

Inter-institutional negotiations on the EU Transparency Register

We have closely followed the internal deliberations of the Commission, Parliament and Council to agree their mandates for the reform of the EU Transparency Register over the past two years. Now, we are taking the opportunity to address the three institutions together before the political negotiations start this week.

We are excited that the negotiations between the three institutions are getting underway. Since the initial proposal from the Commission was made, however, a number of scandals have exposed additional weaknesses of the current system. Negotiators will therefore have to move beyond their agreed positions if they want to address these issues and ensure that EU lobbying becomes more transparent and EU politics less prone to corruption, interference and undue influence.

The investigation led by Special Counsel Robert Mueller, tasked with uncovering Russian interference in the 2016 US Presidential election, exposes the risk of foreign influence in the EU. Involving former European heads of governments, secretive lobby organisations and ‘dark’ money channelled into national politics, Mueller’s indictments paint a worrying picture of Europe’s lack of measures to tackle covert efforts to influence decision-makers and subvert public opinion. The case highlights once again the inadequacy of EU lobbying rules, both in terms of transparency and ability to verify the adequacy of information disclosed.

Other cases of covert foreign influence, such as the €2.5 billion slush fund uncovered in the Azerbaijani laundromat case, demonstrate that it is high time for EU leaders to become serious about safeguarding our democratic system from political corruption and undue influence – whether foreign or domestic. Combined with the increased use of social media in sowing distrust and nurturing discontent, there are far too many avenues within the EU through which foreign and special interests can hide their true intentions.

Current EU rules on lobby transparency do not consider the activities of third-country governments as lobbying. The proposed new “mandatory EU Transparency Register” does not fix this loophole – indeed it instead creates further exceptions for sub-national public entities.

We also continue to see many registered organisations not declaring the true extent of their lobbying activities. Even when these are uncovered – such as in the case of Monsanto [under-declaring](#) their lobby expenditures by €1 million – they are not sanctioned. Other lobbyists still refuse to register despite being invited to do so by the Joint Secretariat.

The political promise of a mandatory lobby register for the EU can only be fulfilled if additional steps are taken. We urge the political leaders in the Commission, Parliament and Council to forcefully tackle these issues, move beyond the mandates they internally agreed and deliver a strong system of lobby transparency.

In particular, we hope that you deliver an Inter-Institutional Agreement that:

1. Ensures that decision-makers in Commission, Parliament and Council only meet with registered lobbyists

Such provisions would greatly enhance the current voluntary register, by narrowing opportunities for lobbying by unregistered organisations. Such a rule would not affect policy-makers who meet with citizens from their constituencies, local civic associations or SMEs; all of which are vital parts of being an elected representative. None of these groups would need to join the register unless they met a minimum threshold requirement for lobbying activity.

2. Increases the resources for the secretariat and improves register data

The European Register is now the biggest in the world with over 11,000 entries. Yet, the Secretariat remains under-resourced both in terms of staff and budget. All institutions should urgently devote additional resources to the register secretariat so that it is able to work on improving the quality of the data, including by performing a far greater number of checks on declarations. In order to present a reliable picture of lobbying at the EU level data quality should be improved, particularly on third country lobbying, funding sources of organisations and financial reporting intervals.

3. Keeps the current definition of lobbying, including both direct and indirect lobbying

We are concerned that proposals to change the scope of Transparency Register will affect the definition of lobbying. 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 and lawyers. The [European Ombudsman](#) has also called for “indirect lobbying” to be explicitly included in the register scope.

4. A commitment to a legally-binding lobby register in the long-term

A new Inter-Institutional Agreement for the EU Transparency Register is a step in the right direction and can improve lobby transparency in Brussels. In order to ensure full compliance and real transparency – backed by legal sanctions – however, a legally-binding lobby register is needed. The institutions should maintain the longstanding demand for such a register and the Inter-Institutional Agreement negotiations should lay the groundwork for such a legal instrument in the future.

The changes that we are calling for are an essential and necessary step towards making EU policy-making more transparent, tackling excessive influence by special interests, and bringing the EU institutions closer to citizens, particularly in the run-up to the 2019 European elections.

Please do not hesitate to get in touch if you have any questions, and we remain at your disposal should you wish to discuss our recommendations.

Yours sincerely,

Steering committee of the Alliance for Lobby Transparency and Ethics Regulation (ALTER-EU),
Civil Society Europe & Transparency International EU

