

ALTER-EU verdict on the review of the EU Transparency Register: “hugely disappointing”

Brussels, 27 January 2014



Transparency campaigners cannot find a single area of “good progress” made by the review group to improve the EU’s lobby register, according to a scorecard published today by ALTER-EU. The scorecard assesses the outcome of the recent EU Transparency Register review process against ALTER-EU’s own recommendations for reform. The assessment has been made after receiving leaked copies of the final outcome of the review process.

Out of the ten ALTER-EU recommendations for reform, five were assessed as “no progress made” and a further three as “some improvement, more to do”. In the two most important areas (making the register mandatory and the introduction of incentives to encourage registration) the Parliament’s efforts were given a slightly higher score than the Commission’s, to reflect the intransigence and total lack of firm commitment to progressive reform shown by the Commission.

Erik Wesselius of Corporate Europe Observatory, a member of ALTER-EU’s steering committee, said: *“Overall, the outcome of this review is hugely disappointing. Both MEPs and Commissioner Šefčovič have approached this review with a real lack of ambition and this is reflected in the final outcome. Practical progress towards the goal of a mandatory register before 2017 now seems highly unlikely.”*

Max Bank of LobbyControl, another steering committee member said: *“Our scorecard shows that there are only a handful of proposed changes which show improvement. Meanwhile it seems unlikely that many of the currently unregistered organisations and law firms will be incentivised to now join.”*

Paul de Clerck of Friends of the Earth Europe and the ALTER-EU steering committee said: *“Lobbying transparency is vital if European citizens are to have confidence that EU decisions are made in the public interest. Yet this review has paid scant attention to these concerns which is shocking considering the power of corporate lobbyists in Brussels to undermine climate change, food labelling and tobacco control and many other policies.”*

You can read the outcome of the Transparency Register review here:

- [Letter from chairman of the group Rainer Wieland MEP to President of the European Parliament Martin Schulz](#) (leaked version)
- [Draft inter-institutional agreement \(IIA\) on the lobby register](#) (leaked version)
- [European Commission press release](#) (13 December 2013)
- [European Parliament press release](#) (12 December 2013)

Background

In 2013, a group of MEPs and Commissioner Maroš Šefčovič undertook a review of the [EU Transparency Register](#). ALTER-EU closely monitored the development of the joint Commission-Parliament register which was launched in 2011. Our recent reports on the workings of the register ([Dodgy data](#) (2012), [Rescue the Register!](#) (2013)) have analysed the information contained within the register and have set out detailed recommendations for substantial reform to the register.

While a list of 30 ‘measures and elements to take’ was published by the Commission on 13 December 2013, it became clear that this did not reflect the full detail of the working group’s findings and in particular, it appeared to under-play the differences in approach between the Parliament and Commission on some important matters. Now, the draft Inter-Institutional Agreement on the lobby

register and a letter from the chairman of the group Rainer Wieland MEP to the President of the European Parliament Martin Schultz MEP have been leaked and appear to represent a more comprehensive outcome of the review group. ALTER-EU is very disappointed at the lack of transparency surrounding the work and the outcomes of this review group.

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ALTER-EU scorecard on EU Transparency Register review recommendations

Key



No progress made



Good progress made



Some improvement, more to do

	ALTER-EU demand	What the working group recommended	ALTER-EU verdict	Score
1	Mandatory lobby register: timetable announced for transition to new register by 31.12.2014	Wieland's letter to Schultz says <i>"European Parliament [should] strongly formulate the expectation that the Commission should promote a political action aimed at the creation of a new legal basis ... for the introduction of a mandatory register. In case the Commission fails to reach this goal, the EP resolution should call on it to submit, by the end of 2016, a proposal for the introduction of a compulsory register based on the currently existing legal basis."</i>	Parliament has reiterated its strong support for a mandatory register and demanded action from the Commission.	
			It is clear that the Commission continues to block the proposal for a mandatory register and has made no firm commitment in this area.	
2	Incentives for registration: Commission to refuse to meet unregistered lobbyists; unregistered cannot sit on expert groups; EU decision-makers do not speak at events organised by unregistered; unregistered cannot hold events in EU premises	Wieland's letter to Schultz says: <i>"For Parliament, such incentive measures could include, inter alia, linking the registration to: further facilitation of access to EP premises, its Members and staff; authorisation to organise or co-host events on its premises; facilitated transmission of information, including specific mailing lists; participation as speakers in committee hearings; patronage by the institution."</i>	For the Parliament , some incentives are proposed although they are vague. However, if implemented, they would represent a step forward.	

		<p>The draft IIA says: <i>“For the Commission these could include measures with regard to the transmission of information to registrants when launching public consultations, measures on expert groups and other advisory bodies, specific mailing lists or patronage by the institution.”</i></p>	<p>For the Commission, some incentives are mentioned but they are far too vague and the Commission has made no firm commitment. In particular, the Commission should refuse to meet with unregistered lobbyists and not allow them to sit on expert groups.</p>	
3	<p>Tough action to tackle non-compliance by law firms: compulsory registration; no special treatment; obligation to disclose client list</p>	<p>The Wieland letter to Schulz says: <i>“... potential incompatibilities with national legislations on confidentiality rules covering certain regulated professions (i.e. lawyers) need to be approached, taking into account that the Working Group has welcomed a transitional solution proposed by the Chair which needs further examination.”</i></p>	<p>There is no new tough action proposed to tackle law firms' virtual boycott of the register, although it is positive that earlier proposals to allow exemptions for law firms to disclose client lists have, so far, been rejected. It is not clear what the “transitional solution” mentioned is, but Parliament and the Commission should never introduce exemptions for law firms.</p>	
4	<p>Improved lobbyists' code of conduct: clarity over terms such as “inappropriate behaviour”; ban on lobbyists contracting and / or paying MEPs and assistants</p>	<p>Parliament's committee on constitutional affairs (AFCCO) will be asked to further revise elements of code of conduct, including to develop a definition of “inappropriate behaviour”.</p>	<p>No positive changes to the draft code of conduct.</p> <p>The review group should have explicitly banned funding of MEPs and their offices by external sources and developed a definition of “inappropriate behaviour”.</p>	
5	<p>Improved financial disclosure: declare per client lobby expenditure in band-widths of €10,000; declare all sources of funding and the corresponding amounts</p>	<p>(See Annexe 2 of draft IIA)</p> <p>The IIA Annexe 2 says that NGOs, think-tanks etc should provide a <i>“breakdown of the main amounts and sources of funding”</i></p>	<p>Per client lobby expenditure band-widths have been adjusted and are now slightly narrower for smaller amounts, although they should also be far narrower for larger amounts too.</p> <p>It is not clear if tiny changes to wording will mean that NGOs/ think tanks will now provide more details on their funding sources and amounts. This will need strong implementation if it</p>	

			is to provide useful information.	
6	Improved lobby issue disclosure: declare precise information on key legislative proposals worked on	The IIA Annexe 2 says <i>“concrete details and information should be provided on the main legislative proposals or policies covered by activities of the registrant falling within the scope of the register”</i>	The existing IIA already asks for information on the “main legislative proposals covered”, but in practice this does not always happen. It is not clear if tiny changes to wording will mean that information provided is accurate and complete; if so, it would be a positive step forward.	
7	Improved staff disclosure: declare names of all staff undertaking lobby activities and revolving door history	No mention	No improvement here. The only (existing) requirement is the listing of staff with European Parliament access passes.	
8	Improved up-to-date information on fixed dates: declare lobby expenses (previous year), client lists (previous six months)	No mention	No improvement here. Only annual updates required with no fixed dates.	
9	Full transparency on all lobby work: declare law firms or lobby consultancies employed, membership of coalitions etc	The draft IIA Annexe 2 says that registrants should declare: <i>“Membership in committees, high-level groups, consultative committees, expert groups, other EU supported structures and platforms etc ... Membership or participation in European Parliament intergroups or industry forums, etc.”</i>	It is positive that registrants should now declare their links with EU institutions. Slightly stronger language reminding registrants to declare their sub-contracted lobbying activities (to law firms, lobby consultancies) may lead to greater transparency in this area.	
10	Proactive transparency: Commission to provide comprehensive information online about all meetings and contacts between Commissioners, officials and lobbyists	No mention	No improvement here.	