

# Public Consultation on a proposal for a mandatory Transparency Register

Fields marked with \* are mandatory.

## Public Consultation on a proposal for a mandatory Transparency Register

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The European Commission seeks the views of all interested parties on the performance of the current Transparency Register for organisations and self-employed individuals engaged in EU policy-making and policy implementation and on its future evolution towards a mandatory scheme covering the European Parliament, the Council of the EU and the European Commission.

### QUESTIONNAIRE

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Are you responding as:

- An individual in my personal capacity
- The representative of an organisation registered in the [Transparency Register](#)
- The representative of an organisation not registered in the Transparency Register

\*

Please provide your Register ID no:

8828523562-52

\*

Name of the organisation:

European Public Affairs Consultancies' Association - EPACA

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The organisation's head office is in:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Germany
- Denmark
- Estonia
- Greece
- Spain
- Finland
- France
- Hungary
- Croatia
- Ireland
- Italy
- Lithuania
- Luxembourg
- Latvia
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Sweden
- Slovenia
- Slovak Republic
- United Kingdom
- Other country

\*

\*Your organisation belongs to the following type:

See a description of the below categories [here](#)

- Professional consultancies
- Law-firms
- Self-employed consultants
- Companies and groups
- Trade and business associations
- Trade unions and professional associations
- Other organisations including: event-organising entities (profit or non- profit making); interest-related media or research oriented entities linked to private profit making interests; ad-hoc coalitions and temporary structures (with profit-making membership)
- Non-governmental organisations, platforms, networks, ad-hoc coalitions, temporary structures and other similar organisations
- Think tanks and research institutions
- Academic institutions
- Organisations representing churches and religious communities
- Regional structures
- Other sub-national public authorities
- Transnational associations and networks of public regional or other sub-national authorities
- Other public or mixed entities, created by law whose purpose is to act in the public interest

Contact for this public consultation:

\*

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## A. GENERAL PART (7 questions)

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### 1. Transparency and the EU

1.1 The EU institutions interact with a wide range of groups and organisations representing specific interests. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect the interests of citizens, businesses and other stakeholders. The decision-making process must be transparent to allow for proper scrutiny and to ensure that the Union's institutions are accountable.

\*

a) Do you agree that ethical and transparent lobbying helps policy development?

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

We are convinced that the democratic process is improved by decision makers listening to those affected by policy decision during the process. Furthermore, we are also convinced that most decision makers have the appropriate level of integrity and apply this in their stakeholder engagement. We are equally convinced that advocacy has to be done in an ethical and transparent manner and therefore we support the register and other measures to ensure that this is the case.

\*

b) It is often said that achieving appropriate lobbying regulation is not just about transparency, i.e. shedding light on the way in which lobbyists and policy-makers are operating. Which of the below other principles do you also consider important for achieving a sound framework for relations with interest representatives?

More than one answer possible

- Integrity
- Equality of access
- Other (please elaborate in the comments box below)
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

Transparency is at the core of the issue. The Brussels environment is characterized by its openness and mutual dependence between policy makers and stakeholders. Stakeholders need access to decision makers and decision makers need information. Given the vast number of stakeholders, decision makers can pick and choose those that they listen to, which work as a self regulatory mechanism.

We nonetheless welcome reasonable rules and regulations as those function to further legitimize the work being carried out by stakeholders and those affected by policy decisions.

\*

c) In your opinion, how transparent are the European institutions as public institutions?

- They are highly transparent
- They are relatively transparent
- They are not transparent at all
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The EU policy making environment is a combination of 28 different political and administrative cultures. EPACA does not have a strong view on the institution's internal transparency rules on issues such as access to documents. In general, we would argue that there is openness and transparency in most contacts with policy makers, in all institutions and at all levels, which we very much welcome.

\*

1.2 The Transparency Register provides information to politicians and public officials about those who approach them with a view to influencing the decision-making and policy formulation and implementation process. The Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyists.

Do you consider the Transparency Register a useful tool for regulating lobbying?

- Very useful
- Somewhat useful
- Not useful at all
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The Transparency Register is a good tool as it puts focus on ethical and transparent lobby practices. We strongly believe that the vast majority of stakeholders involved in the European policy process genuinely try to improve decision-making by providing facts and arguments to ensure that those who make decision are well informed. This existed before the register, when the industry took the initiative of the first code of conduct over twenty years ago, but is reinforced by the Transparency Register.

## 2. Scope of the Register

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2.1 Activities covered by the Register include lobbying, interest representation and advocacy. It covers all activities carried out to influence - directly or indirectly - policymaking, policy implementation and decision-making in the European Parliament and the European Commission, no matter where they are carried out or which channel or method of communication is used.

This definition is appropriate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

This is a complicated question as good arguments for a more limited definition exist. However, as long as the register is not legally binding, we agree that it is positive to have a wide definition, all activities carried out with the intention to influence a policy decision should be included.

\*

2.2 The Register does not apply to certain entities, for example, churches and religious communities, political parties, Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Regional public authorities and their representative offices do not have to register but can register if they wish to do so. On the other hand, the Register applies to local, municipal authorities and cities as well as to associations and networks created to represent them.

The scope of the Register should be:

- Changed to exclude certain types of entities (please elaborate in the comments box below)
- Changed to include certain types of entities (please elaborate in the comments box below)
- Preserved the same as currently
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

One of the most positive elements of the register is that it includes a very broad range of relevant stakeholders. Some national registers focuses too narrowly on consultancies or business interests. The current scope ensures that a more correct image of the advocacy environment is presented. As a point of principle, we would welcome a development where even more entities are represented in the register.

### 3. Register website

#### 3.1 What is your impression of the Register [website](#)?

	Good	Average	Poor	No opinion
*Design and structure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Availability of information / documents	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Ease of search function	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Accessibility (e.g. features for visually impaired persons, ease of reading page)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Access via mobile devices	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Comments or suggestions (Optional)

*3000 character(s) maximum*

The website has been improved a lot since the beginning of the register. The layout and functions are much better now. However, the IT-system is unstable which means that updates are more complex than they should be. Several of our members experience difficulties during the yearly update. And since we as consultancies have to fill in a lot more information than other categories, this presents us with an unnecessary administrative burden. We have also experienced that information has changed during the year without us having made changes. As the register is used a lot by different stakeholders to find information about different consultancies, a stable IT environment is a must.

### 4. Additional comments



Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

*3000 character(s) maximum*

If you wish you may provide additional information (position papers, reports, etc) in support of your answers to this public consultation. Please upload no more than three files of up to 1Mb each. Attachments above this number will not be considered.

Attach files

## End of Part A

Part B includes questions that require a certain knowledge of the Transparency Register. Proceed to Part B (optional).

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Do you want to proceed to Part B ?

- Yes  
 No

## B. SPECIFIC PART (13 questions)

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### 1. Structure of the Register

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1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the [Interinstitutional Agreement](#)).

Have you encountered any difficulties with this categorisation?

- Yes  
 No  
 No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

## 2. Data disclosure and quality

\*

2.1 Entities joining the Register are asked to provide certain information (contact details, goals and remit of the organisation, legislative dossiers followed, fields of interest, membership, financial data, etc) in order to identify the profile, the capacity of the entity and the interest represented (Annex I of the [Interinstitutional Agreement](#)).

The right type of information is required from the registrant:

- Fully agree
- Too much is asked
- Too little is asked
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

The information required is well balanced. We would like to propose to change the order of the client list, starting with the largest clients rather than the smallest.

\*

2.2 It is easy to provide the information required:

- Fully agree
- Partially agree
- Disagree
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

The last update of the register introduced a requirement for consultancies to provide information on the costs for carrying out our activities. We argued at that time and still do that this information is irrelevant. Advocacy activities come with a cost for most actors in the register but for consultancies it is the revenues that should be disclosed.

It is relevant in a transparency context to know that a client is paying a consultancy a certain amount of money for an assignment. It is not relevant to disclose the cost carried by the consultancy for delivering the assignment. That is asking for the consultancy's margins which is business sensitive and not relevant for the Register's purpose.

Hence, we would strongly recommend to go back to registering only our revenue, both in total and as per client, in order to increase transparency and clarity on our activities.

\*

### 2.3 Do you see any room for simplification as regards the data disclosure requirements?

- Yes
- No
- No opinion

## Comments or suggestions (Optional)

*3000 character(s) maximum*

As stated in the previous question, we would strongly recommend to go back to registering only our revenue, both in total and as per client, in order to increase transparency and clarity on our activities.

\*

### 2.4 What is your impression of the overall data quality in the Register:

- Good
- Average
- Poor
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

There are exceptions, but in general our view is that most registrants are serious and spend a lot of time and resources to get the data right. Given the broad definition, it is difficult to avoid registrants defining their activities somewhat differently. However, a narrower definition would exclude a lot of information and make the register less relevant.

### 3. Code of Conduct and procedure for Alerts and Complaints

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3.1 The Code of Conduct sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions (Annex III of the [Interinstitutional Agreement](#)).

The Code is based on a sound set of rules and principles:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

3.2 Anyone may trigger an alert or make a complaint about possible breaches of the Code of Conduct. Alerts concern factual errors and complaints relate to more serious breaches of behavioural nature (Annex IV of the Interinstitutional Agreement).

\*

a) The present procedure for dealing with alerts and complaints is adequate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We would like to see the due process strengthened. As consultancies, our members are very dependent on their reputation in Brussels and a complaints process not carried out properly poses a huge risk. We have for a long time requested that the JTRS are given more resources to supervise the register and its data more thoroughly. The situation today, with a couple of NGOs responsible for almost all surveillance and subsequent complaints is not ideal. Ideally, the JTRS would have the capacity to review data before it was published.

\*

b) Do you think that the names of organisations that are suspended under the alerts and complaints procedure should be made public?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The answer is given with the reservation that there is a proper process in place.

## 4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register [website](#) in relation to registration and updating?

	Straightforward	Satisfactory but can be improved	Cumbersome	No opinion
*Registration process	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Updating process (annual & partial)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

As mentioned above, several of our members reported that the unstable IT-system forced them to have to repeat the updating process several times. The idea and layout as such is straightforward but when it does not work it becomes cumbersome.

## 5. Current advantages linked to registration

5.1 The European Parliament and the European Commission currently offer certain practical advantages (incentives) linked to being on the Register. The Commission has also announced its intention to soon amend its rules on Expert groups to link membership to registration.

Which of these advantages are important to you?

In the European Parliament (EP)

	Very important	Somewhat important	Not important	No opinion
<b>*Access to Parliament buildings</b> : long-term access passes to the EP's premises are only issued to individuals representing, or working for registered organisations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>*Committee public hearings:</b> guests invited to speak at a hearing need to be registered	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>*Patronage:</b> Parliament does not grant its patronage to relevant organisations that are not registered	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Very important	Somewhat important	Not important	No opinion
<p><b>*Meetings:</b> organisations or self-employed individuals engaged in relevant activities must be registered in order to hold meetings with Commissioners, Cabinet members and Directors-General</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Public consultations:</b> the Commission sends automatic alerts to registered entities about consultations in areas of interest indicated by them; it differentiates between registered and non-registered entities when publishing the results</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Patronage:</b> Commissioners do not grant their patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Mailing lists:</b> organisations featuring on any mailing lists set up to alert them about certain Commission activities are asked to register</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>*Expert groups:</b> registration in the Transparency Register is required in order for members to be appointed (refers to organisations and individuals appointed to represent a common interest shared by stakeholders in a particular policy area)</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

*3000 character(s) maximum*

The limitation of four people per organization at the same time in the European Parliament is problematic for our members, especially the larger ones. We do understand that the argument behind is about safety and security, but we would welcome a less draconian measure to reach the same objectives. A possible solution would be to have a more flexible approach, and give access to a prorated number based on the number of passes an organization has.

## 6. Features of a future mandatory system

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6.1 Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

*3000 character(s) maximum*

In principle, we think no access should be given to any official for lobbying purpose without being registered. There are surely exceptions to this rule but we propose making it a rule and then add exceptions rather than the other way around. This does not mean that all meetings need to be publically recorded and listed.

We also realize that this is a rule easier to enforce to staff members than to elected politicians.

\*

6.2 Do you agree with the Commission's view that the Council of the EU should participate in the new Interinstitutional Agreement on a mandatory Register?

- Yes
- No
- No opinion



## Comments or suggestions (Optional)

*3000 character(s) maximum*

The Council is a key part of the policy making system and it makes sense for them to be included. However, this would ideally mean that capitals and Permanent representations would be included, not only the Council secretariat, and we do realize the political implications of such a step. We caution against making this a key issue in the work of improving the current register.

## 7. Looking beyond Brussels

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7.1 How does the Transparency Register compare overall to 'lobby registers' at the EU Member State level?

- It is better
- It is worse
- It is neither better, nor worse
- No opinion

Good practices or lessons learned at the EU Member State level to be considered, or pitfalls to be avoided. (Optional)

*4000 character(s) maximum*

A key feature of the EU register that is often overlooked in national registers is that it includes all sorts of stakeholders which give a more correct image of the stakeholder environment surrounding policy making. Some national registers seem to include certain policy-makers active in Brussels in their scope. We are concerned that we are moving to a situation where there are 28 national registers to take account of when working in Brussels. We would very much welcome more coordination of the national registers with the EU one.

## 8. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

*3000 character(s) maximum*

EPACA has since long been in favour of a mandatory register. We understand and respect the Commission's view that there is no legal base to move to a legally binding register. However, we would like to have on the record that we would support a legally binding register should that situation change. Given the current situation, we would like to make the register even more "de facto mandatory" through further strengthening the incentives to register, for example restricting access to a larger number of officials for non-registered entities.

\*Publication of your consultation

- I agree to my contribution being published.
- I do not agree to my contribution being published.

[Specific privacy statement](#)

## Useful links

[Read more on the public consultation homepage](#)

[http://ec.europa.eu/transparency/civil\\_society/public\\_consultation\\_en.htm](http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm)

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## Contact

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