

# Public Consultation on a proposal for a mandatory Transparency Register

Fields marked with \* are mandatory.

## Public Consultation on a proposal for a mandatory Transparency Register

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The European Commission seeks the views of all interested parties on the performance of the current Transparency Register for organisations and self-employed individuals engaged in EU policy-making and policy implementation and on its future evolution towards a mandatory scheme covering the European Parliament, the Council of the EU and the European Commission.

### QUESTIONNAIRE

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Are you responding as:

- An individual in my personal capacity
- The representative of an organisation registered in the [Transparency Register](#)
- The representative of an organisation not registered in the Transparency Register

\*

Please provide your Register ID no:

49931835063-67

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Name of the organisation:

Access Info Europe

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The organisation's head office is in:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Germany
- Denmark
- Estonia
- Greece
- Spain
- Finland
- France
- Hungary
- Croatia
- Ireland
- Italy
- Lithuania
- Luxembourg
- Latvia
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Sweden
- Slovenia
- Slovak Republic
- United Kingdom
- Other country

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\*Your organisation belongs to the following type:

See a description of the below categories [here](#)

- Professional consultancies
- Law-firms
- Self-employed consultants
- Companies and groups
- Trade and business associations
- Trade unions and professional associations
- Other organisations including: event-organising entities (profit or non- profit making); interest-related media or research oriented entities linked to private profit making interests; ad-hoc coalitions and temporary structures (with profit-making membership)
- Non-governmental organisations, platforms, networks, ad-hoc coalitions, temporary structures and other similar organisations
- Think tanks and research institutions
- Academic institutions
- Organisations representing churches and religious communities
- Regional structures
- Other sub-national public authorities
- Transnational associations and networks of public regional or other sub-national authorities
- Other public or mixed entities, created by law whose purpose is to act in the public interest

Contact for this public consultation:

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## A. GENERAL PART (7 questions)

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### 1. Transparency and the EU

1.1 The EU institutions interact with a wide range of groups and organisations representing specific interests. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect the interests of citizens, businesses and other stakeholders. The decision-making process must be transparent to allow for proper scrutiny and to ensure that the Union's institutions are accountable.

\*

a) Do you agree that ethical and transparent lobbying helps policy development?

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

Access Info Europe is of the opinion that participation in EU decision-making processes by a wide range of members of the European public greatly helps to ensure that policies are developed in full consideration of the public interest and common good. Indeed, the EU treaties state that institutions shall “give citizens and representative associations the opportunity to make known and \*publicly\* exchange their views in all areas of Union action; in addition, the institutions shall \*maintain an open, transparent and regular dialogue\* with representative associations and civil society” (emphasis added).

The EU therefore has an obligation to ensure that such transparency is achieved, which mandates for full transparency around interactions with lobbyists. Indeed, transparency is essential for members of the public to be able to follow how a particular decision at the EU level is being or was taken.

The International Standards for Lobbying Regulation recognise that transparency of lobbying activities is key to increasing public confidence and oversight in policy development and decision making. It helps to reduce the risk of capture of decision making by private interests.

The Standards can be accessed here: <http://lobbyingtransparency.net>

The need for lobby regulation is ever more pressing in the current political and economic context in which there is widespread public concern about an overly-close relationship between private interests, such as those of banks and businesses, and public policy making. As the Organisation for Economic Cooperation and Development (OECD) stated in 2014, “in the wake of a global crisis where adequate protection of the public interest has been questioned worldwide, there is a growing need to assess the progress made in effectively ensuring an open, balanced and informed public decision-making process.”

It is essential that diverse participation in public decision-making is guaranteed so that all viewpoints are taken into account, helping policy development and better policy-making in the public interest.

Lobbying is one method of participation but it needs to be regulated in order to ensure a level playing field for all those who wish to engage in policy development.

Whilst there is no clear definition of ‘ethical lobbying’ in a general sense, there are clear international standards that the EU Commission should adhere to on lobbying by the tobacco industry. The European Union institutions should do more to ensure it meets these standards, especially following criticism by the EU Ombudsman for not having fully implemented the World Health Organisation's Framework Convention on Tobacco Control. Tobacco control policies should not be influenced by lobbying from the tobacco industry.

It is important to remember that responsibility for transparency should be shared by lobbyists and public officials, but it is public officials who should be accountable to the public for decisions taken.

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b) It is often said that achieving appropriate lobbying regulation is not just about transparency, i.e. shedding light on the way in which lobbyists and policy-makers are operating. Which of the below other principles do you also consider important for achieving a sound framework for relations with interest representatives?

More than one answer possible

- Integrity
- Equality of access
- Other (please elaborate in the comments box below)
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

Whilst International Standards for Lobbying Regulation emphasise the integration of transparency (as discussed in the earlier question), into any lobbying transparency regulation, it is also essential that integrity, participation (linked to equality of access), and adequate record keeping are considered so as to achieve a sound framework for relations with interest representatives.

A. Integrity is a very important element to effective lobbying regulation. Both lobbyists and public officials should be held to the highest standards of integrity in order to eliminate possible conflicts of interest, undue influence, bribery, and bias in favour of any particular private interest over the public interest when developing public policy. Public officials should have heightened responsibilities given their role as the holders of entrusted power.

The International Standards also outline restrictions around the pre- and post-employment of public officials to ensure there are no conflicts of interest between one's work as a public official and earlier or later private employment. Employment after public service should require approval from a designated ethics agency, and any omission to declare details before taking on employment in the public service that may be relevant for identifying potential conflicts of interests should trigger disciplinary procedures. Consequently, institutions should tackle the problem of the revolving door phenomenon.

B. Equality of access, as understood by the International Standards within the principle of participation, is key to any framework regulating lobbying activities. Lobby regulation should ensure a level playing field for those wishing to participate and reduce the possibility of undue influence or unbalanced input into policy development in the public interest.

The right to participate should be implemented by EU institutions to the fullest possible extent, as enshrined in the Lisbon Treaty which states that "Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen".

Guaranteeing equality of access is essential, given that in previous years (2011 and 2014) the European Parliament froze the budgets of Commission expert groups until they could ensure varied and balanced input into the policy development process.

C. The EU institutions also should ensure that records are kept by the institutions about lobbying activities. Good record keeping is essential for good administration, and in order to allow citizens to understand and form an opinion on how a decision was reached or how a piece of legislation was drafted. We urge the Commission to develop standards on which information should be recorded. We recommend that the level of record keeping is sufficient to permit genuine public engagement in, and full accountability of, EU decision making.

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c) In your opinion, how transparent are the European institutions as public institutions?

- They are highly transparent
- They are relatively transparent
- They are not transparent at all
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*



For purposes of this consultation, Access Info Europe is only focusing on transparency of EU institutions regarding lobbying activities. In this sense, we recognise that the Juncker Commission has introduced important improvements to transparency since 2014. There are however, many areas in need of improvement:

Extending current rules on proactive transparency- The Commission should expand the scope of its November 2014 Decision to include all staff. As such, all staff (including TTIP negotiators) should proactively publishing lists of lobby meetings and, if not proactively published, be disclosed under Regulation 1049/2001. These should be held in a centralised, searchable online database.

Access Info also believes other EU institutions should implement the Commission Decision or introduce similar rules publishing lists of meetings between staff and lobbyists. The majority of officials, as well as decision makers in the Council and Parliament, are currently not covered by such rules, providing a loophole for unregistered lobbyists to influence decision makers.

Access to EU documents- EU institutions should strengthen Regulation 1049/2001 to meet international standards on access to information as well as the Treaty of Lisbon; by widening its scope to encompass all EU institutions, bodies, offices and agencies currently not covered; recognising the fundamental nature of the right of access to information; and ensuring the application of exceptions are subject to harm and public interest tests.

Implementation of the regulation should ensure an efficient process for both citizens and institutions. The Commission should remove obstacles such as the requirement of a "valid" postal address in order to register requests, and limit over-application of exceptions which unnecessarily restrict access to EU documents for citizens. Institutions should ensure there are sufficient resources available so as to answer requests.

Trilogues transparency- All documents used in trilogue meetings should be proactively published in a timely manner. EU institutions should guarantee access to key information such as lists of participants, agendas, minutes of meetings, reports, notes, and documents considered, because trilogues currently take place behind closed doors. Access Info has frequently criticised these informal inter-institutional meetings for undermining accountability and transparency of the legislative process, and violating fundamental rights obligations of EU treaties, which require EU institutions "conduct their work as openly as possible" and "meet in public...when considering and voting on a draft legislative act."

TTIP- The Commission should follow the European Ombudsman's recommendations and provide full transparency on TTIP negotiations. This includes publication of consolidated texts as soon as they are agreed by negotiators. It should also extend the proactive publication of lobby meetings to all negotiators involved in negotiations.

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1.2 The Transparency Register provides information to politicians and public officials about those who approach them with a view to influencing the decision-making and policy formulation and implementation process. The Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyists.

Do you consider the Transparency Register a useful tool for regulating lobbying?

- Very useful
- Somewhat useful
- Not useful at all
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

The EU's experience with the Transparency Register and comparative experience from other jurisdictions confirms that a register of lobbyists is an essential tool for regulating lobbying.

The International Standards for Lobbying Regulation also outline further policies and regulations that form part of the broader regulatory framework to ensure transparent lobbying regulation, and which need to be made consistent, meet the highest international standards, and ensure public scrutiny of the influence of lobbying activities on decision making, including: trading in influence, bribery and other corrupt conduct; political finance (limits and transparency) and sponsoring of election candidates or parties; public procurement and state benefits (due process and supervision mechanisms); media law (independence and sponsorship); labour law (collective bargaining); whistle-blower protection; legislative procedure (including bringing of items under urgency); judicial and administrative review; rights to freedom of speech, assembly and petition of government.

## 2. Scope of the Register

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2.1 Activities covered by the Register include lobbying, interest representation and advocacy. It covers all activities carried out to influence - directly or indirectly - policymaking, policy implementation and decision-making in the European Parliament and the European Commission, no matter where they are carried out or which channel or method of communication is used.

This definition is appropriate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

The definition of lobbying, interest representation, and advocacy as expressed in the current EU Transparency Register is strong and should not be weakened. It meets the definition of lobbying as set out in the International Standards for Lobbying Regulation.

\*

2.2 The Register does not apply to certain entities, for example, churches and religious communities, political parties, Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Regional public authorities and their representative offices do not have to register but can register if they wish to do so. On the other hand, the Register applies to local, municipal authorities and cities as well as to associations and networks created to represent them.

The scope of the Register should be:

- Changed to exclude certain types of entities (please elaborate in the comments box below)
- Changed to include certain types of entities (please elaborate in the comments box below)
- Preserved the same as currently
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

Registration in the Transparency Register should depend solely on the nature of the activity undertaken according to the definition of lobbying, and not on the type of entity that is carrying out the activity.

All churches and religious communities, political parties, and regional and local public authorities including their representative offices should register if they are undertaking lobbying or representing their own interests, according to the definition of what constitutes lobbying. There is a high public interest in citizens knowing how their local and regional representatives interact with European institutions, and how much they spend to influence decision-making, hence making it imperative that they be required to register in the EU Transparency Register. This is supported by International Standards for Lobbying Regulation.

It is also essential that lobby firms, PR firms, and law firms employed to lobby the EU institutions on behalf of third country governments should be required to declare all such clients. The US has strict reporting requirements for representatives of "foreign agents" and the EU should follow suit. The Code of Conduct should reflect this.

Finally, the register must ensure that all law firms correctly register any lobbying work undertaken.

The International Standards for Lobbying Regulation do make an exception for citizens interaction with officials: "the interaction of individual citizens with public officials concerning their private affairs shall not be considered lobbying, save for where it may concern individual economic interests of sufficient size or importance so as to potentially compromise public interest. In such case, a careful balancing act needs to be made on the respective benefit and efficacy of regulation, as well as due consideration given to any constitutional protections and guarantees."

### 3. Register website

3.1 What is your impression of the Register [website](#)?

	Good	Average	Poor	No opinion
*Design and structure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Availability of information / documents	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Ease of search function	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Accessibility (e.g. features for visually impaired persons, ease of reading page)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Access via mobile devices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Comments or suggestions (Optional)

*3000 character(s) maximum*

It is clear that the Register website has undergone significant changes since it was first launched Access Info strongly recommends that further improvements be introduced:

- The data in the lobby register should be available as “open data” (reflecting the spirit of EU Communication on Open Data of December 2011).
- A longer list of most recent registrants.
- Obligatory linking between entries, in particular, where organisations are part of coalitions or associations that are also in the register.
- Greater linking should be made between proactive publication of Commissioner lobby meetings and the register database.
- Greater linking should be made between expert group information and the register database.

4. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

*3000 character(s) maximum*

1. The Joint Transparency Register Secretariat should be given stronger powers to enforce rules around registration. In 2015, Transparency International submitted a complaint about 4253 registrations (around half the register entries) with questionable data.

International Standards for Lobbying Regulation recommend an independent, mandated and well-resourced oversight body or coordinated mechanism that should be charged with managing lobbying registrations, following up on complaints, investigating reported breaches and anomalies, reviewing potential conflicts of interest, collating and disseminating locations of proactively disclosed information, monitoring compliance (including pro-active verification and spot-audits of reports), and even consulting on and defining further regulatory provisions. The lobby regulation regime in Canada contains a comprehensive provision on conducting proactive investigations.

For citizens to know who is lobbying on which issues, it is essential the Secretariat actively monitor entries and seek corrections where necessary. Investigatory and enforcement powers should ensure that at least 20% of declarations per year are checked, and all complaints dealt with speedily.

2. The EU Transparency Register should require more accurate and detailed reporting: Lobby spending and turnover should be disclosed to the nearest €10,000; All lobby consultancies and law firms should be required to list lobby revenue per client, issues upon which they lobby and/or advise per client, and which lobbyist works for which client; Lobby consultancy clients should be registered and entries linked; All individuals lobbying on behalf of a registrant should be listed; Registrants should specify all third parties and amounts paid to conduct lobbying on their behalf; Two register updates per year including financial data, clients, and lobbyist names should be obligatory.

3. The International Standards require lobbyists and public officials be subject to effective, proportionate, and dissuasive sanctions for violating lobbying rules. Sanctions should have a sliding scale, including the threat of criminal sanctions, (temporary) de-registration, and disciplinary proceedings for public officials. Those sanctioned should have their name and employer information published. Personal liability should be attached to the leadership of organisations where they are found to have consented to or connived in the commission of the offence.

Such sanctions would encourage precise disclosure of data by providing lobbyists with a disincentive to entering inaccurate data.

4. Given the important role of national Permanent Representations in EU decision-making processes, and the fact that they are subject to lobbying, Access Info recommends serious consideration be given to incorporating Perm Reps in the EU's lobbying transparency regime, including through declarations made by lobbyists in the register as well as proactive publication by Perm Reps.

If you wish you may provide additional information (position papers, reports, etc) in support of your answers to this public consultation. Please upload no more than three files of up to 1Mb each. Attachments above this number will not be considered.

Attach files

## End of Part A

Part B includes questions that require a certain knowledge of the Transparency Register. Proceed to Part B (optional).

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Do you want to proceed to Part B ?

- Yes
- No

## B. SPECIFIC PART (13 questions)

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### 1. Structure of the Register

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1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the [Interinstitutional Agreement](#)).

Have you encountered any difficulties with this categorisation?

- Yes
- No
- No opinion



## Comments or suggestions (Optional)

*3000 character(s) maximum*

Whilst there is no problem with the categories per se, the Joint Transparency Register Secretariat should ensure that entries and categorisations are entered correctly. The International Standards for Lobbying Regulation recommend that an oversight body be charged with actively managing lobbying registrations and compliance with the rules.

The Joint Transparency Register Secretariat should also offer more precise descriptions for the different categories and provide examples to indicate how certain kinds of organisations should categorise themselves. This will help to facilitate more accurate entries.

## 2. Data disclosure and quality

\*

2.1 Entities joining the Register are asked to provide certain information (contact details, goals and remit of the organisation, legislative dossiers followed, fields of interest, membership, financial data, etc) in order to identify the profile, the capacity of the entity and the interest represented (Annex I of the [Interinstitutional Agreement](#)).

The right type of information is required from the registrant:

- Fully agree
- Too much is asked
- Too little is asked
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The International Standards for Lobbying Regulation require that lobby registers include information on the lobbyist's identity; the subject matter of lobbying activities and outcomes sought; the ultimate beneficiary of lobbying activities (where relevant); the targeted institution and/or the public official concerned; the type and frequency of lobbying activities; any supporting documentation shared with the public officials; lobbying expenditure, including in-kind (calculated to set criteria, in cost bands, if need be); sources of funding, per client and per dossier; any political contributions, including in-kind; any prior roles as public official held by the individual and/or family members; and public funding received.

Whilst the current register already includes much of this information, the data needs to be more detailed and monitored by the Secretariat to ensure that the register presents a reliable picture of lobbying at the EU level. For example, consultancies and law firms are required to disclose their lobby turnover and their lobby revenue per client, but only in very broad bandwidths. Lobby turnover for all entries in the register should be disclosed to the nearest €10,000. This will help ensure that the register provides an accurate picture of how much is being spent on EU lobbying, and by whom. Two register updates per year including financial data, clients, and lobbyist names should be obligatory.

Currently all registrants are required to record the main EU initiatives, policies, and legislative files lobbied on. Many organisations however, make only general, imprecise declarations; this needs remedying so that the register provides a clear picture of who is lobbying on what. Furthermore, all lobby consultancies and law firms should be required to list, alongside the specific lobby revenue received from each client, the precise issues upon which they lobby and/or advise each client.

Entries in the EU Transparency Register should disclose the names of all lobbyists operating on a registrant's behalf. This will help to reduce the number of mistakes of some entries such as those which name whole staff bodies as lobbyists, as well as bring greater transparency to around the lobby activities of former commissioners, officials, MEPs and others, known as the "revolving door" phenomenon.

Entries in the register should specify all third party organisations paid (via membership fees, donations, payments for lobbying services provided etc) to conduct lobbying on their behalf and indicate how much it pays them: law firm, lobby consultancy, business group, NGO coalition, or grass-roots organisation or others. This should also lead to more accurate financial disclosure of lobbying activities.

Think-tanks should disclose all their funding sources, not only whether the funding comes from public or private sources.

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2.2 It is easy to provide the information required:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

\*

2.3 Do you see any room for simplification as regards the data disclosure requirements?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

The disclosure requirements of the register do not need to be simplified. Better guidance should be developed in order to reduce the administrative burden for registrants by making it clearer about what information is required. More use could be made of hypothetical examples and emphasis placed on best practice.

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2.4 What is your impression of the overall data quality in the Register:

- Good
- Average
- Poor
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

In 2015, Transparency International complained to the Secretariat about 4253 registrations (around half the register entries) with questionable data. In order for citizens to know who is lobbying on which issues, it is essential that the Secretariat actively monitor and ensure accurate data for register entries.

The investigatory and enforcement powers of the Secretariat, along with adequate human resources, need to be transformed so that at least 20% of all declarations (especially financial data) each year are checked, and all complaints dealt with speedily.

Particular priority should be allocated to ensuring the accuracy of the financial data within registrations and software could easily be developed to alert registrants of unlikely-looking entries, or to highlight such entries to secretariat staff, accelerating the pace of investigations. Canada is a positive example of a lobby regulation that contains a comprehensive provision on investigations and how they should be conducted.

## 3. Code of Conduct and procedure for Alerts and Complaints

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3.1 The Code of Conduct sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions (Annex III of the [Interinstitutional Agreement](#)).

The Code is based on a sound set of rules and principles:

- Fully agree
- Partially agree
- Disagree
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The Code of Conduct covers many important points although some key phrases such as “inappropriate behaviour” remain undefined. The European Parliament's April 2014 Decision on the modification of the interinstitutional agreement on the Transparency Register provides an adequate definition.

The Code of Conduct should also prohibit representation by private firms of the tobacco industry. According to the World Health Organisation's Framework Convention on Tobacco Control, institutional contacts with the tobacco industry should be kept to a minimum.

A further concern is that the Code of Conduct is too indirectly linked to the system of sanctions. Breaches of the Code of Conduct should be more readily sanctioned; see below for more information.

3.2 Anyone may trigger an alert or make a complaint about possible breaches of the Code of Conduct. Alerts concern factual errors and complaints relate to more serious breaches of behavioural nature (Annex IV of the Interinstitutional Agreement).

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a) The present procedure for dealing with alerts and complaints is adequate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

International Standards for Lobbying Transparency require a complaint mechanism that allows anyone to report violations either openly, confidentially or anonymously and to be informed on the specific outcome of the complaint, subject to any privacy limitations.

Whilst the EU Transparency Register currently allows for complaints to be made, the Secretariat's lack of resources means that it is ineffective in managing the register, reviewing potential conflicts of interest, monitoring compliance, following up on complaints, or investigating apparent breaches and anomalies, as is required by the International Standards. The lack of staff in the Secretariat is particularly apparent when one compares with the Canadian register, which has 28 staff members yet only a third of the entries of the EU Transparency Register. The Secretariat should have appropriate resources in order to ensure an effective and functioning lobby regulation regime.

For citizens to have confidence in the system, the Secretariat should act where breaches of the register are found and dissuade incorrect information from being entered in the register. This should include rules whereby not correcting erroneous data is punished by suspension from the register (and the incentives that go with it). This may go as far as a blacklist for repeatedly erroneous data or permanent suspension from the register.

A legally-binding lobby register would help to remedy such problems by enabling the implementation of sanctions such as fines or even criminal prosecutions for serious breaches of the rules (which is closer to the systems in place in the US and Canada).

\*

b) Do you think that the names of organisations that are suspended under the alerts and complaints procedure should be made public?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

The names of organisations that are suspended under the alerts and complaints should be made public as this will provide an incentive for registrants to ensure they have disclosed accurate and up-to-date data.

## 4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register [website](#) in relation to registration and updating?

	Straightforward	Satisfactory but can be improved	Cumbersome	No opinion
*Registration process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Updating process (annual & partial)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

*3000 character(s) maximum*

The register is user friendly and simple to use but therefore prone to entries containing erroneous data. The register should implement simple software solutions that help to highlight erroneous data before entries are submitted - for example, a large number of lobbyists versus small lobby expenditure, or if data appears to drastically change from year to year.

Furthermore, Access Info considers that the register would be far more effective and precise if all registrants were required to submit at least two updates per year, and on fixed dates such as 31 January and 31 July. At the moment, the 9000+ organisations in the register are only required to submit one annual update to their registration and this can happen at any point in the year. As a result, the data posted is not always comparable as it relates to different time periods. Such a reform would also help to enforce the current rule that all registrants should use the financial data from the most recently-closed financial year.

## 5. Current advantages linked to registration

5.1 The European Parliament and the European Commission currently offer certain practical advantages (incentives) linked to being on the Register. The Commission has also announced its intention to soon amend its rules on Expert groups to link membership to registration. Which of these advantages are important to you?

In the European Parliament (EP)

	Very important	Somewhat important	Not important	No opinion
<p><b>*Access to Parliament buildings</b> : long-term access passes to the EP's premises are only issued to individuals representing, or working for registered organisations</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Committee public hearings:</b> guests invited to speak at a hearing need to be registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Patronage:</b> Parliament does not grant its patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the European Commission



	Very important	Somewhat important	Not important	No opinion
<p><b>*Meetings:</b> organisations or self-employed individuals engaged in relevant activities must be registered in order to hold meetings with Commissioners, Cabinet members and Directors-General</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Public consultations:</b> the Commission sends automatic alerts to registered entities about consultations in areas of interest indicated by them; it differentiates between registered and non-registered entities when publishing the results</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Patronage:</b> Commissioners do not grant their patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Mailing lists:</b> organisations featuring on any mailing lists set up to alert them about certain Commission activities are asked to register</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Expert groups:</b> registration in the Transparency Register is required in order for members to be appointed (refers to organisations and individuals appointed to represent a common interest shared by stakeholders in a particular policy area)</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Comments or suggestions (Optional)

*3000 character(s) maximum*

Whilst there should be a legally-binding regulatory framework to ensure lobbying transparency with sanctions for non-compliance, it is also important to encourage registrations with incentives, as recognised by the International Standards for Lobbying Regulation. These standards however, note that “any lobbyist incentives should be considered with care, so as not to entrench special privilege of organised interests over those of individual citizens.”

Any incentives or advantages to registration should not restrict the principle of equal treatment. For example, Access Info strongly recommends that citizens be able to sign up to receive notifications of public consultations in their fields of interests; these are currently only sent to registered lobbyists.

## 6. Features of a future mandatory system

\*

6.1 Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

- Yes
- No
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The following interactions should be made conditional upon prior registration:

European Commission:

- Any lobby meeting with any Commission official
- Any participation in expert groups, advisory groups, market access groups
- Any attendance by Commission staff and commissioners at meetings and other events organised by lobbyists

European Parliament:

- All meetings by MEPs, their staff and Parliament with lobbyists
- All events in the Parliament's premises organised by lobbyists
- Any participation by MEPs, their staff and Parliament staff at events and activities organised by lobbyists
- Any participation in official Parliament intergroups and unofficial cross-party groups which organise events inside the Parliament

European Council, the Council, and member states:

- Any lobby meeting held by President Donald Tusk, members of his Cabinet, and staff from the secretariat
- Any lobby meeting held by the General Secretariat of the Council
- Any lobby meeting held by the Permanent Representations on EU decision-making matters
- Any lobby meeting held by staff from the European External Action Services, high-level representative Federica Mogherini and her Cabinet

Yet even if all of these incentives are implemented, they will still only lead to a de facto mandatory register. There remains a pressing need for a legally-binding register.

\*

6.2 Do you agree with the Commission's view that the Council of the EU should participate in the new Interinstitutional Agreement on a mandatory Register?

- Yes
- No
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The European Council and Council of the European Union are EU institutions that participate in the decision-making process and should be included in the EU Transparency Register regime.

Recently published research by ALTER EU (<http://alter-eu.org/documents/2016/03-0>) reveals that member states' permanent representations in Brussels provide a legal loophole for lobbyists seeking to influence EU decision-making processes without being registered on the transparency register.

The EU institutions should work to ensure loopholes are closed by any agreement, and ideally, this should result in a commitment to a legally-binding system that includes all EU institutions and permanent representations.

## 7. Looking beyond Brussels

\*

7.1 How does the Transparency Register compare overall to 'lobby registers' at the EU Member State level?

- It is better
- It is worse
- It is neither better, nor worse
- No opinion

Good practices or lessons learned at the EU Member State level to be considered, or pitfalls to be avoided. (Optional)

*4000 character(s) maximum*

Whilst there are few examples in the European Union of developed lobby transparency registers, the US and Canada both are examples of registers with years of implementation and application of sanctions. The European Union should explore positive aspects and avoid weaknesses of these registers as well as other registers in place around Europe.

In any case, the EU institutions should implement lobby regulation rules that meet international standards with strong transparency requirements, to serve as an example for members states, many of which are currently looking to introduce or improve the legal framework for lobby regulation.

Access Info notes that in many countries across the EU it is possible to obtain documents about lobbying, including details minutes of meetings, using national access to information laws. This often reflects good practices on record-keeping, which the EU could do well to look at.

## 8. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

*3000 character(s) maximum*

Access Info Europe welcomes this consultation process, and looks forward to the feedback to be provided by the Commission.

The Commission should ensure that the inter-institutional agreement process is conducted as openly as possible. Meetings of the high-level working group of the European Commission, Parliament, and Council that will discuss the new IIA should be open to the public and web-streamed. The draft agreement, proposed changes, agendas, and minutes should be made available online promptly.

Finally, all EU institutions should regularly review EU transparency rules and their implementation to see where improvements can be made to ensure greater transparency. This would include, but not be limited to, Regulation 1049/2001 and the EU Transparency Register.

### \*Publication of your consultation

- I agree to my contribution being published.
- I do not agree to my contribution being published.

[Specific privacy statement](#)

## **Useful links**

Read more on the public consultation homepage

([http://ec.europa.eu/transparency/civil\\_society/public\\_consultation\\_en.htm](http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm))

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