



EPACA Comments on the Review of ETI Register [and Common Register with EP]

EPACA welcomes the request from the European Commission to share feedback on the operation to date of the European Commission's voluntary register for interest representatives. EPACA has, as an association, registered its lobbying activities in a responsible way and has actively encouraged its members to do the same. We have engaged in a process of explanation and training for our members, and dialogue with the Commission, aimed at establishing how to register in an appropriate manner. Today more than 65% of EPACA members have registered.

In parallel EPACA has continued to develop its capabilities for application of our Code of Conduct, and self-regulation of our profession, including by strengthening of our Professional Practices Panel, and the reinforcement of our training and code-signing processes among our membership. Our members are required to sign our Code each year, and each year to supply to EPACA a statement of their processes for its application to staff.

EPACA believes that the ETI Register has overall proved a success:

- In quantitative terms: the total number of signatory organizations requires only a small multiplier in terms of staff to reach the number of claimed lobbyists in Brussels¹.
- The number of signatories is continuing to grow.
- The range of organizations signing up is very wide and encompasses all relevant sectors (with a couple of notable exceptions, see below)

We believe the focus of the Commission should now be on enforcement to ensure a level playing field, and on making this register work better. This means persuading lawyers to register, developing incentives focused on filling important gaps in registration, ensuring a level playing field, clarifying some confusions and inconsistencies on what to register and how, to add further transparency without discouraging registration.

Financial information : *It would in our view be counterproductive, and could produce a reversal in the trend of additional registrations, and some deregistration, if the Commission changed the ground rules on financial disclosure or added additional commercially sensitive information to its demands (e.g. by removing or narrowing the % brackets option).* We have always maintained, and again assert, that in the EU political system – in contrast to that in Washington, DC for example – money does not drive lobbying. *A contrario*, many organizations (e.g. NGOs, Trade Union, and other alliances) benefit from free resources and media coverage which is not money-led. In the EU access to information on who speaks for whom is the most important element of public transparency.

¹ The number frequently mentioned is 15,000, though we have never treated this as a number based on any credible research or information



If current financial disclosure requirements must stay, however, EPACA does suggest a clarification, i.e. that additional bands for total lobbying income above 1m€ be inserted (we recommend bands of 500K€ at this level and upwards without limit). At present it is unclear how income from lobbying above 1m€ needs to be declared.

Consistency of registration and transparency: We believe the Commission should focus on ensuring that all registrants who register do so in a consistent manner, and on clarifying and applying the relevant guidance. Areas where implementation could be improved include:

- Tackling refusal to date by most law firms and many think tanks to sign the register. These organizations legitimately engage in interest representation, and are directly competing for funds and client work with our members. But if they subscribe to no transparency requirements this is evidently an unfair distortion of the market. Since consultancies are not allowed to keep client confidentiality when they register, this privilege should not be allowed to any other interest group.
- Clarifying that the Commission remains committed to its initial position of discouraging double counting in financial declarations (e.g. between TAs and their members, or between consultants/lawyers and their clients).
- Clarifying the definition of lobbying: to reinforce consistency of approach in what activities organizations do register, and which organizations (such as law firms and think tanks) feel their activities are covered by the register.
- A process of communication with all registered entities concerning any planned revisions to the Commission guidelines or FAQs. At present there are concerns that this is not sufficiently transparent and risks resulting in arbitrary changes unduly influenced by special interests.
- Technical improvements to the register which would enable registering organizations to return to previous steps and make amendments, and permit saving and printing of draft registration forms for internal circulation before final submission.

Finally, we should underline our view that **any additional requirements for disclosure of commercially sensitive information beyond those already incorporated in the register could only be implemented fairly and effectively by a mandatory system applicable to all interest representatives**. Inserting such changes in the current register would in our view reverse the momentum of support and would result in fewer consultancies, not more, choosing to participate.

EPACA stands ready to continue working constructively with the Commission and the European Parliament on these matters. We welcome the establishment of a joint portal between the Commission register and the Parliament list of accredited lobbyists which recognizes the differences in the needs of the different institutions, while facilitating transparency concerning both organizations and individuals, without applying a bureaucratic straightjacket.

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