

Mr Siim Kallas  
Vice-President of the European  
Commission  
1049 Brussels

25 July 2006

THE SECRETARY GENERAL

Dear Vice-President,

UNICE, the Confederation of European Business and its 39 national member federations from 33 European countries have welcomed the European Transparency Initiative.

Increased transparency can lead to a better understanding of the EU's legislative and decision-shaping process. As we stated in our letter to Vice-President Wallström dated 10 July 2006, European citizens often have a wrong or flawed impression of how legislation is drafted and decided, and whom it will affect. Increased transparency can only help remedy this situation. Improved consultation of stakeholders and possibly a code of conduct for ethical interest representation are interesting ideas to explore. Such initiatives should, however, be conducted in an open and un-bureaucratic manner.

UNICE, the Confederation of European Business also welcomes the proposals to better assess the representativeness of stakeholders in order for politicians, officials and indeed the wider public to better understand who the stakeholders represent, by whom they are financed and what kind of positions they defend.

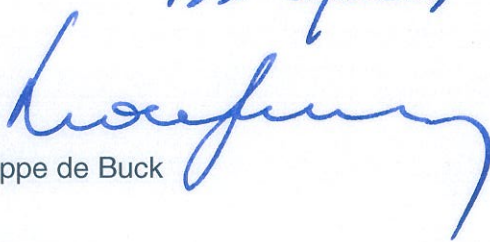
It is essential to make a clear distinction between those groups representing particular interests (profit and non-profit), and those not-for-profit organisations whose principles go beyond, and indeed are recognised by national and European legislation as is the case with the EU Social Partners, for instance.

It is positive that the European Transparency Initiative recognises the specific characteristics of the EU social dialogue and explicitly stipulates that the initiatives envisaged are without prejudice to articles 138-139 of the EC Treaty.

Nonetheless, the autonomous role of the social partners should not be understood as being restricted only to the negotiation of agreements at EU level in the framework of the EU Treaty as they also have the capacity for analysing different solutions to achieve more growth in order to combat unemployment.

Below please find our detailed answers to your questions. I remain at your disposal should you have any questions or comments.

Yours sincerely,

*Best regards*  


Philippe de Buck

## **Chapter 1**

### **Transparency and interest representation**

#### **1. Do you agree that efforts should be made to bring greater transparency to lobbying?**

UNICE has always been in favour of transparency. We believe that only open decision-making processes will be accepted by our citizens, who sometimes feel remote and cut off from EU decision-making.

Lobbying is a term that is widely used and accepted in the Anglo-Saxon world, but which causes some hesitations elsewhere. As stated in the Green Paper, "lobbying" is a legitimate activity whereby stakeholders from all parts of society, business, trade unions, civil society and environmental organisations, etc., present their interest vis-à-vis the public sector.

Ethical and professional lobbying which represents interests at European level can contribute to better quality legislation and can help avoid problems occurring at a later stage, once the law has to be implemented at national, regional or municipal level.

But not all organisations which are active in European public affairs can be qualified as exclusively a lobby. In this regard, UNICE wants to underline the special role it plays as a representative business organisation, notably in the *European Social Dialogue*.

#### **2. Do you agree that lobbyists who wish to be automatically alerted to consultations by the EU institutions should register and provide information, including on their objectives, financial situation and on the interests they represent? Do you agree that this information should be available to the general public? Who do you think should manage the register?**

Should the European Commission wish to create such a register, it should be on a voluntary basis and not discriminatory. Key is that it is neutral, efficient and professional and that it does not create unnecessary bureaucratic burdens for those who register.

The information should indeed be available to the general public, as is the case already today with organisations that are managed in a professional and ethical way. UNICE has for many years run a policy whereby we put all our documents, be it press releases, position papers, official statements, etc., on our website.

#### **3. Do you agree to consolidate the existing codes of conduct with a set of common minimum requirements? Who do you think should write the code?**

UNICE believes that a code of conduct could be a good idea, if it enshrines the ethical values of professional interest representation that we believe should be a standard for all public affairs professionals. Several codes of conduct, depending on the nature of the organisations could also be envisaged.

“Black sheep” can never be completely avoided and exist everywhere, but in general terms, the Brussels stakeholder community is known for its ethical and professional behaviour. Reports on wrongdoing, cheating or even bribery are extremely rare.

The SEAP code and EP’s annex IX to its rules of procedure provide a good basis and could be further developed for it to become a common, inter-institutional code of conduct for all stakeholders. The principles of openness about the purpose of a call, a letter or a meeting must be clear, and the name of any client must be disclosed in advance. The intentional provision of wrong figures, data, information, etc., should be forbidden.

**4. Do you agree that a new, inclusive external watchdog is needed to monitor compliance and that sanctions should be applied for any breach of the code?**

Wrongdoers should be singled out, named and shamed. What exactly constitutes a wrongdoing, however, will be very difficult to define, and will depend on the content of the code.

Also, many different cultures of lobbying exist throughout Europe, where a wrongdoing in one country does not necessarily constitute a breach in another.

Sanctions should only be the ultimate recourse, and in case of a serious breach of the code, the Ombudsman or a committee of wise men could be called upon, for instance.

## **Chapter 2**

### **An evaluation of the Commission’s minimum standards for consultation**

**5. In your view, has the Commission applied the general principles and minimum standards for consultation in a satisfactory manner? You may refer to the individual standards (provided, for ease of reference, in Annex 2). Please give reasons for your reply and, where appropriate, provide examples.**

EU decision-making can only benefit from good and proper consultation of stakeholders, i.e. those sectors and industries which have to comply with the rules laid down by EU law. In order to achieve such better quality legislation, stakeholders must be consulted on all initiatives taken by the Commission at an early stage and be given the right to comment, criticise, welcome or develop alternative ideas.

Comprehensive, well-structured, independent and transparent impact assessments are an indispensable way of achieving improved results.

UNICE developed a detailed position on this in February 2002 during the consultation on the Commission’s White Paper on EU Governance (our paper is attached). The main point for UNICE is the issue of representativeness, for which we have proposed a list of criteria, such as the composition of organisations, a certain level of expertise, to be represented in the majority of EU member states and a genuine mandate to act at EU level.

The following criteria could be the basis for a representativeness assessment:

- Does the organisation represent collective interests or individuals players or clients?
- Is the EU organisation composed of national organisations which are regarded at their respective national levels as representative of the interests they defend?
- Is the organisation composed of members who join voluntarily, at both national and European level?
- Has the organisation a legitimate interest to provide expert input on the issue debated?

The whole idea behind national organisations or individual companies getting together and being members of a broader organisation is to make life easier for members as well as the EU institutions. UNICE's approach can therefore be described as collective rather than individualistic.

Therefore the issue of representativeness in consultations, hearings, seminars etc should be taken into account and weighted accordingly.

UNICE also believes that the Commission should give enough time for such consultations and provide general feedback afterwards.

### ***Chapter 3***

#### **Publication of information about beneficiaries of funds under shared management**

- 6. Do you agree that it is desirable to introduce, at Community level, an obligation for Member States to make available information on beneficiaries of EU funds under shared management? If so, what information should be required at national level? What would be the best means to make this information available (degree of information required, period covered and preferred medium)?***

Adequate information on and transparency about EU funds is a good idea and will make EU citizens better understand the wide range of positive activities the EU supports.

UNICE therefore supports the principal of availability of such information. We would however have doubts about whether such information should generally be available in a very detailed manner and on the Internet, since this seems to be a huge administrative task.

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