



European Public Affairs Consultancies' Association

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Ensuring a robust mandatory register that fosters a true level-playing field for EU interest representation

Position Paper on the Interinstitutional Agreement on a Mandatory Transparency Register

The European Public Affairs Consultancies' Association (EPACA) has supported a mandatory register for many years. Transparency has always been our fundamental guiding principle and the industry we represent has clearly benefitted from clearer rules surrounding our activities.

We welcome the Commission's Proposal for an Interinstitutional Agreement on a Mandatory Transparency Register, published in September 2016. The proposal takes several steps in a direction that will ensure that the current register continues to drive forward transparent and ethical interest representation in Brussels.

In the upcoming negotiations, we, however, urge the EU institutions to:

- 1. Maintain a broad definition of "lobbying activities", increasing incentives by the transition from a voluntary to a mandatory approach**
- 2. Ensure that registration is a pre-condition for interest groups to engage with, ideally, all EU officials**
- 3. Expand administrative resources to ensure consistency, secure a fair complaints procedure, and streamline entry processes for registrants**

1. Maintaining a broad definition of lobbying and increased incentives through the mandatory approach

The success of the current Register is shown by the high number of registrants. Despite being a voluntary register to-date, it is difficult to carry out interest representation in Brussels without being registered - it is increasingly the "*licence to operate*" in the EU for interest representatives.

A key reason for this success is that the register captures all kind of interests given that the definition of the lobbying activities covered is a wide one. We are therefore concerned that the new definition on lobbying activities is narrower than before. EPACA fears that there is a risk that the interpretation of the word "*interacting*" in the definition could exclude many activities that are covered today. The definition of lobbying must clearly go beyond the mere direct interaction with policy-makers.

The move from a voluntary register to a mandatory one will further improve the level-playing field as the incentives to sign up will be strengthened. Whilst EPACA would welcome a binding mandatory register, we understand the legal challenges of achieving this. These challenges must not impede the progress of any inter-institutional agreement on a *de facto* mandatory register.



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2. Ensuring that registration is a pre-condition for interest groups to engage with, ideally, all EU officials

The current Commission introduced the rule that interest representatives have to be registered in order to meet with senior Commission officials. EPACA welcomed that rule as it created a strong incentive for organisations to register.

We think that a wider group of officials, ideally all staff, should be included in this rule. Declaring all meetings and interactions would be overly bureaucratic, but the principle of only meeting registered entities should apply to all.

Subsequently, we fully support that all three institutions would be part of the new Register. However, in case one of the institutions hesitates to agree to these new rules, we would urge the others to proceed. It is better to have a robust register for two institutions than having a lesser one for all three.

3. Expanding resources, securing a fair complaints procedure, and streamlining entry processes for registrants

For many years, EPACA has asserted that the management of the register needs proper resourcing. Transparency is necessary to build trust in the decision-making system. Ideally, the Secretariat would have enough resources to be able to check and approve data before it is published on the register.

Furthermore, we welcome the more solid system of complaints and investigations in the Commission proposal. It is crucial that this system is immaculate, as a wrongful decision, or even process, could unjustly damage the reputation of our member companies immensely. The right to appeal a decision must be secured.

Finally, EPACA strongly supports the more logical way to declare financial interests in Category I. For consultancies, revenue received from clients is the most relevant and indicative data to declare for the purposes of transparency, not the costs associated with consultancy activities.

About EPACA

EPACA – The European Public Affairs Consultancies' Association – is the representative trade body for public affairs consultancies working with EU institutions. It was launched in January 2005, following a process of consultation among all signatories of a professional Code of Conduct. The Code has been maintained and continuously updated since then by our members, and is the basis for all such codes in the EU affairs marketplace. For more information, please visit www.epaca.org