



7th February 2017

Dear Permanent Representation

As the Alliance for Lobby Transparency and Ethics Regulation (ALTER-EUⁱ), a pan-European coalition of over 200 civil society groups, we are writing to request the support of [your country] for comprehensive lobby transparency among the European Union institutions.

We strongly urge [your country] to voluntarily endorse the EU lobby transparency regime and commit its Permanent Representation staff to the EU transparency rules, including only meeting with registered lobbyists. This will send a strong message to the other permanent representations and the EU institutions that [your country] is a strong supporter of lobby transparency.

Lobby transparency is an important tool that helps to promote public-interest decision-making at all levels of government. A comprehensive lobby transparency regime, via a legally-binding lobby register, can inform citizens about who is influencing government decision-making, on which issues, on whose behalf, and with what budgets. Unfortunately, the present EU lobby register is voluntary, riddled with inaccurate or misleading data, and excludes the Council.

As you will be aware, in Autumn 2016, the European Commission published its proposal for a lobby transparency registerⁱⁱ to include not just the Commission and the European Parliament (as is presently the case), but the Council as well. Inter-institutional negotiations on this proposal will start in Spring 2017 and the role of the Council and member states will be very important.

It will be essential that these negotiations deliver an EU lobby transparency register which the Council joins and which is as comprehensive and robust as possible. This moment also offers the Permanent Representation for [your country] an opportunity to make its own public commitment to lobby transparency.

Advocates for greater lobby transparency such as ALTER-EU have been criticalⁱⁱⁱ of several aspects of the Commission's proposals and we hope that the Council negotiators will work with the European Parliament to improve the proposal.

Priority improvements include:

- 1. Retaining the current definition of lobbying which includes both direct and indirect lobbying.** We are concerned about the Commission's proposal to weaken the definition of lobbying in the transparency register. We feel it is essential to explicitly retain the current definition of lobbying which covers all activities which have the objective of directly or indirectly influencing EU policy-making and decision-making. This will ensure a far greater set of activities are covered by the financial disclosure rules of the register, including the indirect lobbying work performed by many 'intermediaries' such as lobby consultancies.

2. Ensuring that no Commissioner, Commission official, MEP, Council official or Permanent Representation official meets with lobbyists who are not part of the EU lobby transparency register. Such provisions would greatly enhance the current voluntary register, by greatly narrowing opportunities for lobbying by unregistered organisations. The Commission's current proposal (which only includes MEPs, high-level officials in the Commission and high-level officials at the two permanent representations holding the current and next EU presidency), provide too many opportunities for lobbying by unregistered organisations to persist. A 2016 report by ALTER-EU^{iv} demonstrated how permanent representations to the EU are a great focus of lobbying, both by major corporations and by those who have failed to sign-up to the EU's voluntary lobby register, and this lobbying should be regulated.

3. Providing resources to the EU lobby transparency register secretariat. In 2015, Transparency International reported that over half the entries in the EU lobby register contained **factual errors or implausible numbers**. All three EU institutions should urgently devote new resources to the register secretariat to improve the quality of the data, so as to be able to perform a far greater number of checks on declarations each year.

4. Improving the lobby register's data disclosure requirements. In order to present a reliable picture of lobbying at the EU level, a series of detailed changes to the data requirements in the lobby register are needed that will further boost data quality. These include: all lobby spending to be disclosed to the nearest 10,000 euros (not in the large bandwidths currently used); the names of all individuals lobbying on behalf of a registrant to be listed; all registrants to submit at least two updates per year, and on shared dates. The Commission has not included these in its proposal.

5. A commitment to a legally-binding lobby register in the long-term. A lobby register which is no longer voluntary but is instead backed by the force of law, is essential if all lobbyists are to sign-up, while the possibility of fines or prosecutions will help ensure that more accurate data is provided. The Commission's proposal makes no progress towards this goal and we urge the Council to join with the Parliament in supporting a legally-binding lobby register in the long-term.

We urge [your country], through its Permanent Representation in the Council, to support these positions in the upcoming negotiations, and voluntarily adopt the additional opportunity for the Permanent Representation of [your country] to become a champion for lobby transparency.

We would be pleased to discuss any of these matters with you, or to provide further information on our proposals.

We look forward to hearing from you.

Yours sincerely,

Nicola Freeman

on behalf of the steering committee of the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

i <https://www.alter-eu.org>

ii http://europa.eu/rapid/press-release_IP-16-3182_en.htm

iii <https://www.alter-eu.org/press-releases/2016/09/28/alter-eu-responds-to-new-lobby-register-proposal>

iv <https://www.alter-eu.org/documents/2016/03-0>