

ALTER-EU final response to the Commission's lobby register consultation:
http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm

1. Transparency and the EU

1.1 The EU institutions interact with a wide range of groups and organisations representing specific interests. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect the interests of citizens, businesses and other stakeholders. The decision-making process must be transparent to allow for proper scrutiny and to ensure that the Union's institutions are accountable.

a) Do you agree that ethical and transparent lobbying helps policy development?

ALTER-EU will respond “partly agree” to this question.

ALTER-EU response:

ALTER-EU considers that, in general, ethical and transparent lobbying helps policy development and it is important to make sure that the processes to secure ethical and transparent lobbying are as robust as possible.

A more pertinent question would perhaps be: what is ethical and transparent lobbying? This consultation focuses on the lobby register, and many of our remarks which follow concentrate on that, but there is far more to transparent lobbying than just the register.

The Commission's November 2014 transparency reforms which prevent commissioners and senior officials from meeting with unregistered lobbyists and which see lists of those meetings proactively published apply only to the top 250 or so most senior officials in the Commission. In fact, many lower level officials from among the 30,000+ Commission staff regularly meet with lobbyists, including the key TTIP negotiators, for example, but they are not included within the rules. To be a real transparency champion, the Commission must extend these rules so as to cover all Commission staff. Additionally, full minutes or meeting reports should be taken in far more lobby meetings too, and released under access to documents rules, further boosting lobby transparency.

We also note that the European Ombudsman has [seriously criticised](#) the Commission for its poor implementation of the World Health Organisation's Framework Convention on Tobacco Control and urged the Commission to publish details of all meetings with tobacco lobbyists online. We endorse this.

Transparency is only one element, albeit an essential one, of ethical lobbying. But ethical lobbying goes far beyond transparency, and lobbying which is transparent is not always ethical. Lobbyists may make full disclosures according to the rules, but if certain interests outnumber and outspend others, and receive privileged access to decision-makers, and then manage to secure policies or rules which are contrary to the public interest, then arguably this is not ethical lobbying but excessive lobbying and it will not help the quality and legitimacy of policy development. Lobbying is not ethically neutral. We return to this below.

b) It is often said that achieving appropriate lobbying regulation is not just about transparency, i.e. shedding light on the way in which lobbyists and policy-makers are operating. Which of the below other principles do you also consider important for achieving a sound framework for relations with interest representatives?

ALTER-EU will respond “other” to this question.

ALTER-EU response:

The first question above referred to ethical lobbying which goes further than transparent lobbying. There are various additional aspects of ethical lobbying.

Stopping the privileged access by business interests: Lobbyists representing businesses and trade associations make up 75 per cent of all high-level Commission lobby meetings and more than 80 per cent in certain areas such as financial regulation or the internal market, according to [ALTER-EU analysis](#) conducted in 2015. Yet the Commission has committed to deliver balance in stakeholder representation. Furthermore, almost 70 per cent of all 'expert group' members (i.e. not member states) represent business interests, while trade unions only make up nine per cent. This is particularly worrying as some groups have even de facto written the first drafts of legislation. The most effective, and ethical, way to stop privileged access to the Commission by business interests would be by reducing the overall amount of lobbying contacts of the Commission, and limiting the number of meetings and other interactions with business lobbyists to achieve parity with other stakeholders, notably civil society organisations that represent general and non-financial interests.

Prioritising the public interest: Public and private (business) interests can conflict at times (e.g. public health interests and tobacco industry interests) and it is thus impossible that all policies can always “reflect the interests of citizens, businesses and other stakeholders” alike. An ethical approach to both lobbying and decision-making of public institutions would recognise this, and ensure that public interests ultimately prevail. The Commission's approach to lobbying should reflect this, by recognising that public institutions must safeguard themselves against undue influence by vested private interests. Given the reality of EU lobbying, this would require active steps by the EU institutions to reduce the current imbalance of private interests dominating lobby contacts with the EU institutions.

Preventing unscrupulous lobbying: Lobbying in the context of a conflict of interest or in a 'revolving door' scenario would fall into the category of unscrupulous lobbying. Lobbying which occurs in the context of generous gifts, hospitality, trips, or promises of future employment is similarly unscrupulous, as is inappropriate lobbying, such as bullying someone to deliver a specific outcome. ALTER-EU also considers that lobbying on behalf of repressive regimes would also fall into this category and should be prevented.

Severely restricting lobbying on behalf of 'toxic' industries: An ethical approach to lobbying would ensure that the WHO's Framework Convention on Tobacco Control is fully implemented, as recently demanded by the European Ombudsman. Similar arms-length approaches should be explored for other industries which promote toxic products.

All lobby transparency rules must be placed in this wider, ethical context.

c) In your opinion, how transparent are the European institutions as public institutions?

ALTER-EU will respond “No opinion” to this question.

ALTER-EU response:

The EU institutions have introduced some important transparency measures. However, there

is much that could be improved across the EU institutions to boost transparency.

Lobby register: As mentioned elsewhere there should be a legally-binding register with comprehensive disclosure requirements and an active monitoring and enforcement arm, which covers lobbying in all the EU institutions and executive agencies.

Proactive meetings transparency: All EU institutions should only meet with registered lobbyists (or those who fall under the threshold for registering under a legally-binding lobby register), lists of meetings should be proactively published and reports of lobby meetings held by EU officials should be kept and should be release-able under access to documents. Electronic lists of meetings should be held in a centralised, searchable database.

Tobacco lobby: All EU institutions signed up to the World Health Organisation's Framework Convention on Tobacco Control should make sure its policies and practices are fully compliant with it, including to require full transparency on all contacts with the tobacco industry.

Access to documents: ALTER EU welcomes reforms to bring regulation 1049/2001 into line with the Treaty of Lisbon by widening its scope to encompass all EU institutions, bodies, offices and agencies currently not covered. Such reform should recognise the fundamental nature of the right of access to information, and to ensure harm and public interest tests apply for all exceptions.

Trilogues: These informal inter-institutional meetings between the European Parliament, the Council of the European Union and the European Commission have become an established feature of EU decision-making, but often undermine accountability and transparency of the EU legislative process. Very little information is available to the public because these meetings take place behind closed doors and only well-resourced and/ or well-connected lobbies have access to trilogue documents. We call for the publication of all documents in a timely and systematic manner, public access to meetings, and access to any reports or notes discussed over the course of the process, in line with the procedures for normal Parliament committee meetings.

TTIP: The European Commission should follow the European Ombudsman's recommendations and provide full transparency on the TTIP negotiations. This includes the publication of the consolidated texts as soon as they are agreed by the negotiators. It should also extend the proactive publication of lobby meetings to all negotiators involved in the negotiations.

1.2 The Transparency Register provides information to politicians and public officials about those who approach them with a view to influencing the decision-making and policy formulation and implementation process. The Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyists.

Do you consider the Transparency Register a useful tool for regulating lobbying?

ALTER-EU will reply "somewhat useful" to this question.

ALTER-EU response:

ALTER-EU has long-supported the idea of a lobby register as a tool to bring transparency to EU lobbying. However, the present register is highly-flawed and serious changes must result from this consultation and review process if it is to become the very useful tool which we all

desire.

For ALTER-EU, a lobby register which is no longer voluntary, but which is backed by the force of law, is essential if all lobbyists are to sign-up and if the register is to contain data which provides an accurate snapshot of lobbying in the EU institutions so that citizens can see who is influencing EU decision-making, on which issues, on whose behalf, and with what budgets.

As a result, we wish to see a commitment to start negotiating a legally-binding lobby register in place by 2017. A legally-binding lobby register would give the authorities the opportunity to levy fines or other real sanctions on those who refuse to register. Such legislation could also bestow proper enforcement mechanisms on the authorities so that they can take tough action against those who post inaccurate information or who otherwise break the rules. A legally-binding lobby register should be introduced alongside a clear threshold for registration which clarifies what constitutes ‘lobbying’ and which contacts with decision-makers do not eg. citizens contacting their local MEP.

In the meantime, before a legally-binding lobby register is introduced, it will be important to continue to introduce further incentives to encourage registration now, and this will be discussed this further below.

2.1 Activities covered by the Register include lobbying, interest representation and advocacy. It covers all activities carried out to influence - directly or indirectly - policymaking, policy implementation and decision-making in the European Parliament and the European Commission, no matter where they are carried out or which channel or method of communication is used.

This definition is appropriate?

ALTER-EU will reply “fully agree” to this question.

ALTER-EU response:

We consider that the definition of lobbying / interest representation in the lobby register is one of the strongest elements of the present set-up. All efforts should be made to resist any demands to weaken it.

2.2 The Register does not apply to certain entities, for example, churches and religious communities, political parties, Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Regional public authorities and their representative offices do not have to register but can register if they wish to do so. On the other hand, the Register applies to local, municipal authorities and cities as well as to associations and networks created to represent them.

ALTER-EU will reply “Changed to include certain types of entities” to this question.

ALTER-EU response:

Registration in the Transparency Register should depend solely on the nature of the activity undertaken according to the definition of lobbying, and not on the type of entity that is carrying out the activity. ALTER-EU considers that all churches and religious communities, political parties, and regional public authorities and their representative offices should register if they are undertaking lobbying/ representing their own interests, according to the

definition provided. There is no rationale for their exclusion: some of the distinctions (eg between a city and a regional government) are arbitrary, and it is also clear that each of these entities have 'interests' and there is a strong public interest in citizens knowing what lobbying they carry out.

It is also essential that all third country (ie those outside of the EU) governments should also be covered by the register, and required to register. Furthermore, the lobby firms, PR firms and law firms employed to lobby the EU institutions on behalf of third country governments, or to promote their image, should be required to declare all such clients. Of particular concern are the firms working for some of the world's most autocratic regimes and human rights-abusing governments. Too many [European PR firms and lobby consultancies](#) are being paid to whitewash repressive regimes' images, smear dissidents and opponents, run their elections, hide their abuses, and lobby for lucrative investment, trade, aid, and political support from the EU institutions. The US has strict reporting requirements for representatives of foreign agents and the EU should follow suit. The Code of Conduct should reflect this (see below).

Finally, the register applies to law firms but many refuse to register correctly, although some do. It is imperative to find a solution so that law firms which lobby join the register. A legally-binding register is the obvious long-term solution.

3.1 What is your impression of the Register web site?

ALTER-EU response:

It is true to say that the register website was improved in the relaunch of April 2015. However we wish to make these comments:

- The search function should be improved and sensitised. For example, a search for "exxon" only pulls up two lobby firms which list ExxonMobil as a client. The full entry for ExxonMobil Petroleum & Chemical only comes up separately. Instead, a search for "Exxon" should bring up all references to "exxon" across the register, wherever they might appear.
- 'Participation in EU structures and platforms' should be via a direct link to the Commission's expert groups database, so that expert groups are directly referenced by their code in the expert groups register
- A list of 100 most recent registrants would be useful. The present list is too short.
- The news listing is not prominent enough and is too far down the home page. All 'news' postings should be notified to those registered. Previously important documents have been published but not been seen.
- Currently data on the Commission's lobby meetings is provided only via numerous html pages. This data should also be provided in one big, daily updated xml file to allow tools like LobbyFacts to function more smoothly and more reliably.
- We also propose that the technical team for the lobby register should be open for practical suggestions by outside users.

4. Final comments or ideas on any additional subjects that you consider important in the context of this public consultation

ALTER-EU response:

Effective data monitoring: The quality of the data in the lobby register is extremely poor and Transparency International estimates that around half of the entries are problematic. This must change if citizens are to have confidence in the system. The human resources and software capacity devoted to the EU lobby register, as well as its investigatory and enforcement powers, need to be totally transformed so that effective monitoring checks are carried out on at least 20 per cent of all declarations each year, and all complaints are dealt with speedily. Particular priority should be allocated to ensuring the accuracy of the financial data within registrations.

Improved sanctions to boost data quality and registrations: Submitting inaccurate and / or misleading information must be specified as an offence, punishable by suspension. Suspended lobby groups should be placed on a public list. Law firms which do not register at all, or which register but do not disclose their clients, remain real weaknesses in the register's regime. As long as the register is not legally binding, other ways of bringing them into the register have to be found.

Meetings with registered lobbyists: The Commission's lobby meeting policy should be immediately extended so that no Commission official is allowed to meet with unregistered lobbyists. Additionally, if MEPs, their staff and Parliament staff choose to meet with lobbyists, they should first ensure they are registered.

Include the European Council, Council and permanent representations: The European Council and Council are significant EU institutions and the EU lobby register should be extended to fully include the European Council, the Council and permanent representations.

Changes to the lobby transparency register disclosure requirements:

- **Financial disclosure:** Lobby turnover should be disclosed to the nearest 10,000 euros and not according to wide brackets. Lobby spending should be disclosed to the nearest 10,000 euros.
- **Lobby issue disclosure:** All lobby consultancies and law firms should be required to list, alongside the specific lobby revenue received from each client, the precise issues upon which they lobby and / or advise each client and which lobbyist works for which client.
- **No lobbyist should be able to represent an unregistered client and declarations of clients should link directly to the register id of the client.**
- **Lobbyists' names disclosure:** All individuals lobbying on behalf of a registrant should be listed.
- **Disclosure of lobbying through third parties:** Registrants should specify all third party organisations which it pays through which it conducts its lobbying and indicate how much it pays to them.
- **There should be compulsory twice-a-year updates to the lobby register including financial information, lobby clients, lobbyist names etc.**

B. SPECIFIC PART (13 questions)

1. Structure of the Register

1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the Interinstitutional Agreement). Have you encountered any difficulties with this categorisation?

No

ALTER-EU comment:

We note that there are many organisations which have categorised themselves wrongly. ALTER EU has found amongst the many anomalies and data inaccuracies in the register, that a high number of general consultancy services providers are registered in the lobby consultancy category, and many business associations and NGOs are registered as think tanks. Some of these could be easily dealt with by using clearer titles and descriptions for the different categories and by providing examples to indicate how certain kinds of organisations should categorise themselves. For example, professional consultancies should be re-named as 'lobby consultancies'.

2. Data disclosure and quality

2.1 Entities joining the Register are asked to provide certain information (contact details, goals and remit of the organisation, legislative dossiers followed, fields of interest, membership, financial data, etc) in order to identify the profile, the capacity of the entity and the interest represented (Annex I of the Interinstitutional Agreement).

The right type of information is required from the registrant?

ALTER-EU will reply “too little is asked” to this question.

ALTER-EU response:

A series of detailed changes are required to boost data quality:

Financial disclosure: Currently, lobby consultancies and law firms are required to disclose their lobby turnover but only in some very broad bandwidths which become less transparent the bigger the sums involved. This is clearly nonsensical and lobby turnover should be disclosed to the nearest 10,000 euros. Similarly, all client lobby revenue for the previous year should be precisely declared; all client revenue for the current year should be declared to the nearest 10,000 euros. For other registrants, lobby spending should be disclosed to the nearest 10,000 euros. This will help ensure that the register provides an accurate picture of how much is being spent on EU lobbying, and by whom. There should be compulsory twice-a-year updates to the lobby register including financial information, lobby clients, lobbyist names etc.

Lobby dossier disclosure: Unfortunately, this area of the register is poorly policed with too many organisations making only general, imprecise declarations; this needs remedying so that the register provides a clear picture of who is lobbying on what. Furthermore, all lobby consultancies and law firms should be required to list, alongside the specific lobby revenue received from each client, the precise issues upon which they lobby and / or advise each client.

Lobbyists' names disclosure: All names of lobbyists operating on a registrant's behalf should be disclosed. This would have two big benefits: it would likely prevent the numerous lazy entries in the register which mistake whole staff bodies or membership as 'lobbyists' and who thus declare thousands of lobbyists. Secondly it would help to bring more transparency around the revolving door (the movement of individuals between the public and private sectors).

Disclosure of lobbying through third parties: Currently, registrants are required to disclose their membership of other organisations such as networks or trade associations. But this is not

sufficient to provide an accurate picture of an organisation's full lobby footprint. Registrants should specify all third party organisations which it pays (via membership fees, donations, payments for lobbying services provided etc) through which it conducts its lobbying and indicate how much it pays to them: law firm, lobby consultancy, grass-roots organisation etc. This should lead to better financial disclosure (too many organisations currently omit their spending on lobby consultancies from their own declarations) and ensure that those who back 'astroturf' or so-called front groups, have to declare it.

End think-tank exemption: Currently, think-tanks only provide general funding data. This represents a loophole in the rules which aides the secrecy of industry-funded front-groups which masquerade as think tanks; think-tanks should be required to publish a list of their funders and the sums involved.

2.2 It is easy to provide the information required?

[need to add]

2.3 Do you see any room for simplification as regards the data disclosure requirements?

ALTER-EU will reply “no” to this question.

ALTER-EU response:

For ALTER-EU, there is no rationale to simplify the data disclosure requirements, especially if that ultimately leads to less data being disclosed. Rather, as set out above, the data disclosure requirements need strengthening. More effort could instead be made to simplify and clarify the accompanying guidance. The guidance and key elements from the IIA could be incorporated into one document and could be easily accessible (as clickable information points) as registrants go through the update process. More use could be made of hypothetical examples and more emphasis placed on best practice.

2.4 What is your impression of the overall data quality in the Register:

ALTER-EU will reply “poor” to this question.

ALTER-EU response:

Transparency International has estimated that over half of the entries on the lobby register contain factual errors or implausible numbers and it made a formal complaint about over 4,200 entries! This reflects the scale of the challenge and the current lack of capacity of the secretariat to properly monitor the data in the register.

The human resources and software capacity devoted to the EU lobby register, as well as its investigatory and enforcement powers, need to be totally transformed so that effective monitoring checks are carried out on at least 20 per cent of all declarations each year, and all complaints are dealt with speedily. Particular priority should be allocated to ensuring the accuracy of the financial data within registrations and we consider that software could easily be used to alert registrants to particularly unlikely-looking postings (see below for more detail) and to highlight unlikely-looking entries to staff, enabling speedy follow-up investigations by staff.

3. Code of Conduct and procedure for Alerts and Complaints

3.1 The Code of Conduct sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions (Annex III of the Interinstitutional Agreement).

The Code is based on a sound set of rules and principles?

ALTER-EU will reply “partially agree” to this question.

ALTER-EU response:

The Code of Conduct covers many important points although some important phrases such as “inappropriate behaviour” remain undefined. This should be remedied, perhaps along the lines of the European Parliament's decision of April 2014 on the [modification of the interinstitutional agreement on the Transparency Register](#).

The Code of Conduct should prohibit the representation by private firms (including lobby firms, PR firms, law firms) of regimes the EU considers to be in breach of human rights. The Code of Conduct should also prohibit the representation by private firms of the tobacco industry. According to the World Health Organisation's Framework Convention on Tobacco Control, contacts with the tobacco industry should be kept to a minimum and there is no role for the EU institutions to communicate with the industry through such intermediaries.

A further concern is that the Code of Conduct is too indirectly linked to the system of sanctions. Breaches of the Code of Conduct should be more readily sanctioned; see below for more information.

3.2 Anyone may trigger an alert or make a complaint about possible breaches of the Code of Conduct. Alerts concern factual errors and complaints relate to more serious breaches of behavioural nature (Annex IV of the Interinstitutional Agreement).

a) The present procedure for dealing with alerts and complaints is adequate.

ALTER-EU will reply “Disagree” to this question.

ALTER-EU response:

The present system for dealing with alerts and complaints and the general maintenance of the register is far from adequate. The secretariat for the current (voluntary) EU lobby register, with its 9000+ registrations, is staffed by only a handful of people (ratio: 1 staff member per 3653 registrants). This is seriously inadequate considering [the Canadian register](#) with its 2650 registrations has 28 staff members to administer and police the system, including a 'commissioner of lobbying' (ratio: 1 staff member per 95 registrants). The Commission should significantly boost the resources devoted to the register.

Currently, the only real sanction available to the lobby register authorities is removal from the register and this can only occur in cases where there has been “non-cooperation” with the secretariat, “inappropriate behaviour” or “serious non-compliance” with the [code of conduct for lobbyists](#). While ALTER-EU has [complained](#) to the secretariat about a number of corporate lobby groups who have submitted inaccurate register entries, no punitive action has been taken and such organisations have been able to maintain the privileges that come with being part of the lobby register, including having European Parliament access passes and holding lobby meetings with commissioners or other senior staff at the Commission. This must change if citizens are to have confidence in the system. Submitting inaccurate and / or misleading information must be specified as a punishable offence. If such data is not remedied

or justified within a month of the secretariat raising it with the registrant, it should lead to the suspension of all privileges which come from being part of the register for up to one year, depending on the severity of the offence. Suspended lobby groups should be placed on a public blacklist and should be suspended from expert groups and lose access to the Commission and Parliament.

Meanwhile, a future legally-binding lobby register should implement a system of fines and criminal prosecutions for serious breaches of the rules, putting it on a par with other similar systems in the US and Canada.

b) Do you think that the names of organisations that are suspended under the alerts and complaints should be made public?

ALTER-EU will reply “Yes” to this question.

ALTER-EU response:

Yes, this is absolutely crucial as the threat of bad publicity from suspension should act as a further incentive to keep registrations and data up to date. Furthermore, in the interim period before a legally-binding lobby register comes into force, it will provide a source of important information for MEPs, their staff and all other officials across the EU institutions when considering whether to accept an invitation or written correspondence from a lobby organisation.

4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register website in relation to registration and updating?

ALTER-EU comment:

We suspect that a good proportion of the errors in the data posted on the lobby register are accidental or inadvertent. The register's software could help identify and warn about possible errors while a registration/ update is underway, by alerting the registrant to a possible concern ie. a large number of lobbyists; large lobby costs; law firm or lobby consultancy posting no clients; an unlikely ratio between lobby costs and lobby staff; posting lobby costs of less than 100 euros; data is substantially different from previous entries; and other examples.

Furthermore, we consider that the register would be far more effective and precise if all registrants were required to submit at least two updates per year, and on shared dates ie. 31 January and 31 July. At the moment, the 9000+ organisations in the register are only required to submit one annual update to their registration and this can happen at any point in the year. As a result, the data posted, especially in the area of spending on lobbying, is tricky to compare and contrast as it relates to different time periods. Such a reform would also help to enforce the current rule that all registrants should use the financial data from the most recently-closed financial year.

5. Current advantages linked to registration

5.1 The European Parliament and the European Commission currently offer certain practical advantages (incentives) linked to being on the Register. The Commission has also announced its

intention to soon amend its rules on Expert groups to link membership to registration. Which of these advantages are important to you?

ALTER-EU comment:

In the interim period before a legally-binding lobby register comes into force, these 'carrots' can be important in incentivising participation in the register. However, we wish to make a few important points:

- **The Commission's policy that only senior elite in the Commission meet with registered lobbyists is not currently error-free and we are aware of various meetings which have occurred which breach these rules. More effort is needed to properly implement this and other measures. if they are to have integrity.**
- **Such policies only boost the number of registrations; they do nothing to improve the data quality in the register, and arguably there are many lobby groups accessing the elite of the Commission or gaining access passes to the Parliament on the basis of flawed or even misleading lobby register entry.**
- **These incentives would have far more effect if the power to suspend organisations from the register, and thus from these privileges, was extended to include the posting of inaccurate or misleading lobby data.**
- **Overall, such incentives do not replace the need for a legally-binding register.**

6. Features of a future mandatory system

6.1 Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

ALTER-EU will reply “Yes” to this question.

ALTER-EU response:

We consider that, in the interim period before a legally-binding lobby register comes into force, the following interactions should be made conditional upon prior registration:

European Commission:

- **Any lobby meeting with any Commission official**
- **Any participation in expert groups, advisory groups, market access groups**
- **Any attendance by Commission staff and commissioners at meetings and other events organised by lobbyists**

European Parliament:

- **All meetings by MEPs, their staff and Parliament with lobbyists**
- **All events in the Parliament's premises organised by lobbyists**
- **Any participation by MEPs, their staff and Parliament staff at events and activities organised by lobbyists**
- **Any participation in official Parliament intergroups and unofficial cross-party groups which organise events inside the Parliament**

European Council, the Council, and member states

- **Any lobby meeting held by President Donald Tusk, members of his Cabinet, and staff from the secretariat**

- Any lobby meeting held by the general secretariat of the Council
- Any lobby meeting held by the Permanent Representations on EU decision-making matters
- Any lobby meeting held by staff from the European External Action Services, high-level representative Federica Mogherini and her Cabinet

However, it is important to remember that even if all of these incentives are implemented, they will still only lead to a de facto mandatory register. There remains a pressing need for a legally-binding register.

6.2 Do you agree with the Commission's view that the Council of the EU should participate in the new Inter-institutional Agreement on a mandatory Register?

ALTER-EU will reply “Yes” to this question.

ALTER-EU response:

The European Council and Council are significant EU institutions and important lobbying also occurs towards the member states' permanent representations in Brussels. ALTER-EU supports the extension of the EU lobby register to fully include the European Council, the Council and permanent representations and we recently published a report on this matter. <http://alter-eu.org/documents/2016/03-0>

However, if there is no likelihood that these bodies will join the register, the Commission and Parliament should proceed to revise the present register and set-up legally-binding system. Recalcitrance on the part of the other institutions should not prevent progress on a new register.

7. Looking beyond Brussels

7.1 How does the Transparency Register compare overall to 'lobby registers' at the EU Member State level?

ALTER-EU will reply “No opinion” to this question.

ALTER-EU response:

It is disappointing that this consultation has confined itself to only look at good practice in the EU when there are well-known and good examples of lobby registers in others parts of the world including the US and Canada.

ALTER-EU considers that the EU institutions should set best practice standards for strong transparency requirements to serve as an example for member states.

8. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

ALTER-EU response:

It is good to see this consultation process. However it will be important that the process of the inter-institutional agreement which follows is also conducted openly; previous processes have

been far too opaque. 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 promptly.

Finally, all EU institutions should conduct regular reviews of their transparency rules and the way in which they are implemented so as to constantly strive for better and more comprehensive transparency. This would include, but not be limited to, the EU lobby transparency register.