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From: General Secretariat of the Council
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Subject: **Report of the GSC on the review process of the Transparency Register -
meetings of the Working Group on 10 and 15 October 2013**

1. The fourth and fifth meeting of the high level working group on the revision of the Transparency Register took place on 10 and 15 October 2013.
2. The meeting on 10 October focussed on **horizontal issues** related to the interinstitutional agreement on the establishment of the Transparency Register and concluded the debate on the annexes I-IV discussed in the previous two sessions. The discussion touched on the possibility to provide additional incentives for lobbyists to register, to more clearly describe the scope of the activities falling within the scope of the register, the use of a confidentiality clause to allow e.g. lawyers address conflicting obligations concerning client confidentiality, and means to check the correctness of the data provided by registrants.
3. The meeting on 15 October was a **question and answer session with stakeholders**. The discussion covered the inclusion of law firms, the role of regions (see below) and better incentives to encourage lobbyists to register.

4. The question of **Council participation** in the Transparency Register was also evoked at the two meetings. The Commission and the European Parliament expressed their interest in the Council joining. To take account of Council concerns, it was proposed to **delete the second sentence of article 15** of the IIA¹, which has been identified by the Council as problematic², as Member States' bodies are not EU-level institutions, and thus beyond the scope of the register. At the same time the Commission proposed to formally include the office of the President of the European Council as a permanent EU institution.
5. Furthermore, the question of **regional authorities'** inclusion in the register was discussed. It was discussed to exempt regional authorities from the scope of the register, as they have a role in the institutional setup of the EU. Lower entities, such as cities, could, however, be covered by scope of the Transparency Register, to the degree that they exercise lobbying activities directed at the EU institutions.
6. The next meeting on 6 November will focus on the question of whether or not the register could be made compulsory. At this meeting, the legal services of the Commission and the European Parliament will present their opinions on whether or not the register can be made compulsory. Academic experts will also be heard. The opinions will probably look at whether articles 352 TFEU or 298 TFEU could present a legal basis for a compulsory register.

¹ "These activities also include activities directed at Member States' bodies operating at EU level which are engaged in EU decision-making processes."

² Cf. Presidency Non-Paper of 23 April 2013.