



Secretariat of the Transparency Register

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## **Guidelines**

### **on the implementation of Article 11 of the Interinstitutional Agreement on a mandatory Transparency Register**

#### **1. Background**

The Interinstitutional Agreement establishing the mandatory Transparency Register ('IIA') entered into force on 1<sup>st</sup> July 2021<sup>1</sup>. It aims at establishing a common transparency culture between the signatory institutions through the adoption of a joint framework on transparent and ethical interest representation.

In order to promote the IIA and its principles beyond its signatory institutions, the agreement provides in its Article 11 for arrangements allowing Union institutions, bodies, offices and agencies, other than the signatory institutions, which voluntarily wish to apply the operating principles of the joint framework, to take internal measures in relation to the Transparency Register and, where necessary, to benefit from the assistance and support of the Secretariat of the register.

The signatory institutions welcome and encourage such initiatives, whilst recognising the competences of other Union institutions and bodies to decide upon how they wish to apply the framework, in accordance with their respective powers of internal organisation.

To that end, the Management Board of the Transparency Register considers that it is useful to foresee in this paper specific procedures as a basis for facilitating synergies with other Union actors.

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<sup>1</sup> Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register, OJ L 207, 11.6.2021, p.1.

## 2. Types of possible measures of involvement of other Union institutions and bodies

The Transparency Register is a public website listing interest representatives<sup>2</sup> who carry out activities with the objective of influencing the Union law and policy-making and decision-making process. It is a dynamic database showing up-to-date information about the registrants, their activities and status (either active or temporarily suspended from the register).

Measures in relation to the Transparency Register concern **interest representation activities** covered by the IIA. Relations and interactions between the Union institutions and stakeholders that do not take place in an **interest representation (lobbying) context** are irrelevant for purposes of the Transparency Register and the institutions' associated measures. In particular, the Transparency Register does **not** cover the activities set out in Article 4 of the IIA. Union institutions or bodies that wish to consider adopting measures in relation to the register are therefore advised to assess which activities in their particular context would be concerned by the register, consistently with Articles 3 and 4 of the IIA.

[Article 11 of the IIA](#) refers to two types of measures that the Union institutions can take in relation to the Transparency Register, explained below.

### *2.1 Conditionality measures*

A conditionality measure refers to a decision to make one or several interest representation activities conditional upon prior registration in the Transparency Register. Putting in place a conditionality measure entails, in practice, that interest representatives will not be able to carry out the activity covered by the measure *vis-à-vis* the institution or body that applies it, unless they are registered in the Transparency Register. Interest representatives are made aware of the conditionality measures currently in place through their publication on the relevant page of the Transparency Register website<sup>3</sup>.

Each institution or body can put in place conditionality measures by means of individual decisions taken on the basis of its powers of internal organisation. In practice, that will require one or more legal act(s) setting out legally binding rules on the institution and, as necessary, third parties (the interest representatives). It is the prerogative of the institution or body concerned to decide upon the most appropriate conditionality measure tailored to its institutional role, specificities and particular circumstances or needs, still in accordance with the IIA and its objectives.

Conditionality measures concern direct interactions of interest representatives with the Union institutions and bodies and their representatives or staff<sup>4</sup>.

The application and monitoring of rules rests **exclusively with the institution or body** that puts the conditionality measure(s) in place. The level of involvement or interface with the Transparency Register IT system and the resulting need for assistance, either on a technical

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<sup>2</sup> As defined in Article 2(a) of the IIA.

<sup>3</sup> Such measures are clearly marked with an asterisk (\*).

<sup>4</sup> Existing conditionality measures concern meetings with senior decision-makers, access to premises as well as the participation of interest representatives in certain events, expert groups, forums or briefing sessions of the signatory institutions. All related information can be found on the relevant [subpage](#) of the Transparency Register website and in the [annual reports on the functioning of the Transparency Register](#).

level (IT development and maintenance) and/or from the Secretariat (helpdesk and training), may vary due to the nature of the measures concerned and their implementation.

## *2.2 Complementary transparency measures*

Complementary transparency measures refer to measures that do not require registration of interest representatives but are taken to encourage registration and strengthen the joint framework established by the IIA<sup>5</sup>.

As with conditionality measures, complementary transparency measures are adopted by means of individual decisions based on the powers of internal organisation of the institution or body concerned. The technical requirements for the implementation of such measures depend on the measure concerned.

## **3. Procedure to follow for voluntary involvement**

Union institutions or bodies, that wish to use and be involved in the Transparency Register by introducing conditionality or complementary transparency measures, need to follow procedural steps for the notification of such measures and, where applicable, for establishing their degree of involvement with the Transparency Register IT system. These steps are laid down in the following points.

### *3.1 Notification of measures*

Union institutions or bodies should notify the Management Board of any conditionality or complementary transparency measures taken.

To **notify the Management Board**, it is sufficient to send the relevant decision on the measures to the Secretariat accompanied by an explanatory letter, asking that the Management Board be notified. Alternatively, the institution or body concerned may choose to notify the sitting Chair of the Management Board directly (while also putting the Coordinator of the Secretariat in copy of the notification letter) .

The **notification letter** should describe in detail all related parameters (essentially, the nature and purpose of the measure, the legal act or other instrument by which the measure is put in place and the implementation time planning). Where applicable, the notification letter should also specify whether the institution or body concerned wishes to procure (i) any IT development and technical assistance and/or (ii) the Secretariat's assistance and helpdesk support, including any training needs, in the implementation phase of the measure notified<sup>6</sup>.

Notified measures are subject to an **evaluation** by the Management Board regarding their consistency with the objectives pursued by the IIA. The Management Board will respond to

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<sup>5</sup> Examples of such measures include the recommendation that certain decision-makers or staff meet only registered interest representatives, the publication of information on meetings between certain decision-makers and interest representatives, or dedicated mailing lists. See also footnote 4 above.

<sup>6</sup> At any stage prior to the notification, the Union institution or body concerned is advised to consult the Secretariat for its guidance and expert advice on the draft measures.

the notification letter received with its (positive or negative) assessment regarding the consistency of the measures with the IIA objectives. Involving and consulting the Secretariat beforehand can help facilitate a smooth assessment process at Management Board level.

Any measures notified shall be **published on the Transparency Register website** under ‘Measures adopted by other Union institutions, bodies, offices and agencies’ to allow the public to consult internal transparency rules in the institution or body concerned.

### 3.2 Conditions to benefit from Secretariat’s assistance and helpdesk support

Upon notification of their measures and the positive assessment by the Management Board, Union institutions or bodies may agree with the Management Board conditions under which they may benefit from the Secretariat’s (technical) assistance and helpdesk support.

These conditions will depend upon the nature of the measures being introduced and the level of technical interaction foreseen with the Transparency Register IT system in terms of data transmissions, or interface with (any) other IT application(s). As part of such conditions, any budgetary arrangements are also to be agreed between the Management Board and the institution or body concerned.

#### 3.2.1 Measures that do not involve the Transparency Register IT system

Measures that are designed to involve only the **consultation of the public register** (the information displayed on the Transparency Register website) will not require the agreement of any particular conditions for its use. That is mostly the case when implementing measures concern the obligation on, or recommendation to, as applicable, certain office-holding members of the institution or body concerned to meet only registered interest representatives and to publish information on such meetings on the institution or body’s **own website**, by exclusive use of its own IT capacity and resources.

Generally, the implementation of such measures would not require a technical interface with the Transparency Register: the register’s website provides for an effective function to search for **registered interest representatives** and displays a list of **temporarily suspended registrations** updated on a daily basis.

However, due to their particular nature, some measures may involve using real-time data from the Transparency Register to avoid errors that could entail failure to comply with the measures adopted by the institution or body concerned<sup>7</sup>.

#### 3.2.2 Measures that may require interfaces with the Transparency Register IT system and/or other systems

Measures that would foresee a public display or other technical interface with the Transparency Register IT system and/or website require technical assessment from both sides involved.

A need for technical interface is anticipated in the circumstances where the interested institution or body wishes to display information, for instance on meetings or on the

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<sup>7</sup> That could be relevant, for instance, in the circumstances where an institution needs to manage accreditations of lobbyists on a large scale or membership in stakeholder groups for which it makes registration in the Transparency Register a necessary precondition.

participation of interest representatives in its structures, forums or platforms, on the **entries of registrants on the Transparency Register** itself.

To that effect, it is recommended that the technical services of the institution or body concerned liaise with the Secretariat to explain the desired interface(s) prior to the formal adoption of the relevant measure by the institution or body concerned. That will facilitate to foresee the technical capabilities to accommodate the envisaged measure(s) and the estimated associated costs.

Further to its assessment, the Management Board may agree with an institution or body that it enters into a **service level agreement** or other appropriate contractual arrangement with the Commission as system owner of the Transparency Register IT system – and acting on behalf of the signatory institutions – to provide for all necessary technical and budgetary arrangements.

Generally, the institution or body concerned should be ready to cover the associated costs of implementation, unless the Management Board would decide otherwise based on the importance of the measure under implementation for transparency at Union level or other ad hoc considerations.

### *3.2.3. TR Secretariat helpdesk support*

The Secretariat provides a helpdesk service to answer all types of questions about the Transparency Register via a multilingual website ('Contact us' tab), open to applicants and registrants and to the public. The helpdesk service is also provided internally to staff of the signatory institutions.

The institution or body concerned will appoint a staff member to act as the **Transparency Register contact point** who will exchange directly with the Secretariat for follow up in cases specific to the body or institution concerned. Where the additional workload associated with the involvement of the institution or body would exceed the Secretariat's available resources and administrative capacity, the relevant contact point should be appointed to take on those responsibilities and to coordinate internally any related questions within the institution or body concerned.