

**Speech by Antonio Gravili, Vice-President Maroš Šefčovič's spokesman
SEAP General Assembly 2011**

Ladies and gentlemen,

Let me start by passing on Vice-President Šefčovič's apologies. He has been unavoidably detained by a General Affairs Council that started much later than normal – in fact, just half an hour ago. But he has sent me here to pass on some messages in his place, precisely because of the high regard he has for your organisation.

In fact the Vice-President considers that SEAP has been very supportive, right from the beginning, of Commission efforts to improve the ethical environment surrounding Europe's decision-making processes.

And today presents an excellent opportunity for me to outline the work that he and Parliament Vice-President Diana Wallis have been leading on the so-called 'Transparency Register' – and not just because of a certain article in the Sunday Times!

Of course this is not just the work of two people. The Parliament and Commission joint working group which produced this result also included Carlo Casini, the Chairman of the Constitutional Affairs Committee, Jo Leinen and Isabelle Durant – and all of their contributions have been critical.

Bringing their own experience to this work, as well as the specific concerns of their different political families, has helped us to produce something that should attract the widest possible support in our institutions.

This does not mean of course that we have taken a lowest common denominator approach. Far from it. As I will show today, the new register represents a qualitative leap forward, which will benefit all Europe's citizens. And having input from such a wide political spectrum makes us confident that the necessary majority will be there when the Parliament votes on the draft agreement at its plenary in May [9-12].

Before I sum up the main features of the common register let me emphasize two things straightaway:

Firstly, we didn't start from scratch. We have built on existing lobbying transparency and monitoring systems that were set up earlier on, both by the Commission and the Parliament. This led to the creation of a single system - a 'one stop shop' - which was our aim from the start.

But we have also built on the very large amount of constructive comments, contributions and - let's be frank - criticisms collected from stakeholders following the review of the system which the Commission carried out in October 2009.

Among the few organisations which have contributed very constructively towards the design of our project, SEAP has been constantly present, active and supportive. Let me assure you that we would very much value more of these exchanges during the upcoming preparation phase of the single register.

The Transparency Register represents the best possible compromise between the various, sometimes conflicting, interests which it serves or affects. I'm sure that SEAP, as a pragmatic and results-oriented association, already recognises this.

Like all compromises, it will attract some criticism - notably from those promoting ever more transparency. Could it ever be otherwise? But our challenge was to reconcile all legitimate interests and realistic considerations into a system which is balanced and proportionate. In this, we succeeded.

The second thing I want to emphasise is that lobbying is just part of a whole range of activities on which we want to shed light through the register. Indeed the word 'lobbying' appears nowhere in the main body of the draft text [it appears in the annexes].

The Transparency Register is expected to host '*organisations and individuals working as independent engaged in EU policy making and policy*

implementation'. This formula makes the scope of the register clear. But it is also more respectful of the specific identities of all the various organisations interacting with our institutions. The grid of the entities expected to register, and their presentation in separate and specific sections, reflects this approach.

Ladies and gentlemen,

Let me now highlight some of the main features of the Transparency Register as it stands in the draft agreement available to you today; a document now submitted for formal approval to the European Parliament and the Commission.

When we reviewed the Commission Register of Interest Representatives a year and a half ago, there were calls for more precision, more clarity on the definition of eligible activities, their exemptions as well as the designation of organisations expected to register or not.

We heard these concerns. They have been addressed in the draft agreement, which is now much more detailed and explicit. We intend to provide even more detail, notably recommendations on the expected financial declarations, through implementation guidelines which are already in preparation. These guidelines will be made available when ready, and in any event before their implementation, so that you can provide us with your views and help us fine-tune them if need be.

The concept of a level playing field for all those engaged in eligible activities has been reaffirmed. There are few exceptions, and these are clearly listed.

Both the Parliament and the Commission agreed that law firms, engaged by their clients in direct representation activities to change the law or the regulatory state of play, are expected to register.

Following exchanges with national and European bar associations over this issue, and clarifications on which activities are concerned by the Register, a certain number of them now better understand our approach. They have

signalled that they will no longer discourage their members from taking part in this transparency process.

We expect a similar evolution among think tanks, as they realise that their reluctance to join the register will impact negatively on their image in the eyes of the public, and may prompt some media to misinterpret their lack of transparency as a sign of shady business. We encourage those entities to register, as a clear signal that their interaction with our institutions fully respects pluralism, transparency and ethical principles.

As far as the future content of the register is concerned I would like to stress two elements:

First, the information collected will be extended to include two further data. One is the number of individuals, employed by or representing the declarant organisations, engaged in activities falling under the scope of the register. The other is the amount of funding received from the EU budget, either through procurements or through subsidies, during the previous fiscal year.

The second element concerns the quality of the data declared. A number of critics pointed out that, in the absence of systematic quality checks, the register could contain unreliable information, even mistakes – of the involuntary and voluntary kind. Several examples have been highlighted recently.

Obviously we recognise that if this were allowed to get out of hand, it would affect both the value and the credibility of the entire register. We have therefore decided to apply a system of quality checks which will include regular surveillance of the new entries, regular random reviews of the content of declarations, dissemination of a quality checklist to registered organisations as well as an increase in automatic validity tests of entries. This should help us to limit the risk of errors.

In fact Vice-President Šefčovič has decided not to wait for the joint Register to start applying these quality checks, but has instructed his services to apply them already to the existing Commission register.

We've done this for a few weeks now, and identified a number of deficiencies, albeit a very low proportion of the samples checked. On the whole, these were involuntary mistakes made by the declarants, often through a lack of understanding of what was actually expected to be declared. Once contacted and properly informed, the declarants immediately made the necessary corrections.

Another area where I think we have heard and responded to your expectations is the complaint mechanism. We have now clarified how we will, jointly with the Parliament, handle complaints received concerning suspected violations of the code of conduct. We have also clarified what process will be followed, including the audition of the incriminated party, and the grid of proportionate measures which will be applied, depending on the gravity of the violation, when such a violation is established and has been made public.

Ladies and gentlemen,

I chose to highlight these specific elements to illustrate how the joint register features improvements directly inspired by the stakeholders themselves. But these are just some of the improvements included in the joint agreement with the Parliament. Others include the changes which the Commission had decided to apply to its own register following our review in October 2009, but which we postponed until the adoption of the new joint register. One example of such a change is the simplification of the financial declaration system.

I'll conclude by saying again that the Transparency Register represents a real step forward for transparency and the best possible compromise, at this point in time, between all the various interests that had to be taken into account. It might not fully satisfy everyone, but I am quite sure of two things we can be proud of:

- EU citizens will have central, direct and user-friendly access to a level of information in this field which they never had before and which represents real progress by our institutions.

- Our institutions now number among the few public authorities in the world which have developed such a consistent transparency mechanism in this field. It's a pretty exclusive club: rare throughout the world, beyond a few examples such as the United States and Canada, but also extremely rare among our own Member States.

And to end on a high note: let me mention that Vice-Presidents Šefčovič and Wallis recently reiterated their invitation to the Council to join us in this endeavour. I am happy to report that this initiative seems to have produced a result: the Council has just communicated an interest to us in examining arrangements for its own participation in this exercise, and for sharing the Transparency Register. Tripartite talks on this will take place shortly.

So let me thank you once again for your interest and constant support, and encourage you in the weeks to come to continue your fruitful exchanges with our services.

Thank you.