## Basic information

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|---|---|
| **2014/2010(ACI)**<br>ACI - Interinstitutional agreement procedure | Procedure completed |
| Transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. Parliament /Commission agreement<br><br>Amending 2010/2291(ACI)<br><br>**Subject**<br><br>8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology<br>8.40.16 Relations with interest representatives | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| AFCO Constitutional Affairs | GUALTIERI Roberto (S&D) | 17/12/2013 |
| | Shadow rapporteur<br>CASINI Carlo (PPE)<br>JÄÄTTEENMÄKI Anneli (ALDE)<br>HÄFNER Gerald (Verts /ALE)<br>FOX Ashley (ECR)<br>SCHOLZ Helmut (GUE /NGL)<br>MESSERSCHMIDT Morten (EFD) | |

**Council of the European Union**

**European Commission**

| Commission DG | Commissioner |
|---|---|
| Secretariat-General | ŠEFČOVIČ Maroš |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 18/03/2014 | Vote in committee | | |
| 31/03/2014 | Committee report tabled for plenary | A7-0258/2014 | Summary |
| | | | |

| | | | |
|---|---|---|---|
| 14/04/2014 | Debate in Parliament |  | |
| 15/04/2014 | Decision by Parliament | T7-0376/2014 | Summary |
| 15/04/2014 | End of procedure in Parliament | | |
| 19/09/2014 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 2014/2010(ACI) |
| **Procedure type** | ACI - Interinstitutional agreement procedure |
| **Procedure subtype** | Interinstitutional agreement |
| **Amendments and repeals** | Amending 2010/2291(ACI) |
| **Legal basis** | Rules of Procedure EP 243-p1 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | AFCO/7/15071 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE528.034 | 31/01/2014 | |
| Amendments tabled in committee | | PE529.859 | 28/02/2014 | |
| Committee report tabled for plenary, single reading | | A7-0258/2014 | 31/03/2014 | Summary |
| Text adopted by Parliament, single reading | | T7-0376/2014 | 15/04/2014 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Commission response to text adopted in plenary | SP(2014)470 | 25/09/2014 | |

## Additional information

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

## Final act

N8-0031/2014
OJ L 277 19.09.2014, p. 0011 Summary

# 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.

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

2014/2010(ACI) - 16/04/2014 - Final act

NON-LEGISLATIVE ACT: Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation

CONTENT: this Interinstitiutional Act aims to repeal and replace the Decision of 11 May 2011 on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on a common Transparency Register.

It provides for the rules and principles applicable to organisations and self-employed individuals engaged in EU policy-making and policy implementation.

**Principles**: the Register shall respect the following principles:

- €€€€€€€ the general principles of Union law, including the principles of proportionality and non-discrimination;
- €€€€€€€ the rights of Members of the European Parliament to exercise their parliamentary mandate without restriction.

**Structure of the register**: the structure of the register shall be as follows:

- €€€€€€€ provisions on the scope of the register, activities covered by the register, definitions, incentives and exemptions;
- €€€€€€€ sections for registration (Annex I);
- €€€€€€€ information required from registrants, including financial disclosure requirements (Annex II);
- €€€€€€€ code of conduct (Annex III);
- €€€€€€€ alert and complaint mechanisms and measures to be applied in the event of non-compliance with the code of conduct, including the procedures for alerts and for the investigation and treatment of complaints (Annex IV);

- €€€€€€€ implementation guidelines with practical information for registrants.

**Scope:** the register covers all activities carried out by an organisation as set out in Annex I, **with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making** processes of the EU institutions, and in particular:

- €€€€€€€ contacting Members and their assistants, officials or other staff of the EU institutions;
- €€€€€€€ preparing, circulating and communicating letters, information material or discussion papers and position papers;
- €€€€€€€ organising events, meetings, promotional activities, conferences or social events, invitations to which have been sent to Members and their assistants, officials or other staff of the EU institutions; and
- €€€€€€€ voluntary contributions and participation in formal consultations or hearings on envisaged EU legislative or other legal acts and other open consultations.

**Activities not covered include the following**: the provision of legal and professional advice in so far as they consist of :

- €€€€€€€ advisory work and contacts with public bodies in order to better inform clients about a general legal situation or about their specific legal position;
- €€€€€€€ advice given to clients to help them ensure that their activities comply with the relevant law;
- €€€€€€€ **analyses and studies prepared for clients on the potential impact of any legislative or regulatory changes** with regard to their legal position or field of activity;
- €€€€€€€ representation in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body.

It should also be noted that activities of the social partners as participants in the social dialogue (trade unions, employers' associations, etc.) are not covered by the register where those social partners perform the role assigned to them in the Treaties.

The register does not apply to churches and religious communities or to political parties.

**Registration:** all organisations and self-employed individuals, irrespective of their legal status, engaged in activities, whether on-going or under preparation, covered by the register are expected to register.

**Rules on registration**: the Agreement contains provisions setting out registration rules. In particular, organisations and individuals concerned:

- €€€€€€€ agree to act in compliance with the code of conduct set out in Annex III;
- €€€€€€€ guarantee that the information provided for inclusion in the register is correct and updated;
- €€€€€€€ accept that any alert or complaint concerning them will be handled on the basis of the rules in the code of conduct set out in Annex III;

**Joint Transparency Register Secretariat**: in order to implement the system, the services of the European Parliament and the European Commission maintain a joint operational structure, designated as the JTRS. The tasks of the JTRS include producing implementation guidelines, within the limits of this agreement, to facilitate a consistent interpretation of the rules by registrants, and monitoring the quality of the content of the register. The JTRS shall use the administrative resources available to perform quality checks of the content of the register, on the understanding, however, that **registrants are ultimately responsible for the information they have provided.**

The Secretaries-General of the European Parliament and the European Commission shall submit an annual report on the operation of the register.

**Rights for organisations registered**: access passes to the European Parliament's premises will only be issued to individuals representing, organisations falling within the scope of the register where those organisations or individuals have registered. However, registration shall not confer an automatic entitlement to such an access pass.

Incentives offered by the European Parliament to registrants may include: (i) further facilitation of access to its premises, its Members and their assistants, its officials and other staff; (ii) authorisation to organise or co-host events on its premises; (iii) facilitated transmission of information; (iv) participation as speakers in committee hearings; (v) **patronage by the European Parliament.**

There are also provisions on incentives offered by the Commission.

**Meaures in the event of non-compliance with the code of conduct**: the JTRS shall investigate the suspected non-compliance of the Code of Conduct in the annex of the Agreement, where an alert has been lodged.

Intentional non-compliance with the code of conduct by registrants or by their representatives shall lead to the application of the measures laid down in Annex IV.

Where non-cooperation, inappropriate behaviour, or serious non-compliance with the code of conduct, have been identified, the registrant concerned shall be **removed from the register for a time period of either one year or two years.** The measure will be publicly mentioned in the register.

NB: Currently, only the European Parliament and the Commission are involved with the register. The European Council and the Council are invited to join the register. Other EU institutions, bodies and agencies are encouraged to use the framework created by the Agreement.

**Repeal:** the Agreement replaces the agreement between the European Parliament and the Commission of 23 June 2011.

**Review:** the register shall be subject to a review in 2017.

ENTRY INTO FORCE: 09.10.2014.

APPLICATION: 01.01.2015. Entities already registered at the date of application of the agreement shall amend their registration to satisfy the new requirements resulting from this agreement within a period of three months following that date.

Annexes: the Agreement contains four annexes setting out the following:

- **Annex I:** organisations and self-employed individuals engaged in EU policy-making and policy implementation;
- **Annex II:** information to be provided by registrants;
- **Annex III:** code of conduct;
- **Annex IV:** procedures for alerts and for the investigation and treatment of complaints.

# 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;
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