



Alliance for Lobbying Transparency and Ethics Regulation
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Brussels, 23th February 2015

Mr Frans Timmermans
First Vice President for Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights
European Commission
B-1049 Brussels, Belgium

Subject: Request for a meeting with transparency NGOs

Dear Vice President Timmermans,

We were pleased to learn that you announced in the Commission's Work Plan for 2015 that you will launch a mandatory lobby register. Last November, we met with your deputy head of Cabinet, Ms. Sutton, and we discussed this issue already to some extent.

However, we were surprised that you mentioned that such a register would be based on an Inter-Institutional Agreement (IIA). While an IIA can result in obligations for the parties that signed the agreement, it is not binding on third parties. Therefore, even an incentives-based IIA cannot place an obligation on external stakeholders and lobbyists and hence, it could not result in a mandatory lobby register. For that reason, ALTER-EU has argued that a mandatory lobby register should be based on a legislative proposal. This is also the opinion of the European Parliament and the European Ombudsman.

A mandatory register based on a legislative proposal will provide the register secretariat with the necessary tools to verify if information provided is correct, and if not, to apply appropriate sanctions. The current voluntary register does not have these tools, as demonstrated by a number of cases in which complaints about obvious under-reporting by business groups could not be addressed properly by the register secretariat.

In the hearing that you held last month with the Green group in the EP, you responded to a question posed by MEP Giegold that you were not aware of the fact that an IIA could provide for sanctions and fully ensure the quality of information and that you would be willing to look into other instruments if an IIA did not deliver the desired results.

ALTER EU would like to discuss with you the possibilities and benefits of a legislative proposal as the basis for a mandatory lobby register.

During such a meeting, we would also like to address the following related issues:

- Issues related to the (lack of quality) of information currently provided in the lobby register: Please note our recent report 'New and Improved? Why the EU Lobby register still fails to deliver', that highlights ongoing problems, loopholes and violations of the rules of the register: http://www.alter-eu.org/sites/default/files/documents/Why%20EU%20Lobby%20Register%20still%20fails%20to%20deliver%20-%20print%20version_0.pdf
- The rationale for involving the Council in an IIA, acknowledging that the Legal Service of the Council has rightly concluded that Council's participation would be 'devoid of purpose' as none of its political activities would be covered. The Legal Service concludes that signing up to the IIA would lead to legal risks and political confusion and participation is not appropriate.
- The incentives for registration that you provided by linking registration to access to Commissioners: While we appreciate and acknowledge the importance of these measures, we also note that the vast majority of lobby contacts is with civil servants that are not covered by these rules, which still allows unregistered lobbyists to have access to Commission staff.
- The importance of an open and inclusive process for the development of a mandatory register that informs and involves civil society groups.
- Options for a legislative basis for a mandatory lobby register: In 2013 Professor Markus Krajewski drafted a legal study that argued that Article 298 (2) FTEU could provide a legal basis for a mandatory lobby register and that such a legal basis would only require a qualified majority in Council. See the report: http://www.foeeurope.org/sites/default/files/news/foee_legal_framework_mandatory_eu_lobby_register.pdf

ALTER-EU has been involved in the development and strengthening of the existing lobby register since it was launched and we would like to contribute to its further improvement. We are therefore looking forward to scheduling a meeting with you at your earliest convenience.

We look forward to hearing from you.

Yours sincerely,



Paul de Clerck (Friends of the Earth Europe)

Other members ALTER-EU steering committee:

Nina Katzemich (LobbyControl)

Helen Darbishire (Access Info Europe)

William Dinan (SpinWatch)

Jorgo Riss (Greenpeace European Unit)
Erik Wesselius (Corporate Europe Observatory)
Yuklan Wong (European Federation of Journalists)

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