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INFORMATION NOTE

from: General Secretariat
to: General Affairs Group and the Working Party on Information
Subject: Implementation of the IIA of 23 June 2011 between the European Parliament and the European Commission on the establishment of a transparency register
The work and functioning of the Joint Transparency Register Secretariat (JTRS)

I. Introduction

1. On 23 June 2011, the European Parliament and the Commission concluded an Interinstitutional Agreement (IIA) laying down the rules on the establishment of a Common Register for the registration and monitoring of organisations and self-employed individuals engaged in EU policy-making and policy implementation¹.
2. During the negotiations that preceded the conclusion of this agreement, the two institutions invited the Council to join the register, currently known as the "Transparency Register"². By letters of 23 February 2011 and 19 May 2011, the Council indicated that it was ready to consider a participation in the Register and to start discussions on the modalities of the Council's possible role³. When the Transparency Register was formally launched on 23 June 2011, the Council moreover issued a unilateral statement, stressing the value of this new tool and the Council's support for this initiative⁴.

¹ OJ L 191, 22/07/2011, p.29

² See letter from the EP and the Commission of 24. September 2010 in doc. 15416/10.

³ See docs. 6656/11 and 10112/11

⁴ See doc. 12024/11.

3. By letter of 30 April 2012, Mr. Wammen, President of the General Affairs Council, welcomed an invitation from Mr. Wieland, Vice-President of the European Parliament, and Mr. Šefčovič, Vice-President of the European Commission, to hold a meeting at technical level on the modalities of the Council's participation in the Transparency Register⁵.
4. At its meeting of 25 April 2012, Coreper agreed on a set of guidelines setting out the Council's position in view of the discussions between the Presidency, the Commission and the European Parliament. At the technical-level meeting held on 1 June 2012, an agreement was reached on that basis between the three institutions on the modalities of the participation of the General Secretariat of the Council (GSC) as observer in the Transparency Register.
5. An observer designated within the GSC has thus attended the weekly meetings of the Joint Transparency Register Secretariat (JTRS) since 7 June 2012. The observer's role is strictly informative. The aim of his participation in the meetings of the JTRS is limited to familiarising the GSC with the management and the operations of the Transparency Register system. Moreover, the observer shall report regularly to the preparatory bodies of the Council about the GSC's participation in the register⁶.
6. This note reports on the functioning of the Transparency Register, including its regulatory framework and technical functionalities, and on the work and activities of the JTRS. It moreover briefly outlines the next stages in the development of the register.

II. The regulatory framework

The principles, structure and scope of the common register

7. The preamble of the IIA of 23 June 2011 specifically refers to the objectives set in Article 11 (1) and (2) of the Treaty on the European Union, which foresee that the institutions, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action, while maintaining an open, transparent and regular dialogue with representative associations and civil society.

⁵ See doc. 8961/12, p. 2.

⁶ See doc. 8961/12, p. 4.

8. In accordance with point 2 of the agreement, the establishment and operation of the register build upon the existing registration systems set up and launched by the European Parliament in 1996 and the European Commission in June 2008.⁷ The Transparency Register provides the general public with information about which interest groups that seek to influence EU decision-making, whom they represent, what their mission is and how they are funded.
9. As compared to the previous registers, the new joint register is deemed to provide more detailed data on the activities and financial figures of the registered organisations and also to be more efficient and user-friendly. Established as a "*one stop shop*", covering both the European Parliament and the Commission, it obliges interest representatives to *register only once*, and moreover *facilitates the monitoring* by the institutions of the different interest groups engaged in EU-policy-making and policy implementation⁸.
10. Pursuant to point 7 of the IIA, the register provides via a web interface
 - (a) guidelines on
 - the scope of the register,
 - the main sections open to registration⁹,
 - information required from registrants (including financial disclosure requirements)
 - (b) a code of conduct¹⁰, and
 - (c) a complaint mechanism and measures to be applied in the event of non-compliance with the code of conduct.
11. The scope of the register covers all activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of the channel or medium of communication used.

⁷ See notably COM (2007) 127, pp. 3-7, and COM (2009) 612.

⁸ See also the entry "interest groups" on the web site of the European Parliament: <http://www.europarl.europa.eu/aboutparliament/en/0073710a27/Overview.html>

⁹ The register is divided into six main sections/categories, enumerated in paragraph 15 of this note.

¹⁰ In their relations with the EU institutions, the registrants commit themselves to "*provide accurate and updated information on the entity or entities they work for or represent*" and "*declare the interests, objectives or aims promoted, and (where applicable) specify the clients or members whom they represent*".

Exempted from the scope of the register are, however, activities concerning the provision of legal advice, activities of the social partners as participants in the social dialogue and activities in response to direct and individual requests from EU institutions, such as requests for factual information, data or expertise.

Functionalities made available through the Transparency Register web site

12. Registration in as well as consultation of the register is done online.¹¹ Since March 2012, applications for EP accreditation are equally introduced via the Transparency Register web interface.
13. The web site provides users with general information about the register, including a series of answers to frequently asked questions, and gives guidance on how to consult the register and on how to introduce complaints in case of infringements of the code of conduct. The register compliance guidelines (referred to above) are regularly updated to clarify the information (including financial data) to be provided by registrants as much as possible.
14. During the period 8 June - 31 August, a special entry enabled registered as well as non registered users to participate in the public consultation on the functioning of the register during its first year of existence (23 June 2011 - 23 June 2012).
15. By 10 September 2012, a total of 5.307 individuals and organisations were enrolled in the Transparency Register, including 611 professional consultancies and law firms, 2.545 trade/professional associations, 1.508 NGOs, 328 think tanks and research and academic institutions, 36 organisations representing religious communities as well as 130 organisations representing local, regional and municipal authorities and 149 other public or mixed entities.

III. The role of the Joint Transparency Register Secretariat

16. The Transparency Register is run by a Joint Transparency Register Secretariat (JTRS) made up of officials from the European Parliament and the European Commission. It operates under the coordination of a Head of Unit in the General Secretariat of the Commission and

¹¹ http://europa.eu/transparency-register/index_en.htm

undertakes notably the following tasks, which are reflected in the agenda of its weekly meetings:

- help desk for internal and external users;
- preparation and regular update of the content on the Transparency Register web site, including publication of statistical information;
- quality checks of the information provided by registrants and handling of complaints;
- communication and awareness-raising among internal and external users;
- elaboration of the annual report and preparation for the political review (scheduled for 2013);
- gathering information on the practice of lobbying and how it is regulated in EU Member States and in certain third countries.

17. While the JTRS has only had to examine five formal complaints during the first year of the register's existence, the JTRS has intervened much more frequently through random quality checks of registered entities (more than 400 during the last six months). This has led to the correction of numerous cases of under-reporting by registrants. The practical consequences of complaints (mainly about incorrect or incomplete information in the register) and instances of under-reporting (established by the JTRS when performing regular quality checks of the information entered) are essentially the same.
18. Registered entities which allegedly have failed to provide the relevant data concerning their clients, their activities and/or the financial information relating to these activities will be asked by the JTRS to correct that information. If the registrants concerned have not taken any action to update or correct their own data or provided a justification for their absence within ten working days, they will (as an interim measure) be suspended from the public register for a period of eight weeks. Should they not have provided the necessary information within that period, they will be definitively removed from the register.
19. Parallel to this, the JTRS is moving towards regularly contacting stakeholders which - although clearly involved in lobbying activities - have failed to register their organisations. Following such contacts, most of the stakeholders concerned decide to register. In the future, EU officials who are contacted by non-registered interest representatives could be entitled to ask such

entities why they have not registered, and also to ascertain the accuracy of the information on lobbyist activities provided by interest representatives, who are already enrolled in the register.¹²

20. As an accompanying measure, the JTRS provides internal training to Commission and EP staff and has started organising information meetings targeted at external stakeholders on the purpose and functioning of the Transparency Register.
21. The JTRS is in contact with other international organisations dealing with transparency issues and the regulation of lobbying activities, such as the OECD and the Council of Europe. In addition, the JTRS has established and is regularly updating an overview of national policies and practices regarding lobbying in the EU Member States and certain third countries, such as the United States and Canada. This information is gathered for information purposes and as a possible source of inspiration in the context of the upcoming review of the Transparency Register.

IV. The next steps

22. Altogether 254 different stakeholders took part in the public consultation on the register, which ended on 31 August 2012. In descending order, the respondents belong to the following categories: trade/professional associations (48 %), NGOs (25,9%), professional consultancies and law firms (11,4%), organisations representing local, regional and municipal authorities (5,5 %), and think tanks, research and academic institutions (4,7 %). 172 (i.e. roughly 69 %) of the respondents have a representation office in Brussels, and a substantial number (89 or 35 %) also have their administrative headquarters in Belgium.
23. The consultation gave the participants (including a small amount of non-registered stakeholders) the opportunity to indicate their reasons for registering (or not registering) their respective organisations and to assess the quality of the information provided on the register web site (including the documentation on how to use the register). The main conclusions from the public consultation will be included in the Annual Report on the Transparency Register to be prepared by the JTRS.

¹² To encourage registration, individual DGs in the Commission have taken measures to ensure that all members of consultative committees are registered. Similarly, the European Parliament has made the issuing of access badges dependent on registration in the Register.

24. The annual report will be submitted to European Parliament Vice-President Rainer Wieland and Vice-President of the Commission Maroš Šefčovič by mid-October 2012.

 25. The findings of the annual report are likely to be explored in the context of the review of the Transparency Register in 2013. Moreover, the report may also provide a useful basis for discussions at the appropriate level between the Council the Commission and the European Parliament's concerning the Council's role in the Transparency Register and the possible next steps to be considered.
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