

Transparency International's assessment of the proposal for a mandatory EU Transparency Register

On 28 September 2016, the European Commission published its [proposal](#) to revise the EU Transparency Register to make the register mandatory and extend it to the Council. The proposal will be the basis for the upcoming negotiations on a new Inter-institutional Agreement (IIA) for the European Parliament, Commission and Council.

In preparation of the upcoming talks, Transparency International EU (TI EU) has set out its priorities to create a robust and credible register addressing the decreasing trust in the EU institutions and the European project itself. TI EU submission to the European Commission's public consultation and more detailed recommendations can be found [here](#).

Keeping in mind the progress that has been made since the first European Commission Transparency Initiative in 2005 and based on an in-depth analysis of the current Commission's proposal, TI EU has come up with a list of key recommendations for the EU institutions and their representatives in the negotiations of the IIA to take into account:

1. **Make the EU Transparency Register de facto mandatory** by ensuring that under the new system politicians and high-ranking civil servants from all three institutions involved should no longer meet with unregistered lobbyists and should publish their meetings online.
2. **Designing a robust monitoring system for registrations** with better legal definitions, monitoring procedures and an enforcement mechanism with sanctions encouraging registrants to provide accurate information.
3. **Make the negotiations on reforming the IIA as open and transparent** as possible including making the negotiations themselves transparent through detailed minutes and web-streaming of sessions as well as allowing for further input by stakeholders.

Detailed recommendations

Make the EU Transparency Register de facto mandatory, meaning that it is impossible for a lobbyist to influence EU decision-making without signing-up. Given that an IIA cannot have legal effect on lobbyists directly and following the logic of the EU Commission, all EU institutions and their public officials should commit to no longer meet with unregistered lobbyists and to publish those meetings online.

1. The guiding principle of the new IIA should be that unregistered lobbyists are no longer welcome in the EU Institutions. The general rule for any interaction that seeks to influence the EU decision or law-making process should be that it requires prior registration and adherence to the Code of Conduct for lobbyists.
2. For all three main EU Institutions, those officials that shape EU decision and law-making should publish their meetings with lobbyists online. The current level of Director-General or Secretary General is too high and excludes important decision-makers such as the chief negotiator for TTIP. The institutions should explore ways to extend reporting obligations to everyone having influence on or drafting legislation.
3. For the Council, we hope that Permanent Representations will voluntarily sign up to IIA and commit that their COREPER I and II Ambassadors only meet registered lobbyists and publish those meetings online following existing practise of the Dutch Perm Rep.

Designing a robust system with better legal definitions, monitoring procedures and an enforcement mechanism with sanctions. The proposed changes to review the resourcing and staffing and the mandate of the Joint Transparency Register Secretariat, in charge of implementation, supervision and enforcement of the Register, are generally welcome. The new rules should seek to improve the quality of register entries and ensure that organisations that do not comply with the rules are sanctioned subject to due process.

4. The definition of lobbying in the new proposal might have to be clarified to ensure that the Register continues to cover all relevant organisations, which are involved in directly or indirectly lobbying the EU institutions. Despite dropping the reference to “indirect lobbying”, organisations, which provide services and support to other lobbyists (law firms, consultancies, etc.) should still fall under the scope of the Register and their contributions should be counted in the lobbying budgets. Even if they do not interact directly with the EU Institutions themselves. Otherwise this risks creating a sizable loophole and encourage organisations to hide the real extend of their lobby activities through astroturfing or other techniques.
5. The exclusion of sub-national public institutions from the scope of the register is a real step backwards. As these public institutions should already be transparent on their activities to tax-payers, providing this information in a standardised format in the EU Register would be a good service to citizens. Transparency International had recommended to also include representations of third countries (Embassies) to make their influence on EU decision-making transparent.
6. In line with the current proposal, meaningful ex-ante verification of entries should be carried out. TI recommends that random checks of at least 5% of all entries be carried out each year.
7. We welcome the commitment to increased resources for the Joint Secretariat. As a reference point: the Canadian Commissioner of lobbying oversees some 3,000 registered organisations with a staff of 28. The EU register with more than 10,000 entries is currently managed by 2-3 staff (FTE).
8. In line with the current proposal, the sanctions mechanism should be refined to include warnings, suspensions and removals. Sanctioned organisations should be publicly listed on the Register to allow anyone to monitor compliance.
9. We welcome the possibility the draft IIA offers for other institutions/agencies to join the register. Staff and financial contribution should be proportional and not stand in the way of them joining.

The Transparency Register should become the central hub information hub for all related information on lobbying, good governance and stakeholder input.

10. Link the EU Transparency Register database to other existing datasets such as the Expert Group Register, the Financial Transparency System (FTS), EUR-Lex and the lobby meetings currently published by the European Commission. This would also help to reduce administrative burden for registrants.
11. The institutions negotiating the new IIA should also consider how they can better publish written input received from lobbyists (legislative footprint). This should include submission received to public consultations, but also policy papers or amendment proposals received by Parliament or Council.
12. In light of recent scandals, the Transparency Register entries should also feature revolving door cases. Meaning that those coming from the EU Institutions and joining lobby organisations should be disclosed on the register for a certain period of time.
13. Allow more detailed and timely disclosure of financial data. Estimates for lobby expenses should be reported for the current financial year not the last closed year, as these are already declared in fairly wide bands. More detailed financial disclosure provisions for NGOs are welcome (disclosure of funders of more than 10% of total budget), but similar rules should be applied to other types of organisations such as think tanks and industry associations.

Make the negotiations on reforming the IIA as transparent and as inclusive as possible. The new lobby transparency regime of the European Union should not be negotiated behind closed doors.

14. 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.
15. Following the public consultation organised by the European Commission, negotiating parties should continue to welcome stakeholder input and organise a hearing on the draft proposal.

Transparency International's work on lobbying

Detailed information on our work on lobbying transparency can be found on our website: <http://transparency.eu/priority/eu-money-politics/>

We have published a detailed assessment of lobby regulation across the EU in a report on "[Lobbying in Europe](#)". We also continuously analyse lobby meetings of the European Commission with [EU Integrity Watch](#) and have published key findings [here](#). Together with the Sunlight Foundation, Access Info and Open Knowledge we have developed the [International Standards for Lobbying Regulation](#). In September 2015 we have filed [4,253 complaints](#) against organisations not publishing accurate information on the register. Our recommendations on ethical lobbying can be found [here](#) and our recommendations on the EU Legislative Footprint are [here](#).

Over 75,000 citizens have signed an [online petition](#) in favour of Transparency International's reform proposals. The main associations representing EU lobbyists have also shown their support for a mandatory register and meaningful reform in a [joint letter](#) that was sent to the Commission in June.

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