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COVER NOTE

From: Antonio Tajani, President of the European Parliament
date of receipt: 20 May 2019
To: George Ciamba, Romanian Minister Delegate for European Affairs,
Presidency of the Council of the European Union

Subject: Letter regarding the proposal for an Inter-Institutional Agreement on a
mandatory Transparency Register

Delegations will find attached a letter from the President of the European Parliament to the
Presidency of the Council of the European Union on the above-mentioned subject.

IM 005776 2019
20.05.2019



Il Presidente

D 307330 17.05.2019

Mr George CIAMBA
President-in-Office
Council of the European Union
Rue de la Loi 175

B-1048 BRUSSELS

Dear President-in-Office,

On 28 September 2016, the European Commission presented a proposal for an inter-institutional agreement establishing a mandatory transparency register covering Parliament, Council and Commission. Following the consideration of the proposal and the adoption of the respective negotiation mandates, Parliament, Council and Commission engaged in inter-institutional negotiations with a view to reaching an agreement on that proposal.

At its meeting on 11 April 2019, the Conference of Presidents took note of a report on the state of play of the negotiations by Parliament's lead negotiators Ms Sylvie Guillaume, Vice-President, and Ms Danuta Hübner, Chair of the Committee on Constitutional Affairs, noting that the three institutions will not be able to conclude the agreement before the end of the parliamentary term.

Parliament's lead negotiators expressed their regret that it had not proved possible to conclude an inter-institutional agreement, despite having underlined, in the negotiations at political level as early as in June 2018, and having reiterated since then, the urgency of concluding an agreement sufficiently prior to the end of the parliamentary term as to allow for the necessary internal procedures of the institutions for adopting and implementing such an agreement. Given the commitment of both co-legislators to make progress on the dossier, the decision taken by the Commission counterpart in July 2018 to suspend the negotiations for more than half a year seemed somewhat disconcerting.

The Conference of Presidents underlined that inter-institutional agreements can only be binding upon the institutions, and only to the extent to which the institutions can commit themselves under the Treaties, and that a truly mandatory transparency regime, intended as binding upon third parties as well, cannot be achieved by means of an inter-institutional agreement.

Furthermore, it noted that an inter-institutional agreement would need to take into account the specific nature of each institution, while recalling that the principle of Members' free mandate is enshrined in primary law in Article 6 of the Act concerning the election of the Members of the European Parliament by direct universal suffrage.

Moreover, the Conference of Presidents recalled that Parliament has called repeatedly for a legislative proposal to make the transparency register mandatory and legally binding for all EU institutions and agencies and interest representatives, thereby ensuring full transparency of lobbying.

Consequently, the Conference of Presidents endorsed the recommendations by Parliament's lead negotiators that the next Commission put forward a legislative proposal, and should this not prove possible, the negotiations on an inter-institutional agreement should resume in the subsequent parliamentary term, drawing from the work and mandate of the past two years.

Whilst Parliament is implementing the measures it has unilaterally adopted to enhance its transparency regime, following the amendments to its Rules of Procedure adopted in plenary on 31 January 2019, and thereby demonstrating its continued commitment to transparency and accountability towards citizens, the Council should implement the measures it has proposed during the negotiations.

Ensuring that the European Union's decisions are taken as openly and as closely as possible to the citizens of the Union must remain a priority on the agenda and requires a continuous effort from the EU and from its Member States.

A similar letter has been sent to the President of the European Commission, whom I have invited to ensure that those recommendations by Parliament's lead negotiators, as endorsed by the Conference of Presidents, are brought to the attention of the next College of Commissioners.

Yours sincerely,

A handwritten signature in blue ink that reads "Antonio Tajani". The signature is written in a cursive, flowing style.

Antonio Tajani

Copy: Ms GUILLAUME, Vice-President of the European Parliament
Ms HÜBNER, Chair of the Committee on Constitutional Affairs