



Brussels, 22. 12. 2016  
CA.02 AC/mp – SV 4335664

Dear Members of the ALTER-EU Steering Committee,

First Vice-President Timmermans would like to thank you for your letter of 29 June 2016 and the enclosed Report "Lobbying Law Firms-Unfinished Business." He has asked me to reply on his behalf. Please accept our sincere apologies for the delayed reply.

We are grateful for the information you provided in your report. In the meantime, the Commission has presented a proposal for a mandatory Transparency Register based on a new, legally-binding Interinstitutional Agreement based on Article 295 TFEU covering the European Parliament, the Commission and the Council. The scope of the draft Interinstitutional Agreement extends to all activities of interest representation unless one of the exceptions set out in Articles 2 and 4 of the proposal applies. This means that law firms engaging in activities covered by the proposal are expected to join the Transparency Register, as you had suggested. As far as the issue of legal client confidentiality is concerned, the Commission shares your view that client confidentiality is not an obstacle to registration when it comes to lobbying activities, and welcomes the positive evolution of the positions of certain national Bar Associations on this point.

The objective of the Commission's proposal is to move from a voluntary system to one where registration becomes a de facto precondition for interest representation, by making certain interactions with the institutions, in particular meetings with decision-makers, conditional upon prior registration. This approach builds on the principle applied by this Commission since the beginning of its mandate that Commissioners, members of cabinet and Directors-General should in principle only meet organisations and self-employed individuals who are in the Transparency Register. Since the start of the Juncker Commission, 87 law firms have joined the Register, bringing the total number to 126 today. Once the mandatory regime is in place, the conditionality of interactions, in particular meetings with decision-makers in all three law-making institutions, should prompt even more law firms to join the Transparency Register.

*Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)*

*Members of the ALTER-EU Steering Committee*

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In your letter you also enquire, in the context of the decisions<sup>1</sup> concerning publication of information on meetings by Commissioners, members of their cabinets and Directors-General, about the participation by Commission officials in a number of specific breakfast events. The decisions on publication of information apply to meetings, i.e. bilateral encounters with organisations or self-employed individuals to discuss an issue relating to policy-making and implementation in the Union. The officials concerned are responsible for applying the decisions and need to assess on a case by case basis whether a specific interaction falls within the scope. The Commission is closely monitoring this. To date information on more than 9,700 meetings with interest representatives has been published on the Europa website. Publication of a specific event may not necessarily be mandatory if, for example, it is an opportunity for outreach or routine institutional communication by the Commission.

Yours sincerely,



Ben SMIJLDERS

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<sup>1</sup> C(2014) 9048 and C(2014) 9051