

Development of the framework for the activities of interest representatives (lobbyists) in the European institutions

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PURPOSE: Communication following-up the Green Paper on 'European Transparency Initiative'.

CONTENT: this Communication follows from the Green Paper adopted in May 2006, the objective of which was to launch a broad public consultation on the need for a more structured framework for the activities of interest representatives (lobbyists), on consultation standards; and on mandatory disclosure of information about the beneficiaries of EU funds under shared management. Following wide-ranging consultation, the Commission here provides feedback in response to the arguments put forward in the consultation process and decides on the follow-up measures to the Green Paper.

Activities of interest representatives: to recall, in its ETI Green Paper, the Commission suggested a new framework for lobbying activities which would be based on a voluntary registration system with incentives for lobbyists to register. The incentives would include automatic alerts of consultations on issues of known interest to the stakeholders. The Commission states that many contributions supported the establishment of a voluntary register, but that a considerable number of those consulted, in particular NGOs, advocated a compulsory approach as the only way of ensuring full transparency.

The Commission proposes here a voluntary approach with an additional incentive, which at the same time would strengthen both the application and enforcement of existing Commission policy on consultation. It intends to combine the voluntary register with a new standard template for internet consultations. If organisations submit their contributions in the context of such a consultation they will be systematically invited to use the register to declare whom they represent, what their mission is and how they are funded. This is justified because having sufficient information about the organisations participating in a consultation is clearly a precondition for any meaningful assessment of the relevance and usefulness of the contributions they submit. With regard to financial disclosure required to join the register, the Commission considers it necessary and proportionate to request registrants to declare relevant budget figures and breakdown on major clients and/or funding sources. The main objective of revealing how interest representatives are funded is to ensure that decision-makers and the general public can identify and assess the strength of the most important driving forces behind a given lobbying activity. On this basis, the Commission will apply the following minimum criteria in assessing whether the information supplied is sufficient to join the register:

- for professional consultancies and law firms involved in lobbying EU institutions, the turnover linked to lobbying EU institutions, as well as the relative weight of the clients in this turnover, should be declared.
- for "in-house" lobbyists and trade associations active in lobbying, an estimate of the cost associated with the direct lobbying of EU institutions should be provided;
- for NGOs and think-tanks, the overall budget and breakdown per main sources of funding (amounts and sources of public funding, donations, membership fees etc.) should be declared.

Furthermore, the Commission will examine to what extent the future register could serve as a tool for identifying NGOs entitled to launch a procedure under Regulation (EC) No 1367/2006 on the application of the Aarhus Convention to the Community Institutions, which stipulates that NGOs will be entitled to request an internal review of certain administrative acts under environmental law.

With regard to the **Code of Conduct**, the Commission proposes to review and update the existing minimum requirements it adopted in 1992. Subscribing to the code should become a requirement for lobbyists wishing to be included in the new register, in line with the example set by the European Parliament. The Commission also proposes to discuss with Parliament the possibility of an inter-institutional approach to lobbying.

Consultation Standards: the Commission feels that a reinforcement of the application of standards is necessary in order to raise further the general level of quality of the Commission's consultations. Such a reinforced application will focus, in particular on providing better feedback, a more coordinated approach to consultation and the need for ensuring plurality of views and interests expressed in consultations. This approach will help improve the quality of the Commission's impact assessments, thereby contributing to the implementation of the Commission's 'better regulation' policy.

The Commission will therefore put more emphasis on measures such as: training and appropriate awareness-raising among staff; sharing information and good practices on stakeholder consultation between the Directorates-General; reviewing the practical guidelines for stakeholder consultation; and creating a new standard consultation template to improve the consistency of open public consultations.

Publication of Beneficiaries of EU Funds: on this issue, the Commission was very encouraged to see several Member States abandoning their explicit opposition in favour of cooperation with the Commission, leading to a consensus on the desirability of publishing the relevant data, and the relevant amendments were made to the Financial Regulation. The Commission points out that the reality is that the data on beneficiaries are collected by the implementing bodies in the Member States to whom management is delegated. To achieve the goal of publishing the data as of 2008, it describes the procedure it proposes, in cooperation with the European Data Protection Supervisor. This involves hosting a central web portal with links to the relevant websites in Member States. This site will, in turn, be linked to the website on EU funds under direct management launched by the Commission in 2006. The second step is to ensure the comparability and 'searchability' of data.

Conclusion: as a follow-up to its Green Paper, the Commission will:

- create and launch in spring 2008, a new voluntary register for interest representatives with an "alert" function (the existing CONECCS database will be wound down);
- increase transparency through reinforced application of the Commission's consultation standards based, in particular, on a standard website for internet consultations, and including scrutiny of the participants. This tool would be linked to the register;
- draft a Code of Conduct to be discussed with stakeholders in 2007. The Code will be a requirement for entry in the register and will be monitored by the Commission;
- reinforce the application of the Commission's consultation standards by means of a series of practical, in-house measures;
- pursue and implement its policy on the publication of the beneficiaries of EU funds.