



**Joint Transparency
Register Secretariat**



Annual Report on the operations of the Transparency Register 2013

**Presented by the Secretaries General
of the European Parliament and the European Commission**

to

**European Parliament Vice President Rainer Wieland
and
European Commission Vice President Maros Šefčovič**

As laid down in **Article 27 of the Inter Institutional Agreement (IIA) on the Transparency Register**, launched on 23 June 2011 as a joint instrument for the European Parliament and European Commission, and in a similar exercise to the previous year, this annual report accounts for the operations of the European Transparency Register (TR) during its second year of existence from September 2012 to September 2013.

The 2013 report:

- Presents aggregate statistics relevant to the operations of the register from October 2012 to October 2013;
- Describes the activities undertaken during the second year by the Joint Transparency Register Secretariat (JTRS) with a view to improving the general quality of the content of the TR, and raising awareness of the scheme;
- Outlines procedures for the review process, as well as the issues due to be discussed within this framework, as foreseen by the IIA, initiated two years after its launch.

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Acronyms used throughout the report:

EP = European Parliament
EC = European Commission
EU = European Union
FTE = Full-time equivalent
FTS = Financial Transparency System
GSC = General Secretariat of the Council
IIA = Inter Institutional Agreement
IT = Information Technology
JTRS = Joint Transparency Register Secretariat
MEP = Member of the European Parliament
NGO = Non Governmental Organisation
TFEU = Treaty on the Functioning of the European Union
TR or "the register" = Transparency Register
TRBO = Transparency Register Back Office

Executive Summary

1. The Transparency Register (TR), jointly run by the European Parliament (EP) and the European Commission (EC), currently provides European citizens with information about almost 6,000¹ organisations engaged in activities seeking to influence the EU policy and decision-making process, all bound by a common code of conduct.

2. In the second year of operation of the joint scheme, JTRS has produced a 3rd edition of the guidelines for registrants²; reached the figure of 1 000 quality checks; provided information workshops for MEP assistants and EC staff; developed new internal practices to deal with alerts a) on information contained in the register, b) on non-valid registrations and c) on non-registered entities whose activities clearly fall under the scope of the TR.

3. The objectives of the second year, pursued by the Joint Transparency Register Secretariat (JTRS), have moved on from those of the previous year, all the while aiming to remain pragmatic and tailored to the resources available both in the EP and the EC services. As stated in last year's TR annual report, objectives for 2013 have been focused on improving the quality of the data contained in the TR and on raising awareness of the TR as a transparency tool. More specifically, those objectives have been:

- **Providing information** to registrants: complementary guidelines for users on implementation of the IIA; three helpdesks (two TR & one EP accreditation helpdesk).
- **Monitoring of data** contained in the register: handling complaints & alerts; improved methodology for quality checks of declarations in the TR; developing IT solutions to simplify quality controls.
- Initiating contacts with **non-registered entities** (where relevant inviting them to register in the TR), external information and communication efforts.
- Ongoing and focused discussions with **stakeholder organisations** in view of the upcoming review (three consecutive meetings held in 2013).
- Dialogue with the **Council** at observer level to further understanding of the TR system and discuss its possible future participation in the scheme³.
- Putting the TR system into **context**: contact with researchers, academics and experts with regard to regulation of interest representation in a wider context; contact with national officials in charge of similar systems for comparative and best practice analysis.

The above objectives will continue to be work in progress. Indeed, with the continued growth in numbers of registrants in the TR, it is important to continue to focus efforts on a) improving the quality of the data content and b) raising awareness of the tool.

4. The online accreditation request module has allowed for the registration of a total of over 4 000⁴ authorisations for individuals to access the EP.

5. With the upcoming 2014 elections of the EP, it will be important in the coming year to provide relevant information about the scheme to new staff and Members, by providing them with training schemes and also continuing to encourage other EU bodies, offices and agencies to use the scheme.

¹ 5 952 on 31 October 2013

² <http://ec.europa.eu/transparencyregister/info/your-organisation/guidanceFinancial.do?locale=en>

³ See the General Secretariat of the Council (GSC) report on its observation process of 14/02/2013:

<http://register.consilium.europa.eu/pdf/en/13/st06/st06458.en13.pdf>

⁴ 4 022 on 31 October 2013

Timeline of events:

- January-October 2013: in-depth discussions with **stakeholders** in view of upcoming review to discuss possible areas for improvement in the TR system.
- June 2013: JTRS participation in **OECD Forum on Transparency & Integrity in Lobbying**, Paris, France.
- June-December 2013: **Review process of the TR** starts, two years following its entry into operation (Art 30 of the IIA). An **inter institutional Working Group** is set up and meets to discuss possible review procedures for the IIA.
- October 2013: **2nd annual report of operations of the TR** submitted by the Secretaries-General of the EP and the EC to the responsible Vice-Presidents of both institutions.

Part I: Transparency Register: State of Play

1. Introduction

In conformity with the participatory democracy principles enshrined in Article 11 TEU, EU institutions must remain open to contributions from citizens, representative associations and civil society.

The Transparency Register (TR) was set up as a voluntary scheme by the European Parliament (EP) and the European Commission (EC) together, to add transparency to the EU decision-making process. The TR, housed on the EC's *europa* portal⁵ provides citizens with information about almost 6 000 organisations seeking to represent their interests on the EU level.

Since its launch, growth in numbers of registrants has steadied somewhat, but are still rising, attesting to growing awareness of this scheme. The list of names of all persons who have acquired authorisation to access the EP buildings via the Transparency Register - over 4 000 by end October 2013 - is provided on the website.

The TR scheme is a positive reflection of general impetus towards improved levels of transparency of interest representation in Brussels. It has met with good will and acceptance from the Brussels-based interest representation community. A recent academic evaluation⁶ in April 2013 estimated coverage by the register to lie between 60-75% of all relevant Brussels based actors.

2. State of play of the Transparency Register

As of 31 October 2013 there were 5 952 registrants in the TR in total, of which almost half have registered as Section II (2 972 in-house lobbyists and trade/professional associations) and about one quarter in Section III (1 536 NGOs)⁷.

Total numbers of registrants contained in the TR has grown by about 10% over the past year (since the last annual report), although this growth varies by section of registrant. While sections I and II have seen the strongest growth in total numbers with a 15% rise in numbers

⁵ http://europa.eu/transparency-register/index_en.htm

⁶ <http://www.palgrave-journals.com/iga/journal/v2/n2/full/iga20133a.html>

⁷ See Annex I of the IIA for more information on sections.

of registrants, Sections IV and V have seen a slightly lower 12% growth. Meanwhile, registrants in Sections III and VI have actually dropped by about 2% year on year. The subsections showing most growth are "Companies & groups", up by almost 14%, and "Trade, business and professional associations" with a rise of 19%. Over the past year a slight drop in numbers is visible in the following sections and subsections contained in the TR: "trade unions", "NGOs" and "Local, regional and municipal authorities". In 2013 the subsection showing the lowest rate of registration are law firms, with little or no evolution compared with 2012.

The variations described above show:

- An increasing awareness within in-house lobbyist organisations and trade professional associations (in Brussels and abroad) of the TR system.
- A drop in numbers of registrants under the NGO or trade unions section or subsection could result from increased monitoring procedures by the JTRS.
- Local, regional and municipal authorities at a sub-national level have a very varied approach to the register, depending on their role and status.

It is only natural however that a certain level of fluctuation occur with regard to numbers of registrations contained in the TR over time, which reflects the natural evolution of specific legislative dossiers and agendas. It is interesting to note however that despite increased monitoring (and disbarments) by the JTRS, growth in total numbers of registrants continues.

3. EP accreditation procedures

The EP has made registration on the TR a precondition for facilitated access to its buildings. The online accreditation request module has allowed for the registration of a total of over 4 000⁸ authorisations for individuals to access the EP, of which almost 1 000 over the year covered by this report.

The new system contains the following features:

- Individuals are no longer issued a daily access card, but a permanent card valid for a maximum period of one year which must be activated at the reception desk each time a registrant wishes to enter the EP, and deactivated on departure from the building.
- Access cards in Brussels are available from 08h00-19h00 (Mon.-Friday, short Fridays 08h00-13h00) and in Strasbourg during plenary part-sessions from 14h30-20h00 (Mon.), 07h30-20h00 (Tues.-Wed.) and 07h30-18h00 (Thurs.).
- Requests are introduced and approved or rejected online within 72 hours.
- Applications to renew access authorisation can be submitted up to two months prior to the expiry date so that there is no hiatus between the two periods of authorised access.
- The TR Accreditation unit has an email helpdesk for specific enquiries⁹.
- There is no limit for the number of individuals that can be registered per organisation; however there is currently a requirement that no more than four accredited individuals from the same organisation may have access to EP premises *at the same time*.

⁸ 4 022 on 31 October 2013

⁹ TR-Accreditation@europarl.europa.eu

Part II: Activities of the JTRS

1. The Joint Transparency Register Secretariat (JTRS)

The JTRS is made up of a team of officials from the EP's DG Presidency¹⁰ and EC's Secretariat General and operates under the coordination of the Head of the Transparency Unit in the Secretariat-General of the European Commission¹¹. The JTRS meets on a weekly basis and, since June 2012 the Council Secretariat participates in these meetings via an observer¹².

Although no detailed tracking of staff time has been made for this specific activity, it is estimated that, excluding IT maintenance and development as well as EP accreditation procedures, the equivalent of four full-time staff (two per institution) have been mobilised at any one time to carry out the work associated with the scheme, over the past year. The JTRS has two helpdesks¹³ giving it direct contact with TR users.

2. Monitoring and Enforcement

2.1. Quality checks

Point 21 of the IIA attributed to the JTRS the task of contributing to the quality of the content of the TR. An IT tool in the current database allows for producing random lists of organisation's entries to be checked as a routine procedure.

In the past year, and with the goal of increasing efficiency, JTRS has sought to shorten the total time allotted to a quality check procedure, where an administrative investigation is carried out if any missing or inaccurate information is found in a registration. Organisations are now given a total period of 6 weeks to provide the information required, compared with 8 weeks initially.

Since March 2012¹⁴, the JTRS has made well over 1 000 quality checks, with an average of 15 checks made per week. A number of complementary IT tools have been introduced in order to facilitate these checks and increase their efficiency through a more systematic approach, especially where common errors have been identified. The number of disbarments following a quality check procedure has grown with regard to 2012.

During these quality checking procedures, it should be noted that a number of cases of misuse of EU logos (EP or EC) were identified in 2013 and forwarded by the JTRS to relevant services of the institutions for follow up.

¹⁰ EP Transparency Unit will move to DG EPRS from 1st November 2013.

¹¹ At publication of this report, this position was held by M. Gérard LEGRIS.

¹² See footnote 3.

¹³ Phone numbers and email addresses are provided on the website:
<https://ec.europa.eu/transparencyregister/public/contact/contact.do?locale=en>

¹⁴ Date of beginning of quality checks

An overview of quality checks:

March 2012 -Oct 2013	Total	Compliant	Non-compliant
Random checks	888	338	550
Checks on alerts	253	20	233
Total checks	1141	358	783

Non-compliant cases	783
Ongoing cases	91
Closed cases	692
with disbarment	317
with update	375

Random checks	100%	38%	62%
Checks on alerts	100%	8%	92%

2.2. Alerts

The alert mechanism is a complementary tool to the random quality checks and is the second step of the monitoring procedure.

Alerts, received both from internal and external sources to the institutions, have been handled systematically as quality checks during 2013 and are therefore quantified within the total number of quality checks (see table above). All alerts and quality checks are dealt with in confidentiality with regards to the entities concerned.

In 2013 the JTRS received three types of alerts: a) on information contained in the register; b) on non-valid registrations and c) on non-registered entities whose activities clearly fall under the scope of the TR:

- Type a) alerts have been dealt with as quality checks, and are reflected in the table above.
- Type b) alerts have generally been received from within the institutions and have led to a number of registrations being declared non valid where the activities of the organisations concerned did not fall under the scope of the TR.
- Type c) alerts have led to a recent practice of contacting organisations whose activities clearly fall under the scope of the TR, but who are not registered. While inviting such organisations to consider registering, such contact could essentially help to better understand the reasons for non-registration.

2.3. Complaints

The third step of the monitoring procedure deals with formal "complaints" about intentional breaches of the Code of Conduct by TR registrants.

On the basis of Points 18 and 19 of the IIA, and as of 31 October, the JTRS has received ten formal complaints in 2013 of which 3 were non admissible. Although a majority of the complaints received have related to an alleged breach of paragraph (d)¹⁵ of the Code of Conduct signed by registrants and the information provided in the

¹⁵ "Ensure that, to the best of their knowledge, information which they provide upon registration and subsequently in the framework of their activities within the scope of the register is complete, up-to-date and not misleading",

register, increasingly, references are also made to other paragraphs contained in the Code, such as a), b), c)¹⁶, which are more related to the behaviour of the organisation concerned.

In the above seven cases, three complaints are currently ongoing, and four have been closed. The closed cases were resolved either by an update of the registration, or through a hearing with the parties involved in order to find a compromise solution or via consultation of other relevant services. The average time spent on a complaint by the JTRS is 3 months, which is slightly above the time foreseen in the IIA (Annex 4). This is a result of the need for prolonged exchange with the parties involved, essentially the registrant concerned but also in some cases the complainant or other services of the institutions, and the unforeseeable delays this can have.

3. Awareness-raising (internal and external)

Ongoing transparency workshops have taken place for assistants of Members of the European Parliament (MEPs) to help familiarise them with the information tools provided by the TR. In these sessions, assistants are encouraged - where relevant - to use the TR to find more information about interest representatives their MEPs might be meeting, and to invite these representatives to apply for access rights to enter the EP of their own accord, via the TR. A presentation was also held for the departments (DGs) responsible for the administration of EP committees (DGs IPOL and EXPO). General training modules for EC staff include references to transparency policy.

Contacts with non-registered entities have been sought throughout the year to discuss the operations and requirements of the TR, especially with regard to the review process. In addition, the coordinator of the JTRS has frequently delivered speeches and made presentations on invitation from trade and professional associations as well as NGOs' horizontal associations and academic organisations in order to better explain the requirements of the TR.

Part III: Review and wider context

1. The context of the review process

In line with clause 30 of the IIA a review process was initiated no later than two years after the launch of the TR. An inter institutional Working Group on the Review of the Transparency Register has been set up and meetings are currently taking place between the European Parliament and the European Commission at political level¹⁷. The Working Group is co-chaired by the Vice Presidents responsible for the dossier, Vice President Maroš Šefčovič (EC) and Vice President Rainer Wieland (EP), and is made up of MEPs from all the political groups in Parliament.

¹⁶ <http://ec.europa.eu/transparencyregister/info/about-register/codeOfConduct.do?locale=en>

¹⁷ Summaries of meetings can be found here: <http://ec.europa.eu/transparencyregister/info/consult-register/whatsNew.do?locale=en>

Preparatory work for this review process has included: a public consultation after the first year of operations (2012); an annual report by the joint secretariat (2012); European-wide umbrella stakeholders' meetings (3 meetings in 2013) and benchmarking with other public regulators (in the context of an OECD forum¹⁸).

Parliament and the Commission have invited the Council to join the review as an observer, which it has accepted¹⁹. The Council has stated that it will clarify its position once the review process has been concluded.

2. Main issues being examined during the review

- Quality of the content of the Transparency Register, enforcing stricter compliance of the rules by registrants.
- Continued expansion of the number of registrations through further external information and communication efforts.
- Active use of the scheme by staff and Members in both institutions and encouraging other EU bodies, organs and agencies to use it.
- Further clarifications and guidelines on sections, definitions, activities and expenditures covered by the scope of the Transparency Register.
- Introducing additional benefits and incentives for registrants, such as the EP related accreditation procedure.
- Enforcing the requirement to provide a list of legislative files and issues on which registered entities have been active, within the meaning of the IIA.
- Consideration of measures to ensure the authenticity and objectives of entities registering in the Transparency Register.
- Bringing further precision to the handling of complaints.
- The "voluntary" versus "mandatory" nature of registration, in particular in the light of the EP Decision of 11 May 2011²⁰.
- The possibility to envisage an *ad-hoc*, derogative and exceptional formula for Section I entities claiming a need for client confidentiality, subject to the demonstration of concrete and non-hypothetical risks associated with the divulgence of the identity of clients.
- Clarification on category VI of the TR, as referred to in point 7 of the EP Decision mentioned above.

3. Putting the TR into context: regulating interest representation

3.1. The TR and international standards and practices

Through this scheme, the EU institutions involved have joined the relatively few public authorities in the world (among others: the USA, Canada, Australia), which have developed various systems to regulate interest representation, including lobbying, and provide more transparency in this area. Among these systems, the TR ranks among those offering the widest range of information to citizens, and is applicable to the widest playing field. It encompasses six sections of actors within its system, as described in Annex 1 of the IIA. The TR is in line with international

¹⁸ <http://www.oecd.org/gov/ethics/lobbying-forum.htm>

¹⁹ <http://register.consilium.europa.eu/pdf/en/13/st11/st11502.en13.pdf>

²⁰ Decision adopted by EP vote, 11 May 2011: "*Repeats, however, its call for the mandatory registration of all lobbyists on the TR and calls for the necessary steps to be taken in the framework of the forthcoming review process in order to prepare for a transition to mandatory*" (P7_TA(2011)0222).

standards in this domain, such as the *Recommendation of the OECD Council on Principles for Transparency and Integrity in Lobbying*²¹. JTRS was invited to take part in an OECD round table for administrators dealing with everyday implementation of rules on lobbying in June 2013²².

3.2 Interest representation regulation in EU Member States

The JTRS observes EU Member States' activity and initiatives, as regards regulation of interest representation on the national level, purely for comparative purposes. Currently, some form of regulation exists in this domain on the national level in six of the EU Member States and at regional level in one Member State. It is either being introduced or discussed in 6 other Member States. A variety of mechanisms are used, as illustrated in the annexed comparison table²³, drawn up by JTRS staff.

While Slovenia and Austria introduced legislation in 2011 and 2012 respectively, six other Member States are currently discussing possible regulation of interest representation (Czech Republic, Denmark, Estonia, Ireland, Spain and the UK). While Ireland is due to introduce legislation at the beginning 2014, debates in the UK on the proposed bill are still ongoing. In several of these cases the EU's TR scheme has been a useful reference for stakeholders or public authorities.

The Council of Europe's Venice Commission produced an interesting report in March 2013²⁴ which seeks to analyse the phenomenon of extra-institutional actors' participation in national democratic systems in EU Member States and evaluate any existent legal systems of lobby regulation. It concludes that: "The tendency (in Europe) seems to denote an increasing interest in effective regulation in this field. The two main objectives of that regulation are to ensure transparency of the political system and the accountability of political actors."

3.3. Academic research and curricula

Measuring by the contacts made with JTRS by academics and researchers, it would seem that an increasing amount of academic work is being undertaken with regard to interest representation, lobbying practices and regulatory systems. This may lead to a progressively better understanding of the phenomenon, as well as the emergence of several curricula dedicated to this field. JTRS are looking into the possibility of the TR website providing a page with links to relevant academic publications in this field.

²¹ <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=256&InstrumentPID=250&Lang=en&Book=False>.

²² <http://www.oecd.org/gov/ethics/Lobbying-Forum-Agenda.pdf>

²³ See Annex I. This table has been drawn up for pure research purposes and contains only indications on the type of systems in operation without pretending to provide full details. The JTRS welcomes any corrections, in case of inaccuracies.

²⁴ [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2013\)011-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)011-e)

Annex I - Overview of Regulation of Interest representation in EU Member States

Overview		DE ²⁵	FR ²⁶	LT ²⁷	AT ²⁸	PL ²⁹	SI ³⁰	EU ³¹	
								EP	EC
Regulation	Introduction	1972	2009/13	2001	2012	1992	2011	1997	2008
	Law	-	-	X	X	X	X	-	
	Rules of Procedure	X	X	-	-	-	-	X	
Scope	Parliament	X	X	X	X	X	X	X	
	Executive Branch	-	-	X	X	X	X	X	
Definition of Interest Representative	Wide	X	X	-	-	-	-	X	
	Detailed	-	-	X	X	X	X	X	
	Public Register	X	X	X	X	X	X	X	
Responsible for register & sanctions	Parliament	X	X	-	-	-	-	X	
	Executive Branch	-	-	-	X	X	-	X	
	Appointee	-	-	X	-	-	X	-	
Registered data	Interests	X	X	X	X	X	X	X	
	Management	X	-	X	X	X	X	X	
	Clients	-	-	X	-	-	-	X	
	Individuals	X	X	X	X	-	X	X ³²	
	Financial data	-	-	X	X	-	-	X	
Sanctions	Fines	-	-	X	X	X	-	-	
	No admission/ removal from the register	X	X	X	X	X	X	X	
	Ban from interest representation	-	-	X	-	-	X	-	
	Code of Conduct	-	X	X	X	-	-	X	

²⁵ <https://www.btg-bestellservice.de/pdf/80060000.pdf>

²⁶ <http://www.assemblee-nationale.fr/representants-interets/index.asp>
& http://www.senat.fr/role/groupes_interet.html

²⁷ http://www.vtek.lt/vtek/index.php?option=com_content&view=article&id=584:legislation&catid=41:legislation&Itemid=58

²⁸ http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01465/index.shtml

²⁹ <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051691414;>
<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20111610966+2011%2409%2401&min=1>

³⁰ <https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf>

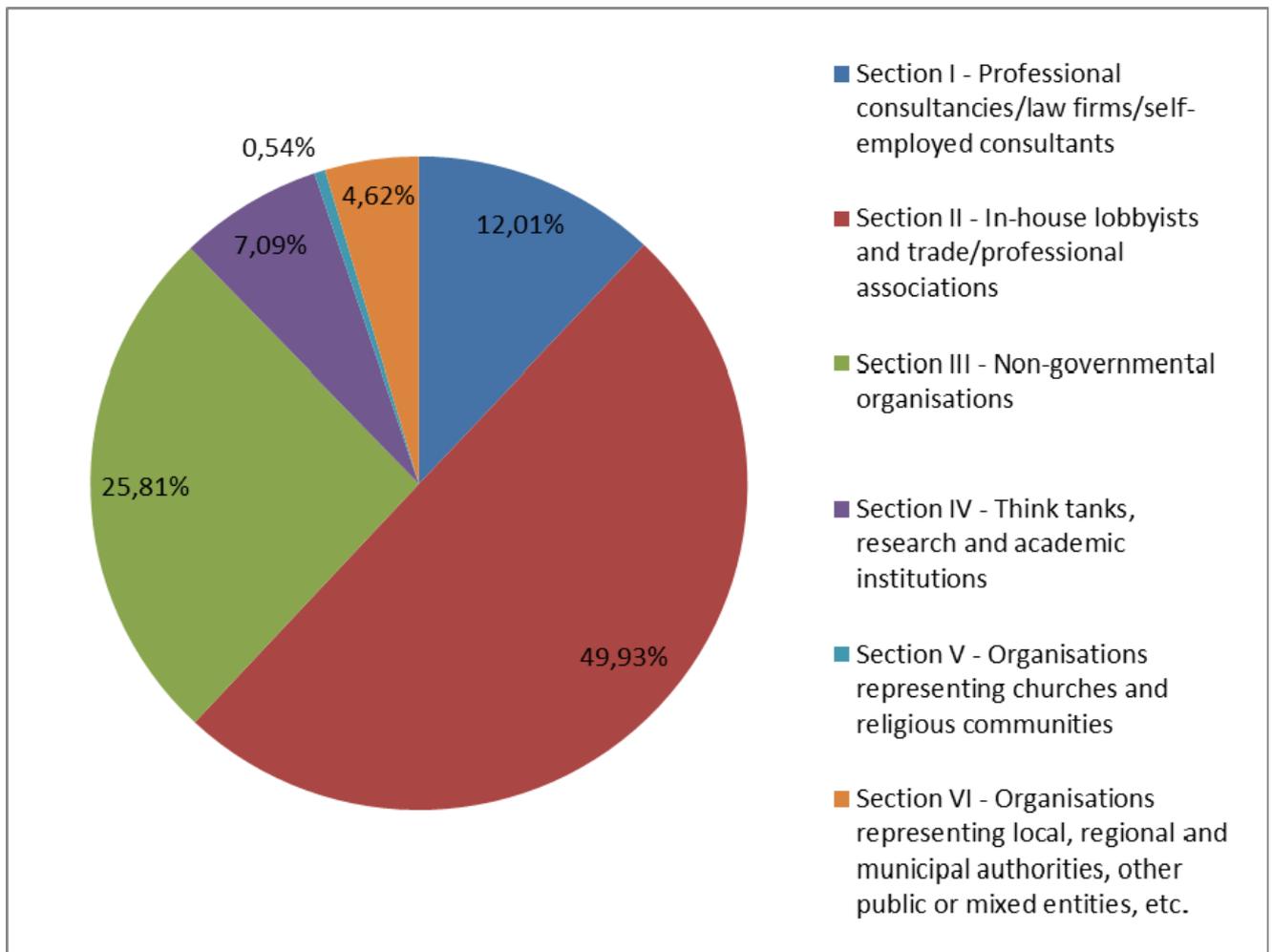
³¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:191:0029:0038:EN:PDF>

³² Any individuals listed in the TR are individuals with annual authorisation to access EP buildings, or self-employed individuals.

Annex II – Statistics of the Joint European Parliament – European Commission Transparency Register as of 31 October 2013

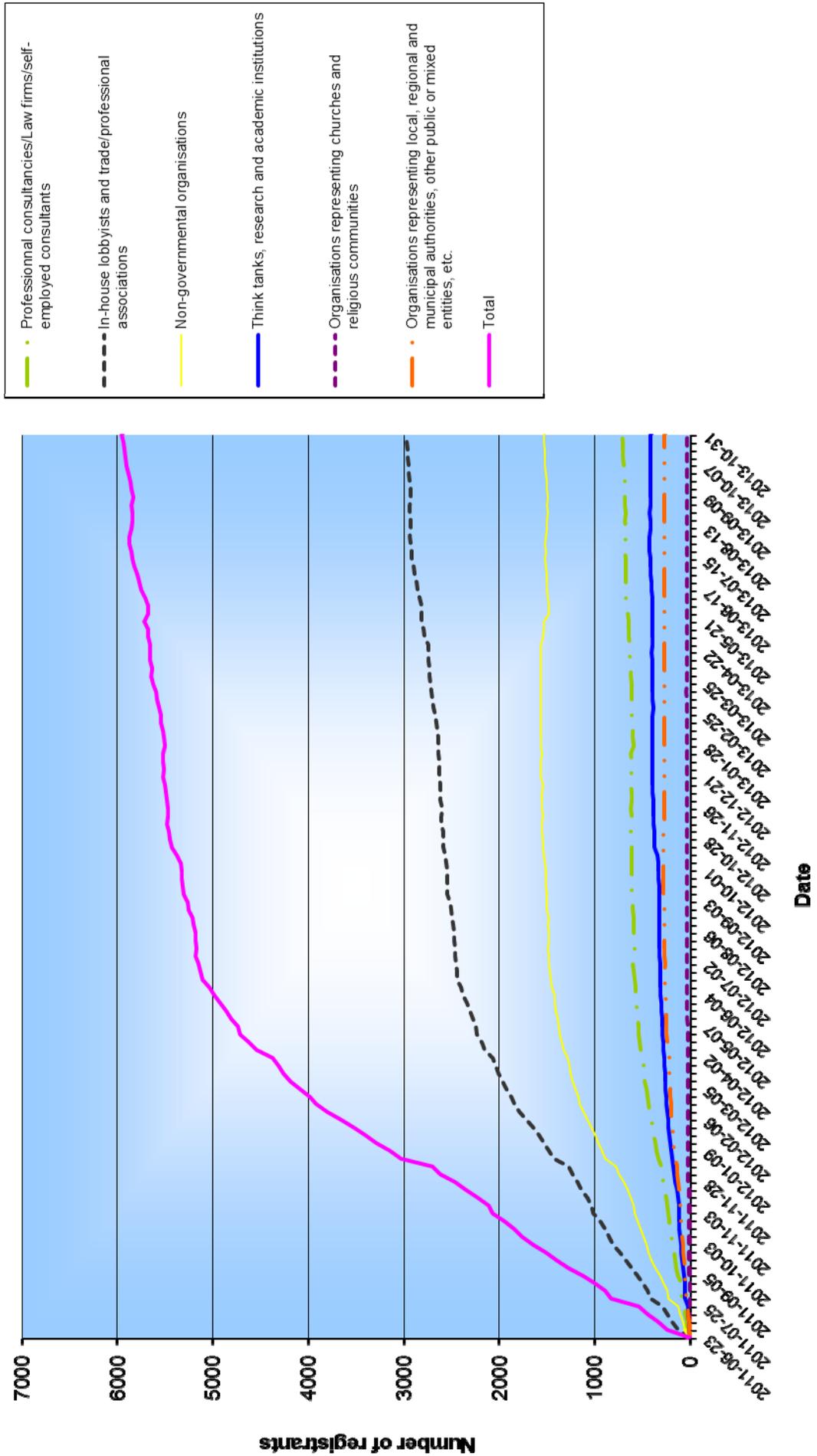
- 1 – Content of register by section
- 2 – Registration flow since June 2011
- 3 – Statistics for the Transparency Register as of 31 October 2013
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1 – Content of register by section



2 – Registration flow since June 2011

Transparency Register - Weekly Evolution of Registrations

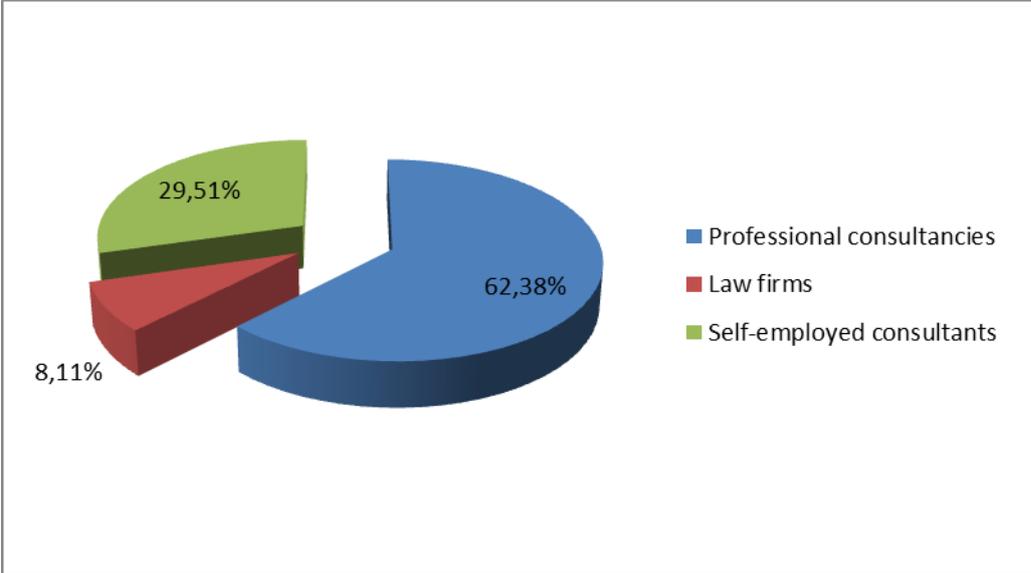


3 – Statistics for the Transparency Register as of 31 October 2013

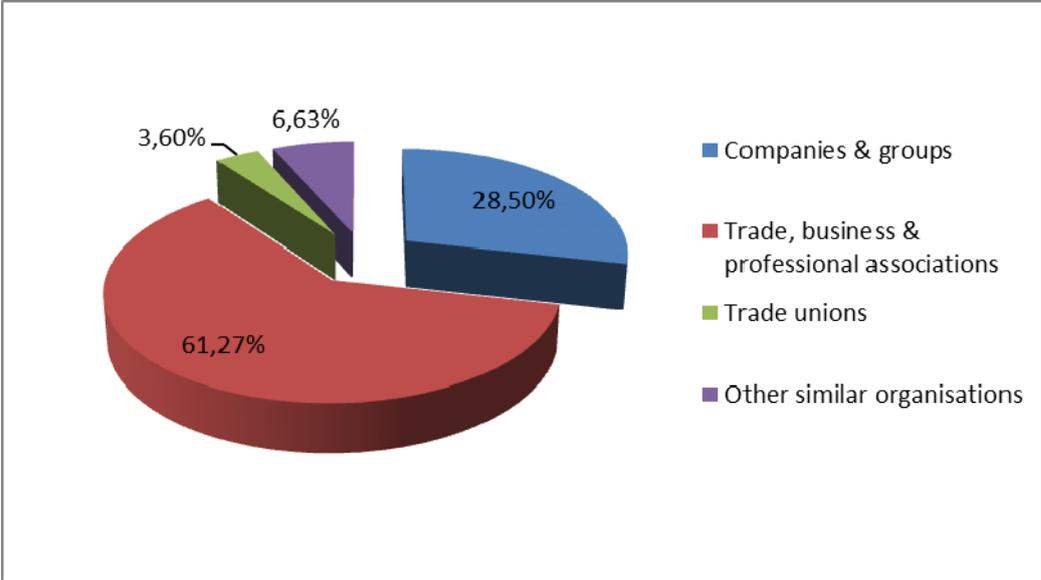
On 31/10/13, there were 5952 registrants in the register.	
They are from the following (sub)categories:	
I - Professional consultancies/law firms/self-employed consultants	715
Professional consultancies	446
Law firms	58
Self-employed consultants	211
II - In-house lobbyists and trade/professional associations	2,972
Companies & groups	847
Trade, business & professional associations	1,821
Trade unions	107
Other similar organisations	197
<hr/>	
III - Non-governmental organisations	1,536
Non-governmental organisations, platforms and networks and similar	1,536
IV - Think tanks, research and academic institutions	422
Think tanks and research institutions	303
Academic institutions	119
V - Organisations representing churches and religious communities	32
Organisations representing churches and religious communities	32
VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.	275
Local, regional and municipal authorities (at sub-national level)	118
Other public or mixed entities, etc.	157

4 – Breakdowns by subsection

Section I: Professional consultancies/law firms/self-employed consultants



Section II: In-house lobbyists and trade/professional associations



5 – Quality checks sample (random and on alerts)

