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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Interinstitutional agreement between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register - Adoption

I. INTRODUCTION

1. The Transparency Register concerns the contacts between the Commission, the Council and the European Parliament (EP), on the one hand, and interest representatives, on the other hand. On 28 September 2016, the Commission presented its proposal for a new, tripartite Interinstitutional Agreement (IIA) on a *mandatory* Transparency Register¹, in order to replace the current bilateral *voluntary* one².
2. The main objective of the proposal is to establish a framework for transparent interactions between interest representatives and the three EU institutions. The registration of interest representatives in the Transparency Register should become a precondition for activities with decision-makers in the three EU institutions ('conditionality principle').

¹ 12882/16.

² In 2011, the Commission and the European Parliament signed an IIA establishing a common Transparency Register, providing for *voluntary* registration of lobbyists, revised in 2015. The Council decided not to participate but made a unilateral statement, expressing its support.

II. WORK WITHIN THE COUNCIL

3. The file was intensively discussed by the General Affairs Working Party since September 2016.
4. The Permanent Representatives Committee approved, and made public, the Council's negotiating mandate in December 2017³. It consists of a package of two instruments - a draft IIA (amended Commission proposal)⁴ and a draft Council decision (new document)⁵. The Presidency regularly reported to delegations on the interinstitutional negotiations.

III. INTERINSTITUTIONAL NEGOTIATIONS

5. After two preliminary political level meetings during the Estonian Presidency, negotiations with the European Parliament and the Commission started in January 2018. Twenty-one technical and eight political level meetings took place until December 2020, led by several presidencies (Bulgaria, Austria, Romania, Finland, Croatia and Germany). The Romanian Presidency presented to the Permanent Representatives Committee a progress report in June 2019⁶.
6. Under the new legislature, negotiations resumed in June 2020 by the Croatian Presidency and continued intensively during the German Presidency, which made it possible to find mutually acceptable and sound solutions on the outstanding issues. In particular, the Commission agreed to take into account the specificities of each institution, as suggested by the Council and the Parliament. The solutions found address the Council's legal and political concerns, in line with its negotiating mandate.

IV. THE AGREEMENT

7. On 30 November 2020, a provisional agreement was reached at technical level on a compromise package; on 7 December 2020, the political negotiators tentatively endorsed it.
8. On 9 December 2020, the Permanent Representatives Committee endorsed the draft compromise package⁷. On 15 December 2020, the three institutions reached a political level agreement on it.

³ 15173/17.

⁴ 15332/17, 15332/17 COR1, 15332/17 COR2.

⁵ 15336/17.

⁶ 9688/19.

⁷ 13633, 13663, 13813.

9. The package of documents agreed includes the Interinstitutional Agreement between the European Parliament, the Council and the Commission on a mandatory transparency register, as set out in document 5655/21, and a Political statement of the European Parliament, the Council and the Commission on the occasion of the adoption of the Interinstitutional Agreement on a mandatory transparency register, as set out in document 8000/21.
10. A draft Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives, as set out in document 5703/21, is also submitted to the Council for adoption in parallel, as part of the overall package. A Political declaration on additional voluntary commitments by those Member States wishing to do so will complete it.

V. CONCLUSIONS

11. The Permanent Representatives Committee is therefore invited to:
 - approve
 - the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register, as set out in document 5655/21;
 - the Political statement of the European Parliament, the Council of the European Union and the European Commission on the occasion of the adoption of the Interinstitutional Agreement on a mandatory transparency register, as set out in document 8000/21;
 - and the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives, as set out in document 5703/21,with a view to their adoption by the Council as an "A" item at a forthcoming meeting;
 - authorise the Presidency to sign the abovementioned Interinstitutional Agreement and Political statement on behalf of the Council;
 - decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/454, that the Council use the written procedure for the adoption of the abovementioned documents if, due to the circumstances related to COVID-19, no Council meeting takes place before 15 May 2021.