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## Malta refuses to reveal meetings with lobbyists

**Malta hides behind Freedom of Information Act exemptions as transparency groups take aim at loopholes in the EU's lobbying disclosure rules**



Jurgen Balzan  
14 June 2016, 7:59am

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ALTER-EU were reportedly refused access to information

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While the European Parliament and the European Commission have a transparency register which discloses which lobby groups are meeting MEPs and European Commissioners, what's their budget and which interests they're pursuing, Malta's permanent representation in Brussels has flatly refused to provide lists of lobby meetings, citing exemptions in Malta's information law.

Malta's permanent representation – the primary link between the government and EU institutions – was one of only two countries who refused to give access to information on its meetings with lobby groups to the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) which investigates EU member state permanent representations, to determine to what extent they are a target of lobbying.

Malta said the request was too broad and it had no legal obligation to reply.

"It should be clarified that requests made by the applicant did not relate solely to meetings with lobby groups but referred to all meetings held, including those with companies, organisations, all stakeholders, and individuals," a spokesperson from Malta's representation in Brussels told MaltaToday.

The representation was asked to provide information on how many meetings its employees had with representatives of companies, organisations and other stakeholders and to provide a list of these meetings, the names of all people attending the meeting, the date of the meeting and the subject matter discussed.

The EU media outlet Politico recently wrote, "Most lobbyists we speak to agree that permanent representations are a soft touch: All you need is the right policy officer and you can come into close contact with the policy formulation at its most influential stage. This is how you get policy input into the Council of Ministers and it's considerably cheaper than having to deal with member states in capital cities."

Member state permanent representations, like the Council and the European Council, are not party to the EU lobby transparency rules. In fact, the Council itself has consistently emphasised that member states' governments, including their permanent representations in Brussels, should not be covered by EU transparency regulations.

Malta's permanent representation, led by Marlene Bonnici, is the central avenue for the government to influence policy and legislation at the EU level.

Permanent representations have long been suspected of being a target for corporate lobbyists keen to get their message across and while the Commission and the EP have gone to great lengths to guarantee transparency in their operations, Malta's representation said the request "could not be accommodated on the basis of the exemptions specifically provided for" in Malta's Freedom of Information Act.

ALTER-EU, an umbrella group of transparency campaign groups, sent its request on 6 July, 2015, with a follow up email on 31 July. Malta's representation replied on the same day to say they would look into the request but

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ALTER-EU's report says "we received an acknowledgement of receipt on 22 October, 2015, and on 1 December, 2015 we were refused access to the information "due to Part V or Part VI [of RTI law,] there is good reason for withholding the document requested". We asked for an internal review of the decision on 12 December, 2015, and on 4 January, 2016, we were told that the decision still stands."

Articles 5 and 6 of the Freedom of Information Act list a plethora of different reasons why access to information should be denied, including information which could cause damage to the security, the defence, or the international relations of Malta.

The law also exempts information or documents which give away trade secrets or "would divulge any information or matter communicated in confidence by or on behalf of" foreign governments and international organisations.

### ALTER-EU lodges appeal

In 2015, ALTER-EU submitted access to information requests to 17 EU member state permanent representations, asking for a list of meetings held with lobbyists in the previous 12 months.

Only four governments, namely Ireland, Romania, the Netherlands, and Poland, provided all or some information despite the fact that all member states, except Cyprus, have national legislation governing the right of access to information.

Six countries (Belgium, Denmark, Germany, Portugal, Spain, and Sweden) stated that they did not hold the information requested, five other countries (Austria, Cyprus, France, Greece, and Italy) did not reply, and Malta and the UK refused.

The request was initially made to Malta's representation under Regulation 1049/2001 of the European Parliament and the Council regarding public access to European Parliament, Council and Commission documents.

However, the representation's spokesperson added, the information requested did not fall under the scope of this Regulation as it does not concern a request for a document pertaining to the institutions of the European Union.

After having the first request turned down, ALTER-EU made a request for information under the Malta's Freedom of Information Act, at which point the request was processed in line with the relevant provisions.

"This request could not be accommodated on the basis of the exemptions specifically provided for in the same Act. The extensive request would include sensitive information involving diplomatic and economic relations. Moreover, the extensive information requested is not available," Malta's representation insisted.

Insisting that Malta's representation was withholding information of public interest, ALTER-EU lodged an appeal with the Information and Data Protection Commissioner.

### Lobbyists 'exploiting' loopholes

In its report published in March 2016, ALTER-EU said that the data provided by the Netherlands, Ireland, Romania, and Poland showed that many lobby meetings take place with permanent representations in Brussels and a majority are with corporate lobbyists, giving big businesses significant access to promote corporate agendas.

"Furthermore, the data showed that lobbyists are able to exploit a loophole in the EU transparency rules which enables them to lobby the permanent representations without being registered in the EU transparency register," the report says.

21% of the meetings listed in the data provided by the Dutch permanent representation were with lobbies unregistered with the EU transparency register at the time of the meeting.

The research found that 63% of the 104 lobby meetings held by the Polish and Romanian permanent representations were with corporate interests, whilst only 20% were with civil society organisations.

The research, ALTER-EU said, illustrates an apparent complacency about lobbying, evidenced by the lack of monitoring and record-keeping by the permanent representatives about who lobbies them.

"This prevents public access to, and scrutiny of, information about the lobbying around EU decision-making processes," it said.

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**Jurgen Balzan** joined MaltaToday in 2011, specialising in politics, foreign...

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**Kwarezimal** • 8 months ago

It seems as if no country-with one excuse or an other - gave any information away: why are you picking on Malta because we did the same?

You make it seem that only Malta protected its interest...which is NOT the case.

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**Ganni Muscat** → Kwarezimal • 8 months ago

They're mentioning Malta because, guess what, this is a Maltese news site. The article is not negative, but given your comment I can only guess that you have some form of cognitive dissonance going on.

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