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**“Transparency Register as the EU mandatory body for all interest groups”**

**American Chamber of Commerce Institutional Affairs Task Force**

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The Transparency Register helps foster a common transparency culture on interest representation in the three major EU institutions, and it is open to the voluntary involvement of other Union institutions, bodies, offices and agencies and of the Member States' permanent representations to the EU. For the first time the Council of the EU is also covered by the agreement.

The new Transparency Register will be managed by a Secretariat, in which the three institutions will participate on equal footing. It will be overseen by a Management Board, consisting of the Secretaries-General of the three institutions. The three institutions will co-finance the scheme ensuring the necessary resources, thereby strengthening the operation and capabilities of the Register.

The Management board is a new structure, and has a specific function with regard to the appeal procedure. It examines and decides upon reasoned request for review of the Secretariat's decision concerning the disbarment of a registrant.

In practice, the Transparency Register makes it de facto mandatory for interest representatives to register if they want to engage in activities, such as meetings with key decision makers, organisation of events and participation in hearings and briefings, as well as access to the institutions' premises. The three institutions have included a list of the existing basic transparency measures in their joint political statement adopted together with the Interinstitutional Agreement.

With regards to the Commission, Members of the College and those directly responsible for advising them (Cabinet members, Directors-General and Heads of Service) must meet only interest representatives that feature on the Transparency Register. Information about such meetings is published on the website of the Transparency Register.

With regard to the Parliament, we apply the conditionality principle to a number of activities that affect relations with interest representatives, such as access to its premises, speaking at public hearings held by parliamentary committees or participating in the work of intergroups or other unofficial grouping activities organised on the Parliament's premises

Under our Rules of Procedure, the Parliament urges MEPs to systematically meet only registered interest representatives and to publish online all scheduled meetings with interest representatives falling under the scope of the Register.

The recommendation regarding meetings of MEPs applies to all types of legislative and non-legislative activities, including own-initiative reports. The online publication of all scheduled meetings with interest representatives falling under the scope of the Transparency Register is an obligation for rapporteurs, shadow rapporteurs and committee chairs in respect of each report.

The Council has been an observer to the current scheme since 2014. In the Council's draft political declaration the Council commits to the principle of conditionality, which is set to apply to meetings organised with the Permanent Representative and Deputy Permanent Representative when acting in their capacity of acting or incoming Presidency of the Council.

The Transparency Register remains an activity-based register - it covers both direct and indirect lobbying. Article 3(2) of the IIA provides an illustrative non-exhaustive list of the activities, such as organising or participating in meetings, conferences or events, organising communication campaigns, platforms, networks and grassroots initiatives, among others.

Any activity covered by the register entails eligibility for registration for both client and intermediary. The agreement clarifies further that any legal entities, offices or networks representing authorities of third countries set up with the view of representing them, which don't enjoy diplomatic status as well as any intermediaries are to register (with exception of the diplomatic missions and embassies).

Some activities will remain possible without registration. This includes spontaneous meetings, providing information at the request of the institutions, legal advice, and activities by social partners, political parties, intergovernmental organisations or public authorities of the member states.

However, associations and networks of public authorities engaging in interest representation activities can register, if they choose to do so. In order to avoid unnecessary administrative burden, activities carried out by interest representatives exclusively on behalf of an association or network of which they are a part will be considered to be activities of that network or association.

With regard to conditionality, the institutions will implement through individual decisions conditionality or transparency measures by which they encourage registration. These will be made public on the website of the register and updated regularly.

Registration and observance of the code of conduct rules imply that applicants are eligible in case they conduct covered activities and commit to observe the code of conduct.

Registrants are also required to systematically specify the clients or member they represent and provide their registration number. They are also expected to

substantiate their eligibility to join the register and the accuracy of the information submitted.

For the new registrants, the activation of the registration is subject to the verification of the eligibility of the applicant. The secretariat will monitor all the registration and evaluate ongoing eligibility and observance of the code of conduct.

The new Agreement will enter into effect after the formal signature by the three institutions. In the European Parliament the procedure, based on the Constitutional Affairs recommendation to the Plenary, will most likely be finalized in April.

This is in reality living agreement. Transparency will evolve corresponding to the political and societal needs. Last year has increased the demand for transparency. To rebuild Europe and the world we need a lot of trust. Culture of transparency is fundamental for trust.

Conditionality, making the participation of representatives of groups of interests in the European decision making will be an evolving parameter.

The new Agreement between the European institutions leaves them the possibility to enhance their internal rules in terms of the activities they make conditional on the registration. All the interactions currently in force and those that will come because institutions agreed to increase their level of commitment will be published on the Transparency Register website.

This is underpinned by pragmatic regular review of the implementation of the Agreement and in the annual reports there will be a specific chapter on conditionality.

I personally hope to see progressive shift in the transparency culture in the institutions.

During the negotiations we could see a major shift (here also the length of the negotiations helped) where the institutions were looking to increase their offer on both conditionality but also other transparency measures. For example the EP has adopted a number of modifications of rules of procedure. An example here are the 10 new points proposed by the negotiators and adopted by the Conference of Presidents of the EP revised the mandate. Also, the Council devised the political declaration to commit on voluntary basis an increasing number of the Permanent Representations to adhere to the scheme

This demonstrated that such changes are possible over time with relevant incentives and political pressure.

The new Agreement clarifies also several obligation of the registrants in order to prevent the conflicts of interest, such as taking into account requirements and rules applicable to former members and staff of the institutions post-office, obligation to publish financial information both as clients and intermediaries and specific financial information required also from the registrants which do not represent commercial interest. Additional measure which is to increase the transparency of the interest

pursued by the registrants is the obligation imposed on them to provide more information about legislative proposals, policies and initiatives which they are targeting.