Transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. Parliament /Commission agreement

2014/2010(ACI) - 31/03/2014 - Committee report tabled for plenary, single reading

The Committee on Constitutional Affairs unanimously adopted the report by Roberto GUALTIERI (S&D, IT) on the modification of the interinstitutional agreement on the Transparency Register.

A new proposal to modify the Agreement: Members regretted that the proposal for a modification of the Agreement of 23 June 2011 will **not lead to the establishment of a mandatory transparency register**. Therefore, they reiterated their call for mandatory registration in relation to the conduct of lobbying activities at the EU institutions, as already stated in its resolution of 8 May 2008 and its decision of 11 May 2011.

Overall, Members considered the proposed modification of the Agreement of 23 June 2011 to be a partial step forward at the present stage. They called on the Commission to submit, **by the end of 2016, a legislative proposal for the establishment of a mandatory register** on the basis of Article 352 TFEU. They also called on the Commission to include, in the context of any forthcoming proposals for a comprehensive reform of the Treaties, a proposal either for an amendment of Article 298 TFEU or for an appropriate specific legal basis allowing a mandatory register to be set up in accordance with the ordinary legislative procedure. Moreover, they insisted that the next review of the Transparency Register should be accompanied by a public consultation.

They considered that in any event, a further evaluation of the Transparency Register should be completed before the **end of 2017** at the latest.

Content of the proposed modification: Members welcomed the improved specification of the information to be provided pursuant to the modified agreement, which should be implemented by insisting on disclosure of the identity of all clients represented by organisations and self-employed individuals engaged in EU policy-making and policy implementation processes, and by **clearly linking all covered activities to the clients concerned**.

Members also focused on the following issues:

- **inappropriate behaviour**: Members considered that, when interpreting “inappropriate behaviour”, within the meaning of the Code of Conduct annexed to the modified agreement in addition to the generally accepted principles as:

- interference in the private sphere or personal life of decision-makers, e.g. by sending gifts or via their relatives or friends;
- performance, or any active promotion, of activities in the field of communication with the EU institutions and their Members or staff which are liable to impair the functionality of the EU institutions’ communication systems, particularly in cases where such activities are performed anonymously;

- failing to declare the interests or clients being represented when contacting a Member of the European Parliament or officials or other staff of the European Parliament with regard to the legislative process;
- employing ‘front groups’, i.e. organisations which hide the interests and parties they serve;
- offer or grant support, whether financial or in terms of staff or material to Members of the European Parliament or their assistants.

- **code of conduct**: Members believed that the Code of Conduct attached to the Agreement of 23 June 2011 and the Code of Conduct for Members should be amended in order to ensure that Members do not enter into any kind of agreement or contractual relationship with an external body to either fund or directly employ individuals within a Member’s staff;

- registered law firms: Members insisted that registered law firms should declare in the Transparency Register all the clients on whose behalf they perform covered activities.

More ambitious register: Members encouraged the Commission to be equally ambitious, when it comes to introducing incentive measures for registrants in order to enhance participation in the Transparency Register. In this regard, several incentives could be proposed such as reducing the number of meetings with non-registered organisations or interest representatives or considering limitations on the participation of non-registered organisations in Commission advisory bodies and expert groups.

They called on the Parliament’s Bureau to consider a series of proposals for inclusion in the relevant Bureau decisions: (i) restrict access to European Parliament premises for non-registered organisations or individuals; (ii) to withhold European Parliament's patronage of any event organised by an organisation falling within the scope of the Transparency Register to cases where such an organisation is registered; (iii) to increase its vigilance against granting Parliamentary privileges to front organisations of third countries which do not respect European Union values.

Former Members: furthermore, Members asked former Members of the European Parliament to comply with the relevant provisions when carrying on activities falling within the scope of the Transparency Register. They considered that in carrying on such activities, **former Members should not use their Members' badge to access the premises of the European Parliament.**

Follow-up of the application of the Agreement: Members requested the Joint Transparency Register Secretariat to provide at regular intervals a report on the functioning of the incentives system, with a view, ultimately, to the establishment of a **mandatory register**. They stressed that non-registered organisations or individuals, even if their non-registration is only temporary, will not have access to the new incentives and advantages linked to registration. They expected that the annual report on the operation of the Joint Transparency Register will include an analysis of the progress made in terms of coverage and quality of entries and encouraged the Commission, in performing its function of coordinating the Transparency Register, to closely monitor the proper implementation of the modified agreement.

In parallel, **Members called on the European Parliament to approve the modified Agreement**.

To recall, the modified Agreement consists of:

1) a revised Agreement including:

- the main principles of the register;
- the scope and structure of the register;
- the rules applicable to the registrants;
- measures in the event of non-compliance with the code of conduct and repeated inappropriate behaviour.

2) Several Annexes comprising:

- a table of professional consultancies;
- the type of information to be provided by registrants;
- a code of conduct for all interest representatives interacting with the institutions;
- a list of procedures for alerts and for the investigation and treatment of complaints.