

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

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

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Please provide your Register ID no:

501222919-71

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Name of the organisation:

Transparency International

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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

*

*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)

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.

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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

Interest representation and lobbying is a vital part of any democracy closely related to universal values such as freedom of speech and the right to petition government. A democratic society is based on a pluralism of interests that holders of public office must navigate in order to take reasoned decisions that favour the general interest. In a healthy democracy, political representatives should be open to contact with their electorate, and citizens and interest groups should be able to communicate with administrative bodies, organise in associations and political parties, choose representatives in parliament, and generally participate in the political process. Lobbying enables those affected by public decisions to engage in the political process and also has the potential to enhance the quality of decision-making by providing channels for the input of valuable expertise.

Lobbyists come in many forms as diverse as environmental NGOs or multinational companies. Expertise is provided to policy makers on a daily basis by professional consultancies, law firms, industry associations, labour unions, NGOs, think tanks, religious communities and embassies.

We see, however, that the misbehaviour of a few is sufficient to discredit an entire profession. The risk of undue influence and corruption in the political process seriously undermines the functioning of a democracy. There is a significant public interest in ensuring the transparency and integrity of lobbying, as well as diversity of participation and contribution to public decision-making.

Any attempt to regulate lobbying must address the broader issue of equality of opportunities of access, structural imbalances in resources and the integrity in interest representation. A first step to ensuring a level playing field in the decision-making process is transparency. Lobbying, and the impact it has on legislation and policies, should be made transparent so that society at large can know who exercises influence and how. Indeed, transparency of lobbying permits any stakeholder in society to react to ongoing lobbying with their own efforts. Transparency also makes politicians aware that the public is watching, and allows citizens to hold decision-makers to account.

Efforts to shed transparency on lobbying, should take into consideration the challenges in determining whose interests are represented by which lobby groups. Therefore, interest representatives need to disclose who finances them, including if there is indirect financing through front organisations. This would contribute to mitigating risks of hidden representation of interests and ensuring ethical lobby practices.

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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

Transparency International believes that full lobbying transparency is the foundation on which a more comprehensive integrity system should be built. To limit undue influence by lobbying and to prevent conflicts of interest, additional integrity measures are needed. To further improve European democracy and ensure the best possible policy outcomes, the EU institutions should also make sure that all stakeholders have equal access to the decision-making process and all can provide their expertise and input.

Recommendations

To complement the integrity system and the existing Code of Conduct for interest representatives, a Code of Conduct for public officials should be introduced. Lobby transparency needs to be embedded in a strong integrity framework guiding the exchange of information between interest groups and public officials requiring:

- clear expectations of impartiality and fidelity to public interest;
- practical guidance on how to deal with gifts and hospitality,
- guidance on handling official information, and communication with third parties;
- a robust system of conflicts of interest management,
- periodic disclosure of interests, rules regarding incompatibility of simultaneously acting as a lobbyist while in office,
- a rule to only meet registered lobbyists,
- control of the revolving doors between the public and the private sectors, and
- sanctions for non-compliance

Equality of access can be strengthened by:

- approving legal requirements that allow citizens, interest groups and

corporate bodies to equally input into legislative items under considerations. This means for example that clear targets for balanced composition of expert groups should be set;

- introducing a legal requirement on public bodies to publish the results of consultation processes, including the views of participants. This means for example that deliberations of EC expert groups should be published;
- making open all calls for applications to sit on advisory/expert groups and introduce selection criteria to ensure a balance of different interests.

Reasoning

Regulation is only one element to ensure fair lobbying. Enforcement of any regulation, coupled with a broader willingness by all actors involved to act ethically, is crucial to creating an environment of ethical and fair lobbying in public decision-making.

For this reason, Transparency International advocates for a three tier system of regulation consisting of:

1. a core of strong regulations,
2. an additional layer of Codes of Conduct for public officials and
3. a functional, strong sphere of civil society monitoring.

In this context, Transparency International sees a clear priority in the overhaul of the current EU Transparency Register to allow for full structural transparency to monitor who influences policy-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

The EU institutions are relatively transparent compared to EU member states, as shown by Transparency International's extensive research on the transparency of the EU Institutions in past years, including 'Money Politics, Power: Corruption Risks in Europe' (2012), 'EU Integrity Study' (2014), 'Lobbying in Europe' (2015), and 'Brussels Lobbying in Numbers' (2015).

Transparency International welcomes the transparency initiative of the European Commission, which makes strong commitments to increased transparency by publishing meetings of Commissioners, their Cabinets and Director-Generals, who only meet with lobbyists listed in the Register. On the other hand we also see that transparency in the Council is often on the level of the worst performing member states.

When looking at specific aspects of transparency, the EU institutions often lag behind what is already done in some member states and also behind international best practise. Particularly in the US and Canada, the rules governing lobbying, access to documents, stakeholder meetings and the work of Parliament in general lead to far greater transparency. We also see that several member states are currently putting in place mandatory lobby registers or are otherwise increasing transparency and the EU needs to make substantial progress in order not to fall further behind.

TI's recent report "Lobbying in Europe: Hidden Influence, Privileged Access" - the first-ever comprehensive assessment of lobbying across 19 European countries and three EU institutions - shows that rules regulating lobby contact are often missing or deficient. By assessing 65 indicators covering transparency, integrity and equality of access, TI calculated that the average score for the quality of lobbying regulation in the three core EU institution is only 36% compared to international best practise. The European Commission performed best of the three, achieving 53%, while the European Parliament scored 37% and the Council of the EU a meagre 19%. This performance is very disappointing if one considers that Brussels, with over 25,000 lobbyists, is the hub of lobbying on the continent. The need for more robust transparency provisions across all EU institutions is further underlined by the fact that EU institutions, being perceived as removed from citizens, are in extra need to regain visibility, trust and legitimacy. For this reason, EU institutions need to be transparency champions, leading by example.

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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

Transparency International supports the view that lobby registers are essential in allowing citizens to track influence in the political process if they are designed with comprehensive definitions (including all who seek to influence public decisions), if they are mandatory, and if they are coupled with meaningful oversight mechanisms. In its current form the EU Transparency Register is only “somewhat useful”.

In order to increase the usefulness the following actions should be taken:

- Coverage of all lobbyists by the register - Some organisations, law firms and consultancies in particular, are still reluctant to sign up to the Transparency Register. The EU Institutions need to reinforce their efforts to include all organisations in the register that seek to influence them directly or indirectly.
- Greatly improve the data quality of the register. While the register is based on a sound definition of lobbying and now includes information on over 9,000 registered organisations, the poor data quality of the register seriously reduces its usefulness as a monitoring tool. Misleading, missing or outright false information in the registrants declarations make it practically impossible to come up with reliable assessments and comparisons of Brussels lobbying.
- The register should become the central hub of lobby transparency. This means it should be upgraded to include other information, such as members of expert groups, organisations' answers to public consultations, and lists of lobby meetings at the Commission, among others.

In time, the Transparency Register should allow users to track who has influenced a certain decision or law in what way. In short it should provide a “legislative footprint”.

TI's recent report “Lobbying in Europe: Hidden Influence, Privileged Access” illustrates that all seven EU Member States that have specific lobbying regulations (Austria, France, Ireland, Lithuania, Poland, Slovenia and the United Kingdom) have all opted for a register as the cornerstone of their approach, requiring lobbyist registration and, in most cases, a periodic reporting of activities. However, all of these registers are inadequate. Many of the lobbying related laws and regulations that exist in Europe are, to varying degrees, flawed or unfit for purpose. There are also problems with weak implementation and lack of enforcement of existing rules. The registers also have defective definitions limiting the scope of the register, non-mandatory reporting and/or public disclosure, the use of inaccessible or non-user-friendly data formats, and weak or absent oversight mechanisms and sanctions.

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

Transparency International welcomes the broad definition of lobbying on which the EU Transparency Register is built.

The Register should continue to include all external influence. As such, third country embassies should be included on the list of organisations seeking to influence EU decision-making that should be covered by the register.

The definition of interest representation should not be made any more restrictive. Transparency International has observed how in the UK, for example, a definition that is too restrictive has led to a situation where less than 1% of the lobbyists are covered by the register.

In light of the original spirit of the Transparency Register, Transparency International reiterates that the current register should not be merely focus on lobbying, but should move to include and link information on EU decision-making.

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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

The EU Transparency Register aims to make the influence of interest representatives transparent. In that sense it is more than a lobby register and should cover all actors that have an impact on EU decision-making. In addition, since the definition includes both direct and indirect influence it should also take into account where certain actors advance the cause of lobbyists without this being transparent. This is the case, for example, for embassies of third countries. They often represent the interests of their business community or individual companies (“national champions”). Their influence on EU decision and law-making should be made transparent in the same way as the influence of NGOs, companies or trade unions.

Where national registers are missing, the EU Transparency Register should also consider to capture potential lobby influence coming through Member States’ services at national, regional or local level. We see them taking on positions of their national champions or important industries.

All organisations that currently fall under the scope of the register should remain there. Public organisations and entities from within the European Union that do not have a direct role in the EU law-making process, in particular, should remain under the scope of the register, despite their lobbying to convince the institutions that they are indeed not lobbyists.

Some organisations, law firms and consultancies, in particular, still refuse to sign up to the Transparency Register. The EU Institutions thus need to reinforce their efforts to ensure all organisations who should sign up do sign up.

3. Register website

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

	Good	Average	Poor	No opinion
*Design and structure	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Availability of information / documents	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Ease of search function	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

The EU Transparency Register website should be the EU institution's central hub for information on the legislative process and the actors influencing it. The availability of information / documents on the register can be further improved by merging or connecting existing information and databases.

Information on Commission meetings with lobbyists is currently scattered over 98 different webpages. Also, the meetings are not linked to the registrations of lobbyists despite the fact that the link already exists in the Commissions internal systems. The Commission's approach to transparency is often cumbersome and does not take into account the end user's perspective. All information concerning the decision-making process and lobbying should be stored in a central interconnected database and should be accessible in open data formats (ideally through an API). This should include the current Transparency Register, the lists of meetings with lobbyists, written input by lobbyists in public consultations or expert groups as well as register of expert groups itself.

There should also be more guidance for registrants. The introduction of automatic plausibility checks would avoid common mistakes, such as confusing turnover with lobby budgets, and reduce the administrative burden for the JTRS. A number of automatic alerts for the online registration form could greatly help in this regard.

The search function should be improved. To improve general accessibility and relevance of displayed information, an (advanced) search function should allow comparing, ranking, and visualizing different entries. Search results are not ranked and do not currently display the information that was searched for - each result has to be opened individually to get the desired data.

Transparency International's www.integritywatch.eu is a good example of visually presenting the data in a searchable way.

Moreover, the search function should be granted a prominent place on the main page of the Register and not be part of the subsection called "Consult the Register". The search field that remains on all pages in the top right corner should allow to search for other organisations when already on a page of the register, rather than searching the (unconnected) www.europa.eu domain and not yielding results from the register. To further simplify the process for heavy users, the data of the Transparency Register should also be made available in API format to allow users to retrieve the most up-to-date data directly from the database. This would make it easier for other organisations to develop tools and applications that use information from the Transparency Register, such as Corporate Europe Observatory's LobbyFacts or Transparency International's EU Integrity Watch.

Finally, the website should also provide easy access to historic data (old versions of the register) to enable comparison and monitoring.

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

The forthcoming Inter-Institutional Agreement, reviewing the functioning of the Register, is a unique opportunity for substantial and ambitious reform. Transparency International thus urges the three EU institutions involved – the European Commission, European Parliament and the Council – to make the register mandatory by:

Putting in place an effective system to motivate all organisations influencing EU decision-making to sign up to the Register. Unregistered lobby organisations should, for example, no longer be able to meet officials, organise events, and participate in hearings or expert groups.

Ensuring that the new Transparency Register covers all EU institutions involved in the political decision-making process: this means a new effort is required to include the Council. Politicians and high-ranking civil servants from these institutions should no longer meet with unregistered lobbyists and should publish their meetings online.

Designing a robust system with better legal definitions, monitoring procedures and sanctions that encourages registrants to provide accurate information. Organisations that do not comply with the rules should be sanctioned subject to due process, including an independent body to rule on alleged violations and an appeal procedure.

These demands are supported by over 67,000 citizens who have signed our online petition (change.org/eu-lobbying) as well as a number of lobby organisations including SEAP, EPACA, CCBE and others that have co-signed a joint letter: “Lobbyists for transparent lobbying.”

Make the negotiations on the Inter-Institutional Agreement as open and transparent as possible

Transparency International has actively followed negotiations on previous IIAs. Unfortunately, these negotiations behind closed doors do not attract the same transparency standards as ordinary legislative procedures, which means that citizens cannot easily follow the exchange of arguments. We hope that the new standards for lobbying transparency will not be drawn up in the same opaque fashion as previous agreements. We therefore suggest that 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 also be made available online.

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)

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

The categories provided by the Register are generally good. However, Transparency International has observed that a number of organisations categorise themselves wrongly. As part of a new IIA it should be considered to clearly separate corporate from non-commercial interests by moving the subsection 'Trade Unions and Professional Associations' either into its own category or integrating it into "III. Non-Governmental organisations".

2. Data disclosure and quality

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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 scope and quality of the information that lobbyists are required to disclose in the register largely determines whether or not the register is useful as monitoring tool. When compared internationally to other lobbying registration systems, for example, in the United States and Canada, the degree of detail of the information provided is more limited and the data quality is much lower.

There should also be more guidance for registrants. The introduction of automatic plausibility checks would avoid common mistakes, such as confusing turnover with lobby budgets, and reduce the administrative burden for the JTRS. A number of automatic alerts for the online registration form could greatly help in this regard.

Recommendations

In a reformed Register, Transparency International would like to see additional information provided by registrants on the following:

- up-to-date financial information. All financial information on the Register is currently provided for the “last closed financial year”. For many declarations this means information on how much an organisation spends on lobbying the EU is over 1.5 years old. Since this value is in any case an estimate and the bands are very wide (1-1.25 million EUR for example) the estimate should be for the current year and it should be updated when significant changes occur.
- information on revolving door cases. Entries should provide information on staff that have gone through the revolving door. Lobby organisations that employ former MEPs, Commissioners or senior officials should provide that information as part of their entries on the register in order to allow the public to monitor potential conflicts of interest.
- an option for registrants to upload documents such as policy papers or letters that seek to influence the EU institutions

The EU institutions themselves could also provide additional information or linking existing information to the entries on the register:

- entries should be automatically linked to information on grants received, the register of expert groups, the high-level meetings with the European Commission, contributions to public consultations
- information on which organisations have been suspended or deregistered. This would increase accountability. As it stands, it is impossible to see who has been sanctioned.

There should also be more emphasis on ensuring the required information is provided. There should be automatic alerts if fields are not completed with the necessary diligence. For example, the description of activities and legislative files followed could be standardised with drop-down menus with all ongoing legislative files.

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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

Under the current design of the register, it is easy to provide the information required and the administrative burden is reasonable. As one of the first registrants, Transparency International has been filing its declaration without issues for years. Since 2015 we have a single registration for the entire movement, which slightly complicated the registration. Transparency International supports all efforts to limit administrative burden on registrants as far as possible without compromising essential information. For this, new technological solutions and an overhaul of the guidelines for the register should be envisaged. Changes in this regard should include:

In terms of technical solutions

- Automatic alerts that ask registrants to reconfirm implausible declarations such as particularly short explanations or registrants declaring higher lobby expenditure than turnover. It should also be calculated how much lobby expenditure is declared per full-time lobbyist and if the amount is smaller than a minimum wage or larger than 500,000€/lobbyist/year this should be explicitly confirmed.
- On the lobbying expenditure in particular data accuracy might be improved by asking for the different budget lines (staff, office, consulting/communications budgets...) separately.
- Drop-down menus should be introduced where possible, particularly for the legislative files a registrants is active on (synced with EULex or the legislative observatory).

In term of better guidance

- Overhaul of the guidelines to rule out ambiguities using non-technical language.
- better guidance on how to calculate Full-Time Equivalents or Lobby budgets so that entries in the register are comparable.

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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

Transparency International suggests introducing gradual data disclosure requirements. In short small organisations with little interactions with the institutions should disclose a minimum, while organisations with larger lobby budgets and many interactions should provide much more detailed information. Such a system would create a sort of „light“-registration to the EU Transparency Register, allowing organisations to gain access to the EP by only providing the name of their organisation. That way MEPs could continue to meet citizens, constituents and lobbyists in an unhindered fashion, not impacting their free mandate and their interactions with voters. At the same time, at least a minimum of information on these meetings would be published. For many lobbyists this would mean a reduction of administrative burden as smaller organisations only provide limited information.

Transparency International suggest to create an additional category of lobbyists for those organisations that are most active and have the biggest budgets to influence EU policy making. Organisations having more than 3 high-level meetings per year with Commissioners or their closest advisors or those organisations spending more than 1 million euros annually on their lobbying activities should receive additional scrutiny and can be asked to provide more detailed information on their activities. Currently, about 500 organisations would fall in this category.

In general, there should be a principle that entries get updated when significant changes occur. Rather than asking for regular updates, they should occur, for example, when lobby expenditure falls into a new category. At least one annual update should be maintained.

A system of gradual data disclosure requirements could be based on the following criteria:

- Available resources of the organisation (staff, lobby expenses etc.)
- Activity levels (meetings with EU officials, number of access badges)

Maintaining the current logic of incentives, those organisations wishing to obtain more badges, meetings or exceeding certain budget thresholds then have to provide additional information and detail to the register.

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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

The combination of limited monitoring with the absence of consequences for organisations that provide false, out-dated or incomplete information leads to dismal data quality. As it stands, organisations have very little incentive to provide meaningful updates to their entries. Once they are on the register they enjoy all the benefits. Should someone ever check or complain about their registration they just update without any harm done.

According to a basic plausibility check published by Transparency International on 7 September 2015, over half the entries for lobby organisations on the EU Transparency Register, 4,253 organisations at the time, contained factual errors or implausible numbers. The complaint included 293 organisations which failed to report any activities covered by the register, 3,844 organisations which declared lobbying expenditure of less than the minimum wage per declared lobbyist, and 116 organisations which declared more than € 1,000,000 expenditure per lobbyist.

Since then, 780 of these organisations have updated their entry or been removed from the register. Nevertheless, the situation of bad data quality remains largely unchanged. A simple ranking of registered organisations by declared lobby expenditure or number of lobbyists yields hundreds of organisations with meaningless data at the top of the list. There are still organisations that no one has ever heard of declaring thousands of lobbyists and hundreds of millions of lobby budgets.

Between 7 September 2015, when TI EU launched its original Alert to the JTRS, and 31 March 2016, 1619 new organisations signed up to the Register. Of these, 353 organisations, or 22% of the new registrants, report that their lobbyists earn under €10,000 per year. 45 new registrants report lobbying expenses of over €1 million. Approximately half of the new registrants, 768 organisations, report that their lobbying expenses exceed their total annual turnover.

Recommendation:

Set-up a proper monitoring system for registrations

Introducing a proper monitoring system is key to ensuring that the information provided is meaningful, accurate, up-to-date and comprehensive. A minimum of 5% of declarations should be thoroughly checked each year. When organisations first register, their declarations should receive an initial quality check and organisations should be contacted if their declarations do not fulfil minimum requirements. This should happen before organisations first have a high-level meeting and/or receive a parliament access badge. It is also important to make effective use of sanctions to ensure all registrants play by the rules. Even repeated violations and miss-declarations have so far not lead to any sanctions.

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 itself is appropriate and covers the relevant aspects. What is not adequate at the moment is the enforcement of the Code. Those not respecting the Code of Conduct should be sanctioned. Currently, the combination of limited monitoring with the absence of any consequences when organisations provide false, out-dated or incomplete information leads to dismal data quality. In the current situation, organisations have very little incentive to provide meaningful updates to their entries. Indeed we see that as part of the annual updating cycle 58% of organisations have simply changed the financial year to the next - not making any changes whatsoever to the legislative files they work on, staff or budget numbers. To increase compliance with the Code the JTRS should make effective use of sanctions.

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

Improvements need to be made in both the procedure itself as well as in providing the JTRS with more resources to complete its work in a satisfactory manner.

The current monitoring capacity of the Joint Transparency Register Secretariat is not sufficient to check even a small portion of existing registrations. The equivalent body for the Canadian lobby register (which has about half as many registrants) has a total staff of 28. The investigative team of 5 is bigger than the entire staff overseeing the EU register. At least 5% of declarations should be checked each year, meaning that any one organisation would still only be checked every 20 years on average.

Having submitted 4,254 complaints in September 2015 we have gathered extensive experience with the complaints mechanism ourselves. Initially the Joint Transparency Register Secretariat was quick to react to the alerts and open to further feedback. To date, 7 months after the initial submission of the complaints, a total of 780 organisations had been contacted. This amounts to approximately 100 organisations a month. At this speed, it would have taken the JTRS more than 3 years to address all cases. Closing the alert procedure now leaves more than 80% of complaints not dealt with, and ignores almost all new cases that have since appeared on the register.

In comparison to the 780 organisations that were dealt with under our complaint, 1,619 organisations had registered in the meantime. More than 400 of these again do not pass the basic plausibility check we had applied for our alert. Another 470 organisation declare lobby expenses, which are higher than the declared turnover. So more than half of the new entries again raise concerns - not much seems to have changed in terms of the underlying systematic issues.

This clearly shows the need for more systematic checks and verification. For this it is key to set-up a proper monitoring system for registrations and ensure independent oversight and due process. Organisations that do not play by the rules need to be sanctioned.

In order to overcome this problem, we suggest setting-up a proper monitoring system for registrations and using technology to alleviate the burden on human resources. An increase in resources for the JTRS as well as better use of technology to identify bad declarations is needed.

It is important that the body overseeing the register and administering sanctions is independent. The High Authority for Transparency in Public Life in France could serve as a model for the EU transparency regime. This would mean that one body is in charge of the different elements of transparency and ethics: overseeing the lobby register, receiving complaints and giving recommendations on cases of conflicts of interest of MEPs and Commissioners, keeping the expert group and revolving door registers, publishing and monitoring declarations of interest and assets from Commissioners, officials and members of parliament.

*

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

Transparency International strongly supports making public names of organisations that are suspended under the alerts and complaints procedure. This would both constitute an additional incentive to handle entries with due diligence and allow public monitoring of the (temporarily) unregistered organisations.

Public “naming and shaming” of those organisations that do not play by the rules is probably the strongest sanction the secretariat has at its disposal. The entries of sanctioned organisations should be marked and previous suspensions or sanctions should be listed on the organisations entry on the register. The current practise of deleting organisations from the public part of the register when they violate rules or do not update should be changed and those organisations should be displayed with a “suspended” or “deleted” label, including the detail for why they no longer have a current registration. This would allow a public record of past offenders and act as a stronger deterrent for current registrants.

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 checked="" 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

Both in the process of registration and updating, the introduction of additional smart online measures such as basic plausibility checks, drop-down menus and in-built checklists of basic requirements could improve user-friendliness and ensure the accuracy of registrations. The register should include automatic links to other registers, such as the lobby meetings of Commissioners, the register of expert groups, the online database on EC grants, the database of submissions to EC consultations and the list of EC staff and Commissioners having gone through the revolving door. Linking this information automatically to the entries on the register largely improves the available information while not increasing the administrative burden of filling out the registration.

There should be drop-down menus wherever possible (e.g. for EU initiatives worked on linked from EULex or the legislative observatory) Automatic alerts should be introduced for the online form of the Transparency Register. These alerts should automatically flag potential mistakes and misreporting. It should be impossible to report “-“ under activities and files worked on and an alarm should indicate when organisations declare lobbying budgets that would mean that their lobbyists receive less than a minimum wage or make other obvious mistakes by declaring budgets far outside a reasonable range, for example.

These changes should also reduce the burden for the JTRS to check on the declarations.

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>*Access to Parliament buildings : 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>*Committee public hearings: guests invited to speak at a hearing need to be registered</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Parliament does not grant its patronage to relevant organisations that are not registered</p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

In the European Commission

	Very important	Somewhat important	Not important	No opinion
<p>*Meetings: 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>*Public consultations: 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Commissioners do not grant their patronage to relevant organisations that are not registered</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Mailing lists: 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>*Expert groups: 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

The current situation at the European Parliament in terms of activating the lobby badge for every single day that a badge holder wants to access the Parliament creates useless administrative burden. The queues to activate badges are often very long and it is unclear why a badge that in any case is only handed out for one year needs to be activated. In case a badge is withdrawn it can simply be de-activated and the holder can no longer access and can inquire with the services.

6. Features of a future mandatory system

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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

Transparency International is convinced that a mandatory register that is legally binding for lobbyists and can be enforced by the justice system is the best tool to bring about meaningful lobbying transparency.

In preparation of a mandatory lobby register a new IIA can bring about further transparency and with sufficient political will it could bring about a “de facto mandatory” regime.

To make this approach work, the Commission, Parliament and Council should be guided by the aim to make it as difficult as possible for a lobbyist to influence EU decision-making without signing-up to the Register. In this light, existing measures should be reviewed and new ones considered.

- Unregistered lobbyists should not have access to Parliament/Commission premises. Visitors that are not on the register should sign a declaration that they are not a lobbyist when entering the Parliament.
- Unregistered lobbyists should not be able to get meetings. This should be the case for all officials. Among the MEPs this should apply at least to the president, the vice-presidents, group presidents, committee chairs and rapporteurs. But all MEPs should apply this on a voluntary basis. Other forms of contact (telephone, email) with unregistered lobbyists should be kept to a minimum. Lobbyists should always be encouraged to sign-up.
- Unregistered lobbyists should not advise the Parliament as part of intergroups, parliamentary hearings or in any other advisory function.
- Unregistered lobbyists should not advise the Commission as part of high-level groups, consultative committees, expert groups and other consultative bodies.
- Unregistered lobbyists should not be able to organise events at the European Parliament or the Commission.

To allow the public to monitor that the above principles are respected, the institutions should publish meetings with lobbyists. Current transparency provisions that apply to Commissioners, Cabinets and Directors-General should be extended to include all officials that have significant influence on the decision-making process, down to Head of Unit level. When publishing the subject of meetings, information should include reference to the concrete legislative procedure if applicable and not simply repeat the portfolio of the official. For the European Parliament president, vice-presidents, group presidents, committee chairs and rapporteurs publishing their meetings should be mandatory. Other MEPs should publish their meetings on a voluntary basis. The Parliament and the Commission should publish all written input by lobbyists in a central location to allow the establishment of an EU Legislative Footprint.

Organisations with bad entries should be temporarily suspended and no longer get access to the Commission, Parliament and Council. They should be excluded from expert groups and business delegations. Grave or repeat offences should be sanctioned with a ban from the 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

Transparency International strongly advocates for a register that covers all EU institutions and their public officials involved in the decision-making process. This naturally means the Council should be included.

Council should join the Inter-Institutional Agreement and become a full member of the EU Transparency Register. Unregistered lobbyists should not be welcome at the Council and should not be able to get meetings. Permanent Representations of member states should also pledge to no longer meet with unregistered lobbyists. The rotating presidency should also not have contact with unregistered lobbyists - both in Brussels and "at home". Unregistered lobbyists should not have access to the Council premises. Visitors that are not on the register should sign a declaration that they are not a lobbyist when entering the Council.

To allow the public to monitor that the above principles are respected, the Council should publish meetings with lobbyists in a similar fashion to the European Commission. The Council should publish all written input by lobbyists in a central location to allow the establishment of an EU Legislative Footprint.

Lobbying transparency is only as strong as its weakest element, since there is the risk that activities and undue influence tend to concentrate on the least transparent part in the decision-making process. In order to have a robust system of lobby transparency, it is therefore essential to ensure transparency throughout the entire decision-making process. The Council of the European Union in its role as co-legislator, alongside the European Parliament, is responsible for all EU legislation. Decisions, which affect the daily life of 500 million of EU citizens. Yet, out of the three institutions, the Council remains the blind-spot when it comes to lobbying transparency, as TI research repeatedly confirmed. TI's recent report "Lobbying in Europe: Hidden Influence, Privileged Access" shows that the Council scoring meagre 19 % compared with the European Commission at 53 % and the European Parliament with 37 % is a particular blind spot when it comes to lobbying transparency.

7. Looking beyond Brussels

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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

Compared against international best-practice the EU Transparency Register is ahead in some areas, but lacks behind in a majority of elements. There are several key areas, in which the EU register can significantly improve. TI has carried out a number of in-depth studies into international best-practice of national lobbying regulation. The 2015 “Lobbying in Europe: Hidden Influence, Privileged Access” report is one of the most recent studies using 65 different indicators to measure and compare the performance of 19 EU member states and the three main EU Institutions (Council, Commission and Parliament). The 65 indicators correspond to three core dimensions, which are transparency, integrity and equality of access. Measured against international standards and emerging best practice, the three EU institutions together achieve an overall score of just 36%. This clearly shows that there is still a lot of room for improvement.

The seven EU Member States that have specific lobbying regulations (Austria, France, Ireland, Lithuania, Poland, Slovenia and the United Kingdom) have all opted for a register as the cornerstone of their approach, requiring lobbyist registration and, in most cases, a periodic reporting of activities.

A positive example is Slovenia, where definitions of both lobbying and lobbied targets are fairly broad, although the latter fails to include employees of state- and municipal owned companies and external advisors when legislation is outsourced. The registration itself is confined only to professional lobbyists, however a broader range of actors are captured through public sector reporting on contacts. Slovenia and Lithuania both have an independent oversight agency with strong investigative powers. They also have sanctions at their disposal to deter and punish individuals and organisations that fail to comply and they are also tasked with awareness-raising and other preventative activities.

On paper, these agencies have close-to-adequate enforcement powers. The lack of capacity, as well as lobbying not being a priority issue for the agency, hampers oversight.

International best practice beyond Europe:

Canada has a mandatory lobby register with an independent authority overseeing it. The Canadian Office of the Commissioner of Lobbying (OCLA), has an annual budget of close to €3 million and a pool of 28 employees. The Commissioner of

Lobbying devotes significant resources to providing guidance on how to fill out registration and the objectives of the register to both lobbyists and public officials. The office provides personalised advice to registrants, including at the time of registration to ensure complete disclosures and approves registrations only when it is satisfied that registrations are accurate and complete and registrants have certified the accuracy of their registrations. The office also conducts investigations and sanctions lobbyists where necessary. In case of violations (non-registration mostly) there are financial sanctions, public naming-and-shaming and in severe cases even convictions in court that can lead to imprisonment.

Obligation to publish meetings with high-ranking public officials in Canada lies with lobbyists. They have to file communication reports detailing who they met and on what topic. The information that is published is not too dissimilar to the reports published by the European Commission since December 2014, but everything is available on a central website in open data (machine readable) format that has a great search function and must be updated monthly. Reporting is simplified by drop-down menus that greatly facilitate to identify all meetings on a given topic. Additionally, the most senior public servants are subject to a lobbying ban of five years after leaving office. The US has a strong mandatory system as well: quarterly financial reporting provides almost real-time updates; and lawyers provide details on each client, including topics, budgets and people involved.

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

Governments have gravitated towards the idea of a lobby register as a quick-fix solution to regulating lobbying and shining a light on the influence industry. However, lobby registers are not a panacea to undue influence, and they must be carefully designed and properly implemented with meaningful oversight in order to make a difference. Lobby registers provide a basic level of structural transparency to monitor and understand who is influencing policy-making with what kind of resources. This however only ever allows a first indication on the real impact of influence on the final outcome on decisions.

For this reason, on the transparency side, a move towards a 'legislative footprint' a comprehensive public record of lobbyists' influence on a piece of legislation will be necessary. EU policy-makers and lobbyists should collect and disclose comprehensive information on who influences whom in the EU decision-making process to ensure a level playing field for all interest representatives and thus balanced legislative outcomes. The aim of such disclosure is to document lobbyists' influence on policies and legislation. Whether annexed to legislative reports or published in 'real time' on official websites, such initiatives serve to inform the public which interests have shaped draft and final legislation.

A number of Member States have already taken initiative to require the publication of some level of documentation, providing a light form of a legislative footprint, including: Austria, Cyprus, Estonia, France, Lithuania, the Netherlands, Poland and Slovenia.

On the integrity side better guidance for EU officials and MEPs on how to deal with lobbyist is needed. A strong Code of Conduct of the Transparency Register applying to lobbyists should be complemented by a Code of Conduct for officials.

Finally, the Commission should launch a discussion on the equality of access. As TI's analysis of the meetings between high-level European Commission officials with lobbyists showed - 75% of all meetings have been taken place with representatives of the corporate sector. At the same time large variations between portfolios have become apparent. Whereas the Health and Environment portfolios have a 50/50 balance between meetings with industry and other stakeholders, the areas of Financial Markets and Digital Economy are completely dominated (90/10) by corporate actors. This shows that a more strategic approach to stakeholder consultation is needed to that it is not only those with the most resources that get their voices heard in Brussels.

***Publication of your consultation**

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

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Useful links

[Read more on the public consultation homepage](#)

http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm

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