

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

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

*

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:

3978240953-79

*

Name of the organisation:

BUSINESSEUROPE

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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)

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

A transparent and open dialogue between the EU institutions and all relevant stakeholders is vital for high quality EU policy-making. BUSINESSEUROPE has therefore always promoted registration in the Transparency Register among its member federations and associated companies.

BUSINESSEUROPE itself lists its meetings with leaders of EU institutions in its weekly Newsletter 'Headlines', and letters, positions and brochures are publicly available on our website.

BUSINESSEUROPE fully supported the aims of the European Commission to increase transparency since their conception 10 years ago. The same goes for the new transparency rules on contacts between Commissioners (and cabinets and director generals) and interest representatives and its overarching aim to bring the EU closer to its citizens.

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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

The representativeness, relevance and expertise of the stakeholders concerned are to be taken into account by the European Commission and Parliament. A coherent policy for open dialogue with the relevant stakeholders depending on the issue at stake is important for transparency. Bodies representing collective interests of wide economic and societal relevance have to be recognised as playing a specific role.

BUSINESSEUROPE will continue providing constructive support and therefore contribute to help achieving high quality legislation and transparency in EU policy-making.

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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

BUSINESSEUROPE believes that the European institutions are quite transparent and acknowledges the continuous efforts made to increase their own transparency.

Transparency is also one of the key components of an effective better regulation agenda. It is essential that all stakeholders affected by possible EU action should have the opportunity to give their views about initiatives and the evidence and information that is used to support them, not only at an early stage when policy concepts are not yet precisely defined, but also later when more detailed provisions are drafted.

In this context, we are pleased that the Commission clearly supports more openness and transparency, not only during the impact assessment process but throughout the legislative process. All Commission departments should commit to this objective and actively involve stakeholders. We regret though that the Commission does not go further and publishes final draft texts and the draft impact assessments before the initiative is finalised and adopted. BUSINESSEUROPE firmly believes that this would greatly enhance the effectiveness of the impact assessment review process leading to better quality outcomes. There should also be more transparency about trilateral negotiations between the three Institutions.

We also call on the European Commission to publish all public consultations and all new proposals immediately after their adoption by the College of Commissioners.

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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

We believe the Register is somewhat useful in helping to achieve the overall political aim of increasing transparency and bringing Europe closer to its citizens.

However, the register also contains over-bureaucratic provisions, and/or requirements that can lead to misinterpretations of the information provided. This can then be used to fuel unjustified controversies about perfectly ethical and legal collective representation of interest / advocacy activities.

In order to remedy these unintended effects, we have made some concrete proposals in this consultation (see below).

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

*

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

The specificity of some organisations, such as BUSINESSEUROPE, should be fully recognised by the European institutions. All activities carried out under Social Dialogue should continue to be excluded from the scope of the register. The same goes for activities where the European institutions are demanding input, data, examples etc, to the organisation concerned, or where they invite them to hearings, meetings, seminars or other events.

3. Register website

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

	Good	Average	Poor	No opinion
*Design and structure	<input type="radio"/>	<input checked="" 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

BUSINESSEUROPE encourages the Commission and Parliament to facilitate the disclosure of memberships in EU structures and platforms ('high-level groups') as well as to ensure a coherent terminology. It is often very burdensome and difficult to collect all relevant information. To increase data reliability, we recommend the EU institutions themselves should establish a fully integrated, accurate database covering all EU advisory structures and platforms and to link it to the EU Transparency Register.

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)

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

The classification does not convey to the wider public the fact that the European Social Partners are distinct from other interest representatives. They are playing an institutional role, and are sometimes integral part of the legislative process, in accordance with a procedure foreseen in the EU Treaties.

The representativeness of Social Partners is fully documented, regularly researched and reviewed by the European Commission. The same should be done for any organisation claiming to defend wider collective interests, including NGOs.

2. Data disclosure and quality

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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

BUSINESSEUROPE is in favour of further improving the reliability, validity and transparency of costs for EU interest representation. We see the importance to protect the quality and robustness of data, which should be based on a clear methodology. At the same time, comparability of such financial data should be improved. Current requirements to disclose membership costs and related fees in the total lobby sum lead in many cases to exorbitantly inflated sums (effect of 'double counting').

For instance, trade associations offer a large variety of activities for their members that go beyond interest representation targeted at EU institutions. One example being interest representation targeted only at regional and national policies, or internal activities to promote social dialogue. In such cases, the inclusion of the full membership fees in the overall costs would provide a distorted picture since a certain portion of such costs would not relate to EU interest representation.

In addition, membership fees would be referred to twice - as costs of members and as costs of associations (double counting). This creates a misleading picture and threatens the quality and reputation of the register. We therefore strongly recommend excluding membership costs from the estimated annual lobby costs.

However, as we fully support the Commission's aim of shedding light on those registered entities which might not be clear enough in their structures, aims and financing, we propose the following:

1. In the future, all registrants should be asked to provide a list of maximum 5 direct memberships in entities that are on the register.
2. Membership fees (or a 'proportional calculation') should only be included in the annual cost estimate, if...
3. ..an entity is financed by more than 30% by a single registrant.

Thus, an entity which has only very few members, and where one (or two or three) registrants finance it in a proportion above 30%, would be considered an exception to the normal situation, and additional transparency on its financing would have to be provided.

This would be easy to understand and in line with existing principles in the competition field. We believe this rule would be workable and bring a fair solution to the problems encountered by so many registrants. It would avoid the serious problems the overwhelming majority of associations and companies have encountered with the existing requirements on this point, including compliance issues, whilst at the same time tackling the issue of transparency.

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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

As explained above, it is often very complicated and burdensome for companies and trade associations to assemble all the data on membership costs, especially since a percentage of the organisation's lobby cost of that membership needs to be investigated year by year through long research processes. This information is then often subject to various possible misinterpretations which can create unjustified claims of alleged non-compliance.

*

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

See our concrete 30% proposal on membership costs above.

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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

The comparability of the lobby costs is poor. The methodology of how to calculate them is unclear. The 'full-time equivalent' figure of people is not used in practice, and only the 'persons involved' figure appears in "studies" and some media articles. This is potentially distorting and leads to inflated and inaccurate figures.

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

In practice, it is important to distinguish between malicious or unjustified claims on the one hand, and serious breaches of the code of conduct.

*

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

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 type="radio"/>	<input checked="" 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

The Register should be a user-friendly tool. Therefore, all existing information on Commission websites (on expert groups, high-level groups or other, as well as on EU grants, funds etc) should be used and therefore linked to the transparency register. This will help avoiding double work and factual mistakes.

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
*Access to Parliament buildings : 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"/>
*Committee public hearings: guests invited to speak at a hearing need to be registered	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Patronage: 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"/>

In the European Commission

	Very important	Somewhat important	Not important	No opinion
<p>*Meetings: 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Public consultations: 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>*Patronage: 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>*Mailing lists: organisations featuring on any mailing lists set up to alert them about certain Commission activities are asked to register</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Expert groups: 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

The above categories do not allow for ticking boxes of disagreement.

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

BUSINESSEUROPE is not in favour of a legally binding register. The example of some member states with a good track record shows that very high levels of transparency and ethical policy-making can be achieved without any mandatory register for lobbyists.

We would especially see major problems if the register were to be made conditional on commissioners or senior commission officials being able to meet stakeholders. This could limit the meetings to representatives of the "Brussels bubble", and make it more difficult for SME representatives (who are often not on the register) to meet with decision-makers. It would thus impede on the Commission's goal of better integrating SME concerns in its policies and, more generally, run against its vision for smarter and better law-making.

*

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

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

The European Transparency Register goes further in its reporting requirements than almost all national registers. BUSINESSEUROPE is only on the European Transparency Register. Our national member federations will therefore make more detailed comments on this point in their contributions to this consultation.

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

As stated throughout our contribution to this consultation, BUSINESSEUROPE fully shares the political objectives of the European Transparency Initiative. However, it is critical of over-burdensome reporting requirements, unnecessary bureaucracy, and unintended negative side-effects.

The business community supports most elements of the ETI, but also recalls that too many transparency requirements can ultimately undermine genuine transparency.

***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)

Contact

SG-TRANSPARENCY-REGISTER-PUBLIC-CONSULTATION@ec.europa.eu
