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

2014/2010(ACI) - 15/04/2014 - Text adopted by Parliament, single reading

The European Parliament adopted by 646 votes to 7, with 14 abstentions, a decision on the modification of the interinstitutional agreement (IIA) on the Transparency Register.

Mandatory registration of lobbyists: recalling that unregulated and non-transparent lobbying poses a significant threat to policy-making and to the public interest, Parliament 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, it reiterated its call for mandatory registration in relation to the conduct of lobbying activities at the EU institutions, as already stated in it's a resolution of 8 May 2008 and its decision of 11 May 2011.

Overall, Parliament considered the proposed modification of the Agreement to be a partial step forward at the present stage. It 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. It 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, it insisted that the next review of the Transparency Register should be accompanied by a public consultation.

It 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 IIA modification: Parliament 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**.

Parliament also focused on the following issues:

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

- **incentive measures**: Parliament 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; considers that such incentives could include:

- reducing the number of meetings with non-registered organisations or interest representatives;
- encourage European Parliament officials or other staff, when approached by a representative of an organisation or individuals undertaking an activity falling within the scope of the Transparency Register, to check whether the organisation in question is registered, and, if it is not, to encourage it to register before meeting its representative;
- restrict access to European Parliament premises for non-registered organisations or individuals;
- considering limitations on the participation of non-registered organisations in Commission advisory bodies and expert groups;
- encouraging Commissioners and Commission officials and other staff to refuse invitations to events organised by non-registered organisations;
- allow representatives of organisations or individuals falling within the scope of the Transparency Register to participate as speakers on the panel at committee hearings only if they are registered;
- 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;
- increase its vigilance against granting Parliamentary privileges to front organisations of third countries which do not respect European Union values.

Legislative footprint: in an amendment adopted in plenary, Parliament requested the Bureau to develop a standardised form for rapporteurs to publish on a **voluntary basis** a 'legislative footprint' which is a form annexed to reports drafted by Members **detailing all the lobbyists with whom rapporteurs in charge of a particular file have met in the process of drawing up the report, where this has led to a substantial impact on the report**.

Former Members: furthermore, Parliament 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. It considered that in carrying on such activities, **former Members should not use their Members' badge to access the premises of the European Parliament.** Plenary requested the Bureau to present to the Conference of Presidents a proposal for appropriate measures to prevent misuse of privileges to which former Members are entitled.

Follow-up of the application of the Agreement: Parliament 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**. It 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. It 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, **Parliament approved 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.