

POLICY

Transparency register under scrutiny

Higher disclosure standards for European commissioners are no guarantee of transparency improvements in other EU institutions.

by James Panichi on 23.02.2015 / 07:00 CET



Almost a thousand names of companies have been added to the European Union's transparency database since 19 November – the day that Frans Timmermans, the first vice-president of the European Commission, announced new rules of engagement with lobbyists.

European commissioners, their staff and the heads of Commission departments would meet only those lobbyists, consultants and civil society activists who, as organisations or individuals, appeared on the transparency register that is jointly run by the Commission and the European Parliament.

The register is now groaning under the weight of this impulse. There are now 7,800 groups, companies and organisations on the register and the management of the information that they have provided is testing the resources of the Commission's secretariat-general.

Critics say the register has become a dog's breakfast, but the Commission argues the problems can be fixed and it has already

taken steps to do so. However, concerns over the health of both the register and the new disclosure regime come at a critical time for the EU.

The Commission is about to reveal its blueprint for an extension of the disclosure and transparency rules to both the European Parliament and the Council of Ministers. The plan involves an inter-institutional agreement intended to ensure that there are no chinks in the EU's armour as lobbyists interact with its various institutions. The Commission argues that there must be consistency: damage to the reputation of one institution harms them all.

The Commission expresses confidence about achieving agreement across the institutions. Commission spokeswoman Natasha Bertaud told *European Voice* last week that there "will be an inter-institutional agreement on the lobby register in the spring".

Yet the flaws of both the register and the broader disclosure regime – which have been chronicled with some glee by NGOs campaigning for transparency – are now feeding into a broader discussion over whether the Commission's model should be imposed on other institutions.

Opposition is growing in some parts of the Parliament, fed by fears that any inter-institutional agreement will not stop rogue lobbyists and yet could curtail the political freedom of MEPs, by restricting who they meet.

More problematic even than the Parliament is the question of what role – if any – the Council of Ministers will play in the new regime. Against expectations, there are those in favour of tougher transparency rules who believe that keeping the Council out of the plan altogether is the best way forward.

Speaking at a meeting of Parliament's budgetary control committee last month, Catherine Day, the secretary-general of the Commission, ie, its most senior official, said that the Commission had been "encouraged that the Council has started to talk about the transparency register". She said that she hoped this was "a prelude to a greater interest in participating in it".

"[The Council] is not concerned about [a register] – they think they cannot be lobbied," Day said. "But there is an evolution in place... I see some signs to be hopeful."

The comments baffled MEPs and some senior EU officials, who have detected no change in the Council's position. "So far, we haven't had any signals from the Council that they want to talk to

us,” says Dennis de Jong, an MEP with the Confederal Group of the European Left/Nordic Green Left who is co-chair of Parliament’s cross-party intergroup on integrity, transparency, anti-corruption and organised crime.

Day’s remarks sparked speculation among MEPs that the Commission’s inter-institutional arrangement would grant the Council everything it wanted: perhaps introducing a requirement that officials in the Council secretariat meet only organisations that are on the register, while giving permanent representations of the member states a free hand to meet whomever they like. “It doesn’t bode well,” de Jong says.

Meanwhile, Pam Bartlett Quintanilla, a researcher at the Madrid-based Access Info Europe, says that the prospect of the Council vetoing any proposal for legislation on transparency has left many activists wondering if it might be simpler to keep the Council out of discussions altogether, for the moment, to focus attention on getting a mandatory (ie, law-backed) regime in place to cover Parliament and the Commission. They calculate that to insist on getting the Council on board would set back the cause of greater transparency.

The register as it stands is voluntary. While its defenders say that a voluntary register is all that is possible under current EU law, its critics say that the register is flawed because lobbyists are under no obligation to sign up and that those that do register are under no meaningful obligation to provide accurate information. The case of a consultancy, BearingPoint, that recently mistakenly declared lobbying turnover of half a billion euros is symptomatic, say its critics, of this laxity.

Because there can be no penalty for misleading data appearing on the register – apart from temporary or permanent removal from the register –the regime is ill-equipped to manage the demands of transparency policy, they say.

“The register as it now stands is still not good enough to provide an accurate picture of the lobbying we see in Brussels,” says Bartlett Quintanilla. “There are still organisations that do lobbying but aren’t registered, others not declaring financial information or not updating. It is impossible to see who the main players are.”

Commission officials point to changes to the register that it introduced in January – including a streamlined ‘alerts and complaints’ procedure – saying that they will ensure the database is soon up to scratch.

The Commission is in the awkward position of having to present a blueprint for transparency reform – its proposal for an inter-institutional agreement – just as the effectiveness of the centrepiece of its disclosure regime, the transparency register, is under renewed scrutiny. Restoring the register’s credibility will be an urgent priority, so expect some energetic policing of the register in the weeks to come.