



Mr. Gérard Legris  
Chef d'Unité  
European Commission  
Rue de la loi 200  
B-1049 Bruxelles

Bruxelles, le 1<sup>er</sup> Avril 2010

Dear Mr. Legris,

Thank you for your email of 29 March 2009 in which you explain how you plan to take forward the issues raised by the EPACA complaint against Corporate Europe Observatory.

We welcome your commitment to analyse further the question about whether or not an organisation which fails to identify any members can declare itself as an interest representative in the NGO category of the register. We look forward to the result of the Commission's reflection and strongly believe that all interest representatives should be given clear guidance by the Commission on this point. The important role that NGOs often play in the EU policy debate needs to be supported by clear guidance on what does – and does not - constitute an NGO.

We also request the European Commission to further clarify the implications of its reasoning on why it does not consider the CEO actions in this case to be interest representation, and the implications of that decision for the Commission's definition.

The European Commission has stated clearly in its letter to EPACA that its Code of Conduct sets "a number of basic rules to be respected by registrants ***in the context of their interaction with the European Institutions***" (emphasis added). Given that the Commission has until now defined interest representation, for the purposes of financial disclosure in the Register, as all "actions initiated with the aim of influencing European policy formulation or decision-making processes, irrespective of the communication channel or medium it is using,"<sup>1</sup> does this mean that there are interest representation activities which the Commission believes should be subject to financial disclosure while at the same time not being subject to the principles in its Code of Conduct?

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<sup>1</sup> European Commission Communication of 28.10.2009 on "European Transparency Initiative: the Register of Interest Representatives, one year after"



Given the importance of a 'level playing field' in the application of the European Transparency Initiative and, therefore, the need for all interest representatives to clearly understand the Commission's requirements, we would welcome a clarification of this question.

Kindest regards,

A handwritten signature in black ink, which appears to read 'José Lalloum'.

José Lalloum  
Chairman