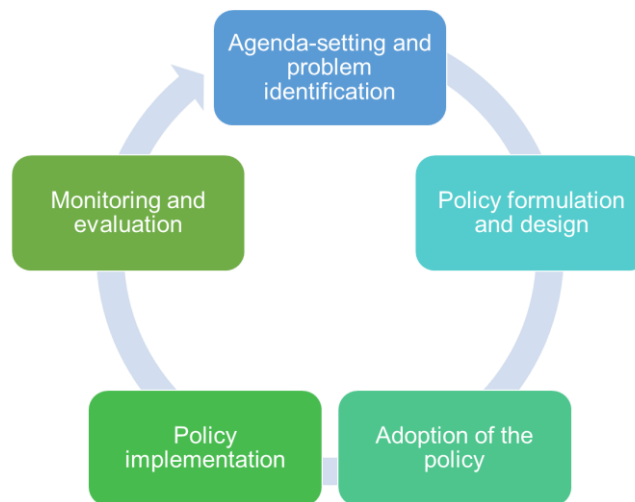
The remainder of this note is structured as follows:

- **Section 2** explores the benefits of legitimate corporate engagement, the potential harms of undue influence, and the complexities in distinguishing between the two.
- **Section 3** presents an overview of key mechanisms of corporate engagement and discusses the risk areas for competition policymaking.
- **Section 4** outlines some potential responses competition policymakers and competition authorities could leverage to safeguard against undue influence while preserving the benefits of engaging with corporates in competition policymaking.
- **Section 5** concludes by summarising key themes from the note, proposing considerations for competition authorities, and raising open questions for further exploration.

2 Legitimate corporate engagement in policymaking vs undue corporate influence

Policymaking involves changes to the formal ‘rules of the game’ through laws, regulations, guidelines, or public programs to achieve policy goals (OECD, 2020^[6]). This process is similar across all policy domains and typically involves key stages, as illustrated in Figure 1.

Figure 1 Policymaking process



Source: OECD Adapted from OECD (2017), Preventing Policy Capture: Integrity in Public Decision Making, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/9789264065239-en>.

2.1. Benefits of legitimate corporate engagement in policymaking

Policymaking can involve an array of actors, including elected officials, civil servants, businesses, non-governmental organisations, academia and citizens. Effective, inclusive, and transparent policymaking, including in competition, requires effective participation of stakeholders (OECD, 2020^[7]), though this is not always easy and studies have considered the challenges in aggregating the preferences of the public into governing outcomes.⁶

As noted, engaging with stakeholders (including corporates) generally enhances the quality and practicality of policy decisions, contributes to the perceived legitimacy of policies, and cultivates a better understanding among non-governmental actors of government priorities and challenges (OECD, 2024^[8]). It also helps policymakers stay connected to on-the-ground realities. Public policies also shape the operating, legal and

economic environment in which firms operate, affecting taxation, regulation, competition, and market access. Given this, it is natural for corporations to have a legitimate role to play in informing the policymaking process (OECD, 2022^[9]).

Corporate engagement in policymaking also operates within a legal environment that encompasses constitutionally protected freedoms such as speech and expression. These principles safeguard corporations' rights to participate in policy discussions, ensuring that diverse perspectives inform the policymaking process. Further, the right to conduct business, recognised in various legal frameworks arguably protects the ability of firms to operate freely and advocate for regulatory environments that enable economic growth.⁷ Upholding these principles supports societies to maintain a balanced regulatory environment that reflects various stakeholders' interests, while promoting legal certainty. However, the scope and appropriate regulations of corporate freedom of speech, particularly in a political context, is a topic of debate (see work by (Ribstein, 2012^[10]) and (Griffith, 2024^[11])).

2.2. Potential harms of corporate engagement in competition policymaking

Corporate engagement also carries risks when influence becomes undue, leading to potential harms to markets, outcomes and society.

The key harms that can arise include (drawn from (OECD, 2017^[4])):

- **Distortion of policy outcomes** – When corporate influence becomes excessive, policy decisions may disproportionately reflect the interests of certain firms rather than the broader public interest. This can undermine evidence-based decision-making or lead to suboptimal policy outcomes.
- **Policy or regulatory capture** – Policy capture occurs when public policy becomes primarily responsive to a specific set of vested interests rather than serving the general good (Carpenter and Moss, 2013^[12]). This can result in biased regulations and enforcement gaps that undermine fair competition and consumer welfare, and long-term economic resilience.
- **Market distortions** – Undue corporate influence can undermine economic productivity by shaping regulations that create higher barriers to market entry, entrench incumbents, or grant unfair advantages or greater access to information to specific firms. This can entrench market power, stifle innovation, and reduce competition, ultimately harming consumers and economic efficiency.
- **Exacerbation of social inequalities** – Policies may be designed to protect certain industries or businesses at the expense of certain competitors, workers, or disadvantaged groups, leading to an uneven distribution of economic opportunities and benefits.
- **Erosion of public trust and democratic processes**⁸ – Undue corporate influence on policymaking could also erode trust in public institutions and overall democratic processes as it could create the perception that the democratic process may be violated (Anastasiadis, 2014^[13]), perception of biased political responses (Mithani, 2019^[14]), or of a disconnect between governance structures and the public.

2.3. Distinguishing between legitimate corporate engagement versus undue corporate influence in policymaking

Corporate engagement in policymaking exists on a continuum, ranging from constructive contributions that enhance policy outcomes to manipulative interventions that distort public interest. Distinguishing between these two ends of the spectrum is essential for balancing the benefits of corporate participation with safeguarding policy integrity. Yet, the boundary between legitimate engagement and undue influence is often inherently blurred, contested and contextual. While clear examples of harmful corporate influence

exist—such as the tobacco industry's systematic campaigns to manufacture scientific uncertainty (Box 1) or pharmaceutical companies concealing negative clinical trial results—many corporate activities fall into a grey area that challenges straightforward classification.

This section explores some of the challenges and considers potential factors that may help in making this distinction.

2.3.1. Challenges in making this distinction

Several interconnected elements complicate efforts to distinguish legitimate corporate engagement from undue influence in policymaking:

- **Process versus outcome-based approaches** – Process-based approaches examine the conduct, methods, and channels through which corporate actors engage with policymaking. Problematic practices may include undisclosed funding of research or advocacy groups, companies taking advantage of revolving door practices⁹ without cooling-off periods or presenting misleading information. However, questionable processes do not automatically lead to harmful outcomes — a corporation might use aggressive lobbying techniques yet advocate for policies that align with broader public interests.¹⁰ Outcome-based approaches focus on whether corporate engagement produces actual harm such as policy distortions disproportionately benefiting private interests at the expense of public welfare. However, demonstrating causality between corporate actions and suboptimal outcomes is methodologically challenging, as multiple factors, including political context, competing priorities, and implementation capacity, influence outcomes. As (Dal Bó, 2006_[15]) notes, the counterfactual (what policy would have emerged without undue influence) is typically unobservable.
- **Transparency** – While transparency is often considered a safeguard against undue influence, disclosing lobbying conduct does not necessarily equate to legitimacy. Even visible corporate engagement can shape policy in ways that disproportionately privileges certain firms (Gilens and Page, 2014_[16]). Conversely, not all opaque engagement is harmful; certain confidential interactions (such as consultations requiring business-sensitive data) are necessary for effective policymaking.
- **Financial power and asymmetric capacity** – Larger firms, particularly those with market power, have more resources to engage in lobbying, sponsor research, and shape public discourse (OECD, 2017_[4]), (2024_[11]). Some literature has demonstrated the link between market size, market share and lobbying (Weymouth, 2012_[17]). The complexity of regulatory frameworks can further exacerbate this imbalance, as larger corporations often have the financial and legal resources to navigate intricate regulatory requirements more effectively (see for example, arguments made by (Teles, 2012_[18])). However, the ability of firms to transition economic power to influence political outcomes is not straightforward (OECD, 2024_[11]). Additionally, smaller firms or co-ordinated industry groups can also exert significant influence over policy decisions, indicating that size alone is not a definitive distinguishing factor of undue influence.¹¹
- **Sectoral complexities and policy uncertainty** – The risk of undue influence could also be influenced by the degree to which regulators rely on industry expertise, given the potential existence of information asymmetry.¹² Further, emerging markets may present greater uncertainty, creating more opportunities for firms to steer policies in their favour. For example, the digital sector may be particularly prone to lobbying, with recent reports indicating significant lobbying expenditures by big tech companies in both the EU and the US.¹³ Some scholars argue that in some cases, manufacturing doubt can be part of the strategy used on behalf of firms to shape potential outcomes (Valletti, 2020_[19]).

2.3.2. Potential factors that could help in making this distinction

It is clear distinguishing between legitimate engagement from undue influence in policymaking is not straightforward. However, despite the challenges of different approaches, perhaps the most practical way to assess whether corporate engagement is legitimate or risks leading to undue influence is to focus on factors around process and conduct, as these can be more easily monitored and addressed ex-ante. For example:

- Degree of transparency and independence of decision-makers – Are corporate engagements and financial contributions disclosed? Is there clarity on funding sources behind policy research?
- Manipulative intention – Are there signals of manipulative intentions, for example through providing covert, deceptive or misleading evidence or data?
- Independence – Are regulators and policymakers insulated from excessive political influence, including through institutional structures?
- Epistemic integrity – Does the policymaking process incorporate diverse knowledge sources, including independent scientific expertise? Are claims subject to rigorous, independent evaluation?
- Alignment of policies with public interest – Do policymaking decisions and priorities reflect the interests and needs of the public?
- Balance of influence – Do different stakeholders (including smaller businesses, consumer groups, civil society etc) have equal access to decision-making or policymaking processes? Are consultation processes designed to overcome resource disparities?
- Public perception¹⁴ – Is there public trust in the policymaking process, or are there concerns about undue corporate influence?

Outcomes-based indicators such as the extent of effectiveness of competition policy, competitive neutrality, distributional impact or alignment of competition policy with the public interest could also be indicators, but more difficult, as noted above, to monitor.

However, assessing the nature of corporate engagement remains a challenging area, and it is unlikely that any single framework can definitively separate undue influence from legitimate corporate engagement in policymaking in all cases. Further research, case studies, and discussions may support the development of more targeted frameworks for assessing undue influence mechanisms and patterns, particularly in domains characterised by economic concentration, technical complexity, and information asymmetries.

The next section outlines key mechanisms of corporate engagement in policymaking, exploring how some of these complexities emerge when considering when such mechanisms become undue.

Box 1. Corporate influence to increase scientific uncertainty

Several industries use tactics with the goal of influencing policy by manufacturing scientific uncertainty, which can influence policymaking decisions. The strategies are perhaps best described by a leaked internal document which notes that “doubt is our product, since it is the best means of competing with the ‘body of fact’ that exists in the minds of the general public”.

A widely cited example is in the tobacco industry, where companies attempted to influence scientific research to promote their products, protect profits and influence regulation. Internal documents reveal that tobacco companies sought to manufacture scientific uncertainty by funding third-party research institutions to obscure the link between smoking and cancer. Instead of outright denying the risks, industry-funded scientists emphasised the need for “more research,” creating a false debate to delay regulation. The objective of the project was to “*restore social acceptability of smoking*” whilst “*resist[ing] and roll[ing] back smoking restrictions*”. Tobacco companies also concealed their involvement in scientific studies to maintain credibility (for example by recruiting scientists that would continue to appear independent) and actively tried to discredit unfavourable research.

Similar campaigns have been seen from the agrochemicals, fossil fuels, pharmaceuticals, technology, and alcohol industries.

A key deceptive practice appears to have centred on firms identifying scientists as trusted sources of information for both the public and policymakers. They sought to recruit and train scientists that would continue to appear independent. These scientists were typically allocated a carefully selected research direction to protect against credibility-related issues. Hidden financial incentives were offered to these scientists thereby never calling their credibility or work into question, and their mandate was clear: publish “*peer-reviewed papers that undercut conventional wisdom*”. Studies producing unfavourable results would be discarded or repositioned.

Sources: Influencing Science Case Studies, Tobacco Tactics, updated 01 July 2024, accessed 04 March 2025; Lucas, A. (2021), Investigating networks of corporate influence on government decision-making: The case of Australia’s climate change and energy policies, Energy Research & Social Science, Volume 81, 2021; Big Oil’s Real Agenda on Climate Change 2022; Climate Deception Dossier #1-7: Global Climate Coalition Primer on Climate Change Science, From The Climate Deception Dossiers: A Report from the Union of Concerned Scientists (2015); Philip Morris, Proposal for the Organisation of the Whitecoat Project, 25 June 2002, Truth Tobacco Industry Documents, Bates no. 3990006961-3990006964.

3 Corporate Engagement Mechanisms in Competition Policymaking

The previous section discussed the distinction between corporate engagement and undue corporate influence considering policymaking in general. This section identifies some of the mechanisms of corporate engagement and discusses their potential to result in undue influence, including in the context of competition policymaking.

3.1. Mechanisms of corporate engagement and undue influence

Corporate engagement in policymaking operates through diverse, often interconnected, mechanisms that can range from transparent formal interactions to subtle and indirect channels. Such mechanisms do not always lead to undue influence, and various factors may affect their impact (firm effectiveness, political and policy context, jurisdictional difference in regimes or safeguards etc). Mechanisms can be difficult to define, with new strategies potentially emerging and evolving over time (Teachout and Khan, 2014^[20]), adding complexity when distinguishing legitimate engagement from undue influence in each mechanism.

Table 1 outlines key mechanisms of corporate engagement (drawn from (OECD, 2021^[5]) and (OECD, 2024^[11])). It describes each mechanism and its legitimate functions, and notes key issues, such as the factors that can increase the risk of undue influence, before providing some examples.

Table 1. Mechanisms for corporate engagement and potential of undue influence in policymaking

Mechanism	Description and legitimate functions	Key issues (risk of undue influence, challenges and complexities)	Examples of potential undue influence
Direct and indirect lobbying	<p>Lobbying includes when firms engage directly with policymakers, contract professional lobbying firms, or work through industry associations to advocate for policies that align with their interests.</p> <p>Legitimate functions include providing technical and business specific insights.</p>	<p>Undue influence may be more likely when lobbying is opaque, if there are resource asymmetries or inadequate safeguards. (Dellis and Sondermann, 2017^[21]) found that lobbying intensity increases with market concentration and firm size. Connections between politicians or government officials and firms can also play a role in helping firms to navigate complex systems or accessing decision-makers.¹</p> <p>Industry associations can also be utilised by firms for lobbying. However, there can exist misalignments in the positions of companies and the trade associations they are a member of.²</p>	<p>The fossil fuel industry has been noted to have engaged in aggressive lobbying to delay or weaken climate regulations.³</p> <p>Undue influence via lobbying and regulatory capture highlighted in environmental regulations, mineral rights, and foreign state interference in democratic processes (Milos Reismic, 2022^[22]).</p> <p>Some concerns have been outlined in the competition domain about undue influence through advocacy campaigns or lobbying.</p> <p>For example, recent cases have highlighted firms (including those in dominant positions) spreading misleading information to influence stakeholders and public authorities⁴, for example in attempt to delay rival entry.</p>

Mechanism	Description and legitimate functions	Key issues (risk of undue influence, challenges and complexities)	Examples of potential undue influence
Political financing and other contributions	<p>Corporations donate to political parties, candidates, and electoral campaigns directly or through trade associations and third-party organisations. Firms may also provide gifts and hospitality to build relationships with policymakers.</p> <p>Political donations can support electoral competition and fostering democratic competition.</p>	<p>Undue influence may arise if weak safeguards allow corporations to use financial contributions to build close ties with policymakers, which can create expectations of preferential treatment, resulting in policy decisions that disproportionately favour corporate interests over the public good.</p> <p>Gifts can serve as a subtle means of influencing public officials. While small, declared gifts may seem minor, cumulative and event-based gifting (such as tickets or dinners) can create reciprocal obligations that could subtly influence policy without breaching rules (Rodriguez et al., 2024^[23]).</p> <p>Political donations, gifts, and hospitality also intersect with bribery risks as outlined by the OECD Anti-Bribery Convention (OECD, 1997^[24]), and Recommendation (OECD, 2009^[25]).</p>	<p>Campaign donations and sham charities have been used unduly influence lawmakers, leading to multiple criminal convictions and major lobbying reforms (The University of Texas at Austin, 2017^[26]).</p> <p>Gifts to doctors both big and small, impact practitioner prescribing practices in the pharmaceutical industry (Fickweiler, Fickweiler and Urbach, 2017^[27]).</p>
Revolving door employment	<p>Movement of individuals between government regulatory positions and corporate roles. It can help build civil servant skills⁵, enhancing regulatory quality, the acquisition of industry knowledge, and the ability to attract top experts on often a lower public-sector salary (Jabotinsky, 2021^[28]).</p>	<p>Revolving door employment may create incentives for officials to align with corporate interests, hesitate to take actions against them, or affect how they act and the risks they take.</p> <p>Potential issues (OECD, 2010^[29]) include the risk of regulatory capture, post-public employment lobbying allows former officials to leverage insider connections to influence decisions, while insider information risks arise when ex-officials exploit confidential knowledge for private advantage.</p> <p>Debates exists on the cost and benefits of the revolving door (Brezis and Cariolle, 2017^[30]).</p> <p>The risk or impact may vary depending on the level of authority held by an individual,⁶ and motivations behind job transitions are also diverse, including salaries or career progression, making it challenging to attribute a move with unduly influencing policy.</p>	<p>Some studies, for example, on the number of patents granted by examiners in patent offices in the US (Tabakovic and Wollmann, 2018^[31]) or leniency in insurance regulation (Tenekedjieva, 2021^[32]), suggest that revolving door employment can distort decisions.</p>
Financing of research and think tanks	<p>Corporations may fund think tanks, academic institutions, and research initiatives to shape policy debates and influence the evidence base used by regulators and affect how policy issues are framed.</p> <p>Industry-academic relationships can be beneficial, providing finance for research, helping translate research into practice or leading to new research ideas.</p>	<p>The risk may be higher when research is selectively funded, biased, undisclosed, or strategically used to mislead policymakers and the public, or when studies are conducted under a firm's authorisation.</p> <p>Corporate-funded studies may disproportionately emphasise findings aligned with industry interests, while research priorities may shift toward topics more likely to attract private funding (Mowery et al., 2004^[33]).</p> <p>Undue influence can also arise through</p>	<p>Tobacco industry has funded research to undermine health risks (see Box 1).</p> <p>Concerns have also been expressed on financing of academic research in competition policy.⁷</p> <p>Concentrated industries may hire a significant proportion of academic expertise, exercising control over research dissemination through data-use agreements (Lianos, 2024^[34]).</p>

Mechanism	Description and legitimate functions	Key issues (risk of undue influence, challenges and complexities)	Examples of potential undue influence
		<p>selective control of essential data, creating information asymmetry, particularly in sectors that do not have regulated data access requirements.</p> <p>This could result in shaping policy discourse, the evidence-base used for policymaking or the underlying economic and other models that underpin competition policies and enforcement approaches.</p>	
Public perception strategies	<p>Corporations leverage traditional and social media, fund advocacy organisations, or create grassroots movements to shape narratives and public opinion, which can shape policy discourse.</p>	<p>The risk may arise if firms manipulate public debate through undisclosed sponsorships, misinformation, or suppression of opposing views. A key tactic is astroturfing, where corporate-sponsored campaigns mimic grassroots movements to create the illusion of widespread public support. These campaigns are designed to present corporate positions as if they have arisen organically from concerned citizens.</p> <p>This could result in shaping public perception that informs policymaking decisions.</p>	<p>Astroturfing in the tobacco industry, including an anti-plain packaging campaign claiming to represent small retailers, but secretly funded by major tobacco companies (Tobacco Tactics, 2022^[35]).</p>
Funding training, conferences, and capacity-building programs	<p>Corporations fund training programs, conferences, and support capacity-building initiatives that target regulators, policymakers, or industry professionals.</p> <p>These engagements can provide valuable industry insights but may also be used to shape industry-friendly regulatory perspectives.</p>	<p>The risk increases when sponsorship is undisclosed, invitations are selective, or event programming reflects funding biases, potentially skewing discussions in favour of corporate interests.</p> <p>This can lead to regulatory perspectives that align disproportionately with corporate priorities while limiting exposure to diverse viewpoints. Over time, it may also shape the perspectives of future decision-makers, though this link is more tenuous in practice.</p>	<p>Allegations of financial ties between a media group and major tobacco companies led to the cancellation of a conference and prompted senior health experts to withdraw from upcoming conferences.⁸</p> <p>Allegations of undue influence in training programs funded by regulated industries (OECD, 2024^[36]).</p>
Institutional and consultations participation, or expert advice	<p>Corporations can engage in advisory groups, expert panels, and regulatory consultations to provide input on policy. In competition policy, legal and economic experts may also be considered capable of exerting influence.</p>	<p>Risk may be heightened when corporate interests dominate these forums, excluding independent experts, consumers, or smaller businesses, or when there are greater levels of complexity, creating barriers to participation.</p> <p>It could also occur when there are conflicts of interests or opaque incentives that may influence the advice of specialists.</p>	<p>Concerns that corporations dominated representation in expert groups including climate change, regulating emissions and tax.⁹</p> <p>The role of economic advisors in competition policy has also prompted concerns.¹⁰</p>

Sources: Dellis, K. and D. Sondermann (2017), Working Paper Series Lobbying in Europe: new firm-level evidence, <https://doi.org/10.2866/831953>; Milos Reismic (2022), Grand corruption and climate change policies, <https://www.u4.no/publications/grand-corruption-and-climate-change-policies.pdf>; Rodriguez, A. et al. (2024), "The role of gifts in building influence with politicians: Thematic analysis of interviews with current and former parliamentarians", International Journal of Drug Policy, Vol. 125, p. 104332, <https://doi.org/10.1016/j.drugpo.2024.104332>; OECD (1997), Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, [OECD/LEGAL/0293](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293), <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293>; OECD (2009), Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions, <https://legalinstruments.oecd.org/en/instruments/oecd-legal-0378>; The University of Texas at Austin (2017), "57 Abramoff Lobbying Congress - Case Study", <https://ethicsunwrapped.utexas.edu/wp-content/uploads/2022/10/57-Abramoff-Lobbying-Congress.pdf>; Fickweiler, F., W. Fickweiler and E. Urbach (2017),

"Interactions between physicians and the pharmaceutical industry generally and sales representatives specifically and their association with physicians' attitudes and prescribing habits: a systematic review", *BMJ Open*, Vol. 7/9, p. e016408, <https://doi.org/10.1136/bmjopen-2017-016408>; Jabotinsky, H. (2021), "Revolving Doors - We Got It Backwards", *University of Cincinnati Law Review*, Vol. 89/2, <https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1386&context=uclr>; OECD (2010), *Post-Public Employment: Good Practices for Preventing Conflict of Interest*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264056701-en>; Brezis, E. and J. Cariolle (2017), "The Revolving Door: State Connections and Inequality of Influence in the Us Banking Sector", *SSRN Electronic Journal*, <https://doi.org/10.2139/ssrn.3025559>; Tabakovic, H. and T. Wollmann (2018), *From Revolving Doors to Regulatory Capture? Evidence from Patent Examiners*, National Bureau of Economic Research, Cambridge, MA, <https://doi.org/10.3386/w24638>; Tenekedjieva, A. (2021), "The Revolving Door and Insurance Solvency Regulation", *SSRN Electronic Journal*, <https://doi.org/10.2139/ssrn.3762573>; Mowery, D. et al. (2004), *Ivory Tower and Industrial Innovation: University-Industry Technology Transfer Before and After the Bayh-Dole Act*, Stanford University Press, <https://www.sup.org/books/business/ivory-tower-and-industrial-innovation>.

Lianos, I. (2024), *Academic "Capture"? The Hidden Costs of Corporate Funding in Competition Policy Research and Proposed Remedies*, <https://papers.ssrn.com/abstract=5023988> (accessed on 10 December 2024); *Tobacco Tactics* (2022), *Astrourfing*, <https://www.tobaccotactics.org/article/astrourfing/>; OECD (2024), *Anti-Corruption and Integrity Outlook 2024*, OECD Publishing, Paris, <https://doi.org/10.1787/968587cd-en>.

Notes: **1** Corporate political connections are ties that firms forge with political actors, and can directly affect firms, political actors, and various stakeholders in societies (Amore and Bennedsen, 2013^[21]) though not necessarily having a negative effect (Akcigit, Baslandze and Lotti, 2022^[22]). **2** Industry associations often lead lobbying efforts across sectors, but their positions may reflect the "lowest common denominator" due to divergent member interests. This can result in lobbying that misrepresents the full membership, sometimes contradicting individual companies' agendas—especially evident in areas like climate policy—and risks distorting policymaking and eroding stakeholder trust. **3** Such issues have been discussed in the article 'Fossil fuel industry tactics are fuelling democratic backsliding', <https://www.americanprogress.org/article/these-fossil-fuel-industry-tactics-are-fueling-democratic-backsliding/> and the recent book 'Slick: Australia's Toxic Relationship with Big Oil' (Kurmelovs, 2024^[23]). **4** See for instance https://ec.europa.eu/commission/presscorner/detail/en/ip_24_3907; https://ec.europa.eu/commission/presscorner/detail/en/ip_24_5581; https://assets.publishing.service.gov.uk/media/67570b6ff96f5424a4b877e3/Notice_of_intention_to_accept_commitments.pdf; <https://www.autoritedelaconurrence.fr/en/press-release/autorite-de-la-conurrence-imposes-fine-25-million-euros-janssen-cilag-laboratory-and>; **5** A speech by the former Assistant Attorney General for the Antitrust Division of the US (2024) signalled concern around how digital platforms have the resource capacity to shape competition policy via channels of aggressive lobbying and litigation. Similarly, in 2021 the Chairperson of the US FTC emphasised the importance of reconsidering the available tools to "tackle the concentration of corporate power". This followed a period of scrutiny directed towards the FTC where they appeared to delay reforms in response to lobbying efforts by drug companies. Kahn, L. (2021) Georgetown Speech; Assistant Attorney General Jonathan Kanter Delivers Remarks for the Fordham Competition Law Institute's 51st Annual Conference on International Antitrust Law and Policy, 12 September 2024, <https://www.justice.gov/archives/opa/speech/assistant-attorney-general-jonathan-kanter-delivers-remarks-fordham-competition-law-0>; Klein, J. (2000) American Bar Association Speech. **6** Facilitating the development of civil servants' skills through gaining private sector experience is supported by the public in many countries. A French survey indicated 70% support for putting in place a system that obliges civil servants to get experience in the private sector during their career (OECD, 2010^[24]). **7** For example, a junior official moving between a regulator and industry may benefit from professional development with minimal policy influence, whereas senior officials, such as agency heads or board members, may wield significant decision-making power and incentives, making their transitions more susceptible to regulatory capture. **8** Prominent experts, including former European Commission Chief Economist Tomaso Valletti, have raised concerns about corporate-funded research and its potential to bias academic outcomes—highlighting the risk of "academic capture" and its influence on competition policy and regulation. Whilst this perspective is echoed by others such as Lianos (2024^[25]) and Posner et al. (2024^[26]), there are contrasting opinions. For example, Baker (2024^[27]) suggests alternate theories other than corporate influence to explain associated outcomes. **9** For more information see the article *Pressure mounts on publisher of Economist over ties to tobacco*, <https://www.theguardian.com/media/2024/sep/25/pressure-mounts-on-publisher-of-economist-over-ties-to-tobacco>. **10** See for example 'Corporate interests continue to dominate key expert groups' article <https://corporateeurope.org/en/expert-groups/2017/02/corporate-interests-continue-dominate-key-expert-groups>. **11** The role of such advisors has also come under recent scrutiny – for example, whilst not specifically discussing undue corporate influence, Valletti (2024^[28]) contends that economic consultants, despite their claimed neutrality and academic rigor, often provide analyses skewed toward their clients' interests. This can lead to the potential of distorting policy outcomes. Other examples include the article 'These Professors Make More Than a Thousand Bucks an Hour Peddling Mega-Mergers' by Jesse Eisinger and Justin Elliott published in 2016 here: <https://www.propublica.org/article/these-professors-make-more-than-thousand-bucks-hour-peddling-mega-mergers>.

3.2. Risk areas for key mechanisms in competition policymaking

The mechanisms outlined above may be relevant across different stages of competition policymaking, with certain points of entry being particularly vulnerable to influence. Importantly, these mechanisms do not operate in isolation; tactics to influence policy discourse may also influence legal evidentiary standards and enforcement priorities.

Corporate engagement in competition policymaking, like all policy domains, can occur through a range of mechanisms. These can also be interconnected to create cumulative effects (Carpenter & Moss, 2014), for example such as deploying mechanisms in a sequence over time through multiple channels and institutions. Competition authorities should be mindful that these mechanisms operate across different stages of policymaking and aim to distinguish whether interactions enhance or distort competition policy. While this distinction is not always straightforward, systematic attention to influence patterns can help authorities maintain their independence and effectiveness.

There appear to be three principal areas where the risks to competition policymaking are highest:

- **Legislative and regulatory frameworks** – competition laws and institutional structures.
- **Enforcement policy** – competition authority enforcement approaches or priorities.
- **Public perception and policy discourse** – narratives, evidence bases, and research agendas that shape competition policy discourse.

3.2.1. Influence over legislative and regulatory frameworks

The foundation of competition policy lies in its legal and regulatory framework, including the design of laws and institutional structures. There is little evidence suggesting that competition law is more susceptible to undue corporate influence than other domains. However, competition laws do have direct impact on firms' market power, and typically rely on established case law, meaning that any influence could have long-term effects on enforcement. Doctrinal shifts in competition law typically evolve incrementally, potentially creating incentives for corporations to invest in shaping early interpretations.

In some jurisdictions, firms may collaborate to shape legislation or policy, raising questions about the line between legitimate advocacy and undue influence. For example, the Noerr-Pennington Doctrine in the United States provides antitrust immunity for firms lobbying the government, allowing them to co-ordinate in influencing competition law without triggering antitrust concerns.¹⁵ While these types of provisions recognise firms' rights to participate in policymaking, they also pose risks if used strategically to weaken enforcement mechanisms or delay regulatory action.

Specific points for undue corporate influence could include:

- **Competition law provisions:** Efforts such as lobbying or financing could seek to shape competition law or regulatory provisions to disproportionately benefit corporate interests, such as weak merger control rules, overly permissive vertical restraints, or broad exemptions that limit enforcement scope.
- **Obstructing pro-competition reforms:** In jurisdictions where competition authorities advocate for legislative reform to remove barriers to competition, powerful industry players may attempt to delay, weaken, or block these reforms through lobbying or indirect influence over public opinion.

The most relevant mechanisms for this risk area include direct and indirect lobbying, political financing and other contributions and revolving door employment.

3.2.2. Influence over competition enforcement policy

Once competition legislative frameworks are in place, undue corporate influence could extend to their implementation, including in enforcement approaches or priorities, for example affecting enforcement of cases such as abuse of dominance, cartels or mergers, as well as market studies and advocacy.

Specific points for undue corporate influence could include:

- **Guidelines and enforcement prioritisation:** Competition authorities often issue guidance on how competition laws are interpreted and on their enforcement priorities. Firms may attempt to influence these guidelines or priorities through consultation processes, expert submissions, or advisory group participation. While much of this corporate engagement is legitimate, deceptive tactics may have the potential to lead to undue influence.
- **Case-specific outcomes:** While firms have a legitimate right to defend themselves in enforcement cases, undue influence may arise if firms use tactics to shift enforcement outcomes in their favour. Conflicts of interest could also play a role in enforcement decisions, particularly when competition authorities or policymakers have prior affiliations with industry stakeholders. Although specific

enforcement outcomes are not in scope for this note; maintaining appropriate procedural guardrails in these processes is important.¹⁶

The most relevant mechanisms for this risk area include direct and indirect lobbying, political financing and other contributions, revolving door employment, financing of research or think tanks, and institutional and consultations participation, or expert advice.

3.2.3. Influence over public perception and competition policy discourse

By influencing the underlying evidence base, public opinion, and academic or policy debates, firms can indirectly affect competition policy making. Given that competition law is grounded in economic theories and evolving policy debates, shaping discourse could have long-term effects on enforcement priorities, interpretations of competition law, how competition is assessed and public attitudes toward regulatory interventions.

Possible points for undue corporate influence could include:

- **Framing policy debates and economic theories:** Firms may seek to influence how competition policy or underlying economic models are framed, for example positioning specific regulatory approaches as "pro-innovation" or "anti-business" or influencing which market phenomena should be recognised as potential concerns. This can be done through public relations efforts, grassroots movements or partnerships with, or financing of, think tanks or academia. For example, corporations may sponsor research that supports their positions on competition policy, often working through think tanks or academic partnerships to lend credibility to their arguments. While this can be beneficial and does not inherently constitute undue influence, discussion exists on the ability of corporate influence to capture academia in competition policy (Lianos, 2024^[25]).
- **Shaping regulatory knowledge:** Corporations may shape industry or regulatory knowledge, for example by sponsoring conferences, workshops, or training programs attended by competition officials, policymakers, and future regulators. While these engagements can provide useful insights, they also present risks if firms selectively present evidence favouring their positions, particularly in emerging areas such as digital markets, big data, or AI competition policy.

The most relevant mechanisms for this risk area include financing of research or think tanks, or institutional and consultations participation, or expert advice, public perception strategies or funding training, conferences, and capacity-building programs.

4 Responses to safeguard against undue corporate influence

This section outlines some potential responses to reduce the risk of undue corporate influence. Even though there is limited empirical evidence of the harm of undue corporate influence, identifying proportionate and effective regulatory approaches and responses can help build policymaking resilience against undue corporate influence.

While it is hard to argue against proportionate responses that reduce the risk of undue corporate influence, potential responses may risk undermining beneficial corporate engagement. As such, effective and proportionate responses should not aim to prevent corporate engagement but rather enhance transparency, accountability, and integrity in such interactions. Undue corporate influence tactics are likely to continue to evolve, from traditional lobbying to more sophisticated approaches such as concealed funding arrangements, strategic academic partnerships, and digital influence campaigns. Consequently, safeguards must be adaptable, comprehensive, and effectively enforced to remain relevant. Transparency and disclosure frameworks advocated by international standards, including the OECD Anti-Bribery Convention and Recommendation, such as beneficial ownership transparency, and due diligence regarding third-party engagements, provide strong complementary examples that can be leveraged in competition policymaking to mitigate undue corporate influence risks.

A range of actors can respond to the risks of undue corporate influence. Many responses will be applied at government level, others by competition (or other) authorities over their domains. Box 2 below highlights OECD work on lobbying responses at a national level. Responding to undue corporate influence is unlikely to be a day-to-day priority or focus for competition authorities. Nonetheless, proportionate and effective responses that minimise these risks should be considered, and there exist several general responses from other policy areas that can be of use to competition policy. Further, competition authorities may also possess tools to mitigate against risks of undue influence and these are explored further below.

Responses can be categorised into three main categories: enhancing transparency, strengthening institutional integrity, and prohibiting problematic behaviours. The sections below list some potential responses under each category, highlighting their main considerations, who typically sets them and who they are applied to, and examples of their application.

Table 2. Transparency and disclosure

Response	Key issues for consideration	Set by / Applied to	Selected examples
Disclosure of political donations or lobbying transparency requirements and public registers¹	<p>This can include lobbying activities, donations, meetings, calendars and financial contributions to policymakers. Lobbying regulations can support businesses within the legal framework and improve the perception of lobbying.²</p> <p>While transparency is widely advocated, some challenge the effectiveness of disclosure requirements alone, noting that disclosed information can be difficult to interpret and firms may evade transparency through "corporate political disguise," such as misclassifying political spending as</p>	<p>Set by: national level</p> <p>Applied to: public officials, politicians, corporates</p>	<p>EU's Transparency Register tracks representatives who influence EU policymaking, providing public oversight of corporate lobbying activities.</p> <p>Chile's lobbying law (Ley 20.730) requires public officials to disclose meetings with lobbyists and publish</p>

Response	Key issues for consideration	Set by / Applied to	Selected examples
	charitable donations (Mithani, 2019 ^[14]). Digital lobbying and social media present new challenges for traditional transparency frameworks (Kuhn et al., 2023 ^[29])		records on institutional websites.
Conflict of interest disclosures³, including requirements for politicians, public officials, experts, contractors and researchers to disclose financial interests, outside activities, affiliations, and other potential conflicts.	Frameworks outline circumstances that could lead to conflicts, mandatory declarations for top public officials (such as members of government, or top-tier civil servants), and sanctions for breaches. They can help to reduce the risk that influence occurs under the pretext of independent academic thought (OECD, 2017 ^[41]). Implementation effectiveness varies across jurisdictions, with enforcement mechanisms being a critical determinant of success. Disclosure frameworks should be proportionate to risk, with more intensive requirements for senior decision-makers. Behavioural research suggests that individuals rationalise actions that serve their self-interest while maintaining an ethical self-image. Designing ex-ante mechanisms (e.g. publishing of meetings or agendas in advance) that reduce the space for self-justification may be also effective. People also tend to be overconfident in their disclosure practice.	Set by: national or agency level Applied to: public officials, politicians, researchers or experts	US Department of Justice requires disclosures from competition enforcers. Australian Competition and Consumer Commission enforces financial disclosures for staff. The Economics Conflicts Disclosure Policy (US Federal Trade Commission, 2024 ^[43]) requires experts at events to disclose potential conflicts of interest. Portugal's competition authority has conflict of interest requirements for service providers. UK Competition Appeal Tribunal (CAT) conflict of interest rules. ⁴ Ireland has a transparency code for working groups. ⁵
Transparency on corporate-funded research⁶, including disclosure of funding and conflicts of interest.	Disclosure requirements may need to address both direct funding and indirect support (e.g., data access, editorial input). Not having a framework exerts a negative externality on all research as overall trust levels reduce. (Barrios et al., 2025 ^[44]) show that corporate "right to review" clauses in funding agreements undermine research credibility, while waiving this right enhances trust among policymakers and the public.	Set by: national or university level Applied to: Academia, think tanks	Academic Society for Competition Law (ASCOLA, 2020 ^[30]) has developed a transparency and disclosure declaration guidance for scholars in competition law and economics to safeguard contributions from hidden conflicts of interest.
Regulations on industry-sponsored training and conferences, such as transparency requirements	Effective regulations should address both financial sponsorship and content control. Digital and virtual events may create new challenges for monitoring and disclosure.	Set by: national or agency level Applied to: public officials, politicians	The Economics Conflicts Disclosure Policy (US Federal Trade Commission, 2024 ^[43]) requires participants at events to disclose potential conflicts of interest about themselves and their spouses.

Sources: Mithani, M. (2019), "Corporate Political Transparency", *Business & Society*, Vol. 58/3, pp. 644-678, <https://doi.org/10.1177/0007650316679991>; Kuhn, K. et al. (2023), *Digital Lobbying: How Digital Transformation and Social Networks affect lobbying in Germany*, Springer Science and Business Media LLC, <https://doi.org/10.21203/rs.3.rs-3398324/v1>; OECD (2017), *Preventing Policy Capture: Integrity in Public Decision Making*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/9789264065239-en>; US Federal Trade Commission (2024), *New Bureau of Economics Conflicts Disclosure Policy*, <https://www.ftc.gov/about-ftc/bureaus-offices/bureau-economics/2024/12/new-bureau-economics-conflicts-disclosure-policy>; Barrios, J. et al. (2025), *The conflict-of-interest discount in the marketplace of ideas Standard*, NBER, <https://doi.org/10.3386/w33645>; ASCOLA (2020), *Transparency and Disclosure Declaration*, https://ascola.org/wp-content/uploads/2020/11/ascola_ethics_declaration.pdf.

Notes: **1** Over half of OECD countries mandate disclosure of political financing. 17 out of 32 OECD countries with data available (53%) provide transparency through a publicly available lobbying register. Several countries have lobbying activities defined in the frameworks, including which actors are considered as lobbyists. (OECD, 2024^[29]); **2** Some countries, such as Canada, have robust lobbying regulations and frameworks, including a dedicated newspaper (<https://www.lobbymonitor.ca/>). Such efforts have helped to reduce legal uncertainty for businesses so they can lobby effectively within the legal frameworks. **3** Most OECD countries appear to have strong regulations on conflicts of interests (OECD, 2024^[29]). Such frameworks usually tend to apply to all agencies, including competition authorities. **4** For example, the President of the CAT ensures that Member activities inconsistent with the functions of the CAT are not undertaken. <https://www.catribunal.org.uk/about>. **5** In Ireland, any working group set up by a minister or public service body that meets certain conditions must comply with a Transparency Code that includes details like names of members, employment history and terms of reference of the group. For more information, see the Transparency Code <https://www.lobbying.ie/media/5986/2015-08-06-transparency-code-eng.pdf>. **6** Several universities have established disclosure policies governing external research funding, such as the London School of Economics and the University of Chicago, which require disclosure of financial interests to prevent conflicts in research.

Table 3. Institutional safeguards and integrity measures

Response	Key issues	Set by / Applied to	Selected examples
Codes of conduct for policymakers and lobbyists outlining standards for interactions, or for required behaviours of officials	<p>Creating a culture of transparency and integrity is important. Codes of conduct can play a vital role fostering integrity by setting binding, enforceable standards (OECD, 2016^[45]).¹</p> <p>However, monitoring and enforcement remains a challenge. 14 countries have an independent body to monitor, only 12 OECD countries have sanctions in place, of which 10 conducted investigations in the past year.</p> <p>Mandatory training compliance has been identified as an effective way to raise awareness of codes of conducts and build an integrity culture (Rodriguez et al., 2024^[23]).</p>	<p>Set by: national or agency level</p> <p>Applied to: public officials, corporations and other lobbyists.</p>	<p>Australia's Lobbying Code of Conduct sets out requirements for contact between lobbyists and Australian Government representatives, to support ethical and transparent interactions.</p> <p>France has developed ethical rules for lobbyists, setting out the rules for lobbyists to conduct their activities with probity and integrity (Government of France, 2025^[46])</p> <p>Finland requires newly elected politicians to attend a training program on parliamentary procedures and the Code of Conduct (Vidačak and Šelo Šabić, 2003^[47]).</p>
Independent oversight of lobbying, post-public employment rules and political financing	<p>Oversight functions are meant to ensure impartial monitoring of measures used, and provide adequate responses (including redress, where relevant) (OECD, 2014^[48]).</p> <p>Several countries have an independent body to oversee political financing, which is important to support regulations or laws with effective oversight mechanisms (OECD, 2024^[36]).</p>	<p>Set by: national level</p> <p>Applied to: politicians, public officials & corporations</p>	<p>Canada's Commissioner of Lobbying is an independent Agent of Parliament responsible for regulating lobbying at the federal level, including monitoring post-public employment rules.</p> <p>The Irish Standards in Public Office Commission oversees ethics legislation, lobbying regulation, and political financing (SIPO, 2024^[49]).</p>
Balanced and transparent representation in advisory groups and in policy consultation and engagement processes	<p>Engaging with civil society, academia, and small businesses alongside larger corporations ensures a more balanced approach to policy. This prevents any single group from dominating the narrative.</p> <p>Inclusive consultation processes, such as public calls for comment, citizen portals, and advisory panels can provide broader evidence base and mitigate risks of capture.</p> <p>Disclosure of members of advisory and expert groups, as well as agendas and minutes of meetings, as well as integrity rules on interest disclosure, can mitigate risks of conflicts of interests.</p>	<p>Set by: national or agency level</p> <p>Applied to: public officials, politicians.</p>	<p>The European Commission's Competition Public Consultations (European Commission, 2025^[50]) allow for all citizens and businesses to input on proposed enforcement actions.</p> <p>Brazil's Parliament House of Representatives has set up a citizen lab that enhances transparency and participation.²</p> <p>Norwegian Ministry of Local Government and Modernisation adopted guidelines on the use of independent advisory committees.³</p>
Monitoring and vigilance	<p>The funding sources behind conferences, training programs, and academic research can affect their impartiality. Regular monitoring and disclosures could help identify emerging influence tactics and address vulnerabilities.</p> <p>Institutional integrity measures such as whistleblower protection, independent oversight, and robust internal controls and compliance are also central to effective anti-bribery frameworks under the OECD Anti-Bribery Recommendation. Adopting similar safeguards could help effectively prevent and detect corruption and undue influence.</p> <p>Third-party verification may enhance credibility and independence, whilst civil society and academia could act as a monitor of perceived undue influence. To the extent possible, transparency from authorities is likely important for effective third-party monitoring.</p>	<p>Set by: agencies, third-parties</p> <p>Applied to: corporations, public officials, experts</p>	<p>Many countries have whistleblowing or complaint mechanisms to allow civil servants or citizens to report concerns (OECD, 2016^[51]). This could involve hotlines, protected disclosure programs, and incentives for reporting unethical lobbying.</p> <p>Many countries use trust surveys that monitor perception of integrity in policymaking processes.</p>

Response	Key issues	Set by / Applied to	Selected examples
International co-operation and standards	<p>Cross-border co-operation among competition authorities helps share best practices, monitor multi-jurisdictional risks, and reduce regulatory gaps, or set standards.</p> <p>International standards promote consistent approaches while allowing for jurisdictional flexibility. Some have argued that this can risk legal uncertainty for firms (BIAC, 2024^[52]) operating across multiple jurisdictions, or risk conflicting or exceeding national regulations.</p>	<p>Set by: agencies or international bodies</p> <p>Applied to: competition authorities</p>	<p>The International Competition Network, the OECD's Competition Committee and regional competition networks can act as such bodies.</p>
Independence of the competition authority	<p>Institutional arrangements that establish competition authorities as independent bodies operating with autonomy from political decision-making processes.</p> <p>Independence can support regulatory stability, impartiality, and credibility, fostering investor confidence and fair market conditions by applying competition rules consistently and free from political influence (OECD, 2016^[53]).⁴</p> <p>Yet, it is important to consider maintaining transparency, democratic accountability, and meaningful engagement with citizens and stakeholders to maintain public trust and legitimacy.</p>	<p>Set by: national level</p> <p>Applied to: competition authorities</p>	<p>Various models exist, ranging from fully independent agencies to ministerial departments (see for further information (OECD, 2016^[53]).</p> <p>The ECN+ outlines guidance for EU Member States to ensure they have the independence and tools necessary to apply EU antitrust rules effectively.</p>
Advocacy and communication to promote competition principles and work of the authority	<p>Proactive advocacy by competition authorities can counterbalance corporate influence by educating stakeholders and the public about competition benefits, while building trust and promoting transparency (OECD, 2023^[54]).</p> <p>This could involve publishing public reports, policy discussions, and education programs. Digital and social media strategies increasingly complement traditional advocacy approaches.</p> <p>Open and transparent communication about authority priorities, decisions and other actions can promote integrity of authority decision-making processes. External communication and internal government engagement is important.</p> <p>Authorities can also consider potential influencing conduct of firms holding dominant positions.</p>	<p>Set by: competition authorities</p> <p>Applied to: other agencies, regulators, businesses and public.</p>	<p>Portugal uses different advocacy tools, such as outreach and recommendations by government.⁴government⁵</p> <p>Spain conducted an evaluation of a broadband deployment plan leading to recommendations for improved co-ordination and public-private collaboration.</p> <p>Hong Kong launched a TV docudrama series to raise awareness of the importance of competition policy.⁶</p>
Performance assessments	<p>Ex-post evaluations, market studies or impact assessments can help authorities assess whether policies achieve their intended outcomes, and therefore potentially, whether distortions may have occurred. Communicating these assessments can also be useful to promote transparency with the public.</p> <p>Regular assessment may reveal patterns suggesting systemic influence problems.</p>	<p>Set by: competition authorities</p> <p>Applied to: competition authorities</p>	<p>The UK Competition and Markets Authority regularly conducts ex-post evaluations and impact assessments of its interventions. While such measures naturally focus on the outcome of individual cases, they can allow the identification of trends that may point to broader issues in policy.</p>

Sources: OECD (2016), Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/9789264249455-en>; Rodriguez, A. et al. (2024), "The role of gifts in building influence with politicians: Thematic analysis of interviews with current and former parliamentarians", International Journal of Drug Policy, Vol. 125, p. 104332, <https://doi.org/10.1016/j.drugpo.2024.104332>; Government of France (2025), Ethical rules, High authority for transparency in public life.; Vidačak, I. and S. Šelo Šabić (2003), Mapping best practices on transparency, integrity, accountability and anti-corruption: Case studies from selected parliaments Requested by the ING2 special committee, [https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA\(2023\)702588](https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA(2023)702588); OECD (2014), Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying, OECD Publishing, Paris, <https://doi.org/10.1787/9789264214224-en>; OECD (2024), Anti-Corruption and Integrity Outlook 2024, OECD Publishing, Paris, <https://doi.org/10.1787/968587cd-en>; SIPO (2024), Guidelines: Standards

in Public Office Commission (SIPO), <https://www.sipo.ie/en/collection/f9fd6-information-and-resources>; European Commission (2025), Public Consultations published by the Directorate General for Competition, European Commission, https://competition-policy.ec.europa.eu/public-consultations_en; OECD (2016), Committing to Effective Whistleblower Protection, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252639-en>; BIAC (2024), Draft comments from BIAC: Draft OECD Principles on Responsible Corporate Lobbying and Political Engagement, OECD; OECD (2023), "Communication by Competition Authorities: Objectives and Tools", OECD Roundtables on Competition Policy Papers, No. 297, OECD Publishing, Paris, <https://doi.org/10.1787/944bbdac-en>;
Notes: 1. Some countries have codes of conduct that include practical examples of at-risk behaviours and situations, with several also have defined sanctions for breaches of standards in lobbying (OECD, 2021^[5]). 2. See more at 'The Brazilian Chamber of Deputies' LabHacker', <https://www.nesta.org.uk/feature/six-pioneers-digital-democracy/the-brazilian-chamber-of-deputies-labhacker-and-edemocracia/>. 3. Ministry of Local Government and Modernisation of Norway (2019), Committee Work in the State. A guide for leaders, members and secretaries in government study committees, <https://www.regjeringen.no/contentassets/793636d2e55a4236b82e632897f96d50/utvalgssarb>. 4. On average, regulators with a stronger degree of independence use better-practice accountability mechanisms, which enhances confidence. 5. See further case studies in ICN (2018^[30]) 6. See additional examples at the World Bank advocacy contest, <https://www.worldbank.org/en/events/2024/02/01/competition-advocacy-contest-2024>.

Table 4. Prohibitions and restrictions

Response	Key issues for consideration	Set by / Applied to	Selected examples
Bans or limits on political financing, including restrictions on donations to political parties¹, spending caps, or bans on anonymous donations²	<p>Banning corporate financing may pose a risk of limiting legitimate political participation from local businesses, potentially shifting electoral discourse toward more polarised positions or away from local economic issues (Cagé, Le Pennec and Mougín, 2022^[56]).</p> <p>Anonymous political donations pose risks of transparency and could increase the potential for undue influence, foreign interference or regulatory capture. Conversely, it could be argued that anonymity prevents targeted favouritism by ensuring governments do not know which companies contribute, allowing engagement without fear of backlash.</p>	<p>Set by: national level</p> <p>Applied to: political parties, corporations</p>	<p>Brazil bans corporate contributions to political campaigns.³</p> <p>Canada imposes a spending limit on most political entities for an election.⁴</p> <p>Countries such as Finland, Korea, Lithuania and Colombia have donation limits (France, 2023^[57]).</p>
Restrictions on gifts and hospitality	<p>Rules can include limits on the type, value, and frequency of gifts or hospitality that public officials can receive from corporations. This can help to mitigate reputation risks and undue influence. Given the potential overlap between gifts/hospitality and bribery offences, these restrictions should also align closely with existing OECD Anti-Bribery Convention and Recommendation standards, which provide guidelines for acceptable practices to avoid corruption.⁵</p> <p>Effective implementation requires clear thresholds, reporting mechanisms, and consistent enforcement.</p>	<p>Set by: national or agency level</p> <p>Applied to: civil servants, corporations</p>	<p>Several government agencies implement rules regarding donations, gifts, and hospitality.⁶</p>
Pre- or post-public employment restrictions	<p>This can cover waiting periods between public-private employment, confidentiality and non-disclosure requirements. Effective enforcement is also important (Vidačák and Šelo Šabić, 2003^[47]).</p> <p>There is debate on whether cooling-off periods have unintended consequences. For example, if they could weaken regulators' mindsets (Jabotinsky, 2021^[28]), deter industry experts from taking regulatory roles or limit the talent pool to late-career professionals. Regulators may invest less time in gaining industry knowledge. These rules may also restrict employment opportunities for skilled professionals post-public service.</p> <p>Advance post-public employment restrictions can also be used to address conflict-of-interest risks posed by individuals entering the public sector from government-regulated sectors, in particular into regulatory functions.</p> <p>In some situations, it may be appropriate to provide compensation for the effects of a cooling-off period, proportionate to the length of time it is in effect.</p>	<p>Set by: national or agency level</p> <p>Applied to: former regulators, civil servants.</p>	<p>The US Federal Trade Commission (FTC) enforces restrictions under the federal law, which places restrictions on post-employment activities subjects' former employees to a cooling-off period.⁷</p> <p>In Canada, former public office holders must not take improper advantage of their previous public office on a given matter or use insider information.</p> <p>The UK subjects politicians to a 2-year cooling off period during which they are prohibited in engaging in lobbying activities.⁸</p>

Sources: Cagé, J., C. Le Pennec and E. Mougin (2022), Corporate Donations and Political Rhetoric: Evidence from a National Ban Corporate Donations and Political Rhetoric: Evidence from a National Ban *, <https://sciencespo.hal.science/hal-03877943v1>; France, G. (2023), Limits on political donations: global practices and its effectiveness on political integrity and equality, Transparency International; Vidačak, I. and S. Šelo Šabić (2003), Mapping best practices on transparency, integrity, accountability and anti-corruption: Case studies from selected parliaments Requested by the ING2 special committee, [https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA\(2023\)702588](https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA(2023)702588); Jabotinsky, H. (2021), "Revolving Doors - We Got It Backwards", University of Cincinnati Law Review, Vol. 89/2, <https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1386&context=uclr>.

Notes: 1. Some OECD countries prohibit corporate political donations altogether – see for further information (OECD, 2024^[29]). 2. Less than half of OECD countries ban anonymous donations (OECD, 2024^[29]). 3. See more at 'In Brief: Political Finance in Brazil' <https://www.lexology.com/library/detail.aspx?g=eed62b33-e097-4333-90eb-f84a0e8493a1-> On 29 September 2015. 4. See more at 'Understanding spending limits – Elections Canada' <https://www.elections.ca/content.aspx?section=fin&dir=lim&document=index&lang=e> 5. For example, OECD Anti-Bribery Convention (OECD, 1997^[31]), the World Economic Forum Partnering Against Corruption Initiative Principles (World Economic Forum, 2025^[32]), and national frameworks such as the US Foreign Corrupt Practices Act (US Department of Justice, 2025^[33]), and UK Bribery Act. 6. For example, France (Government of France, 2020^[34]) has issued guidelines requiring public and non-governmental organisations to establish clear policies on gifts and hospitality. The UK Civil Service Code (Government of UK, 2015^[35]) requires officials to refuse any gifts that could influence their decisions, with detailed registers maintained for transparency. APSC (Australian Public Service Commission, 2023^[36]) provide strict guidance on gift acceptance for certain officials. 7 In addition the FTC's Clearance Rule requires former employees to seek clearance before participating in FTC-related matters that were pending during their tenure or involve non-public information see FTC's 'Post-Employment Restrictions', <https://www.ftc.gov/about-ftc/bureaus-offices/office-general-counsel/post-employment-restrictions>. 8. See the UK public general acts for further information, <https://www.legislation.gov.uk/ukpga/2014/4/contents>.

While the responses outlined offer opportunities for safeguarding competition policy from undue corporate influence, several common considerations arise:

- Excessive compliance may discourage beneficial corporate engagement in policy discussions. Proportionate disclosure frameworks should aim to balance transparency requirements with the practical realities of business operations.
- Overly strict disclosure rules around corporate-funded research could inadvertently restrict valuable industry-academic collaborations that drive innovation and knowledge creation.
- Confidentiality concerns exist, particularly regarding commercially sensitive information. Transparency mechanisms must incorporate appropriate protections for genuinely sensitive data while maintaining sufficient disclosure for public accountability and integrity of policymaking.
- Monitoring and enforcement of frameworks or responses are crucial to ensure compliance in practice and ensure that non-compliance is addressed effectively.
- Digital technology creates both new influence tactics and new opportunities for transparency and oversight that need to be considered. Regulatory frameworks need to remain adaptive.

An effective approach likely involves combining multiple responses across all three categories, prohibitions, transparency measures, and institutional safeguards, tailored to specific jurisdictional contexts and regularly evaluated for effectiveness.

Box 2. OECD Recommendation on Transparency and Integrity in Lobbying and Influence (2010)

The OECD Recommendation on Transparency and Integrity in Lobbying and Influence (adopted in 2010 and recently revised in 2024) provides guidance for governments in ensuring lobbying and influence activities support effective public decision-making while safeguarding integrity, transparency and equity in public decision-making processes. The Recommendation:

- Covers all actors involved in lobbying and influence activities. The definition of “lobbying and influence actors” includes all actors representing interests in a policymaking or electoral process, including traditional lobbyists, businesses, civil society organisations, think tanks, lobbying firms, business and trade associations, trade unions, and the natural persons who are mandated to represent these interests, whether or not they receive compensation.
- Encompasses the broad toolbox of influence activities that lobbying and influence actors use to engage in policymaking processes and shape policy discourses.
- Addresses the risks of interference by foreign powers in democratic processes through covert and deceptive lobbying and influence practices. In particular, the principles recommend the disclosure of all lobbying and influence activities conducted by any lobbying and influence actor on behalf of foreign state interests.
- Provides for transparency and integrity rules for all those who are hired to provide advice or consultancy work to the government, for example individual experts or private consultancy firms, to limit the risks of undue influence and conflicts of interests.
- Provides a framework to support businesses and other influence actors in conducting their lobbying and influence activities in a responsible manner, including ensuring that these activities align with their public commitments on broader environmental, social and governance goals.

Source: OECD (2010), Recommendation of the Council on Transparency and Integrity in Lobbying and Influence, [OECD/LEGAL/0379](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379), <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379>.

5 Concluding remarks and questions

This note has examined how corporate influence shapes competition policymaking, distinguishing between legitimate corporate engagement and potentially undue influence. Corporate participation in policymaking offers valuable technical expertise and practical insights that can enhance policy design. However, when corporate influence becomes excessive, opaque, or manipulative, it risks distorting policy outcomes, undermining regulatory effectiveness, and eroding public trust in institutions.

Competition policy operates within broader legal and regulatory frameworks designed to manage conflicts of interest, ensure transparency in lobbying, and prevent outright corruption. However, corporate influence remains a nuanced and evolving challenge. While there is currently limited evidence quantifying the extent of undue corporate influence in competition policymaking, there are clear theoretical risks. The potential for undue influence is particularly concerning in cases where market power enables firms to reinforce their political power, or in cases where the policy area is uncertain, such as in digital markets.

Competition policymakers, including competition authorities, may want to be vigilant to several factors that could signal increased risks of undue corporate influence. These include opacity in engagement processes, information asymmetries and technical complexity of policy issues, imbalanced stakeholder representation in engagement, or concentrated advocacy resources that allow firms with market power to dominate engagements.

While unlikely a day-to-day focus, competition authorities have several tools available to safeguard against undue influence while preserving beneficial corporate engagement. These include transparency frameworks, balanced stakeholder engagement, targeted conflict of interest policies such as post-employment rules, and proactive competition advocacy. These responses require careful design; overly restrictive measures might discourage valuable corporate engagement or create unnecessary compliance burdens, while inadequate safeguards leave policymaking vulnerable to capture. By implementing proportionate, well-designed safeguards, authorities can maintain the integrity of competition policy while benefiting from the valuable insights that legitimate corporate engagement provides.

Several important questions remain for competition policymaking:

- How can empirical evidence on the extent and impact of corporate influence in competition policy be strengthened? Are there empirical approaches that can isolate corporate influence from other factors affecting policy outcomes?
- How can safeguards and responses be designed without unintended consequences? What is the optimal balance between transparency responses and legitimate confidentiality concerns, particularly regarding commercially sensitive information?
- How should competition authorities approach engagement with academics? Are special approaches required for conferences, training courses or in engaging with industry-sponsored research?
- What role should competition authorities play in broader governance reforms aimed at addressing undue corporate influence? Is there a greater role for international organisations or international standards? How can competition authorities collaborate effectively with other law enforcement agencies to enhance their resilience against undue corporate influence, while also working proactively with the private sector to promote and incentivise strong corporate compliance?"

Endnotes

¹ For example, several recent conferences contained discussion of these issues. These include a recent event hosted by UCL (<https://www.ucl.ac.uk/laws/events/2025/mar/how-corporate-funding-impacts-competition-policy-research>) and one by the Stigler Centre (<https://www.chicagobooth.edu/research/stigler/events/2025-antitrust>).

² OECD Recommendation of the Council on Transparency and Integrity in Lobbying and Influence, [OECD/LEGAL/0379](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379), Adopted 18/02/2010, Amended 03/05/2024, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379>.

³ See, for example: OECD Product Market Regulation Indicators, Key takeaways from the 2023 – 2024 PMR indicators, https://issuu.com/oecd.publishing/docs/key_takeaways_from_the_2023-2024_update_of_the_oecd. Information on the OECD Public Integrity Indicators can be found here: <https://oecd-public-integrity-indicators.org/>

⁴ The literature contains several concepts. For example corporate political activities, which are strategies by firms to influence political and policy outcomes (Ulucanlar et al., 2023^[37]), and corporate political connections (CPCs), which are ties that firms forge with political actors, and can directly affect firms, political actors, and various stakeholders in societies (Amore and Bennedsen, 2013^[21]) though not necessarily having a negative effect. The OECD uses political engagement as an umbrella term that encompasses the various lobbying and influence activities conducted by companies in their engagement with government, aimed at influencing public decision-making and electoral processes, as well as the broader public discourse and evidence landscape that shape these processes. The OECD also uses “responsible” corporate [political] engagement (OECD, 2014^[50]) meaning “adherence to shared ethical values, principles and norms for upholding integrity, transparency, openness, and equity in public decision-making processes...”

⁵ The note will not consider in detail the role of corporate engagement on individual enforcement actions, instead focusing on competition policymaking.

⁶ Public choice theory applies economic reasoning to collective decision-making, emphasising that self-interest drives behaviour not only in markets but also in politics and thus policymaking. This can lead to complexities in the policymaking process and can challenge the assumption that majority rule always serves the public good. See for example (Buchanan, 2003^[51]).

⁷ For example, see: Article 16 - Freedom to conduct a business, EU Charter of Fundamental Rights, Official Journal of the European Union C 303/17, 14.12.2007, <https://fra.europa.eu/en/eu-charter/article/16-freedom-conduct-business>.

⁸ The OECD’s work on trust including the Trust Survey provides governments with the data, tools and solutions necessary to assess trust in public institutions, understand long-term trends and enable them to take direct policy action, targeted at the root causes of low trust (OECD, 2024^[58]).

⁹ The revolving door refers to the movement of personnel between employment in the public and private sectors (OECD, 2010^[24]).

¹⁰ A study found that that the preferences of average citizens are positively and fairly highly correlated, across issues, with the preferences of economic elites (Gilens and Page, 2014^[16]).

¹¹ For example, the Small Business Majority, an advocacy organisation in the United States, has lobbied for healthcare reform, ensuring that small businesses interests were considered, <https://smallbusinessmajority.org/policy-agenda>.

¹² Technocratic governance can support policy stability and expertise-driven regulation, although in some circumstances it may also lead to an entrenched technocratic community aligned with corporate interests. For example, this institutionalisation of expertise in tax policy can entrench corporate interests, generating tensions between private or sectional advantage and the wider public interest (Picciotto, 2022^[46]).

¹³ For example, see (Bank et al., 2021^[62]).

¹⁴ Public perception can be an important factor and influences trust in government. According to the OECD Trust Survey (OECD, 2022^[45]), 27.8% of people on average across 22 OECD countries think that a high-level political official would grant a political favour in exchange for the offer of a well-paid private sector job.

¹⁵ Wu (2020^[47]) argues that the Noerr-Pennington doctrine, originally intended to protect legitimate political advocacy, has become excessively broad, potentially shielding harmful corporate practices such as deception or abuse of government processes under the guise of petitioning.

¹⁶ OECD Recommendation of the Council on Transparency and Procedural Fairness in Competition Law Enforcement, [OECD/LEGAL/0465](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0465), Adopted 06/10/2021, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0465>.

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