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Mandatory lobby transparency register: proposals from ALTER-EU

The [Alliance for Lobbying Transparency and Ethics Regulation \(ALTER-EU\)](#) has long demanded the introduction of a high-quality mandatory lobby register as a way of shining the spotlight on the activities of the 20,000+ lobbyists in Brussels. We consider that a mandatory lobby register (to replace the [current voluntary register](#)) is the only way to ensure that the public knows who these lobbyists are, who they are working for, how much they spend, and what specific topics they lobby on. Now that Jean-Claude Juncker has stated: *“I will... propose an Inter-institutional Agreement (IIA) to Parliament and Council to create a mandatory lobby register covering all three institutions”*, ALTER-EU has produced a short briefing of our key policy proposals.

A mandatory lobby register must be backed by legislation

ALTER-EU supports moves towards a mandatory lobby register but we are concerned that a lobby register which is introduced via an inter-institutional agreement (IIA) will not deliver enhanced transparency of lobbyists. We say this because:

- The Barroso Commission already established an IIA with the Parliament, without this leading to enhanced lobbying transparency. Using the same approach again is unlikely to lead to different results.
- In April 2014, the [European Parliament called for the Commission “to submit, by the end of 2016, a legislative proposal for the establishment of a mandatory register”](#). The Juncker Commission's current plans to propose only an IIA would ignore this demand of the Parliament.
- An IIA can only impose binding rules on EU institutions and their staff, and not on lobbyists. To enhance transparency, it is vital that **lobbyists who do not register, who act unscrupulously or who provide inaccurate or misleading information in the register face effective fines or other sanctions**. Fines and sanctions require legislation, as is the case in the US lobby register, for example.
- A register based on an IIA **will not give proper enforcement mechanisms to verify** if information provided in the register is correct or not. With the current IIA based register, it is impossible for the secretariat to assess if a lobby amount of an organisation is correct. They can only rely on what is provided by the registrant.
- Without a legally-binding register, **many kinds of lobbying by entities that are not registered would still be possible** including the distribution of written materials (policy submissions, draft amendments, parliamentary questions etc).
- Without a legally-binding register, there is a risk that **unregistered lobbyists could well increase their use of front groups** (sometimes masquerading as grassroots coalitions) **to try to hide their true identity**.
- Legislation will involve a far more robust process than an IIA. The Barroso Commission's approach to enact a voluntary register backed by IIAs has meant that lobby groups successfully negotiated exemptions. For example: lobby consultancies insisted that they would not disclose specific information on who pays them how much to lobby. Thinktanks received an exemption from having to disclose their funders' names. **Only a mandatory**

register changes this unhealthy dynamic and gives the EU institutions the power to obtain specific and reliable information about lobbying activities and budgets.

- A **legislative process is also far more open and democratic than an IIA**, which is negotiated between only a few actors from each institution concerned. Reaching agreements through an IIA minimises the scope for democratic debate, and gives MEPs and the member states in the Council a weaker role in the decision-making process.

- Finally, **a legally-binding register backed by legislation will not be reversible, nor will it be dependent upon the whim of current and future political leaders**. It will be a permanent achievement to improve the transparency and trust in EU policy-making.

Moving towards a mandatory lobby register: short term steps that should be taken immediately

Until a legally binding lobby register enters into force, we propose that both **the Parliament and the Commission set-up and enforce a series of incentives to maximise adherence to the current voluntary register**. Such steps would also make the transition to a legally binding register easier and take away potential resistance.

- Ban all Commission staff from holding lobby meetings with non-registered organisations
- Ban non-registered organisations from sitting on Commission advisory groups
- Prevent Commission members and staff from attending events organised by non-registered organisations
- Prevent Commission from hosting events by non-registered organisations on its own premises

Similar incentives could be developed for the Parliament. All such incentives should cover all organisations and individuals whose activities are covered by the scope of the current transparency register, but should exclude individuals and grassroots groups which contact the EU institutions on a one-off basis, or citizens engaging on a non-professional basis with their elected officials and other EU decision-makers.

Other requirements for a high-quality mandatory lobby register

- The European Commission should make legislative proposal by the end of 2015 with an aim of the new register being operational by mid-2017
- Law firms' lobby work must be explicitly included; too many law firms currently boycott the register using the excuse of client confidentiality
- Data disclosure rules must be significantly tightened-up including: far narrower bandwidths for expenditure and sources; names of all lobby staff; precise details of dossiers worked on; details of other lobby entities used: consultancies, coalitions etc. These will help ensure the new register provides meaningful and comprehensive information to the public
- Registrants should be required to file quarterly reports of lobbying activity
- The code of conduct for lobbyists should prevent lobbies from hiring former commissioners or other high-level Commission officials for three years after they leave office. All registrants should be transparent about 'revolving door' recruitment.