Transparency International EU

The global coalition against corruption

Joint Letter for a Mandatory EU Lobby Register

Daniel Freund · Monday, October 12th, 2015

The following is a joint letter from Transparency International EU and ALTER-EU to political group leaders and members of the Bureau in the European Parliament.

Dear Group President / dear member of the Bureau,

The Alliance for Lobbying Transparency and Ethics Regulation in Europe (ALTER-EU) and Transparency International (TI) have been closely following the new European Commission's Transparency Initiative. We are enthusiastic about the political promises to increase transparency and integrity and the concrete steps that the upper levels of the Commission have taken in terms of only meeting with registered lobbyists and the publication of those meetings online. We wholeheartedly support these measures.

Both our organisations have long advocated for increased lobbying transparency. We consider it vital to reduce unethical lobbying, prevent undue influence and to ensure equality of access for all actors and organisations that seek to influence the decision-making processes.

On the other hand we are concerned that the process promised by the Commission has not moved further in recent months. The expected proposal for a new Inter-Institutional Agreement (IIA) on a "mandatory Transparency Register" has not yet been delivered by the Commission. **We hope that you will do all that you can to ensure that the Commission prioritises and progresses the new IIA without any further delay.**

We also hope that the European Parliament will stand by previous commitments to support a legally-binding lobby register. A legislative proposal has been demanded several times by the Parliament (in May 2008, May 2011 and most recently in April 2014) and it appears to us that this is an overdue and urgent necessity. Only through such a legislative proposal will the register become legally binding on lobbyists. Problems like law firms not joining or not disclosing their clients, and the lack of effective administrative sanctions in the current register require a legal approach. **We strongly hope that the Parliament will maintain its demand on the Commission to present a legislative proposal.**

For the time being, until such a legislative proposal becomes political feasible, we hope that you will ensure that strong incentives will at least bring the new register as close to de facto mandatory as possible.

This means that additional measures are necessary to ensure that unregistered lobbyists can no

longer influence the EU decision-making process. Such measures should include:

- **Only registered lobbyists should be able to get meetings**. MEPs, especially the president, the vice-presidents, group presidents, committee chairs and rapporteurs as well as shadow-rapporteurs, should only meet with, or attend events organised by, registered lobbyists. It should be clear that those that do not provide a minimum of transparency and do not respect the basic rules laid out in the Code of Conduct for lobbyists would not be welcome in the Parliament.
- **Lobbyists must be on the register should they wish to have access to Parliamentary premises** for lobbying purposes. Visitors who are not on the register should sign a declaration that they are not a lobbyist when entering the Parliament.
- **Lobbyists must be on the register should they wish to advise the Parliament** as part of parliamentary hearings, inter-groups or in any other advisory function.
- **Lobbyists must be on the register should they wish to organise or attend events at the Parliament**, including those organised by third parties.

Furthermore, we think that there is a strong role for the Parliament to ensure that:

- The public can verify that the above principles are respected by **publishing meetings with lobbyists online**, in the same way that the Commission has started to do since December 2014.
- **More capacity and resources should be provided** to the register secretariat so that they can properly monitor registrations and increase the number of checks to ensure that registrants' information is **meaningful, accurate, up-to-date and comprehensive**.
- When lobby groups breach the rules of the register, the secretariat often only asks them to correct the data, without applying a sanction. This approach provides no incentive to avoid mis-reporting. **We recommend that stronger sanctions are applied**.
- Entries of all registrants which have been suspended or removed from the register should be kept and should remain visible to the public. This would **make suspension or removal a more obvious sanction** and allow the public to see past entries and track changes.

The upcoming IIA process provides an opportunity for the Parliament to show genuine political leadership by introducing these measures.

TI and ALTER-EU have also 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 be made available online.
- A **public consultation process** should allow citizens and interested organisations to provide their input. This should be done through a procedure for written input as well as through a public hearing organised by the high-level working group.

We consider that our proposals will lead to both a more effective process and, more importantly, will increase EU lobbying transparency and thereby reduce the risk of political corruption. **We would be pleased to discuss these ideas with you in a meeting**. In the meantime we look forward to hearing your response to our proposals to help secure the transparency and probity of decision-

making in the EU institutions.

Yours sincerely,

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