

# THE TRANSPARENCY REGISTER

Presentation to

Society of European Affairs Professionals (SEAP)

25 February 2022

Christos SAKELLARIOU, SG, European Commission  
Marie Thiel, DG PRES, European Parliament

The background of the slide is a light blue rectangle with twelve yellow five-pointed stars arranged in a circle, mimicking the European Union flag. The text "OVERVIEW OF 2021 IIA" is centered in the middle of this rectangle.

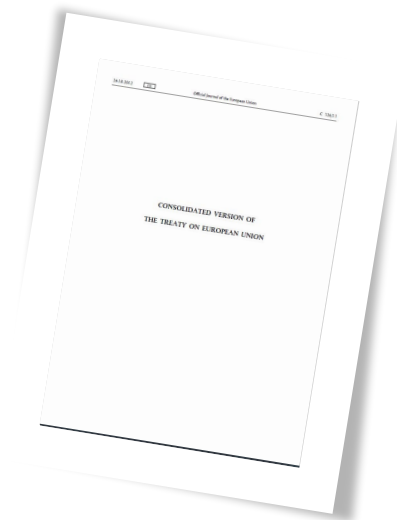
# OVERVIEW OF 2021 IIA

# LEGAL BASIS

## Article 11(1) and (2) TEU

‘1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

2. The institutions shall **maintain an open, transparent and regular dialogue with representative associations and civil society.**’



## Article 15(1) TFEU

‘In order to promote good governance and ensure the participation of civil society, the Union’s institutions, bodies, offices and agencies **shall conduct their work as openly as possible.**’



# LEGAL BASIS OF THE IIA

## Article 295 TFEU

'The European Parliament, the Council and the Commission shall consult each other and **by common agreement make arrangements for their cooperation.**

To that end, they may, in compliance with the Treaties, conclude interinstitutional agreements which may be of a **binding** nature.' → **Interinstitutional Agreement**



# THREE INSTITUTIONS – ONE REGISTER



The IIA on a mandatory transparency register between the European Parliament, the Council of the European Union and the European Commission is in force since **1 July 2021**.



# KEY FEATURES

- **Tripartite register:**
  - Council joins
  - Institutions commit to internal measures to promote ethical and transparent interest representation
  - Co-financing
- **Register *de facto* mandatory:** introduction of conditionality principle
- Broadened and clearer **scope of lobbying**
- **Two-layer governance**
- Simplified and improved administrative procedures
- Open to the participation of other institutional actors at Union level
- Stronger annual reporting & political review



# WHAT IS INTEREST REPRESENTATION (lobbying)? Article 3



**Any activity** carried out

(by interest representatives)

**with the objective of  
influencing**

the formulation or implementation of  
policy or legislation

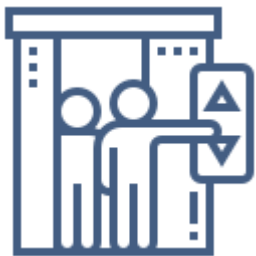
or the decision-making processes of the  
EU institutions.



## ...AND WHAT IS **NOT**? Article 4(1)



- ✓ representing clients in **legal proceedings**
- ✓ advising members/clients on **compliance**
- ✓ submissions based on EU **contracts/grants**
- ✓ participating in **social dialogue** (Article 152 TFEU)
- ✓ responding to direct and specific **requests for factual information/data/expertise**
- ✓ talking to MEPs as an **individual citizen**
- ✓ **spontaneous encounters**





# WHO IS **NOT** A LOBBYIST?

## Public authorities of Member States

- including their permanent representations and embassies, at national and subnational level

## Associations and networks of public authorities at Union, national or subnational level

- on condition that they act exclusively on behalf of the relevant public authorities

## Intergovernmental organisations

- including agencies and bodies emanating from them

## Public authorities of 3rd countries, including their diplomatic missions and embassies

- **except** where such authorities are represented by legal entities, offices or networks without diplomatic status or are represented by an intermediary

## Political parties

- **except** any organisations created by or affiliated with political parties

## Churches, religious communities and non-confessional organisations referred to in Article 17 TFEU

- **except** the offices, legal entities, associations or networks created to represent them



# CONDITIONALITY PRINCIPLE

The principle whereby **registration** in the register **is a necessary precondition** for interest representatives to be able **to carry out certain covered activities** (Articles 5 and 1(2)).

All conditionality and complementary transparency measures are published on the dedicated [page](#) of the Transparency Register website.

Registration is voluntary

Each institution adopts its own conditionality measures

Registration becomes (de facto) **mandatory** for certain covered activities



# MANDATORY REGISTRATION

Article  
5

## Examples of conditionality measures

- Meeting Members of the Commission, their Cabinet members and DGs of the Commission
- Access to Parliament's and Council's premises
- Speaking at Parliament Committee meetings
- Meeting Council Presidency (Permanent Representative and Deputy)
- Membership of Commission's expert groups
- ...

## Examples of other transparency measures

- Publication of meetings with interest representatives
- Dedicated mailing lists, notifications about consultations, roadmaps and other activities
- ...



# GOVERNANCE

## **Management Board** (Article 7)

- consists of SGs of three institutions
- oversees the implementation of IIA
- sets annual priorities and budget estimates
- takes decisions on requests of review of measures
- decides by consensus

## **Secretariat** (Article 8)

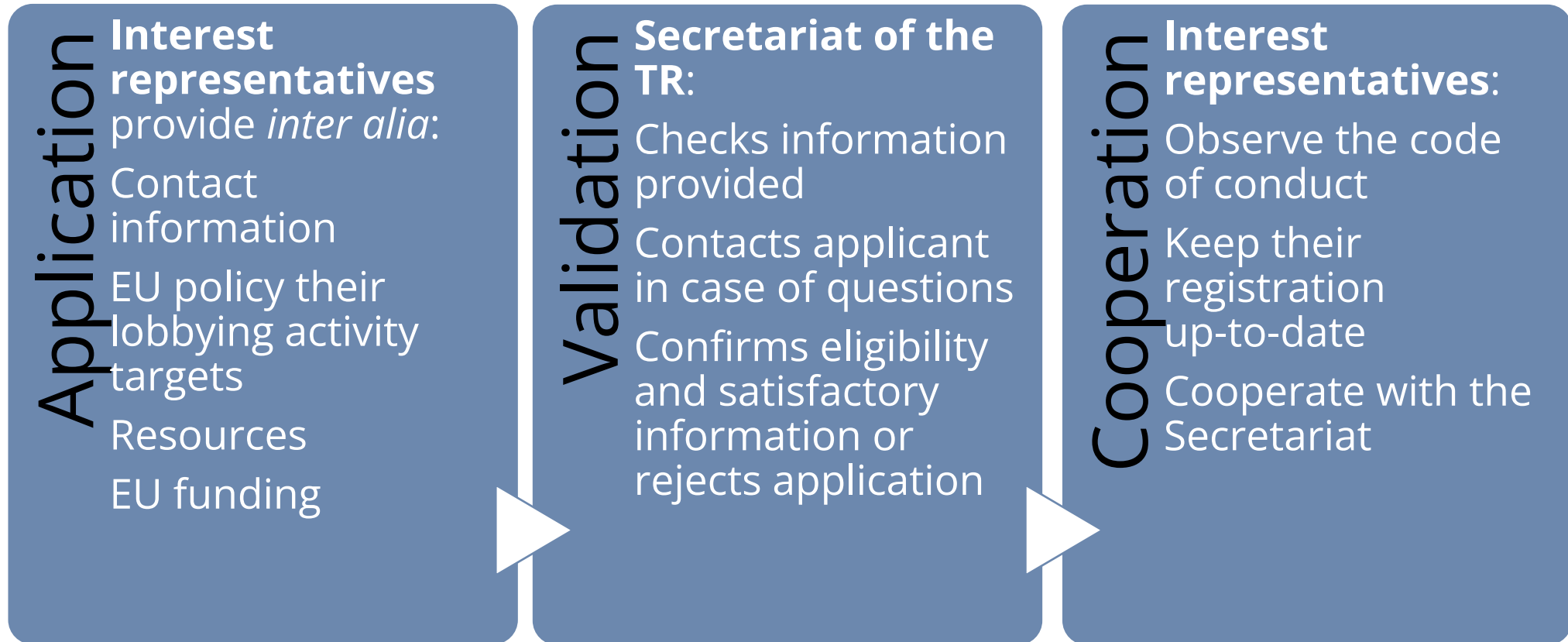
- made up of HoUs and relevant staff
- manages daily operations of the TR
- establishes guidelines for registrants and provides helpdesk support
- carries out investigations and applies measures
- decides by consensus





**THE TRANSPARENCY REGISTER  
– PRACTICAL ASPECTS**

# APPLICANTS / REGISTRANTS



# FINANCIAL INFORMATION



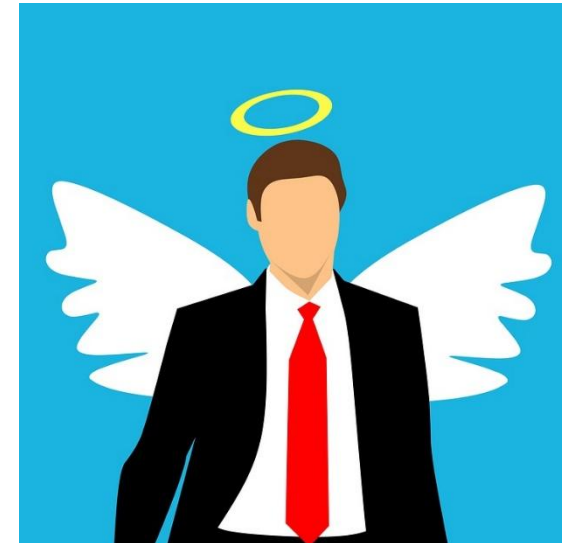
- **Those promoting their own interests or those of their members** (e.g. companies and groups, trade and business associations) **disclose lobbying costs, incl. for hiring intermediaries**
- **Those that advance the interests of their clients** (e.g. law firms or public affairs consultancies) **disclose client revenue per client, incl. 3<sup>rd</sup> country government bodies**
- **Those not representing commercial interests** (e.g. civil society organisations, NGOs, charities, foundations, academic and research institutions, organisations representing churches etc.) **need to disclose sources of funding**



# CODE OF CONDUCT

In their relations with Union institutions interest representatives shall:

- **identify themselves** by name, registration number and by the entity/-ies they work for or represent
- ensure their registration is **accurate**
- **comply with** the publicly available **rules, codes and guidelines** of the institutions, including on **access** and **security**
- not try to obtain information or decisions through **improper behaviour**
- **not induce members or staff of the Union institutions to contravene the rules** and standards of behaviour applicable to them
- **not abuse their registration** for commercial gain or distort or misrepresent the effect of registration
- Inform their clients, employees or members of these rules



Annex  
I





# MONITORING AND INVESTIGATIONS

- Observance of the code of conduct now treated as an eligibility criterion
- Own-initiative investigations or pursuant to a complaint alleging non-observance of CoC
- Secretariat can apply measures if ineligibility is due to non-observance
- Clear remedies for registrants:
  - Right of review of measures by the Management Board
  - Appeal of the Management Board decision to the CJEU/ complaint to the European Ombudsman

Annex I &  
III



# IMPLEMENTATION



## Statistics



On 21/02/2022, there are 13573 registrants in the register.

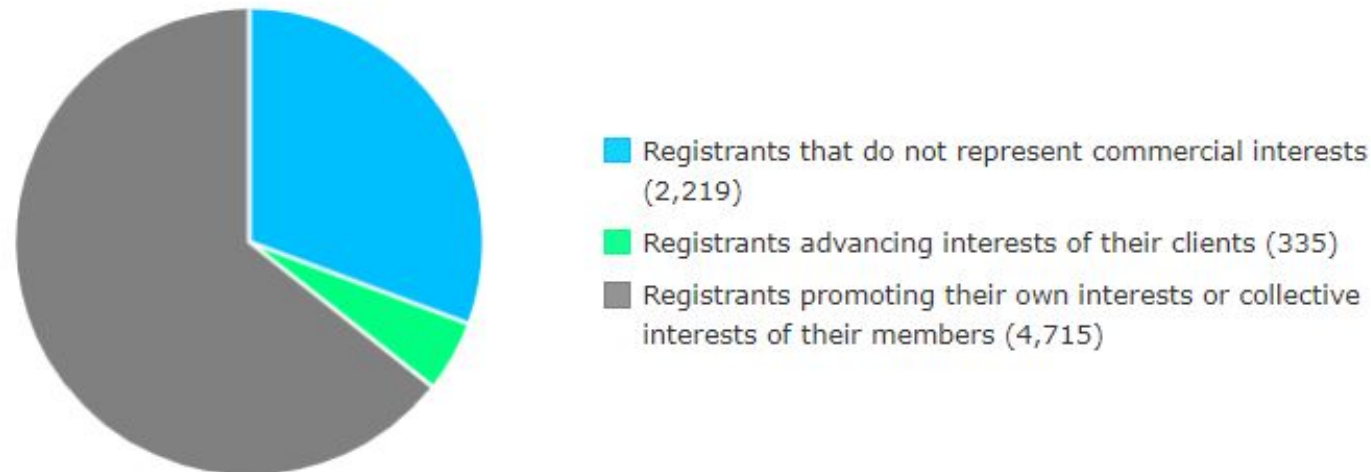
The 2021 Interinstitutional Agreement on a mandatory Transparency Register entered into force on 1 July 2021. A new registration form was introduced, which reflects requirements resulting from the Interinstitutional Agreement. Registrants have received an invitation to amend their registration between 20 September 2021 and 19 March 2022, in order to remain on the register.

The chart below illustrates the state of play of this transition phase during which registrants amend their registrations.



The Register provides statistical information on registrants that have already amended their registration:

### Interests represented



# Tips & Tricks when registering

Ideally your entry in the Register will be:

1. **Transparent** - clearly conveying the profile, composition, affiliation and goals of your organisation, in particular as regards activities in Brussels and involving contacts with EU institutions
2. **Relevant** - giving a clear account of your activities that fall within the scope of the Register
3. **Accurate** - providing the information requested under each heading in a clear, consistent, complete and accurate manner, and explaining in the 'complementary information' box where necessary
4. **Well-structured** - not too long, not too superficial; including links to further information where relevant
5. **Up-to-date** - updated regularly, especially as regards activities, contact details, clients and data on resources (financial and staff)



# MORE INFORMATION

[Website of the Transparency Register](#)

[Interinstitutional agreement](#) and [political statement](#)

[Guidelines](#)

[FAQs](#)

You can reach the Secretariat at:

[Contact us](#)

