Annual Report on the operations of the Transparency Register
2012

**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 Maroš Šefčovič

As laid down in **Article 27 of the Inter Institutional Agreement (IIA) on the Transparency Register**, this annual report accounts for the operations of the European Transparency Register (TR), launched on 23 June 2011 as a joint instrument for the European Parliament and European Commission, during its first year of existence. The report:

➢ Presents the activities undertaken during the first year by the Joint Transparency Register Secretariat (JTRS).
➢ Analyses the results of the public consultation held on operations of the TR.
➢ Identifies the main issues emerging from this consultation as well as from the experience of the first year of operations.

Although the substance of this report, as well as the input from the consultation, can be seen as the first building block, a separate exercise or "review" is foreseen by the IIA, which should take place no later than two years after its launch.

This is why the part III of this report - drawing on the public consultation, the first year of experience and contacts made with stakeholders - outlines a number of issues, including policy issues, to be considered in the context of the review exercise, before the Parliament and the Commission can reach their conclusions next year.

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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 more than 5,400[1] organisations engaged in activities seeking to influence the EU policy and decision making process, all bound by a common code of conduct.

2. In this first year of operation of the new joint scheme much time and energy was devoted to solving technical issues and bringing *ad-hoc* support and help to users through the TR helpdesk function.

Thus the objectives of the first year, pursued by the Joint Transparency Register Secretariat (JTRS), have been deliberately pragmatic and tailored to the resources available both in the EP and the EC services. Those objectives have been:

- ➢ Ensuring the smooth switch over of registered organisations from the previous dual EP and EC schemes to the new common TR.
- ➢ Launching and operating the technological platform; solving IT problems as they arose.
- ➢ Developing and complementing the system with an EP accreditation request module for access rights to EP buildings.
- ➢ Providing and complementing guidelines for users on the implementation of the IIA, as the need arose based on stakeholder feedback.
- ➢ Handling complaints.
- ➢ Pursuing dialogue with the Council to discuss practicalities of its possible future participation in the scheme.
- ➢ Testing and developing methodologies for quality checks of declarations in the TR.

3. These operational objectives have been achieved to a satisfactory degree. Indeed, the platform works well; the switch-over has been successful; the online accreditation request module has been opened and, despite some initial difficulties, communication between EP and EC IT systems is now operational; three successive waves of guidelines have been issued; complaints have been handled; the Council has made a further step by designating observers to take part in the JTRS meetings[2]; the methodology for quality checks has been set up and the checks are now being progressively developed. In addition, an online public consultation was held on the operations of the TR during July-August 2012, in order to gain more in-depth feedback from users on these issues.

4. Having achieved the objectives set for the first year of operation, the EU institutions involved in the scheme, in addition to pursuing these operational tasks on a daily basis, should now set further objectives for the second year of operation. These objectives could include issues emerging from the stakeholders' consultation and other contacts made, which can be summarised as follows:

- ➢ Improve the ***quality of the content of the TR***, by enforcing strict compliance with the rules by registrants.
- ➢ Now that the switch-over has been completed, seek continuing ***expansion of the number of registrations*** through further external information and communication efforts.
- ➢ Extend ***use of the scheme by staff and Members*** in both institutions, by providing them with guidelines on the TR, as well as training schemes and encourage other EU bodies, offices and agencies to use it. The scheme will only reach its full efficiency if Members and staff of the institutions share responsibility for promoting its use in their contacts and interaction with third party organisations.

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[1] 5431 as of 22 October 2012.
[2] See the General Secretariat of the Council (GSC) report on its observation process:
http://register.consilium.europa.eu/pdf/en/12/st13/st13528.en12.pdf.

Part I: Transparency Register: Birth, Work and State of Play

1.1. Introduction: What is the common Transparency Register?

The Transparency Register (TR) is a voluntary scheme, supported by a public interactive tool, set up by the European Parliament (EP) and the European Commission (EC) to add transparency to the EU decision-making process, providing citizens and persons working in the institutions with information about organisations participating[3] in EU policy-making.

In conformity with the participatory democracy principles enshrined in Article 11 TEU, EU institutions are open to contributions from citizens, representative associations and civil society. The TR provides citizens with a "one-stop shop" to help them exercise their right to know who may be seeking to influence the preparation of decisions on various levels. Registrants can now enter and update information about their organisations in one place. Through this simplified registration process, registered entities commit themselves to respect a single code of conduct covering fulfilment of legal requirements and ethical principles. Since its origin, an open invitation has been extended to the Council to join this scheme and to all other bodies of the Union to use it as a reference instrument.

Registered entities provide the most essential information about themselves: relevant EU legislation monitored, estimate of their financial effort mobilised in this field, head office, persons involved, membership or clients, as well as the amount of EU funding they received.

The TR underlines the importance of creating a level playing field and therefore does not highlight or stigmatise any specific category of interest representatives. This differentiates it from other similar systems in place. All categories are expected to register: whether on an individual basis when acting as an independent, or as an organisation, providing only that the activities under consideration fall within the scope of the TR and are in line with the provisions of the Inter Institutional Agreement (IIA) and Article 11 TEU. Thus, eligible organisations range from NGOs to professional & trade associations, companies, public affairs consultancies, trade unions, think tanks, law firms, etc. To respect the diversity and identity of all actors involved, registrants can choose to register within six wide categories.

Specific exceptions have been laid down, however, to clarify which actors are not concerned; notably public authorities, diplomatic missions to the EU, political parties, churches and religious communities, or regional entities as such (although the structures that are created to represent them at EU-level may well be covered by the scope of the TR).

The TR, housed on the EC's *europa* portal[4], is available online. As of 22 October 2012, it includes 5431 organisations, with all information readily available to the public eye. The number of registrants has steadily increased ever since its launch, attesting to the growing reputation of this scheme. The website provides weekly statistics about registrants, a search tool to browse registrations, alphabetic lists of registrants and a possibility to request accreditation for access rights to EP buildings. The list of all persons who have acquired

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[3] This includes activities such as: lobbying, advocacy, interest representation, public affairs, government relations etc.
[4] http://europa.eu/transparency-register/index_en.htm.

such accreditation - over 3,100 by October 2012 - is provided on the website. Web access statistics indicate an average of 7,000 "unique visitors"[5] per month for the TR website.

The TR should not only progressively become a reference directory for EU public office-holders and staff, as well as for those active in seeking to influence EU legislation, but it is also intended as a valuable search tool for EU citizens, interested in following decision-making on the EU level.

Although the TR scheme is not immune to criticism (as reflected in the part dedicated to the public consultation), in particular from organisations actively engaged in campaigns aiming at promoting further transparency from the public authorities, it has been generally welcomed by all categories of stakeholders as a "*new positive development in the overall framework of transparency at the EU level*."[6]

Timeline of events:

- On 23 June 2011, the **Inter Institutional Agreement** (IIA) **between the EP and the EC on a common Transparency Register**, was signed in the EP plenary by EP President, **Jerzy Buzek** and EC Vice President **Maroš Šefčovič**. At the signing, the Council - through the Hungarian Presidency - made a unilateral statement declaring that it was ready to consider having a role in the TR. For the first time, these three EU institutions were united in their public pledge to improve the transparency of EU legislation via a joint register for interest representatives.
- On 1 July 2011, the **JTRS** started its work.
- In March 2012, a new electronic system for requesting EP accreditation was made available through the TR and the Transparency Register Back Office (TRBO) application. This replaced the previous paper-based accreditation request procedure and ensures that only those registered in the TR can request access rights to EP buildings.
- As of 7 June 2012 an observer from the General Secretariat of the Council (GSC) has participated in the JTRS' weekly meetings with a view to familiarize the GSC with the management of the operations of the TR system.
- 8 June-31August 2012 a **public consultation** on the operations of the TR was held on the EC website "Your Voice in Europe" for registrants and non-registrants. Altogether, 253 participations were recorded.
- On 23 June 2012, the **former EC register for interest representatives** (set up in 2008) was closed, after a one-year transition period. Nearly all registrants chose to be included in the new TR, which celebrated its 1st birthday with 5,150 registrants.
- In October 2012, the **1st annual report of the operations of the TR** is submitted by the Secretaries-General of the EP and the EC to the responsible Vice-Presidents of both institutions.
- By June 2013 **a review process of the TR** will be engaged, as a two-year follow up to its entry into operation (Art 30 of the IIA).

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[5] Unique visitor is the uniquely identified client viewing a page within a defined time period. A unique visitor is counted once in the considered period whereas the visitor can have made several visits. See details in annex II.
[6] Extract from Transparency International 's EU office recommendation on the annual report on the operation of the TR:
http://www.transparencyinternational.eu/wp-content/uploads/2012/10/2012-09-19-TI-Recommendations-on-Transparency-Register.pdf.

1.2. The work of the Joint Transparency Register Secretariat (JTRS)

1.2.1. The context

The JTRS is a new and innovative work format within EU's institutions, consisting of staff from two separate institutions. It is made up of a team of officials from the EP's DG Presidency (Transparency Unit) and EC's Secretariat General (Transparency Unit) and operates under the coordination of the Head of the Transparency Unit in the Secretariat-General of the European Commission[7]. The JTRS meets on a weekly basis and, since June 2012, the Council Secretariat has sent observers to take part in these meetings[8].

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) are mobilised at any one time to carry out the work associated with the scheme.

According to the IIA, its task "*includes the implementation of measures to contribute to the quality of the content of the register*", namely dealing with complaints, alerts and random quality checks. The JTRS is responsible for the everyday running and management of the TR, and also for communication activities to raise awareness both internally and externally to the EU institutions.

A constant stream of communication takes place between the JTRS and a wide variety of stakeholders. A large number of questions are responded to by the JTRS helpdesk[9], via email or telephone, giving it direct contact with users. On a weekly basis, the helpdesk will respond to, on average, 30 phone calls and 100 emails from users, which includes both quality check procedures and EP accreditation issues.

1.2.2. Changes to the EP accreditation procedures

The EP has made registration on the TR a precondition for facilitated access to its buildings. This applies to all individuals working or representing an organisation eligible for inclusion in the TR, thereby making the TR quasi-mandatory. Much progress has been made relative to the former system of accreditation. The following points include the major changes and advantages of the new system:

➢ In March 2012 an online system for requesting access to the EP was introduced via the TR website thanks to a back office application called Transparency Register Back Office (TRBO). This has facilitated the process for requesting access to the EP buildings.
➢ A specific reception desk has been provided (EP Simone Veil entrance) for TR registrants with EP access authorisation.
➢ Requests are introduced and approved or rejected online within 72 hours, compared to the average 4-6 weeks previously.
➢ An email confirmation is automatically sent to applicants informing them of the status of their application.

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[7] Since the launching of the TR, this position has been filled by M. Gérard LEGRIS.
[8] See footnote 2.
[9] SG-TRANSPARENCY-REGISTER-CONTACT@ec.europa.eu (EC) & Trans-Register@europarl.europa.eu (EP).

➢ 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 enquiries[10].
➢ The names of persons accredited for access to the EP are publicly available through the TR website.
➢ Whereas the EP had initially set a limit of ten individuals who could register for access from any single organisation, this upper limit has been dropped. There is however currently a requirement that no more than four accredited individuals from the same organisation may have access to EP premises *at the same time.*

Further improvements will include the option to order daily access passes in advance online.

While in 2011 (under the old system) there were over 4,000 listed EP accreditations, current figures are now somewhat lower at 3,121. With a current average of 30 new accreditations per week, this figure is expected to continue rising. The original drop in numbers can be explained by a number of factors, including that representatives of regional authorities are not presently covered by the TR accreditation procedure, and that previously dormant registrations have been eliminated due to the new requirements of the TR.

1.2.3. Co-operation between IT departments

IT staff in both EU institutions have cooperated closely, essentially through the JTRS structure, in order to ensure the smooth running of a *europa*-based website that can respond to the needs and requirements of both institutions and of the 5000 and above external users. The development of the TR website platform was fully completed in February 2012 and it is currently run on a maintenance budget; all costs, so far, are covered by the EC. Functional enhancements are being delivered progressively to respond to business needs such as an improved 'quality check' capacity and identification of suspected duplicate registrations.

The EP TRBO application was delivered into production in February 2012, enabling its Accreditation unit to manage and respond to new EP accreditation requests through the TR. Since then, a number of functional enhancements have been introduced in response to additional requirements resulting from the new application. The transfer of data from the EP legacy systems was completed in June 2012 and additional modifications to the application by the end of 2012 aim to ensure that the first renewal of access applications under the TRBO application can be completed without any significant technical problems. Once this has been achieved, corrective or continuous maintenance will be covered by EP's IT department (DG ITEC).

Development of the TR and the new online EP accreditation management module represents an innovative step in technical cooperation between the two EU institutions. It is the first time that this form of electronic information exchange between EP and EC information systems has been used. The learning curve has been steep, any 'teething problems' are being successfully resolved and overcome, and the end result should be a well-functioning system (as evidenced by the 77.63% of users who expressed satisfaction in the recent public consultation).

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[10] Trans-Register@europarl.europa.eu.

1.2.4. Awareness-raising (internal and external)

A series of 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 has also been foreseen 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 and the topic is frequently requested by visitor groups especially those coming from business and industry circles as well as from academic spheres.

Members of the JTRS *have* had a wide range of meetings with stakeholders and with non-registered entities throughout the year to discuss the operations and requirements of the TR. 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. This has even included a number of public debates with citizens, as for example in the context of the Belgian launch of the documentary film *Brussels Business*, or with national bar associations, such as the international section of the *Brussels bar association*, or the *Barreau de Paris* for French lawyers.

1.3. Objectives & state of play of the Transparency Register

1.3.1. State of play

It was not thought that all would be achieved during the first year of operation of this new scheme, and what has been achieved does not claim perfection. During this launch phase, much time and energy has been devoted to solving technical issues and bringing *ad-hoc* support and help to users through the TR helpdesk function. Thus the objectives pursued by the JTRS in the first year, have been deliberately modest and tailored to the resources available both in the EP and the EC services. Those objectives have been:

➢ Ensuring the smooth switch over of registered organisations from the previous dual EP and EC schemes to the new common TR.
➢ Launching and operating the technological platform; solving IT problems as they arose.
➢ Developing and complementing the system with an EP accreditation request module for access rights to EP buildings.
➢ Providing and complementing guidelines for users on the implementation of the IIA, as the need arose based on stakeholder feedback.
➢ Handling complaints.
➢ Pursuing dialogue with the Council to discuss practicalities of its possible future participation in the scheme.
➢ Testing and developing methodologies for quality checks of declarations in the TR.

These operational objectives have been achieved to a satisfactory degree. Indeed, the platform works well; the switch-over has been successful; the online accreditation request module has been opened and, despite some initial difficulties, communication between EP and Commission IT systems is now operational; three successive waves of guidelines have been issued; complaints have been handled; the Council has made a further step by

designating observers to take part in the JTRS' meetings[11]; the methodology for quality checks has been set up and the checks are now being progressively developed.

In addition, an online public consultation was held on the operations of the TR from June through to August 2012, in order to gain more in-depth feedback from users on these issues.

As of 22 October 2012 there were 5431 registrants in the TR[12] in total, of which almost half (48%) have registered as Category II (In-house lobbyists and trade/professional associations) and about 28% in Category III (NGOs).

Categories of registrants:

CATEGORY OF REGISTRANT	NUMBER OF REGISTRANTS
I - Professional consultancies/law firms/self-employed consultants	**617**
Professional consultancies	402
Law firms	43
Self-employed consultants	172
II - In-house lobbyists and trade/professional associations	**2585**
Companies & groups	742
Trade, business & professional associations	1,523
Trade unions	126
Other similar organisations	194
III - Non-governmental organisations	**1,540**
IV - Think tanks, research and academic institutions	**373**
Think tanks and research institutions	267
Academic institutions	106
V - Organisations representing churches and religious communities	**34**
VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.	**282**
Local, regional and municipal authorities (at sub-national level)	131
Other public or mixed entities, etc.	151

1.3.2. Monitoring and Enforcement

1.3.2.1. Quality checks

Article 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 process: administrative investigations are carried out if any inaccurate information is found in this way, and direct contact is made with the organisation concerned in order to resolve the issue.

The organisation is then required to update any incorrect entries, and provide any plausible explanation about the possible erroneous data within 10 working days. Should they not do

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[11] See footnote 2.
[12] For more statistics and information about the evolution of registrants, please visit the TR website: http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?locale=en&action=prepareView.

so, then their registration will be suspended by the JTRS. Once suspended, it is possible for a registrant to access its registration in order to modify it. However, the information is not publicly available on the TR website during this period. A delay of eight weeks is granted after suspension for the organisation to apply the necessary changes, before complete deletion of its registration. During this period, staff from the organisation with authorisation to access the EP can continue to enter its buildings.

Contact persons are always notified about these time limits and the relative change of status of their registration. Random quality checks can take between half an hour and two months depending on problems and issues to be resolved. Since March 2012, the JTRS has made over 400 quality checks, with an average of 15 checks per week. A number of complementary IT tools will be introduced in November 2012 to facilitate these checks and increase their efficiency.

An overview of quality checks:

March-September 2012	Total	Compliant	Non-compliant
Random checks	289	172	117
Checks on alerts	115	17	98
Total checks	404	189	215

Non-compliant cases	215
Ongoing cases	110
Closed cases	105
with disbarment	33
with update	72

Random checks	100%	60%	40%
Checks on alerts	100%	15%	85%

1.3.2.2. Complaints

On the basis of Articles 18 and 19 of the IIA, the JTRS has examined five formal complaints during the period under consideration. All of the five complaints received during the first year of operations relate to an alleged breach of paragraph (d) of the Code of Conduct signed by registrants: *"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"*.

Paragraph 11 in Annex IV of the IIA provides that where information entered in the register is incorrect or incomplete the registrant will be requested to correct that information within eight weeks. In accordance with the IIA and in a similar procedure to that of quality checks, registrants are accorded 10 working days to respond to the complaint before being suspended from the TR for a period of eight weeks. At the end of this period, if no action is taken, the registrant is removed from the TR.

In the above cases no intentional breach of the code of conduct was established, rather these were all cases of incorrect registration (in the wrong section) or incomplete information (under-reporting of financial information), as a consequence of an inadequate comprehension of the relevant dispositions in the IIA.

When registrants concerned co-operated, the complaints were closed without further action. Only in one case did the registrant not provide the necessary information; the organisation was therefore removed from the TR.

During the first year no complaints were lodged about non-compliance with the code of conduct on other grounds. In addition to the above cases, three complaints have been received by the JTRS in September 2012.

1.3.2.3. Alerts

The above experience has led the JTRS to consider complaints relative to point d) of the Code of Conduct as "alerts", being the most common type of complaint, and where the mistake was found to be unintentional. Indeed, while the formal complaint mechanism is a necessary tool, it is clear that on an everyday basis, it is essential to use a lighter "alert mechanism" in order to react more quickly to rectify misinformation contained in the TR.

Therefore, the alert mechanism is a complementary tool to the random quality checks (see point 1.3.2.1. above) and becomes the second step of the monitoring procedure. On the third step of the monitoring procedure the JTRS deals with formal "complaints" about intentional breaches of the Code of Conduct by TR registrants.

The alerts, both from internal and external sources, have been handled systematically as quality checks during the year and are therefore quantified within the total number of quality checks (see table in 1.3.2.1). All alerts and quality checks are dealt with in confidentiality with regards to the entities concerned.

Part II: Public consultation results & analysis of operations of the TR

2.1. Participants

A public consultation was held on the EC *Your Voice in Europe* website from 8 June to 31 August 2012 on the operations of the TR, and results helped to feed into this annual report. A total of 253 stakeholders took part[13], 233 (92%) of which were registered organisations and 20 (8%) were non-registered organisations, of which the majority were law firms. It should be noted that a number of organisations[14] have supplemented their online input with a written contribution to express their views in a more substantial way. This input has been taken into account and will also serve to feed the review process.

Thus, around 5% of the registered entities in the TR responded to the public consultation. Although this is not a very large proportion of all registrants, it is a level of response that can give clear enough indications as to the operation of the TR from a user's point of view. This is especially true since all major horizontal organisations present in Brussels responded to the public consultation, thereby reflecting their members' positions. Few non-registrants responded to the consultation, and therefore the JTRS will establish specific contact with such organisations in order to receive additional and ongoing feedback on their motivations for not registering, as part of the preparation of the review exercise.

Contributions by categories:

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[13] It is foreseen to publish online contributions tabled by the participants on the TR website.
[14] Such contributions were received from: Transparency International, CCBE, Business Europe, Orgalime, Ordre des Barreaux Francophones et Germanophones de Belgique, ALTER EU & Civil Society Contact Group.

- ▪ 121 participations by trade/professional organisations (47%);
- ▪ 66 by non-governmental organisations (NGOs) (26%);
- ▪ 29 by professional consultancies/law firms/self-employed consultants (11%);
- ▪ 14 by organisations representing local, regional and municipal authorities, other public or mixed entities (5.5%);
- ▪ 10 by organisations having another status (not defined) (5%);
- ▪ 12 by think tanks, research and academic institutions (5%);
- ▪ 1 by an organisation representing churches and religious communities (0.5%).

Only 34% of the contributors have their head office in Belgium, but 66% have an office in Brussels. The distribution of contributions between categories clearly reflects the current balance in the TR[15], where numbers of registrants are strongest in category II, followed by III, then I, as defined in the IIA.

2.2. Summary of results

In the range of responses given, a vast majority of respondents declare they have registered in the TR primarily for the sake of transparency (92%). They also wish to interact with the EU institutions in a transparent and ethical way and believe that being registered reflects positively on their image (93%). Receiving a timely alert on either EC public consultations (76%) or roadmaps (69%), or being granted access to the EP (66%) appeared to be slightly less important considerations.

The TR is thus widely perceived as an important tool both for democratic principles, but also for image purposes. A number of horizontal organisations made reference to guidelines they had produced and issued to their members, in order to help with the registration procedure on the TR[16].

It shows that one of the main objectives of the voluntary register, which was to build up a significant critical mass of good-faith organisations providing information about themselves and accepting to be bound by a common Code of Conduct, is in the process of being fulfilled. This in turn, allows for public decision-makers and citizens' associations to draw their own conclusions on organisations that deliberately remain outside the TR.

The main consideration cited by non-registrants is that registration is not compulsory (34%) and that the practical benefits of registration are limited (30%), but at least a third of non-registered entities showed willingness to reconsider registering. A major concern for law firms seems to be the need to protect the anonymity of their clients; law firms also have difficulties with accepting sanctions for any breach of the code from the EU institutions - as judge and jury. Due to the independence of their profession, law firms feel that their professional representative associations should handle complaints regarding an alleged violation of conduct codes and decide relative sanctions on their account.

EP accreditation ranked as the fifth reason given for registration (66% of *registered* respondents). No major technical problems were underlined with the new online system, with an overwhelming 78% of registered respondents who had used it claiming to be satisfied. Most problems raised with accreditation were related to the former system, in place prior to March 2012. It is evident however from the input received that more clarity is

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[15] See table in 1.3.1.

[16] These organisations were: Friends of the Earth Europe; ALTER-EU/ EU Civil Society Contact Group; SEAP and EFPIA.

needed for applicants on how to make an application for EP access, and the specific documentation required for this application, as well as up-to-date applicable rules.

Over half of the respondents concerned want to see the restoration of annual passes for interest group representatives, and a certain number of other issues were raised, such as the waiting time at the EP entrance at rush hours. Finally, many respondents felt that a more ecological way could be found for the issuing of daily access passes, which are made of plastic and do not currently appear to be collected for recycling.

2.3. Specific observations made by respondents

While no technical difficulties were reported, almost 70% of registered respondents had difficulties with providing the information required for registration. Of those experiencing such difficulties, the two major problems were:
➢ Evaluating financial data (40%, or 29% of all registered respondents).
➢ Assessing the number of relevant staff for representation activities (29% or 20.5% of all registered respondents).

While guidelines provided on the TR website are considered to be clear or very clear by 77% of registered respondents, a considerable number made suggestions on how to improve guidance. Results show that further guidance is necessary, especially in terms of financial disclosure or staff active under the scope of the TR. Thus, the JTRS should continue to collaborate closely with horizontal (representative) organisations to provide guidance for registrants.

In general, 84% of respondents do not consider it useful to disclose more information than is already required in the TR. This sentiment seems to run in parallel however, to a general feeling that reporting requirements could be tightened in order to allow for comparisons between categories and registrants. It would also seem that a major concern for current registrants is that non-registered entities get the same treatment, vis-à-vis the EU institutions, as those who are registered on the TR, thereby removing some of the incentive for registration. An overwhelming majority of suggestions on possible improvements to the TR related to how to increase advantages for those registered compared with non-registrants.

On the policy level, recommendations were received mainly from NGOs, but also from public affairs consultancies or horizontal organisations. A large majority of these suggested increasing the level of information provided by registrants, or making the register mandatory. However, none provides any indication on the actual – and legal – meaning of a "mandatory register" in the EU context. Worth noting, is that while all NGOs contributing on this issue support a move towards more transparency, public affairs consultancies also seem to do so - albeit on the strict condition that any future tightening of requirements should be made mandatory and applied equally to all interest group representatives. Public affairs consultancies particularly seem to emphasise the need for creating a level playing field between themselves and law firms, still widely absent from the TR.

Part III: Range of elements identified for a follow-up and wider context

3.1. Issues to be examined at administrative and/or technical level (No IIA impact)

Having achieved the objectives set for the first year of operation, the EU institutions involved in the scheme, in addition to pursuing these operational tasks on a daily basis,

should now set further objectives for the second year of operation. These objectives could include the issues emerging from the stakeholders' consultation and other contacts made, which can be summarised as follows:

3.1.1. Priority issues emerging from the stakeholders' consultation and contacts

➢ Improve the *quality of the content of the TR*, enforcing strict compliance of the rules by registrants.

➢ Now that the switch-over has been completed, seek continuing *expansion of the number of registrations* through further external information and communication efforts.

➢ Ensure active *use of the scheme by staff and Members* in both institutions by providing them with guidelines on the TR, as well as training schemes and encourage other EU bodies, organs and agencies to use it. The scheme will only reach its full efficiency if Members and staff share responsibility for promoting its use it in their contacts and interaction with third party organisations

3.1.2. Other issues to be examined

➢ Providing further clarifications and guidelines on:
   1. Appropriate choice of category (for example for not-for-profit entities such as trade or professional associations, registering in both categories II & III).
   2. Definitions of eligible activities and expenditures to be accounted for in the cost estimate and quantification of the number of staff involved in the eligible activities
   3. Inclusion of company CEOs in the estimated number of people engaged in eligible TR activities and the consequence for financial estimates.
   4. Consultancy employees acting on contractual basis as executives of trade or professional associations.

➢ Ensuring technical reliability of IT and introducing additional benefits to using the EP-related accreditation procedure.

➢ Enforcing the requirement to provide a list of specific activities pursued: consider that general formulas do not comply and require a list of legislative files and issues on which eligible activities were pursued.

➢ Consideration of measures to ensure the authenticity and objectives of entities registering in the TR who might otherwise bring the entire TR into disrepute.

➢ Bringing further precision to the handling of complaints. Establishing a possibility for entities concerned to present, in support of their answer, a memorandum produced by their professional organisations, in particular for regulated professions or organisations subject to a professional code of conduct.

3.2. Policy issues to be considered in the context of the review (possible impact on IIA)

➢ The "voluntary" versus "mandatory" nature of registration, in particular in the light of the EP Decision of 11 May 2011[17].

➢ The possibility to envisage an *ad-hoc*, derogative and exceptional formula for category I entities claiming a need for client confidentiality, subject to the demonstration of concrete and non-hypothetical risks associated with the divulgation of these.

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[17] 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).

➢ The possible replacement of the word "complaints" in the IIA by "alerts and complaints". The word "alert" could qualify any allegation questioning the validity of the information entered in the register, or alleged violation of the code of conduct not individually affecting the person making the claim. Whereas the word "complaint" could be applied to cases where the complainants fear direct harm to themselves or their organisation, deriving from the behaviour of the complained-about entity.

➢ Clarification on category VI of the TR, as referred to in point 7 of the EP Decision mentioned above.

3.3. Putting the TR into context: regulating interest representation

3.3.1. The TR and international standards and practices

Through this new scheme, the EU institutions involved have joined the relatively few public authorities in the world (among others: the US, 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 categories of actors within its system, as described in annex 1 of the IIA. The TR is in line with international standards in this domain, such as the *Recommendation of the OECD Council on Principles for Transparency and Integrity in Lobbying*[18].

3.3.2. 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 in six of the EU Member States. Various mechanisms are used, as illustrated in the annexed comparison table[19], drawn up by JTRS staff.

A recent increase in activity is visible in this area with Slovenia and Austria introducing legislation in 2011 and 2012 respectively, although Hungary revoked its previous legislation in 2011. Six other Member States are currently looking at the possibility of regulating interest representation (Czech Republic, Denmark, Estonia, Ireland, Italy and the UK). The UK and Ireland are both expected to introduce legislation in 2013, and have held public consultations on these proposals during 2012. In several of these cases the EU's TR scheme has been a useful reference for stakeholders or public authorities themselves.

3.3.3. Academic research and curricula

Although this report does not pretend to address this issue in detail, it should be noted that more and more academic work is undertaken by academic and research institutions on the topic of interest representation, lobbying practices and regulatory systems. This leads to a progressively better understanding of the phenomenon, as well as the emergence of several curricula dedicated to this field.

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[18]http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=256&InstrumentPID=250&Lang=en&Book=False.
[19] 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.

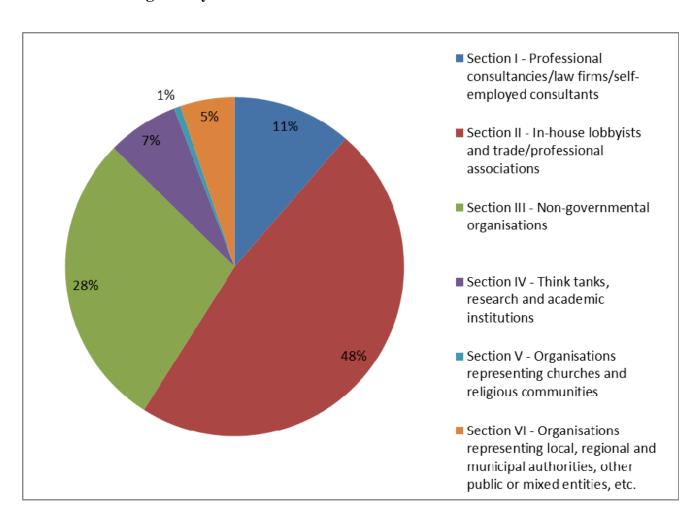## Annex I - Overview of Regulation of Interest representation in EU Member States

Overview		DE[20]	FR[21]	LT[22]	AT[23]	PL[24]	SI[25]	EU[26]	
								EP	EC
Regulation	Introduction	1972	2009	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	
	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	-	
	Code of Conduct	-	X	X	X	-	-	X	

[20] https://www.btg-bestellservice.de/pdf/80060000.pdf
[21] http://www.assemblee-nationale.fr/representants-interets/index.asp &
http://www.senat.fr/role/groupes_interet.html
[22] http://www.oecd.org/governance/fightingcorruptioninthepublicsector/38944200.pdf
[23] http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01465/index.shtml
[24] http://www.oecd.org/governance/fightingcorruptioninthepublicsector/38944200.pdf
[25] https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf
[26] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:191:0029:0038:EN:PDF
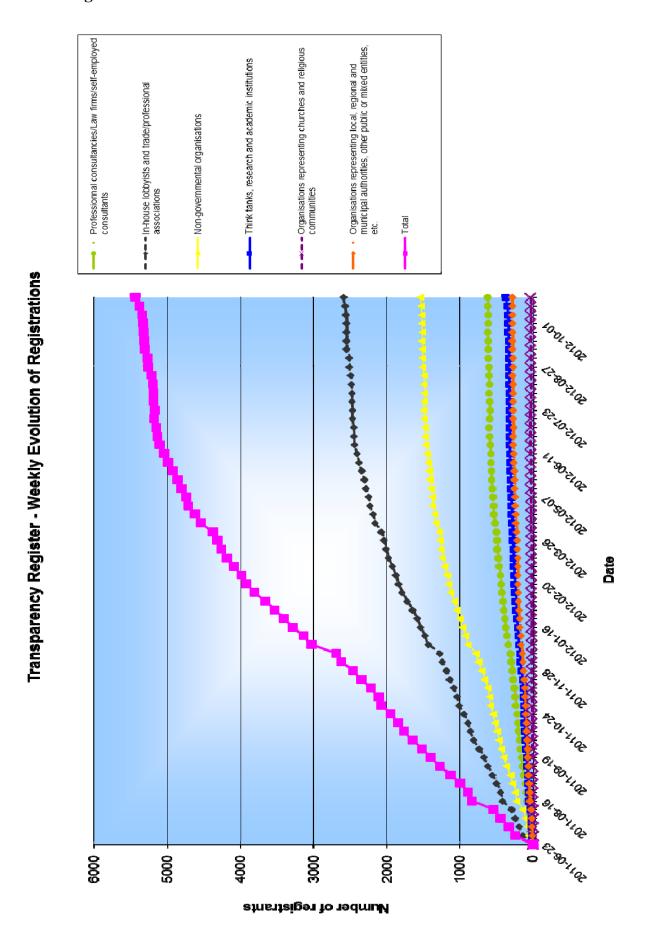
Annex II – Statistics of the Joint European Parliament – European Commission Transparency Register as of 22 October 2012

      1 – Content of register by section
      2 – Registration flow since June 2011
      3 – Statistics for the Transparency Register as of 22 October 2012
      4 – Breakdowns by subsection
      5 – Quality checks sample (random and on alerts)
      6 – Visits on the Transparency Register's webpages

1 – Content of register by section

Pie chart legend:
- Section I - Professional consultancies/law firms/self-employed consultants — 11%
- Section II - In-house lobbyists and trade/professional associations — 48%
- Section III - Non-governmental organisations — 28%
- Section IV - Think tanks, research and academic institutions — 7%
- Section V - Organisations representing churches and religious communities — 1%
- Section VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc. — 5%

2 – Registration flow since June 2011

Transparency Register - Weekly Evolution of Registrations

Legend:
- Professionnal consultancies/Law firms/self-employed consultants
- In-house lobbyists and trade/professional associations
- Non-governmental organisations
- Think tanks, research and academic institutions
- Organisations representing churches and religious communities
- Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.
- Total

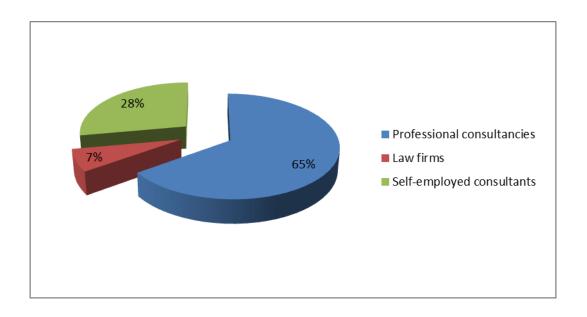Number of registrants

Date

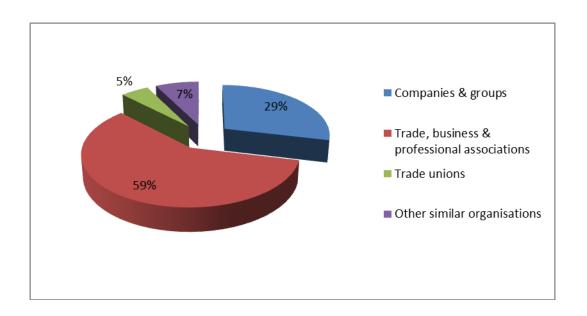## 3 – Statistics for the Transparency Register as of 22 October 2012

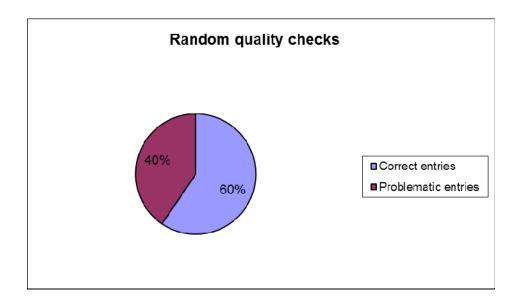| On 22/10/12, there were 5431 registrants in the register. They are from the following (sub)categories:	
I - Professional consultancies/law firms/self-employed consultants	**617**
Professional consultancies	402
Law firms	43
Self-employed consultants	172
II - In-house lobbyists and trade/professional associations	**2,585**
Companies & groups	742
Trade, business & professional associations	1,523
Trade unions	126
Other similar organisations	194
III - Non-governmental organisations	**1,540**
Non-governmental organisations, platforms and networks and similar	1,540
IV - Think tanks, research and academic institutions	**373**
Think tanks and research institutions	267
Academic institutions	106
V - Organisations representing churches and religious communities	**34**
Organisations representing churches and religious communities	34
VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.	**282**
Local, regional and municipal authorities (at sub-national level)	131
Other public or mixed entities, etc.	151

4 – Breakdowns by subsection

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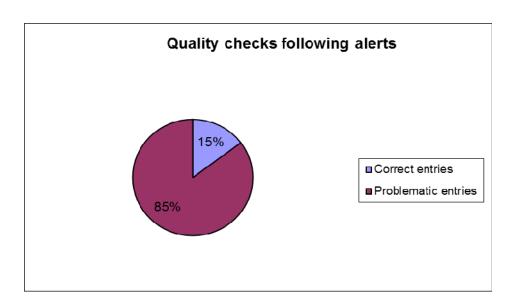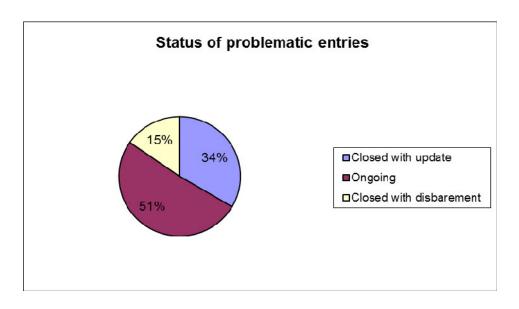

Section II: In-house lobbyists and trade/professional associations

5 – Quality checks sample (random and on alerts)

Random quality checks

Correct entries
Problematic entries

40%
60%

Quality checks following alerts

Correct entries
Problematic entries

15%
85%

Status of problematic entries

Closed with update
Ongoing
Closed with disbarement

15%
34%
51%

6 – Visits on the Transparency Register's webpages

Yearly Dashboard

Transparency Register   (**period : October 2011 - September 2012**)

Unique Visitors of the last 12 months

The histogram presents the number of unique visitors[*] aggregated per month for the period 'October 2011 - September 2012'.

[*]*the unique visitor is the uniquely identified client viewing pages within a defined time period (one day in this case). A unique visitor is counted once in the considered period whereas the visitor can have several visits. As identification is done on visitor' PCs, the same visitor using more than one PC is counted more times.*

Visits of the last 12 months

The histogram presents the number of visits[*] aggregated per month for the period 'October 2011 - September 2012'.

[*]*a visit is defined as a series of page requests from the same uniquely identified client.*

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